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NORTH CAROLINA REGISTER

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November 3, 1997**

IN THIS ISSUE

Agriculture
Architecture, Board of
Community Colleges
Environment and Natural Resources
Health and Human Services
Insurance
Justice
Mortuary Science, Board of
Opticians, Board of
Pharmacy, Board of
Public Education
State Personnel
Substance Abuse Professional Certification
Rules Review Commission
Contested Case Decisions

PUBLISHED BY

*The Office of Administrative Hearings
Rules Division
PO Drawer 27447
Raleigh, NC 27611-7447
Telephone (919) 733-2678
Fax (919) 733-3462*

For those persons that have questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

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Raleigh, North Carolina 27605

(919) 733-9415 FAX

contact: Joe DeLuca Jr., Staff Director Counsel

Bobby Bryan, Staff Attorney

Legislative Process Concerning Rule Making

Joint Legislative Administrative Procedure Oversight Committee

545 Legislative Office Building

300 North Salisbury Street

(919) 733-2578

Raleigh, North Carolina 27611

(919) 715-5460 FAX

contact: Mary Shuping, Staff Liaison

marys@ms.ncga.state.nc.us

County and Municipality Government Questions or Notification

NC Association of County Commissioners

215 North Dawson Street

(919) 715-2893

Raleigh, North Carolina 27603

contact: Jim Blackburn or Rebecca Troutman

NC League of Municipalities

215 North Dawson Street

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Raleigh, North Carolina 27603

contact: Paula Thomas

NORTH CAROLINA REGISTER



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through October 13, 1997.

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IN THIS ISSUE

I. RULE-MAKING PROCEEDINGS

Agriculture

NC Structural Pest Control Committee 743

Health and Human Services

Medical Assistance 743 - 744

Insurance

Fire and Rescue Commission 744

Home Inspector Licensure Board 744

Insurance, Department of 744 - 745

Licensing Boards

Mortuary Science, Board of 745

Opticians, Board of 745

Substance Abuse Professional Certification . . . 745 - 746

II. PROPOSED RULES

Community Colleges

Community Colleges, Board of 802 - 826

Environment and Natural Resources

NC Radiation Protection Commission 749 - 795

Health and Human Services

Health and Human Services 747 - 748

Justice

NC Private Protective Services Board 748 - 749

Licensing Boards

Architecture, Board of 795 - 797

Pharmacy, Board of 797 - 802

III. TEMPORARY RULES

Environment and Natural Resources

Environment & Natural Resources 833 - 834

Health and Human Services

Medical Assistance 827 - 833

Public Education

Education, State Board of 834 - 835

State Personnel

State Personnel Commission 835 - 836

IV. RULES REVIEW COMMISSION 837 - 843

Proposed Rule-making 837 - 838

V. CONTESTED CASE DECISIONS


Index to ALJ Decisions 844 - 850

Text of Selected Decisions

96 OSP 0440 851 - 853

96 OSP 0633 854 - 862

VI. CUMULATIVE INDEX 1 - 58



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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	60 th day	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact		B. substantial economic impact		
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	05/11/98
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12:22	05/15/98	04/24/98	07/14/98	07/15/98	06/01/98	06/15/98	06/22/98	01/27/99	07/14/98	01/27/99

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

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

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

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

FILING DEADLINES

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

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

NOTICE OF RULE-MAKING PROCEEDINGS

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

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

NOTICE OF TEXT

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

END OF REQUIRED COMMENT PERIOD

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

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

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

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

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

TITLE 2 - DEPARTMENT OF AGRICULTURE

CHAPTER 34 - STRUCTURAL PEST CONTROL DIVISION

Notice of Rule-making Proceedings is hereby given by the North Carolina Structural Pest Control Committee 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:
2 NCAC 34 .0102, .0302 - .0303, .0306, .0308 - .0309, .0312 - .0313, .0323, .0325, .0328, .0401 - .0404, .0406, .0501 - .0508, .0601 - .0602, .0604 - .0605, .0701 - .0703, .0803, .0902, .0904, .1101. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 106-65.29; 106-65.37

Statement of the Subject Matter: Definitions; Application for Licenses and Cards; Examination; Dates of Examination; Mailing of Renewal Forms; Display of Certified Applicator's Identification Card; Re-Certification; Information on Certified Applicator's Identification Cards; Registered Technician's Identification Cards/Training Materials; Display of License at Place(s) of Business; Duty of License Holder to Control Activities; Records: Pesticides and Application Equipment Used; Public Safety: Storage and Handling of Containers; Labeling Pesticide Containers; First Aid; Poisoning; Spill Control; Wood-Destroying Insects: Excluding Subterranean Termites; Pesticides for Subterranean Termite Control; Subterranean Termite Control: Buildings After Constructed; Reporting Damage: Infestation: Uninspected Areas; Subterranean Termite Prevention/Res Bldgs Under Const; Subterranean Termite Prev/Commercial Bldgs Under Const; Application Equipment; Wood-Decay Fungi; Agreements; Wood-Destroying Insect and Other Organism Reports; Wood-Destroying Organisms Records; Contractual Agreements for Wood-Destroying Organisms; Precautions; Household Pest Control; Written Records of Household Pest Control; Written Records of Fumigation; Financial Responsibility; Prohibited Acts; Rights of Enforcement. Other rules may be proposed in the course of the rule-making process.

Reason for Proposed Action: To clarify and update definitions; to change examination procedures; to increase

training requirements for re-certification; to change certain duties of licensees; to clarify requirements for storage and labeling of pesticides; to expand disclosure requirements for pesticide applications; to make various changes in requirements for wood-destroying organism treatments; to make various changes regarding pest control treatments and fumigation; and to make other changes to clarify, correct and update structural pest control rules.

Comment Procedures: Written comments may be submitted no later than January 2, 1998, to Carl E. Falco, Secretary, North Carolina Structural Pest Control Committee, PO Box 27647, Raleigh, NC 27611.

TITLE 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHAPTER 26 - MEDICAL ASSISTANCE

SUBCHAPTER 26H - REIMBURSEMENT PLANS

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

Citation to Existing Rules Affected by this Rule-Making:
10 NCAC 26H .0102, .0211 - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 108A-25(b); 108A-54; 108A-55; 29 C.F.R. 1910, Subpart Z; 42 C.F.R. 447, Subpart C

Statement of the Subject Matter:

10 NCAC 26H .0102 - Allows Division of Medical Assistance to calculate annual inpatient hospital inflation based on lower of current method or amount allowed by Medicare.

10 NCAC 26H .0211 - Allows Division of Medical Assistance to calculate direct labor inflation component of the inflation methodology based on change in North Carolina service workers index, as provided by State Budget Office. In addition, reduces inflation calculation for fiscal year 1998 only.

Reason for Proposed Action: Action necessary to reduce future growth rate in the Medicaid program as mandated by the

General Assembly.

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

education requirements for licensed home inspectors.

Reason for Proposed Action: *To enhance the professional competence and professional responsibility of licensed home inspectors.*

Comment Procedures: *Written comments should be sent to Grover Sawyer, Home Inspector Licensure Board, N.C. Department of Insurance, 410 N. Boylan Ave., Raleigh, NC 27603. Anyone having questions should contact Grover Sawyer at (919) 733-3901.*

TITLE 11 - DEPARTMENT OF INSURANCE

CHAPTER 5 - FIRE AND RESCUE SERVICES DIVISION

Notice of Rule-making Proceedings is hereby given by the North Carolina Fire and Rescue 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: 11 NCAC 5

Authority for the rule-making: G.S. 58-87-10

Statement of the Subject Matter: *To adopt rules under Chapter 5 of Title 11, Volunteer Rescue/EMS Workers' Compensation.*

Reason for Proposed Action: *To establish rules for participation and payment of premiums to the Fund.*

Comment Procedures: *Written comments should be sent to Tim Bradley, c/o Fire & Rescue Division, North Carolina Department of Insurance, 111 Seaboard Avenue, Raleigh, NC 27604. Anyone having questions should call Tim Bradley at (919) 733-2142.*

CHAPTER 8 - ENGINEERING AND BUILDING CODES DIVISION

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

Citation to Existing Rules Affected by this Rule-Making: 11 NCAC 8 .1000 - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 143-151.49

Statement of the Subject Matter: *To establish continuing*

CHAPTER 6 - AGENT SERVICES DIVISION

CHAPTER 8 - ENGINEERING AND BUILDING CODES DIVISION

CHAPTER 10 - PROPERTY AND CASUALTY DIVISION

CHAPTER 11 - FINANCIAL EVALUATION DIVISION

CHAPTER 12 - LIFE AND HEALTH DIVISION

CHAPTER 13 - SPECIAL SERVICES DIVISION

CHAPTER 14 - ADMISSION REQUIREMENTS

CHAPTER 15 - MEDICAL DATABASE COMMISSION

CHAPTER 16 - ACTUARIAL SERVICES DIVISION

CHAPTER 17 - SENIORS' HEALTH INSURANCE INFORMATION PROGRAM

CHAPTER 19 - MARKET CONDUCT DIVISION

CHAPTER 20 - MANAGED CARE HEALTH BENEFIT PLANS

CHAPTER 21 - THIRD PARTY ADMINISTRATORS

Notice of Rule-making Proceedings is hereby given by the North Carolina Department of Insurance 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: 11 NCAC 6, 8, 10 - 17, 19 - 21.

Authority for the rule-making: G.S. 58-2-40, 58-2-70, 58-2-

171, 58-2-195, 58-2-205, 58-2-210, 58-3-71, 58-3-171, 58-7-16, 58-7-95, 58-7-145, 58-27-10, 58-31-10, 58-33-30, 58-33-130, 58-33-132, 58-40-85, 58-41-50, 58-45-75, 58-50-130, 58-51-15, 58-51-95, 58-54-10, 58-54-15, 58-54-20, 58-54-25, 58-55-30, 58-56-51, 58-57-70, 58-58-42, 58-58-50, 58-59-1, 58-62-46, 58-63-65, 58-64-5, 58-64-20, 58-64-45, 58-64-65, 58-65-40, 58-65-45, 58-65-60, 58-65-130, 58-65-160, 58-67-10, 58-67-35, 58-67-40, 58-67-50, 58-67-105, 58-67-110, 58-67-135, 58-67-150, 58-69-20, 58-71-5, 58-71-71.

Statement of the Subject Matter: Repeal Third Party Administrator rules in Chapter 6B of Title 11; amend 11 NCAC 10 .0105 dealing with manuscript policies; amend 11 NCAC 12 .0703 to make technical correction; repeal Medical Database Commission rules in Chapter 15 of Title 11; and to determine if all other rules in Title 11 have adequate statutory authority, are unambiguous, and are up to date. This may entail amending or repealing existing rules, or adopting new rules.

Reason for Proposed Action: To make sure all the rules in Title 11 have adequate statutory authority, are unambiguous and are up to date.

Comment Procedures: Written comments should be sent to Ellen K. Sprenkel, North Carolina Department of Insurance, PO Box 26387, Raleigh, NC 27611.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 34 - BOARD OF MORTUARY SCIENCE

Notice of Rule-making Proceedings is hereby given by the North Carolina Board of Mortuary Science 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: 21 NCAC 34A, 34B, 34C, 34D - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 90-210.23(a); 90-210.50(a); 90-210.69(a)

Statement of the Subject Matter: Board hearings on preneed funeral contract violations, fees, resident traineeship, examinations, continuing education, delivery of cremated remains, preneed funeral forms, crematory equipment.

Reason for Proposed Action: Agency will review and update some rules, in light of experience with them. Also, S.L. 1997-399 made changes, included in the Statement of Subject Matter, that require rules amendments.

Comment Procedures: Interested persons may submit written comments to the N.C. Board of Mortuary Science, PO Box 27368, Raleigh, NC 27611-7368, by mail; by hand delivery to the Board at 801 Hillsborough Street, Raleigh, NC 27603; or by FAX, (919) 733-8271.

CHAPTER 40 - BOARD OF OPTICIANS

Notice of Rule-making Proceedings is hereby given by the North Carolina State Board of Opticians 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: 21 NCAC 40

Authority for the rule-making: G.S. 90-249

Statement of the Subject Matter: Fees, license applications, election of Board members, supervision of optical places of business, negligence in dispensing contact lenses, disciplinary procedures, applicants from other states.

Reason for Proposed Action: Agency will review and update some rules, in light of experience with them. Also, S.L. 1997-424 made changes, included in the Statement of the Subject Matter, that require rules amendments.

Comment Procedures: Interested persons may submit written comments to the N.C. State Board of Opticians, PO Box 25336, Raleigh, NC 27611-5336, by mail; or by hand delivery to the Board at 222 North Person Street, Raleigh, NC 27601.

CHAPTER 68 - SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION BOARD

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

Citation to Existing Rules Affected by this Rule-Making: 21 NCAC 68

Authority for the rule-making: G.S. 90, Article 5C

Statement of the Subject Matter: The Board intends to adopt temporary rules to establish the certification process for Clinical Addictions Specialists. Upon approval by the Codifier

of these Rules, the Board intends for these rules to become effective on November 15, 1997. The Board also intends to adopt permanent rules addressing issues of ethics, selection of members to the Board, certification, education, grounds for discipline and disciplinary procedures, and appeals process.

Reason for Proposed Action: *The rules to establish the certification process for Clinical Addictions Specialists are mandated by the passage of Senate Bill 712. The rules addressing ethics and selection of members to the Board are proposed to further refine existing rules and to clarify agency policy.*

Comment Procedures: *Written comments should be submitted in writing and addressed to: Ann Christian, Rule-making Coordinator, PO Box 2455, Raleigh, NC 27602.*

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

TITLE 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Health and Human Services intends to adopt rules cited as 10 NCAC 1B .0501 - .0502. Notice of Rule-making Proceedings was published in the Register on March 3, 1997.

Proposed Effective Date: July 1, 1998

A Public Hearing will be conducted at 2:00 p.m. to 4:00 p.m. on December 2, 1997 at the DHHS Controller's Office, Room 152, 616 Oberlin Road, Raleigh, NC 27605.

Reason for Proposed Action: General Statute 131D-4.2(h) requires the Department of Health and Human Services to adopt rules which define the annual State County Special Assistance rate setting methodology (inclusive of cost report documentation and inflation), the development of the required cost report format and the development of audit procedures to be utilized by CPAs and Accountants in auditing the cost reports.

Comment Procedures: Comments may be presented anytime before or at the public hearing or orally at the hearing. Time limits for oral remarks may be imposed by the chairman of the hearing committee. Any person may request copies of these rules by calling or writing to Thomas P. Washburn, DHHS Controller's Office, 616 Oberlin Road, Raleigh, NC 27605, phone 919/733-0169.

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 1 - DEPARTMENTAL RULES

SUBCHAPTER 1B - PROCEDURE

SECTION .0500 - REIMBURSEMENT

.0501 RATE SETTING METHODS FOR FACILITIES THAT SERVE STATE/COUNTY SPECIAL ASSISTANCE RESIDENTS

(a) A rate for facilities which serve State/County Special Assistance residents shall be reviewed annually, and pending approval of the Legislature, shall be effective for dates of service for a 12 month period beginning each October 1. Rates

are derived from submission of cost reports for the most recent 12 month period as defined by the Department of Health and Human Services. The maximum rate shall be developed by ranking prior year per diem cost from the lowest to the highest in two separate arrays, one for direct cost and one for indirect cost. The per diem cost at the 75% percentile will be used for the direct rate and the 60% percentile will be used for the indirect rate. The maximum rate determined by this method may be adjusted as necessary to comply with federal or state laws or policies.

(b) The rate calculated in Paragraph (a) of this Rule shall include an annual adjustment to reflect increases or decreases in prices that are expected to occur from the cost report period on which the rates are developed to the year in which the rate applies. The price level adjustment factors shall be computed using aggregate base year cost in the following manner:

- (1) Cost shall be accumulated into the following groups:
 - (A) labor.
 - (B) fixed.
 - (C) other.
- (2) The relative weight of each cost group shall be calculated to the second decimal point by dividing the total cost of each group (labor, fixed, and other) by the total cost.
- (3) Price adjustment factors for each cost group shall be established as follows:
 - (A) Labor. The percentage change for labor costs is based on the projected average hourly wage of North Carolina service workers as provided by the North Carolina Office of State Budget and Management.
 - (B) Fixed. No adjustment shall be made for this category, thus making the factor zero.
 - (C) Other. The expected annual change in the implicit price deflator for the Gross National Product as provided by the OSBM.
 - (D) The weights computed in Subparagraph (b)(2) of this Rule shall be multiplied by the percentage change computed in Parts (b)(3)(A), (B) and (C) of this Rule.
 - (E) The sum computed for each category in Part (b)(3)(D) of this Rule shall be the price level adjustment factor for the coming fiscal year.

Authority G.S. 131D-4.2(h); 143B-10.

.0502 COST REPORTING: FOR FACILITIES THAT SERVE STATE/COUNTY SPECIAL ASSISTANCE RESIDENTS

- (a) Each facility which serves State/County Special

Assistance residents shall prepare and submit a report of its costs and other financial information. Facilities shall prepare and submit the cost report on the fiscal year as defined in G.S. 131D-4.2. Facilities that fail to file their cost reports by the due date are subject to enforcement actions for non compliance as defined in G.S. 131D-4.2. If the Department of Health and Human Services (DHHS) finds good cause for delay, it may extend the deadline for filing the report for up to an additional 30 days. A good cause is an action that is uncontrollable by the provider.

(b) The cost report shall be submitted on forms provided by the Office of the DHHS Controller. The Chart of Accounts structure is defined by the Department of Health and Human Services and shall be amended and modified to the extent necessary to meet the special reporting needs of the Department. The Department of Health and Human Services shall make a copy of the Chart of Accounts available to the facilities on or before the first day of the new fiscal year. The Department of Health and Human Services shall make the cost report format available to each facility on or before the last day of the fiscal year report period.

Authority G.S. 131D-4.2(h); 143B-10.

TITLE 12 - DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the N.C. Private Protective Services Board intends to amend rule cited as 12 NCAC 7D .0104. Notice of Rule-making Proceedings was published in the Register on November 15, 1996.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 3:00 p.m. on November 18, 1997 at the SBI Conference Room, 3320 Old Garner Rd., Raleigh, NC 27626.

Reason for Proposed Action: The definition for "branch office" is being amended.

Comment Procedures: Written comments concerning this rule-making activity may be submitted within thirty days of this publication to W.A. Hoggard, PPSB, 3320 Old Garner Road, Raleigh, NC 27626.

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

CHAPTER 7 - PRIVATE PROTECTIVE SERVICES

SUBCHAPTER 7D - PRIVATE PROTECTIVE SERVICES BOARD

SECTION .0100 - ORGANIZATION AND GENERAL PROVISIONS

.0104 DEFINITIONS

In addition to the definitions under G.S. Chapter 74C, the following definitions shall apply throughout this Subchapter:

- (1) "Applicant" means any person, firm or corporation applying to the Board for a license, trainee permit, registration or firearms trainer certificate.
- (2) "Armed Private Security Officer" means an individual employed, full time or part time, by a contract security company or a proprietary security organization:
 - (a) who at any time wears, carries, or possesses a firearm in the performance of his duties; and
 - (b) whose principal duty is that of:
 - (i) an armed security guard, officer, patrol, or watchman;
 - (ii) an armed armored car service guard;
 - (iii) a private detective; or
 - (iv) an armed courier service guard.
- (3) "Board" means the Private Protective Services Board established by G.S. Chapter 74C.
- (4) "Branch Manager or Operator" means the individual endowed with the responsibility and liability for a branch office.
- (5) "Branch Office" means a separate but dependent part of a central organization engaged in the business of providing private protective services established for the purpose of extending the activities of the central organization. The establishment of a telephone number or mailing address in the company name constitutes prima facie evidence of a branch office. If an out of state person, firm, association, or corporation opens an office in North Carolina, the North Carolina office shall be deemed the principal place of business and shall have a resident licensed qualifying agent.
- (6) "Chairman" means the Chairman of the Private Protective Services Board.
- (7) "Contract Security Company" means any person, firm, association, or corporation engaging in a private protective services business as defined in G.S. 74C-3 which provides said services on a contractual basis for a fee or other valuable consideration to any other person, firm, association, or corporation.
- (8) "Direct Supervision" means personal, face to face contact and direction of the trainee's activities on a frequent and reasonable basis.
- (9) "Investigative Capacity" means any law enforcement agency position for which the duties include conducting investigations and interviews, completing reports, and testifying in courts or administrative hearings.
- (10) "Law Enforcement Officer" means a sworn peace officer who has the power of arrest, and who is an

employee of the United States, any state, or any political subdivision of a state.

- (11) "Licensee" means any person licensed to perform private protective services in North Carolina in accordance with G.S. Chapter 74C.
- (12) "Proprietary Security Organization" means any person, firm, association, corporation or department thereof:
 - (a) which employs any of the following:
 - (i) watchmen,
 - (ii) security guards or officers,
 - (iii) patrol personnel,
 - (iv) armored car personnel, or
 - (v) couriers; and
 - (b) which employs these persons regularly and exclusively as an employee in connection with the business affairs of such employer.
- (13) "Qualifying Agent" means the individual licensee who is responsible for the private protective services business.
- (14) "Restored" means that an individual is no longer in need of psychiatric care as determined by a physician.
- (15) "Temporary unarmed security guard" means one who is hired for a period of 30 days or less within a calendar year and who is designated as a temporary security guard at the start of employment.
- (16) "Agency Head" means the Chairman of the Board.

Authority G.S. 74C-3; 74C-5.

TITLE 15A - ENVIRONMENT AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Radiation Protection Commission intends to adopt rule cited as 15A NCAC 11 .0358; , amend rules .0104, .0117, .0301, .0339 - .0340, .0353, .1601, .1603, .1611, .1620, .1647; and repeal .0401 - .0428. Notice of Rule-making Proceedings was published in the Register on August 15, 1997.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 2:00 p.m. and 7:00 p.m. on Tuesday, November 18, 1997 at the 3825 Barrett Drive, Room 101, Raleigh, NC 27609-7221.

Reason for Proposed Action: The Division of Radiation Protection is an agreement state with the U.S. Nuclear Regulatory Commission. The Division's rules must be compatible with the U.S. Nuclear Regulatory Commission's regulations.

Comment Procedures: Written comments may be submitted to Richard M. Fry, Division Director and addressed to: Division

of Radiation Protection, 3825 Barrett Drive, Raleigh, NC 27609-7221. Written comments will be accepted until December 3, 1997.

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

CHAPTER 11 - RADIATION PROTECTION

SECTION .0100 - GENERAL PROVISIONS

.0104 DEFINITIONS

As used in these Rules, the following definitions shall apply.

- (1) "Absorbed dose" means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the rad and the gray (Gy).
- (2) "Accelerator produced material" means any material made radioactive by use of a particle accelerator.
- (3) "Act" means North Carolina Radiation Protection Act as defined in G.S. 104E-1.
- (4) "Activity" is the rate of disintegration (transformation) or decay of radioactive material. The units of activity are the curie (Ci) and the becquerel (Bq).
- (5) "Adult" means an individual 18 or more years of age.
- (6) "Agency" means the North Carolina Department of ~~Environment, Health, Environment~~ and Natural Resources. Resources, Division of Radiation Protection.
- (7) "Agreement state" means any state with which the United States Nuclear Regulatory Commission has entered into an effective agreement under Subsection 274b. of the Atomic Energy Act of 1954, as amended (73 Stat. 689).
- (8) "Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors, or gases.
- (9) "Airborne radioactivity area" means a room, enclosure, or area in which airborne radioactive materials, composed wholly or partly of licensed radioactive material, exist in concentrations:
 - (a) in excess of the derived air concentrations (DACs) specified in Appendix B to 10 CFR §§ 20.1001 - 20.2401, or
 - (b) to such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.
- (10) "ALARA" (acronym for "as low as is reasonably achievable") means making every reasonable effort to maintain exposures to radiation as far below the dose

limits in the rules of this Chapter as is practical consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to utilization of sources of radiation in the public interest.

- (11) "Annual limit on intake" (ALI) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a effective dose equivalent of five rems (0.05 Sv) or a committed dose equivalent of 50 rems (0.5 Sv) to any individual organ or tissue. (ALI values for intake by ingestion and by inhalation of selected radionuclides are given in Table 1, Columns 1 and 2, of Appendix B to 10 CFR §§ 20.1001 - 20.2401).
- (12) "Annually" means at intervals not to exceed 12 consecutive months.
- (13) "Authorized representative" means an employee of the agency, or an individual outside the agency when the individual is specifically so designated by the agency under Rule .0112 of this Section.
- (14) "Authorized user" means an individual who is authorized by license or registration condition to use a source of radiation.
- (15) "Background radiation" means radiation from cosmic sources; naturally occurring radioactive materials, including radon (except as a decay product of source or special nuclear material); and global fallout as it exists in the environment from the testing of nuclear explosive devices. "Background radiation" does not include sources of radiation regulated by the agency.
- (16) "Becquerel" is the SI unit of radioactivity. One becquerel is equal to one disintegration per second (s^{-1}).
- (17) "Bioassay" or "radiobioassay" means the determination of kinds, quantities or concentrations, and, in some cases, the locations of radioactive material in the human body, whether by direct measurement (in vivo counting) or by analysis and evaluation of materials excreted or removed from the human body.
- (18) "Byproduct material" means any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.
- (19) "Class", "lung class" or "inhalation class" means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times as follows:

CLASSIFICATION OF INHALED MATERIAL

<u>Class</u>	<u>Clearance half-time</u>
Class D (Day)	less than 10 days
Class W (Weeks)	10 days to 100 days
Class Y (Years)	greater than 100 days

- (20) "Collective dose" is the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.
- (21) "Commission" means the North Carolina Radiation Protection Commission.
- (22) "Committed dose equivalent" ($H_{T,50}$) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.
- (23) "Committed effective dose equivalent" ($H_{E,50}$) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to these organs or tissues ($H_{E,50} = \sum w_T H_{T,50}$).
- (24) "Constraint (dose constraint)" means a value above which specified licensee actions are required.
- ~~(24)~~(25) "Controlled area" means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee or registrant for any reason.
- ~~(25)~~(26) "Curie" is the special unit of radioactivity. One curie is equal to 3.7×10^{10} disintegrations per second = 3.7×10^{10} becquerels = 2.22×10^{12} disintegrations per minute.
- ~~(26)~~(27) "Declared pregnant woman" means a woman who has voluntarily informed her employer, in writing, of her pregnancy and the estimated date of conception.
- ~~(27)~~(28) "Decommission" means to remove (as a facility) safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of the license.
- ~~(28)~~(29) "Deep-dose equivalent" (H_d), which applies to external whole-body exposure, is the dose equivalent at a tissue depth of one cm (1000 mg/cm^2).
- ~~(29)~~(30) "Department" means the North Carolina Department of ~~Environment, Health, Environment~~ and Natural Resources.
- ~~(30)~~(31) "Depleted uranium" means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.
- ~~(31)~~(32) "Derived air concentration" (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of 2,000 hours under conditions of light work (inhalation rate 1.2 cubic meters of air per hour), results in an intake of ALI. DAC values are given in Table 1, Column 3, of Appendix B to 10 CFR §§

- 20.1001 - 20.2041).
- ~~(32)~~(33) "Derived air concentration-hour" (DAC-hour) is the product of the concentration of radioactive material in air (expressed as a fraction or multiple of the derived air concentration for each radionuclide) and the time of exposure to that radionuclide, in hours. A licensee may take 2,000 DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of five rems (0.05 Sv).
- ~~(33)~~(34) "Diagnostic clinical procedures manual" means a collection of written procedures governing the use of radioactive material that describes each method by which the licensee performs diagnostic clinical procedures and includes other instructions and precautions. Each diagnostic clinical procedure including but not limited in content to the radiopharmaceutical, dosage and route of administration, shall be approved by an authorized user prior to inclusion in the manual. The radiation safety officer shall ensure that the manual includes the approved written procedure for all diagnostic clinical procedures performed at the facility.
- ~~(34)~~(35) "Dose" (or radiation dose) is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, effective dose equivalent, or total effective dose equivalent, as defined in other Items of this Rule.
- ~~(35)~~(36) "Dose equivalent" (H_T) means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the rem and sievert (Sv).
- ~~(36)~~(37) "Dose limits" (see "Limits" defined in this Rule).
- ~~(37)~~(38) "Dosimetry processor" means an individual or an organization that processes and evaluates individual monitoring equipment in order to determine the radiation dose delivered to the equipment.
- ~~(38)~~(39) "Effective dose equivalent" (H_E) is the sum of the products of the dose equivalent to the organ or tissue (H_T) and the weighting factors (w_T) applicable to each of the body organs or tissues that are irradiated ($H_E = \sum w_T H_T$).
- ~~(39)~~(40) "Embryo/fetus" means the developing human organism from conception until the time of birth.
- ~~(40)~~(41) "Entrance or access point" means any location through which an individual could gain access to radiation areas or to a source of radiation. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.
- ~~(41)~~(42) "Equipment services" means the selling, installation, rebuilding, conversion, repair, inspection, testing, survey or calibration of equipment which can affect compliance with these Rules by a licensee or registrant.
- ~~(42)~~(43) "Exposure" means being exposed to ionizing radiation or to radioactive material.
- ~~(43)~~(44) "Exposure rate" means the exposure per unit of time, such as R/min and mR/h.
- ~~(44)~~(45) "External dose" means that portion of the dose equivalent received from radiation sources outside the body.
- ~~(45)~~(46) "Extremity" means hand, elbow, arm, arm below the elbow, foot, knee, or leg below the knee.
- ~~(46)~~(47) "Eye dose equivalent" applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm²).
- ~~(47)~~(48) "Generally applicable environmental radiation standards" means standards issued by the U.S. Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954 (42 U.S.C. 2D11 et seq.), as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using sources of radiation.
- ~~(48)~~(49) "Gray" (Gy) is the SI unit of absorbed dose. One gray is equal to an absorbed dose of one joule/kilogram (100 rads).
- ~~(49)~~(50) "High radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.1 rem (1 mSv) in one hour at 30 centimeters from the radiation source or from any surface that the radiation penetrates.
- ~~(50)~~(51) "Hospital" means a facility that provides as its primary functions diagnostic services and intensive medical and nursing care in the treatment of acute stages of illness.
- ~~(51)~~(52) "Human use" means the internal or external administration of radiation or radioactive materials to human beings.
- ~~(52)~~(53) "Individual" means any human being.
- ~~(53)~~(54) "Individual monitoring" means:
- (a) the assessment of dose equivalent by the use of devices designed to be worn by an individual;
 - (b) the assessment of committed effective dose equivalent by bioassay (see Bioassay) or by determination of the time-weighted air concentrations to which an individual has been exposed, i.e., DAC-hours; or
 - (c) the assessment of dose equivalent by the use of survey data.
- ~~(54)~~(55) "Individual monitoring devices" or "individual monitoring equipment" means devices designed to be worn by a single individual for the assessment of dose equivalent such as film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, and personal ("lapel") air sampling devices.
- ~~(55)~~(56) "Inhalation class" (see "Class" defined in this Rule).
- ~~(56)~~(57) "Inspection" means an official examination or

observation to determine compliance with rules, orders, requirements and conditions of the agency or the Commission.

(57)(58) "Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

(58)(59) "License", except where otherwise specified, means a license issued pursuant to Section .0300 of this Chapter.

(59)(60) "Licensee" means any person who is licensed by the agency pursuant to Section .0300 of this Chapter.

(60)(61) "Licensing state" means any state designated as such by the Conference of Radiation Control Program Directors, Inc. Unless the context clearly indicates otherwise, use of the term Agreement State in this Chapter shall be deemed to include licensing state with respect to naturally occurring and accelerator produced radioactive material (NARM).

(61)(62) "Limits" or "dose limits" means the permissible upper bounds of radiation doses.

(62)(63) "Lost or missing licensed radioactive material" means licensed radioactive material whose location is unknown. It includes material that has been shipped but has not reached its destination and whose location cannot be readily traced in the transportation system.

(63)(64) "Lung class" (see "Class" as defined in this Rule).

(64)(65) "Member of the public" means ~~an~~ any individual in a controlled or unrestricted area; however, an individual is not a member of the public during any period in which the except when that individual is receives receiving an occupational dose.

(65)(66) "Minor" means an individual less than 18 years of age.

(66)(67) "Misadministration" means the administration of the following:

- (a) a diagnostic radiopharmaceutical dosage:
 - (i) involving a dose to the patient that exceeds 5 rems effective dose equivalent or 50 rems dose equivalent to any individual organ; and
 - (A) the wrong patient;
 - (B) the wrong radiopharmaceutical;
 - (C) the wrong route of administration; or
 - (D) an administered dosage that differs significantly from the prescribed dosage; or
 - (ii) for sodium iodide I-125 or I-131 involving:
 - (A) the wrong patient or wrong radiopharmaceutical; or
 - (B) an administered dosage that differs from the prescribed dosage by more than 20 percent of the prescribed dosage and the difference between the administered dosage and

prescribed dosage exceeds 30 microcuries;

- (b) a therapeutic radiopharmaceutical dosage:
 - (i) involving:
 - (A) the wrong patient;
 - (B) wrong radiopharmaceutical;
 - (C) wrong route of administration; or
 - (D) when the administered dosage differs from the prescribed dosage by more than 20 percent of the prescribed dosage; or
 - (ii) when the administered dosage of sodium iodide I-125 or I-131 differs from the prescribed dosage by more than 20 percent of the prescribed dosage;
- (c) a teletherapy or accelerator radiation dose:
 - (i) involving:
 - (A) the wrong patient;
 - (B) the wrong mode of treatment; or
 - (C) wrong treatment site;
 - (ii) when the treatment consists of three or fewer fractions and the calculated total administered dose differs from the total prescribed dose by more than 10 percent of the total prescribed dose;
 - (iii) when the calculated weekly administered dose is 30 percent greater than the weekly prescribed dose; or
 - (iv) when the calculated total administered dose differs from the total prescribed dose by more than 20 percent of the total prescribed dose;
- (d) a brachytherapy radiation dose:
 - (i) involving:
 - (A) the wrong patient;
 - (B) the wrong radioisotope; or
 - (C) the wrong treatment site. This excludes, for permanent implants, seeds that were implanted in the correct site but migrated outside the treatment site;
 - (ii) involving a sealed source that is leaking;
 - (iii) when, for a temporary implant, one or more sealed sources are not removed upon completion of the procedure; or
 - (iv) when the calculated administered dose differs from the prescribed dose by more than 20 percent of the prescribed dose; or
- (e) a gamma stereotactic radiosurgery radiation dose:
 - (i) involving the wrong patient or wrong treatment site; or

- (ii) when the calculated total administered dose differs from the total prescribed dose by more than 10 percent of the total prescribed dose.

(79)(80)

(67)(68) "Mobile nuclear medicine service" means the transportation and medical use of radioactive material.

(80)(81)

(68)(69) "Monitoring", "radiation monitoring" or "radiation protection monitoring" means the measurement of radiation levels, concentrations, surface area concentrations or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

(69)(70) "Natural radioactivity" means radioactivity of naturally occurring nuclides.

(70)(71) "Nonstochastic effect" means health effects, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect (also called a deterministic effect).

(81)(82)

(71)(72) "NRC" means the United States Nuclear Regulatory Commission or its duly authorized representatives.

(72)(73) "Occupational dose" means the dose received by an individual ~~in a restricted area or~~ in the course of employment in which the individual's assigned duties involve exposure to radiation or ~~licensed~~ radioactive material; material from licensed and unlicensed sources of radiation, whether in the possession of the licensee or registrant or other person. Occupational dose does not include dose received from background radiation, as a patient from medical practices, from exposure to individuals administered radioactive material and released in accordance with Rule .0358 of this Chapter, from voluntary participation in medical research programs, or as a member of the general public.

(82)(83)

(73)(74) "Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons, or other charged particles.

(83)(84)

(74)(75) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of these entities.

(84)(85)

(75)(76) "Personnel monitoring equipment" means devices, such as film badges, pocket dosimeters, and thermoluminescent dosimeters, designed to be worn or carried by an individual for the purpose of estimating the dose received by the individual.

(85)(86)

(76)(77) "Pharmacist" means an individual licensed by this state to compound and dispense drugs, prescriptions and poisons.

(86)(87)

(77)(78) "Physician" means an individual currently licensed to practice medicine in this state.

(87)(88)

(78)(79) "Planned special exposure" means an infrequent

(88)(89)

exposure to radiation, separate from and in addition to the annual dose limits.

"Prescribed dosage" means the quantity of radiopharmaceutical activity documented in a written directive by an authorized user.

"Prescribed dose" means:

- (a) for teletherapy or accelerator radiation:
 - (i) the total dose; and
 - (ii) the dose per fraction as documented in the written directive;
- (b) for brachytherapy:
 - (i) the total source strength and exposure time; or
 - (ii) the total dose, as documented in the written directive; or
- (c) for gamma stereotactic radiosurgery, the total dose as documented in the written directive.

"Public dose" means the dose received by a member of the public from exposure to radiation ~~and to or~~ radioactive material released by a licensee or registrant, or to another source of radiation ~~either within a licensee's or registrant's controlled area or in unrestricted areas.~~ control. It does not include occupational dose or doses received from background radiation, as a patient from medical practices, from exposure to individuals administered radioactive material and released in accordance with Rule .0358 of this Chapter, or from voluntary participation in medical research programs.

"Quality factor" (Q) means the modifying factor that is used to derive dose equivalent from absorbed dose. Quality factors are provided in the definition of rem in this Rule.

"Quarter" means a period of time equal to one-fourth of the year observed by the licensee or registrant (approximately 13 consecutive weeks), providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

"Rad" is the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 ergs/gram or 0.01 joule/kilogram (0.01 gray).

"Radiation" (ionizing radiation), except as otherwise defined in Section .1400 of this Chapter, means alpha particles, beta particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, and other particles capable of producing ions.

"Radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.005 rem (0.05 mSv) in one hour at 30 centimeters from the radiation source or from any surface that the radiation penetrates.

"Radiation dose" means dose.

"Radiation machine" means any device capable of producing radiation except devices which produce radiation only from radioactive material.

- (89)(90) "Radiation safety officer" means one who has the knowledge and responsibility to apply appropriate radiation protection rules.
- (90)(91) "Radioactive material" means any material, solid, liquid, or gas, which emits radiation spontaneously.
- (91)(92) "Radioactive waste disposal facility" means any low-level radioactive waste disposal facility, as defined in G.S. 104E-5(9c), established for the purpose of receiving low-level radioactive waste, as defined in Rule .1202 of this Chapter, generated by another licensee for the purpose of disposal.
- (92)(93) "Radioactive waste processing facility" means any low-level radioactive waste facility, as defined in G.S. 104E-5(9b), established for the purpose of receiving waste, as defined in this Rule, generated by another licensee to be stored, compacted, incinerated or treated.
- (93)(94) "Radioactivity" means the disintegration of unstable atomic nuclei by emission of radiation.
- (94)(95) "Radiobioassay" means bioassay.
- (95)(96) "Recordable event" means the administration of the following:
- (a) a radiopharmaceutical or radiation from a licensed source without a written directive where a written directive is required by Sub-items ~~(136)~~ (137)(a)(i) and ~~(136)~~ (137)(b)-(f) of this Rule;
 - (b) a radiopharmaceutical or radiation from a licensed source where a written directive is required by Sub-items ~~(136)~~ (137)(a)(i) and ~~(136)~~ (137)(b)-(f) of this Rule without recording each administered radiopharmaceutical dosage or radiation dose ~~(100)~~ (101) in the appropriate record on a daily basis;
 - (c) a radiopharmaceutical dosage of greater than 30 microcuries of sodium iodide I-125 and I-131 when:
 - (i) the administered dosage differs from the prescribed dosage by more than 10 percent of the prescribed dosage; and
 - (ii) the difference between the administered dosage and prescribed dose exceeds 15 microcuries;
 - (d) a therapeutic dosage of any radiopharmaceutical dosage other than sodium iodide I-125 or I-131 when the administered dosage differs from the prescribed dosage by more than 10 percent of the prescribed dosage;
 - (e) a teletherapy or accelerator radiation dose when the calculated weekly administered dose is 15 percent greater than the weekly prescribed dose; or
 - (f) a brachytherapy radiation dose when the calculated administered dose differs from the prescribed dose by more than 10 percent of the prescribed dose.
- (96)(97) "Reference man" means a hypothetical aggregation of human physical and physiological characteristics arrived at by international consensus as published by the International Commission on Radiological Protection. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base.
- (97)(98) "Registrant" means any person who is registered with the agency as required by provisions of these Rules or the Act.
- (98)(99) "Registration" means registration with the agency in accordance with these Rules.
- (99)(100) "Regulations of the U.S. Department of Transportation" means the regulations in 49 CFR Parts 100-189.
- (100)(101) "Rem" is the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rems is equal to the absorbed dose in rads multiplied by the quality factor (1 rem = 0.01 sievert). As used in this Chapter, the quality factors for converting absorbed dose to dose equivalent are as follows:

QUALITY FACTORS AND ABSORBED DOSE EQUIVALENCIES

<u>TYPE OF RADIATION</u>	<u>Quality Factor</u>	<u>Absorbed Dose Equal to a Unit Dose Equivalent^a</u>
	<u>Q</u>	
X-, gamma, or beta radiation	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

^aAbsorbed dose in rad equal to one rem or the absorbed dose in gray equal to one sievert.

If it is more convenient to measure the neutron fluence rate than to determine the neutron dose equivalent rate in rems per hour or sieverts per hour, one rem (0.01 Sv) of neutron radiation of unknown energies may, for purposes of the rules of this Chapter, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body.

If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee or registrant may use the fluence rate per unit dose equivalent or the appropriate Q value from the following table to convert a measured tissue dose in rads to dose equivalent in rems:

**MEAN QUALITY FACTORS, Q, AND FLUENCE PER UNIT DOSE
EQUIVALENT FOR MONOENERGETIC NEUTRONS**

	<u>Neutron Energy (MeV)</u>	<u>Quality Factor^a (Q)</u>	<u>Fluence per Unit Dose Equivalent^b (neutrons cm⁻² rem⁻¹)</u>
(thermal)	2.5 x 10 ⁻⁸	2	980 x 10 ⁶
	1 x 10 ⁻⁷	2	980 x 10 ⁶
	1 x 10 ⁻⁶	2	810 x 10 ⁶
	1 x 10 ⁻⁵	2	810 x 10 ⁶
	1 x 10 ⁻⁴	2	840 x 10 ⁶
	1 x 10 ⁻³	2	980 x 10 ⁶
	1 x 10 ⁻²	2.5	1010 x 10 ⁶
	1 x 10 ⁻¹	7.5	170 x 10 ⁶
	5 x 10 ⁻¹	11	39 x 10 ⁶
	1	11	27 x 10 ⁶
	2.5	9	29 x 10 ⁶
	5	8	23 x 10 ⁶
	7	7	24 x 10 ⁶
	10	6.5	24 x 10 ⁶
	14	7.5	17 x 10 ⁶
	20	8	16 x 10 ⁶
	40	7	14 x 10 ⁶
	60	5.5	16 x 10 ⁶
	1 x 10 ²	4	20 x 10 ⁶
	2 x 10 ²	3.5	19 x 10 ⁶
	3 x 10 ²	3.5	16 x 10 ⁶
	4 x 10 ²	3.5	14 x 10 ⁶

^a Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-cm diameter cylinder tissue-equivalent phantom.

^b Monoenergetic neutrons incident normally on a 30-cm diameter cylinder tissue-equivalent phantom.

(101) (102)	"Research and development" means:	(103) (104)	"Restricted area" means an area, access to which is controlled by the licensee or registrant for purposes of protecting individuals against undue risks from exposure to radiation and radioactive materials. Restricted area does not include areas used as residential quarters, but separate rooms in a residential building may be set apart as a restricted area.
	(a) theoretical analysis, exploration, or experimentation; or		
	(b) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and	(104) (105)	"Roentgen" (R) means the special unit of exposure. One roentgen equals 2.58 x 10 ⁻⁴ coulombs/kilogram of air.
	processes.		
	Research and development does not include the internal or external administration of radiation or	(105) (106)	"Sanitary sewerage" means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee.
(102) (103)	"Respiratory protective device" means an apparatus, such as a respirator, used to reduce the individual's intake of airborne radioactive materials.	(106) (107)	"Sealed source" means radioactive material that is

permanently bonded, fixed or encapsulated so as to prevent release and dispersal of the radioactive material under the most severe conditions which are likely to be encountered in normal use and handling.

(107)(108) "Shallow-dose equivalent" (H_s), which applies to the external exposure of the skin or an extremity, is taken as the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm^2) averaged over an area of one square centimeter.

(108)(109) "SI unit" means a unit of measure from the International System of Units as established by the General Conference of Weights and Measures.

(109)(110) "Sievert" is the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sieverts is equal to the absorbed dose in grays multiplied by the quality factor ($1 \text{ Sv} = 100 \text{ rems}$).

(110)(111) "Site boundary" means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee or registrant.

(111)(112) "Source material" means:

- (a) uranium or thorium or any combination of uranium and thorium in any physical or chemical form; or
- (b) ores which contain, by weight, 0.05 percent or more of uranium, thorium, or any combination thereof. Source material does not include special nuclear material.

(112)(113) "Source of radiation" means any radioactive material, or any device or equipment emitting or capable of producing radiation.

(113)(114) "Special form radioactive material" means radioactive material which satisfies the following conditions:

- (a) It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;
- (b) The piece or capsule has at least one dimension not less than five millimeters (0.197 inch); and
- (c) It satisfies the test requirements specified by the U.S. Nuclear Regulatory Commission, Subpart F of 10 CFR Part 71, and the tests

$$\frac{175 \text{ (gram contained U-235)}}{350} + \frac{50 \text{ (grams U-233)}}{200} + \frac{50 \text{ (grams Pu)}}{200} \text{ is } < \text{ or } = 1$$

(116)(117) "State" means the State of North Carolina.

(117)(118) "Stochastic effects" means health effects that occur randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects.

(118)(119) "Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of sources of radiation. When appropriate, such an evaluation includes a physical survey of the

prescribed in Rule .0114 of this Section. A special form encapsulation designed in accordance with the U.S. Nuclear Regulatory Commission requirements, Subpart F of 10 CFR Part 71, in effect on June 30, 1984, and constructed prior to July 1, 1985, may continue to be used. A special form encapsulation either designed or constructed after June 30, 1985, must meet requirements of this definition applicable at the time of its design or construction.

"Special nuclear material" means:

- (a) plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the United States Nuclear Regulatory Commission, pursuant to the provisions of Section 51 of the Atomic Energy Act of 1954 ($42 \text{ U.S.C. } 2011 \text{ et seq.}$), determines to be special nuclear material, but does not include source material; or
- (b) any material artificially enriched by any of the foregoing but does not include source material.

"Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope uranium-235 in quantities not exceeding 350 grams of contained uranium-235; uranium-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of uranium-235, uranium enriched in uranium-235 and plutonium in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified in this Rule for the same kind of special nuclear material. The sum of these ratios for all the kinds of special nuclear material in combination shall not exceed unity. For example, the following quantities in combination would not exceed the limitations and are within the formula, as follows:

location of sources of radiation and measurements or calculations of levels of radiation, or concentrations or quantities of radioactive material present.

"These Rules" means Chapter 11 of this Title.

"Total effective dose equivalent" (TEDE) means the sum of the deep-dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).

"Toxic or hazardous constituent of the waste" means the nonradioactive content of waste which, notwithstanding the radioactive content, would be classified as "hazardous waste" as defined in 15A

NCAC 13A ~~.0002(a)~~ .0102(a).

Whole body

1.00^b

~~(122)~~(123) "Type A quantity" means a quantity of radioactive material, the aggregate radioactivity of which does not exceed A_1 for special form radioactive material or A_2 for normal form radioactive material, where A_1 and A_2 are given in Rule .0113 of this Section or may be determined by procedures described in Rule .0113 of this Section. All quantities of radioactive material greater than a Type A quantity are Type B.

~~(123)~~(124) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

~~(124)~~(125) "Unrestricted area" means an area, access to which is neither limited nor controlled by the licensee or registrant.

~~(125)~~(126) "Very high radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving an absorbed dose in excess of 500 rads (5 grays) in one hour at one meter from a radiation source or from any surface that the radiation penetrates. At very high doses received at high dose rates, units of absorbed dose (e.g., rads and grays) are appropriate, rather than units of dose equivalent (e.g., rems and sieverts).

~~(126)~~(127) "Waste" means low-level radioactive waste as defined in G.S. 104E-5(9a) and includes licensed naturally occurring and accelerator produced radioactive material which is not subject to regulation by the U.S. Nuclear Regulatory Commission under the Atomic Energy Act of 1954, as amended, except as defined differently in Rule .1202 of this Chapter.

~~(127)~~(128) "Waste, Class A" is defined in Rule .1650 of this Chapter.

~~(128)~~(129) "Waste, Class B" is defined in Rule .1650 of this Chapter.

~~(129)~~(130) "Waste, Class C" is defined in Rule .1650 of this Chapter.

~~(130)~~(131) "Week" means seven consecutive days starting on Sunday.

~~(131)~~(132) "Weighting factor", w_T , for an organ or tissue (T) is the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of w_T are:

ORGAN DOSE WEIGHTING FACTORS

Organ or Tissue	w_T
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30 ^a

^a 0.30 results from 0.06 for each of 5 "remainder" organs (excluding the skin and the lens of the eye) that receive the highest doses.

^b For the purpose of weighting the external whole body dose (for adding it to the internal dose), a single weighting factor, $w_T = 1.0$, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

~~(132)~~(133) "Whole body" means, for purposes of external exposure, head, trunk (including male gonads), arms above the elbow, or legs above the knee.

~~(133)~~(134) "Worker" means an individual engaged in work under a license or registration issued by the agency and controlled by a licensee or registrant, but does not include the licensee or registrant.

~~(134)~~(135) "Working level" (WL) is any combination of short-lived radon daughters (for radon-222: polonium-218, lead-214, bismuth-214, and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212, and polonium-212) in one liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy.

"Working level month" (WLM) means an exposure to one working level for 170 hours.

"Written directive" means an order in writing for a specific patient, dated and signed by an authorized user prior to the administration of a radiopharmaceutical or radiation from a licensed source, except as specified in Sub-item (e) of this definition, containing the following information:

- (a) for the diagnostic administration of a radiopharmaceutical:
 - (i) if greater than 30 microcuries of sodium iodide I-125 or I-131, the dosage to be administered in accordance with the diagnostic clinical procedures manual; or
 - (ii) if not subject to Sub-item (a)(i) of this Item, the type of study to be performed in accordance with the diagnostic clinical procedures manual;
- (b) for the therapeutic administration of a radiopharmaceutical:
 - (i) radiopharmaceutical;
 - (ii) dosage; and
 - (iii) route of administration;
- (c) for teletherapy or accelerator radiation therapy:
 - (i) total dose;
 - (ii) dose per fraction;
 - (iii) treatment site; and
 - (iv) overall treatment period;
- (d) for high-dose-rate remote afterloading brachytherapy:

- (i) radioisotope;
- (ii) treatment site; and
- (iii) total dose;
- (e) for all other brachytherapy:
 - (i) prior to implantation:
 - (A) radioisotope;
 - (B) number of sources to be implanted; and
 - (C) source strengths in millicuries; and
 - (ii) after implantation but prior to completion of the procedure:
 - (A) radioisotope;
 - (B) treatment site; and
 - (C) either:
 - (I) total source strength and exposure time; or
 - (II) total dose;
- (f) for gamma stereotactic radiosurgery:
 - (i) target coordinates;
 - (ii) collimator size;
 - (iii) plug pattern; and
 - (iv) total dose.

(+37)(138) "Year" means the period of time beginning in January used to determine compliance with the provisions of Section .1600 of this Chapter. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.

Authority G.S. 104E-7(a)(2).

.0117 INCORPORATION BY REFERENCE

(a) For the purpose of the rules in this Chapter, the following rules, standards and other requirements are hereby incorporated by reference including any subsequent amendments and editions:

- (1) Appendix A, Appendix B and Appendix C to 10 CFR Parts 20.1001 - 20.2401;
- (2) 10 CFR Part 31, 10 CFR Part 32, 10 CFR Part 36, 10 CFR Part 40 and 10 CFR Part 50;
- (3) 10 CFR Part 61, 10 CFR Part 70, 10 CFR Part 71, 10 CFR Part 73, 10 CFR Part 110, 10 CFR Part 140 and 10 CFR Part 150;
- (4) 21 CFR Part 1010, 21 CFR Part 1020 and 21 CFR Part 1040;
- (5) 39 CFR Part 14 and 39 CFR Part 15;
- (6) Postal Service Manual (Domestic Mail Manual) Section 124.3 [incorporated by reference in 39 CFR Section 111.11];
- (7) 40 CFR Part 261;
- (8) 49 CFR Parts 100-189;
- (9) "Agreement Between the United States Atomic Energy Commission and the State of North Carolina for Discontinuance of Certain Commission

Regulatory Authority and Responsibility within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended", signed July 21, 1964;

- (10) "Standards and Specifications for Geodetic Control Networks (September 1984);
- (11) "Geometric Geodetic Survey Accuracy Standards and Specifications for Geodetic Surveys Using GPS Relative Positioning Techniques";
- (12) "Reference Man: Anatomical, Physiological and Metabolic Characteristics" (ICRP Publication No. 23) of the International Commission on Radiological Protection;
- (13) "10 CFR, Chapter 1, Commission Notices, Policy Statements, Agreement States, 46 FR 7540"; and
- (14) American National Standard N43.9-1991 "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography".

(b) The rules, standards and other requirements incorporated by reference in Paragraph (a) of this Rule are available for inspection at the Department of ~~Environment, Health,~~ Environment and Natural Resources, Division of Radiation Protection at the address listed in Rule .0111 of this Section. Except as noted in the Subparagraphs of this Paragraph, copies of the rules, standards and other requirements incorporated by reference in Paragraph (a) of this Rule may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 at a cost as follows:

- (1) Three dollars (\$3.00) for the appendixes listed in Subparagraph (a)(1) of this Rule, available from the Division of Radiation Protection;
- (2) Twenty-five dollars (\$25.00) for the regulations listed in Subparagraph (a)(2) of this Rule in a volume containing 10 CFR Parts 0-50;
- (3) Eighteen dollars (\$18.00) for the regulations listed in Subparagraph (a)(3) of this Rule in a volume containing 10 CFR Parts 51-199;
- (4) Eighteen dollars (\$18.00) for the regulations listed in Subparagraph (a)(4) of this Rule in a volume containing 21 CFR Parts 800-1299;
- (5) Sixteen dollars (\$16.00) for the regulations listed in Subparagraph (a)(5) of this Rule in a volume containing 39 CFR;
- (6) Thirty-six dollars (\$36.00) for the manual listed in Subparagraph (a)(6) of this Rule;
- (7) Thirty-one dollars (\$31.00) for the regulations listed in Subparagraph (a)(7) of this Rule in a volume containing 40 CFR Parts 260-299;
- (8) for the regulations listed in Subparagraph (a)(8) of this Rule:
 - (A) Twenty-three dollars (\$23.00) for a volume containing 49 CFR Parts 100-177; and
 - (B) Seventeen dollars (\$17.00) for a volume containing 49 CFR Parts 178-199.
- (9) One dollar (\$1.00) for the agreement in Subparagraph (a)(9) of this Rule, available from the Division of Radiation Protection;
- (10) Two dollars and eighty-five cents (\$2.85) for the

standards and specifications in Subparagraph (a)(10) of this Rule, available from the National Geodetic Information Center, N/CG174, Rockwall Building, Room 24, National Geodetic Survey, NOAA, Rockville, MD 20852;

- (11) Two dollars and eighty-five cents (\$2.85) for the standards and specifications in Subparagraph (a)(11) of this Rule, available from the National Geodetic Information Center, NCG174, Rockwall Building, Room 24, National Geodetic Survey, NOAA, Rockville, MD 20852;
- (12) One hundred and five dollars (\$105.00) for the ICRP Publication No. 23 in Subparagraph (a)(12) of this Rule, available from Pergamon Press, Inc., Maxwell House, Fairview Park, Elmsford, NY 10523;
- (13) Two dollars (\$2.00) for the document in Subparagraph (a)(13) of this Rule, available from the Division of Radiation Protection; and
- (14) Thirty-eight dollars plus five dollars shipping and handling (\$43.00) for the American National Standard N43.9-1991 in Subparagraph (a)(14) of this Rule, available from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, telephone number (212) 642-4900.

(c) Nothing in this incorporation by reference of 10 CFR Part 61 in Subparagraph (a)(3) of this Rule shall limit or affect the continued applicability of G.S. 104E-25(a) and (b).

Authority G.S. 104E-7; 104E-15(a); 150B-21.6.

SECTION .0300 - LICENSING OF RADIOACTIVE MATERIAL

.0301 PURPOSE AND SCOPE

(a) This Section provides for the licensing of radioactive material. No person shall receive, possess, use, transfer, own or acquire radioactive material except as authorized in a specific or general license issued pursuant to, or as otherwise provided in, this Section.

(b) In addition to the requirements of this Section,

- (1) All licensees are subject to the requirements of Sections .1000 and .1600 of this Chapter, except as otherwise provided in the rules of this Section;
- (2) Licensees engaged in industrial radiographic operations are subject to the requirements of Section .0500 of this Chapter;
- (3) Licensees using sealed sources in the healing arts are subject to the requirements of Section .0700 of this Chapter;
- (4) Licensees engaged in the operation of radioactive waste disposal facilities are subject to the requirements of Section .1200 of this Chapter; and
- (5) Licensees engaged in well-logging operations are subject to the requirements of Section .1300 of this Chapter; Chapter; and
- (6) Licensees engaged in the operation of panoramic and

underwater irradiators are subject to the requirements of Section .0100 of this Chapter.

(c) In addition to the requirements of this Section, all licensees are subject to the annual fee provisions contained in Section .1100 of this Chapter.

(d) The rules in this Section do not apply to persons licensed pursuant to the rules in Section .1200 of this Chapter except as specifically provided otherwise in Section .1200.

Authority G.S. 104E-7; 104E-9(8); 104E-10(b); 104E-19.

.0339 EXPIRATION AND TERMINATION OF LICENSES & DECOMMISSIONING

(a) ~~Except as provided in Rule .0340(b) of this Section, each specific license shall expire at the end of the day, in the month and year stated in the license. Each specific license expires at the end of the day on the expiration date stated in the license unless the licensee has filed an application for renewal, as required in Rule .0340 of this Section, not less than 30 days before the expiration date stated in the existing license. If an application for renewal has been filed at least 30 days prior to the expiration date stated in the existing license, the existing license expires at the end of the day on which the agency makes a final determination to deny the renewal application or, if the determination states an expiration date, the expiration date stated in the determination.~~

(b) ~~Each licensee shall notify the agency promptly, in writing, and request termination of the license when the licensee decides to terminate all activities involving materials authorized under the license. This notification and request for termination of the license must include the reports and information specified in Subparagraphs (c) (4) and (5) of this Rule and a plan for completion of decommissioning if required by Paragraph (d) of this Rule or by a license condition. Each specific license revoked by the agency expires at the end of the day on the date of the agency's final determination to revoke the license, or on the expiration date stated in the determination, or as otherwise provided by agency order.~~

(c) ~~If a licensee does not submit an application for license renewal pursuant to Rule .0340 of this Section, the licensee shall on or before the expiration date specified in the license: Each specific license continues in effect, beyond the expiration date if necessary, with respect to possession of residual radioactive material present as contamination until the agency notifies the licensee in writing that the license is terminated. During this time, the licensee shall:~~

- (1) ~~terminate use of radioactive material; limit actions involving radioactive material to those related to decommissioning; and~~
- (2) ~~remove radioactive contamination to the extent practicable except for those procedures covered by Paragraph (d) of this Rule; continue to control entry to restricted areas until they are suitable for release for unrestricted use and the agency notifies the licensee in writing that the license is terminated.~~
- (3) ~~properly dispose of radioactive material;~~
- (4) ~~submit a completed "Certificate of Disposition"~~

form, which certifies information concerning the disposition of materials; and

- (5) conduct a radiation survey of the premises where the licensed activities were carried out and submit a report of the results of this survey, unless the licensee demonstrates that the premises are suitable for release for unrestricted use in some other manner. The licensee shall, as appropriate:

- (A) report levels of radiation in units of microrads per hour of beta and gamma radiation at one centimeter and gamma radiation at one meter from surfaces;
- (B) report levels of radioactivity, including alpha, beta, and gamma emitters, in units of disintegrations per minute (or microcuries) per 100 square centimeters removable and fixed for surfaces, microcuries per milliliter for water, and picocuries per gram for solids such as soils or concrete; and
- (C) specify the survey instrument(s) used and certify that each instrument is properly calibrated and tested.

(d) In addition to the information required under Subparagraphs (c) (4) and (5) of this Rule, the licensee shall submit a plan for completion of decommissioning if the procedures necessary to carry out decommissioning have not been previously approved by the agency and are likely to increase potential adverse health and safety impacts to workers or to the public health including, but not limited to, the following cases: Within 60 days of the occurrence of any of the following, each licensee shall provide notification to the agency in writing of such occurrence, and either begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity so that the building or outdoor area is suitable for release in accordance with agency requirements, or submit within 12 months of notification a decommissioning plan, if required by Subparagraph (g)(1) of this Rule, and begin decommissioning upon approval of that plan if:

- (1) procedures would involve techniques not applied routinely during cleanup or maintenance operations; or The license has expired pursuant to Paragraphs (a) or (b) of this Rule;
- (2) workers would be entering areas not normally occupied where surface contamination and radiation levels are significantly higher than routinely encountered during operation; or The licensee has decided to permanently cease principal activities at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with agency requirements;
- (3) procedures could result in significantly greater airborne concentrations of radioactive materials than are present during operation; or No principal activities under the license have been conducted for a period of 24 months; or

- (4) procedures could result in significantly greater releases of radioactive material to the environment than those associated with operation. No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with agency requirements.

(e) Procedures with potential health and safety impacts may not be carried out prior to approval of the decommissioning plan. Coincident with the notification requirements set forth in Paragraph (d) of this Rule, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee pursuant to Rule .0353 of this Section in conjunction with a license issuance or renewal, or as required by this Rule. The amount of the financial assurance must be increased, or may be decreased, as appropriate, to cover the detailed cost estimate for decommissioning established in Paragraph (g) of this Rule.

(f) The proposed decommissioning plan, if required by Paragraph (d) of this Rule or by license condition, must include: The agency may grant a request to extend the time periods required in Paragraph (d) of this Rule if the agency determines that this relief is not detrimental to the public health and safety and is otherwise in the public interest. The request shall be submitted to the agency no later than 30 days before notification pursuant to Paragraph (d) of this Rule. The schedule for decommissioning set forth in Paragraph (d) of this Rule may not commence until the agency has made a determination on the licensee's request.

- (1) description of planned decommissioning activities; Any licensee who has not provided financial assurance to cover the detailed cost estimate submitted with the decommissioning plan shall do so when this Rule becomes effective.
- (2) description of methods used to assure protection of workers and the environment against radiation hazards during decommissioning; Following agency approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the agency.
- (3) a description of the planned final radiation survey; and
- (4) an updated detailed cost estimate for decommissioning, comparison of that estimate with present funds set aside for decommissioning, and plan for assuring the availability of adequate funds for completion of decommissioning.

(g) The proposed decommissioning plan will be approved by the agency if the information therein demonstrates that the decommissioning will be completed as soon as is reasonable and that the health and safety of workers and the public will be adequately protected: A decommissioning plan shall be submitted if required by license condition or if the procedures and activities necessary to carry out decommissioning of the

site or separate building or outdoor area have not been previously approved by the agency and these procedures could increase potential health and safety impacts to workers or to the public, such as in any of following cases:

- (1) Procedures would involve techniques not applied routinely during cleanup or maintenance operations;
- (2) Workers would be entering areas not normally occupied where surface contamination and radiation levels are significantly higher than routinely encountered during operation;
- (3) Procedures could result in significantly greater airborne concentrations of radioactive materials than are present during operation; or
- (4) Procedures could result in significantly greater releases of radioactive material to the environment than those associated with operation.

