NORTH CAROLINA REGISTER

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August 14, 1998

IN THIS ISSUE

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Fax (919) 733-3462

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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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contact: Molly Masich, Director APA Services — mmasich@oah.state.nc.us
Ruby Creech, Publications Coordinator — rcreech@oah.state.nc.us

Fiscal Notes & Economic Analysis

Office of State Budget and Management
116 West Jones Street — (919) 733-7061
Raleigh, North Carolina 27603-8005 — (919) 733-0640 FAX

contact: Mark Sisak, Economist III — msisak@osbm.state.nc.us

Rule Review and Legal Issues

Rules Review Commission
1307 Glenwood Ave., Suite 159 — (919) 733-2721
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 — (919) 715-4000
Raleigh, North Carolina 27603

contact: Paula Thomas

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NORTH CAROLINA
REGISTER

Volume 13, Issue 4
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This issue contains documents officially filed through July 24, 1998.

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IN THIS ISSUE

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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	Athletic Trainer Examiners	3
4	Commerce	Auctioneers	4
5	Correction	Barber Examiners	6
6	Council of State	Certified Public Accountant Examiners	8
7	Cultural Resources	Chiropractic Examiners	10
8	Elections	Employee Assistance Professionals	11
9	Governor	General Contractors	12
10	Health and Human Services	Cosmetic Art Examiners	14
11	Insurance	Dental Examiners	16
12	Justice	Dietetics/Nutrition	17
13	Labor	Electrical Contractors	18
14A	Crime Control & Public Safety	Electrolysis	19
15A	Environment and Natural Resources	Foresters	20
		Geologists	21
16	Public Education	Hearing Aid Dealers and Fitters	22
17	Revenue	Landscape Architects	26
18	Secretary of State	Landscape Contractors	28
19A	Transportation	Marital and Family Therapy	31
20	Treasurer	Medical Examiners	32
*21	Occupational Licensing Boards	Midwifery Joint Committee	33
22	Administrative Procedures	Mortuary Science	34
23	Community Colleges	Nursing	36
24	Independent Agencies	Nursing Home Administrators	37
25	State Personnel	Occupational Therapists	38
26	Administrative Hearings	Opticians	40
27	NC State Bar	Optometry	42
		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.

Publication Schedule
(June 1998 - March 1999)

FILING DEADLINES			NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT (either column A or column B)							TEMPORARY RULE
					A. non-substantial economic impact			B. substantial economic impact			
volume and issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	270th day from issue date
12:23	06/01/98	05/08/98	08/03/98	06/16/98	07/01/98	07/20/98	01/27/99	07/31/98	08/20/98	01/27/99	02/26/99
12:24	06/15/98	05/22/98	08/14/98	06/30/98	07/15/98	07/20/98	01/27/99	08/14/98	08/20/98	01/27/99	03/12/99
13:01	07/01/98	06/10/98	09/01/98	07/16/98	07/31/98	08/20/98	01/27/99	08/31/98	09/21/98	01/27/99	03/28/99
13:02	07/15/98	06/23/98	09/15/98	07/30/98	08/14/98	08/20/98	01/27/99	09/14/98	09/21/98	01/27/99	04/11/99
13:03	08/03/98	07/13/98	10/15/98	08/18/98	09/02/98	09/21/98	01/27/99	10/02/98	10/20/98	01/27/99	04/30/99
13:04	08/14/98	07/24/98	10/15/98	08/31/98	09/14/98	09/21/98	01/27/99	10/13/98	10/20/98	01/27/99	05/11/99
13:05	09/01/98	08/11/98	11/02/98	09/16/98	10/01/98	10/20/98	01/27/99	11/02/98	11/20/98	01/27/99	05/29/99
13:06	09/15/98	08/24/98	11/16/98	09/30/98	10/15/98	10/20/98	01/27/99	11/16/98	11/20/98	01/27/99	06/12/99
13:07	10/01/98	09/10/98	12/01/98	10/16/98	11/02/98	11/20/98	01/27/99	11/30/98	12/21/98	05/00	06/28/99
13:08	10/15/98	09/24/98	12/15/98	10/30/98	11/16/98	11/20/98	01/27/99	12/14/98	12/21/98	05/00	07/12/99
13:09	11/02/98	10/12/98	01/04/99	11/17/98	12/02/98	12/21/98	05/00	01/04/99	01/20/99	05/00	07/30/99
13:10	11/16/98	10/23/98	01/15/99	12/01/98	12/16/98	12/21/98	05/00	01/15/99	01/20/99	05/00	08/13/99
13:11	12/01/98	11/05/98	02/01/99	12/16/98	12/31/98	01/20/99	05/00	02/01/99	02/22/99	05/00	08/28/99
13:12	12/15/98	11/20/98	02/15/99	12/30/98	01/14/99	01/20/99	05/00	02/15/99	02/22/99	05/00	09/11/99
13:13	01/04/99	12/09/98	03/15/99	01/19/99	02/03/99	02/22/99	05/00	03/05/99	03/22/99	05/00	10/01/99
13:14	01/15/99	12/23/98	04/02/99	02/01/99	02/15/99	02/22/99	05/00	03/16/99	03/22/99	05/00	10/12/99
13:15	02/01/99	01/08/99	04/15/99	02/16/99	03/03/99	03/22/99	05/00	04/02/99	04/20/99	05/00	10/29/99
13:16	02/15/99	01/25/99	05/03/99	03/02/99	03/17/99	03/22/99	05/00	04/16/99	04/20/99	05/00	11/12/99
13:17	03/01/99	02/08/99	05/03/99	03/16/99	03/31/99	04/20/99	05/00	04/30/99	05/20/99	05/00	11/26/99
13:18	03/15/99	02/22/99	05/14/99	03/30/99	04/14/99	04/20/99	05/00	05/14/99	05/20/99	05/00	12/10/99

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 PRO-CEEDINGS: 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.

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

PUBLIC NOTICE

Notice is hereby given that the North Carolina Wildlife Resources Commission is proposing to amend 15A NCAC 10B .0105, Hunting Regulations for Migratory Game Birds, to delineate the area of an experimental September teal season. Delineation of the area of the September teal season is necessary to properly manage this hunting season. This proposed rule change is based on the *Federal Frameworks for 1998-99 Early Hunting on Certain Migratory Game Birds* published by the Department of the Interior. The Wildlife Resources Commission will consider this rule for temporary adoption, to become effective September 7, 1998, at its August 28, 1998 Commission meeting which will be held at the Charlotte Convention Center beginning at 9:00 AM. A news release will follow the adoption of the temporary rule. The North Carolina Wildlife Resources Commission has the authority to adopt this rule as a temporary rule pursuant to S.L. 1997-0403 following this abbreviated notice. A conforming amendment to the permanent rule will follow.

U.S. Department of Justice

Civil Rights Division

EJ:DHH:TGL:par
DJ 166-012-3
98-1812 *Washington, DC 20035-6128*

Voting Section
PO Box 66128

July 6, 1998

Albert M. Benshoff, Esq.
City Attorney
P.O. Box 1388
Lumberton, North Carolina 28359-1388

Dear Mr. Benshoff:

This refers to two annexations (Ordinance Nos. 1656 and 1657 (1988)) to the City of Lumberton in Robeson County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on May 18, 1998.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Elizabeth Johnson
Chief, Voting Section

U.S. Department of Justice

Civil Rights Division

EJ:GS:DCB:emr
DJ 166-012-3
98-1910 *Washington, DC 20035-6128*

Voting Section
PO Box 66128

July 14, 1998

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

Dear Mr. Warren:

This refers to the annexation (Ordinance No. 98-59) and its designation to District 5 of the City of Greensboro in Guilford County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on May 28, 1998.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Elizabeth Johnson
Chief, Voting Section

An agency may choose to publish a rule-making agenda which serves as a notice of rule-making proceedings if the agenda includes the information required in a notice of rule-making proceedings. The agency must accept comments on the agenda for at least 60 days from the publication date. Statutory reference: G.S. 150B-21.2.

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

This agenda will serve as the notice of rule-making proceedings for the following rule-making bodies from August 15, 1998 through October 15, 1998: Environmental Management Commission - to rules codified in 15A NCAC 2D, 2H, 2L: Commission for Health Services - to rules codified in 15A NCAC 18C.

DENR Regulatory Agenda Index - July 24, 1998

AIR QUALITY

APA #	SUBJECT	RULE CITATION #
E2612	112(r) Accidental Release	15A NCAC 2D .2100
E2635	Toxic Air Pollutants	15A NCAC 2D .1104 & 2Q .0711
E2636	Fugitive Dust	15A NCAC 2D .0540/New Rule
E2637	Toxic Air Pollutants	15A NCAC 2D .1103, .1104 and 2Q .0703, .0711

ENVIRONMENTAL HEALTH/PUBLIC WATER SUPPLY

APA #	SUBJECT	RULE CITATION #
E2484	Water System Viability/Capacity Development	15A NCAC 18C

WATER QUALITY

APA #	SUBJECT	RULE CITATION #
E2540	Classifications and Groundwater Quality Standards (35 substances) and Biennial Review	15A NCAC 2L .0202

WATER QUALITY/LABORATORY SERVICES

APA #	SUBJECT	RULE CITATION #
E2655	Laboratory Certification	15A NCAC 2H .0800

DENR Regulatory Agenda - July 24, 1998

APA #: E2484
SUBJECT: Water System Viability/Capacity Development
RULE CITATION #: 15A NCAC 18C
STATUTORY AUTHORITY:
DIVISION/SECTION: ENVIRONMENTAL HEALTH/PUBLIC WATER SUPPLY
DIVISION CONTACT: Jessica Miles
DIVISION CONTACT TEL#: (919)733-2321
DATE INITIATED: 6/16/98
DURATION OF RULE: Temporary 10/1/98
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :
EPA's final Guidance on capacity development will not be released until August of 1998. Beginning in Fiscal Year 1999

(starting October 1, 1998), states without EPA approved programs will have withheld 20 percent of the Drinking Water State Revolving Fund (DWSRF) Capitalization Grant (20% = $2,560,000). If a state's capacity development program is approved bye EPA by October 1, 1999, the withheld amount will be returned. If a program is not approved by EPA by October 1, 1999, the withheld amount will permanently revert back to EPA for redistribution to other states. An additional 20 percent will be withheld from each FY DWSRF allotment until the capacity development is approved. The Public Water Supply Section plans to use a stakeholder group to help guide rule development. Temporary rules are necessary to ensure EPA deadlines are met and millions of federal grant dollars are not forfeited.