(h) Upon approval of the decommissioning plan by the agency, the licensee shall complete decommissioning in accordance with the approved plan. As a final step in decommissioning, the licensee shall again submit the information required in Subparagraph (c) (5) of this Rule and shall certify the disposition of accumulated wastes from decommissioning. The agency may approve an alternate schedule for submittal of a decommissioning plan required pursuant to Paragraph (d) of this Rule if the agency determines that the alternative schedule is necessary to the effective conduct of decommissioning operations and presents no undue risk from radiation to the public health and safety and is otherwise in the public interest.

(i) If the information submitted under Subparagraph (c) (5) or Paragraph (h) of this Rule does not adequately demonstrate that the premises are suitable for release for unrestricted use, the agency will inform the licensee of the appropriate further actions required for termination of license. Procedures such as those listed in Paragraph (g) of this Rule with potential health and safety impacts may not be carried out prior to agency approval of the decommissioning plan.

(j) Each specific license continues in effect, beyond the expiration date if necessary, with respect to possession of residual radioactive material present as contamination until the agency notifies the licensee in writing that the license is terminated. During this time, the licensee shall: The proposed decommissioning plan for the site or separate building or outdoor area must include:

- (1) limit actions involving radioactive material to those related to decommissioning; and A description of the conditions of the site or separate building or outdoor area sufficient to evaluate the acceptability of the plan;
- (2) continue to control entry to restricted areas until they are suitable for release for unrestricted use and the agency notifies the licensee in writing that the license is terminated. A description of planned decommissioning activities;
- (3) A description of methods used to ensure protection of workers and the environment against radiation hazards during decommissioning;

- (4) A description of the planned final radiation survey;
- (5) An updated detailed cost estimate for decommissioning, comparison of that estimate with present funds set aside for decommissioning, and a plan for assuring the availability of adequate funds for completion of decommissioning; and
- (6) For decommissioning plans calling for completion of decommissioning later than 24 months after plan approval, the plan shall include a justification for the delay based on the criteria in Paragraph (m) of this Rule.

(k) Specific licenses will be terminated by written notice to the licensee when the agency determines that: The proposed decommissioning plan will be approved by the agency if the information therein demonstrates that the decommissioning will be completed as soon as practicable and that the health and safety of workers and the public will be adequately protected.

- (1) radioactive material has been properly disposed;
- (2) reasonable effort has been made to eliminate residual radioactive contamination, if present; and
- (3) a radiation survey has been performed which demonstrates that the premises are suitable for release for unrestricted use, or other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release for unrestricted use.

(l) Except as provided in Paragraph (m) of this Rule, licensees shall complete decommissioning of the site or separate building or outdoor area as soon as practicable but no later than 24 months following the initiation of decommissioning. Except as provided in Paragraph (m) of this Rule, when decommissioning involves the entire site, the licensee shall request license termination as soon as practicable but no later than 24 months following the initiation of decommissioning.

(m) The agency may approve a request for an alternative schedule for completion of decommissioning of the site or separate building or outdoor area, and license termination if appropriate, if the agency determines that the alternative is warranted by consideration of the following:

- (1) Whether it is technically feasible to complete decommissioning within the allotted 24 month period;
- (2) Whether sufficient waste disposal capacity is available to allow completion of decommissioning within the allotted 24 month period;
- (3) Whether a significant volume reduction in wastes requiring disposal will be achieved by allowing short-lived radionuclides to decay;
- (4) Whether a significant reduction in radiation exposure to workers can be achieved by allowing short-lived radionuclides to decay; and
- (5) Other site-specific factors which the agency may consider appropriate on a case-by-case basis, such as:
 - (A) regulatory requirements of other government agencies;
 - (B) lawsuits;
 - (C) ground-water treatment activities;
 - (D) monitored natural ground-water restoration;

- (E) actions that could result in more environmental harm than deferred cleanup; and
- (F) other factors beyond the control of the licensee.

(n) As the final step in decommissioning, the licensee shall:

- (1) Certify the disposition of all licensed material, including accumulated wastes, by submitting a completed "Certificate of Disposition"; and
- (2) Conduct a radiation survey of the premises where the licensed activities were carried out and submit a report of the results of this survey unless the licensee demonstrates that the premises are suitable for release in some other manner. The licensee shall, as appropriate:
 - (A) Report levels of gamma radiation in units of microrem (millisieverts) per hour at one meter from surfaces;
 - (B) Report levels of radioactivity, including alpha and beta, in units of microcuries per 100 square centimeters (or disintegrations per minute), removable and fixed, for surfaces; microcuries per milliliter for water; and picocuries per gram for solids such as soils or concrete; and
 - (C) Specify the survey instrument(s) used and certify that each instrument is properly calibrated and tested.

(o) Specific licenses will be terminated by written notice to the licensee when the agency determines that:

- (1) radioactive material has been properly disposed;
- (2) reasonable effort has been made to eliminate residual radioactive contamination, if present; and
- (3) a radiation survey has been performed which demonstrates that the premises are suitable for release for unrestricted use; or other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release for unrestricted use.

Authority G.S. 104E-7; 104E-10(b); 104E-18.

.0340 RENEWAL OF LICENSES

(a) Applications for renewal of specific licenses shall be filed in accordance with Rule .0317 of this Section.

(b) ~~When a licensee, not less than 30 days prior to expiration of his existing license, has filed an application in proper form for renewal or for a new license authorizing the same activities, the existing license shall not expire until the agency has taken final action upon the application.~~

Authority G.S. 104E-7; 104E-10(b).

.0353 FINANCIAL ASSURANCE AND RECORD-KEEPING FOR DECOMMISSIONING

(a) Each applicant for a specific license authorizing the possession and use of unsealed radioactive material of half-life

greater than 120 days and in quantities such that R divided by 10^5 is greater than one (unity rule), where R is defined here as the sum of the ratios of the quantity of each isotope to the applicable value in the table in Appendix C to 10 CFR §§ 20.1001 - 20.2401 shall submit a decommissioning funding plan as described in Paragraph (g) of this Rule.

(b) Each holder of a specific license issued before the effective date of this Rule, and of a type described in Paragraph (a) of this Rule shall submit, no later than 60 days after the effective date of this Rule, a decommissioning funding plan or a certification of financial assurance for decommissioning in an amount of at least seven hundred and fifty thousand dollars (\$750,000) in accordance with the criteria set forth in this Rule. If the licensee submits the certification of financial assurance rather than a decommissioning funding plan at this time, the licensee shall include a decommissioning funding plan in any application for license renewal.

(c) Each applicant for a specific license authorizing possession and use of radioactive material of half-life greater than 120 days and in quantities specified in Paragraph (f) of this Rule shall either:

- (1) submit a decommissioning funding plan as described in Paragraph (g) of this Rule; or
- (2) submit a certification that financial assurance for decommissioning has been provided in the amount prescribed by Paragraph (f) of this Rule using one of the methods described in Rule .0354 of this Section. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued but prior to the receipt of licensed material. As part of the certification, the applicant shall submit to this agency, a copy of the financial instrument obtained to satisfy the requirements of Paragraph (g) of this Rule.

(d) Each holder of a specific license issued before the effective date of this Rule, and of a type described in Paragraph (c) of this Rule shall submit, no later than 60 days after the effective date of this Rule, a certification of financial assurance for decommissioning or a decommissioning funding plan in accordance with the criteria set forth in this Rule.

(e) Each holder of a specific license issued on or after the effective date of this Rule, which is of a type described in Paragraph (a) or (c) of this Rule, shall provide financial assurance for decommissioning in accordance with the criteria set forth in this Rule.

(f) Required amounts of financial assurance for decommissioning by quantity of radioactive material where R is defined as the sum of the ratios of the quantity of each isotope to the applicable value in Appendix C to 10 CFR §§ 20.1001 - 20.2401 are as follows:

- (1) for unsealed form, if R divided by 10^5 is greater than one, then the minimum financial assurance amount is seven hundred and fifty thousand dollars (\$750,000) and shall be as stated in an approved decommissioning funding plan as described in Paragraph (g) of this Rule;

- (2) for unsealed form, if R divided by 10^4 is greater than one but R divided by 10^5 is less than or equal to one, then the financial assurance amount is seven hundred and fifty thousand dollars (\$750,000);
 - (3) for unsealed form, if R divided by 10^3 is greater than one but R divided by 10^4 is less than or equal to one, then the financial assurance amount is one hundred and fifty thousand dollars (\$150,000);
 - (4) for sealed sources or plated foils, if R , divided by 10^{10} is greater than one, then the financial assurance amount is seventy five thousand dollars (\$75,000).
- (g) Each decommissioning funding plan shall contain a cost estimate for decommissioning and ~~a description of the documentation of an approved~~ method assuring funds for decommissioning as referenced in Rule .0354 of this Section, including means of adjusting cost estimates and associated funding levels periodically over the life of the facility.
- (h) Each person licensed under this Section of this Chapter shall keep records of information important to the safe and effective decommissioning of the facility in an identified location until the license is terminated by the agency. If records of relevant information are kept for other purposes, reference to these records and their locations may be used. Information the agency considers important to decommissioning includes, but is not limited to:
- (1) Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site.
 - (A) These records may be limited to instances when contamination remains after any cleanup procedures or when there is reasonable likelihood that contaminants may have spread to inaccessible areas as in the case of possible seepage into porous materials such as concrete.
 - (B) These records shall include any known information on identification of involved nuclides, quantities, forms, and concentrations.
- (2) As-built drawings and modifications of structures and equipment in restricted areas where radioactive materials are being used or stored, and of locations of possible inaccessible contamination such as buried pipes which may be subject to contamination.
- (A) If required drawings are referenced, each relevant document need not be indexed individually.
 - (B) If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.
- (3) Records of the cost estimate performed for the decommissioning funding plan or of the amount certified for decommissioning, and records of the funding method used for assuring funds if either a funding plan or certification is used.
- (4) Except for areas containing only sealed sources

(provided the sealed sources have not leaked or no contamination remains after cleanup of any leak) or radioactive materials having only half-lives of less than 65 days, or depleted uranium used only for shielding, licensees shall be required to establish and maintain a list, contained in a single document. The list shall be updated every two years, and include the following information:

- (A) All areas designated and formerly designated as restricted areas as defined in Rule .0104 of this Chapter;
- (B) All areas outside of restricted areas that require documentation under Paragraph (h) of this Rule;
- (C) All areas outside of restricted areas where current and previous wastes have been buried as documented in Rule .1642 of this Chapter; and
- (D) All areas outside of restricted areas which contain material that, if the license expired, the licensee would be required to decontaminate either the area to unrestricted release levels or to apply to the agency for approval for disposal as required in Rule .1629 of this Chapter.

Authority G.S. 104E-7; 104E-18.

.0358 RELEASE OF PATIENTS CONTAINING RADIOPHARMACEUTICALS OR PERMANENT IMPLANTS

(a) A licensee may authorize the release from its control of any individual who has been administered radiopharmaceuticals or permanent implants containing radioactive material if the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed 500 millirem (5 mSv).

(b) The licensee shall provide the released individual with instructions, including written instructions, on actions recommended to maintain doses to other individuals as low as reasonably achievable if the total effective dose equivalent to any other individual is likely to exceed 100 millirem (1 mSv). If the dose to a breast-feeding infant or child could exceed 100 millirem (1 mSv) assuming there were no interruption of breast-feeding, the instructions shall also include:

- (1) Guidance on the interruption or discontinuation of breast-feeding; and
- (2) Information on the consequences of failure to follow the guidance.

(c) The licensee shall maintain a record of the basis for authorizing the release of an individual, for three years after the date of release, if the total effective dose equivalent is calculated by:

- (1) Using the retained activity rather than the activity administered;
- (2) Using an occupancy factor less than 0.25 at one meter;

(3) Using the biological or effective half-life; or

(4) Considering the shielding by tissue.

(d) The licensee shall maintain a record, for three years after the date of release, that instructions were provided to a breast-feeding woman if the radiation dose to the infant or child from continued breast-feeding could result in a total effective dose equivalent exceeding 500 millirem (5 mSv).

Authority G.S. 104E-7(a)(8).

SECTION .0400 - STANDARDS FOR PROTECTION AGAINST RADIATION

.0401 PURPOSE AND SCOPE

(a) This Section establishes standards for protection against ionizing radiation hazards. Except as otherwise specifically provided, this Section applies to all licensees or registrants. Nothing in this Section shall be interpreted as limiting the intentional exposure of patients to radiation for the purpose of medical diagnosis or therapy.

(b) In addition to complying with the requirements set forth in this Section, every reasonable effort shall be made to maintain radiation exposures, and releases of radioactive materials in effluents to unrestricted areas, as far below the limits specified in this Section as practicable. The term "as far below the limits specified in this Section as practicable" means as low as reasonably achievable taking into account the state of technology, and the economics of improvements in relation to benefits to the public health and safety and in relation to the utilization of ionizing radiation in the public interest.

(c) Nothing in this Section shall relieve a licensee engaged in operation of a radioactive waste disposal facility, as defined in Rule .0104 of this Chapter, from responsibility for complying with the requirements in Section .1200 of this Chapter.

Authority G.S. 104E-7.

.0402 RADIATION DOSE TO INDIVIDUALS IN RESTRICTED AREAS

(a) Except as provided in (c) of this Rule, no licensee or registrant shall possess, use, receive, or transfer sources of radiation in such a manner as to cause any individual in a restricted area to receive in any period of one calendar quarter from all sources of radiation in the licensee's or registrant's possession a dose in excess of the limits specified in the following table:

	Rems/Calendar Quarter
Whole body; head and trunk;	1.25
Active blood-forming organs;	
Lens of eyes; or Gonads	
Hands and forearms;	18.75
Feet and ankles	
Skin of whole body	7.50

(b) For determining the doses specified in this Rule, a dose

from x or gamma rays up to 10 MeV may be assumed to be equivalent to the exposure measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of the highest dose rate.

(c) A licensee or registrant may permit an individual in a restricted area to receive a dose to the whole body greater than that permitted under (a) of this Rule provided that:

- (1) During any calendar quarter the dose to the whole body from sources of radiation in the licensee's or registrant's possession shall not exceed three rems;
- (2) The dose to the whole body, when added to the accumulated occupational dose to the whole body, shall not exceed $5(N-18)$ rems where "N" equals the individual's age in years at his last birthday; and
- (3) The licensee or registrant has determined the individual's accumulated occupational dose to the whole body on appropriate form(s) provided by the agency or on a clear and legible record containing all the information required in that form and has otherwise complied with the requirements of Rule .0403 of this Section. As used in this Rule "dose to the whole body" shall be deemed to include any dose to the whole body, gonads, active blood-forming organs, head and trunk, or lens of eyes.

Authority G.S. 104E-7.

.0403 DETERMINATION OF PRIOR DOSE

(a) Each licensee or registrant shall require any individual, prior to first entry of the individual into the licensee's or registrant's restricted area during each employment or work assignment under such circumstances that the individual will receive or is likely to receive in any period of one calendar quarter an occupational dose in excess of 25 percent of the applicable standards specified in Rules .0402(a) and .0405(a) of this Section, to disclose in a written, signed statement, either:

- (1) that the individual has no prior occupational dose during the current calendar quarter, or
- (2) the nature and amount of any occupational dose which the individual may have received during that specifically identified current calendar quarter from sources of radiation possessed or controlled by other persons.

Each licensee or registrant shall maintain records of such statements until the agency authorizes their disposition.

(b) Before permitting any individual in a restricted area to be exposed to radiation in excess of the limits specified in Rule .0402(a) of this Section, each licensee or registrant shall:

- (1) obtain a certificate on appropriate form(s) provided by the agency or on a clear and legible record containing all the information required in that form; signed by the individual, showing each period of time after the individual attained the age of 18 in which the individual received an occupational dose of radiation; and
- (2) calculate on the agency form, in accordance with the

instructions appearing therein, or on a clear and legible record containing all information required in that form, the previously accumulated occupational dose received by the individual and the additional dose allowed for that individual under Rule .0402(c) of this Section:

(c) In the preparation of the appropriate agency form(s) or a clear and legible record containing all the information required in that form, the licensee or registrant shall make a reasonable effort to obtain reports of the individual's previously accumulated occupational dose. For each period for which the licensee or registrant obtains these reports, he shall use the dose shown in the report in preparing the form. In any case where a licensee or registrant is unable to obtain reports of the individual's occupational dose for a previous complete calendar quarter, it shall be assumed that the individual has received the occupational dose specified in whichever of the following columns apply:

Column 1	Column 2
Assumed Dose in Rems for Calendar Quarters Prior to January 1, 1961	Assumed Dose in Rems for Calendar Quarters Beginning on or after January 1, 1961
Part of Body	3.75 1.25
Whole body	
Gonads	
Active blood-	
forming organs	
Head and trunk	
Lens of eyes	

(d) The licensee or registrant shall retain and preserve records used in preparing the appropriate agency form(s). If calculation of the individual's accumulated occupational dose for all periods prior to January 1, 1961 yields a result higher than the applicable accumulated dose value for the individual as of that date as specified in Rule .0402(c) of this Section, the excess may be disregarded:

Authority G.S. 104E-7; 104E-12(a)(2).

.0404 CONCENTRATIONS IN A RESTRICTED AREA

(a) No licensee shall possess, use or transfer radioactive material in such a manner as to permit any individual in a restricted area to inhale a quantity of radioactive material, in any period of one calendar quarter greater than the quantity which would result from inhalation for 40 hours per week for 13 weeks at uniform concentrations of radioactive material in air specified in Table I, Column 1 of Rule .0423(a) of this Section:

(b) To determine compliance with (a) of this Rule:

(1) The concentration for soluble hydrogen-3 in Table I, Column 1 of Rule .0423(a) of this Section may be multiplied by 2;

(2) For radon-222, the limiting quantity is that inhaled in a period of one calendar year;

(3) For radioactive material designated "Sub" in the "Isotope" column of Table I in Rule .0423(a) of this Section the specified concentrations are based upon exposure to the radioactive material as an external source; hence, individual exposures to these radioactive materials may be accounted for as part of the limitation on individual dose in Rule .0402 of this Section;

(4) It shall be assumed that a person working 40 hours per week inhales 6.3×10^8 ml of air during 13 such weeks and 2.5×10^9 ml of air during one year.

(c) Notwithstanding (a) of this Rule, if radioactive material is of such form that intake by absorption through the skin is likely, individual exposures to radioactive material shall be controlled so that the uptake of radioactive material by any organ from either inhalation or absorption or both routes of intake in any calendar quarter does not exceed that which would result from inhaling such radioactive material for 40 hours per week for 13 weeks at uniform concentrations specified in Table I, Column 1 in Rule .0423(a) of this Section:

(d) Notwithstanding (a) to (c) of this Rule, no licensee shall possess, use or transfer mixtures of U-234, U-235, and U-238 in soluble form in such a manner as to permit any individual in a restricted area to inhale a quantity of such material in any calendar week greater than the quantity which would result from inhalation for 40 hours at a uniform concentration of such material in air specified in Table I, Column 1 of Rule .0423(a) of this Section. If such soluble uranium is of a form such that absorption through the skin is likely, individual exposures to such material shall be controlled so that the uptake of such material by an organ from either inhalation or absorption or both routes of intake, during any calendar week, does not exceed the quantity which would result from inhalation for 40 hours at a uniform concentration of such material in the air as specified in Table I, Column 1 of Rule .0423(a) of this Section:

(e) Exposures due to accident, inadvertence, poor procedure, or similar conditions shall be evaluated and accounted for by appropriate techniques and procedures. Such exposures shall be included in determining compliance with (a), (c) and (d) of this Rule:

(f) For the purpose of determining compliance with the requirements of this Rule, the licensee shall use suitable measurements of concentrations of radioactive materials in air for detecting and evaluating airborne radioactivity in restricted areas and in addition, as appropriate, shall use measurements of radioactivity in the body, excreted from the body, or any combination of such measurements as may be necessary for timely detection and assessment of individual intakes of radioactivity by exposed individuals. It shall be assumed that an individual inhales radioactive material at the airborne concentration in which the individual is present, unless respiratory protective equipment is used pursuant to (h) of this Rule. When assessment of an individual's intake of radioactive material is necessary, intakes less than those which would result

from inhalation for two hours in any one day or for ten hours in any one week at uniform concentrations specified in Table I, Column 1 of Rule .0423(a) of this Section need not be included in such assessment, provided that for any assessment in excess of these amounts the entire amount is included.

(g) The licensee shall, as a precautionary procedure, use process or other engineering controls to limit concentrations of radioactive materials in air to levels below those defined in Rule .0104(7) of this Chapter. When it is impracticable, by such means, to limit such airborne concentrations below the levels defined in Rule .0104(7) of this Chapter, other precautionary procedures, such as increased surveillance; limiting worktimes or provision of respiratory protective equipment, shall be used to maintain intake of radioactive materials by any individual within any period of seven consecutive days as far as reasonably achievable below that intake of radioactive material which would result from inhalation of such material for 40 hours at the uniform concentrations specified in Table I, Column 1, of Rule .0423(a) of this Section. Whenever the intake of radioactive material by any individual exceeds this 40 hour control measure, the licensee shall make such evaluations and take such actions as are necessary to assure against recurrence. The licensee shall maintain records of such occurrences, evaluations, and actions in a clear and readily identifiable form suitable for summary review and evaluation.

(h) When respiratory protective equipment is used to limit the inhalation of airborne radioactive materials pursuant to (g) of this Rule, the licensee may make allowance for such use in estimating exposures of individuals to such radioactive materials provided that such equipment is used as stipulated in Regulatory Guide 8.15, "Acceptable Programs for Respiratory Protection", of the U.S. Nuclear Regulatory Commission.

(i) The licensee shall notify the agency in writing at least 30 days before the date that respiratory protective equipment is first used under the provisions of (g) of this Rule.

(j) Notwithstanding the provisions of (g) and (h) of this Rule, the agency may impose further restrictions:

- (1) on the extent to which a licensee may make allowance for use of respirators in lieu of provision of process, and the engineering controls, if application of such controls is found to be practicable; and
- (2) as may be necessary to assure that the respiratory protective program of the licensee is adequate in limiting exposures of personnel to airborne radioactive materials.

Authority G.S. 104E-7.

.0405 EXPOSURE OF MINORS

(a) No licensee or registrant shall possess, use, or transfer sources of radiation in such a manner as to cause any individual within a restricted area, who is under 18 years of age to receive in any period of one calendar quarter from all sources of radiation in such licensee's or registrant's possession a dose in excess of ten percent of the limits specified in the table in Rule

.0402(a) of this Section.

(b) No licensee shall possess, use, or transfer radioactive material in such a manner as to cause any individual within a restricted area, who is under 18 years of age, to be exposed to airborne radioactive material in an average concentration in excess of the limits specified in Table II in Rule .0423(a) of this Section. For purposes of this Rule, concentrations may be averaged over periods not greater than one week.

(c) The provisions of Rule .0404(a) to (d) of this Section shall apply to exposures subject to (b) of this Rule.

Authority G.S. 104E-7.

.0406 PERMISSIBLE LEVELS IN UNRESTRICTED AREAS

(a) Except as authorized by the agency pursuant to (b) of this Rule, no licensee or registrant shall possess, use, or transfer sources of radiation in such a manner as to create in any unrestricted area from such sources of radiation in his possession:

- (1) radiation levels which, if an individual were continuously present in the area, could result in his receiving a dose in excess of two millirems in any one hour; or
- (2) radiation levels which, if an individual were continuously present in the area could result in his receiving a dose in excess of 100 millirems in any seven consecutive days.

(b) Any person may apply to the agency for proposed limits upon levels of radiation in unrestricted areas in excess of those specified in (a) of this Rule resulting from the applicant's possession or use of sources of radiation. The application shall include information as to anticipated average radiation levels and anticipated occupancy time for each unrestricted area involved. The agency will approve the proposed limits if the applicant demonstrates to the satisfaction of the agency that the proposed limits are not likely to cause any individual to receive a dose to the whole body in any period of one calendar year in excess of 0.5 rem.

(c) It is the intent of this Rule to limit radiation levels so that it is unlikely that individuals in unrestricted areas would receive a dose to the whole body in excess of 0.5 rem in any one year. If in specific instances it is determined by the agency that this intent is not met, the agency may impose such additional requirements on the licensee or registrant as may be necessary to meet this intent.

Authority G.S. 104E-7.

.0407 CONCENTRATION IN EFFLUENTS TO UNRESTRICTED AREAS

(a) No licensee shall possess, use, or transfer licensed radioactive material so as to release to an unrestricted area radioactive material in concentrations which exceed the limits specified in Table II in Rule .0423(a) of this Section, except as authorized pursuant to Rule .0416 of this Section and (b) of this Rule. For purposes of this Rule, concentrations may be

averaged over a period not greater than one year.

(b) An application for a license or amendment may include proposed limits higher than those specified in (a) of this Rule. The agency will approve the proposed limits if the applicant demonstrates:

- (1) that the applicant has made a reasonable effort to minimize the radioactivity contained in effluents to unrestricted areas, and
- (2) that it is not likely that radioactive material discharged in the effluent would result in the exposure of an individual to concentrations of a radioactive material in air or water exceeding the limits specified in Table H in Rule .0423(a) of this Section.

(c) An application for higher limits pursuant to (b) of this Rule shall include information demonstrating that the applicant has made a reasonable effort to minimize the radioactivity discharged in effluents to unrestricted areas, and shall include, as pertinent:

- (1) information as to flow rates, total volume of effluent, peak concentration of each radionuclide in the effluent, and concentration of each radionuclide in the effluent averaged over a period of one year at the point where the effluent leaves a stack, tube, pipe, or similar conduit;
- (2) a description of the properties of the effluents, including:
 - (A) chemical composition;
 - (B) physical characteristics, including suspended solids content in liquid effluents, and nature of gas or aerosol for air effluents;
 - (C) the hydrogen ion concentrations (pH) of liquid effluents; and
 - (D) the size range of particulates in effluents released into air;
- (3) a description of the anticipated human occupancy in the unrestricted area where the highest concentration of radioactive material from the effluent is expected and, in the case of a river or stream, a description of water uses downstream from the point of release of the effluent;
- (4) information as to the highest concentration of each radionuclide in an unrestricted area including anticipated concentrations averaged over a period of one year:
 - (A) in air at any point of human occupancy, or
 - (B) in water at points of use downstream from the point of release of the effluent;
- (5) the background concentration of radionuclides in the receiving river or stream prior to the release of liquid effluent;
- (6) a description of the environmental monitoring equipment including sensitivity of the system and procedures and calculations to determine concentrations of radionuclides in the unrestricted area and possible reconcentrations of radionuclides; and

(7) a description of the waste treatment facilities and procedures used to reduce the concentration of radionuclides in effluents prior to their release.

(d) For the purposes of this Rule, the concentration limits in Table H in Rule .0423(a) of this Section shall apply at the boundary of the restricted area. The concentration of radioactive material discharged through a stack, pipe or similar conduit may be determined with respect to the point where the material leaves the conduit. If the conduit discharges within the restricted area, the concentration at the boundary may be determined by applying appropriate factors for dilution, dispersion, or decay between the point of discharge and the boundary.

(e) In addition to limiting concentrations in effluent streams, the agency may limit quantities of radioactive material released in air or water during a specified period of time if it appears that the daily intake of radioactive material from air, water, or food by a suitable sample of an exposed population group, averaged over a period not exceeding one year, would otherwise exceed the daily intake resulting from continuous exposure to air or water containing one third the concentration of radioactive material specified in Table H in Rule .0423(a) of this Section.

(f) The provisions of this Section do not apply to disposal of radioactive material into sanitary sewerage systems, which is governed by Rule .0416(d) of this Section.

Authority G.S. 104E-7.

.0408 BIOASSAY SERVICES

Where necessary or desirable in order to aid in determining the extent of an individual's exposure to concentrations of radioactive material, the agency may incorporate license provisions or issue an order requiring a licensee or registrant to make available to the individual appropriate bioassay services and to furnish a copy of the reports of such services to the agency.

Authority G.S. 104E-7; 104E-12(a)(2).

.0409 SURVEYS

Each licensee or registrant shall make or cause to be made such surveys as may be necessary for him to establish compliance with these Regulations.

Authority G.S. 104E-7.

.0410 PERSONNEL MONITORING

(a) Each licensee or registrant shall supply appropriate personnel monitoring equipment to, and shall require the use of such equipment by:

- (1) each individual who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 25 percent of the applicable value specified in Rule .0402 of this Section;
- (2) each individual under 18 years of age who enters a

~~restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of five percent of the applicable value specified in Rule .0402 of this Section; and~~

~~(3) each individual who enters a high radiation area;~~

~~(b) Exposure of a personnel monitoring device to deceptively indicate a dose delivered to an individual is prohibited.~~

~~(c) With the exception of direct and indirect reading pocket ionization chambers and dosimeters used to measure the doses to the hands, forearms, feet and ankles, all personnel dosimeters which are used to comply with Rules .0402 or .0405 of this Section or with conditions in a license or registration and which require processing to determine the radiation doses shall be provided and evaluated by a dosimetry processor who is:~~

~~(1) registered to provide such services pursuant to Rule .0205 of this Chapter; and~~

~~(2) accredited by the National Voluntary Laboratory Accreditation Programs (NVLAP) of the National Bureau of Standards for the type of radiation or radiations included in the NVLAP programs that most closely approximate the type of radiation or radiations for which the individual wearing the dosimeter is monitored;~~

Authority G.S. 104E-7.

.0411 CAUTION SIGNS: LABELS: AND SIGNALS

~~(a) General requirements are as follows:~~

~~(1) Except as otherwise authorized by the agency, symbols prescribed by this Section shall use the conventional radiation caution colors, magenta or purple on yellow background. The symbol prescribed by this Section is the conventional three-bladed design, radiation symbol.~~

~~Radiation Symbol~~

~~(A) Crosshatched area is to be magenta or purple.~~

~~(B) Background is to be yellow.~~

~~(2) In addition to the contents of signs and labels prescribed in this Section, a licensee or registrant may provide on or near these signs and labels any additional information which may be appropriate in aiding individuals to minimize exposure to radiation.~~

~~(3) The word "danger" may be substituted for the word "caution" in the signs described in this Rule.~~

~~(b) Each radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:~~

~~CAUTION RADIATION AREA~~

~~(c) High radiation areas shall be posted and protected as follows:~~

~~(1) Each high radiation area shall be conspicuously posted with a sign or signs bearing the radiation~~

~~caution symbol and the words:~~

~~CAUTION HIGH RADIATION AREA~~

~~(2) Each entrance or access point to a high radiation area shall be posted with the sign described in Subparagraph (c)(1) of this Rule and shall be:~~

~~(A) equipped with a control device which shall cause the level of radiation to be reduced below that at which an individual might receive a dose of 100 millirems in one hour upon entry into the area; or~~

~~(B) equipped with a control device which shall energize a conspicuous visible or audible alarm signal in such a manner that the individual entering the high radiation area and the licensee, registrant, or a supervisor of the activity are made aware of the entry; or~~

~~(C) maintained locked except during periods when access to the area is required, with positive control over each individual entry.~~

~~(3) The controls required by Subparagraph (c)(2) of this Rule shall be established in such a way that no individual will be prevented from leaving a high radiation area.~~

~~(4) In the case of a high radiation area established for a period of 30 days or less, direct surveillance to prevent unauthorized entry may be substituted for the controls required by Subparagraph (c)(2) of this Rule.~~

~~(5) Any licensee, registrant or applicant for a license or registration may apply to the agency for approval of methods not included in Subparagraphs (c)(2) and (4) of this Rule for controlling access to high radiation areas. The agency will approve the proposed alternatives if the licensee, registrant or applicant demonstrates that the alternative methods of control will prevent unauthorized entry into a high radiation area, and that the requirements of Subparagraph (c)(2) of this Rule are met.~~

~~(6) Each area in which there may exist radiation levels in excess of 500 rems in one hour at one meter from a sealed radioactive source that is used to irradiate materials shall meet the requirements which follow:~~

~~(A) Each entrance or access point shall:~~

~~(i) be equipped with entry control devices which shall function automatically to prevent any individual from inadvertently entering the area when these radiation levels exist;~~

~~(ii) permit deliberate entry into the area only after actuation of a control device which shall cause the radiation level within the area, from the sealed source, to be reduced below that at which it would be possible for an individual to receive a dose in excess of 100 mrem in~~

- one hour; and
- (iii) ~~prevent operation of the source if the source would produce radiation levels in the area that could result in a dose to an individual in excess of 100 mrem in one hour.~~
- (B) ~~Each area shall be equipped with additional control devices such that upon failure of the entry control devices to function as required by Subparagraph (c)(6)(A) of this Rule, the radiation level within the area, from the sealed source, shall be reduced below that at which it would be possible for an individual to receive a dose in excess of 100 mrem in one hour. Visible and audible alarm signals shall be generated to make:~~
 - (i) ~~an individual attempting to enter the area aware of the hazard; and~~
 - (ii) ~~the licensee, or at least one other individual who is familiar with the activity and prepared to render or summon assistance, aware of the failure of the entry control devices.~~
- (C) ~~Each area shall be equipped with control devices, such that:~~
 - (i) ~~upon failure or removal of physical radiation barriers, other than the source's shielded storage container, the radiation level from the source shall be reduced below that at which it would be possible for an individual to receive a dose in excess of 100 mrem in one hour;~~
 - (ii) ~~visible and audible alarm signals shall be generated to make:~~
 - (I) ~~potentially affected individuals aware of the hazard; and~~
 - (II) ~~the licensee, or at least one other individual who is familiar with the activity and prepared to render or summon assistance, aware of the failure or removal of the physical barrier.~~

~~When the shield for the stored source is a liquid, means shall be provided to monitor the integrity of the shield and to signal, automatically, loss of adequate shielding. Physical radiation barriers that comprise permanent structural components, such as walls that have no credible probability of failure or removal in ordinary circumstances, need not meet the requirements of this Subparagraph.~~

- (D) ~~Each area shall be equipped with devices that will automatically generate visible and audible alarm signals to alert personnel in the area before the source can be put into operation and~~

~~in sufficient time for any individual in the area to operate a clearly identified control device which shall be installed in the area and which can prevent the source from being put into operation.~~

- (E) ~~Each area shall be controlled by use of such administrative procedures and such devices as are necessary to assure that the area is cleared of personnel prior to each use of the source preceding which use it might have been possible for an individual to have entered the area.~~
- (F) ~~Each area shall be checked by a physical radiation measurement to assure that prior to the first individual's entry into the area after any use of the source, the radiation level from the source in the area is below that at which it would be possible for an individual to receive a dose in excess of 100 mrem in one hour.~~
- (G) ~~The licensee shall test the entry control devices required in Subparagraph (c)(6)(A) of this Rule for proper functioning prior to initial operation with the source of radiation on any day that operations are not uninterruptedly continued from the previous day or before resuming operations after any unintended interruption:~~
 - (i) ~~The licensee shall maintain records of the dates, times and results of such tests of function. No such operations other than those necessary to place the source in safe condition or to effect repairs on controls shall be conducted with the source unless control devices are functioning properly.~~
 - (ii) ~~The licensee shall submit an acceptable schedule for more complete periodic tests of the entry control and warning systems to be established and adhered to as a condition of the license.~~
- (H) ~~The licensee shall have those entry and exit portals that are used in transporting materials to and from the irradiation area and, that are not intended for use by individuals, controlled by such devices and administrative procedures as are necessary to physically protect and warn against inadvertent entry by any individual through these portals. Exit portals for processed materials shall be equipped to detect and signal the presence of loose radiation sources that are carried toward such an exit and to automatically prevent the loose sources from being carried out of the area.~~
- (7) ~~Licensees with, or applicants for, licenses for radiation sources that:~~
 - (A) ~~are within the purview of Subparagraph (c)(6) of this Rule;~~

(B) ~~must be used in a variety of positions or in peculiar locations, such as open fields or forests; and~~

(C) ~~make it impracticable to comply with certain requirements of Subparagraph (c)(6) of this Rule, such as those for the automatic control of radiation levels;~~

~~may apply to the agency for approval prior to use of safety measures that are alternative to those specified in Subparagraph (c)(6) of this Rule, and that will provide at least an equivalent degree of personnel protection in the use of these sources:~~

(8) ~~At least one of the alternative measures pursuant to Subparagraph (c)(7) of this Rule must include an entry-preventing interlock control based on a physical measurement of radiation that assures the absence of high radiation levels before an individual can gain access to an area where the sources are used.~~

(9) ~~Subparagraph (c)(6) of this Rule does not apply to radioactive sources that are used in:~~

(A) ~~teletherapy;~~

(B) ~~radiography; or~~

(C) ~~completely shielded irradiators within which the source:~~

(i) ~~is both stored and operated within:~~

(I) ~~the same shielded radiation barrier, and~~

(II) ~~the designed configuration of the irradiator;~~

(ii) ~~is always inaccessible to any individual; and~~

(iii) ~~cannot create high levels of radiation in an area that is accessible to any individual.~~

(d) ~~Each airborne radioactivity area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:~~

CAUTION AIRBORNE RADIOACTIVITY AREA

(c) ~~Additional Requirements~~

(1) ~~Each area or room in which any radioactive material, other than natural uranium or thorium, is used or stored in an amount exceeding ten times the quantity of radioactive material specified in Rule .0424(a) of this Section shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:~~

CAUTION RADIOACTIVE MATERIAL

(2) ~~Each area or room in which natural uranium or thorium is used or stored in an amount exceeding 100 times the quantity specified in Rule .0424(a) of this Section shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:~~

CAUTION RADIOACTIVE MATERIAL

(f) ~~Containers~~

(1) ~~Except as provided in Subparagraph (f)(3) of this Rule each container of radioactive material shall bear a durable, clearly visible label identifying the radioactive contents:~~

(2) ~~A label required pursuant to Subparagraph (f)(1) of this Rule shall bear the radioactive caution symbol and the words:~~

CAUTION RADIOACTIVE MATERIAL

~~It shall also provide sufficient information to permit individuals handling or using the containers, or working in the vicinity thereof, to take precautions to avoid or minimize exposures. The information shall include radiation levels, kinds of material, estimate of activity and date for which activity is estimated as appropriate.~~

(3) ~~Notwithstanding the provisions of Subparagraph (f)(1) of this Rule, labeling is not required for containers which:~~

(A) ~~do not contain radioactive material in quantities greater than the applicable quantities listed in Rule .0424(a) of this Section;~~

(B) ~~contain only natural uranium or thorium in quantities no greater than ten times the applicable quantities listed in Rule .0424(a) of this Section;~~

(C) ~~do not contain radioactive material in concentrations greater than the applicable concentrations listed in Column 2, Table I in Rule .0423(a) of this Section;~~

(D) ~~are attended by an individual who takes the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established by the rules in this Section;~~

(E) ~~are in transport and are packaged and labeled in accordance with regulations published by the Department of Transportation;~~

(F) ~~accessible only to individuals authorized to handle or use them or to work in the vicinity thereof, provided that the contents are identified to such individuals by a readily available written record, for example, containers in locations such as waterfilled canals, storage vaults, or hot cells; and~~

(G) ~~are manufacturing and processing equipment such as piping and tanks.~~

(4) ~~Each licensee shall, prior to disposal of an empty uncontaminated container to unrestricted areas, remove or deface the radioactive material label or otherwise clearly indicate that the container no longer contains radioactive materials.~~

(g) ~~All radiation machines shall be labeled in a manner which cautions individuals that radiation is produced when the~~

machine is being operated:

Authority G.S. 104E-7; 104E-12(a)(1).

.0412 EXCEPTIONS FROM POSTING AND LABELING

Notwithstanding the provisions of Rule .0411 of this Section:

- (1) ~~A room or area is not required to be posted with a caution sign because of the presence of a sealed source, provided the radiation level 12 inches from the surface of the source container or housing does not exceed five millirems per hour.~~
- (2) ~~Rooms or other areas in hospitals are not required to be posted with caution signs and control of entrance or access thereto, pursuant to Rule .0411(c) of this Section, because of the presence of patients containing radioactive material provided that there are personnel in attendance who will take the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established in the Rules of this Section.~~
- (3) ~~Caution signs are not required to be posted in areas or rooms containing radioactive material for periods of less than eight hours provided that:~~
 - (a) ~~The material is constantly attended during such periods by an individual who shall take the precautions necessary to prevent the exposure of an individual to radiation or radioactive material in excess of the limits established in this Section; and~~
 - (b) ~~the area or room is subject to the licensee's or registrant's control.~~
- (4) ~~A room or other area is not required to be posted with a caution sign, and control is not required for each entrance or access point to a room or other area which is a high radiation area solely because of the presence of radioactive material prepared for transport and packaged and labeled in accordance with regulations of the Department of Transportation.~~

Authority G.S. 104E-7.

.0413 INSTRUCTION OF PERSONNEL

~~Instructions required for individuals working in or frequenting any portion of a restricted area are specified in Rule .1003 of this Chapter.~~

Authority G.S. 104E-7.

.0414 STORAGE OF SOURCES OF RADIATION

- (a) ~~Sources of radiation shall be secured against unauthorized removal from the place of storage.~~
- (b) ~~Sources of radiation in an unrestricted area and not in storage shall be tended under the constant surveillance and~~

~~immediate control of the licensee or registrant.~~

Authority G.S. 104E-7.

.0415 PICKING UP: RECEIVING: AND OPENING PACKAGES

(a) ~~Each licensee or registrant who expects to receive a package containing quantities of radioactive material in excess of the Type A quantities specified in Rule .0113 of this Chapter shall:~~

- (1) ~~If the package is to be delivered to the licensee's or registrant's facility by the carrier, make arrangements to receive the package when it is offered for delivery by the carrier; or~~
- (2) ~~If the package is to be picked up by the licensee or registrant at the carrier's terminal, make arrangements to receive notification from the carrier of the arrival of the package, at the time of arrival.~~

(b) ~~Each licensee or registrant who picks up a package of radioactive material from a carrier's terminal shall pick up the package expeditiously upon receipt of notification from the carrier of its arrival.~~

(c) ~~Each licensee or registrant, upon receipt of a package of radioactive material, shall monitor the external surfaces of the package for radioactive contamination caused by leakage of the radioactive contents, except that the following are not required to be monitored:~~

- (1) ~~packages containing less than one millicurie of beta or gamma emitting radioactive material or ten microcuries of alpha emitting radioactive material;~~
- (2) ~~packages containing no more than ten millicuries of radioactive material consisting solely of tritium, carbon-14, sulfur-35, or iodine-125;~~
- (3) ~~packages containing only radioactive material as gases or in special form;~~
- (4) ~~packages containing only radioactive material in other than liquid form including Mo-99/Tc-99m generators, and not exceeding the Type A quantity limit specified in Rule .0113 of this Chapter; and~~
- (5) ~~packages containing only radionuclides with half-lives of less than 30 days and a total quantity of no more than 100 millicuries.~~

~~The monitoring shall be performed as soon as practicable after receipt, but no later than three hours after the package is received at the licensee's facility if received during the licensee's normal working hours, or within 18 hours after receipt if received after normal working hours.~~

(d) ~~If removable radioactive contamination in excess of 0.01 microcurie or 22,200 disintegrations per minute per 100 square centimeters of package surface, is found on the external surfaces of the package, the licensee shall immediately notify the final delivering carrier and, by telephone and by telegraph, mailgram or facsimile, the agency.~~

(e) ~~Each licensee or registrant, upon receipt of a package containing quantities of radioactive material in excess of the Type A quantities specified in Rule .0113 of this Chapter, other than those transported by exclusive use vehicle, shall monitor~~

the radiation levels external to the package. The package shall be monitored as soon as practicable after receipt, but no later than three hours after the package is received at the licensee's facility if received during the licensee's normal working hours, or within 18 hours after receipt if received after normal working hours.

(f) If radiation levels are found on the external surface of the package in excess of 200 millirem per hour, or at three feet from the external surface of the package in excess of ten millirem per hour, the licensee or registrant shall immediately notify, by telephone and by telegraph, mailgram or facsimile, the final delivering carrier and the agency.

(g) Each licensee or registrant shall establish and maintain procedures for safely opening packages in which radioactive material is received, and shall assure that these procedures are followed and that due consideration is given to special instructions for the type of package being opened.

Authority G.S. 104E-7.

.0416 WASTE DISPOSAL

(a) No licensee shall dispose of any radioactive material except:

- (1) by transfer to an authorized recipient as provided in Section .0300 of this Chapter, or
- (2) as authorized pursuant to the provisions of this Rule or Rule .0407 of this Section.

(b) Any person may apply to the agency for approval of proposed procedures to dispose of radioactive material in a manner not otherwise authorized in this Section. Each applicant shall include:

- (1) a description of the radioactive material, including the quantities and kinds of radioactive material and levels of radioactivity involved, and the proposed manner and conditions of disposal;
- (2) where appropriate, an analysis and evaluation of pertinent information as to:
 - (A) the nature of the environment, including topographical, geological, meteorological, and hydrological characteristics;
 - (B) usage of ground and surface waters in the general area;
 - (C) the nature and location of other potentially affected facilities; and
 - (D) procedures to be observed to minimize the risk of unexpected or hazardous exposures.

(c) The agency will not approve any application for a license to receive radioactive material from other persons for disposal on land not owned by the state or the federal government.

(d) No licensee shall discharge radioactive material into a sanitary sewerage system unless:

- (1) It is readily soluble or dispersible in water;
- (2) The quantity of any radioactive material released into the system by the licensee in any one day does not exceed the larger of Subparagraphs (d)(2)(A) and (B) of this Rule:
 - (A) the quantity which, if diluted by the average

daily quantity of sewage released into the sewer by the licensee, will result in an average concentration not greater than the limits specified in Table I, Column 2 of Rule .0423(a) of this Section; or

(B) ten times the quantity of the radioactive material specified in the table in Rule .0424(a) of this Section.

(3) The quantity of any radioactive material released in any one month, if diluted by the average monthly quantity of water released by the licensee, will not result in an average concentration exceeding the limits specified in Table I, Column 2 of Rule .0423(a) of this Section.

(4) The gross quantity of licensed and other radioactive material, excluding hydrogen-3 and carbon-14, released into the sanitary sewerage system by the licensee does not exceed one curie per year. The quantities of hydrogen-3 and carbon-14 released to the sanitary sewerage system may not exceed five curies per year for hydrogen-3 and one curie per year for carbon-14.

(5) Excreta from individuals undergoing medical diagnosis or therapy with radioactive materials are exempt from any limitations contained in this Rule.

(e) No licensee shall dispose of radioactive material by burial in soil except as specifically approved by the agency pursuant to (b) of this Rule.

(f) No licensee shall incinerate radioactive material for the purpose of disposal or preparation for disposal except as specifically approved by the agency pursuant to (b) of this Rule and Rule .0407 of this Section. Rule .0348 of this Chapter imposes additional requirements for radioactive waste processing facilities which include incineration.

(g) The Commission or its designee shall conduct a public hearing in any county in which a person proposes to operate a radioactive waste processing facility or a radioactive waste disposal facility, as defined in Rule .0104 of this Chapter, or to enlarge an existing facility for such processing or disposal. Rules governing this hearing shall be those found in 15A NCAC 1B .0200.

(h) Any licensee may dispose of the following licensed material without regard to its radioactivity:

- (1) 0.05 microcurie or less of hydrogen-3, carbon-14 and iodine-125 per gram of medium, used for liquid scintillation counting; and
- (2) 0.05 microcurie or less of hydrogen-3, carbon-14 or iodine-125 per gram of animal tissue averaged over the weight of the entire animal; provided however, such tissue may not be disposed of in a manner that would permit its use either as food for humans or as animal feed.

(i) Nothing in (h) of this Rule relieves the licensee of responsibility for:

- (1) maintaining records showing the receipt, transfer and disposal of radioactive material as required in Rule .0417 of this Section; and

- (2) ~~complying with other applicable federal, state and local regulations governing any other toxic or hazardous property of the materials specified in (h) of this Rule.~~

Authority G.S. 104E-7(2), (5).

.0417 RECORDS

(a) ~~Each licensee or registrant shall maintain records showing the radiation exposures of all individuals for whom personnel monitoring is required under Rule .0410 of this Section. Such records shall be kept on appropriate form(s) provided by the agency in accordance with the instructions contained in that form, or on clear and legible records containing all the information required by the agency form. The doses entered on the forms or records shall be for periods of time not exceeding one calendar quarter.~~

(b) ~~Each licensee or registrant shall maintain records in the same units used in this Section, showing the results of surveys required by Rule .0409 of this Section, monitoring required by Rules .0415(c) and (e) of this Section, and disposal made pursuant to the provisions of Rule .0416(b) and (d) of this Section.~~

(c) ~~Records of individual exposure to radiation and to radioactive material which must be maintained pursuant to the provisions of (a) of this Rule and records of bioassays, including results of whole body counting examinations, made pursuant to Rule .0408 of this Section shall be preserved until the agency authorizes disposition.~~

(d) ~~Records of the results of surveys and monitoring which must be maintained pursuant to (b) of this Rule shall be preserved for two years after completion of the survey except that the following records shall be maintained until the agency authorizes their disposition:~~

- (1) ~~records of the results of surveys to determine compliance with Rule .0404(a) of this Section;~~
- (2) ~~in the absence of personnel monitoring data, records of the results of surveys to determine external radiation dose;~~
- (3) ~~records of the results of surveys used to evaluate the release of radioactive effluents to the environment;~~
- (4) ~~records of licensed radioactive material which is disposed of pursuant to provisions of Rule .0416(b) and (e) of this Section shall be maintained until the agency authorizes their disposition.~~

(e) ~~Records of disposal of radioactive material made pursuant to Rule .0416 of this Section shall be maintained until the agency authorizes their disposition.~~

(f) ~~Records which must be maintained pursuant to this Section may be the original or a reproduced copy or microform if such reproduced copy or microform is duly authenticated by authorized personnel and the microform is capable of producing a clear and legible copy after storage for the period specified by agency rules.~~

(g) ~~If there is a conflict between the agency rules in this Section, license condition, or other written agency approval or authorization pertaining to the retention period for the same~~

type of record, the retention period specified in the rules in this Section for such records shall apply unless the agency, pursuant to Rule .0106 of this Chapter, has granted a specific exemption from the record retention requirements specified in the rules in this Section.

(h) ~~The discontinuance of or curtailment of activities, does not relieve the licensee or registrant of responsibility for retaining all records required by this Rule. A licensee or registrant may, however, request the agency to accept such records. The acceptance of the records by the agency relieves the licensee or registrant of subsequent responsibility only in respect to their preservation as required by this Rule.~~

Authority G.S. 104E-7(2); 104E-12(a).

.0418 REPORTS OF THEFT OR LOSS

~~Each licensee or registrant shall report by telephone and telegraph to the agency the theft or loss of any source of radiation immediately after the occurrence becomes known to the licensee or registrant.~~

Authority G.S. 104E-7.

.0419 NOTIFICATION OF INCIDENTS

(a) ~~Each licensee or registrant shall immediately notify the agency by telephone and telegraph of any incident involving any source of radiation possessed by him and which may have caused or threatens to cause:~~

- (1) ~~a dose to the whole body of any individual of 25 rems or more; a dose to the skin of the whole body of any individual of 150 rems or more; or a dose to the feet, ankles, hands, or forearms of any individual of 375 rems or more;~~
- (2) ~~the release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 5,000 times the limits specified for such materials in Table II in Rule .0423(a) of this Section;~~
- (3) ~~a loss of one working week or more of the operation of any facilities affected; or~~
- (4) ~~damage to property in excess of \$200,000.~~

(b) ~~Each licensee or registrant shall within 24 hours notify the agency by telephone and telegraph of any incident involving any source of radiation possessed by him and which may have caused or threatens to cause:~~

- (1) ~~a dose to the whole body of an individual of five rems or more; a dose to the skin of the whole body of any individual of 30 rems or more; or a dose to the feet, ankles, hands, or forearms of 75 rems or more;~~
- (2) ~~the release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 500 times the limits specified for such materials in Table II in Rule .0423(a) of this Section;~~
- (3) ~~a loss of one day or more of the operation of any facilities affected; or~~
- (4) ~~damage to property in excess of \$2000.~~

(c) ~~Any report filed with the agency pursuant to this Rule~~

shall be prepared in such a manner that names of individuals who have received excessive doses will be stated in a separate part of the report:

Authority G.S. 104E-7.

.0420 OVEREXPOSURES AND EXCESSIVE LEVELS AND CONCENTRATIONS

(a) In addition to any notification required by Rule .0419 of this Section, each licensee or registrant shall make a report in writing within 30 days to the agency of:

- (1) each exposure of an individual to radiation or concentrations of radioactive material in excess of any applicable limit as set forth in this Section or as otherwise approved by the agency;
- (2) any incident for which notification is required by Rule .0419 of this Section;
- (3) levels of radiation or concentrations of radioactive material in an unrestricted area in excess of ten times any applicable limit as set forth in this Section or as otherwise approved by the agency, but not involving excessive exposure of any individual.

(b) Each report required under this Rule shall describe the extent of exposure of individuals to radiation or to radioactive material, including estimates of each individual's dose as required by Subparagraph (a)(1) of this Rule; levels of radiation and concentrations of radioactive material involved; the cause of exposure, levels of concentrations, and corrective steps taken or planned to assure against a recurrence.

(c) Any report filed with the agency pursuant to this Rule shall include, for each individual exposed, the name, social security number, and date of birth; and an estimate of the

individual's dose. The report shall be prepared so that this information is stated in a separate part of the report.

Authority G.S. 104E-7.

.0421 VACATING PREMISES

No less than 30 days before vacating or relinquishing possession or control of premises which may have been contaminated with radioactive material as a result of his activities, each specific licensee shall notify the agency in writing of intent to vacate. When deemed necessary by the agency, the licensee shall decontaminate the premises in such a manner as the agency may specify.

Authority G.S. 104E-7.

.0422 NOTIFICATION AND REPORTS TO INDIVIDUALS

(a) Requirements for notification and reports to individuals of exposure to radiation or radioactive material are specified in Rule .1004 of this Chapter.

(b) When a licensee or registrant is required pursuant to Rule .0420 of this Section to report to the agency any exposure of an individual to radiation or radioactive material, the licensee or registrant shall also notify the individual. Such notice shall be transmitted at a time not later than the transmittal to the agency, and shall comply with the provisions of Rule .1004(a) of this Chapter.

Authority G.S. 104E-7; 104E-12(b).

.0423 REFERENCE CONCENTRATIONS IN AIR AND WATER

(a) The following table consists of reference concentrations of radioactive material above natural background in air and water for use in conjunction with the Rules of this Chapter:

(1) CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND

			Table I		Table II	
Element (atomic number)	Isotope		Column 1	Column 2	Column 1	Column 2
			Air (uCi/ml)	Water (uCi/ml)	Air (uCi/ml)	Water (uCi/ml)
Actinium (89)	Ac 227	S	2×10^{-12}	6×10^{-5}	8×10^{-14}	2×10^{-6}
		I	3×10^{-11}	9×10^{-5}	9×10^{-13}	3×10^{-4}
	Ac 228	S	8×10^{-8}	3×10^{-3}	3×10^{-9}	9×10^{-5}
		I	2×10^{-8}	3×10^{-3}	6×10^{-10}	9×10^{-5}
Americium (95)	Am 241	S	6×10^{-12}	1×10^{-4}	2×10^{-13}	4×10^{-6}
		I	1×10^{-10}	8×10^{-4}	4×10^{-12}	2×10^{-5}
	Am 242m	S	6×10^{-12}	1×10^{-4}	2×10^{-13}	4×10^{-6}
		I	3×10^{-10}	3×10^{-3}	9×10^{-12}	9×10^{-5}
	Am 242	S	4×10^{-8}	4×10^{-3}	1×10^{-9}	1×10^{-4}
		I	5×10^{-8}	4×10^{-3}	2×10^{-9}	1×10^{-4}
	Am 243	S	6×10^{-12}	1×10^{-4}	2×10^{-13}	4×10^{-6}
		I				

PROPOSED RULES

		I	1×10^{-10}	8×10^{-4}	4×10^{-12}	3×10^{-5}
	Am 244	S	4×10^{-6}	1×10^{-1}	1×10^{-7}	5×10^{-3}
		I	2×10^{-5}	1×10^{-1}	4×10^{-7}	5×10^{-3}
Antimony (51)	Sb 122	S	2×10^{-7}	8×10^{-4}	6×10^{-9}	3×10^{-5}
		I	1×10^{-7}	8×10^{-4}	5×10^{-9}	3×10^{-5}
	Sb 124	S	2×10^{-7}	7×10^{-4}	5×10^{-9}	2×10^{-5}
		I	2×10^{-8}	7×10^{-4}	7×10^{-10}	2×10^{-5}
	Sb 125	S	5×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
		I	3×10^{-8}	3×10^{-3}	9×10^{-10}	1×10^{-4}
Argon (18)	Ar 37	Sub	6×10^{-3}		1×10^{-4}	-----
	Ar 41	Sub	2×10^{-6}		4×10^{-8}	-----
Arsenic (33)	As 73	S	2×10^{-6}	1×10^{-2}	7×10^{-8}	5×10^{-4}
		I	4×10^{-7}	1×10^{-2}	1×10^{-8}	5×10^{-4}
	As 74	S	3×10^{-7}	2×10^{-3}	1×10^{-8}	5×10^{-5}
		I	1×10^{-7}	2×10^{-3}	4×10^{-9}	5×10^{-5}
	As 76	S	1×10^{-7}	6×10^{-4}	4×10^{-9}	2×10^{-5}
		I	1×10^{-7}	6×10^{-4}	4×10^{-9}	2×10^{-5}
	As 77	S	5×10^{-7}	2×10^{-3}	2×10^{-8}	8×10^{-5}
		I	4×10^{-7}	2×10^{-3}	1×10^{-8}	8×10^{-5}
Astatine (85)	At 211	S	7×10^{-3}	5×10^{-5}	2×10^{-10}	2×10^{-6}
		I	3×10^{-8}	2×10^{-3}	1×10^{-9}	7×10^{-5}
Barium (56)	Ba 131	S	1×10^{-6}	5×10^{-3}	4×10^{-8}	2×10^{-4}
		I	4×10^{-7}	5×10^{-3}	1×10^{-8}	2×10^{-4}
	Ba 140	S	1×10^{-7}	8×10^{-4}	4×10^{-9}	3×10^{-5}
		I	4×10^{-8}	7×10^{-4}	1×10^{-9}	2×10^{-5}
Berkelium (97)	Bk 249	S	9×10^{-10}	2×10^{-2}	3×10^{-11}	6×10^{-4}
		I	1×10^{-7}	2×10^{-2}	4×10^{-9}	6×10^{-4}
	Bk 250	S	1×10^{-7}	6×10^{-3}	5×10^{-9}	2×10^{-4}
		I	1×10^{-6}	6×10^{-3}	4×10^{-8}	2×10^{-4}
Beryllium (4)	Be 7	S	6×10^{-6}	5×10^{-2}	2×10^{-7}	2×10^{-3}
		I	1×10^{-6}	5×10^{-2}	4×10^{-8}	2×10^{-3}
Bismuth (83)	Bi 206	S	2×10^{-7}	1×10^{-3}	6×10^{-9}	4×10^{-5}
		I	1×10^{-7}	1×10^{-3}	5×10^{-9}	4×10^{-5}
	Bi 207	S	2×10^{-7}	2×10^{-3}	6×10^{-9}	6×10^{-5}
		I	1×10^{-8}	2×10^{-3}	5×10^{-10}	6×10^{-5}
	Bi 210	S	6×10^{-9}	1×10^{-3}	2×10^{-10}	4×10^{-5}
		I	6×10^{-9}	1×10^{-3}	2×10^{-10}	4×10^{-5}
	Bi 212	S	1×10^{-7}	1×10^{-2}	3×10^{-9}	4×10^{-4}
		I	2×10^{-7}	1×10^{-2}	7×10^{-9}	4×10^{-4}
Bromine (35)	Br 82	S	1×10^{-6}	8×10^{-3}	4×10^{-8}	3×10^{-4}
		I	2×10^{-7}	1×10^{-3}	6×10^{-9}	4×10^{-5}
Cadmium (48)	Cd 109	S	5×10^{-8}	5×10^{-3}	2×10^{-9}	2×10^{-4}
		I	7×10^{-8}	5×10^{-3}	3×10^{-9}	2×10^{-4}
	Cd 115m	S	4×10^{-8}	7×10^{-4}	1×10^{-9}	3×10^{-5}
		I	4×10^{-8}	7×10^{-4}	1×10^{-9}	3×10^{-5}
	Cd 115	S	2×10^{-7}	1×10^{-3}	8×10^{-9}	3×10^{-5}
		I	2×10^{-7}	1×10^{-3}	6×10^{-9}	4×10^{-5}
Calcium (20)	Ca 45	S	3×10^{-8}	3×10^{-4}	1×10^{-9}	9×10^{-6}
		I	1×10^{-7}	5×10^{-3}	4×10^{-9}	2×10^{-4}
	Ca 47	S	2×10^{-7}	1×10^{-3}	6×10^{-9}	5×10^{-5}
		I	2×10^{-7}	1×10^{-3}	6×10^{-9}	3×10^{-5}
Californium (98)	Cf 249	S	2×10^{-12}	1×10^{-4}	5×10^{-14}	4×10^{-6}
		I	1×10^{-10}	7×10^{-4}	3×10^{-12}	2×10^{-5}
	Cf 250	S	5×10^{-12}	4×10^{-4}	2×10^{-13}	1×10^{-5}
		I	1×10^{-10}	7×10^{-4}	3×10^{-12}	3×10^{-5}
	Cf 251	S	2×10^{-12}	1×10^{-4}	6×10^{-14}	4×10^{-6}
		I	1×10^{-10}	8×10^{-4}	3×10^{-12}	3×10^{-5}

PROPOSED RULES

	Cf 252	S	2×10^{-11}	7×10^{-4}	7×10^{-13}	2×10^{-5}
		I	1×10^{-10}	7×10^{-4}	4×10^{-12}	2×10^{-5}
	Cf 253	S	8×10^{-10}	4×10^{-3}	3×10^{-11}	1×10^{-4}
		I	8×10^{-10}	4×10^{-3}	3×10^{-11}	1×10^{-4}
	Cf 254	S	5×10^{-12}	4×10^{-6}	2×10^{-13}	1×10^{-7}
		I	5×10^{-12}	4×10^{-6}	2×10^{-13}	1×10^{-7}
Carbon (6)	C 14	S	4×10^{-6}	2×10^{-2}	1×10^{-7}	8×10^{-4}
	[CO (2)]	Sub	5×10^{-4}		1×10^{-6}	-----
Cerium (58)	Ce 141	S	4×10^{-7}	3×10^{-3}	2×10^{-8}	9×10^{-5}
		I	2×10^{-7}	3×10^{-3}	5×10^{-9}	9×10^{-5}
	Ce 143	S	3×10^{-7}	1×10^{-3}	9×10^{-9}	4×10^{-5}
		I	2×10^{-7}	1×10^{-3}	7×10^{-9}	4×10^{-5}
	Ce 144	S	1×10^{-8}	3×10^{-4}	3×10^{-10}	1×10^{-5}
		I	6×10^{-9}	3×10^{-4}	2×10^{-10}	1×10^{-5}
Cesium (55)	Cs 131	S	1×10^{-5}	7×10^{-2}	4×10^{-7}	2×10^{-3}
		I	3×10^{-6}	3×10^{-2}	1×10^{-7}	9×10^{-4}
	Cs 134m	S	4×10^{-5}	2×10^{-1}	1×10^{-6}	6×10^{-3}
		I	6×10^{-6}	3×10^{-2}	2×10^{-7}	1×10^{-3}
	Cs 134	S	4×10^{-8}	3×10^{-4}	1×10^{-9}	9×10^{-6}
		I	1×10^{-8}	1×10^{-3}	4×10^{-10}	4×10^{-5}
	Cs 135	S	5×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
		I	9×10^{-8}	7×10^{-3}	3×10^{-9}	2×10^{-4}
	Cs 136	S	4×10^{-7}	2×10^{-3}	1×10^{-8}	9×10^{-5}
		I	2×10^{-7}	2×10^{-3}	6×10^{-9}	6×10^{-5}
	Cs 137	S	6×10^{-8}	4×10^{-4}	2×10^{-9}	2×10^{-5}
		I	1×10^{-8}	1×10^{-3}	5×10^{-10}	4×10^{-5}
Chlorine (17)	Cl 36	S	4×10^{-7}	2×10^{-3}	1×10^{-8}	8×10^{-5}
		I	2×10^{-8}	2×10^{-3}	8×10^{-10}	6×10^{-5}
	Cl 38	S	3×10^{-6}	1×10^{-2}	9×10^{-8}	4×10^{-4}
		I	2×10^{-6}	1×10^{-2}	7×10^{-8}	4×10^{-4}
Chromium (24)	Cr 51	S	1×10^{-5}	5×10^{-2}	4×10^{-7}	2×10^{-3}
		I	2×10^{-6}	5×10^{-2}	8×10^{-8}	2×10^{-3}
Cobalt (27)	Co 57	S	3×10^{-6}	2×10^{-2}	1×10^{-7}	5×10^{-4}
		I	2×10^{-6}	1×10^{-2}	6×10^{-8}	4×10^{-4}
	Co 58m	S	2×10^{-5}	8×10^{-2}	6×10^{-7}	3×10^{-3}
		I	9×10^{-6}	6×10^{-2}	3×10^{-7}	2×10^{-3}
	Co 58	S	8×10^{-7}	4×10^{-3}	3×10^{-8}	1×10^{-4}
		I	5×10^{-8}	3×10^{-3}	2×10^{-9}	9×10^{-5}
	Co 60	S	3×10^{-7}	1×10^{-3}	1×10^{-8}	5×10^{-5}
		I	9×10^{-9}	1×10^{-3}	3×10^{-10}	3×10^{-5}
Copper (29)	Cu 64	S	2×10^{-6}	1×10^{-2}	7×10^{-6}	3×10^{-4}
		I	1×10^{-6}	6×10^{-3}	4×10^{-8}	2×10^{-4}
Curium (96)	Cm 242	S	1×10^{-10}	7×10^{-4}	4×10^{-12}	2×10^{-5}
		I	2×10^{-10}	7×10^{-4}	6×10^{-12}	3×10^{-5}
	Cm 243	S	6×10^{-12}	1×10^{-4}	2×10^{-13}	5×10^{-6}
		I	1×10^{-10}	7×10^{-4}	3×10^{-12}	2×10^{-5}
	Cm 244	S	9×10^{-12}	2×10^{-4}	3×10^{-13}	7×10^{-6}
		I	1×10^{-10}	8×10^{-4}	3×10^{-12}	3×10^{-5}
	Cm 245	S	5×10^{-12}	1×10^{-4}	2×10^{-13}	4×10^{-6}
		I	1×10^{-10}	8×10^{-4}	4×10^{-12}	3×10^{-5}
	Cm 246	S	5×10^{-12}	1×10^{-4}	2×10^{-13}	4×10^{-6}
		I	1×10^{-10}	8×10^{-4}	4×10^{-12}	3×10^{-5}
	Cm 247	S	5×10^{-12}	1×10^{-4}	2×10^{-13}	4×10^{-6}
		I	1×10^{-10}	6×10^{-4}	4×10^{-12}	2×10^{-5}
	Cm 248	S	6×10^{-13}	1×10^{-5}	2×10^{-14}	4×10^{-7}
		I	1×10^{-11}	4×10^{-5}	4×10^{-13}	1×10^{-6}
	Cm 249	S	1×10^{-5}	6×10^{-2}	4×10^{-7}	2×10^{-3}

PROPOSED RULES

		I	1×10^{-5}	6×10^{-2}	4×10^{-7}	2×10^{-3}
Dysprosium (66)	Dy 165	S	3×10^{-6}	1×10^{-2}	9×10^{-8}	4×10^{-4}
		I	2×10^{-6}	1×10^{-2}	7×10^{-8}	4×10^{-4}
	Dy 166	S	2×10^{-7}	1×10^{-3}	8×10^{-9}	4×10^{-5}
		I	2×10^{-7}	1×10^{-3}	7×10^{-9}	4×10^{-5}
Einsteinium (99)	Es 253	S	8×10^{-10}	7×10^{-4}	3×10^{-11}	2×10^{-5}
		I	6×10^{-10}	7×10^{-4}	2×10^{-11}	2×10^{-5}
	Es 254m	S	5×10^{-9}	5×10^{-4}	2×10^{-10}	2×10^{-5}
		I	6×10^{-9}	5×10^{-4}	2×10^{-10}	2×10^{-5}
	Es 254	S	2×10^{-11}	4×10^{-4}	6×10^{-13}	1×10^{-5}
		I	1×10^{-10}	4×10^{-4}	4×10^{-12}	1×10^{-5}
	Es 255	S	5×10^{-10}	8×10^{-4}	2×10^{-11}	3×10^{-5}
		I	4×10^{-10}	8×10^{-4}	1×10^{-11}	3×10^{-5}
Erbium (68)	Er 169	S	6×10^{-7}	3×10^{-3}	2×10^{-8}	9×10^{-5}
		I	4×10^{-7}	3×10^{-3}	1×10^{-8}	9×10^{-5}
	Er 171	S	7×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
		I	6×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
Europium (63)	Eu 152	S	4×10^{-7}	2×10^{-3}	1×10^{-8}	6×10^{-5}
	(T/2 = 9.2 hrs)	I	3×10^{-7}	2×10^{-3}	1×10^{-8}	6×10^{-5}
	Eu 152	S	1×10^{-8}	2×10^{-3}	4×10^{-10}	8×10^{-5}
	(T/2 = 13 yrs)	I	2×10^{-8}	2×10^{-3}	6×10^{-10}	8×10^{-5}
	Eu 154	S	4×10^{-9}	6×10^{-4}	1×10^{-10}	2×10^{-5}
		I	7×10^{-9}	6×10^{-4}	2×10^{-10}	2×10^{-5}
	Eu 155	S	9×10^{-8}	6×10^{-3}	3×10^{-9}	2×10^{-4}
		I	7×10^{-8}	6×10^{-3}	3×10^{-9}	2×10^{-4}
Fermium (100)	Fm 254	S	6×10^{-8}	4×10^{-3}	2×10^{-9}	1×10^{-4}
		I	7×10^{-8}	4×10^{-3}	2×10^{-9}	1×10^{-4}
	Fm 255	S	2×10^{-8}	1×10^{-3}	6×10^{-10}	3×10^{-5}
		I	1×10^{-8}	1×10^{-3}	4×10^{-10}	3×10^{-5}
	Fm 256	S	3×10^{-9}	3×10^{-5}	1×10^{-10}	9×10^{-7}
		I	2×10^{-9}	3×10^{-5}	6×10^{-11}	9×10^{-7}
Flourine (9)	F 18	S	5×10^{-10}	2×10^{-2}	2×10^{-7}	8×10^{-4}
		I	3×10^{-10}	1×10^{-2}	9×10^{-8}	5×10^{-4}
Gadolinium (64)	Gd 153	S	2×10^{-7}	6×10^{-3}	8×10^{-9}	2×10^{-4}
		I	9×10^{-8}	6×10^{-3}	3×10^{-9}	2×10^{-4}
	Gd 159	S	5×10^{-7}	2×10^{-3}	2×10^{-8}	8×10^{-5}
		I	4×10^{-7}	2×10^{-3}	1×10^{-8}	8×10^{-5}
Gallium (31)	Ga 72	S	2×10^{-7}	1×10^{-3}	8×10^{-9}	4×10^{-5}
		I	2×10^{-7}	1×10^{-3}	6×10^{-9}	4×10^{-5}
Germanium (32)	Ge 71	S	1×10^{-5}	5×10^{-2}	4×10^{-7}	2×10^{-3}
		I	6×10^{-6}	5×10^{-2}	2×10^{-7}	2×10^{-3}
Gold (79)	Au 196	S	1×10^{-6}	5×10^{-3}	4×10^{-8}	2×10^{-4}
		I	6×10^{-7}	4×10^{-3}	2×10^{-8}	1×10^{-4}
	Au 198	S	3×10^{-7}	2×10^{-3}	1×10^{-8}	5×10^{-5}
		I	2×10^{-7}	1×10^{-3}	8×10^{-9}	5×10^{-5}
	Au 199	S	1×10^{-6}	5×10^{-3}	4×10^{-8}	2×10^{-4}
		I	8×10^{-7}	4×10^{-3}	3×10^{-8}	2×10^{-4}
Hafnium (72)	Hf 181	S	4×10^{-8}	2×10^{-3}	1×10^{-9}	7×10^{-5}
		I	7×10^{-8}	2×10^{-3}	3×10^{-9}	7×10^{-5}
Holmium (67)	Ho 166	S	2×10^{-7}	9×10^{-4}	7×10^{-9}	3×10^{-5}
		I	2×10^{-7}	9×10^{-4}	6×10^{-9}	3×10^{-5}
Hydrogen (1)	H 3	S	5×10^{-10}	1×10^{-1}	2×10^{-7}	3×10^{-3}
		I	5×10^{-10}	1×10^{-1}	2×10^{-7}	3×10^{-3}
Indium (49)	In 113m	S	8×10^{-6}	4×10^{-2}	3×10^{-7}	1×10^{-3}
Indium (49)	In 113m	S	8×10^{-6}	4×10^{-2}	3×10^{-7}	1×10^{-3}
		I	7×10^{-6}	4×10^{-2}	2×10^{-7}	1×10^{-3}
	In 114m	S	1×10^{-7}	5×10^{-4}	4×10^{-9}	2×10^{-5}

PROPOSED RULES

		I	2×10^{-8}	5×10^{-4}	7×10^{-10}	2×10^{-5}
	In 115m	S	2×10^{-10}	1×10^{-2}	8×10^{-8}	4×10^{-4}
		I	2×10^{-10}	1×10^{-2}	6×10^{-8}	4×10^{-4}
	In 115	S	2×10^{-7}	3×10^{-3}	9×10^{-9}	9×10^{-5}
		I	3×10^{-8}	3×10^{-3}	1×10^{-9}	9×10^{-5}
Iodine (53)	I 125	S	5×10^{-9}	4×10^{-5}	8×10^{-11}	2×10^{-7}
		I	2×10^{-7}	6×10^{-3}	6×10^{-9}	2×10^{-4}
	I 126	S	8×10^{-9}	5×10^{-5}	9×10^{-11}	3×10^{-7}
		I	3×10^{-7}	3×10^{-3}	1×10^{-8}	9×10^{-5}
	I 129	S	2×10^{-9}	1×10^{-5}	2×10^{-11}	6×10^{-8}
		I	7×10^{-8}	6×10^{-3}	2×10^{-9}	2×10^{-4}
		S	9×10^{-9}	6×10^{-5}	1×10^{-10}	3×10^{-7}
		I	3×10^{-7}	2×10^{-3}	1×10^{-8}	6×10^{-5}
	I 132	S	2×10^{-7}	2×10^{-3}	3×10^{-9}	8×10^{-5}
		I	9×10^{-7}	5×10^{-3}	3×10^{-8}	2×10^{-4}
	I 133	S	3×10^{-8}	2×10^{-4}	4×10^{-10}	1×10^{-5}
		I	2×10^{-7}	1×10^{-3}	7×10^{-9}	4×10^{-5}
	I 134	S	5×10^{-7}	4×10^{-3}	6×10^{-9}	2×10^{-5}
		I	3×10^{-6}	2×10^{-2}	1×10^{-7}	6×10^{-4}
	I 135	S	1×10^{-7}	7×10^{-4}	1×10^{-9}	4×10^{-5}
		I	4×10^{-7}	2×10^{-3}	1×10^{-8}	7×10^{-5}
Iridium (77)	Ir 190	S	1×10^{-6}	6×10^{-3}	4×10^{-8}	2×10^{-4}
		I	4×10^{-7}	5×10^{-3}	1×10^{-8}	2×10^{-4}
	Ir 192	S	1×10^{-7}	1×10^{-3}	4×10^{-9}	4×10^{-5}
		I	3×10^{-8}	1×10^{-3}	9×10^{-10}	4×10^{-5}
	Ir 194	S	2×10^{-7}	1×10^{-3}	8×10^{-9}	3×10^{-5}
		I	2×10^{-7}	9×10^{-4}	5×10^{-9}	3×10^{-5}
Iron (26)	Fe 55	S	9×10^{-7}	2×10^{-2}	3×10^{-8}	8×10^{-4}
		I	1×10^{-6}	7×10^{-2}	3×10^{-8}	2×10^{-3}
	Fe 59	S	1×10^{-7}	2×10^{-3}	5×10^{-9}	6×10^{-5}
		I	5×10^{-8}	2×10^{-3}	2×10^{-9}	5×10^{-5}
Krypton (36)	Kr 85m	Sub	6×10^{-6}	-----	1×10^{-7}	-----
	Kr 85	Sub	1×10^{-5}	-----	3×10^{-7}	-----
	Kr 87	Sub	1×10^{-6}	-----	2×10^{-8}	-----
	Kr 88	Sub	1×10^{-6}	-----	2×10^{-8}	-----
Lanthanum (57)	La 140	S	2×10^{-7}	7×10^{-4}	5×10^{-9}	2×10^{-5}
		I	1×10^{-7}	7×10^{-4}	4×10^{-9}	2×10^{-5}
Lead (82)	Pb 203	S	3×10^{-6}	1×10^{-2}	9×10^{-8}	4×10^{-4}
		I	2×10^{-6}	1×10^{-2}	6×10^{-8}	4×10^{-4}
	Pb 210	S	1×10^{-10}	4×10^{-5}	4×10^{-12}	1×10^{-7}
		I	2×10^{-10}	5×10^{-5}	8×10^{-12}	2×10^{-4}
	Pb 212	S	2×10^{-8}	6×10^{-4}	6×10^{-10}	2×10^{-5}
		I	2×10^{-8}	5×10^{-4}	7×10^{-10}	2×10^{-5}
Lutetium (71)	Lu 177	S	6×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
		I	5×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
Manganese (25)	Mn 52	S	2×10^{-7}	1×10^{-3}	7×10^{-9}	3×10^{-5}
		I	1×10^{-7}	9×10^{-4}	5×10^{-9}	3×10^{-5}
	Mn 54	S	4×10^{-9}	4×10^{-3}	1×10^{-9}	1×10^{-4}
		I	4×10^{-8}	3×10^{-3}	1×10^{-9}	1×10^{-4}
	Mn 56	S	8×10^{-7}	4×10^{-3}	3×10^{-8}	1×10^{-4}
		I	5×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
Mercury (80)	Hg 197m	S	7×10^{-9}	6×10^{-3}	3×10^{-8}	2×10^{-4}
		I	8×10^{-7}	5×10^{-3}	3×10^{-8}	2×10^{-4}
	Hg 197	S	1×10^{-6}	9×10^{-3}	4×10^{-8}	3×10^{-4}
		I	3×10^{-6}	1×10^{-2}	9×10^{-8}	5×10^{-4}
	Hg 203	S	7×10^{-8}	5×10^{-4}	2×10^{-9}	2×10^{-5}
		I	1×10^{-7}	3×10^{-3}	4×10^{-9}	1×10^{-4}

PROPOSED RULES

Molybdenum (42)	Mo 99	S	7×10^{-7}	5×10^{-3}	3×10^{-8}	2×10^{-4}
		I	2×10^{-7}	1×10^{-3}	7×10^{-9}	4×10^{-5}
Neodymium (60)	Nd 144	S	8×10^{-11}	2×10^{-3}	3×10^{-12}	7×10^{-5}
		I	3×10^{-10}	2×10^{-3}	1×10^{-11}	8×10^{-5}
	Nd 147	S	4×10^{-7}	2×10^{-3}	1×10^{-8}	6×10^{-5}
		I	2×10^{-7}	2×10^{-3}	8×10^{-9}	6×10^{-5}
	Nd 149	S	2×10^{-6}	8×10^{-3}	6×10^{-8}	3×10^{-4}
		I	1×10^{-6}	8×10^{-3}	5×10^{-8}	3×10^{-4}
Neptunium (93)	Np 237	S	4×10^{-12}	9×10^{-4}	1×10^{-13}	3×10^{-6}
		I	1×10^{-10}	9×10^{-4}	4×10^{-12}	3×10^{-5}
	Np 239	S	8×10^{-7}	4×10^{-3}	3×10^{-8}	1×10^{-4}
		I	7×10^{-7}	4×10^{-3}	2×10^{-8}	1×10^{-4}
Nickel (28)	Ni 59	S	5×10^{-7}	6×10^{-3}	2×10^{-8}	2×10^{-4}
		I	8×10^{-7}	6×10^{-3}	3×10^{-8}	2×10^{-4}
	Ni 63	S	6×10^{-8}	8×10^{-4}	2×10^{-9}	3×10^{-5}
		I	3×10^{-7}	2×10^{-3}	1×10^{-8}	7×10^{-5}
	Ni 65	S	9×10^{-7}	4×10^{-3}	3×10^{-8}	1×10^{-4}
		I	5×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
Niobium	Nb 93m	S	1×10^{-7}	1×10^{-2}	4×10^{-9}	4×10^{-4}
(Columbium) (41)	Nb 95	I	2×10^{-7}	1×10^{-2}	5×10^{-9}	4×10^{-4}
		S	5×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
	Nb 97	I	1×10^{-7}	3×10^{-3}	3×10^{-9}	1×10^{-4}
		S	6×10^{-6}	3×10^{-2}	2×10^{-7}	9×10^{-4}
Osmium (76)	Os 185	I	5×10^{-6}	3×10^{-2}	2×10^{-7}	9×10^{-4}
		S	5×10^{-7}	2×10^{-3}	2×10^{-8}	7×10^{-5}
	Os 191m	I	5×10^{-8}	2×10^{-3}	2×10^{-9}	7×10^{-5}
		S	2×10^{-5}	7×10^{-2}	6×10^{-7}	3×10^{-3}
	Os 191	I	9×10^{-6}	7×10^{-2}	3×10^{-7}	2×10^{-3}
		S	1×10^{-6}	5×10^{-3}	4×10^{-8}	2×10^{-4}
	Os 193	I	4×10^{-7}	5×10^{-3}	1×10^{-8}	2×10^{-4}
		S	4×10^{-7}	2×10^{-3}	1×10^{-8}	6×10^{-5}
Palladium (46)	Pd 103	I	3×10^{-7}	2×10^{-3}	9×10^{-9}	5×10^{-5}
		S	1×10^{-6}	1×10^{-2}	5×10^{-6}	3×10^{-4}
	Pd 109	I	7×10^{-7}	8×10^{-3}	3×10^{-8}	3×10^{-4}
		S	6×10^{-7}	3×10^{-3}	2×10^{-8}	9×10^{-5}
Phosphorus (15)	P 32	I	4×10^{-7}	2×10^{-3}	1×10^{-8}	7×10^{-5}
		S	7×10^{-8}	5×10^{-4}	2×10^{-9}	2×10^{-5}
Platinum (78)	Pt 191	I	8×10^{-8}	7×10^{-4}	3×10^{-9}	2×10^{-5}
		S	8×10^{-7}	4×10^{-3}	3×10^{-8}	1×10^{-4}
	Pt 193m	I	6×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
		S	7×10^{-6}	3×10^{-2}	2×10^{-7}	1×10^{-3}
	Pt 197m	I	5×10^{-6}	3×10^{-2}	2×10^{-7}	1×10^{-3}
		S	6×10^{-6}	3×10^{-2}	2×10^{-7}	1×10^{-3}
	Pt 197	I	5×10^{-6}	3×10^{-2}	2×10^{-7}	9×10^{-4}
		S	8×10^{-7}	4×10^{-3}	3×10^{-8}	1×10^{-4}
Plutonium (94)	Pu 238	I	6×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
		S	2×10^{-12}	1×10^{-4}	7×10^{-14}	5×10^{-6}
	Pu 239	I	3×10^{-11}	8×10^{-4}	1×10^{-12}	3×10^{-5}
		S	2×10^{-12}	1×10^{-4}	6×10^{-14}	5×10^{-6}
	Pu 240	I	4×10^{-11}	8×10^{-4}	1×10^{-12}	3×10^{-5}
		S	2×10^{-12}	1×10^{-4}	6×10^{-14}	5×10^{-6}
	Pu 241	I	4×10^{-11}	8×10^{-4}	1×10^{-12}	3×10^{-5}
		S	9×10^{-11}	7×10^{-3}	3×10^{-12}	2×10^{-4}
	Pu 242	I	4×10^{-8}	4×10^{-3}	1×10^{-9}	1×10^{-3}
		S	2×10^{-12}	1×10^{-4}	6×10^{-14}	5×10^{-6}
	Pu 243	I	4×10^{-11}	9×10^{-4}	1×10^{-12}	3×10^{-5}
		S	2×10^{-6}	1×10^{-2}	6×10^{-8}	3×10^{-4}

PROPOSED RULES

		I	2×10^{-6}	1×10^{-2}	8×10^{-8}	3×10^{-4}
	Pu 244	S	2×10^{-12}	1×10^{-4}	6×10^{-14}	4×10^{-6}
		I	3×10^{-11}	3×10^{-4}	1×10^{-12}	1×10^{-5}
Polonium (84)	Po 210	S	5×10^{-10}	2×10^{-5}	2×10^{-11}	7×10^{-7}
		I	2×10^{-10}	8×10^{-4}	7×10^{-12}	3×10^{-5}
Potassium (19)	K 42	S	2×10^{-6}	9×10^{-3}	7×10^{-8}	3×10^{-4}
		I	1×10^{-7}	6×10^{-4}	4×10^{-9}	2×10^{-5}
Praseodymium (59)	Pr 142	S	2×10^{-7}	9×10^{-4}	7×10^{-9}	3×10^{-5}
		I	2×10^{-7}	9×10^{-4}	5×10^{-9}	3×10^{-5}
	Pr 143	S	3×10^{-7}	1×10^{-3}	1×10^{-8}	5×10^{-5}
		I	2×10^{-7}	1×10^{-3}	6×10^{-9}	5×10^{-5}
Promethium (61)	Pm 147	S	6×10^{-8}	6×10^{-3}	2×10^{-9}	2×10^{-4}
		I	1×10^{-7}	6×10^{-3}	3×10^{-9}	2×10^{-4}
	Pm 149	S	3×10^{-7}	1×10^{-3}	1×10^{-8}	4×10^{-5}
		I	2×10^{-7}	1×10^{-3}	8×10^{-9}	4×10^{-5}
Protoactinium (91)	Pa 230	S	2×10^{-9}	7×10^{-3}	6×10^{-11}	2×10^{-4}
		I	8×10^{-10}	7×10^{-3}	3×10^{-11}	2×10^{-4}
	Pa 231	S	1×10^{-12}	3×10^{-5}	4×10^{-14}	9×10^{-7}
		I	1×10^{-10}	8×10^{-4}	4×10^{-12}	2×10^{-5}
	Pa 233	S	6×10^{-7}	4×10^{-3}	2×10^{-8}	1×10^{-4}
		I	2×10^{-7}	3×10^{-3}	6×10^{-9}	1×10^{-4}
Radium (88)	Ra 223	S	2×10^{-9}	2×10^{-5}	6×10^{-11}	7×10^{-7}
		I	2×10^{-10}	1×10^{-4}	8×10^{-12}	4×10^{-6}
	Ra 224	S	5×10^{-9}	7×10^{-5}	2×10^{-10}	2×10^{-6}
		I	7×10^{-10}	2×10^{-4}	2×10^{-11}	5×10^{-6}
	Ra 226	S	3×10^{-11}	4×10^{-7}	3×10^{-12}	3×10^{-8}
		I	5×10^{-11}	9×10^{-4}	2×10^{-12}	3×10^{-5}
	Ra 228	S	7×10^{-11}	8×10^{-7}	2×10^{-12}	3×10^{-8}
		I	4×10^{-11}	7×10^{-4}	1×10^{-12}	3×10^{-5}
Radon (86)	Rn 220	S	3×10^{-7}		1×10^{-8}	-----
		I	-----	-----	-----	-----
	Rn 222	S	1×10^{-7}		3×10^{-9}	-----
Rhenium (75)	Re 183	S	3×10^{-6}	2×10^{-2}	9×10^{-8}	6×10^{-4}
		I	2×10^{-7}	8×10^{-3}	5×10^{-9}	3×10^{-4}
	Re 186	S	6×10^{-7}	3×10^{-3}	2×10^{-8}	9×10^{-5}
		I	2×10^{-7}	1×10^{-3}	8×10^{-9}	5×10^{-5}
	Re 187	S	9×10^{-6}	7×10^{-2}	3×10^{-7}	3×10^{-3}
		I	5×10^{-7}	4×10^{-2}	2×10^{-8}	2×10^{-3}
	Re 188	S	4×10^{-7}	2×10^{-3}	1×10^{-8}	6×10^{-5}
		I	2×10^{-7}	9×10^{-4}	6×10^{-9}	3×10^{-5}
Rhodium (45)	Rh 103m	S	8×10^{-5}	4×10^{-3}	3×10^{-6}	1×10^{-2}
		I	6×10^{-5}	3×10^{-1}	2×10^{-6}	1×10^{-2}
	Rh 105	S	8×10^{-7}	4×10^{-3}	3×10^{-8}	1×10^{-4}
		I	5×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
Rubidium (37)	Rb 86	S	3×10^{-7}	2×10^{-3}	1×10^{-8}	7×10^{-5}
		I	7×10^{-8}	7×10^{-4}	2×10^{-9}	2×10^{-5}
	Rb 87	S	5×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
		I	7×10^{-8}	5×10^{-3}	2×10^{-9}	2×10^{-4}
Ruthenium (44)	Ru 97	S	2×10^{-6}	1×10^{-2}	8×10^{-8}	4×10^{-4}
		I	2×10^{-6}	1×10^{-2}	6×10^{-8}	3×10^{-4}
	Ru 103	S	5×10^{-7}	2×10^{-3}	2×10^{-8}	8×10^{-5}
		I	8×10^{-8}	2×10^{-3}	3×10^{-9}	8×10^{-5}
	Ru 105	S	7×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
		I	5×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
	Ru 106	S	8×10^{-8}	4×10^{-4}	3×10^{-9}	1×10^{-5}
		I	6×10^{-9}	3×10^{-4}	2×10^{-10}	1×10^{-5}
Samarium (62)	Sm 147	S	7×10^{-11}	2×10^{-3}	2×10^{-12}	6×10^{-5}

PROPOSED RULES

		I	3×10^{-10}	2×10^{-3}	9×10^{-12}	7×10^{-5}
	Sm 151	S	6×10^{-8}	1×10^{-2}	2×10^{-9}	4×10^{-4}
		I	1×10^{-7}	1×10^{-2}	5×10^{-9}	4×10^{-4}
	Sm 153	S	5×10^{-7}	2×10^{-3}	2×10^{-8}	8×10^{-5}
		I	4×10^{-7}	2×10^{-3}	1×10^{-8}	8×10^{-5}
Scandium (21)	Sc 46	S	2×10^{-7}	1×10^{-3}	8×10^{-9}	4×10^{-5}
		I	2×10^{-6}	1×10^{-3}	8×10^{-10}	4×10^{-5}
	Sc 47	S	6×10^{-7}	3×10^{-3}	2×10^{-8}	9×10^{-5}
		I	5×10^{-7}	3×10^{-3}	2×10^{-8}	9×10^{-5}
	Sc 48	S	2×10^{-7}	8×10^{-4}	6×10^{-9}	3×10^{-5}
		I	1×10^{-7}	8×10^{-4}	5×10^{-9}	3×10^{-5}
Selenium (34)	Se 75	S	1×10^{-6}	9×10^{-3}	4×10^{-8}	3×10^{-4}
		I	1×10^{-7}	8×10^{-3}	4×10^{-9}	3×10^{-4}
Silicon (14)	Si 31	S	6×10^{-6}	3×10^{-2}	2×10^{-7}	9×10^{-4}
		I	1×10^{-6}	6×10^{-3}	3×10^{-8}	2×10^{-4}
Silver (47)	Ag 105	S	6×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
		I	8×10^{-8}	3×10^{-3}	3×10^{-9}	1×10^{-4}
	Ag 110m	S	2×10^{-7}	9×10^{-4}	7×10^{-9}	3×10^{-5}
		I	1×10^{-8}	9×10^{-4}	3×10^{-10}	3×10^{-5}
	Ag 111	S	3×10^{-7}	1×10^{-3}	1×10^{-8}	4×10^{-5}
		I	2×10^{-7}	1×10^{-3}	8×10^{-9}	4×10^{-5}
Sodium (11)	Na 22	S	2×10^{-7}	1×10^{-3}	6×10^{-9}	4×10^{-5}
		I	9×10^{-9}	9×10^{-4}	3×10^{-10}	3×10^{-5}
	Na 24	S	1×10^{-6}	6×10^{-3}	4×10^{-8}	2×10^{-4}
		I	1×10^{-7}	8×10^{-4}	5×10^{-9}	3×10^{-5}
Strontium (38)	Sr 85m	S	4×10^{-5}	2×10^{-1}	1×10^{-6}	7×10^{-3}
		I	3×10^{-5}	2×10^{-1}	1×10^{-6}	7×10^{-3}
	Sr 85	S	2×10^{-7}	3×10^{-3}	8×10^{-9}	1×10^{-4}
		I	1×10^{-7}	5×10^{-3}	4×10^{-9}	2×10^{-4}
	Sr 89	S	3×10^{-8}	3×10^{-4}	3×10^{-10}	3×10^{-6}
		I	4×10^{-8}	8×10^{-4}	1×10^{-9}	3×10^{-5}
	Sr 90	S	1×10^{-9}	1×10^{-5}	3×10^{-11}	3×10^{-7}
		I	5×10^{-9}	1×10^{-3}	3×10^{-10}	4×10^{-5}
	Sr 91	S	4×10^{-7}	2×10^{-3}	2×10^{-8}	7×10^{-5}
		I	3×10^{-7}	1×10^{-3}	9×10^{-9}	5×10^{-5}
	Sr 92	S	4×10^{-7}	2×10^{-3}	2×10^{-8}	7×10^{-5}
		I	3×10^{-7}	2×10^{-3}	1×10^{-8}	6×10^{-5}
Sulfur (16)	S 35	S	3×10^{-7}	2×10^{-3}	9×10^{-9}	6×10^{-5}
		I	3×10^{-7}	8×10^{-3}	9×10^{-9}	3×10^{-4}
Tantalum (73)	Ta 182	S	4×10^{-8}	1×10^{-3}	1×10^{-9}	4×10^{-5}
		I	2×10^{-8}	1×10^{-3}	7×10^{-10}	4×10^{-5}
Technetium (43)	Tc 96m	S	8×10^{-5}	4×10^{-1}	3×10^{-6}	1×10^{-2}
		I	3×10^{-5}	3×10^{-1}	1×10^{-6}	1×10^{-2}
	Tc 96	S	6×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
		I	2×10^{-7}	1×10^{-3}	8×10^{-9}	5×10^{-5}
	Tc 97m	S	2×10^{-6}	1×10^{-2}	8×10^{-8}	4×10^{-4}
		I	2×10^{-7}	5×10^{-3}	5×10^{-9}	2×10^{-4}
	Tc 97	S	1×10^{-5}	5×10^{-2}	4×10^{-7}	2×10^{-3}
		I	3×10^{-7}	2×10^{-2}	1×10^{-8}	8×10^{-4}
	Tc 99m	S	4×10^{-5}	2×10^{-1}	1×10^{-6}	6×10^{-3}
		I	1×10^{-5}	8×10^{-2}	5×10^{-7}	3×10^{-3}
	Tc 99	S	2×10^{-6}	1×10^{-2}	7×10^{-8}	3×10^{-4}
		I	6×10^{-8}	5×10^{-3}	2×10^{-9}	2×10^{-4}
Tellurium (52)	Te 125m	S	4×10^{-7}	5×10^{-3}	1×10^{-8}	2×10^{-4}
		I	1×10^{-7}	3×10^{-3}	4×10^{-9}	1×10^{-4}
	Te 127m	S	1×10^{-7}	2×10^{-3}	5×10^{-9}	6×10^{-5}
		I	4×10^{-8}	2×10^{-3}	1×10^{-9}	5×10^{-5}

PROPOSED RULES

	Te 127	S	2×10^{-10}	8×10^{-9}	6×10^{-8}	3×10^{-7}
		I	9×10^{-9}	5×10^{-8}	3×10^{-7}	2×10^{-6}
	Te 129m	S	8×10^{-8}	1×10^{-7}	3×10^{-6}	3×10^{-5}
		I	3×10^{-8}	6×10^{-7}	1×10^{-6}	2×10^{-5}
	Te 129	S	5×10^{-6}	2×10^{-5}	2×10^{-4}	8×10^{-4}
		I	4×10^{-6}	2×10^{-5}	1×10^{-4}	8×10^{-4}
	Te 131m	S	4×10^{-7}	2×10^{-6}	1×10^{-5}	6×10^{-5}
		I	2×10^{-7}	1×10^{-6}	6×10^{-6}	4×10^{-5}
	Te 132	S	2×10^{-7}	9×10^{-6}	7×10^{-5}	3×10^{-4}
		I	1×10^{-7}	6×10^{-6}	4×10^{-5}	2×10^{-4}
Terbium (65)	Tb 160	S	1×10^{-7}	1×10^{-6}	3×10^{-5}	4×10^{-4}
		I	3×10^{-8}	1×10^{-6}	1×10^{-5}	4×10^{-4}
Thallium (81)	Tl 200	S	3×10^{-6}	1×10^{-5}	9×10^{-8}	4×10^{-7}
		I	1×10^{-6}	7×10^{-6}	4×10^{-6}	2×10^{-5}
	Tl 201	S	2×10^{-6}	9×10^{-6}	7×10^{-6}	3×10^{-5}
		I	9×10^{-7}	5×10^{-6}	3×10^{-6}	2×10^{-5}
	Tl 202	S	8×10^{-6}	4×10^{-5}	3×10^{-5}	1×10^{-4}
		I	2×10^{-6}	2×10^{-5}	8×10^{-5}	7×10^{-5}
	Tl 204	S	6×10^{-7}	3×10^{-5}	2×10^{-5}	1×10^{-4}
		I	3×10^{-8}	2×10^{-5}	9×10^{-10}	6×10^{-5}
Thorium (90)	Th 228	S	9×10^{-12}	2×10^{-4}	3×10^{-13}	7×10^{-6}
		I	6×10^{-12}	4×10^{-4}	2×10^{-13}	1×10^{-5}
	Th 230	S	2×10^{-12}	5×10^{-5}	8×10^{-14}	2×10^{-6}
		I	1×10^{-11}	9×10^{-4}	3×10^{-13}	3×10^{-5}
	Th 232	S	3×10^{-11}	5×10^{-5}	1×10^{-12}	2×10^{-6}
		I	3×10^{-11}	1×10^{-3}	1×10^{-12}	4×10^{-5}
	Th natural	S	3×10^{-11}	3×10^{-5}	1×10^{-12}	1×10^{-6}
		I	3×10^{-11}	3×10^{-4}	1×10^{-12}	1×10^{-5}
	Th 234	S	6×10^{-8}	5×10^{-4}	2×10^{-9}	2×10^{-5}
		I	3×10^{-8}	5×10^{-4}	1×10^{-9}	2×10^{-5}
Thulium (69)	Tm 170	S	4×10^{-8}	1×10^{-3}	1×10^{-9}	5×10^{-5}
		I	3×10^{-8}	1×10^{-3}	1×10^{-9}	5×10^{-5}
	Tm 171	S	1×10^{-7}	1×10^{-2}	4×10^{-9}	5×10^{-4}
		I	2×10^{-7}	1×10^{-2}	8×10^{-9}	5×10^{-4}
Tin (50)	Sn 113	S	4×10^{-9}	2×10^{-3}	1×10^{-8}	9×10^{-5}
		I	5×10^{-8}	2×10^{-3}	2×10^{-9}	8×10^{-5}
	Sn 125	S	1×10^{-7}	5×10^{-4}	4×10^{-9}	2×10^{-5}
		I	8×10^{-8}	5×10^{-4}	3×10^{-9}	2×10^{-5}
Tungsten (Wolfram) (74)	W 181	S	2×10^{-6}	1×10^{-2}	8×10^{-8}	4×10^{-4}
		I	1×10^{-7}	1×10^{-2}	4×10^{-9}	3×10^{-4}
	W 185	S	8×10^{-7}	4×10^{-3}	3×10^{-8}	1×10^{-4}
		I	1×10^{-7}	3×10^{-3}	4×10^{-9}	1×10^{-4}
	W 187	S	4×10^{-7}	2×10^{-3}	2×10^{-8}	7×10^{-5}
		I	3×10^{-7}	2×10^{-3}	1×10^{-8}	6×10^{-5}
Uranium (92)	U 230	S	3×10^{-10}	1×10^{-4}	1×10^{-11}	5×10^{-6}
		I	1×10^{-10}	1×10^{-4}	4×10^{-12}	5×10^{-6}
	U 232	S	1×10^{-10}	8×10^{-4}	3×10^{-12}	3×10^{-5}
		I	3×10^{-11}	8×10^{-4}	9×10^{-13}	3×10^{-5}
	U 233	S	5×10^{-10}	9×10^{-4}	2×10^{-11}	3×10^{-5}
		I	1×10^{-10}	9×10^{-4}	4×10^{-12}	3×10^{-5}
	Us 234	S	6×10^{-10}	9×10^{-4}	2×10^{-11}	3×10^{-5}
		I	1×10^{-10}	9×10^{-4}	4×10^{-12}	3×10^{-5}
	Us 235	S	5×10^{-10}	8×10^{-4}	2×10^{-11}	3×10^{-5}
		I	1×10^{-10}	8×10^{-4}	4×10^{-12}	3×10^{-5}
	U 236	S	6×10^{-10}	1×10^{-3}	2×10^{-11}	3×10^{-5}
		I	1×10^{-10}	1×10^{-3}	4×10^{-12}	3×10^{-5}
	U 238	S	7×10^{-11}	1×10^{-3}	3×10^{-12}	4×10^{-5}

PROPOSED RULES

		I	1×10^{-10}	1×10^{-9}	5×10^{-12}	4×10^{-5}
	U 240	S	2×10^{-7}	1×10^{-9}	8×10^{-9}	3×10^{-5}
		I	2×10^{-7}	1×10^{-9}	6×10^{-9}	3×10^{-5}
	U natural	S	7×10^{-11}	5×10^{-4}	3×10^{-12}	2×10^{-5}
		I	6×10^{-11}	5×10^{-4}	2×10^{-12}	2×10^{-5}
Vanadium (23)	V 48	S	2×10^{-7}	9×10^{-4}	6×10^{-9}	3×10^{-5}
		I	6×10^{-8}	8×10^{-4}	2×10^{-9}	3×10^{-5}
Xenon (54)	Xe 131m	Sub	2×10^{-5}		4×10^{-7}	=====
	Xe 133m	Sub	1×10^{-5}		3×10^{-7}	=====
	Xe 133	Sub	1×10^{-5}		3×10^{-7}	=====
	Xe 135	Sub	4×10^{-6}		1×10^{-7}	=====
Ytterbium (70)	Yb 175	S	7×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
		I	6×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
Yttrium (39)	Y 90	S	1×10^{-7}	6×10^{-4}	4×10^{-9}	2×10^{-5}
		I	1×10^{-7}	6×10^{-4}	3×10^{-9}	2×10^{-5}
	Y 91m	S	2×10^{-5}	1×10^{-1}	8×10^{-7}	3×10^{-3}
		I	2×10^{-5}	1×10^{-1}	6×10^{-7}	3×10^{-3}
	Y 91	S	4×10^{-8}	8×10^{-4}	1×10^{-9}	3×10^{-5}
		I	3×10^{-8}	8×10^{-4}	1×10^{-9}	3×10^{-5}
	Y 92	S	4×10^{-7}	2×10^{-3}	1×10^{-8}	6×10^{-5}
		I	3×10^{-7}	2×10^{-3}	1×10^{-8}	6×10^{-5}
	Y 93	S	2×10^{-7}	8×10^{-4}	6×10^{-9}	3×10^{-5}
		I	1×10^{-7}	8×10^{-4}	5×10^{-9}	3×10^{-5}
Zinc (30)	Zn 65	S	1×10^{-7}	3×10^{-3}	4×10^{-9}	1×10^{-4}
		I	6×10^{-8}	5×10^{-3}	2×10^{-9}	2×10^{-4}
	Zn 69m	S	4×10^{-7}	2×10^{-3}	1×10^{-8}	7×10^{-5}
		I	3×10^{-7}	2×10^{-3}	1×10^{-8}	6×10^{-5}
	Zn 69	S	7×10^{-6}	5×10^{-2}	2×10^{-7}	2×10^{-3}
		I	9×10^{-6}	5×10^{-2}	3×10^{-7}	2×10^{-3}
Zirconium (40)	Zr 93	S	1×10^{-7}	2×10^{-2}	4×10^{-9}	8×10^{-4}
		I	3×10^{-7}	2×10^{-2}	1×10^{-8}	8×10^{-4}
	Zr 95	S	1×10^{-7}	2×10^{-3}	4×10^{-9}	6×10^{-5}
		I	3×10^{-8}	2×10^{-3}	1×10^{-9}	5×10^{-5}
	Zr 97	S	1×10^{-7}	5×10^{-4}	4×10^{-9}	2×10^{-5}
		I	9×10^{-8}	5×10^{-4}	3×10^{-9}	2×10^{-5}
Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life less than two hours.			Sub	1×10^{-6}	3×10^{-8}	=====
Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life greater than two hours.				3×10^{-9}	9×10^{-5}	1×10^{-10}
						3×10^{-6}
Any single radionuclide not listed above, which decays				6×10^{-13}	4×10^{-7}	2×10^{-14}
						3×10^{-8}

~~by alpha emission
or spontaneous
fission.~~

- (2) ~~In Subparagraph (a)(1) of this Rule, "sub" means that values given are for submersion in a semi-spherical infinite cloud of airborne material.~~
- (3) ~~In Subparagraph (a)(1) of this Rule, "S" means soluble and "I" means insoluble.~~
- (4) ~~For purposes of these Regulations, it may be assumed that the daughter activity concentrations in the following table are equivalent to an air concentration of $10E-7$ microcuries of radon-222 per milliliter of air in equilibrium with the daughters RaA, RaB, RaC, and RaC':~~

Maximum Time		Alpha-Emitting Daughter Activity Collected per Milliliter of Air
Between Collection and Measurement (Hours)	Microcuries /ml	Total Alpha disintegrations per minute per ml.
0.5	7.2×10^{-8}	0.16
1.0	4.5×10^{-8}	0.10
2.0	1.3×10^{-8}	0.028
3.0	0.3×10^{-8}	0.0072

The duration of sample collection and the duration of measurement should be sufficiently short compared to the time between collection and measurement, as not to have a statistically significant effect upon the results:

- (5) ~~For soluble mixtures of U-238, U-234 and U-235 in air chemical toxicity may be the limiting factor. If the percent by weight enrichment of U-235 is less than five, the concentration value for a 40-hour workweek, Table I, is 0.2 milligram uranium per cubic meter of air average. For any enrichment, the product of the average concentration and time of exposure during a 40-hour workweek shall not exceed 8×10^{-3} SA microCi-hr/ml, where SA is the specific activity of the uranium inhaled. The concentration value for Table II is 0.007 milligram uranium per cubic meter of air. The specific activity for natural uranium is 6.77×10^{-7} curies per gram U. The specific activity for other mixtures of U-238, U-235 and U-234, if not known, shall be:~~

$$SA = 3.6 \times 10^{-7} \text{ curies/gram U-U-depleted}$$

$$SA = (0.4 + 0.38E + 0.0034E^2) \cdot 10^{-7} E \text{ is greater than or equal to } 0.72$$

where E is the percentage by weight of U-235, expressed as percent.

(b) ~~In any case where there is a mixture in air or water of more than one radionuclide, the limiting values for purposes of this Section may be determined as follows:~~

- (1) ~~If the identity and concentration of each radionuclide in the mixture are known, the limiting values may be derived as follows: Determine, for each radionuclide in the mixture, the ratio between the quantity present in the mixture and the limit otherwise established in the tables in Subparagraph (a)(1) of this Rule for the specific radionuclide when not in a mixture. The sum of these ratios for all the radionuclides in the mixture may not exceed unity.~~

- (2) ~~If radionuclides a, b, and c are present in concentrations C_a , C_b , and C_c , and if the applicable MPC's and MPC_a , MPC_b , and MPC_c respectively, then the concentrations shall be limited so that the following relationship exists:~~

$$\frac{C_a}{MPC_a} + \frac{C_b}{MPC_b} + \frac{C_c}{MPC_c} \text{ is less than or equal to } 1$$

- (3) ~~If either the identity or the concentration of any radionuclide in the mixture is not known, the limiting values for purposes of this Rule shall be:~~

(A) ~~for purposes of Table I, Column 1: 6×10^{-7}~~

PROPOSED RULES

- (B) ~~for purposes of Table I, Column 2: 4×10^{-7}~~
 (C) ~~for purposes of Table II, Column 1: 2×10^{-14}~~
 (D) ~~for purposes of Table II, Column 2: 3×10^{-8}~~
 (4) If any of the conditions specified below are met, the corresponding values specified below may be used in lieu of those specified in Subparagraph (b)(3) of this Rule:
 (A) ~~If the identity of each radionuclide in the mixture is known but the concentration of one or more of the radionuclides in the mixture is not known, the concentration limit for the mixture is the limit specified in the tables in Subparagraph (a)(1) of this Rule for the radionuclide in the mixture having the lowest concentration limit; or~~
 (B) ~~If the identity of each radionuclide in the mixture is not known, but it is known that certain radionuclides specified in the tables in Subparagraph (a)(1) of this Rule are not present in the mixture, the concentration limit for the mixture is the lowest concentration limit specified in those tables for any radionuclide which is not known to be absent from the mixture; or~~
 (C) ~~If certain radionuclides are known not to be present, the concentration limit for the mixture is the appropriate concentration limit from the following table:~~

Table I

Table H

Element (atomic number) and isotope	Column 1 Air micro Curie/ml	Column 2 Water micro Curie/ml	Column 1 Air micro Curie/ml	Column 2 Water micro Curie/ml
--	--------------------------------------	--	--------------------------------------	--

~~If it is known that Sr~~

~~-90, I 125, I 126, I 129,~~

~~-I 131, (I 133, Table H~~

~~-only), Pb 210, Po 210;~~

~~-At 211, Ra 223, Ra 224,~~

~~-Ra 226, Ac 227, Ra 228;~~

~~-Th 230, Pa 231, Th 232;~~

~~-Th-nat, Cm 248, Cf 254;~~

~~-and Fm 256 are not present~~ 9×10^{-5} 3×10^{-6}

~~If it is known that Sr~~

~~-90, I 125, I 126, I 129~~

~~-(I 131, I 133, Table H~~

~~-only), Pb 210, Po 210;~~

~~-Ra 223, Ra 226, Ra 228;~~

~~-Pa 231, Th-nat, Cm 248;~~

~~-Cf 254, and Fm 256 are~~

~~-not present~~ 9×10^{-5} 3×10^{-6}

~~If it is known that Sr~~

~~90, I 129, (I 125, I 126,~~

~~I 131, Table H only);~~

~~Pb 210, Ra 226, Ra 228,~~

~~Cm 248, and Cf 254 are~~

~~not present~~ ~~2x10⁻⁹~~ ~~6x10⁻⁷~~

~~If it is known that~~

~~(I 129, Table H only);~~

~~Ra 226, and Ra 228 are~~

~~not present~~ ~~3x10⁻⁹~~ ~~1x10⁻⁷~~

~~If it is known that~~

~~alpha emitters and Sr 90,~~

~~I 129, Pb 210, Ac 227,~~

~~Ra 228, Pa 230, Pu 241,~~

~~and Bk 249 are not present~~ ~~3x10⁻⁹~~ ~~1x10⁻¹⁰~~ ~~=====~~

~~If it is known that~~

~~alpha emitters and Pb~~

~~210, Ac 227, Ra 228, and~~

~~Pu 241 are not present~~ ~~3x10⁻¹⁰~~ ~~1x10⁻¹¹~~ ~~=====~~

~~If it is known that~~

~~alpha emitters and Ac~~

~~227 are not present~~ ~~3x10⁻¹¹~~ ~~1x10⁻¹²~~ ~~=====~~

~~If it is known that Ac~~

~~227, Th 230, Pa 231, Pu~~

~~238, Pu 239, Pu 240, Pu~~

~~242, Pu 244, Cm 248, Cf~~

~~249 and Cf 251 are not~~

~~present~~ ~~3x10⁻¹²~~ ~~1x10⁻¹³~~ ~~=====~~

(5) ~~If the mixture of radionuclides consists of uranium and its daughter products in ore dust prior to chemical processing of~~

PROPOSED RULES

the uranium ore, the values specified below may be used in lieu of those determined in accordance with Subparagraphs (b)(1), (3), and (4) of this Rule:

- (A) For purposes of Table I, Column 1 in Subparagraph (b)(4)(C) of this Rule, 1×10^{-10} microCi/ml natural uranium; or 75 micrograms of natural uranium per cubic meter of air.
- (B) For purposes of Table II, Column 1 in Subparagraph (b)(4)(C) of this Rule, 3×10^{-12} microCi/ml natural uranium; or three micrograms of natural uranium per cubic meter of air.
- (C) For purposes of this Rule, a radionuclide may be considered as not present in a mixture if:
 - (i) The ratio of the concentration of that radionuclide in the mixture (C_a) to the concentration limit for that radionuclide specified in Table II in Subparagraph (a)(1) of this Rule, MPC_a , does not exceed $1/10$, i.e., C_a/MPC_a less than or equal to $1/10$; and
 - (ii) The sum of the ratios for all radionuclides considered as not present in the mixture does not exceed one-fourth, i.e., $C_a/MPC_a + C_b/MPC_b + \dots$ less than or equal to $1/4$.

Authority G.S. 104E-7(2).

.0424 REFERENCE FOR LABELING AND DISPOSAL REQUIREMENTS

(a) The following table of radionuclides and activities is for use in conjunction with rules in this Section pertaining to labeling and disposal requirements:

Material	Microcuries		
Americium-241	0.01	Cobalt-60	10
Antimony-122	100	Copper-64	100
Antimony-124	10	Dysprosium-165	10
Antimony-125	10	Dysprosium-166	100
Arsenic-73	100	Erbium-169	100
Arsenic-74	10	Erbium-171	100
Arsenic-76	10	Europium-152 (9.2 h)	100
Arsenic-77	100	Europium-152 (13 yr)	1
Barium-131	10	Europium-154	1
Barium-133	10	Europium-155	10
Barium-140	10	Fluorine-18	1,000
Bismuth-210	1	Gadolinium-153	10
Bromine-82	10	Gadolinium-159	100
Cadmium-109	10	Gallium-72	10
Cadmium-115m	10	Germanium-71	100
Cadmium-115	100	Gold-198	100
Calcium-45	10	Gold-199	100
Calcium-47	10	Hafnium-181	10
Carbon-14	100	Holmium-166	100
Cerium-141	100	Hydrogen-3	1,000
Cerium-143	100	Indium-113m	100
Cerium-144	1	Indium-114m	10
Cesium-131	1,000	Indium-115m	100
Cesium-134m	100	Indium-115	10
Cesium-134	1	Iodine-125	1
Cesium-135	10	Iodine-126	1
Cesium-136	10	Iodine-129	0.1
Cesium-137	10	Iodine-131	1
Chlorine-36	10	Iodine-132	10
Chlorine-38	10	Iodine-133	1
Chromium-51	1,000	Iodine-134	10
Cobalt-58m	10	Iodine-135	10
Cobalt-58	10	Iridium-192	10
		Iridium-194	100
		Iron-55	100
		Iron-59	10
		Krypton-85	100
		Krypton-87	10
		Lanthanum-140	10
		Lutetium-177	100
		Manganese-52	10
		Manganese-54	10

PROPOSED RULES

Manganese-56	10	Strontium-91	10
Mercury-197m	100	Strontium-92	10
Mercury-197	100	Sulphur-35	100
Mercury-203	10	Tantalum-182	10
Molybdenum-99	100	Technetium-96	10
Neodymium-147	100	Technetium-97m	100
Neodymium-149	100	Technetium-97	100
Nickel-59	100	Technetium-99m	100
Nickel-63	10	Technetium-99	10
Nickel-65	100	Tellurium-125m	10
Niobium-93m	10	Tellurium-127m	10
Niobium-95	10	Tellurium-127	100
Niobium-97	10	Tellurium-129m	10
Osmium-185	10	Tellurium-129	100
Osmium-191m	100	Tellurium-131m	10
Osmium-191	100	Tellurium-132	10
Osmium-193	100	Terbium-160	10
Palladium-103	100	Thallium-200	100
Palladium-109	100	Thallium-201	100
Phosphorus-32	10	Thallium-202	100
Platinum-191	100	Thallium-204	10
Platinum-193m	100	Thorium (natural)	100
Platinum-193	100	Thulium-170	10
Platinum-197m	100	Thulium-171	10
Platinum-197	100	Tin-113	10
Plutonium-239	0.01	Tin-125	10
Polonium-210	0.1	Tungsten-181	10
Potassium-42	10	Tungsten-185	10
Praseodymium-142	100	Tungsten-187	100
Praseodymium-143	100	Uranium (natural)	100
Promethium-147	10	Uranium-233	0.01
Promethium-149	10	Uranium-234	
Radium-226	0.01	Uranium-235	0.01
Rhenium-186	100	Vanadium-48	10
Rhenium-188	100	Xenon-131m	1,000
Rhodium-103m	100	Xenon-133	100
Rhodium-105	100	Xenon-135	100
Rubidium-86	10	Ytterbium-175	100
Rubidium-87	10	Yttrium-90	10
Ruthenium-97	100	Yttrium-91	10
Ruthenium-103	10	Yttrium-92	100
Ruthenium-105	10	Yttrium-93	100
Ruthenium-106	1	Zinc-65	10
Samarium-151	10	Zinc-69m	100
Samarium-153	100	Zinc-69	1,000
Scandium-46	10	Zirconium-93	10
Scandium-47	100	Zirconium-95	10
Scandium-48	10	Zirconium-97	10
Selenium-75	10		
Silicon-31	100	Any alpha emitting	
Silver-105	10	radionuclide not	
Silver-110m	1	listed above or	
Silver-111	100	mixtures of alpha	
Sodium-24	10	emitters of unknown	
Strontium-85	10	composition	0.01
Strontium-89	1		
Strontium-90	0.1	Any radionuclide other	

—than alpha emitting
—radionuclides, not
—listed above or
—mixtures of beta
—emitters of unknown
—composition 0.01

(b) For the purposes of the table in (a) of this Rule:

- (1) Thorium (natural) is based on alpha disintegration rate of Th-232, Th-230 and their daughter products; and
- (2) Uranium (natural) is based on alpha disintegration rate of U-238, U-234, and U-235.

(c) For purposes of Rules .0411 and .0416(d) of this Section, where there is involved a combination of isotopes in known amounts, the limit for the combination may be derived as follows:

- (1) Determine, for each isotope in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific isotope when not in combination;
- (2) The sum of such ratios for all the isotopes in the combination may not exceed unity.

Authority G.S. 104E-7.

.0425 CLASSIFICATION/RADIOACTIVE WASTE FOR NEAR-SURFACE DISPOSAL

(a) The following are definitions of and special requirements applicable to the different classes of waste:

- (1) "Class A Waste" means radioactive waste that is usually segregated from other waste classes at the disposal site. The physical form and characteristics of Class A waste shall meet the minimum requirements set forth in Rule .0426(a) of this Section. If Class A waste also meets the stability requirements set forth in Rule .0426(b) of this Section, it is not necessary to segregate the waste for disposal.
- (2) "Class B Waste" means radioactive waste that must meet more rigorous requirements on waste form to ensure stability after disposal. The physical form and characteristics of Class B waste shall meet both the minimum requirements and stability requirements set forth in Rule .0426 of this Section.
- (3) "Class C Waste" means radioactive waste that not only must meet more rigorous requirements on waste form to ensure stability, but also requires additional measures at the disposal facility to protect against inadvertent human intrusion. The physical form and characteristics of Class C waste shall meet both the minimum requirements and stability requirements set forth in Rule .0426 of this Section.

(b) If the waste contains only radionuclides listed in the table in Subparagraph (b)(5) of this Rule, the licensee shall determine the classification as follows:

- (1) If the concentration does not exceed 0.1 times the

value in the table in Subparagraph (b)(5) of this Rule, the waste is Class A waste.

- (2) If the concentration exceeds 0.1 times the value in the table in Subparagraph (b)(5) of this Rule, the waste is Class C waste.
- (3) If the concentration exceeds the value in the table in Subparagraph (b)(5) of this Rule, the waste is not generally acceptable for near-surface disposal.
- (4) For wastes containing mixtures of radionuclides listed in the table in Subparagraph (b)(5) of this Rule, the licensee shall determine the concentration by the "sum of fractions rule" described in (f) of this Rule.
- (5) The following is the table of long-lived radionuclides and concentrations for use in conjunction with waste classification rules of this Section:

radionuclides	concentration
carbon 14	8 curies/cubic meter
carbon 14 in activated metal	80 curies/cubic meter
nickel 59 in activated metal	220 curies/cubic meter
niobium 94 in activated metal	0.2 curies/cubic meter
technetium 99	3 curies/cubic meter
iodine 129	0.08 curies/cubic meter
radium, and alpha emitting —transuranic radionuclides —with half-lives greater —than five years	100 nanocuries/gram
plutonium 241	3,500 nanocuries/gram
curium 242	20,000 nanocuries/gram

(c) If the waste does not contain any of the radionuclides listed in the table in Subparagraph (b)(5) of this Rule, the licensee shall use the data for short-lived radionuclides and concentrations in the table in Subparagraph (c)(7) of this Rule to determine the classification as follows:

- (1) If the concentration does not exceed the value in column 1, the waste is Class A waste.
- (2) If the concentration exceeds the value in column 1, but does not exceed the value in column 2, the waste is Class B waste.
- (3) If the concentration exceeds the value in column 2, but does not exceed the value in column 3, the waste is Class C waste.
- (4) If the concentration exceeds the value in column 3, the waste is not generally acceptable for near-surface disposal.
- (5) For wastes containing mixtures of the radionuclides listed in the table in Subparagraph (c)(7) of this Rule, the total concentration shall be determined by the "sum of the fractions rule" described in (f) of this Rule.
- (6) In determining the waste classifications in Subparagraphs (c)(1) through (5) of this Rule, the

licensee may disregard any radionuclides not listed in the tables in Subparagraphs (b)(5) and (c)(7) of this Rule:

(7) The following is the table of short-lived

radionuclides for use in conjunction with the waste classification rules of this Section:

radionuclide	concentration in curies/cubic meter		
	column 1	column 2	column 3
total of all radionuclides with less than 5-year half-life			
hydrogen-3	700	see (c)(8)	see (c)(8)
cobalt-60	40	see (c)(8)	see (c)(8)
nickel-63	700	see (c)(8)	see (c)(8)
nickel-63 in activated metal	3.5	70	700
strontium-90	35	700	7000
cesium-137	0.04	150	7000
	1	44	4600

(8) There are no limits established for the radionuclides noted by "see (c)(8)" in the table in Subparagraph (c)(7) of this Rule for Class B or C wastes. Practical considerations such as the effects of external radiation and internal heat generation or transportation, handling, and disposal will limit the concentrations for these wastes. The licensee shall classify these wastes as Class B, unless the concentrations of other radionuclides in the table in Subparagraph (c)(7) of this Rule dictate classification as Class C waste independent of these radionuclides:

(d) If waste contains a mixture of radionuclides, some of which are listed in the table in Subparagraph (b)(5) of this Rule and some of which are listed in the table in Subparagraph (c)(7) of this Rule, the licensee shall determine the classification and suitability for near-surface disposal as follows:

- (1) In accordance with Paragraph (b) of this Rule, determine the class and suitability for near-surface disposal for only the radionuclides in the mixture which are listed in the table in Subparagraph (b)(5) of this Rule;
- (2) In accordance with Paragraph (c) of this Rule, determine the class and suitability for near-surface disposal for only the radionuclides in the mixture which are listed in the table in Subparagraph (c)(7) of this Rule; and
- (3) Classify the waste as the more restrictive of the two determinations in Subparagraphs (d)(1) and (d)(2) of this Rule where "not generally suitable for near-surface disposal" is the most restrictive and "Class A" is the least restrictive.

(e) If waste contains none of the radionuclides listed in the tables in Subparagraphs (b)(5) and (c)(7) of this Rule, the licensee shall determine the waste to be Class A waste.

(f) When required in Paragraphs (b) and (c) of this Rule, the licensee shall use the "sum of the fractions rule" described in Subparagraph (f)(1) of this Rule:

(1) For determining the classification for waste that

contains a mixture of radionuclides, the licensee shall determine the sum of the fractions by dividing the concentration of each radionuclide by the appropriate limit, where the appropriate limits shall all be taken from the same column of the same table, and by adding the resultant values. The sum of the fractions for the column must be less than 1.0, if the waste class is to be determined by that column:

(2) The following is an example calculation:

- (A) A waste contains strontium-90 with a concentration of 50 curies per cubic meter and cesium-137 with a concentration of 22 curies per cubic meter;
- (B) Since the concentrations of both exceed the values in column 1 of the table in Subparagraph (c)(7) of this Rule, they must be compared with the values in column 2;
- (C) The strontium-90 fraction is $50/150$ or 0.33 ; the cesium-137 fraction is $22/44$ or 0.5 ; and the sum of the fractions is 0.83 ; therefore, since the sum is less than 1.0, the waste is Class B waste.

(g) Provided that there is reasonable assurance that an indirect method can be correlated with actual measurements, the licensee may determine radionuclide concentrations by indirect methods such as use of scaling factors which relate the inferred concentration of one radionuclide to another that is measured or use of radioactive material accountability records. The licensee may average a radionuclide concentration over the volume of the waste or over the weight of the waste in the case of radionuclides with nanocurie per gram limits specified in the table in Subparagraph (b)(5) of this Rule:

Authority G.S. 104E-7(2).

.0426 RADIOACTIVE WASTE CHARACTERISTICS

(a) The following are minimum requirements for all classes

of radioactive waste and are intended to facilitate handling and to provide protection of health and safety of personnel at the radioactive waste disposal site. The licensee shall:

- (1) package wastes in conformance with the conditions of the license issued to the site operator to which the waste will be shipped to the extent that such conditions are more restrictive or in addition to the requirements contained in this Rule;
- (2) not package wastes for disposal in cardboard or fiberboard boxes;
- (3) package liquid waste in sufficient absorbent material to absorb twice the volume of the liquid;
- (4) limit the volume of freestanding liquid in solid wastes containing liquid to as little freestanding and non-corrosive liquid as is reasonably achievable, but in no case to more than one percent of the volume;
- (5) limit wastes to those which are not readily capable of detonation or of explosive decomposition or reaction at normal pressures and temperatures, or of explosive reaction with water;
- (6) except for radioactive gaseous waste packaged in accordance with Subparagraph (a)(8) of this Rule, limit wastes to those which do not contain, or are not capable of generating quantities of toxic gases, vapors, or fumes harmful to persons transporting, handling, or disposing of the waste;
- (7) treat, prepare and package pyrophoric materials contained in waste in a manner to render them nonflammable;
- (8) package wastes in a gaseous form at an absolute pressure that does not exceed 1.5 atmospheres at 20 degrees C and limit the total activity to no more than 100 curies per container; and
- (9) treat wastes containing hazardous, biological, pathogenic, or infectious material to reduce the potential hazard from the non-radiological material to the maximum extent practicable.