SCOPE/NATURE/SUMMARY :

The rule has not been developed or drafted. There are water systems all across the nation that are unable to keep up with the increasingly complex set of federal laws and regulations governing mandatory water treatment, testing, and reporting. EPA is requiring all states to keep new such water systems from forming. The intent of the rule is to develop specific criteria to determine that proposed new community and non-transient non-community water systems are able to demonstrate technical, financial, and managerial capability with respect to each national primary drinking water regulation in effect, or likely to be in effect, for that water system.

APA #: E2540
SUBJECT: Classifications and Groundwater Quality Standards (35 substances) and Biennial Review
RULE CITATION #: 15A NCAC 2L .0202
STATUTORY AUTHORITY: G.S. 143-214.1; 143B-282(a)(2)
DIVISION/SECTION: WATER QUALITY
DIVISION CONTACT: David Hance
DIVISION CONTACT TEL#: (919)715-6189
DATE INITIATED: 4/24/98
DURATION OF RULE: Permanent 7/1/99
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: None
SCOPE/NATURE/SUMMARY :

Specifies the maximum allowable concentration of substances in Class GA, GSA and GC groundwaters and procedures to establish standards for substances.

APA #: E2612
SUBJECT: 112(r) Accidental Release
RULE CITATION #: 15A NCAC .2100
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(10)
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thomas Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 6/22/98
DURATION OF RULE: Permanent 7/1/00
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: State
REASON FOR ACTION :

To implement the accidental release prevention requirements for risk management programs of 40 CFR Part 68, which implements the requirements of Section 112(r) of the federal Clean Air Act.

SCOPE/NATURE/SUMMARY :

On June 20, 1996, the US Environmental Protection Agency promulgated rules to prevent accidental releases of regulated substances and to reduce the severity of accidents that do occur. They were the results of worldwide concern about accidental chemical releases. The rules were promulgated under 40 CFR Part 68. The rules apply to stationary sources with processes that contain more than a threshold quantity of a regulated substance. These processes are divided into three categories based on the potential for offsite consequences associated with a worst-case accidental release, accident history, or subjectivity under OSHA's Process Safety Management Standard. Processes that have no potential impact on the public should have minimal requirements. For other processes, sources have to implement a risk management program that includes more detailed requirements for hazardous assessment, prevention, and emergency response.

The State plans to implement the EPA's Risk Management and Chemical Accidental Release Prevention Program (referred to as "112(r)" from Section 112(r)(7) of the federal Clean Air Act and further detailed in 40 CFR Part 68). The 112(r)

program is aimed at reducing the potential for chemical accidental releases that may pose a risk to public health and the environment.

Most likely the State rules will incorporate by reference the federal rules with little or no changes. These rules will apply to both facilities required to be permitted under Title V of the federal Clean Air Act (Title V facilities) and to facilities that are not covered under Title V.

APA #: E2635
SUBJECT: Toxic Air Pollutants
RULE CITATION #: 15A NCAC 2D .1104 & 2Q .0711
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215(a)(3),(4),(5); 143-215.108; 143-282; S.L. 1989, C.168, S.45
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 7/9/98
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To amend the air toxic rules to add acceptable ambient levels for methylene diphenyl isocyanate (MDI), hexamethylene-I, 6-diisocyanate (HDI), and acrylamide.

SCOPE/NATURE/SUMMARY :

The Secretary's Scientific Advisory Board (SAB) has recommended acceptable ambient levels for methylene diphenyl isocyanate (MDI) of 0.00036 mg/m^3, 24-hour average, hexamethylene-I, 6-diisocyanate (HDI) of 09.00003 mg/m^3, 24-hour average and acrylamide of 0.03 mg/m^3, 24-hour average and 0.00023 mg/m^3, annual. Rule 15A NCAC 2D .1104, Toxic Air Pollutant Guidelines, would be amended to add acceptable ambient levels for these three toxic air pollutants. Rule 15A NCAC 2Q .0711, Emission Rates Requiring a Permit, would also be amended to add corresponding toxic permit emission rates.

APA #: E2636
SUBJECT: Fugitive Dust
RULE CITATION #: 15A NCAC 2D .0540/New Rule
STATUTORY AUTHORITY:G.S. 143-215.3(a)(1); 143-107(a)(5); 143-215.108(c)(7)
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 7/9/98
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: Local State
REASON FOR ACTION :

To adopt a new rule to control the emissions of fugitive dust.

SCOPE/NATURE/SUMMARY :

On December 1, 1997, the Environmental Management Commission (EMC) held a public hearing on the adoption of a new rule 15A NCAC 2D .0540, Particulates from Fugitive Non-Process Dust Emission Sources. The proposed rule applied to all industries. After receipt of public comments, the EMC revised the rule. The rule adopted byt he EMC limited its coverage to four industries, viz., hot mix asphalt plants, mica or feldspar processing plants, sand, gravel, or crushed stone operations, and lightweight aggregate processes. The EMC also directed teh Division of Air Quality to develop a rule to control fugitive dust from sources not covered under the new rule.

Several options could be used to address fugitive dust emissions from these other sources. The current rule could be amended to extend its coverage to other sources of non-process fugitive dust. (The currect rule is a complaint driven rule. Two complaints supported by physical evidence are proof that a fugitive dust problem exists. The facility causing the dust problem has to develop and implement a best management plan to control non-process fugitive dust.) Another option is to use visible emissions as evidence of a fugitive dust problem. A combination of complaints and visible emissions could be used. Also, the new rule could be limited to non-process fugitive emissions, or it could cover both non-process and process

fugitive emissions.

APA #: E2637
SUBJECT: Toxic Air Pollutants
RULE CITATION #: 15A NCAC 2D .1103, .1104 and 2Q .0703, .0711
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1); 143-215(a)(3),(4),(5); 143-215.108; 143-282; S.L. 1989, C. 168, S.45
DIVISION/SECTION: AIR QUALITY
DIVISION CONTACT: Thom Allen
DIVISION CONTACT TEL#: (919)733-1489
DATE INITIATED: 7/9/98
DURATION OF RULE: Permanent
TYPE OF RULE:
STAGE OF DEVELOPMENT: Concept Stage
GOV LEVELS AFFECTED: None
REASON FOR ACTION :

To amend the air toxic rules to revise acceptable ambient levels for chromium (VI) compounds.

SCOPE/NATURE/SUMMARY :

The Manufacturers and Chemical Industry Council of North Carolina (MCIC) has requested that the air toxic rules for chromium (VI) compounds be revised. MCIC requests that the several chromium (VI) compounds listed in the current rules be combined into 3 groups. Group 1 would contain bioavailavle chromate pigments, which includes calcium chromate, strontium chromate, and zinc chromate. The acceptable ambient level for this group of compounds would be $8.3x10^{-8}mg.m^3$. Group 2 would contain soluble chromate sales, which includes ammonium chromate, ammonium dichromate, chromic acid, potassium chromate, potassium dichromate, sodium chromate, and sodium dichromate. The acceptable ambient level for this group would be $6.2x10^{-4}mg/m^3$. Group 3 would contain all the chromium (VI) compounds not included in Group 1 or Group 2. Its acceptable ambient level is $8.3x10^{-6}mg/m^3$. The compounds in these three groups should be regulated on a chromium (VI) equivalent basis and not on the specific chromium compound basis. The Division of Air Quality has reviewed the records of the Secretary's Scientific Advisory Board and basically concurs with MCIC's request.

The implementation of this request would require amending Rule 15 A NCAC 2D .1104, Toxic Air Pollutant Guidelines, to revise the acceptable ambient levels for the chromate compounds and amending Rule 15A NCAC 2Q .0711, Emission Rates Requiring a Permit, to revise the corresponding toxic permit emission rates. Also rules 15A NCAC 2D .1103 and 2Q .0703 may also need amending to add definitions for bioavailable chromate pigments and soluble chromate salts.

APA #: E2655
SUBJECT: Laboratory Certification
RULE CITATION #: 15A NCAC 2H .0800
STATUTORY AUTHORITY: G.S. 143-215.3(a)(1);143-215.3(a)(10)
DIVISION/SECTION: WATER QUALITY/LABORATORY SERVICES
DIVISION CONTACT: James W. Meyer
DIVISION CONTACT TEL#: (919)733-3908
DATE INITIATED: 7/23/98
DURATION OF RULE: Permanent 4/1/99
TYPE OF RULE:
STAGE OF DEVELOPMENT: Draft Rule Stage
GOV LEVELS AFFECTED: Local
REASON FOR ACTION :

The present fee collection schedule is not adequate to support the program. To date, salaries have risen 24% for employees; travel expenses have risen 25-30%; operation costs for materials, supplies, equipment maintenance, etc. have risen 25-30%. The ability to keep the program functional with these cost increases under the old fee schedule has become impossible, which has prompted the proposed action.

SCOPE/NATURE/SUMMARY :

The purpose of these Rules is to set out certification criteria for laboratory facilities performing any tests, analyses, measurements, or monitoring required under Article 21 of G.S. 143 or any rules adopted thereunder, and to establish fees for certification.

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 1 - DEPARTMENT OF ADMINISTRATION

CHAPTER 5 - PURCHASE AND CONTRACT

Notice of Rule-making Proceedings *is hereby given by the Department of Administration 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: *1 NCAC 5A through 5D. Other rules may be proposed in the course of the rule-making process.*

Authority for the rule-making: *G.S. 143-3; 143-3A; 143-3C*

Statement of the Subject Matter: *To modify the rules relating to State procurement, State Surplus Property, and consultant services.*

Reason for Proposed Action: *S.L. 1997-412 requires the changing of certain rules relating to the increase in purchasing benchmarks and delegation limits for universities and agencies. In addition, there is a need to change/clarify other rules as they pertain to the university and agency purchasing policies and procedures as a result of the increase. Further modifications are needed to improve the procurement and disposition processes, including those for procurement of consultant services, and to provide more flexibility for the universities and agencies.*

Comment Procedures: *Any person interested in making written or verbal comment to these proposed rule changes should submit such comment to R. Glen Peterson, General Counsel, N.C. Department of Administration, 116 West Jones Street, Raleigh, NC 27603-8003; telephone (919) 733-7232; fax: (919) 733-9571; email: glen_peterson@mail.doa.state.nc.us.*

* *

CHAPTER 30 - STATE CONSTRUCTION

Notice of Rule-making Proceedings *is hereby given by the State Building 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: *1 NCAC 30F .0305. Other rules may be proposed in the course of the rule-making process.*

Authority for the rule-making: *G.S. 143-135.26(4)*

Statement of the Subject Matter: *This revision will modify the State Building Commission's contractor evaluation procedures to allow for alternatives to disqualification as recommendations from the Commission's review panel.*

Reason for Proposed Action: *This proposal was requested by members of the State Building Commission who had expressed concern that the present rules have no intermediate action in cases where some doubts are raised in the contractor evaluation process. This proposal allows the Commission to provide a warning to the contractor rather than disqualify the contractor from bidding whatsoever. Under the present procedures, if the panel finds that the contractor should be removed from prebid disqualification, the records are purged and the contractor starts out with a new record. Under the proposed revision, the records will be retained.*

Comment Procedures: *All written comments should be made to Dan R. Murray, State Construction Office, 301 North Wilmington Street, Education Building, Suite 450, Raleigh, North Carolina 27601-2827, telephone (919) 733-7962.*

* *

CHAPTER 35 - STATE EMPLOYEES COMBINED CAMPAIGN

Notice of Rule-making Proceedings *is hereby given by the Department of Administration 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: *1 NCAC 35 .0101, .0103, .0202, .0304, .0308. Other rules may be proposed in the course of the rule-making process.*

Authority for the rule-making: *G.S. 143-3.3, 143B-10.*

Statement of the Subject Matter: *The State Employees Combined Campaign wishes to provide clear rules as to the responsibilities of local campaign organizations and establish clear requirements for consideration of applicants to be local campaign organizations. Other technical changes are also necessary to update the Campaign's rules.*

Reason for Proposed Action: *The Campaign has grown greatly in recent years and many charitable organizations wish to participate in the campaign. More detailed application procedures have become necessary, and clearer definition of local responsibilities are now desirable. Small organizations needed flexibility in providing financial information, which is set out in the proposed rules, along with technical changes.*

Comment Procedures: *All written comments should be made to R. Glen Peterson, General Counsel, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27603-8003, telephone (919) 733-7232.*

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

CHAPTER 7 - COASTAL MANAGEMENT

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

Citation to Existing Rules Affected by this Rule-Making: *15A NCAC 7M .0401-.0403. Other rules may be proposed in the course of the rule-making process.*

Authority for the rule-making: *G.S. 113A-24; 113A-102(b); 113A-107*

Statement of the Subject Matter: *The NC Coastal Resources Commission proposes to make minor amendments to the NC Coastal Energy Policies to more clearly address potential effects of offshore drilling on fisheries habitat and seabirds, and to address the potential effects of severe weather conditions on the safety of drilling operations.*

Reason for Proposed Action: *A review of the current rules and scientific literature identified a need to make minor amendments to the energy policies to protect key fisheries habitat and endangered seabirds from potential impacts from offshore development of energy resources.*

Comment Procedures: *Contact Kim Crawford, NC Division of Coastal Management, PO Box 27687, Raleigh, NC 27611-7687, (919) 733-2293.*

TITLE 19A - DEPARTMENT OF TRANSPORTATION

CHAPTER 2 - DIVISION OF HIGHWAYS

Notice of Rule-making Proceedings *is hereby given by the Department of Transportation - Division of Highways 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: *19A NCAC 02E .0221-.0222. Other rules may be proposed in the course of the rule-making process.*

Authority for the rule-making: *G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f)*

Statement of the Subject Matter: *Rules set conditions, parameters, and fees for the Logo Signing Program.*

Reason for Proposed Action: *NC DOT's Internal Audit staff conducted an audit of the Logo Sign Program and recommended that the fees be increased. The logo program is self-sustaining and fees charged pay for new projects and maintenance on existing signs. Fees for the program must be adjusted periodically. Logo fees have not been reviewed for 7 years.*

Comment Procedures: *Any interested person may submit written comments on the proposed rules by mailing the comments to Emily Lee, NC DOT, PO Box 25201, Raleigh, NC 27611, by December 15, 1998.*

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

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Environment and Natural Resources intends to adopt the rule(s) cited as 15A NCAC 1N .0101-.0103, .0201-.0203, .0301-.0304, .0401-.0403, .0501-.0503, .0601-.0606, .0701-.0705, .0801-.0802, .0901-.0902. Notice of Rule-making Proceedings was published in the Register on February 16, 1998.

Proposed Effective Date: *April 1, 1999*

A Public Hearing *will be conducted at 9:00 a.m. on August 31, 1998 at the Archdale Building, Ground Floor Hearing Room, 512 N. Salisbury Street, Raleigh, NC 27604.*

Reason for Proposed Action: *To establish procedures and criteria for making low interest loans from the Drinking Water State Revolving Fund (DWSRF).*

Comment Procedures: *Contact Sid Harrell at (919) 715-3216 or at Public Water Supply Section, PO Box 29536, Raleigh, NC 27626-0536. End of comment period is September 30, 1998.*

Fiscal Note: *These Rules, 15A NCAC 1N .0101-.0102 do not affect the expenditure or distribution of State funds subject to the Executive Budget Act, Article 1 of Chapter 143. These Rules, 15A NCAC 1N .0103, .0201-.0203, .0301-.0304, .0401-.0403, .0501-.0503, .0601-.0606, .0701-.0705, .0801-.0802, .0901-.0902 do affect the expenditure or distribution of State funds subject to the Executive Budget Act, Article 1 of Chapter 143.*

CHAPTER 1 - DEPARTMENTAL RULES

SUBCHAPTER 1N - DRINKING WATER TREATMENT FUND RULES

SECTION .0100 - GENERAL PROVISIONS

.0101 PURPOSE

Loans for public water systems from the Drinking Water Treatment Revolving Loan fund established by G.S. 159G-5(d) shall be made in accordance with this Subchapter.

Authority G.S. 159G-5; 159G-15.

.0102 DEFINITIONS

The following definitions shall apply to this Subchapter:

(1) "Act" means the N.C. Drinking Water Act, G.S. 130A-311 et. seq;

(2) "Division" means the Division of Environmental Health, Department of Environment and Natural Resources;

(3) "Fund" means the Drinking Water Treatment Revolving Loan fund established by G.S. 159G-5(d);

(4) "Intended Use Plan" means an annual plan to identify the proposed uses of the amount available in the state revolving fund;

(5) "MCL" means maximum contaminant level which is the permissible level of a contaminant in water which is delivered to any user of a public water system;

(6) "Receiving agency" means the Division of Environmental Health.

Authority G.S. 159G-5; 159G-15.

.0103 APPLICABLE PROCEDURES

Loans from the Fund will be made in accordance with guidelines found in the "Drinking Water State Revolving Fund Program Guidelines," published by the United States Environmental Protection Agency, Office of Water, on February 28, 1997 (EPA 816-R-97-005) which is hereby incorporated by reference including any subsequent amendments and additions. This material is available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, North Carolina. Free copies may be obtained from the U.S. Environmental Protection Agency by telephoning 1-800-426-4791. The guidelines are also available on-line at http://www.epa.gov.OGWDW/regs/intro.html.

Authority G.S. 159G-5; 159G-15.

SECTION .0200 - AVAILABILITY OF LOANS

.0201 AVAILABILITY OF LOANS

(a) Loans are available only for projects that appear on the state approved intended use plan submitted to the U.S. Environmental Protection Agency and that are in compliance with the requirements of this Subchapter.

(b) During any fiscal year 15 percent of the annual allocation shall be available solely for providing assistance to public water systems which regularly serve fewer than 10,000 persons to the extent such funds can be obligated for eligible projects.

(c) During any fiscal year a maximum of five percent of the annual allocation may be used for loans for project planning purposes only.

Authority G.S. 159G-5; 159G-15.

.0202 LOAN RESTRICTIONS

(a) Loans shall not be used for the acquisition of real property or interests therein, unless the acquisition is integral to a project authorized under this Subchapter and the purchase is from a willing seller.

(b) Except as provided in Paragraph (c) of this Rule no assistance shall be provided to a public water system that does not have the technical, managerial, and financial capacity to ensure compliance with the requirements of the Act or to a public water system that is in significant non-compliance with any requirement of the Act or with a variance authorized under the Act as evidenced by administrative penalty, administrative order or court action against the water system. A determination of technical, managerial, and financial capacity will be based upon a review of finances, compliance with applicable public health, environmental and utility laws, and the experience and certification level of the water system operator as evidenced by the submission of a business plan as required by Section .0400 of this Subchapter.

(c) A public water system in significant non-compliance with the Act may receive assistance if the assistance will ensure compliance with the Act. A public water system that does not have technical, managerial, and financial capacity may receive assistance if the owner or operator shall agree to undertake feasible and appropriate changes in operation of the water system that will ensure the system will achieve technical, managerial, and financial capacity over the long-term.

(d) Each applicant shall establish a dedicated source of revenue or demonstrate that there is adequate security for repayment of the loan.

(e) Funding will be limited to the most cost-effective solution for the compliance or public health problem identified in a proposed project.

(f) Funding will be limited to the eligible portions of a project containing ineligible segments.