(b) Stability is intended to ensure that the waste does not degrade and affect overall stability of the site through stumping, collapse, or other failure of the disposal unit and thereby lead to water infiltration. Stability is also a factor in limiting exposure to an inadvertent intruder, since it provides a recognizable and nondispersible waste. The licensee shall comply with the following requirements, which are intended to provide stability of waste, when the waste is either Class B or Class C waste:

- (1) The licensee shall ensure that the waste has structural stability. A structurally stable waste form will generally maintain its physical dimensions and its form under the expected disposal conditions such as weight of overburden and compaction equipment, the presence of moisture and microbial activity, and internal factors such as radiation effects and chemical changes. Structural stability can be provided by the waste form itself, processing the waste to a stable form, or placing the waste in a disposal container or structure that provides stability after disposal.

- (2) Notwithstanding the provisions in Subparagraphs (a)(3) and (4) of this Rule, the licensee shall convert liquid wastes or wastes containing liquids into a form that contains as little freestanding and noncorrosive liquid as is reasonably achievable, but in no case more than one percent of the volume of the waste when the waste is in a disposable container designed to ensure stability; or 0.5 percent of the volume of the waste for waste processed to a stable form.
- (3) The licensee shall reduce void spaces within the waste and between the wastes and its package to the extent practicable.

Authority G.S. 104E-7(2).

.0427 LABELING

The licensee shall clearly label each package of waste to identify the waste as Class A, Class B or Class C waste as determined in accordance with the provisions of Rule .0425 of this Section:

Authority G.S. 104E-7(2).

.0428 TRANSFER OF RADIOACTIVE WASTE FOR DISPOSAL AND MANIFESTS

(a) The licensee shall prepare a shipment manifest which shall accompany each shipment of waste and which shall include the following information:

- (1) the name, address and telephone number of the person generating the waste;
- (2) the name, address and telephone number of the person transporting the waste to the waste disposal facility;
- (3) as complete a statement as practicable of the following information:
 - (A) a physical description of the waste;
 - (B) the waste volume;
 - (C) the radionuclide identity and quantity;
 - (D) the total quantity of radioactivity;
 - (E) the total quantity of the radionuclides; hydrogen-3, carbon-14, technetium-99 and iodine-129, and
 - (F) the principal chemical form;
- (4) the solidification agent, if any;
- (5) if the waste contains more than 0.1 percent chelating agents by weight, the identity and estimated weight percent of the chelating agents; and
- (6) a clear statement of the waste class, if determined to be either Class A, Class B or Class C waste pursuant to the provisions of Rule .0425 of this Section.

(b) In each manifest the waste generator shall include a certification that the transported materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the U.S. Department of Transportation and the agency. An authorized representative of the waste generator shall sign and date the manifest:

(c) The manifest required in Paragraph (a) of this Rule may be shipping papers used to meet U.S. Department of Transportation or U.S. Environmental Protection Agency regulations or requirements of the receiver, provided all information required in Paragraphs (a) and (b) of this Rule is included.

(d) Any licensee who transfers waste to a licensed land waste disposal facility or a licensed waste collector shall comply with the requirements in Subparagraphs (d)(1) through (8) of this Rule. Any licensee who transfers waste to a licensed waste processor who treats or repackages waste shall comply with the requirements in Subparagraphs (d)(4) through (8) of this Rule. The licensee shall:

- (1) prepare all wastes so that the waste is classified in accordance with the provisions of Rule .0425 of this Section and meets the waste characteristics requirements in Rule .0426 of this Section;
- (2) label each package of waste as Class A, Class B or Class C as determined in accordance with the provisions of Rule .0425 of this Section;
- (3) conduct a quality control program to assure compliance with the provisions of Rules .0425 and .0426 of this Section and to include management evaluation of audits;
- (4) prepare shipping manifests in accordance with the provisions of Paragraphs (a) and (b) of this Rule;
- (5) at the time of shipment, forward a copy of the manifest to the intended recipient; or, at the time the waste is collected, have the collector acknowledge receipt by signing the licensee's copy of the manifest and provide a copy of the manifest to the collector;
- (6) include one copy of the manifest with the shipment;
- (7) retain a copy of the manifest, with documentation of acknowledgement of receipt, as the record of transfer of licensed material as required in Rules .0115 and .0417 of this Chapter; and
- (8) conduct an investigation in accordance with Paragraph (g) of this Rule for any shipments or any part of a shipment for which notification of receipt has not been received within 20 days after transfer.

(e) Any waste collector licensee who handles only prepackaged waste shall:

- (1) acknowledge receipt of the waste from the generator within one week of receipt by returning a signed copy of the manifest to the generator;
- (2) prepare a new manifest which shall reflect consolidated shipments, serve as a listing or index for the detailed generator manifests, and include copies of the generator manifests; or prepare a new manifest without attaching the generator manifests; provided the new manifest contains for each package the information specified in Paragraph (a) of this Rule;
- (3) certify that nothing has been done to the waste which would invalidate the generator's certification;
- (4) forward a copy of the new manifest to the land disposal facility operator at the time of shipment;

(5) include the new manifest with the shipment to the disposal site;

(6) retain a copy of the manifest with documentation of acknowledgement of receipt as the record of transfer of licensed radioactive material as required in Rules .0115 and .0116 of this Chapter, and retain information from generator manifests until disposition is authorized by the agency; and

(7) conduct an investigation in accordance with Paragraph (g) of this Rule for any shipments or any part of a shipment for which notification of receipt has not been received within 20 days after transfer.

(f) Any licensed waste processor who treats or repackages wastes shall:

- (1) acknowledge receipt of the waste from the generator within one week of receipt by returning a signed copy of the manifest to the generator;
- (2) prepare a new manifest that meets the requirements of Paragraphs (a), (b) and (c) of this Rule, thereby reflecting the fact that the processor is responsible for the waste;
- (3) prepare all wastes so that the waste is classified in accordance with the provisions of Rule .0425 of this Section and meets the waste characteristics requirements in Rule .0426 of this Section;
- (4) label each package of waste as Class A, Class B or Class C as determined in accordance with the provisions of Rules .0425 and .0427 of this Section;
- (5) conduct a quality control program to assure compliance with the provisions of Rules .0425 and .0426 of this Section and to include management evaluation of audits;
- (6) at the time of shipment, forward a copy of the manifest to the intended recipient; or, at the time the waste is collected, have the collector acknowledge receipt by signing the licensee's copy of the manifest and provide a copy of the manifest to the collector;
- (7) include the new manifest with the shipment;
- (8) retain a copy of the manifest, with documentation of acknowledgement of receipt, as the record of transfer of licensed material as required in Rules .0115 and .0417 of this Chapter; and
- (9) conduct an investigation in accordance with Paragraph (g) of this Rule for any shipments or any part of a shipment for which notification of receipt has not been received within 20 days after transfer.

(g) Any radioactive waste disposal facility operator shall:

- (1) acknowledge receipt of the waste within one week of receipt by returning a signed copy of the manifest or equivalent documentation to the shipper, where such shipper is the licensee who last possessed the waste and transferred the waste to the operator;
- (2) indicate on the returned copy of the manifest or equivalent documentation in Subparagraph (g)(1) of this Rule any discrepancies between materials listed on the manifest and materials received;
- (3) maintain copies of all completed manifests or

equivalent documentation until the agency authorizes their disposition; and

(4) ~~notify the shipper (e.g., the generator, the collector, or processor) and the agency when any shipment or part of a shipment has not arrived within 60 days after the advance manifest was received;~~

(h) ~~If the shipper does not receive a notification of receipt for any shipment or any part of a shipment within 20 days after transfer, the shipper shall conduct an investigation, to include a trace of the shipment. The shipper and any other licensee who conducts a trace investigation shall file a written report with the agency within two weeks of the completion of the investigation.~~

Authority G.S. 104E-7(2), (3); 104E-12(a).

SECTION .1600 - STANDARDS FOR PROTECTION AGAINST RADIATION

.1601 PURPOSE AND SCOPE

(a) The rules in this Section establish standards for protection against ionizing radiation resulting from activities conducted under licenses and registrations issued by the agency pursuant to the rules in this Chapter.

(b) It is the purpose of the rules in this Section to control the receipt, possession, use, transfer, and disposal of sources of radiation by any licensee or registrant in such a manner that the total dose to an individual, including doses resulting from all sources of radiation other than background radiation, does not exceed the standards for protection against radiation prescribed in the rules in this Section. However, nothing in this Section shall be construed as limiting actions that may be necessary to protect health and safety.

(c) The rules in this Section apply to persons licensed or registered by the agency to receive, possess, use, transfer, or dispose of radioactive material or other sources of radiation. The limits in this Section do not apply to doses due to background radiation, to exposure of patients to radiation for the purpose of medical diagnosis or therapy, ~~or to voluntary participation in medical research programs; programs, or to exposure from individuals administered radioactive material and released in accordance with Rule .0358 of this Chapter.~~

(d) Nothing in this Section shall relieve a licensee engaged in operation of a radioactive waste disposal facility, as defined in Rule .0104 of this Chapter, from responsibility for complying with the requirements in Section .1200 of this Chapter.

(e) Effective January 1, 1994 all licensees and registrants shall comply with the rules in this Section and cease to comply with the requirements in Section .0400 of this Chapter, except as provided otherwise in Rule .1602 of this Section.

Authority G.S. 104E-7(a)(2).

.1603 RADIATION PROTECTION PROGRAMS

(a) Each licensee or registrant shall develop, document, and implement a radiation protection program commensurate with

the scope and extent of licensed or registered activities and sufficient to ensure compliance with the provisions of this Section. Recordkeeping requirements relating to these programs are provided in Rule .1636 of this Section.

(b) The licensee or registrant shall use, to the extent practicable, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and doses to members of the public and releases of radioactive materials in effluents to unrestricted areas that are as low as is reasonably achievable (ALARA).

(c) The licensee or registrant shall annually review the radiation protection program content and implementation.

(d) To implement the ALARA requirements of Paragraph (b) of this Rule, and notwithstanding the requirements of Rule .1611 of this Section, a constraint on air emissions of radioactive material to the environment, excluding Radon-222 and its daughters, shall be established by licensees such that the individual member of the public likely to receive the highest dose will not be expected to receive a total effective dose equivalent in excess of 0.01 rem (0.1 mSv) per year from these emissions. If a licensee subject to this requirement exceeds this dose constraint, the licensee shall report the exceedance as provided in Rule .1647 of this Section and promptly take appropriate corrective action to ensure against recurrence.

Authority G.S. 104E-7(a)(2).

.1611 DOSE LIMITS FOR INDIVIDUAL MEMBERS OF THE PUBLIC

(a) Each licensee or registrant shall conduct operations so that:

- (1) The total effective dose equivalent to individual members of the public from the licensed or registered operation does not exceed 0.1 rem (1 mSv) in a year, exclusive of the dose contribution from the licensee's disposal of radioactive material into sanitary sewerage in accordance with Rule .1630 of this Section; Section, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released in accordance with Rule .0358 of this Chapter and from voluntary participation in medical research programs; and
- (2) The dose in any unrestricted area from external sources of ~~radiation~~ radiation, exclusive of the dose contribution from patients administered radioactive material and released in accordance with Rule .0358 of this Chapter, does not exceed 0.002 rem (0.02 mSv) in any one hour.

(b) If the licensee or registrant permits members of the public to have access to controlled areas, the limits for members of the public continue to apply to those individuals.

(c) A licensee, registrant, license applicant or registration applicant may apply to the agency for prior authorization to operate up to an annual dose limit for an individual member of the public of 0.5 rem (5 mSv). The licensee, registrant, license applicant or registration applicant shall include the following

information in this application:

- (1) demonstration of the need for and the expected duration of operations in excess of the limit in Paragraph (a) of this Rule;
 - (2) the licensee's program to assess and control dose within the 0.5 rem (5 mSv) annual limit; and
 - (3) the procedures to be followed to maintain the dose as low as is reasonably achievable.
- (d) The agency may impose additional restrictions on radiation levels in unrestricted areas and on the total quantity of radionuclides that a licensee may release in effluents in order to restrict the collective dose.

Authority G.S. 104E-7(a)(2).

.1620 USE OF INDIVIDUAL RESPIRATORY PROTECTION EQUIPMENT

(a) If the licensee uses respiratory protection equipment to limit intakes pursuant to Rule .1619 of this Section the licensee shall:

- (1) use only respiratory protection equipment that is tested and certified or had certification extended by the National Institute for Occupational Safety and Health/Mine Safety and Health Administration (NIOSH/MSHA);
- (2) if the licensee wishes to use equipment that has not been tested or certified by NIOSH/MSHA, has not had certification extended by NIOSH/MSHA, or for which there is no schedule for testing or certification, submit an application for authorized use of that equipment, including a demonstration by testing, or a demonstration on the basis of reliable test information, that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use;
- (3) implement and maintain a respiratory protection program that includes:
 - (A) air sampling sufficient to identify the potential hazard, permit proper equipment selection, and estimate exposures;
 - (B) surveys and bioassays, as appropriate, to evaluate actual intakes;
 - (C) testing of respirators for operability immediately prior to each use;
 - (D) written procedures regarding selection, fitting, issuance, maintenance, and testing of respirators, including testing for operability immediately prior to each use; supervision and training of personnel; monitoring, including air sampling and bioassays; and record keeping; and
 - (E) determination by a physician prior to initial fitting of respirators, and at least every 12 months thereafter or periodically at a frequency determined by a physician, that the individual user is physically able to use the

respiratory protection equipment;

- (4) issue a written policy statement on respirator usage covering:
 - (A) the use of process or other engineering controls, instead of respirators;
 - (B) the routine, non-routine, and emergency use of respirators; and
 - (C) the periods of respirator use and relief from respirator use.
 - (5) advise each respirator user that the user may leave the area at any time for relief from respirator use in the event of equipment malfunction, physical or psychological distress, procedural or communication failure, significant deterioration of operating conditions, or any other conditions that might require such relief; and
 - (6) use equipment within limitations for type and mode of use and shall provide proper visual, communication, and other special capabilities, such as adequate skin protection, when needed.
- (b) In estimating exposure of individuals to airborne radioactive materials, the licensee may make allowance for respiratory protection equipment used to limit intakes pursuant to Rule .1619 of this Section, provided that the following conditions, in addition to those in Paragraph (a) of this Rule, are satisfied:
- (1) The licensee selects respiratory protection equipment that provides a protection factor, as specified in Appendix A to 10 CFR §§ 20.1001 - 20.2401, greater than the multiple by which peak concentrations of airborne radioactive materials in the working area are expected to exceed the values specified in Appendix B to 10 CFR §§ 20.1001 - 20.2401, Table 1, Column 3. If the selection of a respiratory protection device with a protection factor greater than the peak concentration is inconsistent with the goal specified in Rule .1619 of this Section of keeping the total effective dose equivalent ALARA, the licensee may select respiratory protection equipment with a lower protection factor only if such a selection would result in keeping the total effective dose equivalent ALARA. The concentration of radioactive material in the air that is inhaled when respirators are worn may be initially estimated by dividing the average concentration in air, during each period of uninterrupted use, by the protection factor. If the exposure is later found to be greater than estimated, the corrected value shall be used. If the exposure is later found to be less than estimated, the corrected value may be used.
 - (2) The licensee shall obtain authorization from the agency before assigning respiratory protection factors in excess of those specified in Appendix A to 10 CFR §§ 20.1001 - 20.2401. The agency may authorize a licensee to use higher protection factors on receipt of an application that:
 - (A) describes the situation for which a need exists

for higher protection factors, and

- (B) demonstrates that the respiratory protection equipment provides these higher protection factors under the proposed conditions of use.

(c) The licensee shall use as emergency devices only respiratory protection equipment that has been specifically certified or had certification extended for emergency use by NIOSH/MSHA.

(d) The licensee shall notify the agency, in writing, at least 30 days before the date that respiratory protection equipment is first used under the provisions of either Paragraph (a) or (b) of this Rule.

Authority G.S. 104E-7(a)(2); 104E-12(a).

.1647 REPORTS OF RADIATION EXCEEDING THE LIMITS

(a) In addition to the notification required by Rule .1646 of this Section, each licensee or registrant shall submit a written report within 30 days after learning of any of the following occurrences:

- (1) any incident for which notification is required by Rule .1646 of this Section;
- (2) doses in excess of any of the following:
 - (A) the occupational dose limits for adults in Rule .1604 of this Section;
 - (B) the occupational dose limits for a minor in Rule .1609 of this Section;
 - (C) the limits for an embryo/fetus of a declared pregnant woman in Rule .1610 of this Section;
 - (D) the limits for an individual member of the public in Rule .1611 of this Section; **or**
 - (E) any applicable limit in the license; **or**
 - (F) The ALARA constraints for air emissions established in Rule .1603 of this Section;
- (3) levels of radiation or concentrations of radioactive material in:
 - (A) a restricted area in excess of any applicable limit in the license; **or**
 - (B) an unrestricted area in excess of 10 times any applicable limit set forth in this Section or in the license, whether or not involving exposure of any individual in excess of the limits in Rule .1611 of this Section.

(b) Each report required by Paragraph (a) of this Rule shall describe the extent of exposure of individuals to radiation and radioactive material, including, as appropriate:

- (1) estimates of each individual's dose;
- (2) the levels of radiation and concentrations of radioactive material involved;
- (3) the cause of the elevated exposures, dose rates, or concentrations; and
- (4) corrective steps taken or planned to ensure against a recurrence, including the schedule for achieving conformance with applicable limits, ALARA constraints, generally applicable environmental standards, and associated license conditions.

(c) Each report filed pursuant to Paragraph (a) of this Rule shall include for each occupationally overexposed individual: ~~exposed~~; the name, social security account number, and date of birth. With respect to the limit for the embryo/fetus required by Rule .1610 of this Section, the identifying information shall be that of the declared pregnant woman. The report shall be prepared so that this information is stated in a separate and detachable part of the report.

(d) Reports made by licensees or registrants in response to the requirements of this Rule shall be addressed to the agency as specified in Rule .0111 of this Chapter.

Authority G.S. 104E-7(a)(2); 104E-12(a).

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 2 - BOARD OF ARCHITECTURE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Architecture intends to amend rule cited as 21 NCAC 2 .0213; and adopt rules cited as 21 NCAC 2 .0901 - .0910. Notice of Rule-making Proceedings was published in the Register on August 15, 1997.

Proposed Effective Date: July 1, 1998

A Public Hearing will be conducted at 10:00 a.m. on November 19, 1997 at the Archives and History/State Library Building, Conference Room 211, 109 East Jones Street, Raleigh, NC.

Reason for Proposed Action:

21 NCAC 2 .0213 - Provides for the administration and enforcement of the continuing education requirements during the registration renewal period.

21 NCAC 2 .0901 - .0910 - Sets out the continuing education requirements for licensure renewal. No provision for continuing education exists. Due to the increasing complexity of building design, as well as potential impediments to reciprocity, the Board believes it is in the best interest of the public and the profession to require continuing education for those it licenses.

Comment Procedures: Any person interested in these Rules may present oral comments relevant to the action proposed at the public rule-making hearing or deliver written comments to the Board office not later than January 2, 1998. Anyone planning to attend the hearing should notify the Board office by noon Friday, November 14, 1997 whether they wish to speak on the proposals. Speakers will be limited to 7 minutes.

Fiscal Note: Rule 21 NCAC 2 .0213 does not affect the expenditures or revenues of state or local government funds and does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period. Rules 21 NCAC 2 .0901 - .0910 do affect the expenditures or revenues

of state and local government funds and these Rules do have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

SECTION .0200 - PRACTICE OF ARCHITECTURE

.0213 INDIVIDUAL LICENSES

(a) Renewal. Licenses must be renewed on or before the first day of July in each year. No less than 30 days prior to the renewal date, a renewal application shall be mailed to each individual licensee. The licensee shall be required to provide to the Board certain information, including continuing education credit earned, which is relevant to the architect's professional practice. The completed form for license renewal, along with the annual license renewal fee shall be forwarded to the Board. If the application form is incomplete or the annual renewal fee is not paid, the application for renewal shall not be accepted. Also, if the accompanying draft or check in the amount of the renewal fee is dishonored by the architect's drawee bank for any reason, the annual license renewal shall be deemed to be not renewed. Once the annual renewal has been completed according to the provisions of G.S. 83A-11, as well as Section .0900 of these Rules, the Executive Director shall issue to the licensee a current license for the ensuing year.

(b) Late Renewal and Reinstatement. If the Board has not received the annual renewal fee and completed application on or before August 1st, the license shall be deemed automatically revoked. The license may be renewed at any time within one year following August 1st, upon the return of the completed application, the annual renewal fee and the late renewal ~~penalty~~ penalty and compliance with Section .0900 of these Rules. After one year from the date of revocation for non-payment of the annual renewal fee, reinstatement shall occur according to the directives of ~~G.S. 83A-11~~ G.S. 83A-11 and Section .0900 of these Rules.

Authority G.S. 83A-6; 83A-11.

SECTION .0900 - CONTINUING EDUCATION

.0901 SCOPE

(a) The rules in this Section set forth the continuing education requirements for registration renewal beginning with the 2000-2001 renewal year.

(b) These Rules shall apply to every active registrant except those excepted by Rule .0906 of this Section.

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.

.0902 DEFINITIONS

The following definitions shall apply:

- (1) "Learning Unit" means the length of the program activity (seat time) multiplied by the educational quality level.
- (2) "Passive Learning" is quality level one for each hour of involvement in an activity with a clearly defined professional development purpose.

- (3) "Interactive Learning" is quality level two for each hour of activity for courses that offer significant interaction between the instructor and the registrant.
- (4) "Interactive Learning with Feedback" is quality level three for each hour of activity for quality level two requirements plus formal relevant feedback.

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.

.0903 REQUIREMENTS

Every registrant shall be required to obtain 36 Learning Units for each 12 month period from July 1 to June 30.

- (1) Of the 36 required Learning Units, there shall be 24 Learning Units in relevant technical and professional architectural subjects directly related to safeguarding health, safety and welfare.
- (2) Registrants shall not carry forward any Learning Units into the subsequent period.
- (3) Registrants shall verify completion of the Learning Units with registration renewal.

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.

.0904 DETERMINATION OF CREDIT

The Board has final authority with respect to approval of courses, programs, and Learning Unit values.

- (1) Credit for attendance participation in professional association educational activities, and from independent sources shall be based upon actual activity time of each program, unless the course sponsor adequately documents a higher number of Learning Units on a form the Board may provide.
- (2) Credit for programs sponsored and/or approved by the American Institute of Architects shall be approved for the Learning Units assigned by the American Institute of Architects, including the Architect Development Verification Program of the National Council of Architectural Registration Boards (NCARB).
- (3) Credit for teaching or instructing qualifying courses or programs shall be twice the Learning Units earned by participants and shall be claimed for credit only once.

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.

.0905 RECORD KEEPING

(a) It is the responsibility of the registrant to maintain records to support credits claimed. Records required include:

- (1) A log showing the type of activity claimed, sponsoring organization, location, duration, the name of the instructor or speaker and Learning Units earned; or
- (2) Attendance certificates or other evidence of participation; or
- (3) Records maintained by the American Institute of Architects Continuing Education System(AIA/CES).

(b) Records shall be retained by the registrant for a period of three years and provided to the Board upon request.

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.

.0906 EXCEPTIONS

A registrant shall be exempt from the continuing education requirements for one of the following reasons:

- (1) New registrants by way of examination or reciprocity for the current registration year.
- (2) A registrant serving on temporary active duty in the armed forces of the United States for a period of time exceeding 90 consecutive days in a year.
- (3) Registrants experiencing physical disability or illness if supporting documentation is approved by the Board.
- (4) Registrants who receive emeritus status from the Board. In order to return to active practice, registrants shall complete continuing education requirements for each exempted year not to exceed two years.

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.

.0907 REINSTATEMENT

A former registrant may only apply for reinstatement pursuant to G.S. 83A-11 if he has earned all delinquent Learning Units with the 12 months preceding the application. However, if the total number of Learning Units required to become current exceeds 72, then 72 shall be the maximum number required. Of the 72 Learning Units, 48 shall be directly related to health, safety and welfare.

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.

.0908 RECIPROCITY

The requirements of North Carolina shall be deemed satisfied by a non-resident registrant provided:

- (1) Registrant provides evidence of having met the requirements of his resident jurisdiction; and
- (2) The same jurisdiction accepts the North Carolina continuing education requirements as satisfying their requirements.

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.

.0909 FORMS

All renewal applications shall require the completion of a continuing education form specified by the Board documenting the Learning Units claimed for the renewal period. The registrant shall supply sufficient detail to permit audit verification and shall certify and sign the continuing education form with the renewal application and fee.

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.

.0910 NON-COMPLIANCE

(a) If any credits are disallowed by the Board, then the registrant shall have 90 calendar days after notification to substantiate the original claim or obtain other Learning Units to meet the minimum requirements.

(b) Failure to comply with the requirements of this Section shall result in non-renewal of registration with the following exceptions:

- (1) After the first year of implementation of these requirements, the registrant shall be renewed but a two hundred, fifty dollars (\$250.00) civil penalty shall be imposed upon the registrant, said civil penalty to be stayed and shall be dismissed if the required Learning Units are earned prior to the next renewal.
- (2) After the second year of implementation of these requirements, the registrant shall pay the civil penalty of two hundred, fifty dollars (\$250.00).

Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.

CHAPTER 46 - BOARD OF PHARMACY

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Board of Pharmacy intends to adopt rule cited as 21 NCAC 46 .1813, amend .1601, .1603 - .1604, .1804, .1810, .2103, .2201, .2301. Notice of Rule-making Proceedings was published in the Register on August 1, 1997.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 9:30 a.m. on December 17, 1997 at the Mountain Area Health Education Center, 501 Biltmore Avenue, Classroom 5, Asheville, NC.

Reason for Proposed Action:

21 NCAC 46 .1601 - to specify that no more than two unlicensed personnel who spend a majority of their time performing functions constituting dispensing shall be on duty in the pharmacy per pharmacist on duty.

21 NCAC 46 .1603 - to specify when new permits are required.

21 NCAC 46 .1604 - to specify when a permit can be transferred.

21 NCAC 46 .1804 - to require no alteration of prescription orders by a party outside the practitioner-pharmacist-patient relationship and to specify requirements for delivery of prescription orders to a patient off site.

21 NCAC 46 .1810 - to specify compounding requirements.

21 NCAC 46 .1813 - to specify requirements for electronically transferred prescription orders.

21 NCAC 46 .2103 - to require a health care facility pharmacist to be a member of the Board and to change geographic representation areas from 5 to 4.

21 NCAC 46 .2201 - to specify requirements for an Inactive

pharmacist.

21 NCAC 46 .2301 - to require the indication for the drug prescribed to be on the prescription order.

Comment Procedures: Persons wishing to present oral data, views or arguments on a proposed rule or rule change, may file a notice with the Board at least 10 days prior to the public hearing at which the person wishes to speak. Comments should be limited to 10 minutes. The Board's address is Post Office Box 459, Carrboro, North Carolina 27510-0459. Written submission of comments or argument will be accepted at any time up to and including December 17, 1997.

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

SECTION .1600 - LICENSES AND PERMIT

.1601 PHARMACY PERMITS

(a) Applications for pharmacy permits, whether original or renewal, shall be made upon forms provided by the Board. The Board shall not issue any original or annual renewal pharmacy permit until the Board is satisfied that:

- (1) The pharmacist-manager is sure that at all times adequate qualified personnel has been secured by the management of the store to properly render pharmaceutical service in the manner prescribed by law.
- (2) Any and all unlicensed ~~clerk personnel~~ have been instructed that they may ~~render pharmaceutical service perform functions constituting dispensing~~ only as an aid to and under the immediate supervision of a registered pharmacist. No more than two unlicensed personnel who spend a majority of their time performing functions constituting dispensing shall be on duty in the pharmacy per pharmacist on duty.
- (3) The following minimum technical equipment is maintained:
 - (A) Graduates. Capable of accurately measuring volumes from 1 ml to at least 500 ml;
 - (B) Mortars and pestles:
 - (i) one -- glass;
 - (ii) one -- "Wedgwood";
 - (C) Stirring Rods. Two different sizes made of glass or rubber;
 - (D) Ointment slab or suitable substitute;
 - (E) Class A prescription or electronic balances and appropriate weights, suitable for all required weighings, at least one of which must be sensitive to six mg;
 - (F) Suitable facilities for recording and filing prescriptions as required by G.S. 90-85.26;
 - (G) Spatulas:
 - (i) stainless steel, at least three assorted

sizes;

- (ii) non-metallic, one of any size;
- (H) Useable Supplies. Equipped with safety closures where required:
 - (i) prescription bottles, 1 to 32 fluid ounces;
 - (ii) dropper bottles, ½ to 2 fluid ounces;
 - (iii) assorted pill and tablet containers;
 - (iv) empty capsules, No. 00 to No. 3;
 - (v) powder papers;
 - (vi) ointment jars, assorted;
 - (vii) prescription labels;
 - (viii) all appropriate auxiliary labels;
- (I) Heating apparatus;
- (J) Refrigerator;
- (K) Reference library, as follows:
 - (i) the latest edition of the United States Pharmacopoeia (USP) and National Formulary and supplements thereto or a standard commentary thereon;
 - (ii) a copy of the pharmacy laws of North Carolina, including the North Carolina Controlled Substances Act and the rules adopted pursuant thereto, and the North Carolina Pharmacy Practice Act and the rules of the Board;
 - (iii) a copy of the Federal Controlled Substances Act and the regulations adopted pursuant thereto;
 - (iv) a Schedule V controlled substances register (where these preparations are sold other than on prescriptions);
 - (v) a medical dictionary;
 - (vi) current editions of generally accepted reference books on the following subjects:
 - (I) drug interactions,
 - (II) clinical pharmacology,
 - (III) USP Dispensing Information or its equivalent, and
 - (IV) if IV admixture services are provided, a reference on Parenteral Incompatibilities.
- (4) The pharmacy is equipped with sanitary appliances including lavatory facilities with hot and cold running water; is adequately lighted; and is kept in a clean, orderly, and sanitary condition.
- (5) All prescription medications are labeled in accordance with G.S. 106-134 and 106-134.1.
- (b) In addition to the requirements for issuance and renewal of a pharmacy permit imposed by a statute and by other rules of the Board, a permit shall not be issued or renewed to any person to operate a pharmacy wherein the prescriptions of medical practitioners are compounded or dispensed and distributed when such distribution is effected by mail and the practitioner-pharmacist-patient relationship does not exist, until the Board is satisfied that:

- (1) The pharmacy maintains records of prescriptions compounded or dispensed and distributed in manner that is readily retrievable;
- (2) During the pharmacy's regular hours of operation but not less than six days per week, for a minimum of forty hours per week, a toll-free telephone service is provided to facilitate communication between patients and a pharmacist at the pharmacy who has access to the patient's records. This toll-free number must be disclosed on the label affixed to each container of dispensed drugs;
- (3) The pharmacy complies with all lawful orders, directions, and requests for information from the Boards of pharmacy of all states in which it is licensed and all states into which it distributes prescription drugs;
- (4) The pharmacy complies with all USP and FDA requirements regarding the storage, packaging, and shipping of prescription medications. The pharmacist-manager and all other pharmacists employed in the pharmacies permitted pursuant to this Paragraph shall be subject to all Federal and State statutes and regulations concerning the dispensing of prescription medications including, but not limited to, 21 NCAC 46 .1801 and .1805 and 21 CFR 1306.01, 1306.05, and 1306.21.

(c) The Board shall not issue an original or renewal permit to any person to operate a drugstore or pharmacy as a department in or a part of any other business serving the general public (except hospitals, nursing homes, and similar institutions subject to the provisions of .0300 of this Chapter) unless such pharmacy facility:

- (1) is physically separated from such other business;
- (2) is separately identified to the public both as to name and any advertising;
- (3) completes all transactions relative to such pharmacy within the registered facility; and
- (4) meets the same requirements for registration as all other pharmacies.

(d) Permits to operate pharmacies, whether original or renewal, shall be issued to the pharmacist-manager of such pharmacy pursuant to a joint application of the owner and pharmacist-manager for the conduct and management of said pharmacy. The issuance of said permit shall not be complete and the permit shall not be valid until it has been countersigned by the pharmacist-manager as represented in the application. The permit so issued is valid only so long as the pharmacist-manager to whom it was issued assumes the duties and responsibilities of pharmacist-manager. Permits may be reissued at any time to a successor pharmacist-manager pursuant to the proper amendment of the application for the permit.

(e) Upon application, the Board may issue and renew separate permits for pharmacies operating at one location. Records for each permitted pharmacy must be maintained separately. Prior to issuance of an original permit, each pharmacy shall submit a plan to the Board that shall assure

accountability for the actions of each pharmacy at the location.

Authority G.S. 90-85.6; 90-85.21; 150B-11.

.1603 WHEN PERMITS REQUIRED

(a) A new pharmacy, device, or medical equipment permit issued by the Board is required for a new pharmacy, location, a change to a successor business entity, or a change of more than 50 percent ownership interest in the entity which owns the pharmacy, permit holder or any parent corporation, except as provided in Rule .1604 of this Section.

(b) ~~A new device and medical equipment permit is required for a new entity or a change of ownership of an established entity to a successor business entity which results in a change in the controlling interest of the established entity.~~

Authority G.S. 90-85.6; 90-85.21; 90-85.22.

.1604 TRANSFER OF PERMITS ALLOWED

(a) A valid pharmacy, device, or medical equipment permit may be transferred and a new permit is not required in the following situations:

- (1) where the change of ownership does not involve the acquisition of more than 50 percent interest in the entity which owns the pharmacy, permit holder or any parent corporation; or
- (2) the pharmacy permit holder is ~~owned by~~ a publicly-traded corporation which remains publicly-traded and maintains ownership of the pharmacy; continues to hold the permit; or
- (3) the pharmacy permit holder is ~~owned by~~ a corporation which is a wholly-owned subsidiary of another corporation subsidiary, and there is no any change in the parent-subsidiary relationship; the ownership of any parent corporation is due to the stock of such corporation being publicly-traded.

(b) ~~A valid device and medical equipment permit may be transferred and a new permit is not required where a change of ownership of the entity with a permit results from a transfer to or from a sole proprietorship, a partnership, a corporation, or any other business entity if the transfer does not involve the acquisition of more than 50 percent interest in the entity by any party who was not a signatory on the original device and medical equipment permit.~~

(c)(b) A permit which is involved in a pending disciplinary proceeding may not be surrendered, terminated, or transferred.

Authority G.S. 90-85.6; 90-85.21; 90-85.22.

SECTION .1800 - PRESCRIPTIONS

.1804 PRESCRIPTION: RECEIVING AND DISPENSING

(a) In order to assure that the practitioner-pharmacist-patient relationship exists and to promote the safe and secure distribution of drugs and devices, prescription orders may be received for filling and refilling only by a pharmacist or a bona

fide employee of the pharmacy. The pharmacist-manager of the pharmacy shall be ultimately responsible for the safe, lawful and secure receipt of prescription orders and delivery of prescription drugs. ~~Notwithstanding the provisions of this rule, prescription drugs also may be delivered by mail in accordance with the provisions of Rule 21 NCAC 46.1601(7): A party outside the practitioner-pharmacist-patient relationship may not cause or attempt to cause the alteration of a prescription order.~~

(b) In order to promote the safe and secure distribution of drugs, devices, and medical equipment, prescription orders may be received for filling and refilling only by the person in charge of the facility holding the device and medical equipment permit or a bona fide employee of the facility. The person in charge shall be ultimately responsible for the safe, lawful and secure receipt of prescription orders and delivery of prescription drugs, devices, and medical equipment.

(c) Prescription drugs, devices and medical equipment may be delivered off site to the patient, by mail or otherwise, under the following conditions:

- (1) Delivery shall be to a person at least eighteen years of age, either the patient or another person who resides with the patient or is responsible for care of the patient.
- (2) At the time of delivery, the permit holder shall provide the person accepting delivery with a form to sign, which lists the prescription drugs, devices or medical equipment delivered and certifies that the person accepting delivery meets the criteria described in this Rule. The form shall be maintained in the pharmacy for three years with the other records concerning the dispensing of the prescription drugs, devices or medical equipment and be readily retrievable.

Authority G.S. 90-85.6; 90-85.32.

1810 COMPOUNDING

In accordance with G.S. 90-85.3(c) and (r), and 90-85.6(a), the Board has primary jurisdiction over compounding occurring in locations holding a pharmacy permit, and such compounding shall comply with the following:

- (1) based on the existence of a practitioner-pharmacist-patient relationship and the presentation of a valid prescription, or in anticipation of prescription orders based on established prescribing patterns, a pharmacist may compound a drug product for an individual patient. A pharmacist also may compound a drug product prior to receiving a valid prescription based on a history of receiving valid prescriptions generated within an established practitioner-pharmacist-patient relationship. Compounded drug products shall not be offered to other entities for resale; however, practitioners may obtain compounded drug products to administer to patients within the scope of their professional practice;
- (2) compounding pharmacies and pharmacists may advertise or otherwise promote compounding

- services; however, they may not solicit business by offering to compound specific drug products;
- (3) the pharmacist is responsible for all aspects of compounding; however, unlicensed personnel working under the supervision of the pharmacist may assist in compounding;
- (4) drug substances used for compounding shall be USP or NF grade, or if unavailable, AR, CP, ACS, or FCC grade substances may be used. If none of the foregoing grades are available, then the pharmacist must establish the purity and safety of the ingredient prior to its use. Manufactured drug products used for ingredients must be labeled with a batch control number and a future expiration date;
- (5) equipment and utensils used for compounding shall not be reactive, additive or absorptive so that the safety, identity, strength, quality, and purity of the compounded drug product will not be adversely affected. All compounding equipment and utensils shall be cleaned and sanitized prior to use. A compounding pharmacy shall have written procedures and formulas for the compounding of drug products;
- (6) any excess compounded drug product retained by the pharmacy shall be labeled with a complete list of ingredients or reference to such information, the preparation date, and an expiration date based upon the pharmacist's professional judgment. The excess compounded drug product shall be stored under conditions to preserve its strength, quality and purity;
- (7) All locations holding a pharmacy permit where ingredients are routinely compounded for dispensing, as defined in G.S. 90-85.3(c) other than with the exception of the reconstitution of oral antibiotics, must the pharmacy shall maintain a log showing the name or initials of the person who compounded the ingredients a drug product and the name or initials of the pharmacist who checked the compounded prescription drug, drug product. Such log shall be maintained for a period of three years;
- (8) the pharmacy shall maintain a recordkeeping system from which the date of purchase, supplier, manufacturer, and lot number or other identifier of each ingredient can be determined for each compounded drug product dispensed. All pharmacy records resulting from compounding, including the compounding log, shall be readily retrievable and maintained in the pharmacy for a period of three years;
- (9) in addition to the requirements of this Section, the compounding of radiopharmaceutical drug products shall comply with Section .2700 of this Chapter;
- (10) in addition to the requirements of this Section, the compounding of sterile parenteral drug products shall comply with Section .2800 of this Chapter.

Authority G.S. 90-85.6; 90-85.32.

.1813 ELECTRONIC TRANSMISSION OF PRESCRIPTION ORDERS

(a) "Electronic transmission" means transmission of the exact visual image of a document by way of electronic equipment other than facsimile machine described in Rule .1807 of this Section.

(b) All prescription drug orders communicated by way of electronic transmission shall:

- (1) be transmitted directly to a pharmacist in a pharmacy of the patient's choice with no intervening person having access to the prescription drug order;
- (2) identify the transmitter's phone number for verbal confirmation, the time and date of transmission, and the identity of the pharmacy intended to receive the transmission;
- (3) be transmitted by an authorized practitioner or his designated agent; and
- (4) be deemed the original prescription drug order, provided it meets all requirements of federal and state laws and regulations.

(c) The prescribing practitioner may authorize his agent to electronically transmit a prescription drug order to a pharmacist in a pharmacy provided that the identity of the transmitting agent is included in the order.

(d) The pharmacist shall exercise professional judgment regarding the accuracy, validity, and authenticity of an electronically transmitted prescription drug order consistent with existing federal and state laws and regulations.

(e) All equipment for receipt of prescription drug orders by electronic transmission shall be maintained so as to ensure against unauthorized access.

(f) There shall be no additional charge to the patient because the prescription order was electronically transmitted.

(g) Prescriptions may be transferred electronically if all the requirements of Rule .1806 of this Section are met.

Authority G.S. 90-85.6; 90-85.32.

SECTION .2100 - ELECTIONS

.2103 GEOGRAPHIC REPRESENTATIONS

(a) Four of the Pharmacist pharmacist members of the Board shall not practice in a Health Care Facility Pharmacy as defined in Rule .1317 of this Chapter and shall be elected from five four geographic areas of the state. These five four geographic areas are:

- (1) The Western District, consisting of Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davie, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rowan, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin and Yancey Counties;
- (2) ~~The Northern District consisting of Alamance,~~

~~Caswell, Forsyth, Guilford, Orange, Person, Rockingham, Stokes, Surry and Yadkin Counties;~~

(3)(2) The Central District, consisting of ~~Anson, Cabarrus, Chatham, Davidson, Davie, Iredell, Lee, Forsyth, Guilford, Mecklenburg, Montgomery, Moore, Randolph, Richmond, Rowan, Rockingham, Stanly~~ Stanly, Stokes and Union Counties;

(4)(3) The Northeastern District, consisting of Alamance, Bertie, Camden, Caswell, Chatham, Chowan, Currituck, Dare, Durham, Edgecombe, Franklin, Gates, Granville, Halifax, Hertford, Johnston, Hyde, Martin, Nash, Northampton, Orange, Pasquotank, Perquimans, Person, Tyrell, Vance, Wake, Warren, Washington and Wilson Counties; and

(5)(4) The Southeastern District, consisting of Anson, Beaufort, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lee, Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Pitt, Richmond, Robeson, Sampson, Scotland and Wayne Counties.

(b) The remaining pharmacist member of the Board shall practice in a Health Care Facility Pharmacy as defined in Rule .1317 of this Chapter and shall be nominated and elected without regard to geographic area.

Authority G.S. 90-85.7.

SECTION .2200 - CONTINUING EDUCATION

.2201 HOURS: RECORDS: PROVIDERS: CORRESPONDENCE: RECIPROCITY

(a) As a condition of license renewal, each practicing pharmacist holding an active license shall report on renewal forms the hours of continuing education obtained during the preceding year. Annual accumulation of ten hours is considered satisfactory to meet the quantitative requirement of this Rule.

(b) All records, reports of accredited hours and certificates of credit shall be kept at the pharmacist's regular place of practice for verification by inspectors during regular or other visits. The Board reserves the right to require submission of such documentation on a random basis. Pharmacists who do not practice regularly at one location shall produce such records within 24 hours of a request from Board authorized personnel. All records of hours and certificates of credit shall be preserved for at least three years.

(c) All continuing education shall be obtained from a provider approved by the Board. In order to receive credit, continuing education courses should have the purpose of increasing the participant's professional competence and proficiency as a pharmacist. At least five hours of the continuing education credits must be obtained through contact programs in any calendar year. Contact programs are those programs in which there is an opportunity for live two-way communication between the presenter and attendee.

(d) Continuing education shall not serve as a barrier to reciprocity; however all licensees by reciprocity must observe

the continuing education standards specified in (a), (b) and (c) of this Rule within the first renewal period after licensure in this state.

(e) Pharmacists who list their status as "Inactive" on the annual application for license renewal and who certify that they are no longer engaged in the practice of pharmacy are not required to obtain the continuing education hours required by this Rule. Pharmacists on inactive status are prohibited from practicing pharmacy in this State. Should a pharmacist on inactive status wish to return to active status, then all continuing education hours for the period of inactive status must be obtained. A pharmacist who has been on inactive status for five or more years must appear before the Board and submit evidence that he can safely and properly practice pharmacy before he can be returned to active status.

Authority G.S. 90-85.6; 90-85.17; 90-85.18.

SECTION .2300 - PRESCRIPTION INFORMATION AND RECORDS

.2301 PRESCRIPTION: DRUG ORDER REQUIREMENTS

- (a) Prescription orders shall include, but not be limited to:
- (1) date of issuance;
 - (2) name and address of patient;
 - (3) name, address and telephone number of prescriber except that indication of the name of the prescriber is sufficient if a data file specified in (b) of this Rule is current and in effect;
 - (4) Drug Enforcement Agency (DEA) number of prescriber in the case of controlled substances;
 - (5) name, strength, dosage form and quantity of drug prescribed;
 - (6) refills if authorized or, in institutions, the stop date;
 - (7) route of administration of drug prescribed; ~~and~~
 - (8) directions for ~~use~~; use; and
 - (9) indication for drug prescribed.

(b) Information in Subparagraphs (a)(2), (a)(3), (a)(4), (a)(6) and (a)(7) may be stored in a readily retrievable data file specifically compiled for use in the pharmacy, which is not a commercial publication, in lieu of the requirements of the named Subparagraphs.

Authority G.S. 90-85.6(a); 90-85.32; 90-106(h).

TITLE 23 - DEPARTMENT OF COMMUNITY COLLEGES

Notice is hereby given in accordance with G.S. 150B-21.2 that the N.C. State Board of Community Colleges intends to amend rules cited as 23 NCAC 1A .0001; 2C .0108, .0202, .0207, .0305, .0701; 2D .0103, .0201 - .0203, .0301, .0323 - .0324, .0327; 2E .0101, .0201, .0204 - .0205, .0501, .0604, and repeal 2C .0604; 2E .0102, .0203. Notice of Rule-making Proceedings was published in the Register on December 16,

1996.

Proposed Effective Date: July 1, 1998

A Public Hearing will be conducted at 10:00 a.m. on November 18, 1997 at the Archives and History-State Library Building Auditorium, 109 East Jones Street, Raleigh, NC 27601-2807.

Reason for Proposed Action: To transfer the Community College System's educational calendar from a quarter system to a semester system.

Comment Procedures: Any interested person may present written or oral statements relevant to these actions. A ten-minute or less time limit per person may be imposed for oral presentations. The number of persons making oral presentations may be limited in order to stay within the time available. Individuals who plan to make oral presentations must submit their remarks in writing to the Rule-making Coordinator. This procedure will assist the hearing officers in organizing and reporting information to the State Board of Community Colleges. Interested persons may submit statements in writing from the date of this notice until December 5, 1997, delivered or mailed to:

Ms. Clay Tee Hines, Rule-making Coordinator
North Carolina Community College System
200 West Jones Street
Raleigh, NC 27603-1379

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 1 - GENERAL PROVISIONS

.0001 DEFINITIONS

The following terms shall have the following meanings throughout this Title unless the context of a specific rule requires a different interpretation:

- (1) Credit Hours:
 - (a) Credit of one semester hour is awarded for each 16 hours of "class work." Class work is lecture and other classroom instruction. Class work is under the supervision of an instructor.
 - (b) Credit of one semester hour is awarded for each 32 or 48 hours of "laboratory" work. Laboratory work involves demonstration by instructor, experimentation, and application by students. Laboratory work is under the supervision of an instructor.
 - (c) Credit of one semester hour is awarded for each 48 hours of "clinical practice." Clinical practice is a structured, faculty-directed learning experience in a health sciences program which develops job proficiency.

Clinical practice requires significant preparation, coordination, and scheduling by the faculty and is under the supervision of an instructor or preceptor who is qualified for the particular program.

- (d) Credit of one semester hour is awarded for each 160 hours of "work experience" such as cooperative education, practicums, and internships. Work experience involves the development of job skills by providing the student with ~~an~~ employment ~~situation~~ that is directly related to, and coordinated with, the educational program. Student activity in work experience is planned and coordinated by a college representative, and the employer is responsible for the control and supervision of the student on the job.
- (2) Full-time Student means a student enrolled in 12 or more credit hours. For the summer session, Full-time Student means a student enrolled in nine or more credit hours.
- (3) Part-time Student means a student enrolled in less than 12 credit hours.
- (4) FTE means one full-time equivalent (FTE) student or 256 student membership hours per semester (based on a typical semester of 16 weeks x 16 student membership hours per week).
- (5) Student Membership Hour means one hour of scheduled class or laboratory for which the student is enrolled. A college shall provide a minimum of 50 minutes of instruction for each scheduled class hour.
- (6) Annual Curriculum FTE means the total of the student hours in membership for fall and spring semesters divided by 512 (256 student hours per semester x 2).
- (7) Annual Continuing Education (non-credit) FTE means the total of the student hours in membership for the three reporting periods divided by 688 (based on two typical semesters of 16 weeks and a typical summer term of 11 weeks). The three reporting periods are fall semester, spring semester, and the summer term.
- (8) Budget Full-time Equivalent (B/FTE). B/FTE means the number of FTE which determines a college's operating budget.
- (9) Equipment Full-time Equivalent (E/FTE). E/FTE means a weighted average of the B/FTE which determines the amount of funds allocated to a college for equipment.
- (10) Library Full-time Equivalent (L/FTE). L/FTE means a weighted average of the B/FTE which determines the amount of funds allocated to a college for library books and non-equipment learning resources.
- (11) College means any institution established pursuant to G.S. 115D except for ~~Applied Technology Centers;~~ the N. C. Center for Textile Technology.

Note: Substance of 23 NCAC 2D .0317 and 2E .0104 was incorporated into this Rule.

Authority G.S. 115D-5; 115D-54; S.L. 1995, c. 625.

CHAPTER 2 - COMMUNITY COLLEGES

SUBCHAPTER 2C - COLLEGES: ORGANIZATION AND OPERATIONS

SECTION .0100 - TRUSTEES AND COLLEGES

.0108 EDUCATIONAL GUARANTEE

Local boards of trustees may adopt educational guarantee policies for their colleges. Any educational guarantee policy adopted by a board of trustees shall:

- (1) Be developed in an atmosphere that provides maximum input from faculty, staff, students, employers, university representatives, and community leaders.
- (2) Identify the programs or activities to be guaranteed. This may include the entire program or specific courses. The goal of the system is to include all programs at all community colleges.
- (3) Define the skills, knowledge, or credits to be guaranteed. This may include the guarantee to transfer earned credits taken in transfer programs and the guarantee of technical knowledge and skills needed for successful employment in occupations for graduates. ~~graduates of vocational and technical programs.~~
- (4) Define the population of students who will receive guarantees. This shall include the identification of students, both full-time and part-time, for whom the guarantee applies.
- (5) Define any special conditions of the guarantee. This shall include a time limit and grade achievement.
- (6) Describe how the guarantee may be invoked and how it will be honored.
- (7) Define the educational services or other benefits a student who seeks the guarantee will receive. This may include reimbursement from non-state funds, re-enrollment, tutoring, or counseling.
- (8) State that re-enrolled students shall not pay tuition or fees associated with re-enrollment or other related services. Budget FTE shall not be earned for re-enrolled students.
- (9) Set forth the process to be used by students to invoke the guarantee and the steps to be used by the college to improve the programs in question.

Authority G.S. 115D-5; S.L. 1995, c. 625.

SECTION .0200 - PERSONNEL

.0202 FACULTY

(a) General

- (1) Colleges shall employ faculty members so as to meet Southern Association of Colleges and Schools' criteria
- (2) Colleges shall determine appropriate teaching and non-teaching loads for faculty and for technical assistants to the faculty so as to meet Southern Association of Colleges and Schools' criteria.
- (3) The Criteria For Accreditation, Commission on Colleges, Southern Association of Colleges and Schools, ~~Eighth Edition, 1992-93~~ current edition is hereby adopted by reference including any subsequent amendments and editions of this book to apply to community colleges. Copies of the Criteria for Accreditation ~~Eighth Edition~~, may be inspected in or obtained at no cost from the Office of the System President, Department of Community Colleges, 200 W. Jones Street, Raleigh, NC ~~27603-1337~~; 27603-1379.

(b) Instructors for Extension Emergency Services Training. All instructors in the area of Emergency Services Training must be qualified as established by the respective emergency services certifying agency. Emergency services training means training delivered to personnel in law enforcement, fire and rescue services, and emergency medical services agencies.

Authority G.S. 115D-1; 115D-5; 115D-20; 150B-21.6; S.L. 1995, c. 625.

**.0207 PURCHASE/COMPUTER HARDWARE:
SYSTEM SOFTWARE/STATE CONTRACT**

(a) The State Board of Community Colleges authorizes the following classes of full-time employees to purchase microcomputers, related peripheral equipment and system software under state contract at state contract prices:

- (1) classroom instructors;
- (2) other professional personnel in the ~~department~~ Department and institutions, including supervisors and administrators, engaged in delivering or supervising classroom instruction, or engaged in curriculum development;
- (3) other personnel in the ~~department~~ Department and the local institutions engaged in delivering services through computer related equipment.

(b) In addition to any procedures or requirements of the Department of Administration or the State Budget Office, an institutional employee included within a class defined in Paragraph (a) of this Rule who desires to purchase computer equipment or system software under state contract at state contract prices shall submit a request to his president. This request shall contain a certification by the employee that:

- (1) he is a member of one of the classes of employees defined in Paragraph (a) of this Rule;

- (2) he intends to continue employment with the community college system;
- (3) the computer equipment or system software to be purchased by the employee will assist the employee in performing his assigned duties or will enable the employee to improve the performance of his assigned duties;
- (4) the computer equipment or system software to be purchased will not be resold for at least three years from the date of purchase; and
- (5) the computer equipment to be purchased will not be used primarily for the employee's private benefit.

(c) Upon receipt of a request from an employee the president shall determine whether the information provided therein by the employee is accurate. If the president is satisfied that the information contained in the request is accurate the president, in accordance with any procedures or requirements established by the Department of Administration or State Budget Office, shall initiate the process for the purchase of the requested computer equipment or system software. A request which is incomplete or which contains inaccurate information ~~may~~ shall not be approved by the employee's president.

(d) Each employee shall be limited to one approved purchase order under the application of this Rule per three year period from the date of first purchase.

(e) All requests for the purchase of computer equipment or system software shall be submitted on a form prepared by the Department of Community Colleges which incorporates the requirements of Subparagraph (b) (2) of this Rule.

(f) In addition to any procedures or requirements of the Department of Administration or the State Budget Office, professional personnel in the ~~department~~ Department included in Subparagraph (a) (2) and (3) of this Rule who desire to purchase computer equipment or system software under state contract at state contract prices, shall follow the procedures prescribed by the ~~department~~ Department.

Authority G.S. 115D-5; 143-58.1(b); S.L. 1995, c. 625.

SECTION .0300 - STUDENTS

.0305 EDUCATION SERVICES FOR MINORS

(a) The State Board shall encourage individuals to complete high school before seeking admission to a college.

(b) A minor, 16 years old or older, may be considered a student with special needs and may be admitted to an appropriate program at a college if the local public or private educational agency determines that admission to the program is the best educational option for the student and the admission of such student to the program is approved by the college. This requirement may be waived if the student has been out of school at least six months and the application is supported by a notarized petition of the student's parent, legal guardian, or

other person or agency having legal custody and control. The petition shall certify the student's residence, date of birth, date of leaving school, and the petitioner's legal relationship to the student.

(c) A high school student, 16 years old or older, based upon policies approved by the local public or private board of education and board of trustees, may be admitted to appropriate courses, except adult high school, concurrently under the following conditions:

- (1) Upon recommendation of the chief administrative school officer and approval of the president of the college;
- (2) Upon approval of the student's program by the principal of the school and the president of the college; and
- (3) Upon certification by the principal that the student is taking at least three high school courses the equivalent of one-half of a full-time schedule and is making appropriate progress toward graduation.

(d) High school students, taking courses pursuant to Paragraphs (b) and (c) of this Rule, shall not displace adults but may be admitted any semester on a space-available basis to any curriculum or continuing education course. Once admitted, they shall be treated the same as all other students.

(e) Local boards of trustees and local school boards may establish cooperative programs in areas they serve in order to provide college courses to qualified high school students. with college College credits to shall be awarded to those high school students on upon successful completion of the courses; courses. subject to approval by the State Board. Cooperative programs shall be approved, prior to implementation, by the State Board or its designee.

(f) Except as authorized by G.S. 115D-20(4), colleges shall not start classes, offer summer school courses, or offer regular high school courses for high school students.

(g) A college may make available to persons of any age non-credit, non-remedial, enrichment courses during the summer period. These courses shall be self-supporting and shall not earn credit toward a diploma, certificate, or degree at the college or high school.

(h) At the request of the director of a training school having custody of juveniles committed to the Division of Youth Services, Department of Human Resources, a college may make available to such juveniles any course offered by that college if they meet the course admission requirements. The director's request shall include the director's approval for each juvenile to enroll in the course. Courses made available to such juveniles shall follow the approval process for immured groups as set forth in 23 NCAC 2E .0403.

Authority G.S. 115D-1; 115D-5; 115D-20; S.L. 1995, c. 625.

SECTION .0600 - COLLEGE EVALUATION

.0604 PROGRAM REVIEW

(a) ~~Each college shall monitor the quality and viability of all its programs and services. Each curriculum program and the~~

~~occupational extension program shall be reviewed annually. Colleges shall provide information to the Department of Community Colleges on program enrollment and cost; student progress; achievement and outcomes; and employer satisfaction.~~

(b) ~~Technical and vocational curriculum programs shall meet the following standards for performance:~~

- (1) ~~the standard required by an outside licensure or accrediting agency for passing rates on licensure or certification examinations, where applicable; and~~
- (2) ~~a satisfactory level on at least five of the following eight required elements:~~
 - (A) ~~a three year annual average enrollment of at least ten (10) students, unduplicated headcount;~~
 - (B) ~~student goal accomplishment for program completion;~~
 - (C) ~~student goal accomplishment for other student goals;~~
 - (D) ~~program completes satisfaction with program;~~
 - (E) ~~early leaver satisfaction with program;~~
 - (F) ~~program complete, employment rate;~~
 - (G) ~~early leaver employment rate;~~
 - (H) ~~employer satisfaction.~~

~~The performance level on Parts (b)(2)(B) through (b)(2)(H) 1; of this Rule shall be no more e than fifteen (15) percent below the system average and shall be determined by an annual survey conducted by each college based on a standard set of questions developed by tile Department.~~

(c) ~~The college transfer program performance level shall be no more than fifteen (15) percent below the system average grade point average earned after two semesters in a four year institution for students who completed ninety (90) or more quarter ter credit hours at the community college.~~

(d) ~~Programs which do not meet these standards will be subject to further review to document temporary or permanent conditions which shall be taken into account to justify offering the program. If further review fails to provide a justification for the program or to lead to improvement so that the program meets the standards, the program shall be terminated.~~

Note: Substance of this Rule is contained in 23 NCAC 2E .0205.

Authority G.S. 115D-5; 1993 S.L. c. 321, s. 109; S.L. 1995, c. 625.

SECTION .0700 - CIVIL RIGHTS

.0701 CIVIL RIGHTS

(a) The colleges shall comply with the provisions of the Civil Rights Act of 1964 and other acts banning discrimination because of race, national origin, color, religion, sex, disability, age or political affiliation.

(b) Compliance Forms. All colleges shall maintain up-to-date compliance forms for the 1964 Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, the Americans

with Disabilities Act of 1990, and Title IX of the Education Amendments of 1972.

Authority G.S. 115D-5; P.L. 88-352, as amended; P.L. 92-318; P.L. 93-608; P.L. 95-555; P.L. 101-336; P.L. 102-166; S.L. 1995, c. 625.

SUBCHAPTER 2D - COMMUNITY COMMUNITY COLLEGES: FISCAL AFFAIRS

SECTION .0100 - SALARIES

.0103 EDUCATIONAL LEAVE WITH PAY

(a) The term "educational leave" refers to the release from duties or time normally required of a full-time employee in carrying out the full load of responsibilities assigned to further his education.

(b) Each local board of trustees shall adopt an educational leave policy for employees. State funds may be used to pay employee salaries while they are on educational leave if the following criteria are incorporated in the local board of trustees' policy:

- (1) The employee is employed full-time on a 9-, 10-, 11-, or 12-month basis.
- (2) The employee ~~must~~ shall be under contract to the college for the next ~~academic~~ fiscal year.
- (3) Educational leave ~~with~~ shall not exceed one semester per ~~calendar~~ fiscal year.
- (4) An employee who fails to honor the contract stipulated in Subparagraph (b)(2) of this Rule shall be required to repay the amount expended for the educational leave. If the employee fulfills a portion of the contract before failing to honor the contract, repayment shall be based on a pro-rata portion (e.g., if an employee works 4 months of a 12-month contract, a repayment of 66.7 percent of the educational leave would be required).

Authority G.S. 115D-5; 115D-20; 115D-31; S.L. 1995, c. 625.

SECTION .0200 - STANDARD STUDENT FEES

.0201 AUTHORITY TO ESTABLISH TUITION AND FEES

(a) Authority to Charge. All tuition and registration fees charged to students for applying to or attending any college of the system ~~must~~ shall be approved by the State Board. No tuition rate or fee schedule shall be charged without ~~appropriate~~ resolution of the State Board specifying the purpose for which the fee is charged.

(b) Time Due and Deferred Payment. Tuition, registration fees and required academic fees are due and payable at the time of the student's registration. The college shall, with ~~the~~ approval of the ~~local governing board;~~ board of trustees, prescribe written procedures to permit short-term deferred

payment or payment in installments; provided, however, that no student shall be permitted to graduate or to register for a new semester unless payment of such outstanding balance has been guaranteed in writing by a financially responsible person or organization. Colleges are authorized to withhold transcripts of grades pending resolution of the outstanding obligations. This statement shall not be construed to prohibit a college's local governing board from adding more stringent provisions.

(c) Establishing Additional Fees:

- (1) Generic Fees. Generic fees are fees charged to a group of students, such as students in a specific program or to all students, e.g., lab fees, computer usage fees, publications fees, equipment use fees, etc. Activity and parking fees are discussed in Rule .0202(d) of this Section.
 - (A) In the event that the president and the governing board of a college determine that the college needs to charge a generic student fee other than the fees already authorized by state statute or State Board ~~regulation;~~ rule the president of the college shall file with the State Board through the System President, a request for authorization which shall include the following documentation:
 - (i) a resolution of the local governing board requesting authorization of the fee, stating the exact rate of payment proposed; and
 - (ii) a brief explanation and justification stating the purpose of the fee.
 - (B) A generic fee requires both local and State Board approval.
 - (C) Any additional fee established by a college which is approved by the State Board is considered a separate charge to curriculum students and shall not be credited as part payment of tuition.
 - (D) Receipts collected from any special student fee shall be deposited as State Board regulation shall direct, consistent with state law.
 - (E) Nothing in any rule shall be construed to condone or to authorize any practice of depositing receipts from any student tuition and/or student fees in a special fund account at a college, except the student activity fee receipt.
 - (F) Generic fees ~~may~~ shall not be used for any purpose other than that for which the fee was approved, e.g., computer equipment could not be purchased for staff members using generic fee receipts.
 - ~~(G) Students shall be informed of all approximate fees for a course at the time they enroll;~~
- (2) Specific Fees. Specific fees are those fees charged to students for items required for specific courses which are considered to be in addition to the normal supplies and materials the college would provide.

Examples of supplies and materials required which the college would not normally be expected to provide would include tools, uniforms, insurance, and certification fees.

- (A) Specific fees must shall be approved by the college Board of Trustees. Such fees shall reflect the actual cost of items received by the student.
 - (B) All fees must shall be deposited into a proper college account and all disbursements must shall be made by the college business office.
 - (C) In the event that there is any question as to whether a fee is generic or specific, the guidelines for generic fees, which require both local and state board approval, are applicable.
- (3) Students shall be informed of all approximate fees for a course at the time they enroll. Such fees shall be kept to a minimum consistent with the State Board philosophy to keep student costs as low as possible.

(d) Family Relocation Tuition. Community Colleges may charge in-state tuition to certain out-of-state students who are members of families that were transferred to this state by businesses, industries, or civilian families transferred by the military, for employment. Prior to enrollment, the student shall fulfill the following conditions:

- (1) Demonstrate that his or her family moved to this state within the preceding 12 months;
- (2) Present a letter to the institution from the employer on corporate letterhead stating that the employee, through which the student claims this benefit, relocated to this state for employment with that business, industry, or military establishment;
- (3) Present proof of his or her familial relationship with the employee unless the student is the employee;
- (4) Live in the same house with the employee unless the student is the employee;
- (5) Present evidence that he or she is financially dependent on the employee through which he or she claims this benefit unless the student is the employee; and
- (6) Comply with the requirements of the Selective Service System, if applicable.