(g) Funding shall not be available for federally owned public water systems.

Authority G.S. 159G-5; 159G-15.

.0203 ADMINISTRATIVE EXPENSES

Agreement to a debt instrument by a loan applicant shall include payment of a two percent closing fee which is an ineligible project cost. These monies shall accrue to be used only for the reasonable costs of administering the Fund.

Authority G.S. 159G-5; 159G-15.

SECTION .0300 - ELIGIBILITY REQUIREMENTS

.0301 DETERMINATION OF ELIGIBILITY

(a) Eligibility of applicants shall be determined in accordance with G.S. 159G-3(2) and G.S. 159G-9.

(b) Applications shall be returned to ineligible applicants.

(c) An application may not be filed after the award of a construction contract on a project, except when an applicant is subject to an administrative order issued by the Division or a legally enforceable deadline.

Authority G.S. 159G-5; 159G-15.

.0302 ELIGIBLE PROJECTS

(a) Projects that will facilitate compliance with the North Carolina Drinking Water Act or federal Safe Drinking Water Act or further health protection under the criteria of Rule .0602 of this Subchapter shall be eligible for funding under this Subchapter. Eligible projects include those that:

(1) Rehabilitate or develop sources to replace contaminated sources of drinking water;
(2) Install or upgrade treatment to meet state or federal regulations;
(3) Install or upgrade eligible storage to prevent entry of microbiological contamination;
(4) Install or replace transmission or distribution pipes to prevent contamination;
(5) Consolidate or restructure water systems; or
(6) Purchase capacity in another water system.

(b) Types of projects which are not eligible for funding are:

(1) Dams or rehabilitation of dams;
(2) Water rights, except if the water rights are owned by a system that is being purchased through consolidation as part of a capacity development strategy;
(3) Reservoirs, except for finished water reservoirs and those reservoirs that are part of treatment process and are located on the property where the treatment facility is located;
(4) Laboratory fees for monitoring;
(5) Operation and maintenance expenses;
(6) Projects needed mainly for fire protection; or
(7) Projects primarily intended to serve future growth.

Authority G.S. 159G-5; 159G-15.

.0303 ELIGIBLE PROJECT COSTS

(a) Project construction costs eligible for a loan under this Subchapter are limited to:

(1) Planning, including system and needs assessment, the preparation of a local water supply plan and the preparation of a business plan;
(2) Environmental assessment reports, including all federal cross-cutters;
(3) Design;
(4) Construction;
(5) Legal, fiscal, and administrative costs;
(6) Contingency costs; and
(7) Land acquisition integral to the project.

(b) Loans may be up to 100 percent of allowable construction project costs.

(c) Loans made for project planning purposes only are available for acute, immediate, and chronic health hazards as determined in Rule .0602 of this Subchapter.

Authority G.S. 159G-5; 159G-15.

.0304 MAXIMUM LOAN AMOUNT

The maximum principal amount of loan commitment from any

fiscal year's allocation made to an applicant shall be three million dollars ($3,000,000.00), except that the maximum amount of loan commitment from any fiscal year's allocation for a project planning purposes only loan shall be twenty-five thousand dollars ($25,000).

Authority G.S. 159G-5; 159G-15.

SECTION .0400 - APPLICATIONS

.0401 FILING DEADLINES

Applications for loans shall be postmarked or delivered to the Division of Environmental Health on or before September 30 of each year in order to be approved for loan funds available during the following fiscal year, except February 13, 1998, for FY 96/97 SRF funds.

Authority G.S. 159G-5; 159G-15.

.0402 APPLICATION PROCEDURES

(a) Applications for loans shall be submitted on forms provided by the Division and shall be accompanied by all documents such as the Preliminary Engineering Report (PER), assurances, and other information required by the instructions for completing and filing the applications. Information concerning any grant or loan funds from any other source for which the applicant has applied shall be disclosed on the application.

(b) Every application shall be accompanied by an adopted resolution or other documentation as required by G.S. 159G-9(4). The resolution or documentation shall be certified or attested to as a true and correct copy as adopted.

(c) An applicant shall furnish additional information upon the request of the Division.

(d) A project shall not receive a priority rating unless the application contains sufficient information on the day of rating for the receiving agency to review and assign priority points in accordance with Section .0600 of this Subchapter.

(e) An application may be withdrawn from consideration upon request of the applicant but if resubmitted shall be considered as a new application.

Authority G.S. 159G-5; 159G-15.

.0403 PROJECT SCHEDULE AND RESOLUTION

Every application shall be accompanied by a project schedule specifying dates for milestone events including:

(1) business plan submittal as required by the Division;
(2) plans and specifications submission and approval;
(3) a rate schedule submittal;
(4) bid opening and award;
(5) construction start; and
(6) project completion.

Authority G.S. 159G-5; 159G-15.

SECTION .0500 - REVIEW AND ASSIGNMENT OF PRIORITIES

.0501 PRIORITY REVIEW PERIOD

The priority review period shall be from October 1 until June 30 of the following year, except that for FY 96/97 Funds it shall be from February 14 until September 30, 1998.

Authority G.S. 159G-5; 159G-15.

.0502 ASSIGNMENT OF PRIORITIES

(a) During each review period the Division will assign a priority rating to each eligible application for inclusion in the state intended use plan; the priority rating shall be determined in accordance with the rating criteria and points contained in Section .0600 of this Subchapter.

(b) The Division may exercise discretionary authority to establish a priority rating when two or more applications receive the same number of priority points. The project receiving the most points for public health and compliance shall receive the greater priority. If the public health points awarded the projects are equal, the project with the smaller population shall receive the greater priority. If points are still equal, the project with the greatest financial need as determined in accordance with Rule .0605 of this Subchapter shall receive the higher ranking.

(c) Only the eligible portions of a project containing ineligible segments will receive a priority rating.

(d) The Division may assign a different priority rating to each substantially independent part of a proposed project.

(e) Any applications that are not awarded assistance during a review period will be held over and considered for a second review in accordance with G.S. 159G-10(d).

Authority G.S. 159G-5; 159G-15.

.0503 INTENDED USE PLAN

A state intended use plan containing the priority rating of each eligible project will be prepared by the Division. The intended use plan will include a comprehensive priority list identifying which projects are intended to be funded in the current year and in future years. The projects that are expected to be funded in the current year will be so noted. The priority rating of eligible projects will be published and an opportunity for public hearing will be provided before funds are awarded.

Authority G.S. 159G-5; 159G-15.

SECTION .0600 - PRIORITY CRITERIA

.0601 GENERAL CRITERIA

(a) In determining the priority to be assigned each eligible application the Division will consider whether the project will:

(1) Address the most serious risk to human health,
(2) Facilitate compliance with the N.C. Drinking Water Act or the federal Safe Drinking Water Act, and
(3) Assist systems most in need on a per household basis.

(b) The total priority points received will be the sum of all points awarded for each categorical element.

Authority G.S. 159G-5; 159G-15.

.0602 PUBLIC HEALTH AND COMPLIANCE

Public health and compliance points may be awarded to a project based on the following criteria. A proposed project shall be necessary to facilitate compliance with the N.C. Drinking Water Act or the federal Safe Drinking Water Act and to alleviate the type of public health concern for which points are awarded. A project will receive only points in the highest sub-category for which it may qualify:

(1) Acute/Imminent Health Hazards. A maximum of 150 points will be awarded to projects that propose to eliminate any one or more of the following acute, ongoing health hazards to the consumer:

(a) Projects that address documented nitrate, nitrite or fecal coliform MCL violations, or contaminant levels in drinking water which constitute acute health risks as defined in 40 C.F.R 141.32(a)(1)(iii) which is incorporated by reference at 15A NCAC 18C .1523; or

(b) Projects that eliminate any contaminant in the public water system that poses an acute risk or imminent hazard to public health as determined by the State Health Director or a health risk assessment from the Division of Epidemiology, Department of Health and Human Services in accordance with G.S. 130A-2(3).

(2) Immediate Health Hazards. A maximum of 100 points will be awarded to projects that propose to eliminate any one or more of the following immediate health hazards to the consumer:

(a) Projects that address surface water treatment technique violations occurring for two or more consecutive months;

(b) Projects that resolve any microbiological MCL problems for a water system with three or more microbiological MCL violations during the previous 12 months;

(c) Projects that propose filtration for a surface water source or for a well that is determined to be under the direct influence of surface water by the Department that does not currently have filtration;

(d) Projects that address the inability of a public water system to inactivate giardia and viruses in accordance with 15A NCAC 18C .2001; or

(e) Projects that address documented recurrent water outages or low pressure below the requirements of 15A NCAC 18C .0901. Only problems that affect human consumption of drinking water will be considered for award of points under this criteria.

(3) Chronic Health Hazards. A maximum of 60 points will be awarded to projects that propose to eliminate any one or more of the following chronic health hazards to the consumer:

(a) Projects that address exceedances of the lead and copper action levels under 15A NCAC 18C .1507;

(b) Projects that address violations of inorganic or organic chemical or contaminant MCLs under 15A NCAC 18C .1510, .1517, and .1518;

(c) Projects that address violations of radiological contamination MCLs under 15A NCAC 18C .1520 and .1521; or

(d) Projects that address a chronic health hazard as determined by the State Health Director or a health risk assessment from the Division of Epidemiology, Department of Health and Human Services.

(4) Potential Health Hazards. A maximum of 40 points will be awarded to projects that propose to eliminate any one or more of following potential health hazards to the consumer:

(a) Projects that address low chlorine residuals in the distribution system;

(b) Projects that address periodic violations of an MCL;

(c) Projects for line installation or extensions to areas with poor water quality or limited quantity;

(d) Projects to develop new sources of water, to augment existing sources, or to expand treatment capacity to meet current demand when the average daily demand for the previous 12 months equals or exceeds the available water supply as calculated in local water supply plans prepared in accordance with G.S. 143-355(l) or the maximum day demand for the previous 12 months equals or exceeds the approved water treatment plant design capacity; or

(e) Projects to provide disinfection for a system that currently does not have disinfection.

(5) System Improvements. A maximum of 20 points will be awarded for projects that will provide any one or more of the following general system improvements when needed for public health purposes:

(a) Projects that replace water supply production or treatment equipment that is undersized, malfunctioning or has exceeded its useful life;

(b) Projects that replace undersized or leaking water lines;

(c) Projects that address other water quality concerns such as iron, manganese, taste, and odor;

(d) Projects to bring existing facilities to current design standards which affect water quality such as treatment, chemical storage and application, pumping facilities, finished storage, distribution systems;

(e) Projects that eliminate dead ends and provide looping in a distribution system;

(f) Projects that increase water storage capacity;

(g) Projects to develop new sources of water, to augment existing sources, or to expand treatment capacity to meet current demand when the average daily demand for the

previous 12 months exceeds 80 percent of the available water supply as calculated in local water supply plans prepared in accordance with G.S. 143-355(l) or the maximum day demand for the previous 12 months exceeds 80 percent of the approved water treatment plant design capacity; or

(h) Projects for installation or upgrade of water treatment plant waste disposal facilities.

Authority G.S. 159G-5; 159G-15.

.0603 CONSOLIDATION

A maximum of 10 points will be awarded in this categorical element for projects that propose to improve water system reliability by interconnecting with an existing water system, by purchasing systems in whole or in part, or by purchasing water capacity from other systems, as follows:

(1) Projects that propose consolidation to provide water service to an existing community whose water supply cannot meet the rules governing public water systems at 15A NCAC 18C, 10 points;

(2) Projects that propose consolidation of existing water systems will be awarded five points;

(3) Projects where consolidation is not physically feasible, five points.

Authority G.S. 159G-5; 159G-15.

.0604 RELIABILITY

A maximum of five points will be awarded in this categorical element to projects that propose to increase the reliability of the water system; points may be awarded for both Items (1) and (2) of this Paragraph up to the maximum, as follows:

(1) Projects that provide redundancy to critical treatment or delivery functions, such as interconnection, three points;

(2) Projects that provide emergency backup electrical power source, three points if not awarded points in Item (1) of this Paragraph.

Authority G.S. 159G-5; 159G-15.

.0605 AFFORDABILITY

Points for affordability will be determined by comparing the projected monthly residential user cost at the completion of the project with the median household income (MHI). User cost shall be calculated from water rates based on a maximum of 4,500 gallons. The median household income shall be determined in the service area of the water system. If median household income data is not available for the service area, data from the nearest comparable community area shall be used. The Division may use county-wide median household income data if data for the service area or nearest comparable community area are not available. Points will be awarded on the following scale:

Rates = 0% to .25% MHI	0 points
Rates = 0.26% to .50% MHI	5 points
Rates = .51% to .75% MHI	20 points
Rates = .76% to 1.0% MHI	40 points
Rates = 1.01% or greater MHI	50 points

Authority G.S. 159G-5; 159G-15.

.0606 SOURCE PROTECTION AND MANAGEMENT

The maximum value to be given for source protection and management categorical elements is 10 points. Points shall only be awarded for existing activities or programs that efficiently protect the public health, as follows:

(1) Participation in source water protection activities; points may be awarded in Sub-Items (a) and (b) of this Item up to the maximum, as follows:

(a) Voluntary water supply watershed protection activities, five points, or

(b) Voluntary wellhead protection program, five points.

(2) Efficient water use, as shown by the applicant's establishment and administration of the described programs; points may be awarded in Sub-Items (a), (b), and (c) of this Item up to the maximum, as follows:

(a) Water loss reduction program which includes water audits, comprehensive metering, and hidden leak detection, three points;

(b) Cross-connection control program, three points;

(c) Demand management strategies, such as a water conservation incentive rate structure, incentives for new or replacement installation of low flow faucets, showerheads and toilets, or a water reclamation or reuse system, 3 points.

Authority G.S. 159G-5; 159G-15.

SECTION .0700 - AWARD, COMMITMENT AND DISBURSEMENT OF LOANS

.0701 DETERMINATION OF AWARDS AND BYPASS PROCEDURES

(a) All funds appropriated for a fiscal year and all other funds accruing from loan principal repayments, interest payments, interest earned on funds, excess funds not awarded in the previous priority review period, and any other source, will be available for loans during the priority review period.

(b) Of the funds available at the beginning of a priority review period, five percent will be set aside for potential adjustments under Rule .0703 of this Section. Any funds set aside for this purpose that are not used to adjust loans during a priority review period will return to the account for the next priority review period.

(c) The funds available in a priority review period will be awarded in descending order of priority rating considering Section .0201(b) of this Subchapter except for projects that are not ready to proceed. A project shall be funded unless at the time of binding agreement:

(1) Project plans and specifications are not approved by the receiving agency;

(2) Any environmental assessment or impact statement

required is not complete and approved;

(3) One hundred percent funding necessary for the project is not committed; or

(4) The receiving agency is unable to determine from review of the business plan and other information whether the applicant can meet capacity development requirements as required by the Division.

Authority G.S. 159G-5; 159G-15.

.0702 CERTIFICATION OF ELIGIBILITY

(a) The receiving agency shall create a certificate of eligibility for each applicant for which a loan has been made.

(b) The certificate of eligibility shall indicate that the applicant meets all eligibility criteria and that all other requirements of the Act have been met.

(c) The certificate of eligibility shall also indicate the amount and the fiscal year of the loan commitment.

Authority G.S. 159G-5; 159G-15.

.0703 CRITERIA FOR LOAN ADJUSTMENTS

Upon receipt of bids, a loan commitment may be adjusted as follows:

(1) The loan commitment may be decreased, provided the project cost as bid is less than the estimated project cost, and the receiving agency approves the loan commitment decrease;

(2) The loan commitment may be increased a maximum of 10 percent by the receiving agency provided: the project cost as bid is greater than the estimated project cost; the project as bid is in accordance with the project for which the loan commitment was made; the receiving agency has reviewed the bids and determined that substantial cost savings would not be available through project revisions without jeopardizing the integrity of the project; and adequate funds are available in the Fund. Increases greater than 10 percent of the loan commitment require approval by the Local Government Commission.

Authority G.S. 159G-5; 159G-15.

.0704 DISBURSEMENT OF LOANS

(a) Disbursement of loan monies shall be made at intervals as work progresses and expenses are incurred. No disbursement shall be made until the receiving agency receives satisfactory documentation of incurred costs. At no time shall disbursement exceed the allowable costs which have been incurred at that time.

(b) No disbursement shall be made until the receiving agency receives documentation of compliance with the verifiable percentage goal for participation by minority businesses in accordance with G.S. 143-128(c) and any eligible federal and state laws.

(c) The receiving agency will authorize the Controller's Office of the Department of Environment and Natural Resources to make loan disbursements.

Authority G.S. 159G-5; 159G-15.

.0705 TERMINATION OF LOANS

Loan commitments may be terminated by the receiving agency when recipients do not meet project schedules, if they fail to award contracts within one year, or if they fail to comply with applicable federal requirements.

Authority G.S. 159G-5; 159G-15.

SECTION .0800 - LOAN REPAYMENTS

.0801 INTEREST RATES

The interest rate to be charged on loans under this Subchapter will be set in each priority review period at the lesser of four percent per annum or one half the prevailing national market rate as derived from the Bond Buyer's 20-Bond Index in accordance with G.S. 159G-4(c).

Authority G.S. 159G-5; 159G-15.

.0802 REPAYMENT OF PRINCIPAL AND INTEREST

(a) The debt instrument setting the terms and conditions of repayment of loans under this Subchapter will be established after the receipt of bids. Adjustments to the loan may be made only under Rule .0703 of this Subchapter.

(b) The maximum maturity on any construction loan shall not exceed 20 years.

(c) The maximum maturity on any project planning loan shall not exceed five years.

(d) Interest on the debt instrument shall begin to accrue on the original date that a project's contracts are scheduled to be completed. Extensions of this deadline are not allowed.

(e) All principal payments will be made annually on or before May 1 or November 1. The first principal payment is due not earlier than six months after the date of completion of the project.

(f) All interest payments will be made semiannually on or before May 1 and November 1 of each year. The first interest payment is due not earlier than six months after the date of completion of the project.

(g) All principal and interest payments shall be made payable to the Fund.

Authority G.S. 159G-5; 159G-15.

SECTION .0900 - INSPECTION AND AUDIT OF PROJECTS

.0901 INSPECTION

Inspection of a project to which a loan has been committed may be made by the receiving agency to determine the percentage of completion of the project for disbursements, and for compliance with all applicable laws and rules.

Authority G.S. 159G-5; 159G-15.

.0902 AUDIT

All projects to which a loan has been committed will be audited in accordance with G.S. 159-34 and the United States Environmental Protection Office of Water (4606) Drinking Water State Revolving Fund Program Guidelines, EPA 816-R-97-005 February (28) 1997 which is incorporated in Rule .0103 of this Subchapter.

Authority G.S. 159G-5; 159G-15.

* *

Notice is hereby given in accordance with G.S. 150B-21.2 that the DENR-Environmental Management Commission intends to adopt the rules cited as 15 NCAC 2B .0245-.0251, and amend the rule cited as 15 NCAC 2B .0311. Notice of Rule-making Proceedings was published in the Register on June 2, 1998.