The number of students eligible for in-state tuition under this rule at a college shall not exceed one percent (1%) of the average number of out-of-state students, rounded up to the next whole number, at the college in the academic year immediately preceding enrollment. Eligible students shall be granted this benefit on a first-come, first-serve basis.

Authority G.S. 115D-5; 115D-39; 116-143.1; S.L. 1995, c. 625.

.0202 CURRICULUM

(a) Tuition:

- (1) Student Residence Classification. The classification of students for tuition purposes shall be made pursuant to G.S. 116-143.1.

- (2) Tuition Rates In-State:
 - (A) A general and uniform tuition rate is established by the State Board as set by the Legislature for full-time curriculum students per semester for North Carolina residents.
 - (B) A North Carolina resident who is a part-time student shall pay a per credit hour rate for curriculum instruction, as established by the State Board, for such tuition in any semester as set by the Legislature.
- (3) Learning Laboratory. No tuition fees charged.
- (4) Tuition Creditable Upon Transfer of Student. When a student has paid the required tuition at a college and is given permission to transfer to another college within the system during the academic semester for which the tuition was paid, the college from which the student transfers shall issue to him a statement certifying the amounts of tuition that have been paid, and the college to which he is transferring shall accept such certificate in lieu of requiring payment again. [Also, see 23 NCAC 2D.0323(b)(2) which provides information regarding reporting student hours in membership.]
- (5) Tuition Student Enrolled in More Than One College. Where a student desires to enroll for the same semester at two or more colleges of the system, the total amount of tuition and fees may be paid to the student's "home" college. "Home" college is defined as the college which the student initially registers for classes. The home college shall, in that case, assume responsibility for arranging with the other college or colleges for enrolling the student in appropriate classes without further charge. Such arrangement shall be made by exchange of letters between the colleges involved. Student membership hours for instruction received shall, in any event, be reported by the college in which the respective instruction occurred.
- (6) Tuition Rates Out-of-State:
 - (A) Any full-time curriculum student who is an out-of-state resident shall pay tuition fees as established by the State Board for each semester as set by the Legislature.
 - (B) An out-of-state resident who is a part-time student shall pay a per credit hour rate for curriculum instruction as established by the State Board as set by the Legislature.
- (7) Tuition Exemptions:
 - (A) Individuals taking courses in the categories set forth in G.S. 115D-5(b) shall be exempt from tuition.
 - (B) College Staff Members. Full-time college staff members may enroll in one curriculum or extension course per semester, as well as the summer academic period, in the system without payment of tuition or registration fee.
 - (C) Basic Law Enforcement Training Program

(BLET) for law enforcement officers. All law enforcement officers employed by a municipal, county, state, or federal law enforcement agency when taking courses in a state-mandated BLET training program, are exempt from tuition payment. Also, trainees may be exempt from BLET class tuition if a letter of sponsorship from an appropriate law enforcement agency is on file at the college.

(b) Pre-Enrollment Deposit. When a prospective student has made application for admission and has been accepted, the student may be required to pay an advance deposit up to a maximum of fifteen dollars (\$15.00). This advance payment is not refundable unless the class(es) fails to materialize. This advance payment shall be deposited to the State Treasurer and credited against the full tuition due from the student during the regular registration period.

(c) Late Enrollment Fee. A late enrollment fee up to five dollars (\$5.00) may be charged curriculum students registering after the specific closing date of registration, with such fees becoming state funds.

(d) Student Activity Fee. Colleges may establish a student activity fee which may include a parking fee or a scheduled vehicle registration ~~fee~~. fee for those students who require parking facilities. Students shall not be assessed a parking fee, a vehicle registration fee, or a similar fee in addition to the established student activity fee. The maximum amount that may be charged for the student activity fee shall not exceed ~~twenty-eight~~ thirty-eight dollars (~~\$28.00~~) (\$38.00) per student per fiscal year. Students may be assessed a parking fee, vehicle registration fee, or similar fee separate from the student activity fee; however, when such a fee is added to the student activity fee, the sum shall not exceed thirty-eight (\$38.00) per student per fiscal year. Funds derived from collection of a student activity fee shall be accounted for and expended under standing procedures and regulations adopted by the local governing board of the college. Any expenditure from the fund must directly benefit students.

(e) Tuition Refunds.

(1) A refund shall not be made except under the following circumstances:

- (A) A 100 percent refund shall be made if the student officially withdraws prior to the first day of class(es) of the academic semester as noted in the college calendar. Also, a student is eligible for a 100 percent refund if the class in which the student is officially registered fails to "make" due to insufficient enrollment.
- (B) A 75 percent refund shall be made if the student officially withdraws from the class(es) prior to or on the official ~~20~~ 10 percent point of the semester.
- (C) For classes beginning at times other than the first week (seven calendar days) of the semester a 100 percent refund shall be made if the student officially withdraws from the class prior to the first class meeting. A 75 percent

refund shall be made if the student officially withdraws from the class prior to or on the ~~20~~ 10 percent point of the class.

(D) For contact hour classes, apply as Part (e)(1) of this Rule except use 10 calendar days from the first day of the class(es) as the determination date.

- (2) To comply with applicable federal regulations regarding refunds, federal regulations will supersede the state refund regulations stated in this Rule.
- (3) Where a student, having paid the required tuition for a semester, dies during that semester (prior to or on the last day of examinations of the college the student was attending), all tuition and fees for that semester may be refunded to the estate of the deceased.
- (4) For a class(es) which the college collects receipts which are not required to be deposited into the State Treasury account, the college shall adopt appropriate local refund policies.

Authority G.S. 115D-5; 115D-39; 116-143.1; P.L. 93-508; S.L. 1995, c. 625.

.0203 EXTENSION PROGRAMS

(a) Registration fees for Non-Curriculum Extension Instruction. For purposes of administration of this Rule, non-curriculum extension instruction means all instruction organized, supervised, or delivered outside the regular curriculum programs offered by the college.

- (1) A registration fee, as established by the State Board, as set by the Legislature shall be charged for each occupational extension class.
- (2) Each local board ~~is delegated the responsibility to~~ shall establish registration fees for Community Service Programs (academic, practical skills, avocational, and cultural/civic activities). Programs.
- (3) All recreational courses ~~must~~ shall be self-supporting. Colleges ~~are required to~~ shall collect and deposit to a local account fees and other contributions to support entirely the costs of all recreational extension courses taught. Also note Paragraph ~~(b)~~ (c) of Rule .0325 of this Subchapter regarding the reporting of student membership hours for this area.
- (4) A registration fee shall be charged for each extension class of ~~17~~ 21 weeks or less. A registration fee shall be charged each ~~13~~ 16 weeks for extension classes lasting longer than ~~17~~ 21 weeks.
- (5) Registration Fee Exemptions:
 - (A) Special Extension Training Programs. No registration fees shall be charged students enrolling for special extension training programs that directly relate to job performance set forth in G.S. 115D-5(b).
 - (B) College Staff Members. Full-time college staff members may enroll in one extension or curriculum course per semester in the system

without registration fee or tuition charges.

(b) ~~Self-Supported Courses: Classes.~~ A college ~~shall have the authority to may~~ sponsor self-supporting ~~courses, classes,~~ [see 23 NCAC 2E .0101], deposit income (if any) to a local account, and pay all expenses from such local account. Each student is required to pay a pro-rata share of the cost of a self-supporting class. Since the pro-rata share assumed is not considered a registration fee, no individual or group is exempt under G.S. 115D-5(b) from paying a proportional share of the identified cost of the class.

(c) Driver Education. Colleges ~~are required to shall~~ collect a student fee as established by the local board of trustees for the adult driver education training course offered through the community service program.

(d) Registration Fee Refunds. A refund shall not be made except under the following circumstances:

(1) A student who officially withdraws from an extension class(es) prior to the first class meeting shall be eligible for a 100 percent refund. Also, a student is eligible for a 100 percent refund if an applicable class fails to "make" due to insufficient enrollment.

(2) After the respective class begins, a 75 percent refund shall be made upon the request of the student if the student officially withdraws from the class prior to or on the ~~20~~ 10 percent point of the scheduled hours of the class.

Note: This Rule is applicable regardless of the number of times the class meets or the number of hours the class is scheduled to meet.

(3) For contact hour classes, apply Subparagraphs (d)(1) and (d)(2) of this Rule except use 10 calendar days from the first day of the class(es) as the determination date.

(4) For a class(es) which the college collects receipts which are not required to be deposited into the State Treasury account, the college shall adopt appropriate local refund policies.

(5) ~~Where~~ If a student, having paid the required registration fee for a semester, dies during that semester (prior to or on the last day of examinations of the college the student was attending), all registration fees for that semester may be refunded to the estate of the deceased.

Authority G.S. 115D-5; 115D-39; S.L. 1995, c. 625.

SECTION .0300 - BUDGETING: ACCOUNTING: FISCAL MANAGEMENT

.0301 OPERATING BUDGET REQUESTS: DISTRIBUTION OF FUNDS

(a) Projections of full-time equivalent (FTE) students ~~will~~ shall be based on the following:

(1) Curriculum FTE projections ~~will~~ shall be based on the academic year (fall and spring semesters).

(2) Continuing education FTE projections ~~will~~ shall be

based on the latest spring, summer, and fall FTE figures. Annual continuing education FTE is determined by totaling the student hours in membership for the three reporting periods and dividing by 688. Note definition of annual continuing education FTE in 23 NCAC 1A .0001(8).

(3) Projections ~~will~~ shall be made, program by program, as stated in Subparagraphs (a)(1) and (2) of this Rule. If the actual FTE for the semesters needed are not available, the latest actual semester FTE ~~will~~ shall be multiplied by the latest five-year retention ratio to determine the appropriate estimates. Retention ratios are FTE comparisons between Fall Semester and the Spring Semester which are used to predict FTE totals when actual figures are not available.

(4) The State Board may adjust the projections based on additional factors brought to its attention.

(5) The State Board ~~will~~ shall adopt an official projection of FTE.

(b) Appropriation Requests:

(1) Continuation Budget Requests. The continuation budget request ~~will~~ shall be based on the number of FTE and amount per FTE currently appropriated and increases in the continuation budget as directed by the Office of State Budget and Management. Also included in the continuation budget requests ~~will~~ shall be continuing categorical programs. Categorical programs are educational programs funded for specific purposes such as new and expanding industry as opposed to general formula programs such as occupational extension.

(2) Expansion Budget Requests. The expansion budget request ~~may~~ shall consist of, but is not limited to, the following items:

(A) an adjustment in the number of FTEs in existing programs based on the difference between the official FTE projections of the State Board and the existing level of FTEs requested in the continuation budget;

(B) an adjustment in expenditure per FTE;

(C) additional funding for new and special programs of instruction.

(c) State Board Reserve. A reserve ~~will~~ shall be requested from the General Assembly and shall be retained by the State Board for the purpose of making later allocations for ~~enrollment growth, feasibility studies, pilot projects, innovative programs, ideas, new concepts, etc. and start-up of new programs or as otherwise directed by the General Assembly.~~

(d) Formula distribution of funds for the current operation budget. Funds appropriated to the State Board for current operation shall be allocated to the system colleges in accordance with formulas and procedures established by the State Board, or as directed by the General Assembly. Formulas and procedures to allocate funds shall be published in the Department's Accounting Procedures Manual.

(e) JTPA Administrative Allotment. Student class hours for class size projects funded by the Job Training Partnership Act

(JTPA) ~~may~~ shall not be included in the full-time equivalent (FTE) formula for earning budget/FTE. Administrative funds for operating these class size projects shall be allocated on the same basis as all other administrative formula funds.

Authority G.S. 115D-3; 115D-5; 115D-54; S.L. 1995, c. 625.

.0323 REPORTING OF STUDENT HOURS IN MEMBERSHIP FOR CURRICULUM CLASSES

(a) Academic Semester. The academic semester for all credit courses shall be designed so that all classes may be scheduled to include the number of instructional hours shown in the college catalog and the approved curriculum program of study compliance document and reported for FTE purposes. Instructional hours include scheduled class and laboratory sessions as well as examination sessions. Length of semesters or courses may vary as long as credit hours are assigned consistent with 23 NCAC 1A .0001 and as long as membership hours are reported consistent with the other provisions of this Rule. Also, note 23 NCAC 2D .0327 which identifies the reporting periods for submission of Institution Class Reports.

(b) Regularly-Scheduled Classes.

(1) A class is regularly scheduled if it meets all of the following criteria:

- (A) assigned definite beginning and ending time;
- (B) specific days the class meets is predetermined;
- (C) specific schedule included on the Institution Master Schedule or other official college documents;
- (D) class hours assigned consistent with college catalog and curriculum standard requirements;
- (E) identified class time and dates the same for all students registered for the class excluding clinical or cooperative;

(i) Classes which have a regularly scheduled lecture section and a non-regularly scheduled laboratory section will satisfy this criteria. The census date (~~30%~~ 10% point) must be determined from the regularly scheduled portion of the class. Verification of student participation in the laboratory section of the class must be available for review.

(ii) A student is considered absent if that student did not attend during the specified times or days the class was scheduled to meet.

(2) A student is considered to be in class membership when the student meets all the following criteria:

- (A) enrolled as evidenced by payment of the applicable tuition and fees, or obtained a waiver as defined in G.S. 115D-5(b);
- (B) attended one or more classes prior to or on the 30 10 percent point in the class;
- (C) has not withdrawn or dropped the class prior

to or on the 30 10 percent point.

(3) Student Membership Hour. A student membership hour is one hour of scheduled class or laboratory for which the student is enrolled. A college shall provide a minimum of 50 minutes of instruction for each scheduled class hour. A college must provide sufficient time between classes to accommodate students changing classes. A college may not report more hours per student than the number of class hours scheduled in the approved curriculum program of study compliance document.

(4) Calculation of Student Membership Hours for Regularly Scheduled Classes. Student membership hours are obtained by multiplying the number of students in membership at the 30 10 percent point in the class by the total number of hours the class is scheduled to meet for the semester as stated in the college catalog and the approved curriculum program of study compliance document.

(5) Maintenance of Records of Student Membership Hours. Accurate attendance records must be maintained for each class through the 30 10 percent point of the class. Colleges are encouraged to maintain attendance records for the duration of all classes. Attendance records are to be signed by the instructor or lead instructor, verifying their accuracy, and are to be maintained by the college until released from all audits (see the Public Records Retention & Disposition Schedule for Institutions in the Community College System). Student membership hours shall be summarized in the Institution's Class Report and certified by the president or designee. For classes identified as non-traditional delivery (see Subparagraph (e)(1) of this Rule for additional information), documentation of student contact prior to the 30 10 percent point must be maintained in the same manner as the attendance records mentioned in this Rule.

(c) Non-Regularly Scheduled Classes.

(1) A non-regularly scheduled class may include any or all of the following:

- (A) a class where a definitive beginning and ending time is not determined;
- (B) a class offered in a learning laboratory type setting (see Subparagraph (b)(6) of Rule .0324 of this Subchapter for definition of learning laboratory);
- (C) a class self-paced in that the student progresses through the instructional materials at his/her own pace, and can complete the courses as soon as he/she has successfully met the educational objectives. Classes offered as independent study are generally offered in this manner;
- (D) a class in which a student may enroll during the initial college registration period or in which the student may be permitted to enroll

at any time during the semester;

- (E) any class not meeting all criteria for a regularly scheduled class, as shown in Subparagraph (b)(1) of this Rule, is considered to be a non-regularly scheduled class for reporting purposes. Note classes defined as non-traditional (see Paragraph (e) of this Rule) which are identified as a separate student hour reporting category and are not subject to the above provisions in Paragraph (c).

- (2) Definition of Student Membership. A student is considered to be in class membership when the student meets the following criteria:

- (A) enrolled as evidenced by payment of the applicable tuition and fees, or obtained a waiver as defined in Paragraph (a) of Rule .0202 of this Subchapter; and
- (B) attended one or more classes.

- (3) Definition of a Student Contact Hour. For non-regularly scheduled classes, student contact hours, actual hours of student attendance in a class or lab are to be reported for each student determined to be in membership. Sixty minutes shall constitute an hour.

- (4) Calculation of Student Contact Hours for Non-Regularly Scheduled Classes. For these classes, actual time of class attendance is to be reported; 60 minutes shall constitute an hour. Student contact hours for these classes are the sum of all the hours of actual student attendance in a class in a given semester.

- (5) Maintenance of Records of Student Contact Hours. Accurate attendance records must be maintained for each class of the nature described in this Rule through the entire semester. Attendance records are to be signed by the instructor or lead instructor, verifying their accuracy, and are to be maintained by the college until released from all audits (see the Public Records Retention & Disposition Schedule for Institutions in the Community College System). Student contact hours shall be summarized in the Institution's Class Report and certified by the president or designee.

(d) Skills Laboratory or Computer Tutorial Laboratory. Individualized instructional laboratories are similar to learning laboratories (see Subparagraph (b)(6) of Rule .0324 of this Subchapter) except the participants are curriculum students. Skills labs or computer tutorial labs are remedial/developmental in nature and intended for students who are experiencing academic difficulty in a particular curriculum course. A skills laboratory instructor must be qualified in the single-subject area of the skills laboratory. A computer tutorial laboratory coordinator need not be qualified in any of the subject area(s) provided in a computer tutorial laboratory. Student contact hours may be reported for budget/FTE when students are required by their instructor to attend either of the laboratories

for remedial/developmental work and when the skills laboratory instructors or computer tutorial coordinators are paid with curriculum instructional funds.

- (1) Documentation of instructor referral must be maintained for auditing purposes. Maintain documentation until released by audit.
- (2) Homework assignments are not permitted to be reported for budget/FTE. Note 23 NCAC 2D .0325(a).
- (3) Calculation of Student Contact Hours for Skills Laboratory or Computer Tutorial Laboratory. For these classes, actual time of class attendance is to be reported; 60 minutes shall constitute an hour. Student hours generated for these types of classes are the sum of all the hours of actual student attendance in a class in a given semester.

- (e) Classes Identified as Curriculum Non-Traditional Delivery.

- (1) Definition. Due to the methodology by which instruction is delivered, non-traditional delivery classes are not consistent with the definitions of regularly scheduled or non-regularly scheduled classes described in this Rule. Non-traditional delivery classes must be offered through media such as radio, television, and other media as well as through correspondence or newspapers. The instruction delivered is prestructured into identifiable units. Non-traditional delivery classes do not include classes identified as independent study which are not media based or are not correspondence or newspaper based.

- (2) For those classes identified as non-traditional delivery, student attendance in class or in an orientation session, submission of a written assignment or submission of an examination, is the basis for the determination of class membership at the 30 10 percent point of the class. Student membership hours earned in non-traditional delivery classes shall be calculated by multiplying the number of students in membership, as determined in the prior sentence, times the number of hours assigned to the class in official college documents. For these classes, the number of hours assigned must be consistent with the credit hours assigned according to 23 NCAC 2E .0104, as well as the appropriate curriculum standard.

(f) Curriculum Student Work Experience and Clinical Practice. The following criteria apply to the reporting guidelines for students enrolled in curriculum work experience and clinical practice courses, exclusive of in-plant training as specified in 23 NCAC 2E .0402. Examples of student work experience include cooperative education, practicums, and internships. Clinical practice refers to work experience in health occupation programs.

- (1) Student membership hours for student work experience and clinical practice shall not generate budget/FTE without prior approval by the

Department of such activities through the appropriate curriculum standard.

- (2) Work Experience. Work experience for curriculum courses shall earn budget/FTE at the 100 percent rate of assigned work experience hours and shall not exceed a maximum of 320 membership hours per student per semester.

- (A) These classes must be coordinated by college personnel paid with college instructional funds and may be located in one or more sites.
- (B) These classes must be specified in the approved curriculum of the college consistent with the applicable curriculum standard.
- (C) Formal or informal apprenticeship on-the-job training activities of a cooperative skill training program funded under a special project allocation shall not earn budget/FTE. Classroom instruction funded with college regular budget instructional dollars for related or supplemental instruction as required by formal or informal apprenticeship programs shall earn budget/FTE.

- (3) Clinical Practice. Curriculum clinical practice, as defined in 23 NCAC 2E .0104, refers to clinical experience in health occupation programs which shall earn budget/FTE at the 100 percent rate for student membership hours. The applicable classes must be consistent with the curriculum standards policy as noted in Paragraph (a) of 23 NCAC 2E .0203. The maximum membership hours in a clinical experience which can be reported per student in a given semester is 640. These classes must be supervised by college instructors qualified to teach in the particular program and who are paid with college instructional funds. These classes may be located in one or more sites.

Authority G.S. 115D-5; P.L. 1995, c. 625.

.0324 REPORTING OF STUDENT HOURS IN MEMBERSHIP FOR EXTENSION (NON-CREDIT) CLASSES

(a) Regularly Scheduled Classes.

- (1) Definition of Regularly Scheduled Class. A class is considered to be regularly scheduled if it meets all of the following criteria:
 - (A) assigned definite beginning and ending time;
 - (B) specific predetermined days and time the class meets;
 - (C) specific schedule included on the Institution Master Schedule or other official college documents;
 - (D) class hours assigned consistent with official college documents;
 - (E) identified class time and dates the same for all students registered for the class excluding clinical or work experience;

- (i) Classes which have a regularly scheduled lecture section and a non-regularly scheduled laboratory section will satisfy the criteria. The census date (30% 10% point) must shall be determined from the regularly scheduled portion of the class. Verification of student participation in the laboratory section of the class must shall be available for review.

- (ii) A student is considered absent if that student did not attend during the specified times or days the class was scheduled to meet.

- (2) Definition of Student Membership. A student is considered to be in class membership when the student meets all the following criteria:

- (A) enrolled as evidenced by payment of the applicable registration fees, or obtained a waiver as defined in Paragraph (a) of Rule .0203 of this Subchapter;
- (B) attended one or more classes held prior to or on the 30 10 percent point in the class; and
- (C) has not withdrawn or dropped the class prior to or on the 30 10 percent point of the class.

- (3) Student Membership Hour. A student membership hour is one hour of scheduled class or laboratory for which the student is enrolled. A college shall provide a minimum of 50 minutes of instruction for each scheduled class hour. A college may not report more hours per student than the number of class hours scheduled in official college documents. Colleges may not report more hours per student, excluding non-traditional classes, than the number of hours specified in the instructor's contract.

- (4) Calculation of Student Membership Hours for Regularly Scheduled Classes. Student membership hours are obtained by multiplying the number of students in membership at the 30 10 percent point in the class by the total number of hours the class is scheduled to meet for the semester as stated in official college documents. ~~Due to the unique funding formula for Human Resource Development (HRD) classes, all HRD classes must be regularly scheduled and reported consistent with the calculation method noted in Subparagraph (a)(4) of this Rule.~~

- (5) Maintenance of Records of Student Membership Hours. Accurate attendance records must shall be maintained for each class throughout the entire class or semester. Attendance records ~~are to shall~~ be signed by the instructor or lead instructor, verifying their accuracy, and ~~are to shall~~ be maintained by the college until released from all audits as provided in the Public Records Retention & Disposition Schedule for Institutions in the Community College System. Student membership hours shall be summarized in

the Institution's Class Report and certified by the president or designee. For classes identified as non-traditional delivery, (see Paragraph (c) of this Rule) documentation of student contact hours prior to the 30 10 percent point ~~must~~ shall be maintained in the same manner as the attendance records mentioned in this Rule.

(b) Non-Regularly Scheduled Classes.

(1) Definition of Non-Regularly Scheduled Class. A non-regularly scheduled class may include any or all of the following:

- (A) a class where a definitive beginning and ending time is not determined;
- (B) a class offered in a learning laboratory type setting (see Subparagraph (b)(6) of this Rule for definition of learning laboratory);
- (C) a class self-paced in that the student progresses through the instructional materials at his/her own pace, and can complete the courses as soon as he/she has successfully met the educational objectives. Classes offered as independent study are generally offered in this manner;
- (D) a class in which a student may enroll during the initial college registration period or in which a student may be permitted to enroll at any time during the semester; or
- (E) any class not meeting all criteria for a regularly scheduled class as shown in Subparagraph (a)(1) of Rule .0324 of this Subchapter, is considered to be a non-regularly scheduled class for reporting purposes;
- (F) note classes defined as non-traditional (see Paragraph (c) of this Rule) which are identified as a separate student hour reporting category and are not subject to the provisions in Paragraph (b).

(2) Definition of Student Membership. A student is considered to be in class membership when the student meets the following criteria:

- (A) enrolled as evidenced by payment of the applicable registration fees, or obtained a waiver as defined in Paragraph (a) of Rule .0203 of this Subchapter; and
- (B) attended one or more classes.

(3) Definition of Student Contact Hour. A student contact hour is one hour of student attendance in a class for which the student is in membership as defined in Subparagraph (b)(2) of this Rule. Sixty minutes shall constitute an hour.

(4) Calculation of Student Contact Hours for Non-Regularly Scheduled Classes. For these classes, actual time of class attendance is to be reported; 60 minutes shall constitute an hour. Student contact hours for these classes are the sum of all the hours of actual student attendance in a class in a given

semester.

(5) Maintenance of Records of Student Contact Hours. Accurate attendance records ~~must~~ shall be maintained for each class throughout the entire class or semester. Attendance records shall be signed by the instructor or lead instructor, verifying their accuracy, and ~~are to~~ shall be maintained by the college until released from all audits as provided in the Public Records Retention and Disposition Schedule for Institutions in the Community College System. Student membership hours shall be summarized in the Institution's Class Report and certified by the president or designee. For classes identified as non-traditional delivery, (see Paragraph (c) of this Rule), documentation of student contact hours prior to the 30 10 percent point ~~must~~ shall be maintained in the same manner as the attendance records mentioned in this Rule.

(6) Learning Laboratory. Learning laboratory programs consist of self-instruction using programmed text, audio-visual equipment, and other self-instructional materials. A learning laboratory coordinator has the function of bringing the instructional media and the student together on the basis of objective and subjective evaluation and of counseling, supervising, and encouraging persons working in the laboratory. Contact hours ~~are to~~ shall be calculated as noted in Subparagraph (b)(4) of this Rule.

(c) Classes Identified as Extension Non-Traditional Delivery.

(1) Definition. Due to the methodology by which instruction is delivered, non-traditional delivery classes are not consistent with the definitions of regularly scheduled or non-regularly scheduled classes described in this Rule. Non-traditional delivery classes may be offered through media such as radio, television and other media as well as through correspondence or newspapers. The instruction delivered is pre-structured into identifiable units. Non-traditional delivery classes do not include classes identified as independent study which are not media based or are not correspondence or newspaper based.

(2) For those classes identified as non-traditional delivery, student attendance in class or in an orientation session, submission of a written assignment or a submission of examination is the basis for the determination of class membership at the 30 10 percent point of the class. Student membership hours in such classes shall be calculated by multiplying the number of students enrolled in the class times the number of instructional hours delivered which is determined as follows:

- (A) determine the number of hours of instruction delivered via non-traditional delivery; and
- (B) add the number of hours of class meetings, review sessions, etc.;

- (C) For those non-traditional continuing education classes which are approved by a local college staff review committee and the Director of Continuing Education Services for the Department, additional hours above the level noted in Subparagraphs (c)(2)(A) and (B) in this Rule may be approved commensurate with course content.

(d) Extension Student Work Experience and Clinical Practice. The following criteria apply to the reporting guidelines for students enrolled in extension work experience and clinical practice courses, exclusive of in-plant training as specified in 23 NCAC 2E .0402. To be eligible for approval, these work experience or clinical practice courses must shall be required by ~~an external~~ a licensing agency or accrediting body. Examples of student work experience include cooperative education, practicums, and internships.

- (1) Student membership hours for student work experience and clinical practice shall not generate budget FTE without prior approval of such activities by the Department. ~~Department on forms provided for this purpose.~~ Approval of student work experience and clinical practice approved prior to November 1, 1983 by the Department must shall be resubmitted for reapproval. ~~reapproval on the forms provided for this purpose.~~ When the number of approved student work experience membership hours increases by more than 30 percent per course, a new request for approval form must shall be submitted.

- (2) Work Experience. Work experience for extension courses shall earn budget/FTE at the 100 percent rate for student membership hours, as required by ~~an external~~ a licensing agency or accrediting body, and shall not exceed a maximum of 320 membership hours per student per semester. A maximum of 320 hours may be reported per student per year for a given licensing/accrediting requirement.

- (A) These classes must shall be coordinated by college personnel paid with college instructional funds and may be located in one or more sites.

- (B) Formal or informal apprenticeship on-the-job training activities of a cooperative skill training program funded under a special project allocation shall not earn budget/FTE. Classroom instruction funded with regular budget instructional dollars for related or supplemental instruction as required by formal or informal apprenticeship programs shall earn budget/FTE.

- (3) Clinical Practice. Clinical practice refers to clinical experience in health occupation courses which shall earn budget/FTE at the 100 percent rate for student membership hours, as determined in Subparagraph (a)(3) of this Rule, and shall not exceed a maximum of 320 membership hours per student per semester unless North Carolina licensure or program

accreditation standards require additional hours. In such cases, work activity hours shall earn budget/FTE at the 100 percent rate in accordance with licensure or program accreditation standards up to a maximum of 640 membership hours per student per semester. These classes must shall be supervised by college instructors qualified to teach in the particular program and who are paid with college instructional funds. These classes may be located in one or more sites.

- (e) The Adult High School Diploma work experience shall not exceed 160 hours per student.

Authority G.S. 115D-5; S.L. 1995, c. 625.

.0327 REPORTING STUDENT MEMBERSHIP HOURS TO THE DEPARTMENT

(a) Curriculum and extension college class reports summarizing student membership hours shall be submitted to the Department during each student membership hour reporting period defined in this Paragraph.

- (1) The three student membership hour reporting periods are as follows:

- (A) Period 1 - (Spring Period): January 1 - May 15;
(B) Period 2 - (Summer Period): May 16 - August 14;
(C) Period 3 - (Fall Period): August 15 - December 31.

- (2) College class reports for all regular budget curriculum and extension classes shall be submitted 21 calendar days after the conclusion of each student reporting period defined in Subparagraph (a)(1) of this Rule. Any exceptions to this reporting period sequence for a given college must be approved by the Business and Finance Division and Information Services Section of the System Office. Note the following schedule concerning application of the designated periods:

- (A) all reports received by June 5 shall be designated Period 1;
(B) all reports received by September 4 shall be designated Period 2; and
(C) all reports received by January 21 shall be designated Period 3.

(b) For learning laboratories, skills laboratories, multi-entry, multi-exit and other non-regularly scheduled classes where actual student time in class is determined, student contact hours shall be calculated on the last day of each respective student membership hour reporting period for a given class and submitted to the Department according to Subparagraphs (a)(1) and (a)(2) of this Rule. Also, note Paragraphs (b) and (c) of Rule .0323 and Paragraphs (a) and (b) of Rule .0324 regarding calculation of student membership hours.

(c) College class reports for non-regular budget extension classes such as new and expanding industry, HRD, JTPA, self-supporting, and recreational shall also be submitted to the

Department in accordance with Subparagraphs (a)(1) and (a)(2) of this Rule.

Authority G.S. 115D-5; 115D-31; 115D-58.5; S.L. 1995, c. 625.

SUBCHAPTER 2E - EDUCATIONAL PROGRAMS

SECTION .0100 - PROGRAM CLASSIFICATION: DEGREES: DIPLOMAS AND CERTIFICATES

.0101 PROGRAM CLASSIFICATION

The following criteria are used for classifying the programs offered in the North Carolina Community College System.

(1) Curriculum Programs:

(a) A curriculum program is an organized sequence of courses leading to an associate degree, a diploma, or a certificate. All curriculum programs are designed to provide education, training, ~~and~~ or retraining for the work force.

(i) Associate degree programs are ~~defined as~~ planned programs of study culminating in an associate in applied science, associate in arts, associate in fine arts, associate in science, or associate in general education degree.

(A) The associate in applied science degree ~~program is~~ programs are designed ~~primarily~~ to prepare individuals for employment. These programs involve the application of scientific principles in research, design, development, production, distribution, or service.

(B) The associate in arts, associate in science, and associate in fine arts degree programs are designed ~~primarily~~ to prepare students for transfer at the junior level to institutions offering baccalaureate degrees.

(C) The associate in general education degree ~~program is~~ programs are designed ~~primarily~~ for students who desire a general liberal arts education.

(ii) The diploma ~~program is~~ programs are designed ~~primarily~~ to provide entry-level employment training. A diploma program may be a stand-alone curriculum program title, or a college may award a diploma under an approved associate in applied science

degree curriculum program for a series of courses taken from the approved program of study and structured so that a student may complete additional non-duplicative coursework to receive an associate in applied science degree.

(iii) The certificate ~~program is~~ programs are designed ~~primarily~~ to lead to employment or to provide skills upgrading or retraining for individuals already in the workforce. A certificate program may be a stand-alone curriculum program title, or a college may award a certificate under an approved degree or diploma curriculum program for a series of courses taken from the approved program of study.

(b) Developmental Education programs consist of courses and support services which include ~~include, but are not limited to~~, diagnostic assessment and placement, tutoring, advising, and writing assistance. These programs are designed to address academic preparedness, workforce retraining, development of general and discipline-specific learning strategies, and affective barriers to learning. Developmental courses do not earn credit toward a degree, diploma, or certificate.

(2) Continuing Education Programs:

(a) Occupational Extension courses consist of single courses, each complete in itself, designed for the specific purposes of training an individual for full- or part-time employment, upgrading the skills of persons presently employed, and retraining others for new employment in occupational fields.

(b) Community Service/Visiting Artist Program:
Community Service:

(i) ~~The Community Service/Visiting Artist Program includes academic, practical skills, avocational courses, and cultural and civic activities. courses consist of single courses, each complete in itself, that focus on an individual's personal or leisure needs rather than occupational or professional employment.~~

(ii) ~~The instructional component of this program may be comprised of courses in the fields of academic, practical skills, and avocational education. Instruction offered in this program shall consist of single courses, each complete in itself, designed to serve the specific academic, practical skills, or avocational needs of adult citizens. Academic courses are designed to serve the academic educational needs of adult~~

citizens; practical skills courses are designed to provide training for persons pursuing additional skills which are not considered their major or primary vocation but may reasonably lead to employment; and avocational courses focus on an individual's personal or leisure needs rather than occupational or professional employment.

- (ii) (iii) The cultural and civic, and visiting artist component of this program meets community needs through lecture and concert series, art shows, the use of college facilities by community groups, providing speakers to community organizations, and providing visiting artist activities for college communities. Visiting artists ~~are~~ may be provided an opportunity to work as artists in residence to enhance local arts resources and promote the various visual, performing and literary arts in communities throughout North Carolina.
- (c) Self-Supporting Programs:
 - (i) A self-supporting course is not reported to the state for budget FTE since the cost of conducting the course is paid by students enrolled.
 - (ii) Recreational programs are self-supporting courses which the college may provide at the request of the community but for which the college receives no budgetary credit. Funds appropriated as operating expenses for allocation to the colleges shall not be used to support recreation courses. The financing of these courses by a college shall be on a self-supporting basis, and membership hours produced from these activities shall not be counted when computing full-time equivalent students for use in budget-funding formulas at the state level.
- (d) Basic Skills Programs. The State Board and the community college system shall encourage persons to complete high school rather than seek testing for the High School Diploma Equivalency.
 - (i) High School Equivalency programs consist of classroom instruction, ~~or~~ learning laboratory courses, or a combination of ~~both activities~~ designed to qualify a student for an adult high school diploma diploma. ~~under an Agreement of Affiliation with a local~~

public school system. Approval is given to trustees of community colleges to enter into an agreement of affiliation with a local board of education to establish an adult high school equivalency program. An Agreement of Affiliation with a local public school system is required for minors sixteen or seventeen years old. No agreement is required for adults eighteen years old and older.

- (ii) General Educational Development (GED) testing programs consist of classroom instruction, or learning laboratory courses, or a combination of both designed to qualify a student to demonstrate competency on the General Educational Development (GED) tests and to receive a High School Diploma equivalency from the State Board. The State ~~board~~ Board is responsible for the administration of the General Educational Development testing program in cooperation with the Office on Educational Credit of the American Council on Education. The procedures regulating the GED Testing Program set forth in the GED Examiner's Manual published by the General Educational Development Testing Service of the American Council on Education are hereby incorporated by reference. A copy of this manual is available for inspection in the Office of the System President, Department of Community Colleges, 200 W. Jones Street, Raleigh NC 27603-1379. A copy of this manual may be obtained at a cost of ten dollars (\$10.00) from the GED Testing Service of the American Council on Education, One Dupont Circle NW, Washington, DC 20036-1163.
- (iii) The Adult Basic Education (ABE) program is designed for adults who are functioning at or below the eighth grade educational level. The major objectives of the program are to enable adults to acquire the basic educational skills necessary to be fully competent in our society, to improve their ability to benefit from occupational training and to have greater opportunities for more productive and profitable employment, and to meet their own objectives for enrolling in the program. Classes are offered and focus on fundamental skills

such as reading, writing, speaking, computing, critical thinking, and problem solving.

- (iv) The English as a Second Language (ESL) program offers classes which accommodate the varied needs of the immigrant and refugee populations. Attention is given to both the cultural and linguistic needs as instruction is focused upon the formation of accurate, appropriate communication skills and upon the student's ability to function in the adult American community. Classes are offered at the beginning through the advanced levels of ESL. The curriculum is designed to develop the basic language skills of reading, writing, speaking, and listening. Instruction integrates the English language with topics that prepare students for everyday life, employment, and citizenship.

- (v) The Compensatory Education (CED) program is designed for adults with mental retardation. The program is highly individualized and fosters a maximum level of independent living commensurate with personal ability. Instruction is offered in math, language, social science, health, community living, consumer education and vocational education.

- (e) Business and Industrial Training.

- (i) The Focused Industrial Training program addresses critical skills in existing industries. Based on assessments of need, these customized classes typically combine on-the-job training with classroom instruction to up-grade or train incumbent employees of manufacturing industries.

- (ii) The New and Expanding Industry Training program offers customized, job-specific training to new or expanding companies creating new jobs in the state.

- (iii) The Small Business Center program provides training, counseling and referral services especially designed in content and delivery modes for small businesses, both existing and prospective.

- (f) Special Instructional Programs:

- (i) The Human Resources Development (HRD) program is an intensive program to recruit, train, and either place in employment or vocationally train

chronically unemployed or underemployed adults. The primary objective of the training component is to help the jobless trainee orient himself or herself to the world of work, appreciate the effects of his or her behavior on others, and develop the basic academic and communication skills prerequisite to obtaining and maintaining employment.

- (ii) The Job Training Partnership Act (JTPA) programs consist of occupational training and basic education for disadvantaged persons.

- (g) The Learning Laboratory programs consist of self-instruction using programmed texts, audio visual equipment, and other self-instructional materials. A learning laboratory coordinator has the function of bringing the instructional media and the student together on the basis of objective and subjective evaluation and of counseling, supervising, and encouraging persons working in the lab.

Authority G.S. 115D-1; 115D-2; 115D-5; S.L. 1995, c. 625.

.0102 CURRICULUM PROGRAMS: DEGREES, DIPLOMAS, CERTIFICATES

The State Board regulates the awarding of degrees, diplomas, and certificates as follows:

- (1) ~~The approval of a college to award the associate degree, diploma, or certificate shall be by individual program. Approval by the State Board will be granted when the college has demonstrated an established need and can provide evidence of sufficient instructional, faculty, and facility resources.~~

- (2) ~~The System President will recommend action on the college's curriculum application to the State Board.~~

- (3) ~~License to grant degrees, diplomas, and certificates may be withdrawn if the State Board determines that a college is not maintaining approved programs or graduation requirements.~~

- (4) ~~The State Board shall assign a curriculum code, official title, credential, and minimum and maximum credit hour length for each curriculum.~~

- (a) ~~The college may award the Associate of Arts, the associate of Science, or the Associate of Fine Arts degree to graduates of college transfer curriculums. The college transfer curriculum shall be 96 quarter hour credits in length.~~

- (b) ~~The college may award the Associate in General Education degree to graduates of General Education curriculums. The General Education curriculum shall be 96 quarter hour credits in length.~~

- ~~(c) The Associate in Applied Science Degree may be awarded to graduates of technical curriculums. The minimum length for a technical program shall be 96 quarter hour credits and the maximum length shall be 128 quarter hour credits but, on special approval by the State Board, may exceed 128 quarter hour credits in length.~~
- ~~(d) The diploma may be awarded to graduates of vocational curriculums. A vocational curriculum length will be a minimum of 64 quarter hour credits and a maximum of 128 quarter hour credits.~~
- ~~(e) The certificate or diploma may be awarded under an existing approved diploma or degree program for a course or series of courses taken from the curriculum when the total quarter-hour credits meet the State Board criteria for the credential as set forth in Rule .0203 of this Subchapter.~~

Authority G.S. 115D-2; 115D-5; S.L. 1995, c. 625.

SECTION .0200 - CURRICULUM PROGRAMS

.0201 CURRICULUM PROGRAM APPROVALS AND TERMINATIONS

(a) Curriculum Program Approvals. Community colleges shall issue degrees, diplomas, and certificates to individuals who satisfactorily complete course and program requirements.

- (1) The approval of a college or of a group of colleges in a collaborative arrangement to award the associate degree, diploma, or certificate shall be by individual curriculum program title. Approval by the State Board shall be granted when the college has demonstrated an established need and has provided evidence to the State Board of sufficient instructional faculty, facilities, equipment, and materials necessary required to meet the needs of the communities served without supplanting or duplicating existing programs.
- (2) The application shall be signed by the college president and the chairman of the college's board of trustees.
- (3) The System President shall recommend action on the college's curriculum program application to the State Board.
- (4) Approval to grant degrees, diplomas, and certificates shall be withdrawn if the State Board determines that a college is not maintaining approved programs or graduation requirements.

(b) Curriculum Program Terminations. The college shall terminate a curriculum program when there has been no enrollment for two years; a college may request a one-year extension of a curriculum program upon justification of the potential for employment opportunities and student enrollment.

Curriculum programs shall be terminated by action of the State Board. Each college planning to terminate a curriculum program shall inform the System President by submitting a termination notice. ~~notice on the appropriate form.~~

(c) The System President shall approve Associate in General Education and Associate in Applied Science General Occupational Technology curriculum programs for colleges in the system.

(d) On special approval by the State Board, a degree program title or a stand-alone diploma or certificate program title may exceed the maximum length of programs as set by the curriculum standards. Such an exception shall apply to all colleges approved to offer the curriculum program title. A two-thirds majority of colleges approved to offer the program must shall agree with the conditions of the request for the exception. A request for an exception shall be justified based on one or more of the following criteria:

- (1) Additional time in the program is required by law.
- (2) Additional time in the program is required by an external regulatory, accrediting, or professional agency recognized by the State Board.
- (3) Additional time in the program is justified by documented extenuating circumstances such as the following:
 - (A) Documentation that equivalent programs in other states require additional hours of training to teach the competencies of the curriculum;
 - (B) Documentation that the program will not be viable without the exception; or
 - (C) Documentation that employers have certified the competencies required for the program and the length of time needed to teach those competencies.

Authority G.S. 115D-5; 115D-20(6); S.L. 1995, c. 625.

.0203 STANDARDS FOR TECHNICAL-VOCATIONAL CURRICULUMS

~~(a) Standards. The standards for each occupational curriculum, technical or vocational, will be developed in accordance with the following guidelines. Each institution will design its curriculum courses and requirements to comply with the standards for the curriculum. Each institution will also follow procedures for curriculum approval as outlined in Rules .0101, .0102, and .0104 of this Subchapter.~~

~~(b) Guidelines for Technical-Vocational Curriculums~~

- ~~(1) Each curriculum should be developed to meet specific occupational objectives and occupational educational competencies. The curriculum should be designed to lead to employment. The curriculum should emphasize knowledge, skills, and attitudes appropriate to the occupational cluster for which it is designed, with the necessary information about instruments, tools, equipment, and processes included as an integral part of the curriculum.~~
- ~~(2) The curriculum is defined as consisting of a course or~~

a group of courses organized in a logical sequence to meet occupational educational goals and that meet the following criteria:

- (A) The curriculum consists of a course or courses which total a minimum of 16 quarter-hour credits.
- (B) The curriculum covers the instruction in the designated competencies for an occupation.
- (3) Curricula leading to the Associate in Applied Science (A.A.S.) degree should require from 96 quarter-hour credits to 128 quarter-hour credits for graduation. On special justification the State President may recommend a curriculum to the State Board with quarter-hour credit requirements above the maximum of 128. Total quarter-hour credits required for each curriculum will be established at a minimum with the maximum allowed being no more than 10 percent above the minimum.
- (4) Curricula leading to the diploma should require from 64 to 128 quarter-hour credits for graduation. Quarter-hour credits for each curriculum will be established at a minimum with a maximum being no more than 10 percent above the minimum.
- (5) Certificates may be awarded to a graduate of a curriculum of fewer than 64 quarter-hour credits in length.
- (6) Technical Curricula
 - (A) Technical curricula should be designed to prepare individuals for employment in fields recognized as semiprofessional or paraprofessional in status. They should be composed of collegiate-level studies (not necessarily transferable) providing a greater degree of theoretical knowledge than manipulative skills and should be oriented to a broad occupational cluster.
 - (B) Graduates from a technical curriculum should have at least 18 quarter-hour credits in the areas of English, social science, and/or the humanities.
 - (C) The Associate in Applied Science degree may be awarded to the graduate of a technical curriculum with 96 quarter-hour credits or more.
- (7) Technical Specialty Curricula
 - (A) Technical specialty curricula should be designed to prepare individuals for employment in fields recognized as semiprofessional or paraprofessional in status. They should be composed of collegiate-level studies (not necessarily transferrable) providing greater degree of theoretical knowledge than manipulative skills.
 - (B) Technical specialty curricula should include only those general education and related courses necessary to support the technical courses offered in the curriculum.

- (C) Technical specialty curricula usually are composed of selected technical courses designed to prepare for a particular technical skill. Technical specialty curricula may range from 16 to 95 quarter-hour credits for each curriculum established at a minimum with the maximum allowed being no more than 10 percent above the minimum.
- (D) The diploma may be awarded to the graduate of technical specialty curriculum 64 to 95 quarter-hour credits in length.
- (E) The certificate may be awarded to the graduate of technical specialty curriculum with fewer than 64 quarter-hour credits in length.

(8) Vocational Curricula

- (A) Vocational curricula should be designed to prepare individuals for skilled or semiskilled employment opportunities. Study is primarily oriented to the development of manipulative skill competencies for use in a specialized occupation.
- (B) Graduates from a vocational curriculum should have at least six quarter-hour credits in one or more of the areas of communications skills, applied sciences, and applied social sciences.
- (C) The diploma may be awarded to the graduate of avocational curriculum that is 64 or more quarter-hour credits in length. The certificate may be awarded to the graduate of a vocational curriculum of fewer than 64 quarter-hour credits in length.

(9) Vocational Specialty Curricula

- (A) Vocational specialty curricula should be designed to prepare students for skilled or semiskilled employment opportunities. Study is primarily oriented to the development of manipulative skills for use in a specialized occupation.
- (B) Vocational specialty curricula usually include only those subjects necessary to support the development of the skills for the specialized occupation. Vocational specialty curricula should be a minimum of 16 quarter-hour credits in length.
- (C) A certificate may be awarded to the graduate of avocational specialty curriculum.

(10) Procedures of Establishing Standards for Each Curriculum:

- (A) The standards for each curriculum will be established jointly by the department of Community Colleges and the institution(s) offering or proposing to offer the curriculum.
- (B) A curriculum may have subject categories established with minimum and maximum quarter-hour credit ranges for the subject area. Technical curricula will have minimum

~~quarter hour credits established for the following subject categories: technical, related and general education. Elective quarter-hour credits may also be included as a category. Vocational curriculums may have subject categories established.~~

- ~~(C) A minimum percentage of quarter hour credits awarded to class work will be specified for each curriculum.~~
- ~~(D) Cooperative education or work experience may be included in the curriculum up to a maximum of 12 quarter hour credits.~~
- ~~(11) Procedures for Changing Standards for Each Curriculum. Changes in standards for each curriculum will require the approval of the State Board. Request for changes in the standards approved by the State Board for a curriculum may be made to the Board under the following conditions:~~
 - ~~(A) request to the department of Community Colleges to change the standards;~~
 - ~~(B) concurrence by the majority of institutions offering the specific curriculum;~~
 - ~~(C) concurrence by the Department of Community Colleges.~~
- ~~(12) Procedures for Designing Curriculums at the Institutional Level~~
 - ~~(A) The institution will be responsible for the design of the curriculum at the institutional level.~~
 - ~~(B) The curriculum will adhere to the standards as approved by the State Board for the curriculum.~~
 - ~~(C) When standards are to be developed for a new curriculum, the institution or institutions planning to submit applications to the State Board for curriculum approval will jointly develop the standards with the Department of Community Colleges for the proposed curriculum for presentation to the State Board for action.~~
 - ~~(D) The institution will maintain on file with the Department of Community Colleges a copy of the official curriculum approved by the institution's board of trustees. A copy of each revised curriculum will be filed with the Department of Community Colleges prior to implementation at the institution.~~

Authority G.S. 115D-5.

.0204 COURSES AND STANDARDS FOR CURRICULUM PROGRAMS

A common course library and curriculum standards for associate degree, diploma, and certificate programs shall be as follows:

- (1) Common Course Library.
 - (a) The Common Course Library shall contain the

following elements for all curriculum program credit and developmental courses approved for the North Carolina Community College System.

- (i) Course prefix;
 - (ii) Course number;
 - (iii) Course title;
 - (iv) Classroom hours and laboratory, clinical, and work experience contact hours, if applicable;
 - (v) Credit hours;
 - (vi) Prerequisites and corequisites, if applicable; and
 - (vii) Course description consisting of three sentences.
- (b) A numbering system for the Common Course Library is as follows:
 - (i) The numbers 050-099 shall be assigned to developmental courses.
 - (ii) The numbers 100-109 and 200-209 shall be assigned to courses approved only at the certificate and diploma level. These courses shall not be included in associate degree programs.
 - (iii) The numbers 110-199 and 210-299 shall be used for courses approved at the associate degree level. These courses may also be included in certificate and diploma programs.
 - (c) The college shall use the course information (prefix, number, title, and classroom, laboratory, clinical, work experience, and credit hours; prerequisites and corequisites; and course description) as listed in the Common Course Library.
 - (i) The college may add a fourth sentence to the course description to clarify content or instructional methodology.
 - (ii) A college may divide courses into incremental units for greater flexibility in providing instruction to part-time students or to provide shorter units of study for abbreviated calendars. The following criteria shall apply to courses divided into incremental units:
 - (A) A curriculum program course may be divided into two or three units, which are designated with an additional suffix following the course prefix and number.
 - (B) The units shall equal the entire course of instruction, without omitting any competencies.
 - (C) The combined contact and credit hours for the units shall equal the contact and credit hours for the course.

- (D) If the course is a prerequisite to another course, the student shall complete all component parts before enrolling in the next course.
 - (E) The components of a split curriculum program course shall not be used to supplant training for occupational extension.
 - (d) The Department of Community Colleges shall revise and maintain courses in the Common Course Library.
 - (2) Development of Curriculum Standards. The standards for each curriculum program title shall be established jointly by the Department of Community Colleges and the institution(s) proposing to offer the curriculum program based on criteria established by the State Board of Community Colleges. Changes in curriculum standards shall be approved by the State Board of Community Colleges. Requests for changes in the standards shall be made to the State Board of Community Colleges under the following conditions:
 - (a) A request is made to the Department of Community Colleges to change the standards for a curriculum program title; and
 - (b) ~~The~~ A two-thirds majority of institutions approved to offer ~~offering~~ the curriculum program title concur with the request.
 - (3) Criteria for Curriculum Standards. The standards for each curriculum program title shall be based on the following criteria established by the State Board of Community Colleges for the awarding of degrees, diplomas, and certificates.
 - (a) Associate in Applied Science Degree. The Associate in Applied Science Degree shall be granted for a planned program of study consisting of a minimum of 64 and a maximum of 76 semester hours of credit from courses at the 110-199 and 210-299 levels. Within the degree program, the institution shall include opportunities for the achievement of competence in reading, writing, oral communication, fundamental mathematical skills, and the basic use of computers.
 - (i) The associate in applied science degree curriculum program shall include a minimum of 15 semester hours of credit from general education courses selected from the Common Course Library, including six hours in communications, three hours in humanities or fine arts, three hours in social or behavioral sciences, and three hours in natural sciences or mathematics.
 - (ii) The associate in applied science degree curriculum program shall include a minimum of 49 semester hours of credit
- from major courses selected from the Common Course Library. Major courses are those which offer specific job knowledge or skills.
- (A) ~~Within the~~ The major hours ~~category~~ category, ~~each curriculum program shall include identified core courses or subject areas. The required subject or course core shall be comprised of identified core courses or subject areas or specific courses or both which are required for each curriculum program. Core subjects~~ Subject areas or core courses shall be based on curriculum competencies and shall teach essential skills and knowledge necessary for ~~entry-level~~ employment. The number of credit hours required for the core ~~may vary from title to title but~~ shall not be less than 12 semester hours of credit.
 - (B) The major hours category may also include hours required for a concentration of study. A concentration of study is a group of courses required beyond the core for a specific related employment field. A concentration shall include a minimum of 12 semester hours, and the majority of the course credit hours shall be unique to the concentration.
 - (C) Other major hours shall be selected from prefixes identified on the curriculum standard. A maximum of nine semester hours of credit may be selected from any prefix listed, with the exception of prefixes listed in the core or concentration.
 - (D) Work experience, including cooperative education, practicums, and internships, may be included in an associate in applied science degree curriculum program up to a maximum of eight semester hours of credit. Under a curriculum standard specifically designed for select associate degree programs, work experience shall be included in a

curriculum up to a maximum of 16 semester hours of credit. The select associate degree programs shall be based on a program of studies registered under the North Carolina Department of Labor Apprenticeship programs. Only eight semester hours of credit of work experience shall earn budget FTE. The Department of Community Colleges shall implement the Pilot Work Experience Project and shall submit to the State Board of Community Colleges a report, including the number of students involved and associated costs, one year after this Rule as revised is effective.

- (iii) An associate in applied science degree curriculum program may include a maximum of seven other required hours to complete college graduation requirements. These courses shall be selected from the Common Course Library.
- (iv) Selected topics or seminar courses may be included in an associate in applied science degree program up to a maximum of three semester hours of credit. Selected topics or seminar courses shall not substitute for required general education or major core courses.
- (b) Associate in Arts and Associate in Science Degrees. The Associate in Arts and Associate in Science Degrees shall be granted for planned programs of study consisting of a minimum of 64 and a maximum of 65 semester hours of credit from approved college transfer courses at the 110-199 and 210-299 levels. Within the degree program, the institution shall include opportunities for the achievement of competence in reading, writing, oral communication, fundamental mathematical skills, and the basic use of computers.
 - (i) The associate in arts and associate in science degree programs shall include a minimum of 44 semester hours of general education core courses selected from the Common Course Library and approved for transfer to the University of North Carolina constituent institutions. The general education core shall include:
 - (A) six semester hours of English

composition.

- (B) 12 semester hours of humanities or fine arts, with four courses to be selected from at least three of the following disciplines: music, art, drama, dance, foreign languages, interdisciplinary humanities, literature, philosophy, and religion. At least one course shall be a literature course. Three semester hours credit in speech or communication may be substituted for three semester hours credit in humanities or fine arts.
- (C) 12 semester hours of social or behavioral sciences, with four courses to be selected from at least three of the following disciplines: anthropology, economics, geography, history, political science, psychology, and sociology. At least one course shall be a history course.
- (D) 14 semester hours of natural sciences or mathematics; six hours shall be mathematics ~~courses~~ courses; ~~with at least one course in introductory mathematics~~; eight hours shall be natural sciences courses, including accompanying laboratory work, selected from among the biological and physical science disciplines.
- (ii) The associate in arts and associate in science degree programs shall include a minimum of 20 and a maximum of 21 additional semester hours of credit selected from courses in the Common Course Library which have been approved for transfer to the University of North Carolina constituent institutions. Courses in health, physical education, college orientation, or study skills may be included. Selected topics or seminar courses up to a maximum of three semester hours credit may be included. Work experience, including cooperative education, practicums, and internships, may be included up to a maximum of one semester hour of credit for career exploration.
 - (A) The associate in arts degree curriculum program shall

include a minimum of 20 semester hours of credit from additional general education and professional pre-major courses which have been approved for transfer.

- (B) The associate in science degree curriculum program shall include a minimum of 14 semester hours in mathematics or science and professional courses which have been approved for transfer.
- (c) Associate in Fine Arts Degree. The Associate in Fine Arts Degree shall be granted for planned programs of study consisting of a minimum of 64 and a maximum of 65 semester hours of credit from approved college transfer courses at the 110-199 and 210-299 levels. Within the degree program, the institution shall include opportunities for the achievement of competence in reading, writing, oral communication, fundamental mathematical skills, and the basic use of computers.
 - (i) The associate in fine arts degree programs shall include a minimum of 28 semester hours of general education core courses selected from the Common Course Library and approved for transfer to the University of North Carolina constituent institutions. The general education core shall include:
 - (A) six semester hours of English composition.
 - (B) six semester hours of humanities or fine arts, with two courses to be selected from two of the following disciplines: music, art, drama, dance, foreign languages, interdisciplinary humanities, literature, philosophy, and religion. At least one course shall be a literature course. Three semester hours credit in speech or communication may be substituted for three semester hours credit in humanities or fine arts.
 - (C) nine semester hours of social or behavioral sciences, with three courses to be selected from three of the following disciplines: anthropology, economics, geography, history, political science, psychology, and

sociology. At least one course shall be a history course.

- (D) three semester hours of introductory mathematics.
- (E) four semester hours from the natural sciences, including accompanying laboratory work.
- (ii) The associate in fine arts degree programs shall include a minimum of 36 and a maximum of 37 additional semester hours of credit selected from courses in the Common Course Library which have been approved for transfer to the University of North Carolina constituent institutions. ~~Major course requirements shall be determined by articulation agreements developed under the Comprehensive Articulation Agreement.~~ Courses in health, physical education, college orientation, or study skills may be included. Selected topics or seminar courses up to a maximum of three semester hours credit may be included. Work experience, including cooperative education, practicums, and internships, may be included up to a maximum of one semester hour of credit for career exploration.
- (d) Associate in General Education. The Associate in General Education shall be granted for a planned program of study consisting of a minimum of 64 and a maximum of 65 semester hours of credit from courses at the 110-199 and 210-299 levels. Within the degree program, the institution shall include opportunities for the achievement of competence in reading, writing, oral communication, fundamental mathematical skills, and the basic use of computers.
 - (i) The associate in general education degree curriculum program shall include a minimum of 15 semester hours of credit from general education courses selected from the Common Course Library, including six hours in communications, three hours in humanities or fine arts, three hours in social or behavioral sciences, and three hours in natural sciences or mathematics.
 - (ii) The remaining hours in the associate in general education degree curriculum program shall consist of additional general education courses selected from the Common Course Library. A maximum of seven semester hours of credit in health, physical education, and

- college orientation or study skills courses may be included. Selected topics or seminar courses may be included in a program of study up to a maximum of three semester hours credit.
- (e) Diploma. The Diploma shall be granted for a planned program of study consisting of a minimum of 36 and a maximum of 48 semester hours of credit from courses at the 100-299 ~~course~~ level.
- (i) Diploma curricula shall include a minimum of six semester hours of general education courses selected from the Common Course Library. A minimum of three semester hours of credit shall be in communications, and a minimum of three semester hours of credit shall be selected from courses in humanities and fine arts, social and behavioral sciences, or natural sciences and mathematics. ~~A diploma curriculum program may include general education courses at the 100-109 level.~~
- (ii) Diploma curricula shall include a minimum of 30 semester hours of major courses selected from the Common Course Library.
- (A) A diploma curriculum program which is a stand-alone curriculum program title shall include identified core courses or subject areas or both within the major hours category.
- (B) Courses for other major hours in a stand-alone diploma curriculum program title shall be selected from prefixes identified on the curriculum standard. A maximum of nine semester hours of credit may be selected from any prefix listed, with the exception of prefixes listed in the core or concentration.
- (C) Work experience, including cooperative education, practicums, and internships, may be included in a diploma curriculum program up to a maximum of eight semester hours of credit.
- (iii) A diploma curriculum program may include a maximum of four other required hours to complete college graduation requirements. These courses shall be selected from the Common Course Library.
- (iv) An institution may award a diploma under an approved associate in applied science degree curriculum program for a series of courses taken from the approved associate degree curriculum ~~program~~ program of study.
- (A) A diploma curriculum program offered under an approved associate degree curriculum program shall meet the standard general education and major course requirements for the diploma credential.
- (B) A college may substitute general education courses at the 100-109 ~~course~~ level for the associate-degree level general education courses in a diploma curriculum program offered under an approved degree program.
- (C) The diploma curriculum program offered under an approved associate degree curriculum program shall require a minimum of 12 semester hours of credit from courses extracted from the required core courses ~~and/or subject areas~~ subject or course ~~core~~ of the respective associate in applied science degree curriculum program.
- (v) Selected topics or seminar courses may be included in a diploma program up to a maximum of three semester hours of credit. Selected topics and seminar courses shall not substitute for required general education or major core courses.
- (f) Certificate Programs. The Certificate shall be granted for a planned program of study consisting of a minimum of 12 and a maximum of 18 semester hours of credit from courses at the 100-299 ~~course~~ level.
- (i) General education is optional in certificate curricula.
- (ii) Certificate curricula shall include a minimum of 12 semester hours of major courses selected from the Common Course Library.
- (A) A certificate curriculum program which is a stand-alone curriculum program title or which is the highest credential level awarded under an approved associate in applied science degree or diploma program shall

include 12 semester hours of credit from core courses or subject areas or both within the major hours category.

(B) Courses for other major hours in a stand-alone certificate curriculum program shall be selected from prefixes identified on the curriculum standard. A maximum of nine semester hours of credit may be selected from any prefix listed, with the exception of prefixes listed in the core or concentration.

(C) Work experience, including cooperative education, practicums, and internships, may be included in a certificate program up to a maximum of two semester hours of credit.

(iii) A certificate curriculum program may include a maximum of one other required hour of credit to complete college graduation requirements. This course shall be selected from the Common Course Library.

(iv) An institution may award a certificate under an approved degree or diploma curriculum program for a series of courses totaling a minimum of 12 semester hours of credit and a maximum of 18 semester hours of credit taken from the approved associate degree or diploma curriculum ~~program.~~ program of study.

(v) Selected topics or seminar courses may be included in a certificate program up to a maximum of three semester hours credit.

(4) Curriculum Standards Compliance. Each institution shall select curriculum program courses from the Common Course Library to comply with the standards for each curriculum program title the institution is approved to offer. The selected courses shall comprise the college's program of study for that curriculum program.

(a) Each institution shall maintain on file with the Department of Community Colleges a copy of the official program of study approved by the institution's board of trustees. ~~A copy of each revised program of study shall be filed with the Department of Community Colleges prior to implementation at the institution.~~

(b) When requesting approval to offer a curriculum program title, an institution shall submit a program of study for that curriculum program title.

(c) A copy of each revised program of study shall be filed with and approved by the Department of Community Colleges prior to implementation at the institution.

Authority G.S. 115D-5; S.L. 1995, c. 625.

.0205 PROGRAM REVIEW

(a) Each college shall monitor the quality and viability of all its programs and services. Each curriculum program and the occupational extension program shall be reviewed annually. Colleges shall provide information to the Department of Community Colleges on program ~~enrollment~~ enrollment; and cost; student progress, achievement and outcomes; and employer satisfaction.