Proposed Effective Date: *April 1, 1999*

A Public Hearing *will be conducted at 6:00 p.m. on September 1, 1998 at the Guilford Technical Community College, Jamestown Campus, Applied Technology Center Auditorium, High Point Road, Jamestown, NC.*

Reason for Proposed Action: *The Piedmont Triad Regional Water Authority (PTRWA) has requested that the Environmental Management Commission (EMC) reclassify portions of the Deep River, which upon impoundment, would become the Randleman Reservoir. Nutrient response models applied to the proposed reservoir predict that because of the hydrologic character of the lake and the nutrient loading expected, the lake could experience excessive growths of algae and exceed the state's chlorophyll a standard in some of its segments. Because of these predictions, the Division has required that a management strategy be developed to assure that the highest level of protection is provided for the lake. PTRWA provided a draft plan in March 1998 and the Division has reviewed the plan and utilized much of the information provided in deciding what type of strategy is appropriate for the lake. The "Watershed Management Strategy" proposed by the EMC includes an **Option A** and an **Option B**. In **Option B**, streams within the proposed Randleman Reservoir water supply watershed are proposed for reclassification from Class C to Class WS (Water Supply)-IV Nutrient Sensitive Waters (NSW). There is a Class B (primary recreation) stream which would be reclassified to WS-IV & B NSW. In **Option A**, the proposal does not include applying the supplemental NSW classification to these streams. To implement a "Watershed Management Strategy", much of the controls would need to be implemented through the adoption of new rules by the EMC. The proposed new rules would be codified in 15A NCAC 2B .0245 - .0251. The specific portion of the North Carolina Water Supply Watershed Protection Act that the Division believes provides the necessary control authorities to adopt the proposed management strategy is the provision that the "Commission may designate water supply watersheds or portions thereof as critical water supply watersheds and impose management requirements that are more stringent than the minimum statewide water supply watershed management requirements (G.S. 143-214.5(b))." The Division has concluded that a management strategy offering a range of options to go out to public hearing would provide the most flexibility for the EMC in its final decision on which rules to adopt. Therefore, as stated above, these proposed rules include an **Option A** and **Option B**. Both options have point and nonpoint source management components. The EMC may adopt rules that follow parts of either option or adopt variations of the limits in between those proposed by either option. These rules will apply to the entire Randleman Reservoir drainage area, from the source of the Deep River to the Randleman Reservoir dam, including all tributaries.*

OPTION A (15A NCAC 2B .0245, .0247) Nonpoint Source Controls

1. *Local governments without watershed protection ordinances shall adopt minimum statewide water supply requirements.*
2. *Local governments with ordinances more stringent than statewide minimums cannot reduce existing provisions.*
3. *The PTRWA shall submit an annual report to the EMC documenting progress on nonpoint source control elements offered in their March 8, 1998 "Nutrient Reduction Strategy and Implementation Plan."*

OPTION A (15A NCAC 2B .0246) Point Source Controls

1. *The City of High Point Eastside WWTP will meet a monthly average total phosphorus limit of 0.5 mg/l.*
2. *The City of High Point Eastside WWTP will also adopt a goal to achieve a monthly average phosphorus limit of 0.2 mg/l.*

OPTION B (15A NCAC 2B .0248, .0250, .0251) Nonpoint Source Controls

1. *All local governments shall adopt or modify watershed protection ordinances to require a 50' riparian buffer area (30' of forested buffer and 20' of vegetated buffer) for all perennial and intermittent streams.*
2. *All local governments shall adopt or modify watershed protection ordinances to include the following changes and provisions:*
   - *In the Critical Areas (area 1/2 mile and draining to reservoir), the density to be considered "low density" will be no more than one dwelling unit (du) per two acres or 6% built upon area.*
   - *In the remainder of watershed the density to be considered "low density" will be no more than 1 du/acre or 12% built upon area*
   - *In the Critical Areas for "high density" development, the maximum built-upon area allowed will be 30%. In the remainder of the watershed, for "high density" development, the maximum built upon area allowed will be 50%.*
3. *Local governments shall complete a comprehensive land use planning effort that includes evaluation of existing densities and controls and identifies opportunities for reducing built upon areas and their impact on surface waters.*
4. *Local governments shall provide for the implementation of watershed protection public education initiatives.*

5. *Local government watershed protection programs shall provide for identification and removal of illegal discharges.*
6. *Local government watershed protection programs are to provide for identification of locations for stormwater retrofits.*

OPTION B (15A NCAC 2B .0249) Point Source Controls

1. *Two Options Offered for Point Source Controls:*
   - *High Point relocate Eastside discharge below dam, or*
   - *High Point Eastside meet monthly average phosphorus concentration limitation of 0.18 mg/l.*
2. *No new or expanded discharges in the watershed.*

Comment Procedures: *The purpose of this announcement is to encourage those interested in this proposal to provide comments. You may either attend the public hearing and make relevant verbal comments or submit written comments, data or other relevant information by October 13, 1998. The Hearing Officer may limit the length of time that you may speak at the public hearing, if necessary, so that all those who wish to speak may have any opportunity to do so. We encourage you to submit written comments as well. The EMC is very interested in all comments pertaining to the proposed rules. It is very important that all interested and potentially affected persons or parties make their views known to the EMC whether in favor of or opposed to any and all provisions of the proposed rules. The EMC may not adopt a rule that differs substantially from the text of the proposed rule published in the North Carolina Register unless the EMC publishes the text of the proposed different rule and accepts comments on the new text (see 150B-21.2(g)). All interested and potentially affected persons are strongly encouraged to read the entire announcement and supporting information, and make appropriate comments on the proposal. Comments should be sent to: Mr. Boyd DeVane, NC Division of Water Quality, PO Box 29535, Raleigh, North Carolina 27626-0535.*

Fiscal Note: *These Rules, 15 NCAC 2B .0247, .0250-.0251 affect the expenditures or revenues of local government funds. These Rules, 15 NCAC 2B .0245-.0247, .0249-.0251, .0311 do have a substantial economic impact of at least five million dollars ($5,000,000) in a 12-month period.*

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2B - SURFACE WATER AND WETLAND STANDARDS

SECTION .0200 - CLASSIFICATIONS AND WATER QUALITY STANDARDS APPLICATIONS TO SURFACE WATERS AND WETLANDS OF NORTH CAROLINA

.0245 RANDLEMAN LAKE WATER SUPPLY WATERSHED: MANAGEMENT STRATEGY

(a) All waters of the Randleman Lake water supply watershed shall be classified as Water Supply IV (WS-IV) and designated by the Environmental Management Commission as a Critical Water Supply Watershed pursuant to G.S. 143-214.5(b). The following rules are to be implemented in all waters of the Randleman Lake water supply watershed:

(1) Rule .0246 for Wastewater Discharges, and
(2) Rule .0247 Watershed Protection and Stormwater Management.

(b) Failure to meet requirements of Rules .0246 and .0247 of this Section may result in imposition of enforcement measures as authorized by G.S. 143-215.6A (civil penalties), G.S. 143-215.6B (criminal penalties), and G.S. 143-215.6C (injunctive relief).

Authority G.S. 143-214.1; 143-214.5; 143.215; 143-215.1; 143-215.3(a)(1); 143-215.6A; 143-215.6B; 143-215.6C.

.0246 RANDLEMAN LAKE WATER SUPPLY WATERSHED: WASTEWATER DISCHARGE REQUIREMENTS

The following is the National Pollutant Discharge Elimination System (NPDES) wastewater discharge management strategy for the Randleman Lake water supply watershed. The City of High Point's Eastside facility shall meet a monthly average total phosphorus concentration of 0.5 mg/l year round. It shall be the goal for the City of High Point's Eastside facility to meet a monthly average total phosphorus concentration of 0.2 mg/l year round.

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

.0247 RANDLEMAN LAKE WATER SUPPLY WATERSHED: WATERSHED PROTECTION AND URBAN STORMWATER MANAGEMENT

(a) Within 270 days of the effective date of this Rule, all local governments that have land use authority within the proposed Randleman Lake water supply watershed shall adopt local water supply ordinances. The ordinances shall at least meet the state's minimum guidelines for a WS-IV classification as specified in 15A NCAC 2B .0104, .0202 and .0216.

(b) Local governments in the watershed shall not reduce their existing ordinance provisions in effect on July 1, 1998 which are more stringent than minimum state requirements.

(c) The Piedmont Triad Regional Water Authority (PTRWA) will submit an annual report to the Environmental Management Commission by January 1 of each calendar year beginning in the year 2000 documenting the status of implementation of PTRWA's March 8, 1998 Nutrient Reduction Strategy and Implementation Plan, which is hereby incorporated by reference.

Authority G.S. 143-214.1; 143-214.5; 143-215.3(a)(1).

.0248 RANDLEMAN LAKE WATER SUPPLY WATERSHED: MANAGEMENT STRATEGY

(a) All waters of the Randleman Lake water supply watershed shall be classified as Water Supply IV (WS-IV) and designated

by the Environmental Management Commission as a Critical Water Supply Watershed pursuant to G.S. 143-214.5(b). The following Rules are to be implemented in all waters of the Randleman Lake water supply watershed:

(1) Rule .0249 for Wastewater Discharges,

(2) Rule .0250 for Protection and Maintenance of Riparian Areas, and

(3) Rule .0251 for Urban Stormwater Management.

(b) Failure to meet requirements of Rules .0249, .0250 and .0251 of this Section may result in imposition of enforcement measures as authorized by G.S. 143-215.6A (civil penalties), G.S. 143-215.6B (criminal penalties), and G.S. 143-215.6C (injunctive relief).

Authority G.S. 143-214.1; 143-214.5; 143-215; 143-215.1; 143-215.3(a)(1); 143-215.6A; 143-215.6B; 143-215.6C.

.0249 RANDLEMAN LAKE WATER SUPPLY WATERSHED: WASTEWATER DISCHARGE REQUIREMENTS

POINT SOURCE SUB-OPTION 1

The following is the National Pollutant Discharge Elimination System (NPDES) wastewater discharge management strategy for the Randleman Lake water supply watershed. For purposes of this Rule, permitted wastewater discharges means those facilities permitted to discharge domestic wastewater or wastewaters containing phosphorus:

(1) There shall be no new or expanding permitted wastewater discharges in the watershed.

(2) The City of High Point shall relocate the discharge from its Eastside wastewater treatment plant to a point located downstream of the proposed Randleman Dam prior to the proposed Randleman Lake being filled.

POINT SOURCE SUB-OPTION 2

The following is the National Pollutant Discharge Elimination System (NPDES) wastewater discharge management strategy for the Randleman Lake water supply watershed. For purposes of this Rule, permitted wastewater discharges means those facilities permitted to discharge domestic wastewater or wastewaters containing phosphorus:

(1) The City of High Point's Eastside facility shall meet a monthly average total phosphorus concentration of 0.18 mg/l year round. Compliance with this total phosphorus limit shall be required prior to the proposed Randleman Lake being filled. If High Point pumps its wastewater from the Eastside wastewater treatment plant to a point located below Randleman Lake Dam, this total phosphorus limit may be modified by the Director through the NPDES permit.

(2) There shall be no new or expanding permitted wastewater discharges in the watershed with the exception that the City of High Point Eastside wastewater treatment plant may be allowed to expand beyond 26 million gallons per day provided that it meets a monthly average total phosphorus concentration that would not exceed a permitted total phosphorus load of 14,200 pounds per year.

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

.0250 RANDLEMAN LAKE WATER SUPPLY WATERSHED: PROTECTION AND MAINTENANCE OF RIPARIAN AREAS

The following is the management strategy for maintaining and protecting riparian areas in the Randleman Lake water supply watershed:

(1) Riparian areas shall be protected and maintained in accordance with this Rule on all sides of surface waters in the Randleman Lake water supply watershed (intermittent streams, perennial streams, lakes, ponds) as indicated on the most recent version of United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps, the Soil Survey maps developed by USDA-Natural Resource Conservation Service or other site-specific evidence. The Piedmont Triad Regional Water Authority (PTRWA) shall develop detailed stream network maps for the watershed based on these USGS and USDA-NRCS maps and field criteria supplied by the Division of Water Quality. The PTRWA shall submit these maps to the Division for approval within six months after the effective date of this Rule. After these detailed stream network maps are approved by the Division, riparian areas shall be protected and maintained in accordance with this Rule on all sides of surface waters in the Randleman Lake water supply watershed as delineated on these approved stream network maps. Exceptions to the requirements of this Rule for riparian areas are described in Sub-Items (2)(a)-(h) of this Rule. Maintenance of the riparian areas should be such that, to the maximum extent possible, sheet flow of surface water is achieved. This Rule specifies requirements that shall be implemented in riparian areas to ensure that the pollutant removal functions of the riparian area are protected and maintained. All local governments that have land use authority within the Randleman Lake water supply watershed shall adopt and enforce this Rule through local water supply and other local ordinances. Ordinances shall require that all riparian protection areas are recorded on new or modified plats. No building permits shall be issued and no new development shall take place in violation of this Rule.

(2) The following waterbodies and land uses are exempt from the riparian area protection requirements:

(a) Ditches and manmade conveyances, other than modified natural streams, which under normal conditions do not receive drainage from any tributary ditches, canals, or streams, unless the ditch or manmade conveyance delivers runoff directly to waters classified in accordance with 15A NCAC 2B .0100;

(b) Areas mapped as intermittent streams, perennial streams, lakes, ponds, or estuaries on the most recent versions of United States

Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps or soil survey maps where no perennial waterbody, intermittent waterbody, lake, pond or estuary actually exists on the ground;

(c) Ponds and lakes created for animal watering, irrigation, or other agricultural uses that are not part of a natural drainage way that is classified in accordance with 15A NCAC 2B .0100;

(d) Water dependent structures as defined in 15A NCAC 2B .0202, provided that they are located, designed, constructed and maintained to provide maximum nutrient removal, to have the least adverse effects on aquatic life and habitat and to protect water quality;

(e) The following uses may be allowed where no practical alternative exists. A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration or density of the proposed activity and all alternative designs, the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters. Also, these structures shall be located, designed, constructed, and maintained to have minimal disturbance, to provide maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical through the use of best management practices.

(i) Road crossings, railroad crossings, bridges, airport facilities, and utility crossings may be allowed if conditions specified in Sub-Item (2)(e) of this Rule are met;

(ii) Stormwater management facilities and ponds, and utility construction and maintenance corridors for utilities such as water, sewer or gas, may be allowed in Zone 2 of the riparian area as long as the conditions specified in Sub-Item (2)(e) of this Rule are met and they are located at least 30 feet from the top of bank or mean high water line. Additional requirements for utility construction and maintenance corridors are listed in Sub-Item (2)(f) of this Rule;

(f) A corridor for the construction and maintenance of utility lines, such as water, sewer or gas, (including access roads and stockpiling of materials) may run parallel to the stream and may be located within Zone 2 of the riparian area, as long as no practical alternative exists, as defined in Sub-Item (2)(e) of this Rule, and best management practices are installed to minimize runoff and maximize water quality protection to the maximum extent practicable. Permanent, maintained access corridors shall be restricted to the minimum width practicable and shall not exceed 10 feet in width except at manhole locations. A 10 feet by 10 feet perpendicular vehicle turnaround is allowed provided they are spaced at least 500 feet apart along the riparian area;

(g) Stream restoration projects, scientific studies, stream gauging, water wells, passive recreation facilities such as boardwalks, trails, pathways, historic preservation and archaeological activities are allowed provided that they are located in Zone 2 and are at least 30 feet from the top of bank or mean high water line and are designed, constructed and maintained to provide the maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical through the use of best management practices. Activities that must cross the stream or be located within Zone 1 are allowed as long as all other requirements of this Item are met; and

(h) Stream crossings associated with timber harvesting are allowed if performed in accordance with the Forest Practices Guidelines Related to Water Quality (15A NCAC 1J .0201-.0209).

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

(a) Zone 1 is intended to be an undisturbed area of vegetation.

(i) Location of Zone 1: Zone 1 begins at the top of bank for intermittent streams and perennial streams and extends landward a distance of 30 feet on all sides of the waterbody, measured horizontally on a line perpendicular to the waterbody. For all other waterbodies, Zone 1 begins at the top of bank or mean high water line and extends landward a distance of 30 feet, measured horizontally on a line perpendicular to the waterbody.

(ii) The following practices and activities are allowed in Zone 1:

(A) Natural regeneration of forest vegetation and planting vegetation to enhance the riparian area if disturbance is minimized, provided that any plantings should primarily consist of locally native trees and shrubs;

(B) Selective cutting of individual trees in Zone 1 as long as the following conditions are met

every 100 feet on each side of the stream:

(I) Of existing trees 12-inches and greater diameter breast height (dbh), minimum of five trees must remain uncut;

(II) Trees 12-inches and greater dbh may be harvested based on the following equation: Number of Trees harvested = (Total number of trees greater than 12-inches dbh - 5) / 2;

(III) No trees less than 12-inches dbh can be harvested unless exceptions provided in this Rule are met;

(IV) Trees may not be harvested more frequently than every 10 years; and

(V) No tracked or wheeled equipment are allowed.

(C) Horticulture or silvicultural practices to maintain the health of individual trees;

(D) Removal of individual trees which are in danger of causing damage to dwellings, other structures or the stream channel;

(E) Removal of dead trees and other timber cutting techniques necessary to prevent extensive pest or disease infestation if recommended by the Director, Division of Forest Resources and approved by the Director, Division of Water Quality; and

(F) Ongoing agricultural operations provided that existing forest vegetation is protected.

(iii) The following practices are not allowed in Zone 1:

(A) Land-disturbing activities and placement of fill and other materials, other than those allowed in Items (2) and (3)(a)(ii) of this Rule, that would disturb forest vegetation, as defined in Rule .0202 of this Section;

(B) New development, except as provided in Sub-Items (2)(d), (2)(e) and (2)(f) of this Rule;

(C) New on-site sanitary sewage systems which use ground adsorption;

(D) The application of fertilizer; and

(E) Any activity that threatens the health and function of the vegetation including, but not limited to, application of chemicals in amounts exceeding the manufacturer's recommended rate, uncontrolled sediment sources on adjacent lands, and the creation of any areas with bare soil.

(b) Vegetation in Zone 2 shall consist of a dense ground cover composed of herbaceous or woody species which provides for diffusion and infiltration of runoff and filtering of pollutants.

(i) Location of Zone 2: Zone 2 begins at the outer edge of Zone 1 and extends landward a minimum of 20 feet as measured horizontally on a line perpendicular to the waterbody. The combined minimum width of Zones 1 and 2 shall be 50 feet on all sides of the waterbody.

(ii) The following practices and activities are allowed in Zone 2 in addition to those allowed in Zone 1:

(A) Periodic mowing and removal of plant products such as timber, nuts, and fruit is allowed on a periodic basis provided the intended purpose of the riparian area is not compromised by harvesting, disturbance, or loss of forest or herbaceous ground cover; and

(B) Forest vegetation in Zone 2 may be managed to minimize shading on adjacent land outside the riparian area if the water quality function of the riparian area is not compromised.

(iii) The following practices and activities are not allowed in Zone 2:

(A) Land disturbing activities and placement of fill and other materials, other than those allowed in Items (2) and (3)(b)(ii) of this Rule;

(B) New development, except as provided in Sub-Items (2)(e) and (2)(f) of this Rule;

(C) New on-site sanitary sewage systems which use ground adsorption;

(D) The application of fertilizer; and

(E) Any activity that threatens the health and function of the

vegetation including, but not limited to, application of chemicals in amounts exceeding the manufacturer's recommended rate, uncontrolled sediment sources on adjacent lands, and the creation of any areas with bare soil.

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

(d) Maintenance of sheet flow in Zones 1 and 2 is required in accordance with this Item.

(i) Sheet flow must be maintained to the maximum extent practical through dispersing concentrated flow and/or re-establishment of vegetation to maintain the effectiveness of the riparian area.

(ii) Concentrated runoff from new ditches or manmade conveyances must be dispersed into sheet flow before the runoff enters Zone 2 of the riparian area. Existing ditches and manmade conveyances, as specified in Sub-Item (2)(a) of this Rule, are exempt from this requirement; however, care should be taken to minimize pollutant loading through these existing ditches and manmade conveyances from fertilizer application or erosion.

(iii) Periodic corrective action to restore sheet flow should be taken by the landowner if necessary to impede the formation of erosion gullies which allow concentrated flow to bypass treatment in the riparian area.