(b) Associate in Applied Science, diploma and certificate programs shall meet the following standards for performance:

- (1) the standard required by an outside licensure or accrediting agency for passing rates on licensure or certification examinations, where applicable; and
- (2) a satisfactory level on at least five of the following eight required elements:

- (A) a three year annual average enrollment of at least 10 students, unduplicated headcount;
- (B) student goal accomplishment for program completion;
- (C) student goal accomplishment for other student goals;
- (D) program completer satisfaction with program;
- (E) early leaver satisfaction with program;
- (F) program completer employment rate;
- (G) early leaver employment rate;
- (H) employer satisfaction.

The performance level on Parts (b)(2)(B) through (b)(2)(H) of this Rule shall be no more than 15 percent below the system average and shall be determined by an annual survey conducted by each college based on a standard set of questions developed by the ~~Department.~~ Department of Community Colleges.

(c) The ~~associate Associate in arts Arts, associate Associate in science, Science, and associate Associate in fine arts Fine Arts~~ degree programs' performance level shall be no more than 15 percent below the system average grade point average earned after two semesters in a four-year institution for students who completed 60 or more semester credit hours at the community college.

(d) Programs which do not meet these standards ~~will~~ shall be subject to further review to document temporary or permanent conditions which shall be taken into account to justify offering the program. If further review fails to provide a justification for the program or ~~to lead~~ leads to improvement so that the program meets the standards, the program shall be terminated.

Note: Substance of former 23 NCAC 2C .0604 was incorporated into this Rule.

Authority G.S. 115D-5; 1993 S.L. c. 321, s. 109; S.L. 1995, c. 625.

SECTION .0500 - ARTICULATION:
PUBLIC SCHOOL AND COMMUNITY
COLLEGE SYSTEMS

.0501 ARTICULATION

(a) The State Board of Community Colleges shall encourage meetings with the State Board of Education and the Board of Governors of The University of North Carolina to discuss educational matters of mutual interest and to recommend to the General Assembly ~~such~~ policies as that are appropriate to encourage the improvement of public education at every level in North Carolina.

(b) The State Board of Community Colleges encourages formal and informal articulation efforts on a continuing basis ~~between among~~ the educational systems. Articulation ~~between among~~ the State educational systems should address programming, transferability, and other student-oriented issues which would result in better serving the educational needs of North Carolina. Where feasible, the joint utilization of physical facilities, equipment and materials should be considered.

(c) All North Carolina Community College System associate in science, associate in arts, and associate in fine arts degree programs shall be structured to comply with the North Carolina Comprehensive Articulation Agreement for the transfer of credits between the institutions of the North Carolina Community College System and the University of North Carolina.

Authority G.S. 115D-2.1; 115D-3; 115D-5; S.L. 1995, c. 625.

SECTION .0600 - VOCATIONAL
CURRICULUM

.0604 COLLABORATIVE AGREEMENTS

(a) Two or more colleges may enter into a written collaborative agreement for the purpose of offering credit courses or programs. The collaborative agreement shall:

- (1) Specify the curriculum program(s) to be shared;
- (2) Define the plan for sharing the curriculum program(s), including who shall earn the FTE and grant the award(s);
- (3) Certify that appropriate and adequate resources are available at each participating college. Where feasible, the joint utilization of physical facilities, equipment, materials, and instructional faculty should be considered;
- (4) Certify that the curriculum program(s) meets the standards of the appropriate accrediting agency;
- (5) Specify under what conditions and what time frame the agreement can be terminated.
- ~~(5)~~ (6) Be signed by the president and approved by the board of trustees of each participating college; and
- ~~(6)~~ (7) Be approved by the System President.

(b) One or more of the colleges participating in the collaborative agreement shall be approved by the State Board of Community Colleges to offer the curriculum program shared ~~by~~ under the collaborative agreement.

(c) Notification of termination of an agreement shall be sent to the System President prior to the effective termination date.

Authority G.S. 115D-5; S.L. 1993, 2nd session, c. 769, p. 18, s. 18; S.L. 1995, c. 625.

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 HEALTH
AND HUMAN SERVICES**

Rule-making Agency: *DHHS-Division of Medical Assistance*

Rule Citation: *10 NCAC 26H .0212 - .0213*

Effective Date: *September 30, 1997*

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

Authority for the rule-making: *G.S. 108A-25(b); 108A-54; 108A-55; 42 C.F.R. 447, Subpart C*

Reason for Proposed Action: *This change is necessary to ensure the continuing availability of an adequate level of services to Medicaid and uninsured persons.*

Comment Procedures: *Written comments concerning this rule-making action must be submitted by January 2, 1998 to Portia Rochelle, APA Coordinator, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC 27603.*

CHAPTER 26 - MEDICAL ASSISTANCE

SUBCHAPTER 26H - REIMBURSEMENT PLANS

**SECTION .0200 - HOSPITAL INPATIENT
REIMBURSEMENT PLAN**

.0212 EXCEPTIONS TO DRG REIMBURSEMENT

(a) Covered psychiatric and rehabilitation inpatient services provided in either specialty hospitals, Medicare recognized distinct part units (DPU), or other beds in general acute care hospitals shall be reimbursed on a per diem methodology.

- (1) For the purposes of this Section, psychiatric inpatient services are defined as admissions where the primary reason for admission would result in the assignment of DRGs in the range 424 through 432 and 436 through 437.

For the purposes of this Section, rehabilitation inpatient services are defined as admissions where the primary reason for admissions would result in the assignment of DRG 462. All services provided by specialty rehabilitation hospitals are presumed to come under this definition.

- (2) When a patient has a medically appropriate transfer from a medical or surgical bed to a psychiatric or rehabilitative distinct part unit within the same hospital, or to a specialty hospital the admission to the distinct part unit or the specialty hospital shall be recognized as a separate service which is eligible for

reimbursement under the per diem methodology.

Transfers occurring within general hospitals from acute care services to non-DPU psychiatric or rehabilitation services are not eligible for reimbursement under this Section. The entire hospital stay in these instances shall be reimbursed under the DRG methodology.

- (3) The per diem rate for psychiatric services is established at the lesser of the actual cost trended to the rate year or the calculated median rate of all hospitals providing psychiatric services as derived from the most recent as filed cost reports.
- (4) Hospitals that do not routinely provide psychiatric services shall have their rate set at the median rate.
- (5) The per diem rate for rehabilitation services is established at the lesser of the actual cost trended to the rate year or the calculated median rate of all hospitals providing rehabilitation services as derived from the most recent filed cost reports.
- (6) Rates established under this Paragraph are adjusted for inflation consistent with the methodology under Rule .0211 Subparagraph (d)(5) of this Section.

(b) To assure compliance with the separate upper payment limit for State-operated facilities, the hospitals operated by the Department of Human Resources and all the primary affiliated teaching hospitals for the University of North Carolina Medical Schools shall be reimbursed their reasonable costs in accordance with the provisions of the Medicare Provider Reimbursement Manual. This Manual referred to as, (HCFA Publication #15-1) is hereby incorporated by reference including any subsequent amendments and editions. A copy is available for inspection at the Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC. Copies may be obtained from the U.S. Department of Commerce, National Technical Information Service, Subscription Department, 5285 Port Royal Road, Springfield, VA 22161 at a cost of one hundred forty seven dollars (\$147.00). Purchasing instructions may be received by calling (703) 487-4650. Updates are available for an additional fee. The Division shall utilize the DRG methodology to make interim payments to providers covered under this Paragraph, setting the hospital unit value at a level which can best be expected to approximate reasonable cost. Interim payments made under the DRG methodology to these providers shall be retrospectively settled to reasonable cost.

(c) When the Norplant contraceptive is inserted during an inpatient stay the current Medicaid fee schedule amount for the Norplant kit shall be paid in addition to DRG reimbursement. The additional payment for Norplant shall not be paid when a cost outlier or day outlier increment is applied to the base DRG payment.

(d) Hospitals operating Medicare approved graduate medical education programs shall receive a per diem rate adjustment

which reflects the reasonable direct and indirect costs of operating these programs. The per diem rate adjustment shall be calculated in accordance with the provisions of Rule .0211 Paragraph (f) of this Section.

(e) ~~For the 12-month period ending September 30, 1995, hospitals licensed by the State of North Carolina and reimbursed under the DRG methodology for more than 50 percent of Medicaid inpatient discharges shall be entitled to an additional payment in an amount determined by the Director of the Division of Medical Assistance, subject to the following provisions: Hospitals licensed by the State of North Carolina and reimbursed under the DRG methodology for more than 50 percent of their Medicaid inpatient discharges for the 12-month period ending September 30, 1997 shall be entitled to an additional payment for inpatient and outpatient hospital services in an amount determined by the Director of the Division of Medical Assistance, subject to the following provisions:~~

(1) ~~The maximum payments authorized by this Paragraph for public hospitals that qualify under the criteria in Part (A) of this Subparagraph shall be calculated by ascertaining the reasonable cost of inpatient and outpatient hospital Medicaid services, plus the reasonable direct and indirect costs attributable to Medicaid services of operating Medicare approved graduate medical education programs, less Medicaid payments received or to be received for these services. With respect to qualifying hospitals that are not public hospitals qualified under Part (A) of this Subparagraph, the maximum payment authorized by this Paragraph shall be calculated by ascertaining 64.71 percent of the unreimbursed reasonable cost calculated by use of the methodology described in the preceding sentence, not to exceed in the aggregate for all such hospitals fifty one million seven hundred thousand dollars (\$51,700,000). For purposes of this Subparagraph: To ensure that the payments authorized by this Subparagraph for qualified public hospitals that qualify under the criteria in Part (A) of this Subparagraph, do not exceed the upper limits established by 42 C.F.R. 447.272, the maximum payments authorized for qualified public hospitals shall be determined for all such qualified public hospitals for the 12-month period ending September 30, 1997 by calculating the "Medicaid Deficit" for each hospital. The Medicaid Deficit shall be calculated by ascertaining the reasonable costs of inpatient and outpatient hospital Medicaid services; plus the reasonable direct and indirect costs attributable to inpatient and outpatient Medicaid services of operating Medicare approved graduate medical education programs; less Medicaid payments received or to be received for these services. For purposes of this Subparagraph:~~

(A) A qualified public hospital is a hospital that meets the other requirements of this Paragraph and:

- (i) was owned or operated by a State (or by an instrumentality or a unit of government within a State) ~~throughout the 12-month period ending September 30, 1996; from September 1 through and including September 30, 1997;~~
- (ii) ~~indicated its legal entity status as a government unit on the Hospital License Renewal Application filed with the Division of Facility Services, North Carolina Department of Human Resources for the 1995 calendar year; and verified its status as a public hospital by certifying State, local, hospital district or authority government control on the most recent version of Form HCFA-1514 filed with the Health Care Financing Administration, U.S. Department of Health and Human Services on or before September 1, 1997; and~~
- (iii) ~~submits to the Division of Medical Assistance on or before September 20, 1995 by use of a form prescribed by the Division, a certificate of public expenditures to support the non-federal share of the payment it shall receive pursuant to this Paragraph; files with the Division on or before September 1, 1997 by use of a form prescribed by the Division a certificate of public expenditures to support the non-federal share of the payment it shall receive pursuant to this Subparagraph.~~

(B) Reasonable costs shall be ascertained in accordance with the provisions of the Medicare Provider Reimbursement Manual. This Manual, referred to as HCFA Publication #15-1, is hereby incorporated by reference including subsequent amendments and editions. A copy of this Manual is available for inspection at the Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC. Copies may be obtained from the US Department of Commerce, National Technical Information Service, Subscription Department, 5285 Port Royal Road, Springfield, VA 22161, at a cost of one hundred forty-seven dollars (\$147.00). Purchasing instructions may be received by calling (703) 487-4650. Updates are available for an additional fee. Manual as defined in Paragraph (b) of this Rule.

(C) The phrase "Medicaid payments received or to be received for these services" shall exclude all Medicaid disproportionate share hospital payments received or to be received.

received except for payments received or to be received pursuant to 10 NCAC 26H .0213(d).

- (2) Should 64.71 percent of the unreimbursed reasonable cost of Medicaid services for qualifying hospitals that are not qualified public hospitals be determined by the Director of the Division of Medical Assistance to exceed the sum of fifty one million seven hundred thousand dollars (\$51,700,000), the maximum payment of fifty one million seven hundred thousand dollars (\$51,700,000) to such hospitals authorized by this Paragraph shall be prorated among such hospitals based on unreimbursed reasonable costs. Qualified public hospitals shall receive a payment under this Paragraph in an amount (including the public expenditures certified to the Division by each hospital for the non-federal share) not to exceed each hospital's Medicaid Deficit.
- (3) ~~Payments authorized by this Paragraph shall be made on or before September 30, 1995 solely on the basis of an estimate of costs incurred and payments received for Medicaid services during the 12 months ending September 30, 1995. The Director of the Division of Medical Assistance shall determine the amount of the estimated payments to be made by analysis of costs incurred and payments received for Medicaid services as reported on cost reports for fiscal years ending in 1994 filed before September 15, 1995 and supplemented by such additional financial information as is available to the Director when the estimated payments are calculated if and to the extent that the Director concludes that such additional financial information is reliable and relevant. Hospitals licensed by the State of North Carolina and reimbursed under the DRG methodology for more than 50 percent of their Medicaid inpatient discharges for the 12-months ending September 30, 1997 that are not qualified public hospitals as defined in this Paragraph shall be entitled to an additional payment under this Subparagraph for the Medicaid Deficit calculated in accordance with Subparagraph (1) in an amount not to exceed 63.89 percent of the Medicaid Deficit.~~
- (4) ~~Solely to ensure that estimated payments pursuant to Subparagraph (3) of this Paragraph do not exceed the hospital specific and state aggregate upper limits to such payments established by applicable federal law and regulation, such payments shall be cost settled as determined by an independent CPA furnished by the provider, based on cost reports covering the 12 months ending September 30, 1995, and hospital recipients of such payments shall promptly refund such payments if and to the extent that such payments exceed the applicable upper limit. No additional payments shall be made in connection with the cost settlement. Payments authorized by this Paragraph shall be made solely on the basis of an estimate of costs incurred and payments received for inpatient~~

and outpatient Medicaid services during the payment fiscal year 1997. The Director of the Division of Medical Assistance shall determine the amount of the estimated payments to be made by analysis of costs incurred and payments received for Medicaid services as reported on cost reports for fiscal year ending in 1996 filed before September 1, 1997 and supplemented by additional financial information available to the Director when the estimated payments are calculated if and to the extent that the Director concludes that the additional financial information is reliable and relevant.

- (5) ~~The payments authorized by this Paragraph shall be effective in accordance with G.S. 108A-55(c). To ensure that estimated payments pursuant to this Paragraph do not exceed the State aggregate upper limits to such payments established by applicable federal law and regulation (42 C.F.R. 447.272), such payments shall be cost settled within 12 months of receipt of the completed cost report covering the 12-month period ending September 30, 1997. There shall be a separate cost settlement procedure for inpatient and outpatient hospital services. In addition, for both inpatient and outpatient hospital services, there shall be a separate cost settlement procedure for state-operated hospitals and for hospitals that are not qualified public hospitals. As to each of these separate cost settlement procedures, if it should be determined that aggregate payments under this Paragraph exceed aggregate upper limits for such payments, any hospital that received payments under this Paragraph in excess of unreimbursed reasonable costs as defined in this Paragraph shall promptly refund its proportionate share of aggregate payments in excess of aggregate upper limits. The proportionate share of each such hospital shall be ascertained by calculating for each such hospital its percentage share of all payments to all members of the cost settlement group that are in excess of unreimbursed reasonable costs, and multiplying that percentage times the amount by which aggregate payments being cost settled exceed aggregate upper limits applicable to such payments. No additional payments shall be made in connection with these cost settlements.~~
- (6) The payments authorized by this Paragraph shall be effective in accordance with G.S. 108A-55(c).

History Note: Authority G.S. 108A-25(b); 108A-54; 108A-55; 108A-55(c); 42 C.F.R. 447, Subpart C;

Eff. February 1, 1995;

Filed as a Temporary Amendment Eff. September 15, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Amended Eff. January 1, 1996;

Temporary Amendment Eff. September 25, 1996;

Temporary Amendment Eff. September 30, 1997.

[Please note that Paragraph (g) in bold reflects the temporary amendment effective April 15, 1997.]

.0213 DISPROPORTIONATE SHARE HOSPITALS

(a) Hospitals that serve a disproportionate share of low-income patients and have a Medicaid inpatient utilization rate of not less than one percent are eligible to receive rate adjustments. The cost report data and financial information that is required in order to qualify as a disproportionate share hospital effective April 1, 1991 is based on the fiscal year ending in 1989 for each hospital, as submitted to the Division of Medical Assistance on or before April 1, 1991. The cost report data and financial information to qualify as a disproportionate share hospital effective July 1, 1991 is based on the fiscal year ending in 1990 for each hospital, as submitted to the Division of Medical Assistance on or before September 1, 1991. In subsequent years, qualifications effective July 1 of any particular year are based on each hospital's fiscal year ending in the preceding calendar year. The patient days, costs, revenues, or charges related to nursing facility services, swing-bed services, home health services, outpatient services, or any other service that is not a hospital inpatient service cannot be used to qualify for disproportionate share status. A hospital is deemed to be a disproportionate share hospital if:

- (1) The hospital has at least two obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals eligible for Medicaid. In the case of a hospital located in a rural area, the term obstetrician includes any physician with staff privileges at the hospital to perform non-emergency obstetric services as of December 21, 1987 or to a hospital that predominantly serves individuals under 18 years of age; and
- (2) The hospital's Medicaid inpatient utilization rate, defined as the percentage resulting from dividing Medicaid patient days by total patient days, is at least one standard deviation above the mean Medicaid inpatient utilization rate for all hospitals that receive Medicaid payments in the state; or
- (3) The hospital's low income utilization rate exceeds 25 percent. The low-income utilization rate is the sum of:
 - (A) The ratio of the sum of Medicaid inpatient revenues plus cash subsidies received from the State and local governments, divided by the hospital's total patient revenues; and
 - (B) The ratio of the hospital's gross inpatient charges for charity care less the cash subsidies for inpatient care received from the State and local governments divided by the hospital's total inpatient charges; or
- (4) The sum of the hospital's Medicaid revenues, bad debts allowance net of recoveries, and charity care exceeds 20 percent of gross patient revenues; or
- (5) The hospital, in ranking of hospitals in the State, from most to least in number of Medicaid patient days provided, is among the top group that accounts

for 50 percent of the total Medicaid patient days provided by all hospitals in the State; or

- (6) It is a Psychiatric hospital operated by the North Carolina Department of Human Resources, Division of Mental Health, Developmental Disabilities, Substance Abuse Services (DMH/DD/SAS) or UNC Hospitals operated by the University of North Carolina.

(b) The rate adjustment for a disproportionate share hospital is 2.5 percent plus one fourth of one percent for each percentage point that a hospital's Medicaid inpatient utilization rate exceeds one standard deviation of the mean Medicaid inpatient utilization rate in the State. The rate adjustment is applied to a hospital's payment rate exclusive of any previous disproportionate share adjustments.

(c) An additional one time payment for the 12-month period ending September 30, 1995, in an amount determined by the Director of the Division of Medical Assistance, may be paid to the Public hospitals that are the primary affiliated teaching hospitals for the University of North Carolina Medical Schools less payments made under authority of Paragraph (d) of this Rule. The payment limits of the Social Security Act, Title XIX, Section 1923(g)(1) applied to this payment require that when this payment is added to other Disproportionate Share Hospital payments, the additional disproportionate share payment will not exceed 100 percent of the total cost of providing inpatient and outpatient services to Medicaid and uninsured patients less all payments received for services provided to Medicaid and uninsured patients. The total of all payments may not exceed the limits on DSH funding as set for the State by HCFA.

(d) Effective July 1, 1994, hospitals eligible under Subparagraph (a)(6) of this Rule shall be eligible for disproportionate share payments, in addition to other payments made under the North Carolina Medicaid Hospital reimbursement methodology, from a disproportionate share pool under the circumstances specified in Subparagraphs (1), (2) and (3) of this Paragraph.

- (1) An eligible hospital will receive a monthly disproportionate share payment based on the monthly bed days of services to low income persons of each hospital divided by the total monthly bed days of services to low income persons of all hospitals items allocated funds.
- (2) This payment shall be in addition to the disproportionate share payments made in accordance with Subparagraphs (a)(1) through (5) of this Rule. However, DMH/DD/SAS operated hospitals are not required to qualify under the requirements of Subparagraphs (a)(1) through (5) of this Rule.
- (3) The amount of allocated funds shall be determined by the Director of the Division of Medical Assistance, but not to exceed the quarterly grant award of funds (plus appropriate non-federal match) earmarked for disproportionate share hospital payments less payments made under Subparagraphs (a)(1) through (5) divided by three.

In Subparagraph (d)(1) of this Rule, bed days of services to low income persons is defined as the number of bed days provided to individuals that have been determined by the hospital as patients that do not possess the financial resources to pay portions or all charges associated with care provided.

Low income persons include those persons that have been determined eligible for medical assistance. The count of bed days used to determine payment is based upon the month immediately prior to the month that payments are made.

Disproportionate share payments to hospitals are limited in accordance with The Social Security Act as amended, Title XIX section 1923 (g), limit on amount of payment to hospitals.

(e) Subject to the availability of funds, hospitals that: qualify as disproportionate share hospitals under Subparagraphs (a)(1) through (5) of this Rule for the fiscal years ended September 30, ~~1995, 1996 and 1997; 1995, and September 30, 1996;~~ operate Medicare approved graduate medical education programs ~~for the fiscal years ended September 30, 1995 and September 30, 1996;~~ and reported Medicaid costs attributable to such programs to the Division on cost reports for fiscal years ending in 1995, 1996 and 1997; and incur for the 12-month period ending September 30, ~~1996~~ 1997 unreimbursed costs (calculated without regard to payments under either this Paragraph or Paragraph (f) of this Rule) for providing inpatient and outpatient services to uninsured patients in an amount in excess of two million five hundred thousand dollars (\$2,500,000) shall be eligible for disproportionate share payments for such services from a disproportionate share pool under the circumstances specified in Subparagraphs (1) through (7) of this Paragraph.

- (1) Qualification for the 12 month period ending September 30, 1996 shall be based on cost report data and uninsured patient data certified to the Division by hospitals on or before September 23, 1996 for fiscal years ending in 1995, in connection with the disproportionate share hospital application process. Qualification for subsequent 12 month periods ending September 30 of each year shall be based on cost report data and uninsured patient data certified to the Division by hospitals on or before September 1 of each subsequent year, for the fiscal year ending in the preceding calendar year.
- (2) Any payments made pursuant to this Paragraph shall be calculated and paid no less frequently than annually, and prior to the calculation and payment of any disproportionate share payments pursuant to Paragraph (f) of this Rule.
- (3) For the 12 month period ending September 30, 1996 a payment shall be made to each qualified hospital in an amount determined by the Director of the Division of Medical Assistance based on a percentage (not to exceed a maximum of 23 percent) of the unreimbursed costs incurred by each qualified hospital for inpatient and outpatient services provided to uninsured patients.
- (4) In subsequent 12 month periods ending September 30th of each year, the percentage payment shall be

ascertained and established by the Division by ascertaining funds available for payments pursuant to this Paragraph divided by the total unreimbursed costs of all hospitals that qualify for payments under this Paragraph for providing inpatient and outpatient services to uninsured patients.

- (5) The payment limits of the Social Security Act, Title XIX, section 1923(g)(1) applied to the payments authorized by this Paragraph require that when this payment is added to other disproportionate share hospital payments, the total disproportionate share payments shall not exceed 100 percent of the total costs of providing inpatient and outpatient services to Medicaid and uninsured patients for the fiscal year in which such payments are made, less all payments received for services to Medicaid and uninsured patients. The total of all disproportionate share hospital payments shall not exceed the limits on disproportionate share hospital funding as established for this State by HCFA.
- (6) To ensure that payments pursuant to Paragraph (e) do not exceed the State aggregate upper limits to such payments established by applicable federal law and regulation (42 C.F.R. 447.272), such payments shall be cost settled within 12 months of receipt of the completed cost report covering the period for which such payments are made. If any hospital receives payments, pursuant to this Subparagraph in excess of the percentage established by the Director under Subparagraph (d)(3) of this Rule, ascertained without regard to other disproportionate share hospital payments that may have been received for services during the 12-month period ending September 30, 1996, such excess payments shall promptly be refunded to the Division. No additional payment shall be made to qualified hospitals in connection with the cost settlement.
- (7) The payments authorized by Subparagraph (6) shall be effective in accordance with G.S. 108A-55(c).

(f) An additional one-time disproportionate share hospital payment during the 12-month period ending September 30, ~~1996~~ 1997 (subject to the availability of funds and to the payment limits specified in this Paragraph) shall be paid to qualified public hospitals. For purposes of this Paragraph, a qualified public hospital is a hospital that qualifies for disproportionate share hospital status under Subparagraphs (a)(1) through (5) of this Rule; does not qualify for disproportionate share hospital status under Subparagraph (a)(6) of this Rule; was owned or operated by a State (or by an instrumentality or a unit of government within a State) ~~throughout the 12-month period ending September 30, 1996;~~ from September 1, 1997 through and including September 30, 1997; verified its status as a public hospital by certifying state, local, hospital district or authority government control on the most recent version of Form HCFA-1514 filed with the Health Care Financing Administration, U.S. Department of Health and Human Services on or before September 23, ~~1996~~ 1, 1997; files

with the Division on or before September 23, ~~1996~~ 1, 1997 by use of a form prescribed by the Division a certification of its unreimbursed charges for inpatient and outpatient services provided to uninsured patients during the fiscal year ending in ~~1995~~; 1996; and submits to the Division on or before September 23, ~~1996~~ 1, 1997; by use of a form prescribed by the Division a certificate of public expenditures.

- (1) The payment to qualified public hospitals pursuant to this Paragraph for the 12-month period ending September 30, ~~1996~~ 1997 shall be based on and shall not exceed the unreimbursed charges certified to the Division by each such hospital by use of a form prescribed by the Division for inpatient and outpatient services provided to uninsured patients for the fiscal year ending in ~~1995~~ 1996, to be converted by the Division to unreimbursed cost by multiplying unreimbursed charges times the cost-to-charge ratio established by the Division for each hospital for the fiscal year ending in ~~1995~~; 1996. Payments authorized by this Paragraph shall be made no less frequently than annually.
- (2) Any payments pursuant to this Paragraph shall be ascertained and paid after any disproportionate share hospital payments that may have been or may be paid by the Division pursuant to ~~Paragraph (d)~~ Paragraphs (d) and (e) of this Rule.
- (3) The payment limits of the Social Security Act, Title XIX, Section 1923 (g)(1) applied to this payment require that when this payment is added to other disproportionate share hospital payments, the total disproportionate share hospital payments will not exceed 100 percent of the total costs of providing inpatient and outpatient services to Medicaid and uninsured patients for the fiscal year in which such payments are made, less all payments received for services to Medicaid and uninsured patients for that year. The total of all DSH payments by the Division may not exceed the limits on disproportionate share hospital funding as established for this State by HCFA for the fiscal year in which such payments are made.
- (4) To ensure that estimated payments pursuant to Paragraph (f) do not exceed the State aggregate upper limits to such payments established by applicable federal law and regulation (42 C.F.R. 447.272), such payments shall be cost settled within 12 months of receipt of the completed cost report covering the 12 month period for which such payments are made. No additional payments shall be made in connection with the cost settlement.
- (5) The payments authorized by Paragraph (f) of this Rule shall be effective in accordance with G.S. 108A-55(c).

(g) Effective with dates of payment beginning October 31, 1996, hospitals that provide services to clients of State Agencies are considered to be a Disproportionate Share Hospital (DSH) when the following conditions are met:

- (1) The hospital has a Medicaid inpatient utilization rate not less than one percent and has met the requirements of Subparagraph (a)(1) of this Rule; and
- (2) The State Agency has entered into a Memorandum of Understanding (MOU) with the Division of Medical Assistance (Division); and
- (3) The inpatient and outpatient services are authorized by the State Agency for which the uninsured client meets the program requirements.
 - (A) For purposes of this paragraph, uninsured patients are those clients of the State Agency that have no third parties responsible for any hospital services authorized by the State Agency.
 - (B) DSH payments are paid for services to qualified uninsured clients on the following basis:
 - (i) For inpatient services the amount of the DSH payment is determined by the State Agency in accordance with the applicable Medicaid inpatient payment methodology as stated in Rule .0211 of this Section.
 - (ii) For outpatient services the amount of the DSH payment is determined by the State Agency in accordance with the applicable Medicaid outpatient payment methodology as stated in Section 24 of Chapter 18 of the 1996 General Assembly of North Carolina.
 - (iii) No federal funds are utilized as the non-federal share of authorized payments unless the federal funding is specifically authorized by the federal funding agency as eligible for use as the non-federal share of payments.
 - (C) Based upon this subsection DSH payments as submitted by the State Agency are to be paid monthly in an amount to be reviewed and approved by the Division of Medical Assistance. The total of all payments may not exceed the limits on Disproportionate Share Hospital funding as set forth for the state by HCFA.

*History Note: Authority G.S. 108A-25(b); 108A-54; 108A-55; 42 C.F.R. 447, Subpart C;
Eff. February 1, 1995;
Amended Eff. July 1, 1995;
Filed as a Temporary Amendment Eff. September 15, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Filed as a Temporary Amendment Eff. September 29, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Amended Eff. January 1, 1996;
Temporary Amendment Eff. September 25, 1996;
Temporary Amendment Eff. April 15, 1997;
Temporary Amendment Eff. September 30, 1997.*

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

Rule-making Agency: *Department of Environment and
Natural Resources*

Rule Citation: *15A NCAC 1J .0401 - .0402*

Effective Date: *October 23, 1997*

Findings Reviewed and Approved by: *Julian Mann*

Authority for the rule-making: *G.S. 159G-10*

Reason for Proposed Action: *House Bill 515 has amended G.S. 159G-10 which governs the priority criteria for funding wastewater and water supply projects through the State's Clean Water Revolving Loan and Grant Program. It requires that the agency include the existence of a comprehensive land-use plan when prioritizing funding for construction projects.*

Comment Procedures: *Written comments may be submitted in writing to Bobby Blowe, Division of Water Quality, Construction Grants and Loans Section, DENR, PO Box 29579, Raleigh, NC 27626-0535, (919) 733-6900.*

CHAPTER 1 - DEPARTMENTAL RULES

**SUBCHAPTER 1J - STATE CLEAN
WATER REVOLVING LOAN
AND GRANT PROGRAM**

**SECTION .0400 - CRITERIA FOR
EVALUATION OF ELIGIBLE APPLICATIONS**

.0401 GENERAL CRITERIA

(a) During the review periods set forth in Section .0800 of this Subchapter all eligible applications shall be assigned a priority for loan or grant funds. Priorities shall be assigned by the Environmental Management Commission for applications for project loans or grants for wastewater treatment works and wastewater collection systems and by the Division of Environmental Health for applications for project loans or grants for water supply systems.

(b) In determining the priority to be assigned each eligible application, the Environmental Management Commission and the Division of Environmental Health will give consideration to the following priority factors:

- (1) Primary consideration shall be given to the public necessity of the project in promoting the public health, safety, and welfare and in providing or

having the potential of providing the greatest benefit to the greatest number of persons.

- (2) Consideration shall also be given to the eligibility of the proposed project for federal funding; the compatibility of the proposed project with the state's general program of water supply and water pollution control, and any applicable regional planning program; the population to be served; the fiscal responsibility of the applicant; and the need of the applicant for funding assistance.
- (3) Additional consideration shall be given to eligible units of government which demonstrate practices for the conservation of water; water or which have a comprehensive land-use plan.

(c) The categorical elements and items to be considered in assigning priorities to each application for which loan or grant funds are sought, and the points to be awarded to each categorical element and item are set forth in Sections .0500, .0600 and .0700 of this Subchapter. Unless otherwise specifically indicated, if an item for an element of a particular category applies specifically to the application under consideration, the application will be awarded the number of points assigned to that item for the categorical element; and if no item applies, no points will be awarded the application for that particular element.

History Note: Filed as a Temporary Rule Eff. February 2, 1988 for a Period of 180 Days to Expire on August 1, 1988; ARRC Objection March 17, 1988; Authority G.S. 159G-10; 159G-15; Eff. August 1, 1988; Amended Eff. July 1, 1992; Temporary Amendment Eff. October 23, 1997.

**.0402 CRITERIA FOR WATER CONSERVATION
AND COMPREHENSIVE LAND USE
PLANNING**

(a) Applicant may receive a maximum of 15 bonus points for meeting the following criteria as applicable:

- (1) Applicant demonstrates it has a continuing I/I program in its wastewater sewer maintenance program. (Wastewater Projects Only) 5 points
- (2) Applicant demonstrates it has a continuing water loss program in its water supply system program. (Water Supply Projects Only) 5 points
- (3) Applicant has a continuing program of water conservation education and information. 5 points
- (4) Applicant demonstrates it has established a water conservation incentive rate structure; created incentives for new or replacement installation of low flow faucets, shower heads, and toilets; or has a water reclamation or reuse system. 5 points

(b) Applicant may also receive a maximum of 10 bonus

points for meeting the following criteria:

- (1) Applicant demonstrates that it has adopted a comprehensive land-use plan that meets the requirements of G.S. 155H, Article 18 or G.S. 160A, Article 19, or applicant is a local government unit that is not authorized to adopt a comprehensive land-use plan but that is located in whole or in part in another local government unit that has adopted a comprehensive land-use plan, and that the proposed project is consistent with the plan. 2 points
- (2) Applicant demonstrates that the comprehensive land-use plan exceeds the minimum state standards for the protection of water resources. 2 points
- (3) Applicant demonstrates that actions have been taken toward implementation of the comprehensive land-use plan. These actions may include the adoption of a zoning ordinance or any other measure that significantly contributes to the implementation of the comprehensive land-use plan. 6 points

History Note: Filed as a Temporary Amendment Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Filed as a Temporary Rule Eff. February 2, 1988 for a Period of 180 Days to Expire on August 1, 1988;
 ARRC Objection March 17, 1988;
 Authority G.S. 159G-10; 159G-15;
 Eff. August 1, 1988;
 Temporary Amendment Eff. October 23, 1997.

TITLE 16 - DEPARTMENT OF PUBLIC EDUCATION

Rule-making Agency: State Board of Education

Rule Citation: 16 NCAC 6C .0502

Effective Date: October 10, 1997

Findings Reviewed and Approved by: Julian Mann

Authority for the rule-making: G.S. 115C-325(j)(2), (j3)(2);
 N.C. Const. Art. IX, s. 5

Reason for Proposed Action: N.C.G.S. §§ 115C-325(j)(2) and 115C-325(j3)(2) direct the State Board to adopt rules to govern hearings that relate to the demotion or dismissal of career employees or to the long term disciplinary suspension without pay of career employees. These hearings and the procedures for them apply to requests for hearings initiated after September 1, 1997.

Comment Procedures: Comments may be submitted in writing within 60 days after the publication date in the North Carolina Register. Copies of the temporary rule may be obtained by contacting Harry E. Wilson, Room 2086, Education Building, 301 N. Wilmington St., Raleigh, NC 27601-2825. Written comments may also be submitted to Mr. Wilson by mail or by FAX at (919) 715-1307.

CHAPTER 6 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 6C - PERSONNEL

SECTION .0500 - PERFORMANCE APPRAISAL SYSTEM

.0502 HEARINGS UNDER G.S. 115C-325(j) AND (j3)

~~(a) The Professional Review Commission is that body established under G.S. 115C-325(g) to review a recommendation that a career teacher be dismissed or demoted.~~

~~(b) As soon as practicable after a panel of the professional review commission has been designated, the Department shall assign staff to meet with the panel to:~~

- ~~(1) review G.S. 115C-325;~~
- ~~(2) inform the panel members of their responsibilities;~~
- ~~(3) set a date, time and place for the hearing; and~~
- ~~(4) notify the parties of the date, time and place of the hearing and of their rights as set forth in G.S. 115C-325(j).~~

~~(c) Hearings conducted by a LEA under G.S. 115C-325(k) or (l) are governed by 115C-325(j) and the following:~~

- ~~(1) The parties have the right to cross-examine all opposing witnesses.~~
- ~~(2) The parties have the right to have subpoenas and subpoenas duces tecum issued in blank to compel the attendance of witnesses and the production of documents.~~
- ~~(3) The LEA has the power:~~
 - ~~(A) to have counsel to develop the case;~~
 - ~~(B) to take testimony;~~
 - ~~(C) to examine witnesses;~~
 - ~~(D) to punish for contempt for any disorderly conduct or disturbance tending to disrupt the hearing; and~~
 - ~~(E) to direct a continuance of the case.~~
- ~~(4) The LEA shall make a complete record of the evidence received during the hearing.~~

In hearings conducted by a case manager under G.S. 115C-325(j) and by a local board of education under G.S. 115C-325(j3), the superintendent shall:

- (1) provide the facility in which the hearing is to be conducted; and
- (2) employ a certified court reporter to record and if requested to transcribe the proceedings.

History Note: Authority G.S. 115C-325(j)(2);

*Eff. July 1, 1986;
Temporary Amendment Eff. October 10, 1997.*

TITLE 25 - OFFICE OF STATE PERSONNEL

Rule-making Agency: *State Personnel Commission*

Rule Citation: *25 NCAC 1D .2517*

Effective Date: *October 2, 1997*

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

Authority for the rule-making: *G.S. 126-4; S.L. 1997-443*

Reason for Proposed Action: *The actions are proposed in order to provide clarification to state agencies in administering the legislative salary increases enacted by the General Assembly in SB 352-S.L. 1997-443.*

Comment Procedures: *Written comments concerning this rule-making action must be submitted to Delores J. Stanley, Office of State Personnel, 116 West Jones Street, Raleigh, NC 27603.*

CHAPTER 1 - OFFICE OF STATE PERSONNEL

SUBCHAPTER 1D - COMPENSATION

SECTION .2500 - COMPREHENSIVE COMPENSATION SYSTEM

.2517 ELIGIBILITY FOR JULY 1, 1997 LEGISLATIVE SALARY INCREASES

For purposes of administering the legislative salary increase provisions, effective July 1, 1997, 25 NCAC 1D .2501-.2508 and .2513-.2515 shall apply to the extent there is not a conflict with the following procedures. If there is a conflict, the following procedures shall apply:

- (1) A career growth recognition award shall be granted as follows:
 - (a) Employees whose salaries are at the maximum shall receive a 2% one-time career growth bonus.
 - (b) Employees whose salaries are less than 2% from the maximum shall receive a partial increase added to base pay in an amount that it takes to get to the maximum. These employees shall also receive a one-time career growth bonus in an amount that would equal 2% of the base pay minus the amount of the career growth award given.
 - (c) Employees whose salaries are above the maximum shall receive a 2% one-time career growth bonus based on the maximum of the salary range in effect on June 30, 1997.

- (2) The following employees shall receive the cost-of-living increase in accordance with Rule .2507(b)(1)-(5) of this Section:
 - (a) Employees with a probationary appointment.
 - (b) Employees who have not completed a work cycle, and
 - (c) Employees who do not have a performance rating because they were hired after the last performance management cycle was completed.
- (3) After receiving a permanent appointment, employees described in Sub-item (2)(b) and (2)(c) of this Rule shall also be eligible to receive a career growth recognition award as provided below. Each agency shall assure that all employees are reviewed/evaluated by the same method.
 - (a) Each employee shall be given an interim review at the mid-point of the employee's Performance Management Cycle. If their total time of employment is at least equivalent to the agency's minimum Performance Management Cycle requirement, the employee shall be granted a career growth recognition award at that point, if their performance is deemed to be at level 3 or above; or, it shall be granted at the time the employee completes the total time of employment requirement; or
 - (b) Each employee shall be evaluated and given a summary rating after completing time in the new cycle that is at least equivalent to the agency's minimum Performance Management Cycle requirement. If the overall summary rating is at level 3 or above, the employee shall be granted a career growth recognition award. In any event, all these employees, employed prior to July 1, 1997, shall be evaluated for the career growth recognition award during this fiscal year, and shall receive the career growth recognition award if their rating is at level 3 or above and they are not in final disciplinary procedure.
- (4) Employees with trainee appointments are eligible for the cost-of-living adjustment if they are not in final disciplinary procedure. Employees with trainee appointments may be eligible for career growth recognition awards under the following circumstances:
 - (a) Employees who are scheduled for trainee adjustments are not eligible for the career growth recognition award. They become eligible if they are qualified and are rated for placement into the regular class during this fiscal year, provided their total time of employment is at least equivalent to the agency's minimum Performance Management Cycle requirement. If this requirement has not been met, the increase shall be delayed

- until it has been met.
- (b) Employees with trainee appointments who are not scheduled for trainee salary adjustments during this fiscal year shall be eligible for the career growth award the same as employees who are in regular classes. The agency will determine when it is appropriate to grant the career growth award, assuring that no internal inequities will be created.
- (c) In any event, all employees shall be evaluated for the career growth recognition award during this fiscal year, unless they are in a trainee class that extends beyond this date.

*History Note: Authority G.S. 126-4; S.L. 1997-443;
Temporary Adoption Eff. October 2, 1997.*

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, November 20, 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, November 17, 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
Jim Funderburke
Vernice B. Howard
Teresa L. Smallwood
David Twiddy

Appointed by House

Paul Powell - Vice Chairman
Mark Garside
Steve Rader
George Robinson
Anita White

RULES REVIEW COMMISSION MEETING DATES

November 20, 1997
December 18, 1997

January 15, 1998
February 19, 1998

The NC Rules Review Commission is considering adopting the following rule:

**RULE #10
FILING RECEIPTS**

- (a) When an agency files a permanent rule for which there is a temporary rule it shall obtain a dated and signed receipt from the RRC.
- (b) When an agency files any other permanent rule, it may obtain a dated and signed receipt from the RRC.
- (c) If the agency fails to obtain a receipt, the date of filing shall be considered the next 20th day of the month.

Written comment may be submitted to:

Joseph J. DeLuca, Jr., Staff Director
NC Rules Review Commission
1307 Glenwood Ave. #159
Raleigh, NC 27605

The deadline for submitting such comment is Monday, December 15, 1997.

A public hearing on the above rule is tentatively scheduled at the conclusion of the November 20, 1997 Rules Review Commission meeting, convening at 10:00 a.m.

Agency staff comment:

According to N.C.G.S. 150B-21.1(d)(5) a temporary rule expires 270 days after it was published in the North Carolina Register (NCR) unless the proposed permanent rule has been filed with the RRC. Recently some temporary rules have expired for failure to file the permanent rule on time. (Note that expiration of the temporary rule does not extinguish the permanent rulemaking. An agency may continue with its permanent rulemaking even though its temporary rule may have expired.) We have not normally noted the filing date with us of any rules; we simply accumulate them until the 20th of the month and then prepare the log for the following month.

Staff has proposed that the commission adopt a rule requiring agencies to obtain a filing receipt when filing a permanent rule replacing a temporary rule and permitting them to obtain a receipt for any other rule filing. Please note that there has never been an issue of whether or not a rule was filed with us or when precisely it was filed. We would like to keep it that way. To that end

we have proposed the above rule.

MEETING DATE: NOVEMBER 20, 1997

LOG OF FILINGS

RULES SUBMITTED: SEPTEMBER 20, 1997 THROUGH OCTOBER 20, 1997

AGENCY/DIVISION	RULE NAME	RULE	ACTION
COMMERCE/DIVISION OF COMMUNITY ASSISTANCE			
	General	4 NCAC 19L .0401	Amend
	Size and Use of Grants	4 NCAC 19L .0403	Amend
	Grant Category Allocation	4 NCAC 19L .0404	Amend
	General Application Requirements	4 NCAC 19L .0407	Amend
	Description	4 NCAC 19L .0501	Amend
	Eligibility Requirements	4 NCAC 19L .0502	Amend
	Selection Criteria	4 NCAC 19L .0505	Amend
	Definition	4 NCAC 19L .0706	Amend
	Eligibility Requirements	4 NCAC 19L .0707	Amend
	Selection Criteria	4 NCAC 19L .0708	Amend
	Eligibility Requirements	4 NCAC 19L .0802	Amend
	Grant Agreement	4 NCAC 19L .0901	Amend
	Financial Management Systems	4 NCAC 19L .0906	Amend
	Program Income	4 NCAC 19L .0907	Amend
	Recordkeeping	4 NCAC 19L .0911	Amend
	Citizen Participation	4 NCAC 19L .1002	Amend
	Environmental Review	4 NCAC 19L .1004	Amend
	Housing Rehabilitation	4 NCAC 19L .1009	Amend
	Lead-Based Paint	4 NCAC 19L .1011	Amend
	Description	4 NCAC 19L .1301	Amend
	Eligibility Requirements	4 NCAC 19L .1302	Amend
	Election Criteria	4 NCAC 19L .1303	Amend
	Description	4 NCAC 19L .1701	Amend
	Eligibility Requirements	4 NCAC 19L .1702	Amend
	Selection Criteria	4 NCAC 19L .1703	Amend
	General	4 NCAC 19L .1801	Adopt
	Eligible Activities	4 NCAC 19L .1802	Adopt
	Eligibility Requirements	4 NCAC 19L .1803	Adopt
	Size of Loan Approvals	4 NCAC 19L .1804	Adopt
	Selection Criteria	4 NCAC 19L .1805	Adopt
DHHS/DIVISION OF FACILITY SERVICES			
	Applicability of Rules	10 NCAC 3R .3002	Adopt
	Applicability of Rules	10 NCAC 3R .3051	Adopt
	Certificate of Need	10 NCAC 3R .3052	Adopt
	Certificate of Need	10 NCAC 3R .3053	Adopt
	Multi-County Groupings	10 NCAC 3R .3054	Adopt
	Reallocations and Adjustments	10 NCAC 3R .3055	Adopt
	Dialysis Station	10 NCAC 3R .3056	Adopt
	Acute Care Bed Need	10 NCAC 3R .3057	Adopt
	Rehabilitation Bed Need	10 NCAC 3R .3058	Adopt
	Ambulatory Surgical Facilities Need	10 NCAC 3R .3059	Adopt
	Open Heart Surgery Services	10 NCAC 3R .3060	Adopt
	Heart-Lung Bypass Machines	10 NCAC 3R .3061	Adopt

Heart-Lung Bypass Machines	10 NCAC 3R .3062	Adopt
Cardiac Catheterization	10 NCAC 3R .3063	Adopt
Cardiac Catheterization	10 NCAC 3R .3064	Adopt
Cardiac Angioplasty Equipment	10 NCAC 3R .3065	Adopt
Cardiac Angioplasty Equipment	10 NCAC 3R .3066	Adopt
Burn Intensive Care Services	10 NCAC 3R .3067	Adopt
Positron Emission Tomography	10 NCAC 3R .3068	Adopt
Bone Marrow Transplantation	10 NCAC 3R .3069	Adopt
Solid Organ Transplantation	10 NCAC 3R .3070	Adopt
Gamma Knife Need	10 NCAC 3R .3071	Adopt
Nursing Care Bed Need	10 NCAC 3R .3072	Adopt
Demonstration Project	10 NCAC 3R .3073	Adopt
Home Health Agency Office Need	10 NCAC 3R .3074	Adopt
Hospice Need Determination	10 NCAC 3R .3075	Adopt
Hospice Inpatient Facility Bed	10 NCAC 3R .3076	Adopt
Psychiatric Bed Need	10 NCAC 3R .3077	Adopt
Chemical Dependency Treatment	10 NCAC 3R .3078	Adopt
Intermediate Care Beds	10 NCAC 3R .3079	Adopt
Policies for General Acute Care	10 NCAC 3R .3080	Adopt
Policies for Inpatient Rehab Services	10 NCAC 3R .3081	Adopt
Policies for Ambulatory Surgical	10 NCAC 3R .3082	Adopt
Policies for Nursing Care	10 NCAC 3R .3083	Adopt
Policies for Home Health Services	10 NCAC 3R .3084	Adopt
Policies for End-Stage Renal Disease	10 NCAC 3R .3085	Adopt
Policies for Psychiatric Inpatient	10 NCAC 3R .3086	Adopt
Policies for Chemical Dependency	10 NCAC 3R .3087	Adopt
Policies for Intermediate Care	10 NCAC 3R .3088	Adopt

LABOR/OSHA

Copies Available	13 NCAC 7A .0302	Amend
Variances	13 NCAC 7A .0708	Amend
General Industry	13 NCAC 7F .0101	Amend
Life Safety Code	13 NCAC 7F .0102	Amend
Construction	13 NCAC 7F .0201	Amend
Agriculture	13 NCAC 7F .0301	Amend
Source of Standards	13 NCAC 7F .0426	Amend
Shipyard Employment	13 NCAC 7F .0501	Amend
Marine Terminals	13 NCAC 7F .0502	Amend

DENR/COASTAL RESOURCES COMMISSION

Public Water Supply	15A NCAC 7H .0406	Amend
General Conditions	15A NCAC 7H .1104	Amend
General Conditions	15A NCAC 7H .1204	Amend
General Conditions	15A NCAC 7H .1304	Amend
General Conditions	15A NCAC 7H .1404	Amend
General Conditions	15A NCAC 7H .1504	Amend
General Conditions	15A NCAC 7H .1704	Amend
General Conditions	15A NCAC 7H .1804	Amend
General Conditions	15A NCAC 7H .1904	Amend
General Conditions	15A NCAC 7H .2004	Amend
General Conditions	15A NCAC 7H .2104	Amend
Declaration of General Policy	15A NCAC 7M .0301	Amend
Purpose and Definition	15A NCAC 7M .0302	Amend
Guidance for Public Access	15A NCAC 7M .0303	Amend
Local Participation	15A NCAC 7M .0304	Repeal
Mandatory Public Notice	15A NCAC 7M .0305	Repeal
Local Government	15A NCAC 7M .0306	Adopt

Eligible Applicants	15A NCAC 7M .0307	Adopt
Public Involvement	15A NCAC 7M .0308	Adopt
Compliance	15A NCAC 7M .0309	Amend

DEPARTMENT OF REVENUE

Mail-Order Business	17 NCAC 4B .0109	Repeal
Part-Time	17 NCAC 4B .0203	Repeal
Drag Strips	17 NCAC 4B .0308	Amend
Go-Cart Races	17 NCAC 4B .0309	Amend
Suspension of Professional Licenses	17 NCAC 4B .0615	Amend
Electricity Bills	17 NCAC 4B .0901	Repeal
Mail Collection	17 NCAC 4B .0902	Repeal
Ices	17 NCAC 4B .1302	Repeal
Other Applicable Licenses Due	17 NCAC 4B .1305	Repeal
Peddling by Foot	17 NCAC 4B .1306	Repeal
Project License Not Prorated	17 NCAC 4B .1401	Repeal
Date Due	17 NCAC 4B .1402	Repeal
Ceded Areas	17 NCAC 4B .1403	Repeal
Building on Land Owned by Builder	17 NCAC 4B .1404	Repeal
Air Conditioning	17 NCAC 4B .1405	Repeal
Painting Contractor	17 NCAC 4B .1406	Repeal
Elevators & Automatic Sprinklers	17 NCAC 4B .1407	Repeal
Number Licensed by Board	17 NCAC 4B .1601	Repeal
Governmental Facilities	17 NCAC 4B .1602	Repeal
Restaurant License Liability	17 NCAC 4B .1703	Repeal
YMCA or YWCA	17 NCAC 4B .1704	Repeal
Summer Camp	17 NCAC 4B .1705	Repeal
Church Assembly	17 NCAC 4B .1706	Repeal
Hotels Charging Admission	17 NCAC 4B .1709	Repeal
Cafeterias for Employees	17 NCAC 4B .1803	Repeal
Hospitals	17 NCAC 4B .1804	Repeal
Clubs; Commercial Operation	17 NCAC 4B .1805	Repeal
Clubs; Noncommercial Operation	17 NCAC 4B .1806	Repeal
Prepared Food	17 NCAC 4B .1807	Repeal
Chain Store License	17 NCAC 4B .1808	Repeal
Outside Seating	17 NCAC 4B .1809	Repeal
Catering Service	17 NCAC 4B .1810	Repeal
Coin-Operated Radio	17 NCAC 4B .2002	Repeal
Empty Cup	17 NCAC 4B .2113	Repeal
Coffee and Hot Chocolate	17 NCAC 4B .2114	Repeal
Photostat & Photograph Machines	17 NCAC 4B .2116	Repeal
Dual Purpose Vending Machine	17 NCAC 4B .2117	Repeal
Electronic Video Games	17 NCAC 4B .2209	Repeal
Halving or Quartering Only	17 NCAC 4B .2302	Repeal
Cold Storage Room	17 NCAC 4B .2303	Repeal
Rugs Only	17 NCAC 4B .2401	Repeal
Cleaning Furniture in the Home	17 NCAC 4B .2402	Repeal
Educational Institutions	17 NCAC 4B .3001	Repeal
Rugs Only	17 NCAC 4B .3002	Repeal
Industrial Rags and Wipers	17 NCAC 4B .3004	Repeal
Diaper Services	17 NCAC 4B .3006	Repeal
Advertising by Candidate	17 NCAC 4B .3101	Repeal
Supplemental Application	17 NCAC 4B .3102	Repeal
Applicability of License to Another	17 NCAC 4B .3401	Repeal
Parking Facilities	17 NCAC 4B .3402	Repeal
Auto Dealer License	17 NCAC 4B .3403	Repeal
Recapping Tires Only	17 NCAC 4B .3404	Repeal

No Transfer Fee	17 NCAC 4B .3406	Repeal
Finance Companies	17 NCAC 4B .3407	Repeal
Self-Service Car Wash	17 NCAC 4B .3408	Repeal
Grocery Store Sales	17 NCAC 4B .3409	Repeal
Automobile Auction	17 NCAC 4B .3410	Repeal
Car Brokers	17 NCAC 4B .3411	Repeal
Mobile Service & Repair	17 NCAC 4B .3412	Repeal
Applying Full Year	17 NCAC 4B .3413	Repeal
Garage Selling to Another Garage	17 NCAC 4B .3414	Repeal
Motors Installed to Frames	17 NCAC 4B .3501	Repeal
Chain Store License	17 NCAC 4B .3502	Repeal
Liability for Two Licenses	17 NCAC 4B .3601	Repeal
Agencies Providing Temporary Workers	17 NCAC 4B .3602	Repeal
One License	17 NCAC 4B .3702	Repeal
Structure Supporting Electrical Fixtures	17 NCAC 4B .3704	Repeal
Ice Cream Defined	17 NCAC 4B .3902	Repeal
ABC Stores	17 NCAC 4B .4001	Repeal
Beach Stand or Store	17 NCAC 4B .4003	Repeal
Coal Dealer	17 NCAC 4B .4004	Repeal
Exemption	17 NCAC 4B .4005	Repeal
Leased Departments	17 NCAC 4B .4007	Repeal
Meat Packing House	17 NCAC 4B .4008	Repeal
Partnership & Corporation	17 NCAC 4B .4009	Repeal
Redemption Stores	17 NCAC 4B .4010	Repeal
Restaurants	17 NCAC 4B .4011	Repeal
Undertaking	17 NCAC 4B .4012	Repeal
Warehouse	17 NCAC 4B .4013	Repeal
Wholesale & Retail	17 NCAC 4B .4014	Repeal
Supplemental Form	17 NCAC 4B .4101	Repeal
Acting as Distributor	17 NCAC 4B .4102	Repeal
Application for Privilege License	17 NCAC 4B .4301	Amend
Small Two-Wheel Vehicle	17 NCAC 4B .4501	Repeal
Bottler Selling Drink Dispensers	17 NCAC 4B .4502	Repeal
Not Specifically Mentioned	17 NCAC 4B .4503	Repeal
Government Campgrounds	17 NCAC 4B .4504	Repeal
College Union	17 NCAC 4B .4505	Repeal
Prison Camps	17 NCAC 4B .4506	Repeal
Veterans Clubs	17 NCAC 4B .4507	Repeal
Commissary	17 NCAC 4B .4508	Repeal
Municipality	17 NCAC 4B .4509	Repeal
Federal Government	17 NCAC 4B .4510	Repeal
State Government	17 NCAC 4B .4511	Repeal
Credit Unions	17 NCAC 4B .4512	Repeal
School Lunchroom	17 NCAC 4B .4513	Repeal
Governmental Activity	17 NCAC 4B .4514	Repeal
Nonprofit Private Clubs	17 NCAC 4B .4515	Repeal
Shuffleboard, etc.	17 NCAC 4B .4516	Repeal
Ski Slopes	17 NCAC 4B .4517	Repeal
Several Operators at One Location	17 NCAC 4B .4518	Repeal
Free Record	17 NCAC 4B .4519	Repeal
Flashlight Batteries	17 NCAC 4B .4520	Repeal
Shortwave Radios	17 NCAC 4B .4521	Repeal
Form to be Used for Filing	17 NCAC 5B .0403	Repeal
Form to be Used for Filing	17 NCAC 5B .0503	Repeal
Taxable Percentages	17 NCAC 5B .1801	Repeal
No Return Filed	17 NCAC 5B .1802	Repeal
Two Returns Filed	17 NCAC 5B .1803	Repeal

Change in Name	17 NCAC 5B .1804	Repeal
Amended and Adjusted Returns	17 NCAC 5B .1805	Repeal
Mergers	17 NCAC 5B .1806	Repeal
Property Transfers	17 NCAC 7B .0117	Amend
Commercial Fishermen	17 NCAC 7B .0123	Amend
Electric Power Companies	17 NCAC 7B .0404	Amend
Certain Sales to Animal Farmers	17 NCAC 7B .1123	Amend
Sales to State	17 NCAC 7B .1703	Amend
Electricity	17 NCAC 7B .2101	Amend
Feed: Remedies: Vaccines	17 NCAC 7B .4003	Amend
Feed for Riding Stables	17 NCAC 7B .4009	Amend

NC AUCTIONEERS COMMISSION

Filing and Fees	21 NCAC 4B .0202	Amend
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NC STATE BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

Adequacy of Records	21 NCAC 64 .0209	Adopt
Definitions	21 NCAC 64 .1001	Adopt
General Requirements	21 NCAC 64 .1002	Adopt
License Requirements	21 NCAC 64 .1003	Adopt
Authorized Tasks	21 NCAC 64 .1004	Adopt
Supervision	21 NCAC 64 .1005	Adopt

RULES REVIEW OBJECTIONS

COMMERCE

Credit Union Division

4 NCAC 6C .0407 - Business Loans	RRC Objection	08/21/97
Agency Revised Rule	Obj. Removed	09/18/97

DENTAL EXAMINERS

21 NCAC 161 .0001 - Applications	RRC Objection	09/18/97
Agency Revised Rule	Obj. Removed	10/16/97
21 NCAC 16M .0003 - Primary Source Verification Fee	RRC Objection	09/18/97
Agency Revised Rule	Obj. Removed	10/16/97

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Coastal Resources Commission

15A NCAC 7H .0208 - Use Standards	RRC Objection	08/21/97
Agency Revised Rule	Obj. Removed	09/18/97
15A NCAC 7H .1204 - General Conditions	RRC Objection	08/21/97
Agency Revised Rule	Obj. Removed	09/18/97

Health Services

15A NCAC 18A .1938 - Responsibilities	RRC Objection	10/16/97
15A NCAC 18A .1958 - Non-Ground Absorption Sewage Treatment Systems	RRC Objection	10/16/97

Soil and Water Conservation

15A NCAC 6E .0104 - Best Management Practices Eligible for Cost Share Payments	RRC Objection	10/16/97
15A NCAC 6E .0105 - Cost Share and Incentive Payments	RRC Objection	10/16/97

Water Pollution Controls Systems

15A NCAC 8F .0201 - Duties and Requirements of Owners	RRC Objection	09/18/97
No Response from Agency	Obj. Cont'd	10/16/97

<i>15A NCAC 8F .0203 - Duties and Requirements of an Operator in Charge</i>	<i>RRC Objection</i>	<i>09/18/97</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>10/16/97</i>

HUMAN RESOURCES

Facility Services

<i>10 NCAC 3D .2001 - Definitions</i>	<i>RRC Objection</i>	<i>10/16/97</i>
<i>10 NCAC 3D .2101 - Level I Trauma Center Criteria</i>	<i>RRC Objection</i>	<i>10/16/97</i>
<i>10 NCAC 3D .2102 - Level II Trauma Center Criteria</i>	<i>RRC Objection</i>	<i>10/16/97</i>
<i>10 NCAC 3D .2105 - Initial Designation Process</i>	<i>RRC Objection</i>	<i>10/16/97</i>
<i>10 NCAC 3D .2106 - Renewal Designation Process</i>	<i>RRC Objection</i>	<i>10/16/97</i>
<i>10 NCAC 3D .2201 - Denial, Probation, Vol. Withdrawal/Rev/Trauma Ctr Designation</i>	<i>RRC Objection</i>	<i>10/16/97</i>
<i>10 NCAC 3D .2303 - Regional Trauma System Policy Development</i>	<i>RRC Objection</i>	<i>10/16/97</i>

Medical Assistance

<i>10 NCAC 26B .0113 - NC Medicaid Criteria/Cont'd Acute Stay/Inpatient Psych. Facility</i>		
<i>Rule Withdrawn by Agency</i>		<i>09/18/97</i>

Social Services Commission

<i>10 NCAC 42J .0005 - Funding for Medical Services</i>	<i>RRC Objection</i>	<i>08/21/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>09/18/97</i>

PUBLIC INSTRUCTION

<i>16 NCAC 6C .0307 - Certificate Renewal</i>	<i>RRC Objection</i>	<i>10/16/97</i>
<i>16 NCAC 6D .0103 - Graduation Requirements</i>	<i>RRC Objection</i>	<i>10/16/97</i>
<i>16 NCAC 6D .0301 - Testing Requirements and Opportunities</i>	<i>RRC Objection</i>	<i>10/16/97</i>
<i>16 NCAC 6G .0305 - End-of-Course Tests</i>	<i>RRC Objection</i>	<i>10/16/97</i>
<i>16 NCAC 6G .0306 - Testing Code of Ethics</i>	<i>RRC Objection</i>	<i>10/16/97</i>
<i>16 NCAC 6G .0307 - Assistance Teams</i>	<i>RRC Objection</i>	<i>10/16/97</i>
<i>16 NCAC 6G .0308 - Due Process Protections</i>	<i>RRC Objection</i>	<i>10/16/97</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

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
ADMINISTRATION				
E. Edward Gambill v. Department of Administration	97 DOA 0364	Reilly	09/10/97	
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Michael's Mini Mart v. Alcoholic Beverage Control Commission	92 ABC 1601	Gray	08/18/97	
Everette Craig Hornbuckle v. Alcoholic Beverage Control Commission	93 ABC 0987	Gray	08/18/97	
Saleh Ahmed Ali Futhah v. Alcoholic Beverage Control Commission	94 ABC 0264	Gray	08/18/97	
Carolyn T. Ray v. Alcoholic Beverage Control Commission	95 ABC 0429	Gray	09/23/97	
Alcoholic Beverage Control Commission v. Fast Fare, Inc.	96 ABC 0483	Morrison	06/18/97	
Alcoholic Beverage Control Commission v. Mendoza Enterprises, Inc.	96 ABC 1196	Gray	08/26/97	
Paul Tyler IV Enterprises, Inc., Alpha Vinson T/A Mirrors (Sid's Showgirls) v. Alcoholic Beverage Control Commission	96 ABC 1804	Morrison	09/29/97	
and City of Goldsboro and Gurnan Khara				
Nasar Sader v. Alcoholic Beverage Control Commission	97 ABC 0030	Phipps	10/08/97	
Alcoholic Beverage Control Commission v. Paradise Landing, Inc.	97 ABC 0031	Gray	06/13/97	
OFFISS, Inc. v. Alcoholic Beverage Control Commission	97 ABC 0118	Gray	09/17/97	
Alcoholic Beverage Control Commission v. Altaf Hussain	97 ABC 0312	Mann	07/29/97	
Alcoholic Beverage Control Commission v. Robert Johnson	97 ABC 0321	Gray	08/25/97	
Alcoholic Beverage Control Commission v. Masonboro County Store, Inc.	97 ABC 0432	Reilly	09/09/97	
Daniel Gary Ledbetter v. Alcoholic Beverage Control Commission	97 ABC 0443	Gray	07/08/97	
Alcoholic Beverage Control Comm. v. Percy Daniel Bowen	97 ABC 0495	Morrison	09/24/97	
Alcoholic Beverage Control Commission v. Bridgette Dee Williams	97 ABC 0576	Phipps	09/04/97	
Alcoholic Beverage Control Commission v. Westside Tavern, Inc.	97 ABC 0586	Phipps	09/17/97	
Alcoholic Beverage Control Commission v. Grove Park Inn Resort, Inc.	97 ABC 0706	Morrison	09/15/97	12:07 NCR 609
Alcoholic Beverage Control Commission v. Kimberly Loette Hankins	97 ABC 0897	Gray	10/06/97	
CORRECTION				
David M. Boone v. Correction, Div. of Prison Admin. Remedy Procedure	97 DOC 0534	Morrison	06/16/97	
CRIME CONTROL AND PUBLIC SAFETY				
Della Sherrod v. Crime Victims Compensation Commission	96 CPS 0300	Chess	07/18/97	
Mary A. Kearney v. CPS, Victims Compensation Commission	96 CPS 2033	Becton	09/26/97	
Beverly McLaughlin v. Crime Victims Compensation Commission	97 CPS 0170	Phipps	08/29/97	
Malcolm W. Fields v. Crime Victims Compensation Commission	97 CPS 0360	Chess	09/12/97	
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	
Clifford R. Pulley v. Crime Victims Compensation Commission	97 CPS 0523	Gray	08/06/97	
Curtis Jermaine Newkirk v. Crime Victims Compensation Commission	97 CPS 0645	Morrison	10/03/97	
Gregory Bynum v. Crime Victims Compensation Commission	97 CPS 0901	Reilly	10/16/97	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES				
Herbert C. Avery v. Environment, Health, and Natural Resources	96 EHR 0161	Chess	09/23/97	
Linda Collie v. Lenoir County Health Department	96 EHR 0264	Becton	07/16/97	
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	
Peter D. McDowell, Sr. v. New Hanover Health Department	96 EHR 2075	Gray	08/07/97	
Riggings Homeowners Assoc. Inc. v. Environment, Health, & Natural Res.	97 EHR 0263	Reilly	08/13/97	
John Ronald Taylor v. Environment, Health, & Natural Resources	97 EHR 0275	Reilly	06/09/97	
Rick Parker v. Pitt County Health Dept./Mr. Ernie Nichols	97 EHR 0470	Phipps	07/01/97	
James R. Melvin v. Environment and Natural Resources	97 EHR 0682	Phipps	09/23/97	
Lee A. Riggs v. Craven County Health Department	97 EHR 0851	Becton	10/02/97	
Robert E. Cahoon v. Carteret County Health Department	97 EHR 0878	Becton	09/30/97	
John Martin v. Environment, Health, and Natural Resources	97 EHR 0993*21	Phipps	10/13/97	
John Martin v. Environment, Health, and Natural Resources	97 EHR 0994*21	Phipps	10/13/97	
Environmental Management				
Henry G. Dail, Dail Brothers v. EHNRR, Environmental Management	96 EHR 2104	Gray	08/27/97	
Maternal and Child Health				
Evan's Mini Mart v. EHNRR, Maternal & Child Health, Nutrition Svcs Sec.	97 EHR 0599	Phipps	07/14/97	
Solid Waste Management				
Loie J. Priddy v. Division of Solid Waste Management, EHNRR	96 EHR 1838	Morrison	06/20/97	12:02 NCR 103
Water Quality				
Castle Hayne Steering Committee v. EHNRR, Division of Water Quality and New Hanover County Water and Sewer District	96 EHR 1731	Mann	06/30/97	
RAYCO Utilities, Inc., Briarwood WWTP v. EHNRR, Div. of Water Quality	97 EHR 0018	Chess	09/12/97	
HUMAN RESOURCES				
John & Veronica Spearman v. Department of Human Resources	96 DHR 1543	Chess	09/12/97	
New Beginnings Christian Academy v. Department of Human Resources	96 DHR 1925	Reilly	08/22/97	
Cindy G. Geho v. Office of Administrative Hearings, R. Marcus Lodge	97 DHR 0286	Chess	07/23/97	
Helen Wyman v. Department of Human Resources	97 DHR 0407	Reilly	08/08/97	
DeRothea G. Williams d/b/a Dee Williams & Company, a proprietorship v. Buncombe County Partnership for Children, Inc., a NC Nonprofit Corp.; NC Department of Human Resources [Division of Child Development]; NC Department of Environment, Health, and Natural Resources [Division of Maternal and Child Health]	97 DHR 0424	Morrison	09/22/97	
Linda Rouse Sharp v. Department of Human Resources	97 DHR 0610	Mann	08/28/97	
Ocelee Gibson v. Department of Human Resources	97 DHR 0658	Reilly	07/22/97	
Larry Patton v. Department of Human Resources	97 DHR 0829	Phipps	10/17/97	
Rita Faircloth v. Department of Human Resources	97 DHR 0900	Reilly	08/15/97	
Division of Child Development				
New Hanover Cty, Comm. Action v. DHR, Division of Child Development	97 DHR 0921	Phipps	09/10/97	
Cindy G. Geho v. Human Resources, Division of Child Development	97 DHR 0966	Phipps	08/29/97	
Division of Facility Services				
Ava McKinney v. DHR, Division of Facility Services	96 DHR 2061	Chess	07/08/97	
Mercy Egbuleonu v. DHR, Facility Svcs, Health Care Personnel Reg. Sec.	97 DHR 0172	Becton	07/16/97	
Mercy Egbuleonu v. Human Resources, Division of Facility Services	97 DHR 0450	Gray	09/02/97	
Kizzie Cooper v. DHR, Facility Svcs, Health Care Personnel Registry Sec.	97 DHR 0459	Phipps	06/09/97	
Maggie J. Barnhill v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0465	Gray	07/30/97	
Emma Faison v. DHR, Division of Facility Services	97 DHR 0471	Gray	07/15/97	
Eugene Donald Caldwell v. DHR, Division of Facility Services	97 DHR 0480	Gray	10/10/97	
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	
Shirley Ebron v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0528	Gray	10/02/97	
Claudia K. Thomerson v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0551	Chess	07/15/97	
Janice Ann McClinton v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0558	Creech	10/17/97	
Michelle R. Griffin v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0559	Gray	07/30/97	
Deborah L. McBurnie v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0608	Chess	09/02/97	
Kelly M. Poole v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0629	Chess	09/02/97	
Debbie Williams v. DHR, Fac. Svcs., Health Care Pers. Reg. Sec.	97 DHR 0630	Gray	10/01/97	
Therese Victoria Wilson v. DHR, Fac. Svcs, Health Care Pers. Reg. Sec.	97 DHR 0632	Phipps	08/25/97	
Notisha Utley v. DHR, Fac. Svcs, Health Care Pers. Reg. Sec.	97 DHR 0646	Phipps	09/26/97	
Helen T. Shokoti v. Human Resources, Division of Facility Services	97 DHR 0653	Chess	08/20/97	
Jeri L. Anderson v. Human Resources, Division of Facility Services	97 DHR 0659	Gray	08/19/97	
Susie A. Milsap v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0667	Phipps	08/25/97	
Glenda Christine Taylor v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0681	Gray	08/29/97	
Maple Heights Rest Home, Inc. v. DHR, Division of Facility Services	97 DHR 0717	Reilly	10/16/97	
Lisa Bullard v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0721	Chess	10/09/97	

CONTESTED CASE DECISIONS

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
Angela D. Johnson v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0723	Chess	08/06/97	
Cressie D. Mears v. DHR, Division of Facility Services	97 DHR 0793	Chess	08/21/97	
Marie Emma Wimbush v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0797	Phipps	08/25/97	
Tamara Green v. DHR, Fac. Svcs, Health Care Pers. Reg. Sec.	97 DHR 0824	Becton	09/29/97	
Jean Rossman v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0908	Smith	09/02/97	
Brenda Faye Harris v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0938	Morrison	10/03/97	
Lorena Barbour v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 0999	Phipps	09/11/97	
Vitina Cockrane v. DHR, Facility Svcs, Health Care Pers. Reg. Sec.	97 DHR 1066	Chess	10/15/97	
<i>Certificate of Need Section</i>				
Carolina Imaging, Inc/Fayetteville v. DHR, Facility Svcs, Cert/Need Sec. and Cumberland Cty Hospital System, Inc., d/b/a Cape Fear Valley Med. Ctr.	96 DHR 1570	Phipps	06/24/97	12:02 NCR 95
<i>Group Licensure Section</i>				
Jeffreys Family Care #2 v. DHR, Facility Svcs. Group Licensure Section	97 DHR 0259	Mann	06/17/97	
<i>Division of Medical Assistance</i>				
Dilladys Renee Stover v. DHR, Division of Medical Assistance	97 DHR 0560	Mann	09/16/97	
Bettye Parson/Tambra Parson v. DHR, Div. of Medical Assistance	97 DHR 0656	Becton	08/12/97	
Robert D. & Ronda M. Staton v. DHR, Div. of Medical Assistance	97 DHR 0660	Smith	09/05/97	
<i>Division of Social Services</i>				
<i>Child Support Enforcement Section</i>				
Dale P. Sprinkle v. Guilford Child Support Agency, Human Resources	96 CRA 1171	Gray	08/13/97	
Steven Van Linker v. Department of Human Resources	96 CRA 1250* ²	Becton	07/11/97	
Michael R. Bryant v. Department of Human Resources	96 CRA 1252	Phipps	08/11/97	
David Lee Chamblee Jr. v. Department of Human Resources	96 CRA 1281	Morrison	06/16/97	
John W. Scott v. Department of Human Resources	96 CRA 1287	Becton	10/09/97	
Michael T. Swann v. Department of Human Resources	96 CRA 1326	Chess	06/04/97	
Ted Wayne Lamb v. Department of Human Resources	96 CRA 1359	Gray	07/10/97	
Jeffrey Grainger v. Department of Human Resources	96 CRA 1376	Reilly	08/14/97	
Tollie Woods v. Department of Human Resources	96 CRA 1348* ⁸	Morrison	08/04/97	
Fred Edward Stafford v. Department of Human Resources	96 CRA 1407* ¹⁸	Reilly	08/21/97	
David N. Jarrett v. Department of Human Resources	96 CRA 1438	Morrison	07/10/97	
Warren S. Olson v. Department of Human Resources	96 CRA 1440	Phipps	09/09/97	
Stanley A. Watson v. Department of Human Resources	96 CRA 1448* ¹⁹	Reilly	08/21/97	
Michael A. Isom v. Department of Human Resources	96 CRA 1450	Becton	07/11/97	
Rafael L. Garcia v. Department of Human Resources	96 CRA 1451	Becton	09/11/97	
Justin M. Woazeah, Sr. v. Department of Human Resources	96 CRA 1452* ⁹	Chess	07/22/97	
Johnny R. Holden v. Department of Human Resources	96 CRA 1463	Mann	10/16/97	
Calvin F. Mizelle v. Department of Human Resources	96 CRA 1476	Chess	07/07/97	
Tommy Lee Clark v. Department of Human Resources	96 CRA 1477	Phipps	08/13/97	
Ander L. Garfield v. Department of Human Resources	96 CRA 1479* ³	Morrison	07/15/97	
Clarence O. Rains v. Department of Human Resources	96 CRA 1482	Reilly	08/21/97	
Jeremy Baker v. Department of Human Resources	96 CRA 1491* ²⁰	Smith	09/05/97	
Hal C. Morgan, Jr. v. Department of Human Resources	96 CRA 1500	Smith	09/05/97	
Paul S. Cloninger v. Department of Human Resources	96 CRA 1502	Becton	09/11/97	
Edward Stuteville v. Department of Human Resources	96 CRA 1507* ¹³	Mann	08/13/97	
Tony Peterson, Jr. v. Department of Human Resources	96 CRA 1513	Gray	10/02/97	
Lee G. Sanders Jr. v. Department of Human Resources	96 CRA 1515	Reilly	09/11/97	
David Fraizer v. Department of Human Resources	96 CRA 1519* ¹⁰	Chess	07/18/97	
David Fraizer v. Department of Human Resources	96 CRA 1520* ¹⁰	Chess	07/18/97	
David Hobson v. Department of Human Resources	96 CRA 1522* ¹¹	Phipps	07/24/97	
John T. Spidell v. Department of Human Resources	96 CRA 1567	Smith	09/05/97	
David Scott Jordan v. Department of Human Resources	96 CRA 1673	Reilly	07/18/97	
Lee R. Jones v. Department of Human Resources	96 CRA 1720* ⁴	Phipps	07/10/97	
Cecil Hall v. Department of Human Resources	96 CRA 1749* ⁵	Mann	07/10/97	
Neil G. McGilberry v. Department of Human Resources	96 CRA 1767* ⁶	Becton	07/15/97	
William E. Daley Jr. v. Wake County Child Support Enforcement	96 CRA 1789	Reilly	09/25/97	
Dennis Larson v. Department of Human Resources	96 CRA 1793	Chess	06/17/97	
Eric L. Harrington v. Department of Human Resources	96 CRA 1794	Mann	07/19/97	
Paul F. Gangemi, Sr. v. Department of Human Resources	96 CRA 1809	Gray	08/13/97	
Scott M. Rodriguez v. Department of Human Resources	96 CRA 1818* ¹	Gray	06/25/97	
James Withers v. Department of Human Resources	96 CRA 1820	Reilly	07/24/97	
Evalina R. Oxendine v. Department of Human Resources	96 CRA 1825	Gray	09/10/97	
Phillip R. Banner v. Department of Human Resources	96 CRA 1826* ²¹	Gray	09/24/97	
Brian K. Norfleet v. Craven County Child Support Office	96 CRA 1846	Phipps	10/02/97	
Patrick Orlando Crump v. Department of Human Resources	96 CRA 1866* ¹⁴	Gray	08/18/97	

* Consolidated Cases.

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Ronald L. Hadley v. Department of Human Resources	96 CRA 1892	Reilly	07/18/97	
Garland M. Jessup v. Guilford County Child Support Enforcement	96 CRA 1898	Becton	07/11/97	
Anthony LeMar III v. Department of Human Resources	96 CRA 1905	Smith	09/05/97	
Michael A. Norman v. Department of Human Resources	96 CRA 1915	Gray	09/24/97	
Walter Hawk v. Department of Human Resources	96 CRA 1943	Phipps	08/13/97	
Johnny Lewis Fields v. Department of Human Resources	96 CRA 2085*22	Smith	10/02/97	
Roger G. Foster v. Department of Human Resources	97 CRA 0043	Phipps	06/19/97	
Charlie T. Smith v. Department of Human Resources	97 CRA 0280	Reilly	06/16/97	
Joseph Davis v. Department of Human Resources	97 CRA 0436*15	Phipps	08/11/97	
Joseph Michael Eubanks v. Department of Human Resources	97 CRA 0477	Reilly	07/18/97	
Vonzell Barker v. Department of Human Resources	97 CRA 0620	Becton	08/12/97	
Charles F. King v. Department of Human Resources	97 CRA 0720	Reilly	07/30/97	
A.C. Nash v. Department of Human Resources	97 CRA 0788	Gray	09/10/97	
Kenneth A. Ingle v. Department of Human Resources	97 CRA 1714	Chess	09/25/97	
Norman L. Gatewood v. Department of Human Resources	96 CSE 0484	Chess	09/23/97	
Larie Bolton v. Department of Human Resources	96 CSE 1220	Reilly	08/21/97	
Monty G. Cox v. Randolph County Child Support Enforcement Agency	96 CSE 1235*16	Becton	08/12/97	
Steven Van Linker v. Department of Human Resources	96 CSE 1249*2	Becton	07/11/97	
Barry Tukes Sr. v. C.S.E.	96 CSE 1277	Mann	07/01/97	
Monty G. Cox v. Randolph County Child Support Enforcement Agency	96 CSE 1278*16	Becton	08/12/97	
Harriet Tolson v. Department of Human Resources	96 CSE 1280	Reilly	08/21/97	
John W. Scott v. Department of Human Resources	96 CSE 1286	Becton	10/09/97	
Edgar C. Lewis, Jr. v. Department of Human Resources	96 CSE 1299	Mann	08/20/97	
Willie L. Berry v. Department of Human Resources	96 CSE 1319	Gray	06/25/97	
Tony Orlando Steele v. Department of Human Resources	96 CSE 1337	Mann	06/30/97	
Carl Locklear v. Department of Human Resources	96 CSE 1338	Mann	07/07/97	
Tollie Woods v. Department of Human Resources	96 CSE 1340*8	Morrison	08/04/97	
James Earl McLellan v. Department of Human Resources	96 CSE 1358	Mann	10/16/97	
Charles L. Raynor v. Department of Human Resources	96 CSE 1382	Becton	07/11/97	
Robert Walker v. Intercept Tax Refunds	96 CSE 1384	Morrison	07/24/97	
Chris M. Wilson v. Department of Human Resources	96 CSE 1403	Morrison	09/25/97	
Fred Edward Stafford v. Department of Human Resources	96 CSE 1406*18	Reilly	08/21/97	
Stanley A. Watson v. Department of Human Resources	96 CSE 1449*19	Reilly	08/21/97	
Justin M. Woazeah, Sr. v. Department of Human Resources	96 CSE 1453*9	Chess	07/22/97	
William A. Underhill v. Department of Human Resources	96 CSE 1455	Mann	07/18/97	
Almiron J. Deis v. Department of Human Resources	96 CSE 1456	Gray	06/25/97	
Jeremy Baker v. Department of Human Resources	96 CSE 1460*20	Smith	09/05/97	
Alfred Clinton Springs v. Department of Human Resources	96 CSE 1473	Reilly	08/21/97	
Ander L. Garfield v. Department of Human Resources	96 CSE 1480*3	Morrison	07/15/97	
Ulysses Harris v. Nash County Child Support Office and Human Resources	96 CSE 1488	Becton	10/14/97	
Edward Stuteville v. Department of Human Resources	96 CSE 1508*13	Mann	08/13/97	
Gerald A. Jones v. Department of Human Resources	96 CSE 1512	Becton	09/11/97	
David Hobson v. Department of Human Resources	96 CSE 1521*11	Phipps	07/24/97	
Gregory D. Simpson v. Department of Human Resources	96 CSE 1527	Reilly	06/25/97	
Carl E. Coffey v. Department of Human Resources	96 CSE 1528	Reilly	09/24/97	
Donald Ray Archie v. Department of Human Resources	96 CSE 1558	Becton	07/11/97	
John T. Spidell v. Department of Human Resources	96 CSE 1566	Smith	09/05/97	
John W. Liverman v. Department of Human Resources	96 CSE 1568	Becton	07/11/97	
Vincent L. Martin v. Department of Human Resources	96 CSE 1574	Gray	08/04/97	
Harlie Leonard Hardison v. Department of Human Resources	96 CSE 1578	Becton	08/25/97	
Alton Washington v. DHR and Robeson County Child Support Enf. Agcy.	96 CSE 1597	Becton	10/13/97	
David Fraizer v. Department of Human Resources	96 CSE 1610*10	Chess	07/18/97	
Golet Holloway, Jr. v. Department of Human Resources	96 CSE 1611	Becton	07/11/97	
Jeffrey Pierce v. Department of Human Resources	96 CSE 1613	Mann	06/30/97	
Patrick Orlando Crump v. Department of Human Resources	96 CSE 1614*14	Gray	08/18/97	
Crystal Lynn Manring-Robertson v. Forsyth County CSE, DSS & DHR	96 CSE 1619	Becton	10/13/97	
William C. Rivera v. Department of Human Resources	96 CSE 1622	Mann	06/18/97	
David L. Smith v. DHR, DSS, CSE and Sampson County CSE	96 CSE 1639	Becton	10/13/97	
Lenora McCracken v. Department of Human Resources	96 CSE 1644	Mann	06/30/97	
Donald Lee Rodgers Sr. v. Rowan County CSE, DHR, DSS, CSE	96 CSE 1667	Becton	10/13/97	
Derrick Sturdivant v. Department of Human Resources	96 CSE 1672	Chess	10/09/97	
Clyde Williams v. DHR, DSS, CSE, and Pitt County CSE	96 CSE 1688	Becton	10/13/97	
Lee R. Jones v. Department of Human Resources	96 CSE 1719*4	Phipps	07/10/97	
Cecil Hall v. Department of Human Resources	96 CSE 1750*5	Mann	07/10/97	
Gregory Melton v. Department of Human Resources	96 CSE 1764	Morrison	09/17/97	
Neil G. McGilberry v. Department of Human Resources	96 CSE 1766*6	Becton	07/15/97	
Devin J. Bello v. Department of Human Resources	96 CSE 1774	Phipps	07/16/97	
Phillip R. Banner v. Department of Human Resources	96 CSE 1802*21	Gray	09/24/97	
Scott M. Rodriguez v. Department of Human Resources	96 CSE 1817*1	Gray	06/25/97	
James Withers v. Department of Human Resources	96 CSE 1821	Reilly	08/21/97	
David M. Greene v. Buncombe County CSE and DHR, DSS, CSE	96 CSE 1844	Becton	10/06/97	
Jarmarie Arnold v. Department of Human Resources	96 CSE 1853	Becton	10/14/97	
Sean Heitz v. Department of Human Resources	96 CSE 1909	Chess	07/22/97	
Nathan S. Lockhart Sr. v. Department of Human Resources	96 CSE 1910	Phipps	07/16/97	

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Scott James Petrill v. Department of Human Resources	96 CSE 1914	Morrison	07/30/97	
Daniel E. Carpenter v. Department of Human Resources	96 CSE 1917* ¹²	Phipps	07/25/97	
Daniel D. Morse v. Department of Human Resources	96 CSE 1942	Chess	08/19/97	
Daryl E. Shankle v. Child Support Enforcement Agency	96 CSE 1977	Becton	07/11/97	
Jeffrey William Strama v. Department of Human Resources	96 CSE 2043	Becton	07/11/97	
Joseph Fernandez v. Department of Human Resources	96 CSE 2066	Chess	08/21/97	
Johnny Lewis Fields v. Department of Human Resources	96 CSE 2084* ²²	Smith	10/02/97	
Alfred Covington v. DHR, DSS, CSE and Burke County CSE	96 CSE 2086	Becton	10/06/97	
Tommy L. Hines Sr. v. Forsyth County Child Support Enforcement	97 CSE 0015	Reilly	07/18/97	
Kelvin Cherry v. DHR, DSS, CSE, Durham Cty CSE and Wake Cty CSE	97 CSE 0027	Becton	10/13/97	
Irvan Jemal Fontenot v. Department of Human Resources	97 CSE 0223	Becton	07/11/97	
Pearlie Blakney v. Department of Human Resources	97 CSE 0254	Phipps	07/24/97	
Leroy Grooms v. Department of Human Resources	97 CSE 0258* ⁷	Becton	07/18/97	
Sarah Chambers v. Department of Human Resources	97 CSE 0278	Morrison	06/16/97	
Leroy Grooms v. Department of Human Resources	97 CSE 0297* ⁷	Becton	07/18/97	
Theodore McCleese v. Department of Human Resources	97 CSE 0353	Morrison	08/05/97	
Gertru Jefferson Ward v. Department of Human Resources	97 CSE 0381	Chess	08/22/97	
James Allen Harris v. Department of Human Resources	97 CSE 0401	Mann	10/16/97	
John C. Henderson v. Department of Human Resources	97 CSE 0408	Smith	09/05/97	
William A. Rogers v. Department of Human Resources	97 CSE 0410	Gray	06/25/97	
Mark R. Kearney v. Department of Human Resources	97 CSE 0417	Reilly	08/07/97	
Michael J. Powell v. Department of Human Resources	97 CSE 0418	Becton	08/12/97	
Joseph Davis v. Department of Human Resources	97 CSE 0435* ¹⁵	Phipps	08/11/97	
James G. Davis v. Department of Human Resources	97 CSE 0448	Gray	07/28/97	
Randy Gavurnik v. Department of Human Resources	97 CSE 0454	Morrison	08/04/97	
Curtis Leon Mock v. Department of Human Resources	97 CSE 0490	Mann	06/17/97	
Daniel E. Carpenter v. Department of Human Resources	97 CSE 0501* ¹²	Phipps	07/25/97	
Juan L. Allen v. Department of Human Resources	97 CSE 0550	Smith	09/05/97	
Donald Mac Tipton v. Department of Human Resources	97 CSE 0564	Gray	09/15/97	
Guy R. Auger v. Brunswick County Child Support Enforcement	97 CSE 0600	Morrison	07/18/97	
Andrew J. Hough v. Department of Human Resources	97 CSE 0615	Reilly	08/21/97	
Michael V. Dockery v. Department of Human Resources	97 CSE 0642	Mann	10/03/97	
William Irving Commodore v. Department of Human Resources	97 CSE 0671	Mann	10/03/97	
David F. Norman v. Department of Human Resources	97 CSE 0672	Gray	07/28/97	
Richmond P. Lambert III v. Department of Human Resources	97 CSE 0712	Morrison	10/06/97	
Carvin Ray Burris v. Department of Human Resources	97 CSE 0751	Becton	09/11/97	
Mar F. Jones v. Department of Human Resources	97 CSE 0777	Phipps	08/28/97	
Denis J. Quinn v. Department of Human Resources	97 CSE 0794	Reilly	09/24/97	
Nathaniel D. Carter v. Department of Human Resources	97 CSE 0931	Smith	09/25/97	
Dennis W. Clowers v. Department of Human Resources	97 CSE 0944	Becton	09/11/97	
Daniel J. McDowell v. Department of Human Resources	97 CSE 0984	Morrison	09/10/97	
Roger Waldren v. Department of Human Resources	97 CSE 1042	Chess	10/13/97	
Randy Allen Vore v. Department of Human Resources	97 CSE 1071	Mann	10/07/97	
Walter McNeil v. Department of Human Resources	97 CSE 1324	Becton	09/11/97	
David Hobson v. Department of Human Resources	97 CSE 1747* ¹¹	Phipps	07/24/97	
Jerry Whitley v. Mecklenburg County Child Support Enforcement	97 CSE 2037	Reilly	08/21/97	
Linda Wade-Hargrove v. Department of Human Resources	97 DCS 0365	Becton	07/11/97	
Regina C. Sullivan v. Department of Human Resources	97 DCS 0482	Becton	07/18/97	
Teri Lynne Lanier v. Department of Human Resources	97 DCS 0738	Smith	09/05/97	
Katrina T. Johnson v. Department of Human Resources	97 DCS 0856	Becton	09/24/97	
Clarisa Carter Watson v. Department of Human Resources	97 DCS 0909	Gray	10/02/97	
INSURANCE				
Joseph J. Peacock v. Department of Insurance	96 INS 0433	Becton	07/25/97	12:04 NCR 327
JUSTICE				
Barbara Carter Irons v. DHR, Division of Facility Services	97 DOJ 0669	Phipps	08/27/97	12:06 NCR 501
Paul Harvey Taylor v. Department of Justice, Company Police Program	97 DOJ 0916	Reilly	10/03/97	
Imran Ramnarine v. Department of Justice, Company Police Program	97 DOJ 2071	Becton	06/11/97	
Alarm Systems Licensing Board				
Kim Brian Phelps v. Alarm Systems Licensing Board	96 DOJ 1785	Gray	08/08/97	
Daniel Joseph Dunne, III v. Alarm Systems Licensing Board	97 DOJ 0868	Phipps	09/12/97	
Education and Training Standards Division				
Charles Thomas Ohnmacht, Jr. v. Criml. Justice Ed./Training Stds. Comm.	96 DOJ 0353	Phipps	06/13/97	
Jon Randolph O'Dell v. Criml. Justice Ed./Training Stds. Comm.	96 DOJ 1466	Phipps	09/16/97	
James Haywood Mathews, Jr. v. Criml. Justice Ed./Training Stds. Comm.	96 DOJ 1957	Reilly	07/31/97	
Christopher Lee v. Criminal Justice Ed. & Training Standards Comm.	97 DOJ 0076	Morrison	06/19/97	
Steven Wayne Olsen v. Criminal Justice Ed. & Training Standards Comm.	97 DOJ 0077	Phipps	08/21/97	
Joseph Lonnie Wesson v. Criminal Justice Ed. & Training Standards Comm.	97 DOJ 0136	Reilly	08/26/97	
Frank Arlander Hearne v. Criml. Justice Ed. & Training Stds. Comm.	97 DOJ 0137	Reilly	06/10/97	
Audrey McDonald Rodgers v. Sheriffs' Ed. & Training Stds. Comm.	97 DOJ 0308	Reilly	07/31/97	
Gerald S. Wingate v. Sheriffs' Ed. & Training Stds. Comm.	97 DOJ 0428	Gray	10/09/97	

CONTESTED CASE DECISIONS

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
William Malcolm Mourino v. Sheriffs' Ed. & Training Sids. Comm.	97 DOJ 0430	Phipps	09/16/97	
Derrick W. Bowens v. Sheriffs' Education & Training Standards Comm.	97 DOJ 0661	Smith	08/29/97	
Joseph Ray Davis v. Sheriffs' Ed. & Training Sids. Comm.	97 DOJ 0747	Gray	10/02/97	
William Wayne McDowell v. Sheriffs' Education & Training Sids. Comm.	97 DOJ 0817	Morrison	08/22/97	
Private Protective Services Board				
Private Protective Services Board v. Phillip L. Hanson	96 DOJ 0795	Smith	06/05/97	
Ronald Anthony Bobeck v. Private Protective Services Board	97 DOJ 0476	Morrison	06/20/97	
Joseph D. White v. Private Protective Services Board	97 DOJ 0724	Gray	10/06/97	
Harry A. House v. Private Protective Services Board	97 DOJ 0727	Phipps	09/11/97	
Earl Thomas Wilson v. Private Protective Services Board	97 DOJ 0996	Gray	10/06/97	
PUBLIC INSTRUCTION				
Nicholas Eirschele, by his parents, Charles & Kathy Eirschele v. Craven County Board of Education	96 EDC 0655	Mann	09/02/97	
Karen L. Holgersen v. Department of Public Instruction	96 EDC 0808	Smith	05/27/97	
Meridith Kirkpatrick, by her parent, Susan Kirkpatrick and Meridith Kirkpatrick, Individually v. Lenoir County Board of Education	96 EDC 0979	Overby	06/02/97	
Alexander & Linda Brody & their son, James Brody v. Dare County Public Schools	96 EDC 1095	Creech	08/25/97	12:07 NCR 581
Brenda Joyce Brooks Lovely v. State Board of Education	97 EDC 0089	Morrison	08/01/97	
John G. Schaenman v. State Board of Education	97 EDC 0095	Morrison	10/07/97	
Norman D. Crotts v. State Board of Education	97 EDC 0117	Reilly	09/23/97	
Walter R. Bennett v. State Board of Education	97 EDC 0657	Smith	09/29/97	
Julius O. Webb v. Hertford County Board of Education	97 EDC 0736	Gray	09/09/97	
Karen Clark Ceccato v. Department of Public Instruction	97 EDC 0989	Smith	09/16/97	
STATE PERSONNEL				
Brunswick Community College				
Dr. Donald W. Skinner v. Brunswick Community College	97 OSP 0310	Phipps	06/12/97	
Correction				
Rodney Jones, Paula Hawkins, James McKoy v. Dept. of Correction	96 OSP 1051*17	Phipps	08/20/97	
Rodney Jones, Paula Hawkins, James McKoy v. Dept. of Correction	96 OSP 1119*17	Phipps	08/20/97	
Rodney Jones, Paula Hawkins, James McKoy v. Dept. of Correction	96 OSP 1120*17	Phipps	08/20/97	
Larry Wayne Pruitt, Jr. v. Department of Correction	96 OSP 1133	Gray	08/11/97	
William Hershel Bradley v. Franklin Freeman, Supt. Mark Hughes, Grant Spicer, Asst. Supt. Wade Hatley, et al, Department of Correction	96 OSP 1604	Phipps	06/19/97	
Dennis Harrell v. Department of Correction	96 OSP 2039	Chess	06/18/97	
Ray Evans Joyner v. Correction, Div. of Adult Probation/Parole	97 OSP 0100	Becton	09/18/97	
Morton Floyd v. New Hanover Department of Correction	97 OSP 0152	Gray	06/13/97	
William A. Rich v. Dennis Rowland (Asst. Supt.) Wake Corr. Ctr. DOC	97 OSP 0542	Gray	09/02/97	
Lonnie F. McCaskill, III v. Department of Correction	97 OSP 0761	Gray	10/02/97	
William E. McCaskill v. Department of Correction	97 OSP 0770	Becton	09/26/97	
Ronald M. Johnson v. Emp. Rel. Comm., DOC (Morrison Youth Inst.)	97 OSP 0940	Gray	10/02/97	
Crime Control and Public Safety				
Carroll E. Ward v. State Highway Patrol	97 OSP 0750	Mann	09/16/97	
Employment Security Commission				
Broxie J. Nelson v. Employment Security Commission	96 OSP 0378	Becton	07/10/97	
Mary H. Ranson v. Employment Security Commission	97 OSP 0387	Mann	07/24/97	
Environment, Health, and Natural Resources				
James Fred Swain v. Environment, Health, and Natural Resources	96 OSP 0440	Gray	10/02/97	12:09 NCR 851
James S. Kantor v. Environment, Health, and Natural Resources	96 OSP 0633	Smith	09/30/97	12:09 NCR 854
Human Resources				
Willie D. Parks v. Cherry Hospital, Department of Human Resources	96 OSP 0617	Phipps	09/10/97	
Robert Tilson Morley v. Department of Human Resources	96 OSP 0969	Gray	08/21/97	
Glen Sutton v. Cumberland County Department of Social Services	96 OSP 1296	Gray	07/17/97	
Brenda C. Burgess v. Dept of Human Resources (Broughton Hospital)	96 OSP 1485	Phipps	10/13/97	
Pamela Massey v. Department of Human Resources	96 OSP 1927	Becton	08/28/97	12:06 NCR 497
Clifton Dean Hill v. Department of Human Resources	97 OSP 0007	Phipps	06/20/97	12:02 NCR 107
Bennie Allen Suttle v. Department of Human Resources	97 OSP 0069	Reilly	09/30/97	
Calvin E. Kaiser v. Southeastern Mental Health Center	97 OSP 0073	Gray	08/08/97	
Sandra Riley v. Onslow County Department of Social Services	97 OSP 0217	Reilly	10/14/97	
Vicky Angel Morgan v. Buncombe County Department of Social Services	97 OSP 0283	Becton	10/02/97	
Rick A. Sanders v. Department of Health and Human Services	97 OSP 0307	Reilly	10/16/97	
Troy Gaines v. Durham County Mental Health Department	97 OSP 0347	Mann	08/05/97	
Edward Percell Eason v. Department of Human Resources	97 OSP 0363	Gray	08/15/97	
Lisha Dawn Byrd v. Human Resources (Western Carolina Center)	97 OSP 0491	Morrison	08/28/97	
Antonio A. Archibeque v. Barbara D. Whitley, Dir, Stanly County DSS	97 OSP 0663	Smith	09/02/97	

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
DHR, Deaf & Hard of Hearing CNCSD, Evonne Broadnax v. DHR, Deaf & Hard of Hearing CNCSD	97 OSP 0756	Becton	09/03/97	
Julia R. Baker v. Union County Department of Social Services	97 OSP 0783	Gray	10/13/97	
Public Instruction				
Frances Phillips Melott v. Department of Public Instruction	95 OSP 0907	Trawick	06/09/97	
Transportation				
Frank A. Tice, III v. Department of Transportation	97 OSP 0380	Mann	09/05/97	
University of North Carolina				
Boyd S. Taylor v. NC Central University	94 OSP 0363	Chess	09/12/97	
Diane Riggsbee-Raynor v. UNC at Chapel Hill	96 OSP 0326	Chess	06/04/97	12:01 NCR 39
Helen McIntyre v. UNC-TV University of North Carolina	96 OSP 0822	Gray	09/26/97	
Elaine P. Browne v. Winston-Salem State University	96 OSP 1007	Reilly	09/24/97	
Carol Glosson v. University of NC Hospitals at Chapel Hill	96 OSP 1015	Becton	10/08/97	
Ann O. Meares v. NC State University	96 OSP 1870	Chess	09/22/97	
Darrell J. Hampton v. NC Central University	97 OSP 0155	Mann	08/11/97	
Clinton A. Browne v. NC A&T State University	97 OSP 0199	Phipps	09/18/97	
Kenneth L. Jarman v. East Carolina University	97 OSP 0249	Gray	09/26/97	
William A. Covington v. NC A & T State University	97 OSP 0686	Becton	08/29/97	
Beth W. Vinson v. Western Carolina University	97 OSP 0762	Phipps	10/10/97	
Helen McIntyre v. UNC-TV University of North Carolina	97 OSP 0991	Gray	09/26/97	
Helen McIntyre v. UNC-TV University of North Carolina	97 OSP 1148	Gray	10/16/97	
STATE TREASURER				
Shelby H. Underwood, et.al. v. Trustees Teachers/St. Emp Ret. Sys.	96 DST 0390	Reilly	08/05/97	
Richard Albert Jose v. State Treasurer Retirement Systems Div.	97 DST 0281	Reilly	10/02/97	
TRANSPORTATION				
Audrey W. Harris v. Transportation, Manson/Wheat Contr., & Wake Elec.	97 DOT 0566	Gray	07/28/96	

STATE OF NORTH CAROLINA

**IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
96 OSP 0440**

COUNTY OF CARTERET

JAMES FRED SWAIN

Petitioner,

v.

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT,

HEALTH, AND NATURAL RESOURCES,

Respondent.

RECOMMENDED DECISION

The above entitled matter was commenced by the filing of a contested case petition on April 16, 1996 in the Office of Administrative Hearings alleging that Petitioner had been dismissed from his employment with Respondent without just cause. This case initially was assigned to an administrative law judge who went into private practice in the summer of 1997. On July 14, 1997 Petitioner filed a Motion for Summary Judgment. This case was reassigned to the undersigned on July 29, 1997. Petitioner, by letter dated August 11, 1997, sought a hearing on his summary judgment motion at the earliest possible date. A motions hearing was conducted on September 22, 1997 in Raleigh, North Carolina. All pending motions were brought on for hearing.

APPEARANCES

Petitioner: Marvin Schiller, Esq.

Respondent: Edwin L. Gavin, II, Assistant Attorney General
David Roy Blackwell, Special Deputy Attorney General

RESPONDENT'S MOTION FOR SANCTIONS FOR UNTIMELY DISCOVERY

Respondent's motion for sanctions for alleged late filing of discovery responses by Petitioner was argued by the parties and DENIED.

RESPONDENT'S MOTION TO DISMISS FOR LACK OF JURISDICTION

Respondent's Motion to Dismiss for lack of jurisdiction based on Respondent's contention that the petition failed to state facts sufficient to commence a contested case under G.S. 150B-23 was DENIED.

PETITIONER'S MOTION FOR SUMMARY JUDGMENT

Petitioner's Motion for Summary Judgment was argued at the September 22, 1997 motions hearing without objection. No party asserted that it had outstanding discovery pending which could have a bearing on the motion for summary judgment. Petitioner offered in support of his motion the pleadings filed to date, including, and particularly, the Document Constituting Agency Action, a five page dismissal letter from (former) Fisheries Director Bruce Freeman to Petitioner James Fred Swain dated January 31, 1996. Respondent offered Petitioner's job description and the deposition transcript of Fisheries Director Bruce Freeman in its argument and response opposing the motion for summary judgment.

The essence of Petitioner's motion is that the dismissal letter, submitted by Respondent as the Document Constituting Agency Action and treated here as a pleading for purposes of construing a Rule 56 motion, demonstrates, on its face, that Respondent cannot prevail, as a matter of law, in its discharge of Petitioner on the grounds of grossly inefficient job performance because it fails to sufficiently state the specific acts and omissions required by G.S. 126-35 and because it fails to raise a genuine issue of material fact regarding whether Petitioner's job performance constitutes grossly inefficient performance under N.C. Admin. Code tit. 25, r.11.2303 (December 1995) (Amended Eff. December 1, 1995). Official notice of the grossly inefficient job performance rule was taken at the motions hearing.

SUMMARY OF UNDISPUTED FACTS

Counsel at the motions hearing admitted that Petitioner's personnel record does not contain the three (3) job performance warnings required by North Carolina law under Chapter 126 to support a just cause dismissal for reasons of job performance. The documents of record in this contested case show, and it is not disputed, that Petitioner has been in State service for over 25 years and was the Marine Fisheries Enforcement Chief at the time of his dismissal for grossly inefficient job performance on January 31, 1996. The only specific acts or omissions cited in Director Freeman's January 31, 1996 dismissal letter to Petitioner, which occurred on or after the December 1, 1995 effective date of the State Personnel Commission rule allowing summary dismissal for grossly inefficient job performance, are as follows:

[t]wo weeks ago I indicated that enforcement officers were needed at two important public hearings on the Weakfish Fishery Management Plan. Because of the importance of these hearings, I specifically put the meeting times and locations in a memo (memorandum to you dated January 18, 1996). I was disturbed to learn that no officer was present at the January 24, 1996 hearing. This required me to again impress upon you the importance of the hearings and the absolute need to have officers at the final hearing.

Director Freeman's January 31, 1996 dismissal letter to Petitioner contains approximately ten (10) specific instances, specified by dates, of what is alleged to be job performance problems. The earliest date is January 13, 1995 and the last or most recent date is January 24, 1996.

The State Personnel Commission rule allowing dismissal for grossly inefficient job performance provides, in pertinent part:

(a) Gross Inefficiency (Grossly Inefficient Job Performance) occurs in instances in which the employee fails to satisfactorily perform job requirements as specified in the job description, work plan, or as directed by the management of the work unit or agency and that failure results in:

- (1) the creation of the potential for death or serious harm to a client(s), an employee(s), members of the public or to a person(s) over whom the employee has responsibility; or
- (2) the loss of or damage to agency property funds that result in a serious impact on the agency and/or work unit.

(b) Dismissal on the basis of grossly inefficient job performance is administered in the same manner as for unacceptable personal conduct. Employees may be dismissed on the basis of a current incident of grossly inefficient job performance without any prior disciplinary action. N.C. Admin. Code tit. 25, r. 11.2303 (December 1995)(Amended Eff. December 1, 1995).

RULING ON THE SUMMARY JUDGMENT MOTION

North Carolina General Statutes Section 150B-33 provides that an administrative law judge may rule on all prehearing motions authorized by G.S. 1A-1, the Rules of Civil Procedure. A Rule 56 motion represents an assertion by the movant that the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there are no genuine issues as to any material facts. Whiteside v. Lawyers Surety Corp., 107 N.C. App. 230, 418 S.E.2d 829 (1992). In determining a Rule 56 motion, every intendment is to be given to the nonmovant whose pleadings are to be taken as true while the movant's papers are to be treated with close scrutiny. Robinson v. Duszynski, 36 N.C. App. 103, 243 S.E. 2d 148 (1978).

NOW THEREFORE, having reviewed Petitioner's motion for summary judgment in the light most favorable to the nonmovant, taking the nonmovant's pleadings as true, and exercising great scrutiny toward movant's papers, I find that:

1. as to Petitioner's contention that Respondent failed to give specific acts and omissions to Petitioner prior to dismissing him, summary judgment should be, and hereby is DENIED; and

2. as to petitioner's contention that Respondent's pleadings facially demonstrate that Respondent cannot prevail, as a matter of law, in this just cause hearing because its dismissal letter cites only one job performance incident, occurring since the effective date of the gross inefficiency rule, which neither purports to rise nor rises to the level necessary to establish gross

inefficiency, summary judgment should be, and the same hereby is, ALLOWED. It is noted that the gross inefficiency rule promulgated by the State Personnel Commission requires creation of the potential for death or serious harm to persons other than the employee and carries the expectation of a higher level of danger and apprehension of more immediate and serious consequences than that which is associated with ordinary job performance deficiencies.

RECOMMENDED DECISION

Based upon the foregoing considerations, it is hereby recommended that Petitioner's Motion for Summary Judgment be allowed and that Petitioner be reinstated to the same or similar position which he held as of January 31, 1996; that he be awarded back pay and all benefits to which he would have become entitled but for his dismissal; and that he be awarded reasonable attorneys fees in connection with his dismissal and subsequent appeals.

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 §150B-36(b).

NOTICE

Before the agency makes the FINAL DECISION, it is required by N.C.G.S. § 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 N.C.G.S. §150B-36(b) to serve a copy of the Final Decision on all parties and to furnish a copy to the Parties' attorney of record.

This the 2nd day of October, 1997.

Beecher R. Gray
Administrative Law Judge

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
96 OSP 0633

JAMES S. KANTOR
Petitioner,

v.

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES
Respondent.

RECOMMENDED DECISION

The above-captioned matter was heard before Administrative Law Judge Dolores O. Smith on April 9 and 16, 1997 in Raleigh, North Carolina.

APPEARANCES

PETITIONER: Jeffrey Starkweather
Attorney at Law
PO Box 217
Pittsboro, North Carolina 27312
Attorney for Petitioner

RESPONDENT: John P. Barkley
Assistant Attorney General
N.C. Department of Justice
P.O. Box 629
Raleigh, North Carolina 27602-0629
Attorney for Respondent

ISSUES

The parties agree and stipulate that the issues to be resolved in this matter are as follows:

1. Whether Respondent properly dismissed Petitioner for just cause?

(1a) Whether the final decision making process followed by Respondent in dismissing Petitioner provided procedural due process.

(1b) Whether the use of the March 7, 1995 written warning and April 28, 1995 final written warning to form the basis for Petitioner's November 9, 1995 dismissal constituted a violation of the Americans with Disability Act (ADA)?

2. Whether Petitioner was provided reasonable accommodations by the Respondent under the ADA from January 1993 through March 1995.

(2a) Was Petitioner a qualified person with a disability?

(2b) Was Respondent aware that Petitioner was a person with a disability?

(2c) Did Respondent make a good faith effort to provide Petitioner with reasonable accommodations?

(2d) Did Respondent provide Petitioner with reasonable accommodations?

3. Whether Petitioner was provided reasonable accommodations by the Respondent as a qualified person with a disability under

the ADA from March 23, 1995 through March 9, 1997?

(3a) Was Petitioner a qualified person with a disability?

(3b) Was Respondent aware that Petitioner was a person with a disability?

(3c) Did Respondent make a good faith effort to provide Petitioner with reasonable accommodations for his known disability.

(3d) Did Respondent provide Petitioner with reasonable accommodation?

4. Was Respondent's failure to transfer Petitioner to an equivalent or lesser position in DEHNR for which he was qualified with or without reasonable accommodations a violation of the ADA?

Based upon careful consideration of the testimony and evidence presented at the hearing the documents and exhibits received into evidence, and the entire record in this proceeding, the undersigned makes the following:

FINDINGS OF FACT

1. Petitioner was employed as a chemist at the Toxicology Laboratory in the Office of the Chief Medical Examiner (OCME) in the Department of Environmental Health and Natural Resources (DEHNR) from 1989 until his dismissal in November of 1995.

2. The Toxicology Laboratory of the OCME investigates unexplained, traumatic or unexpected deaths. The laboratory conducts tests to determine the presence of drugs, poisons, alcohol and other relevant substances.

3. During Petitioner's early tenure at OCME, Dr. Andrew Mason was the Chief Toxicologist and Director of the Laboratory. Dr. Mason and Petitioner worked well together.

4. During that time Petitioner was enrolled in and eventually completed a Masters Degree Program at UNC in the field of Solid Waste Management.

5. Dr. Mason permitted Petitioner to work outside his work hours in order to finish his projects. Petitioner testified that Dr. Mason let him work late because he knew about Petitioner's learning disability. Dr. Mason testified that it was his recollection that he permitted Petitioner to work late because he was taking courses for a Masters Degree.

6. Dr. Mason testified that he "never looked on James as slow. He just needed freedom to go at his own pace." Dr. Mason testified that he understood Jim had a learning disability of some kind but was not provided any documentation and didn't know what it was.

7. Dr. Mason further testified that he liked Jim and considered him a friend but that sometimes Jim was a difficult employee to work with. "He's very forthright ...frequent times he complained about things."

8. Dr. Patrick S. Ng, a chemist, became the Acting Director of the Laboratory after Dr. Mason left.

9. During that time Petitioner and Dr. Ng did not get along.

10. Michael Olson is the Administrative Services Manager at OCME.

11. After learning that Petitioner and Dr. Ng were having difficulty working together, Mr. Olson met with both Petitioner and Dr. NG.

12. Dr. Ng said Petitioner argued and his work was careless. Petitioner said Dr. Ng did not speak English well and he could not be understood.

13. Petitioner argued with Dr. Ng about various assignments and Dr. Ng said that Petitioner would argue for 45 minutes over a 30 minute assignment.

14. Dr. Butts is the Chief Medical Examiner and Director of the OCME.

15. On one occasion Mr. Olson saw Petitioner in Dr. Butts' office. No one was present but Petitioner was standing at Dr. Butts' work table alone. Mr. Olson told Petitioner that he should not be in Dr. Butts office and that he must leave.
16. On March 17, 1993, Petitioner was sent a memorandum from Dr. Ng and Mr. Olson stating that during the course of a recent investigation they had become aware of time mismanagement and "impetuosity" in Petitioner's conduct. The memorandum admonished him to complete tasks as directed without argument; to refrain from being habitually disruptive to other employees; to stop spending an inordinate amount of time in the administrative offices area and to stop expressing negative opinions on the abilities of his supervisors. The memo also noted that on March 12, 1993, Petitioner had been found in Dr. Butts office looking at papers on one of his tables. The memorandum further said that Petitioner would be monitored and after six months the memorandum would be either removed from the file or consideration on further corrective or disciplinary action would be taken.
17. In August of 1993, Dr. William H. Anderson became the Chief Toxicologist and Director of the Laboratory at the OCME.
18. At the time Dr. Anderson was hired, the OCME had been in a poor state of operation. For example, the turn around time on evidence was six months which was unacceptable.
19. Dr. Anderson was asked to take over the laboratory and to make all necessary improvements. He was provided with financial support which enabled him to improve the laboratory methodology and to acquire new equipment and instruments.
20. After approximately a month, Dr. Anderson began to notice that Petitioner was working slowly and did not appear to have a clear understanding of his work. On one occasion, Petitioner asked Dr. Anderson how he thought Petitioner was doing. Dr. Anderson told Petitioner that he thought he should be working at a higher level.
21. Dr. Anderson observed that Petitioner was having trouble learning procedures. He had more errors than his peers, didn't complete some of his assignments and didn't begin a significant number of assignments.
22. In June of 1994, Dr. Anderson completed a WPPR for Petitioner. Petitioner was given a below grade overall rating and Dr. Anderson included the following comment:

"With effort it is hoped that James will become a very productive member of laboratory staff. Problems do not seem insurmountable but they will not solve themselves. I and other supervisors will work in any way possible to be of assistance."
23. Dr. Butts was aware of Petitioner prior to Dr. Anderson's tenure and understood that he was not one of the better chemists in the lab.
24. One of the improvements made by Dr. Anderson was the requirement for a chain of custody log on evidence. This log kept a record of any time a sample was touched and the date and time of that movement. The chain of custody was essential should the sample be used as evidence in a criminal trial.
25. Petitioner testified that he had difficulty keeping track of the entries he was to make on the chain of custody log.
26. Dr. Anderson saw that Petitioner had an evaluation in his personnel file which noted that he had dyslexia and difficulty in concentrating.
27. Dr. Anderson learned that before he came on board the Petitioner frequently stayed late and came in early to get his work done. Dr. Anderson discontinued that practice for all staff because the laboratory had problems with doors being left open and gas being left on.
28. Dr. Anderson told Petitioner that he could stay and work at any time when Michael Butler or Dr. Anderson was working but that the laboratory staff would not otherwise be allowed to work outside of their normal business hours.
29. Dr. Anderson believed that Petitioner's slowness was partially a time management problem and he did not understand why it would take 35 minutes to get around to beginning a project.

30. Dr. Anderson gave Petitioner extra time to complete tasks such as four hours to do a two hour task.
31. Dr. Anderson learned that Petitioner had Attention Deficit Disorder (ADD), but only after the final written warning had been issued.
32. During Dr. Anderson's tenure Petitioner's relationship with his peers deteriorated. For example, on a number of occasions Petitioner had not securely screwed the tops on sealed blood vials and technicians were experiencing blood spills on to their hands and clothing. On one occasion Ms. Oldenberg, one of the techs, spilled an Aids blood sample on herself.
33. Petitioner complained about the management of the laboratory and told Dr. Anderson that he did not empower his employees or practice modern management techniques.
34. Petitioner had a great deal of trouble understanding Turbochrom, the computer program installed by Dr. Anderson.
35. Petitioner testified that Dr. Anderson told him that he was not a good chemist, that he should resign and that if Petitioner didn't resign he would do it himself. He further testified that Dr. Anderson told him that he had a lot of work to do and didn't have time to spend on this issue. Petitioner further testified that Dr. Anderson told him that Petitioner would never do the work to his satisfaction and was beyond help. Dr. Anderson testified that he did not tell Petitioner to find another career but that Petitioner reported to him that his psychiatrist had told him he was in the wrong career and Dr. Anderson agreed with that. That, however, did not occur during the first year.
36. Dr. Anderson testified that he did not threaten to fire Petitioner; that he simply reported to him each time he moved through the disciplinary procedure and explained where in the process he was. He testified "I didn't threaten to fire him... it makes no sense... I just didn't do it."
37. Petitioner believed that Dr. Anderson continued to try to get him to quit but that he was almost finished with his Masters Degree and needed to stay in the job.
38. Petitioner believed that Dr. Anderson did not spend a lot of time with him but did spend time with Michael Butler, a Chemist II at OCME. He testified that Anderson and Butler had lunch almost every day.
39. Petitioner testified that Mike Butler became the defacto assistant to Dr. Anderson once Dr. Anderson became Chief Toxicologist. He also testified that Mike became distant towards him and that Dr. Ng was "out of the loop."
40. Mr. Butler testified that he believed the Petitioner's work performance deteriorated progressively because Petitioner was willfully allowing his productivity to fall. He had observed Petitioner being very good at his job at one time and then he "deteriorated ... I think it was willful."
41. Petitioner had received oral warnings for job performance on July 19, 1993, October 24, 1994, and January 6, 1995.
42. On March 7, 1995, Petitioner received a written warning for job performance based on unacceptable quality, quantity and timeliness of work.
43. On March 30, 1995, Mr. Olson, Dr. Butts, and Dr. Anderson met at Petitioner's request to discuss the recent disciplinary action. The meeting lasted from 11:00 to 12:25.
44. On April 28, 1995, Petitioner received a final written warning for job performance.
45. Petitioner went for two days to the Adult Learning Center which was paid for by the laboratory.
46. Mr. Olson referred Petitioner to the Employee Assistance Program (EAP). Petitioner went to EAP and they recommended that he see a local psychologist, Dr. Andrew Short.
47. Dr. Short determined that Petitioner had Attention Deficit Hyperactivity Disorder (ADHD).
48. In June of 1995, Dr. Short's report was provided to the Respondent. A meeting was held with Respondent, Petitioner and

Petitioner's counsel. They discussed such suggested remedies as coaching in the "Show-Tell-Critique" method. At that meeting and during the period following the meeting, other accommodations were discussed as follows:

- a. Petitioner requested a transfer into a solid waste management job rather than a chemist position. Respondent gave Petitioner applications to fill out and referred him to DEHNR Personnel.
 - b. Petitioner requested that he be permitted to work overtime but it was determined that this would be potentially a Fair Labor Standards Act violation.
 - c. Petitioner requested that he be able to use headphones so that he could block out distracting noises. That was allowed except when Petitioner was operating at the wet lab.
 - d. Petitioner requested a larger desk and a separate office. The desk was provided but the office was unavailable. However, at one point someone mentioned the possibility of a partition and the partition was ordered that day and subsequently installed.
 - e. Petitioner requested a word processor which also was not at first available but was subsequently provided even though Petitioner's work did not require writing.
 - f. Petitioner requested that he be provided with a "coach." The Respondent designated Michael Butler, at that time the Chief Chemist, to work as a coach to Petitioner.
49. On June 1, 1995, Michael Olson wrote Ann Cobb at DEHNR personnel requesting that Petitioner's accommodation request for a transfer be granted and noting that Petitioner had applied for Waste Management Analysts positions.
 50. Scott Mouw in the Division of Pollution Prevention and Environmental Assistance testified that Petitioner applied for two jobs in his section. He interviewed Petitioner but found that Petitioner did not have two years experience in solid waste and was not eligible for either of those positions.
 51. Raymond Kelling in the Division of Water Quality, DEHNR, reviewed a number of job postings and testified that Petitioner would have qualified for approximately 19 of the Chem-Tech positions which he reviewed. He testified that no one from State Personnel contacted him about the Petitioner. He further testified, however, that the people he interviewed were all people who made applications for the positions.
 52. Ann Cobb of DEHNR Personnel testified that people had been transferred as an accommodation under the ADA in the past but that they had been lateral transfers within the same occupational category. She testified that Petitioner had applied for Waste Management Specialist positions which would be promotions and would be outside of his occupational category.
 53. Ms. Cobb testified that that was considered but that even in an accommodation transfer the employee must meet the minimum qualifications for the new job category.
 54. Mr. Butler was selected as a coach and told that he was not to evaluate Petitioner or to be judgmental but was to employ the "Show-Tell-Critique" method. Mr. Butler was given a book which the Petitioner had provided ("Driven to Distraction") and Mr. Butler read that book before the coaching began.
 55. Mr. Butler asked how much time he should spend with the Petitioner and Mr. Olson said he was to do whatever it takes. Mr. Olson testified that he was explicit about Mr. Butler conveying no negative emotions to Petitioner.
 56. While the coaching arrangement was contemplated as a 30 minute to one hour block of Michael Butler's time, in fact, the arrangement commonly took half or more of Mr. Butler's workday.
 57. Petitioner told Mr. Butler that he did not think he could be fired no matter what he did and that because of his disability he would always have his job.

58. He also told Mr. Butler that he was trying to get into the Environmental Section of DEHNR and said that the office could be forced to transfer him.
59. Mr. Butler testified that prior to the coaching period Petitioner's performance had deteriorated. Mr. Butler had observed Petitioner being belligerent to Dr. Anderson and arguing with Dr. Ng. Petitioner and Dr. Ng occasionally had had "shouting matches" in the hall.
60. Katharine Hennessy is a Chem-Tech III at OCME. She was hired by Dr. Anderson along with an evidence technician. When Dr. Anderson brought in new equipment and made procedural changes, she was shown how to operate the new instruments and analyze the data. She testified that it was all new information to her.
61. Petitioner taught Ms. Hennessy how to do carbon monoxide and amino acid assays and Ms. Hennessy felt comfortable working with the Petitioner. Ms. Hennessy spent time giving Petitioner time management advice which he wrote down, but which he did not follow.
62. Ms. Hennessy also observed that during the last six months of his employment Petitioner was belligerent with Dr. Anderson. Prior to that time he had been belligerent on occasion.
63. Petitioner wanted his job coach to be Katharine Hennessy because she is the best and the fastest. Petitioner thought that there would be a person with a pad and stopwatch day to day until he improved and eventually until he was able to do it himself.
64. The coaching arrangement was monitored but Dr. Anderson did not notice any improvement in Petitioner's work performance. Dr. Anderson testified that Petitioner's work level was not acceptable by any standards.
65. Dr. Butts testified that the Respondent made a good faith effort at accommodation and Petitioner's performance was still not at a satisfactory level.
66. Mr. Corbett, one of the technicians at the Laboratory, was aggressive and confrontational in his personality. On one occasion, Mr. Corbett physically assaulted Dr. Anderson. On another occasion, Mr. Corbett assaulted the Petitioner by body slamming him. After the body slamming incident Mr. Corbett was dismissed.
67. Also after the body slamming incident, Petitioner was very distressed and stayed out of work for some number of days. When he returned he had begun to see a psychologist and he requested that the Respondent pay for his therapy. Respondent did not.
68. The essential tasks for a Chem-Tech III in the OCME Forensic Toxicology Laboratory are the following:
 - a. Maintain specimen integrity (chain of custody)
 - b. Extract drugs and poisons from biological specimens
 - c. Operate and perform routine maintenance and troubleshooting on laboratory equipment
 - d. Perform amino acid assays analysis
 - e. Perform all current analytical procedures employed by the lab
 - f. Perform reduction with current laboratory data systems and procedures
 - g. Prepare, organize and submit data packs documenting analytical results
 - h. Compliance with all administrative policies including safety policies and procedures of the lab
69. For some period of time, Petitioner did primarily alcohol testing. He did not do gas chromatograph/mass spectrometry, nor did he do the variety of testing which the other chemists did.
70. Towards the end of Petitioner's tenure he was performing only alcohol assays.

71. Upon reviewing the accommodations and the lack of improvement in Petitioner's work performance, Dr. Anderson determined that he had done everything he could and Petitioner was unable to meet the standards of the laboratory. He recommended the Petitioner be dismissed and Petitioner was placed on investigatory suspension.
72. On November 6, 1995, Dr. Anderson wrote a memorandum to Dr. John Butts, recommending that the agency dismiss Mr. Kantor for unsatisfactory job performance.
73. On November 7, 1995, Petitioner was placed on investigatory suspension and notified of a predisciplinary conference. The memo stated that the discipline being considered was dismissal and that the facts leading up to that consideration were:
- Your job performance does not meet minimum requirements
 - You have failed to meet the expectations outlined in your performance management plan
 - You have failed to meet the explicit goals and objectives outlined in your April 28, 1995 final written warning for job performance- an analysis of your job performance for the last four months is attached.
74. A predismissal conference was arranged and Petitioner arrived with counsel and said that he wished to have his attorney present. At the beginning of the meeting the Petitioner was told that attorneys are not permitted at that appeal level and Petitioner and his attorney decided to leave without proceeding with the meeting.
75. On November 8, 1995, Petitioner received a notice of dismissal for job performance which placed his last day at November 9, 1995 and which listed a prior written warning dated March 8, 1995 and a final written warning dated April 28, 1995.

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

CONCLUSIONS OF LAW

1. In an Americans with Disabilities Act (ADA) discharge claim, the Petitioner must establish by a preponderance of the evidence that: (1) he was in a protected class; (2) he was discharged; (3) at the time of the discharge, he was performing his job at a level that met his employer's legitimate expectations; and (4) his discharge occurred under circumstances that raise a reasonable inference of unlawful discrimination.

To establish that the Petitioner is in a protected class, he must show that he has a physical or mental impairment that substantially limits one or more of major life activities. He must then show that there is a record of such an impairment or that he has been regarded as having such an impairment.

If a disability under the ADA is established, the Petitioner must then show that he was able to perform the essential functions of the job with or without reasonable accommodation.

2. In the instant case, prior to 1995, Petitioner's learning disability had not been fully diagnosed and management had no reason to believe that Petitioner had a disability. Petitioner asked for extra time to do his work, but Dr. Mason believed that request was made because Petitioner was studying for his Masters.

It is concluded that prior to 1995, Petitioner did not have a disability under the ADA. There was no record of a disability and Petitioner was not regarded as someone with a disability.

3. In 1995, Petitioner was diagnosed with ADHD. That information was provided to management.

After repeated discussions and written warnings to Petitioner concerning his job performance, Respondent provided a final written warning to Petitioner on April 28, 1995. At that point Petitioner first raised the issue of a disability due to ADHD. The written report from Dr. Short concerning ADHD was submitted to Respondent in June of 1995.

It is concluded that, after 1995, Petitioner's ADHD was regarded by Respondent as a disability under the ADA.

4. Subsequently, Petitioner requested accommodations. He requested and received a word processor even though his job required

very little, if any, writing. He requested a private office and received a partition; he requested permission to use headphones which was permitted other than at the wet lab; he requested a larger desk, which was provided; he requested a transfer and although attempts were made, the transfer was not provided; and, most remarkably, Petitioner requested and was given another employee to be his coach.

As to the transfer request, the evidence indicates that Petitioner was primarily, if not exclusively, interested in transferring to a position outside the OCME in the area of solid waste management, the field in which he had received his Masters degree. Petitioner, however, did not have experience in this new field. The positions which were cited by Petitioner required experience - a qualification which Petitioner could not meet.

Respondent was under no obligation to transfer Petitioner into a professional position in his new field of endeavor.

If Respondent had transferred Petitioner, it would have been appropriate to place him in a position in which he could perform despite his disability - not to place him in a position of his choosing to begin a new career.

It is concluded that Respondent provided Petitioner with reasonable accommodations.

5. Petitioner must then show that he was able to perform essential functions of his job with the reasonable accommodations.

The tasks expected of Petitioner were essential functions of his job. Those tasks were reasonable and not beyond the capabilities of a chem tech in a similar position.

Petitioner contends that he met the responsibilities of his job. However, the evidence shows that he fell far short of the necessary tasks that he and all other chem techs in the lab were expected to do. With the implementation of accommodations, Respondent contends, instead of improving, Petitioner's performance decreased. It is clear that Petitioner's work performance was far below par even after the accommodations were made.

It is therefore concluded that, Petitioner could not perform the tasks of his position even after the accommodations were in place.

6. It is concluded that Respondent had just cause to dismiss Petitioner.
7. It is concluded that Respondent did not discriminate against Petitioner because of his ADHD.
8. As to procedure, the Respondent provided the appropriate notice of a predismissal conference to Petitioner to allow an opportunity to discuss why Petitioner should not be dismissed. Petitioner refused to participate in the predismissal conference because his attorney could not be involved.

Following the attempt to meet, the recommendation to dismiss was made and was discussed with Ms. Cobb as required by DEHNR procedure. Ms. Cobb concurred with the decision and the Petitioner was dismissed. The decision was based on an established record of deficient job performance that could not be accommodated.

It is concluded that the Respondent followed all of the appropriate procedures, including all requisite oral and written warnings prior to dismissal of Petitioner.

Based upon the above Conclusions of Law, the undersigned makes the following:

RECOMMENDATION

That the Office of State Personnel affirm the Respondent's decision to terminate Petitioner.

ORDER

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

NOTICE

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

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

The agency that will make the final decision in this contested case is the North Carolina State Personnel Commission.

This the 30th day of September, 1997.

Dolores O. Smith
Administrative Law Judge

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

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Auctioneers	4
4	Commerce	Barber Examiners	6
5	Correction	Certified Public Accountant Examiners	8
6	Council of State	Chiropractic Examiners	10
7	Cultural Resources	General Contractors	12
8	Elections	Cosmetic Art Examiners	14
9	Governor	Dental Examiners	16
10	Human Resources	Dietetics/Nutrition	17
11	Insurance	Electrical Contractors	18
12	Justice	Electrolysis	19
13	Labor	Foresters	20
14A	Crime Control & Public Safety	Geologists	21
15A	Environment, Health, and Natural Resources	Hearing Aid Dealers and Fitters	22
16	Public Education	Landscape Architects	26
17	Revenue	Landscape Contractors	28
18	Secretary of State	Marital and Family Therapy	31
19A	Transportation	Medical Examiners	32
20	Treasurer	Midwifery Joint Committee	33
*21	Occupational Licensing Boards	Mortuary Science	34
22	Administrative Procedures	Nursing	36
23	Community Colleges	Nursing Home Administrators	37
24	Independent Agencies	Occupational Therapists	38
25	State Personnel	Opticians	40
26	Administrative Hearings	Optometry	42
27	NC State Bar	Osteopathic Examination & Reg. (Repealed)	44
		Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		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

(Updated through October 28, 1997)

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

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
26 NCAC 03 12:08 NCR 621

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					
				Approve	01/16/97	*			11:22 NCR 1717	
2 NCAC 48A .0211	10:24 NCR 3056	11:06 NCR 324	*	Ext. Review	12/19/96					
				Approve	01/16/97	*			11:22 NCR 1717	
2 NCAC 48A .0214	10:24 NCR 3056	11:06 NCR 324	*	Ext. Review	12/19/96					
				Approve	01/16/97				11:22 NCR 1717	
2 NCAC 52A .0104	11:27 NCR 2053	12:03 NCR 169	*							
2 NCAC 52A .0105	11:27 NCR 2053	12:03 NCR 169	*							
2 NCAC 52A .0106	11:27 NCR 2053	12:03 NCR 169	*							
2 NCAC 52A .0107	11:27 NCR 2053	12:03 NCR 169	*							
2 NCAC 52A .0108	11:27 NCR 2053	12:03 NCR 169	*							
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	

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
2 NCAC 52C .0701	11:14 NCR 1107		11:22 NCR 1709	*	Approve	05/15/97			11:30 NCR 2314	
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 43H .0101	11:14 NCR 1107		11:22 NCR 1706	*	Approve	06/19/97	*		12:03 NCR 213	
2 NCAC 43H .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	*		12:03 NCR 213	
2 NCAC 43L .0401	11:14 NCR 1107		11:22 NCR 1706	*	Approve	06/19/97			11:30 NCR 2314	
2 NCAC 43L .0402	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97			11:30 NCR 2314	
2 NCAC 43L .0403	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97			11:30 NCR 2314	
2 NCAC 43L .0405	11:14 NCR 1107		11:22 NCR 1706	*	Approve	05/15/97	*		11:30 NCR 2314	
Plant Conservation Board										
2 NCAC 48F .0301	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97			11:26 NCR 2004	
2 NCAC 48F .0302	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97			11:26 NCR 2004	
2 NCAC 48F .0304	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
2 NCAC 48F .0305	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
2 NCAC 48F .0306	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
Structural Pest Control										
2 NCAC 34 .0102	12:09 NCR 743									
2 NCAC 34 .0302	12:09 NCR 743									
2 NCAC 34 .0303	12:09 NCR 743									
2 NCAC 34 .0306	12:09 NCR 743									
2 NCAC 34 .0308	12:09 NCR 743									
2 NCAC 34 .0309	12:09 NCR 743									
2 NCAC 34 .0312	12:09 NCR 743									
2 NCAC 34 .0313	12:09 NCR 743									
2 NCAC 34 .0323	12:09 NCR 743									
2 NCAC 34 .0325	12:09 NCR 743									
2 NCAC 34 .0328	12:09 NCR 743									

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
2 NCAC 34 .0401	12:09 NCR 743									
2 NCAC 34 .0402	12:09 NCR 743									
2 NCAC 34 .0403	12:09 NCR 743									
2 NCAC 34 .0404	12:09 NCR 743									
2 NCAC 34 .0406	12:09 NCR 743									
2 NCAC 34 .0501	12:09 NCR 743									
2 NCAC 34 .0502	12:09 NCR 743									
2 NCAC 34 .0503		11:21 NCR 1651	12:06 NCR 455	*						
2 NCAC 34 .0503	12:09 NCR 743									
2 NCAC 34 .0504	12:09 NCR 743									
2 NCAC 34 .0505	12:09 NCR 743									
2 NCAC 34 .0506	12:09 NCR 743									
2 NCAC 34 .0507	12:09 NCR 743									
2 NCAC 34 .0508	12:09 NCR 743									
2 NCAC 34 .0601	12:09 NCR 743									
2 NCAC 34 .0602		11:21 NCR 1651	12:06 NCR 455	*						
2 NCAC 34 .0602	12:09 NCR 743									
2 NCAC 34 .0604		11:21 NCR 1651	12:06 NCR 455	*						
2 NCAC 34 .0604	12:09 NCR 743									
2 NCAC 34 .0605		11:21 NCR 1651	12:06 NCR 455	*						
2 NCAC 34 .0605	12:09 NCR 743									
2 NCAC 34 .0701	12:09 NCR 743									
2 NCAC 34 .0702	12:09 NCR 743									
2 NCAC 34 .0703	12:09 NCR 743									
2 NCAC 34 .0803	12:09 NCR 743									
2 NCAC 34 .0902	12:09 NCR 743									
2 NCAC 34 .0904	12:09 NCR 743									
2 NCAC 34 .1101	12:09 NCR 743									
ARCHITECTURE, BOARD OF										
21 NCAC 02 .0208										
	12:04 NCR 244									

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 02 .0210	12:04 NCR 244									
21 NCAC 02 .0213	12:04 NCR 244		12:09 NCR 795	*						
21 NCAC 02 .0901	12:04 NCR 244		12:09 NCR 795	S/L/SE						
21 NCAC 02 .0902	12:04 NCR 244		12:09 NCR 795	S/L/SE						
21 NCAC 02 .0903	12:04 NCR 244		12:09 NCR 795	S/L/SE						
21 NCAC 02 .0904	12:04 NCR 244		12:09 NCR 795	S/L/SE						
21 NCAC 02 .0905	12:04 NCR 244		12:09 NCR 795	S/L/SE						
21 NCAC 02 .0906	12:04 NCR 244		12:09 NCR 795	S/L/SE						
21 NCAC 02 .0907	12:04 NCR 244		12:09 NCR 795	S/L/SE						
21 NCAC 02 .0908	12:04 NCR 244		12:09 NCR 795	S/L/SE						
21 NCAC 02 .0909	12:04 NCR 244		12:09 NCR 795	S/L/SE						
21 NCAC 02 .0910	12:04 NCR 244		12:09 NCR 795	S/L/SE						
AUCTIONEERS LICENSING BOARD										
21 NCAC 04B .0202	11:18 NCR 1368		11:28 NCR 2129	*						
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS										
21 NCAC 08A .0309	12:08 NCR 619									
21 NCAC 08F .0103	12:08 NCR 619									
21 NCAC 08F .0105	12:08 NCR 619									
21 NCAC 08F .0302	12:08 NCR 619									
21 NCAC 08F .0304	12:08 NCR 619									
21 NCAC 08F .0401	12:08 NCR 619									
21 NCAC 08F .0410	12:08 NCR 619									
21 NCAC 08G .0404	12:08 NCR 619									
21 NCAC 08G .0406	12:08 NCR 619									
21 NCAC 08I .0001	12:08 NCR 619									
21 NCAC 08I .0005	12:08 NCR 619									
21 NCAC 08J .0001	12:08 NCR 619									
21 NCAC 08J .0006	12:08 NCR 619									
21 NCAC 08J .0008	12:08 NCR 619									

(Updated through October 28, 1997)

5

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
4 NCAC 19L .0911	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L 1002	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L 1004	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L 1009	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L 1011	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L 1301	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L 1302	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L 1303	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L 1701	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L 1702	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L 1703	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L 1801	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L 1802	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L 1803	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L 1804	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L 1805	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L 1900	11:09 NCR 569		11:14 NCR 1113	*						
Credit Union Division										
4 NCAC 06C .0205	10:18 NCR 2398		11:29 NCR 2182	*	Approve	08/21/97			12:07 NCR 561	
4 NCAC 06C 0407	10:18 NCR 2398		11:29 NCR 2182	*	Object	08/21/97				
				*	Approve	09/18/97	*			
4 NCAC 06C 0409	10:18 NCR 2398		11:29 NCR 2182	*	Approve	08/21/97			12:07 NCR 561	
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	

CUMULATIVE INDEX (Updated through October 28, 1997)

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

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
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	12:09 NCR 802	*						
23 NCAC 02C .0108	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02C .0202	11:18 NCR 1369		12:09 NCR 802	*						
23 NCAC 02C .0207	11:18 NCR 1369		12:09 NCR 802	*						
23 NCAC 02C .0305	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02C .0604	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02C .0701	11:18 NCR 1369		12:09 NCR 802	*						
23 NCAC 02D .0103	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02D .0201	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02D .0202	11:17 NCR 1336									
23 NCAC 02D .0202	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02D .0203	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02D .0301	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02D .0323	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02D .0324	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02D .0327	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02E .0101	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02E .0102	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02E .0201	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
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	12:09 NCR 802	*						
23 NCAC 02E .0204	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02E .0205	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02E .0501	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						
23 NCAC 02E .0604	11:18 NCR 1369	11:25 NCR 1919	12:09 NCR 802	*						

COSMETIC ART EXAMINERS

21 NCAC 14G .0101 12:06 NCR 453

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 14G .0103	12:06 NCR 453									
21 NCAC 14G .0107	12:06 NCR 453									
21 NCAC 14G .0113	12:06 NCR 453									
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									

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 14L .0108	12:06 NCR 453									
21 NCAC 14L .0214	12:06 NCR 453									
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	*	Approve	09/18/97				
21 NCAC 16I .0001	11:20 NCR 1538		11:25 NCR 1915	*	Object	09/18/97	*			
21 NCAC 16I .0002	11:20 NCR 1538		11:25 NCR 1915	*	Approve	10/16/97				
21 NCAC 16I .0003	11:20 NCR 1538		11:25 NCR 1915	*	Extended review	09/18/97				
21 NCAC 16I .0004	11:20 NCR 1538		11:25 NCR 1915	*	Approve	09/18/97				
21 NCAC 16I .0005	11:20 NCR 1538									
21 NCAC 16I .0006	11:20 NCR 1538		11:25 NCR 1915	*	Approve	09/18/97				
21 NCAC 16M .0001	11:20 NCR 1538		11:25 NCR 1915	*	Approve	09/18/97				
21 NCAC 16M .0003	11:20 NCR 1538		11:25 NCR 1915	*	Object	09/18/97	*			
21 NCAC 16R .0001	11:20 NCR 1538		11:25 NCR 1915	*	Approve	10/16/97				
21 NCAC 16R .0002	11:20 NCR 1538		11:25 NCR 1915	*	Extended review	09/18/97				
21 NCAC 16R .0003	11:20 NCR 1538									
21 NCAC 16R .0004	11:20 NCR 1538		11:25 NCR 1915	*	Approve	09/18/97				

CUMULATIVE INDEX (Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 16R .0005	11:20 NCR 1538									
21 NCAC 16V .0101	10:16 NCR 2043		11:20 NCR 1556	*						Notice Subject Matter
21 NCAC 16V .0102	10:16 NCR 2043		11:20 NCR 1556	*						Notice Subject Matter
ENVIRONMENT AND NATURAL RESOURCES										
15A Public Notice - Division of Water Quality										
15A Administrative Order on Consent - Division of Waste Management										
15A NCAC 01J .0401	12:08 NCR 614	12:09 NCR 833								12:03 NCR 112
15A NCAC 01J .0402	12:08 NCR 614	12:09 NCR 833								12:03 NCR 158
15A NCAC 01K	10:19 NCR 2506									
15A NCAC 01M .0101		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0102		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0201		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0202		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0301		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0302		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0303		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0304		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0305		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0306		11:19 NCR 1439	Temp Expired							
15A NCAC 01N	12:08 NCR 614									
15A NCAC 12B .0901		12:03 NCR 209								
15A NCAC 19G .0102	12:02 NCR 52	12:03 NCR 209								
Coastal Resources Commission										
15A NCAC 07	11:04 NCR 183									
15A NCAC 07H .0106	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 07H .0201	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0202	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0203	11:22 NCR 1704		agency withdrew							
15A NCAC 07H .0204	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0205	11:22 NCR 1704		11:27 NCR 2058	*						

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 07H .0206	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0207	11:22 NCR 1704		agency withdrew							
15A NCAC 07H .0208	11:22 NCR 1704		11:27 NCR 2058	*	Object	08/21/97				
15A NCAC 07H .0208	11:04 NCR 183		11:11 NCR 907	*	Approve	09/18/97	*			
15A NCAC 07H .0208	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 07H .0210	12:02 NCR 52									
15A NCAC 07H .0304	11:15 NCR 1200	11:15 NCR 1226 Temp Expired	11:27 NCR 2069	S	Approve	10/16/97	*			
15A NCAC 07H .0305	11:15 NCR 1200	12:08 NCR 726	11:27 NCR 2069	S	Approve	10/16/97				
15A NCAC 07H .0306	11:04 NCR 183	11:15 NCR 1226 Temp Expired	11:11 NCR 907	*						
15A NCAC 07H .0309	11:08 NCR 442		11:12 NCR 981	*	Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 07H .1104	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1202	11:04 NCR 183		11:11 NCR 907	*	Approve	08/21/97	*		12:07 NCR 561	
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	09/18/97	*			
15A NCAC 07H .1304	11:04 NCR 183		11:11 NCR 907	*	Approve	08/21/97	*		12:07 NCR 561	
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		11:27 NCR 2071	*						
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		11:11 NCR 907	*						
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	*		12:07 NCR 561	

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 07M .0301	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0302	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0303	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0304	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0305	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0306	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0307	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0308	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0309	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0401	10:18 NCR 2317		11:11 NCR 931	*	Approve	01/16/97	*			
15A NCAC 07M .0402	10:18 NCR 2317		11:11 NCR 931	*	Approve	01/16/97	*			
15A NCAC 07M .0403	10:18 NCR 2317		11:11 NCR 931	*	Object	01/16/97	*			
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							

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02B .0233	11:02 NCR 75	12:02 NCR 77	12:06 NCR 462	S/L/SE						
			11:10 NCR 824	L						
			11:14 NCR 1136	L						
			12:06 NCR 462	S/L/SE						
15A NCAC 02B .0234	11:02 NCR 75		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						
			12:06 NCR 462							
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	*						

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02B .0313	11:26 NCR 1984		12:01 NCR 6	*						
15A NCAC 02B .0315	11:24 NCR 1818		12:07 NCR 515	L						
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	*						
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	
	10:18 NCR 2317		12:08 NCR 650	*						
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									

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
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 .0927	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02D .0934	11:19 NCR 1408									
15A NCAC 02D .0938	12:02 NCR 52									
15A NCAC 02D .0948	11:19 NCR 1408									
15A NCAC 02D .0949	11:19 NCR 1408									
15A NCAC 02D .0950	11:19 NCR 1408									
15A NCAC 02D .0951	11:19 NCR 1408									
15A NCAC 02D .0953	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .0953	11:26 NCR 1976									
15A NCAC 02D .0954	11:15 NCR 1200									
15A NCAC 02D .1005	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1102	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02D .1103	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02D .1104	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02D .1104	12:02 NCR 52	12:02 NCR 77								
15A NCAC 02D .1106	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02D .1106	11:26 NCR 1976									
15A NCAC 02D .1107	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02D .1109	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02D .1112	10:18 NCR 2317		12:08 NCR 650	*						
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 .1201	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02D .1202	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97			11:29 NCR 2211	

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
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 .1205	10:18 NCR 2317		12:08 NCR 650	*						
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						
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	*						

(Updated through October 28, 1997)

18

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02Q 0302	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02Q 0306	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02Q 0307	11:15 NCR 1200		12:04 NCR 270	*						
15A NCAC 02Q 0312	10:18 NCR 2317		12:08 NCR 650	*						
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 0501	10:18 NCR 2317		12:08 NCR 650	*						
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	10:18 NCR 2317		12:08 NCR 650	*						
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 0701	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02Q 0702	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02Q 0703	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02Q 0704	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02Q 0705	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02Q 0706	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02Q 0707	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02Q 0708	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02Q 0709	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02Q 0710	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02Q 0711	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02Q 0712	11:08 NCR 442		12:08 NCR 650	SE						
15A NCAC 02Q 0713	11:08 NCR 442		12:08 NCR 650	SE						
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						

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
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	12:08 NCR 650	S						
15A NCAC 02R .0502		11:27 NCR 2075	12:08 NCR 650	*						
15A NCAC 02R .0503		11:27 NCR 2075	12:08 NCR 650	*						
15A NCAC 02R .0504		11:27 NCR 2075	12:08 NCR 650	*						
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 .0109	12:07 NCR 509									
15A NCAC 13A .0110	12:07 NCR 509									
15A NCAC 13A .0111	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0111	12:07 NCR 509									
15A NCAC 13A .0112	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13A .0119	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97			11:29 NCR 2211	
15A NCAC 13B .1627	11:08 NCR 442		11:13 NCR 1055	*						
15A NCAC 13B .1800	11:08 NCR 442									
15A NCAC 13B .1800	11:26 NCR 1976									
15A NCAC 18A	11:04 NCR 183									
15A NCAC 18A .0134	11:08 NCR 442		11:12 NCR 987	*	Object Approve	12/19/96 01/16/97	*		11:22 NCR 1717	

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 18A .0168	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	
					Approve	01/16/97	*			
15A NCAC 18A .0176	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .0182	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .0183	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .0185	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .0187	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .0301	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .0421	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .0614	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .0618	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .0621	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .0901	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .1301	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .1319	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .1937	11:19 NCR 1408	11:20 NCR 1561	12:02 NCR 61	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .1938	11:19 NCR 1408	11:20 NCR 1561	12:02 NCR 61	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .1958	11:19 NCR 1408	11:20 NCR 1561	12:02 NCR 61	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .1961	11:19 NCR 1408	11:20 NCR 1561	12:02 NCR 61	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .2301	12:03 NCR 168		12:07 NCR 519	*	Object	10/16/97				
					Approve	10/16/97	*		11:22 NCR 1717	
15A NCAC 18A .2302	12:03 NCR 168		12:07 NCR 519	*	Object	10/16/97				
					Approve	10/16/97	*		11:22 NCR 1717	
15A NCAC 18A .2303	12:03 NCR 168		12:07 NCR 519	*	Object	10/16/97				
					Approve	10/16/97	*		11:22 NCR 1717	
15A NCAC 18A .2304	12:03 NCR 168		12:07 NCR 519	*	Object	10/16/97				
					Approve	10/16/97	*		11:22 NCR 1717	
15A NCAC 18A .2305	12:03 NCR 168		12:07 NCR 519	*	Object	10/16/97				
					Approve	10/16/97	*		11:22 NCR 1717	
15A NCAC 18A .2306	12:03 NCR 168		12:07 NCR 519	*	Object	10/16/97				
					Approve	10/16/97	*		11:22 NCR 1717	
15A NCAC 18A .2307	12:03 NCR 168		12:07 NCR 519	*	Object	10/16/97				
					Approve	10/16/97	*		11:22 NCR 1717	

CUMULATIVE INDEX (Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 18A.2308	12:03 NCR 168		12:07 NCR 519	*						
15A NCAC 18A.2309	12:03 NCR 168		12:07 NCR 519	*						
15A NCAC 18A.2310	12:03 NCR 168		12:07 NCR 519	*						
15A NCAC 18A.2508	12:08 NCR 614									
15A NCAC 18A.2513	12:08 NCR 614									
15A NCAC 18A.2515	12:08 NCR 614									
15A NCAC 18A.2517	12:08 NCR 614									
15A NCAC 18A.2518	12:08 NCR 614									
15A NCAC 18A.2522	12:08 NCR 614									
15A NCAC 18A.2526	12:08 NCR 614									
15A NCAC 18A.2528	12:08 NCR 614									
15A NCAC 18A.2530	12:08 NCR 614									
15A NCAC 18A.2531	12:08 NCR 614									
15A NCAC 18A.2532	12:08 NCR 614									
15A NCAC 18A.2535	12:08 NCR 614									
15A NCAC 18A.2537	12:08 NCR 614									
15A NCAC 18A.2539	12:08 NCR 614									
15A NCAC 18A.2543	12:08 NCR 614									
15A NCAC 18A.2600	12:04 NCR 240									
15A NCAC 18A.2601	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A.2602	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A.2603	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A.2604	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A.2605	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A.2606	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A.2607	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A.2608	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A.2609	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A.2610	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A.2612	12:04 NCR 240		12:08 NCR 696	*						

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 18A .2613	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2614	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2615	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2616	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2617	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2618	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2620	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2621	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2622	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2623	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2624	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2626	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2627	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2628	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2630	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2632	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2633	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2638	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 18A .2643	12:04 NCR 240		12:08 NCR 696	*						
15A NCAC 19A .0101	11:26 NCR 1976		12:02 NCR 61	S/L	Approve	10/16/97	*			
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	Approve	10/16/97	*			
15A NCAC 19A .0201	11:26 NCR 1976		12:02 NCR 61	*	Approve	10/16/97	*			
15A NCAC 19A .0203	11:21 NCR 1638		12:02 NCR 61	*	Approve	10/16/97	*			
15A NCAC 19A .0205	11:26 NCR 1976		12:02 NCR 61	*	Approve	10/16/97	*			
15A NCAC 19C .0801		12:01 NCR 31								
15A NCAC 19C .0802		12:01 NCR 31								
15A NCAC 19C .0803		12:01 NCR 31								
15A NCAC 211 .0101		11:07 NCR 422	11:20 NCR 1552	*	Approve	04/17/97	*		11:29 NCR 2211	
15A NCAC 211 .0101		11:07 NCR 422	11:20 NCR 1552	*	Approve	04/17/97	*		11:29 NCR 2211	

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 24A .0202		11:24 NCR 1827	12:02 NCR 61	S	Approve	10/16/97				
15A NCAC 24A .0202		12:01 NCR 31	12:07 NCR 519	S						
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			12:07 NCR 561	
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	*		12:07 NCR 561	
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			12:07 NCR 561	
15A NCAC 03M .0513	11:26 NCR 1976	Temp Expired	12:05 NCR 418	*						

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 03M .0514		11:18 NCR 1383	11:26 NCR 1088	*	Approve	08/21/97			12:07 NCR 561	
15A NCAC 030 .0204	N/A	N/A	N/A		Approve	08/21/97			12:07 NCR 561	
15A NCAC 030 .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 .0104	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0117	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0301	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0339	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0340	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0353	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0358	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0401	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0402	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0403	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0404	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0405	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0406	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0407	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0408	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0409	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0410	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0411	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0412	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0413	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0414	12:04 NCR 240		12:09 NCR 749	*						

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 11 .0415	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0416	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0417	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0418	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0419	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0420	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0421	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0422	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0423	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0424	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0425	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0426	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0427	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .0428	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .1100	12:04 NCR 240									
15A NCAC 11 .1400	12:04 NCR 240									
15A NCAC 11 .1601	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .1603	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .1611	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .1620	12:04 NCR 240		12:09 NCR 749	*						
15A NCAC 11 .1647	12:04 NCR 240		12:09 NCR 749	*						
Soil & Water Conservation										
15A NCAC 06E .0104	N/A	N/A	N/A		Object	10/16/97				
15A NCAC 06E .0105	N/A	N/A	N/A		Object	10/16/97				
15A NCAC 06E .0106	N/A	N/A	N/A		Approve	10/16/97				
15A NCAC 06E .0107	N/A	N/A	N/A		Approve	10/16/97				
15A NCAC 06E .0108	N/A	N/A	N/A		Approve	10/16/97				
Water Pollution Control System Operators Certification Commission										
15A NCAC 08A	11:26 NCR 1976									
15A NCAC 08B	11:26 NCR 1976									

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
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	*	Approve	09/18/97	*			
15A NCAC 08F .0102		11:19 NCR 1442	11:28 NCR 2123	*	Withheld	09/18/97				
15A NCAC 08F .0201		11:19 NCR 1442	11:28 NCR 2123	S	Object	09/18/97				
15A NCAC 08F .0202		11:19 NCR 1442	11:28 NCR 2123	S	Approve	09/18/97	*			
15A NCAC 08F .0203		11:19 NCR 1442	11:28 NCR 2123	S	Object	09/18/97				
15A NCAC 08F .0301		11:19 NCR 1442	11:28 NCR 2123	S	Approve	09/18/97	*			
15A NCAC 08F .0401		11:19 NCR 1442	11:28 NCR 2123	*	Approve	09/18/97	*			
15A NCAC 08F .0402		11:19 NCR 1442	11:28 NCR 2123	S	Approve	09/18/97	*			
15A NCAC 08F .0403		11:19 NCR 1442	11:28 NCR 2123	S	Withheld	09/18/97				
15A NCAC 08F .0404		11:19 NCR 1442	11:28 NCR 2123	S	Approve	09/18/97				
15A NCAC 08F .0405		11:19 NCR 1442	11:28 NCR 2123	S	Approve	09/18/97	*			
15A NCAC 08F .0406		11:19 NCR 1442	11:28 NCR 2123	S	Approve	09/18/97	*			
15A NCAC 08F .0407		11:19 NCR 1442	11:28 NCR 2123	S	Approve	09/18/97	*			
15A NCAC 08F .0501		11:19 NCR 1442	11:28 NCR 2123	*	Approve	09/18/97	*			
15A NCAC 08F .0502		11:19 NCR 1442	11:28 NCR 2123	S	Approve	09/18/97				
15A NCAC 08F .0503		11:19 NCR 1442	11:28 NCR 2123	S	Approve	09/18/97				
15A NCAC 08F .0504		11:19 NCR 1442	11:28 NCR 2123	S	Approve	09/18/97				
15A NCAC 08F .0505		11:19 NCR 1442	11:28 NCR 2123	S	Approve	09/18/97	*			
15A NCAC 08F .0506		11:19 NCR 1442	11:28 NCR 2123	*	Approve	09/18/97				
Wildlife Resources Commission										
15A NCAC 10B .0100	12:06 NCR 445									
15A NCAC 10B .0115	11:11 NCR 882	Agency Withdrew Rule-making								
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									
15A NCAC 10B .0300	12:06 NCR 445		11:08 NCR 495	*	Agency Withdrew Rule-making					

(Updated through October 28, 1997)

28

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
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	
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	*	Approve	09/18/97				
15A NCAC 10F .0311	12:01 NCR 5		12:07 NCR 517	*						
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 .0330	N/A	N/A	N/A		Approve	09/18/97				
15A NCAC 10F .0333	12:01 NCR 5		12:07 NCR 517	*						
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	*	Approve	09/18/97				
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	12:08 NCR 728	12:01 NCR 18	*	Approve	10/16/97				
15A NCAC 10F .0360	12:01 NCR 5		12:07 NCR 517	*						
15A NCAC 10F .0367	11:16 NCR 1269									
15A NCAC 10G	11:01 NCR 13	Agency Withdrew Rule-making								
15A NCAC 10G .0100	11:02 NCR 76	Agency Withdrew Rule-making								
15A NCAC 10G .0400	12:06 NCR 445									

CUMULATIVE INDEX

(Updated through October 28, 1997)

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

15A NCAC 1011 .0100 12:06 NCR 445
 15A NCAC 1011 .0300 12:06 NCR 445
 15A NCAC 1011 .0800 12:06 NCR 445
 15A NCAC 1011 .0900 12:06 NCR 445
 15A NCAC 1011 .1000 12:06 NCR 445
 15A NCAC 1011 .1100 12:06 NCR 445
 15A NCAC 1011 .1200 12:06 NCR 445
 15A NCAC 101 .0001 12:06 NCR 445
 15A NCAC 101 .0002 12:06 NCR 445
 15A NCAC 101 .0003 12:06 NCR 445
 15A NCAC 101 .0004 12:06 NCR 445
 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
 Voting Rights Act
 Voting Rights Act
 Voting Rights Act
 Voting Rights Act

12:01 NCR 4
 12:02 NCR 50
 12:04 NCR 236
 12:05 NCR 334
 12:07 NCR 507

GENERAL CONTRACTORS LICENSING BOARD

21 NCAC 12 .0202 11:24 NCR 1828 12:07 NCR 524 *
 21 NCAC 12 .0204 11:28 NCR 2117 12:04 NCR 292 *
 21 NCAC 12 .0503 11:28 NCR 2117
 21 NCAC 12 .0504 11:28 NCR 2117
 21 NCAC 12 .0901 11:28 NCR 2117 12:04 NCR 292 *
 21 NCAC 12 .0902 11:28 NCR 2117

CUMULATIVE INDEX (Updated through October 28, 1997)

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

21 NCAC 12 .0903	11:28 NCR 2117		12:04 NCR 292	*						12:01 NCR 1
21 NCAC 12 .0904	11:28 NCR 2117		12:04 NCR 292	*						12:01 NCR 1
21 NCAC 12 .0905	11:28 NCR 2117									12:03 NCR 110
21 NCAC 12 .0906	11:28 NCR 2117									12:03 NCR 110
21 NCAC 12 .0907	11:28 NCR 2117									12:04 NCR 227
21 NCAC 12 .0908	11:28 NCR 2117									12:07 NCR 505
21 NCAC 12 .0909	11:28 NCR 2117									12:08 NCR 612
21 NCAC 12 .0910	11:28 NCR 2117									12:08 NCR 612
21 NCAC 12 .0911	11:28 NCR 2117									12:08 NCR 612
21 NCAC 12 .0912	11:28 NCR 2117									

GOVERNOR'S EXECUTIVE ORDERS

Number 112 - Eff. 05/22/97										
Number 113 - Eff. 06/12/97										
Number 114 - Eff. 06/26/97										
Number 115 - Eff. 07/03/97										
Number 116 - Eff. 07/21/97										
Number 117 - Eff. 09/07/97										
Number 118 - Eff. 09/15/97										
Number 119 - Eff. 10/01/97										

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					
24 NCAC 01P .0201	11:14 NCR 1154	11:28 NCR 2132	S	Approve	08/21/97	*			12:07 NCR 561	
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	

HEALTH AND HUMAN SERVICES

10 NCAC 01B .0501	11:23 NCR 1779	12:09 NCR 747	*							
10 NCAC 01B .0502	11:23 NCR 1779	12:09 NCR 747	*							

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CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Role 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				
10 NCAC 22	10:23 NCR 2956									
Child Day Care Commission										
10 NCAC 03U	12:08 NCR 617									
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	12:08 NCR 710								
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	12:08 NCR 710								
10 NCAC 03U .0605	11:24 NCR 1817	12:08 NCR 710								
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	12:08 NCR 710								
10 NCAC 03U .0707	11:08 NCR 449		11:17 NCR 1338	*	Object Approve	03/20/97 04/17/97	*		11:29 NCR 2211	
10 NCAC 03U .0714	11:24 NCR 1817									
10 NCAC 03U .0802	11:24 NCR 1817									
10 NCAC 03U .0803	11:24 NCR 1817									
10 NCAC 03U .0901	11:08 NCR 449		11:17 NCR 1338	*						
10 NCAC 03U .1402	11:24 NCR 1817									
10 NCAC 03U .1403	11:24 NCR 1817									
10 NCAC 03U .1717	11:14 NCR 1108									
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									

CUMULATIVE INDEX (Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
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 .0214	12-08 NCR 617									12:06 NCR 443
10 NCAC 03R .3000	11-23 NCR 1780									
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						
10 NCAC 03R .3030	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	10-21 NCR 2699		11-08 NCR 452	S/L/SE	Object Object Approve Extend Review Approve	10/17/96 11/21/96 03/20/97 03/20/97 08/21/97	* * * *		11-26 NCR 2004 12-07 NCR 561	11:11 NCR 888
10 NCAC 03R .3031	11-23 NCR 1780		11-08 NCR 459							
10 NCAC 03R .3032	10-23 NCR 2956		11-06 NCR 328	S/L/SE						
10 NCAC 03R .3033	10-21 NCR 2699		11-08 NCR 452	S/L/SE	Object Extend Review Approve Object	01/16/97 03/20/97 08/21/97 01/16/97	*		12-07 NCR 561	
10 NCAC 03R .3034	10-21 NCR 2699		11-08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3035	10-21 NCR 2699		11-08 NCR 452	S/L/SE	Return to agency	03/20/97				
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		11-06 NCR 328	S/L/SE	Return to agency	03/20/97				
10 NCAC 03R .3050	10-23 NCR 2956		11-06 NCR 328	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				

CUMULATIVE INDEX (Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 03R .3053		11-22 NCR 1713								
10 NCAC 03R .3053		12-06 NCR 481								
10 NCAC 03R .3054		11-21 NCR 1655	12-04 NCR 246	*						
10 NCAC 03R .3055		11-21 NCR 1655	12-04 NCR 246	*						
10 NCAC 03R .3056		11-21 NCR 1655	12-04 NCR 246	*						
10 NCAC 03R .3057		11-21 NCR 1655	12-04 NCR 246	*						
10 NCAC 03R .3058		11-21 NCR 1655	12-04 NCR 246	*						
10 NCAC 03R .3059		11-21 NCR 1655	12-04 NCR 246	*						
10 NCAC 03R .3060		11-21 NCR 1655	12-04 NCR 246	*						
10 NCAC 03R .3060		12-06 NCR 481								
10 NCAC 03R .3061		11-21 NCR 1655	12-04 NCR 246	*						
10 NCAC 03R .3061		12-06 NCR 481								
10 NCAC 03R .3062		11-21 NCR 1655	12-04 NCR 246	*						
10 NCAC 03R .3062		12-06 NCR 481								
10 NCAC 03R .3063		11-21 NCR 1655	12-04 NCR 246	*						
10 NCAC 03R .3063		12-06 NCR 481								
10 NCAC 03R .3064		11-21 NCR 1655	12-04 NCR 246	*						
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						

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
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									
Medical Assistance										
Medicaid Disproportionate Share List										
10 NCAC 26B .0113	10:16 NCR 1721		11:28 NCR 2118	S/L	Agency withdrew	09/18/97				12:02 NCR 46
10 NCAC 26B .0123				*	Approve	10/16/97	*		12:03 NCR 213	
10 NCAC 26D .0110	12:06 NCR 444	11:19 NCR 1436	11:24 NCR 1824	*	Approve	06/19/97	*			
10 NCAC 26G .0707	11:08 NCR 450			*					11:29 NCR 2211	
10 NCAC 26H .0101	11:14 NCR 1108	11:15 NCR 1205	11:18 NCR 1371	*	Approve	04/17/97				
10 NCAC 26H .0102	11:14 NCR 1108									
10 NCAC 26H .0102	12:09 NCR 743									
10 NCAC 26H .0104	11:16 NCR 1268									
10 NCAC 26H .0211	12:09 NCR 743		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 .0212		12:09 NCR 827								

CUMULATIVE INDEX (Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 2611 .0213		11:15 NCR 1205	Temp Expired							
10 NCAC 2611 .0213	11:18 NCR 1368		12:07 NCR 511	S/SE						
10 NCAC 2611 .0213		11:26 NCR 1997								
10 NCAC 2611 .0213		12:09 NCR 827								
10 NCAC 2611 .0401	12:08 NCR 618									
10 NCAC 2611 .0506	10:21 NCR 2686									
10 NCAC 2611 .0506		11:19 NCR 1438	11:29 NCR 2205	S/L/SE	Approve	09/18/97	*			
10 NCAC 2611 .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							
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							

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
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	*	Approve	10/16/97	*			
10 NCAC 03B .1002		11:20 NCR 1560	11:29 NCR 2187	*	Approve	10/16/97	*			
10 NCAC 03C .3707	11:20 NCR 1534		11:29 NCR 2187	*	Approve	10/16/97				
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	*						
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	*						

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
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	*	Object	10/16/97				
10 NCAC 03D .2101	10:18 NCR 2399		11:29 NCR 2187	*	Object	10/16/97				
10 NCAC 03D .2102	10:18 NCR 2399		11:29 NCR 2187	*	Object	10/16/97				
10 NCAC 03D .2103	10:18 NCR 2399		11:29 NCR 2187	*	Approve	10/16/97	*			
10 NCAC 03D .2104	10:18 NCR 2399		11:29 NCR 2187	*	Approve	10/16/97	*			
10 NCAC 03D .2105	10:18 NCR 2399		11:29 NCR 2187	*	Object	10/16/97				
10 NCAC 03D .2106	10:18 NCR 2399		11:29 NCR 2187	*	Object	10/16/97				
10 NCAC 03D .2201	10:18 NCR 2399		11:29 NCR 2187	*	Object	10/16/97				
10 NCAC 03D .2202	10:18 NCR 2399		11:29 NCR 2187	*	Approve	10/16/97				
10 NCAC 03D .2203	10:18 NCR 2399		11:29 NCR 2187	*	Approve	10/16/97				
10 NCAC 03D .2301	10:18 NCR 2399		11:29 NCR 2187	*	Approve	10/16/97				
10 NCAC 03D .2302	10:18 NCR 2399		11:29 NCR 2187	*	Approve	10/16/97				
10 NCAC 03D .2303	10:18 NCR 2399		11:29 NCR 2187	*	Object	10/16/97				
10 NCAC 03D .2401	10:18 NCR 2399		11:29 NCR 2187	*	Approve	10/16/97	*			

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
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	*		11:30 NCR 2314	
10 NCAC 14V .3803	11:08 NCR 449		11:24 NCR 1822	*	Approve	05/15/97				
			11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 14V .5602	11:08 NCR 449		11:24 NCR 1822	*	Approve	05/15/97	*		11:30 NCR 2314	
			11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 15A .0128	11:08 NCR 449		11:24 NCR 1822	*	Approve	05/15/97			11:30 NCR 2314	
			11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 15A .0129	11:08 NCR 449		11:24 NCR 1822	*	Approve	05/15/97			11:30 NCR 2314	
			11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 18W .0201	10:15 NCR 1478		11:24 NCR 1822	*	Approve	05/15/97			11:30 NCR 2314	
			11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 18W .0202	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0203	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0204	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97				
10 NCAC 18W .0205	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
			11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0206	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 18W .0207	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0208	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0209	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0210	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0211	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0212	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 18W .0213	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0214	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0215	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
			11:14 NCR 1124	S	Object	01/16/97	*			
10 NCAC 18W .0216	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0217	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
			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	*			
			11:14 NCR 1124	S	Object	01/16/97	*			

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 18W .0219	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 4511 .0200	11:08 NCR 449				Approve	01/16/97	*			
10 NCAC 4511 .0203	11:08 NCR 449	11:29 NCR 2208	11:29 NCR 2208	*						
Secretary of Human Resources										
10 NCAC 14V .7006		12:01 NCR 31	12:07 NCR 511	*						
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	*		12:07 NCR 561	
10 NCAC 35E .0105		11:16 NCR 1288	11:30 NCR 2301	*	Approve	08/21/97	*		12:07 NCR 561	
10 NCAC 35E .0106		11:16 NCR 1288	11:30 NCR 2301	*	Approve	08/21/97	*		12:07 NCR 561	
10 NCAC 35E .0308		11:16 NCR 1288	11:30 NCR 2301	*	Approve	08/21/97	*		12:07 NCR 561	
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	*		12:07 NCR 561	
10 NCAC 421 .0004		11:16 NCR 1288	11:30 NCR 2301	*	Approve	08/21/97			12:07 NCR 561	
10 NCAC 421 .0005		11:16 NCR 1288	11:30 NCR 2301	*	Object	08/21/97	*			
					Approve	09/18/97				
Vocational Rehabilitation Services										
10 NCAC 20C .0200	12:08 NCR 618									
10 NCAC 20C .0600	12:08 NCR 618									
INSURANCE										
11 NCAC 06	12:09 NCR 744									
11 NCAC 10	12:09 NCR 744									
11 NCAC 10 .0602		11:15 NCR 1223	11:19 NCR 1426	*	Approve	03/20/97	*		11:26 NCR 2004	
11 NCAC 10 .0603		11:15 NCR 1223	11:19 NCR 1426	*	Approve	03/20/97	*		11:26 NCR 2004	
11 NCAC 10 .0606		11:15 NCR 1223	11:19 NCR 1426	*	Approve	03/20/97	*		11:26 NCR 2004	

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
11 NCAC 11	12:09 NCR 744									
11 NCAC 12	12:09 NCR 744									
11 NCAC 13	12:09 NCR 744									
11 NCAC 14	12:09 NCR 744									
11 NCAC 15	12:09 NCR 744									
11 NCAC 16	12:09 NCR 744									
11 NCAC 17	12:09 NCR 744									
11 NCAC 19	12:09 NCR 744									
11 NCAC 20	12:09 NCR 744									
11 NCAC 21	12:09 NCR 744									
Fire and Rescue Commission										
11 NCAC 05	12:09 NCR 744									
Home Inspector Licensure Board										
Home Inspector Licensure Board										
11 NCAC 08	12:09 NCR 744									
11 NCAC 08.1000	12:09 NCR 744									
11 NCAC 08.1001		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrew 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
11 NCAC 08.1002		11:15 NCR 1212	11:19 NCR 1416	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
11 NCAC 08.1003		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrew 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
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 NCAC 08.1005		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrew 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
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 NCAC 08.1007		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrew 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
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 NCAC 08.1009		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrew 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
11 NCAC 08.1010		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj

11:27 NCR 2049

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
11 NCAC 08 .1011		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97				12:03 NCR 213	Temp Filed over obj
11 NCAC 08 .1101		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97				Temp Filed over obj
11 NCAC 08 .1102		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97				12:03 NCR 213	Temp Filed over obj
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 NCAC 08 .1104		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97				12:03 NCR 213	Temp Filed over obj
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 NCAC 08 .1106		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97				12:03 NCR 213	Temp Filed over obj
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 NCAC 08 .1108		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97		*		12:03 NCR 213	Temp Filed over obj
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 NCAC 08 .1110		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97				12:03 NCR 213	Temp Filed over obj
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 NCAC 08 .1112		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97				12:03 NCR 213	Temp Filed over obj
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 NCAC 08 .1114		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97				12:03 NCR 213	Temp Filed over obj
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 NCAC 08 .1116		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97				12:03 NCR 213	Temp Filed over obj
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 NCAC 08 .1202		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97				12:03 NCR 213	Temp Filed over obj
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 NCAC 08 .1204		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97				12:03 NCR 213	Temp Filed over obj
11 NCAC 08 .1205		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj

CUMULATIVE INDEX (Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
11 NCAC 08 .1206		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
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 NCAC 08 .1208		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
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 NCAC 08 .1209		11:15 NCR 1212	11:25 NCR 1906	*	Agency withdrew 03/97	06/19/97			12:03 NCR 213	Temp Filed over obj
11 NCAC 08 .1209		11:15 NCR 1212	11:25 NCR 1906	*	Approve	06/19/97			12:03 NCR 213	Temp Filed over obj
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			12:07 NCR 561	
12 NCAC 11 .0210	12:08 NCR 618				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				
12 NCAC 09B .0111	11:14 NCR 1109		11:20 NCR 1539	*	Approve	05/15/97	*		11:30 NCR 2314	
12 NCAC 09B .0206	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09B .0224	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09B .0225	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09B .0409	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0304	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0307	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0309	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97	*		11:29 NCR 2211	
12 NCAC 09C .0601	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0602	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0603	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0604	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0605	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0606	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0607	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	
12 NCAC 09C .0608	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97			11:29 NCR 2211	

CUMULATIVE INDEX (Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
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		12:09 NCR 748	*						
12 NCAC 07D .0201	11:10 NCR 818		12:08 NCR 622	*						
12 NCAC 07D .0204	11:14 NCR 1108		12:08 NCR 622	*						
12 NCAC 07D .0504	11:10 NCR 818		12:08 NCR 622	*						
12 NCAC 07D .0701	11:10 NCR 818		12:08 NCR 622	*						
12 NCAC 07D .0801	11:10 NCR 818		12:08 NCR 622	*						
12 NCAC 07D .0902	11:10 NCR 818		12:08 NCR 622	*						
12 NCAC 07D .1106	11:14 NCR 1108		12:08 NCR 622	*						
Sheriffs' Education and Training Standards Commission										
12 NCAC 10B .0101	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0103	12:07 NCR 508									
12 NCAC 10B .0107	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0202	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0204	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0206	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0304	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0401	12:07 NCR 508									
12 NCAC 10B .0402	12:07 NCR 508									
12 NCAC 10B .0403	12:07 NCR 508									
12 NCAC 10B .0406	12:07 NCR 508									
12 NCAC 10B .0407	12:07 NCR 508									
12 NCAC 10B .0408	12:07 NCR 508									
12 NCAC 10B .0409	12:07 NCR 508									
12 NCAC 10B .0505	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0601	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0603	12:04 NCR 242		12:08 NCR 624	*						

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
12 NCAC 10B .0605	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0701	12:07 NCR 508									
12 NCAC 10B .0702	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0702	12:07 NCR 508									
12 NCAC 10B .0703	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0704	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0705	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0706	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0707	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0801	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0802	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0903	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0908	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0909	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0910	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .0911	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1002	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1004	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1005	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1006	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1101	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1101	12:07 NCR 508									
12 NCAC 10B .1102	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1102	12:07 NCR 508									
12 NCAC 10B .1103	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1103	12:07 NCR 508									
12 NCAC 10B .1104	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1104	12:07 NCR 508									
12 NCAC 10B .1105	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1202	12:04 NCR 242		12:08 NCR 624	*						

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
12 NCAC 10B .1204	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1205	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1206	12:04 NCR 242		12:08 NCR 624	*						
12 NCAC 10B .1301	12:07 NCR 508									
12 NCAC 10B .1302	12:07 NCR 508									
12 NCAC 10B .1303	12:07 NCR 508									
12 NCAC 10B .1304	12:07 NCR 508									
12 NCAC 10B .2002	12:07 NCR 508									
12 NCAC 10B .2101	12:07 NCR 508									
12 NCAC 10B .2102	12:07 NCR 508									
12 NCAC 10B .2104	12:07 NCR 508									
12 NCAC 10B .2105	12:07 NCR 508									
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	
LABOR										
Boiler & Pressure Vessel										
13 NCAC 13 .0213		11:25 NCR 1918								12:08 NCR 613
Occupational Safety and Health										
*Verbatim Adoption Federal Standards										
*13 NCAC 07F .0101										12:08 NCR 613
*13 NCAC 07F .0501										12:08 NCR 613
*13 NCAC 07F .0502										12:08 NCR 613
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									

CUMULATIVE INDEX

(Updated through October 28, 1997)

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

republished 11/24 NCR 1817

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
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	*						
LANDSCAPE ARCHITECTS, BOARD OF										
21 NCAC 26 .0104		12:08 NCR 730								
21 NCAC 26 .0105		12:08 NCR 730								
21 NCAC 26 .0302		12:08 NCR 730								
21 NCAC 26 .0506		12:08 NCR 730								
21 NCAC 26 .0507		12:08 NCR 730								
21 NCAC 26 .0508		12:08 NCR 730								
21 NCAC 26 .0509		12:08 NCR 730								
MEDICAL BOARD										
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	*						
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						

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 3211 .0407	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 3211 .0408	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 3211 .0409	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 3211 .0501	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 3211 .0502	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 3211 .0503	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 3211 .0504	11:26 NCR 1986		12:04 NCR 294	L						
21 NCAC 3211 .0505	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 3211 .0506	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 3211 .0507	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 3211 .0508	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 3211 .0601	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 3211 .0602	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 3211 .0801	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 3211 .0901	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 3211 .1004	11:26 NCR 1986		12:04 NCR 294	*						
21 NCAC 320	11:18 NCR 1369									
MORTUARY SCIENCE, BOARD OF										
21 NCAC 34A	12:09 NCR 745									
21 NCAC 34A .0201		12:07 NCR 556								
21 NCAC 34B	12:09 NCR 745									
21 NCAC 34C	12:09 NCR 745									
21 NCAC 34D	12:09 NCR 745									
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	*		11:29 NCR 2211	
21 NCAC 36 .0601	12:01 NCR 5		12:06 NCR 479	*						
21 NCAC 36 .0602	12:01 NCR 5		12:06 NCR 479	*						

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
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	*						
NURSING HOME ADMINISTRATORS										
21 NCAC 37D .0202		11:11 NCR 940	11:18 NCR 1372	*	Approve	04/17/97	*		11:29 NCR 2211	
21 NCAC 37G .0102		11:11 NCR 940	11:18 NCR 1372	*	Approve	04/17/97			11:29 NCR 2211	
OPTICIANS, BOARD OF										
21 NCAC 40	12.09 NCR 745									
21 NCAC 40 .0108		12.07 NCR 557								
OPTOMETRY, BOARD OF										
21 NCAC 42	12.06 NCR 453									
21 NCAC 42H .0107	11:18 NCR 1369		11:25 NCR 1917	*	Approve	09/18/97				
21 NCAC 42E .0102		12.06 NCR 487								
PHARMACY, BOARD OF										
21 NCAC 46 .1601	12.03 NCR 168		12:07 NCR 527	*						
21 NCAC 46 .1603	12.03 NCR 168		12:09 NCR 797	*						
21 NCAC 46 .1604	12.03 NCR 168		12:07 NCR 527	*						
21 NCAC 46 .1804	12.03 NCR 168		12:09 NCR 797	*						
21 NCAC 46 .1810	12.03 NCR 168		12:07 NCR 527	*						
21 NCAC 46 .1813	12.03 NCR 168		12:09 NCR 797	*						
21 NCAC 46 .2103	12.03 NCR 168		12:07 NCR 527	*						
21 NCAC 46 .2201	12.03 NCR 168		12:09 NCR 797	*						
21 NCAC 46 .2301	12.03 NCR 168		12:07 NCR 527	*						
PHYSICAL THERAPY EXAMINERS										
21 NCAC 48A .0003	12.08 NCR 619		12:09 NCR 797	*						

CUMULATIVE INDEX (Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 48A .0005	12:08 NCR 619									
21 NCAC 48B .0002	12:08 NCR 619									
21 NCAC 48C .0101	12:08 NCR 619									
21 NCAC 48C .0102	12:08 NCR 619									
21 NCAC 48C .0103	12:08 NCR 619									
21 NCAC 48C .0301	12:08 NCR 619									
21 NCAC 48C .0302	12:08 NCR 619									
21 NCAC 48C .0401	12:08 NCR 619									
21 NCAC 48D .0002	12:08 NCR 619									
21 NCAC 48D .0003	12:08 NCR 619									
21 NCAC 48D .0004	12:08 NCR 619									
21 NCAC 48D .0005	12:08 NCR 619									
21 NCAC 48D .0006	12:08 NCR 619									
21 NCAC 48D .0009	12:08 NCR 619									
21 NCAC 48D .0010	12:08 NCR 619									
21 NCAC 48E .0101	12:08 NCR 619									
21 NCAC 48E .0104	12:08 NCR 619									
21 NCAC 48E .0110	12:08 NCR 619									
21 NCAC 48F .0002	12:08 NCR 619									
21 NCAC 48G .0202	12:08 NCR 619									
21 NCAC 48G .0403	12:08 NCR 619									
21 NCAC 48G .0404	12:08 NCR 619									
21 NCAC 48G .0504	12:08 NCR 619									
21 NCAC 48G .0512	12:08 NCR 619									
21 NCAC 48G .0601	12:08 NCR 619									
PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, EXAMINERS OF										
21 NCAC 50 .0106	12:07 NCR 509									
21 NCAC 50 .0202	12:07 NCR 509									
21 NCAC 50 .0301	12:07 NCR 509	12:07 NCR 557								

CUMULATIVE INDEX (Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 50 .0306	12:07 NCR 509	12:07 NCR 557								
21 NCAC 50 .0404	12:07 NCR 509	12:07 NCR 557								
21 NCAC 50 .0405	12:07 NCR 509									
21 NCAC 50 .0506	12:07 NCR 509	12:07 NCR 557								
21 NCAC 50 .0510	12:07 NCR 509									
21 NCAC 50 .0511	12:07 NCR 509	12:07 NCR 557								
21 NCAC 50 .1102	12:07 NCR 509	12:07 NCR 557								
21 NCAC 50 .1104	12:07 NCR 509									
21 NCAC 50 .1201	12:07 NCR 509									
21 NCAC 50 .1205	12:07 NCR 509									
21 NCAC 50 .1206	12:07 NCR 509									
21 NCAC 50 .1210	12:07 NCR 509									
21 NCAC 50 .1212	12:07 NCR 509									
21 NCAC 50 .1302	12:07 NCR 509									
PROFESSIONAL ENGINEERS AND LAND SURVEYORS										
21 NCAC 56	12:08 NCR 619									
PSYCHOLOGY BOARD										
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									
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									

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
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									
PUBLIC EDUCATION										
16 NCAC 06C .0307			12:01 NCR 18	*	Object	10/16/97				
16 NCAC 06C .0310			12:01 NCR 18	*						
	12:03 NCR 210									
	12:09 NCR 834									
16 NCAC 06C .0502			12:01 NCR 18	*	Object	10/16/97				
16 NCAC 06D .0103			12:01 NCR 18	*	Object	10/16/97				
16 NCAC 06D .0301			12:01 NCR 18	*	Approve	10/16/97				
16 NCAC 06D .0303			12:01 NCR 18	*	Approve	10/16/97				
16 NCAC 06D .0305			12:01 NCR 18	*	Approve	10/16/97				
16 NCAC 06D .0306			12:01 NCR 18	*	Approve	10/16/97				

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CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
16 NCAC 06E .0105		12:05 NCR 433								
16 NCAC 06G .0304			12:01 NCR 18	S	Approve	10/16/97				
16 NCAC 06G .0305			12:01 NCR 18	*	Object	10/16/97				
16 NCAC 06G .0306			12:01 NCR 18	*	Object	10/16/97				
16 NCAC 06G .0307			12:01 NCR 18	S	Object	10/16/97				
16 NCAC 06G .0308			12:01 NCR 18	S	Object	10/16/97				
16 NCAC 06G .0309			12:01 NCR 18	S	Approve	10/16/97	*			
16 NCAC 06G .0401			12:01 NCR 18	*	Approve	10/16/97				
16 NCAC 06G .0402			12:01 NCR 18	*	Approve	10/16/97				
16 NCAC 06G .0403			12:01 NCR 18	*	Approve	10/16/97				
16 NCAC 06G .0404			12:01 NCR 18	*	Approve	10/16/97				
Public School Administration, Standards Board for										
16 NCAC 07 .0201		12:07 NCR 533								
16 NCAC 07 .0202		12:07 NCR 533								
16 NCAC 07 .0301		12:07 NCR 533								
16 NCAC 07 .0302		12:07 NCR 533								
16 NCAC 07 .0303		12:07 NCR 533								
REAL ESTATE COMMISSION										
21 NCAC 58A .0101	12:08 NCR 620									
21 NCAC 58A .0103	12:08 NCR 620									
21 NCAC 58A .0104	12:08 NCR 620									
21 NCAC 58A .0105	12:08 NCR 620									
21 NCAC 58A .0107	12:08 NCR 620									
21 NCAC 58A .0108	12:08 NCR 620									
21 NCAC 58A .0109	12:08 NCR 620									
21 NCAC 58A .0110	12:08 NCR 620									
21 NCAC 58A .0114	12:08 NCR 620									
21 NCAC 58A .0302	12:08 NCR 620									
21 NCAC 58A .0302	10:22 NCR 2829		11:03 NCR 114	*	Object Approve	12/19/96 01/16/97	*		11:22 NCR 1717	

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 58A .0502	12:08 NCR 620									
21 NCAC 58A .0505	12:08 NCR 620									
21 NCAC 58A .0506	12:08 NCR 620									
21 NCAC 58A .0601	12:08 NCR 620									
21 NCAC 58A .0613	12:08 NCR 620									
21 NCAC 58A .0614	12:08 NCR 620									
21 NCAC 58A .1501	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96				
21 NCAC 58A .1502	10:22 NCR 2829		11:03 NCR 114	*	Approve Object	01/16/97 12/19/96	*		11:22 NCR 1717	
21 NCAC 58A .1702	12:08 NCR 620				Approve	01/16/97	*		11:22 NCR 1717	
21 NCAC 58B .0402	12:08 NCR 620									
21 NCAC 58E .0407	12:08 NCR 620									
REVENUE										
17 NCAC 01C .0506			11:10 NCR 838	*	Approve	01/16/97	*		11:22 NCR 1717	12:04 NCR 228
Tax Review Board										12:05 NCR 336
Tax Review Board										
SECRETARY OF STATE										
18 NCAC 06 .1104		12:07 NCR 534								
18 NCAC 06 .1205		12:07 NCR 534								
18 NCAC 06 .1206		12:07 NCR 534								
18 NCAC 06 .1211		12:07 NCR 534								
18 NCAC 06 .1212		12:07 NCR 534								
18 NCAC 06 .1304		12:07 NCR 534								
18 NCAC 06 .1401		12:07 NCR 534								
18 NCAC 06 .1410		12:07 NCR 534								
18 NCAC 06 .1411		12:07 NCR 534								
18 NCAC 06 .1412		12:07 NCR 534								
18 NCAC 06 .1506		12:07 NCR 534								
18 NCAC 06 .1509		12:07 NCR 534								
18 NCAC 06 .1702		12:07 NCR 534								

CUMULATIVE INDEX

(Updated through October 28, 1997)

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

18 NCAC 06 .1703 12:07 NCR 534
 18 NCAC 06 .1704 12:07 NCR 534
 18 NCAC 06 .1705 12:07 NCR 534
 18 NCAC 06 .1706 12:07 NCR 534
 18 NCAC 06 .1712 12:07 NCR 534
 18 NCAC 06 .1713 12:07 NCR 534
 18 NCAC 06 .1714 12:07 NCR 534
 18 NCAC 06 .1801 12:07 NCR 534
 18 NCAC 06 .1802 12:07 NCR 534
 18 NCAC 06 .1803 12:07 NCR 534
 18 NCAC 06 .1804 12:07 NCR 534
 18 NCAC 06 .1805 12:07 NCR 534
 18 NCAC 06 .1806 12:07 NCR 534
 18 NCAC 06 .1809 12:07 NCR 534
 18 NCAC 06 .1811 12:07 NCR 534

SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS

21 NCAC 64 .0209 11:23 NCR 1780 12:05 NCR 427 *
 21 NCAC 64 .0303 11:23 NCR 1780
 21 NCAC 64 .1001 11:23 NCR 1780 12:05 NCR 427 *
 21 NCAC 64 .1002 11:23 NCR 1780 12:05 NCR 427 *
 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 *

STATE PERSONNEL COMMISSION

25 NCAC 01D .2501 11:13 NCR 1062 11:19 NCR 1429 * Approve 09/18/97
 Temp Expired
 25 NCAC 01D .2503 11:13 NCR 1062 11:19 NCR 1429 * Approve 09/18/97
 Temp Expired
 25 NCAC 01D .2504 11:13 NCR 1062 11:19 NCR 1429 * Approve 09/18/97
 Temp Expired
 25 NCAC 01D .2505 11:13 NCR 1062 11:19 NCR 1429 * Approve 09/18/97
 Temp Expired

CUMULATIVE INDEX
(Updated through October 28, 1997)

[illegible]

25 NCAC 01D .2507	11:13 NCR 1062 Temp Expired	11:19 NCR 1429	*	Approve	09/18/97
25 NCAC 01D .2508	11:13 NCR 1062 Temp Expired	11:19 NCR 1429	*	Approve	09/18/97
25 NCAC 01D .2509	11:13 NCR 1062 Temp Expired	11:19 NCR 1429	*	Approve	09/18/97
25 NCAC 01D .2511	11:13 NCR 1062 Temp Expired	11:19 NCR 1429	*	Approve	09/18/97
25 NCAC 01D .2513	11:13 NCR 1062 Temp Expired	11:19 NCR 1429	*	Approve	09/18/97
25 NCAC 01D .2514	11:13 NCR 1062 Temp Expired	11:19 NCR 1429	*	Approve	09/18/97
25 NCAC 01D .2516	11:13 NCR 1062 Temp Expired	11:19 NCR 1429	*		
25 NCAC 01D .2517	12:09 NCR 835				
25 NCAC 01E .0705	11:14 NCR 1110	11:19 NCR 1434	*	Approve	09/18/97
25 NCAC 01E .0707	11:14 NCR 1110	11:19 NCR 1434	*	Approve	09/18/97
25 NCAC 01E .0709	11:14 NCR 1110	11:19 NCR 1434	*	Approve	09/18/97

SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD

21 NCAC 68 12:09 NCR 745

TRANSPORTATION

Highways, Division of

[illegible]

Motor Vehicles, Division of

19A NCAC 03D .0525	12:08 NCR 729
19A NCAC 03I .0100	11:19 NCR 1413

CUMULATIVE INDEX

(Updated through October 28, 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
19A NCAC 031 .0200	11:19 NCR 1413				Approve	02/20/97	*		11:24 NCR 1832	
19A NCAC 031 .0300	11:19 NCR 1413				Object	02/20/97				
19A NCAC 031 .0400	11:19 NCR 1413				Approve	03/20/97	*		11:26 NCR 2004	
19A NCAC 031 .0500	11:19 NCR 1413				Object	02/20/97	*		11:26 NCR 2004	
19A NCAC 031 .0600	11:19 NCR 1413				Approve	02/20/97	*		11:24 NCR 1832	
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	*			
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	*			
19A NCAC 031 .0601	11:11 NCR 882		11:17 NCR 1340	*	Approve	02/20/97	*			

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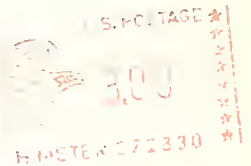
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