(e) Periodic maintenance of modified natural streams such as canals is allowed provided that disturbance is minimized and the structure and function of the riparian area is not compromised. A grassed travelway is allowed on one side of the waterbody when alternative forms of maintenance access are not practical. The width and specifications of the travelway shall be only that needed for equipment access and operation. The travelway shall be located to maximize stream shading.

(4) Where the standards and management requirements for riparian areas are in conflict with other laws, regulations, and permits regarding streams, steep slopes, erodible soils, wetlands, floodplains, forest harvesting, surface mining, land disturbance activities, or other environmental protection areas, the more protective shall apply.

(5) Where application of this Rule would prevent all reasonable uses of a lot platted and recorded prior to the effective date of this Rule, a variance may be granted by the Environmental Management Commission if it finds that:

(a) practical difficulties or unnecessary hardships would result in strict application of the Rule;

(b) such difficulties or hardships result from conditions which are peculiar to the property involved; and

(c) the general purpose and intent of the Rule would be preserved, water quality would be protected and substantial justice would be done if the variance were granted.

Authority G.S. 143-214.1; 143-214.5; 143-215.3(a)(1).

.0251 RANDLEMAN LAKE WATER SUPPLY WATERSHED: STORMWATER REQUIREMENTS

The following is the urban stormwater management strategy for the Randleman Lake water supply watershed:

(1) All local governments that have land use authority within the Randleman Lake water supply watershed shall comply with stormwater management requirements as outlined in this Rule.

(2) Within 270 days of the effective date of this Rule, the affected jurisdictions, in coordination with the Piedmont Triad Regional Water Authority, shall submit local water supply ordinances to the Environmental Management Commission for approval. The ordinances shall at least meet the state's minimum guidelines for a WS-IV classification as specified in 15A NCAC 2B .0104, .0202 and .0216, except that the following elements in this Rule for the Randleman watershed shall replace the nonpoint source requirements in 15A NCAC 2B .0216(3)(b):

(a) The local ordinances will provide for review and approval of stormwater management plans for new developments to ensure that the following conditions can be met:

(i) Stormwater pollution control criteria for watershed outside of critical area:

(A) Low Density Option: For each development project, development density must be limited to either no more than one dwelling unit per acre of single family detached residential development (or 40,000 square foot lot excluding roadway right-of-way) or 12 percent built-upon area for all other residential and non-residential development. Stormwater runoff shall be transported primarily by vegetated conveyances. Conveyance system shall not

include a discrete stormwater collection system as defined in Rule 15A NCAC 2B .0202.

(B) High Density Option: If new development exceeds the low density option requirements as stated in Sub-Item (2)(a)(i) of this Rule, then engineered stormwater controls must be used to control runoff from the first inch of rainfall. Engineering controls may consist of wet detention ponds designed in accordance with 15A NCAC 2H .1000 or alternative stormwater management systems consisting of other treatment options, or a combination of options, that are approved by the Director of the Division of Water Quality in accordance with 15A NCAC 2B .0104(g). New residential and non residential development shall not exceed 50 percent built-upon area.

(C) Cluster development shall be allowed on a project-by-project basis as follows:

(I) overall density of the project meets associated density or stormwater control requirements of this Section;

(II) buffers meet the minimum statewide water supply watershed protection requirements;

(III) built-upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas;

(IV) areas of concentrated development are located in upland areas and away, to the maximum extent practicable, from surface waters and drainageways;

(V) remainder of tract to remain in vegetated or natural state by utilization of one of the methods provided in Sub-Item (2)(a)(i)(D)(VI) of this Rule;

(VI) area in the vegetated or natural state may be conveyed to a property owners association; a local government for preservation as a park or greenway; a conservation organization; or placed in a permanent conservation or farmland preservation easement;

(VII) a maintenance agreement for the vegetated or natural area shall be filed with the Register of Deeds; and

(VIII) cluster development that meets the applicable low density option requirements shall transport stormwater runoff from the development by vegetated conveyances to the maximum extent practicable;

(D) If local governments choose the high density development option which requires engineered stormwater controls, then they shall assume ultimate responsibility for operation and maintenance of the required controls as outlined in Rule .0104 of this Subchapter;

(E) Impervious cover should be minimized to the maximum extent practical through clustering, narrower and shorter paved areas (streets, driveways, sidewalks, cul-de-sacs, and parking lots), spreading rooftop and other impervious area runoff over pervious areas. Land clearing during the construction process should be limited to the maximum extent practical. The local government permit shall require recorded deed restrictions and protective covenants to ensure development activities maintain the development consistent with the plans and specifications approved by the

local governments;

(F) The project is in compliance with the riparian area protection requirements as specified in 15A NCAC 2B .0250 (Randleman Lake riparian area rule);

(G) No new development shall be allowed within 50 feet of waters affected by the Randleman riparian area rule 15A NCAC 2B .0250;

(H) New development meeting the high density option shall be located at least 100 feet from perennial waters as identified on topo or soil survey maps; however, within the area between 50 and 100 feet adjacent to the perennial water body, water dependent structures, or other structures, such as flag poles, signs and security lights, which result in only diminimus increases in impervious area and public projects such as road crossings and greenways may be allowed where no practicable alternative exists; these activities shall minimize built-upon surface area, divert runoff away from surface waters and maximize the utilization of BMPs;

(ii) Stormwater pollution control criteria for critical areas of the watershed:

(A) Low Density Option: Development density must be limited to either no more than one dwelling unit per two acres of single family detached residential development (or 80,000 square foot lot excluding roadway right-of-way) or six percent built-upon area for all other residential and non-residential development. Stormwater runoff shall be transported primarily by vegetated conveyances to the maximum extent practicable.

(B) High Density Option: If new development exceeds the low density option requirements as stated in Sub-Item (2)(a)(ii) of this Rule, then engineered stormwater controls must be used to control runoff from the first inch of rainfall. New residential and non residential development shall not exceed 30 percent built-upon area;

(C) No new permitted sites for land application of residuals or petroleum contaminated soils shall be allowed;

(D) No new landfills shall be allowed;

(E) Sub-Items (2)(a)(C)-(H) of this Rule also apply to the critical area.

(b) Complete a comprehensive stormwater management planning effort that includes the following elements:

(i) Evaluation of existing land use within Oak Hollow Lake subwatershed, High Point Lake subwatershed and Deep River 1 subwatershed in the Randleman Lake water supply watershed so that overall built-upon area (for existing and future development) for each subwatershed is minimized and high intensity land uses are targeted away from surface waters and sensitive areas. Oak Hollow Lake subwatershed is defined as all land areas draining to Oak Hollow Lake. High Point Lake subwatershed is defined as all land areas draining to High Point Lake, East Fork Deep River and West Fork Deep Lake from Oak Hollow Lake. Deep River 1 subwatershed is defined as all land areas draining to the Deep River from High Point Lake to Freeman Mill Dam;

(ii) Coordination between all affected jurisdictions to encourage their development in the existing urban areas. Areas of contiguous open space shall be protected through conservation easements or other long-term protection measures. Infrastructure growth shall be guided towards existing urban development corridors rather than to rural lands; and

(iii) Evaluation of existing ordinances, municipal programs (maintenance, street cleaning, etc.) and other local policies to identify opportunities for stormwater quality improvements including reducing the amount of built-upon area that is required for uses such as parking, building setbacks, road widths and cul-de-sacs. Consider development options such as multiple story buildings, mixed use to encourage pedestrian travel and mass transit. Identify municipal activities and procedures that may be modified to allow for stormwater

pollution prevention opportunities.

(c) Implementation of watershed protection public education programs;

(d) Identification and removal of illegal discharges; and

(e) Identification of suitable locations for potential stormwater retrofits (such as riparian areas) that could be funded by various sources.

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

(4) If a local government fails to submit an acceptable local stormwater management program plan within the time frames established in this Rule or fails to properly implement an approved plan, then stormwater management requirements for existing and new urban areas within its jurisdiction will be administered through the NPDES municipal stormwater permitting program per 15A NCAC 2H .0126 which will include at a minimum:

(a) Subject local governments will be required to develop and implement comprehensive stormwater management programs for both existing and new development.

(b) These stormwater management programs shall provide all components that are required of local government stormwater programs in Item (2)(a)-(e) of this Rule.

(c) Local governments that are subject to an NPDES permit shall be covered by the permit for at least one permitting cycle (five years) before they are eligible to submit a revised local stormwater management component of their water supply watershed protection program for consideration and approval by the EMC.

Authority G.S. 143-214.1; 143-214.5; 143-215.3(a)(1).

SECTION .0300 - ASSIGNMENT OF STREAM CLASSIFICATIONS

.0311 CAPE FEAR RIVER BASIN

(a) Places where the schedules may be inspected:

(1) Clerk of Court:
Alamance County
Bladen County
Brunswick County
Caswell County
Chatham County
Columbus County
Cumberland County
Duplin County
Durham County
Forsyth County
Guilford County
Harnett County
Hoke County
Lee County
Montgomery County
Moore County
New Hanover County
Onslow County
Orange County
Pender County
Randolph County
Rockingham County
Sampson County
Wake County
Wayne County

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

(A) Winston-Salem Regional Office
8025 North Point Boulevard, Suite 100
Winston-Salem, North Carolina

(B) Fayetteville Regional Office
Wachovia Building
Suite 714
Fayetteville, North Carolina

(C) Raleigh Regional Office
3800 Barrett Drive
Raleigh, North Carolina

(D) Washington Regional Office
1424 Carolina Avenue
Washington, North Carolina

(E) Wilmington Regional Office
127 Cardinal Drive Extension
Wilmington, North Carolina

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

(1) March 1, 1977;
(2) December 13, 1979;
(3) December 14, 1980;
(4) August 9, 1981;
(5) April 1, 1982;
(6) December 1, 1983;
(7) January 1, 1985;
(8) August 1, 1985;
(9) December 1, 1985;
(10) February 1, 1986;
(11) July 1, 1987;
(12) October 1, 1987;
(13) March 1, 1988;
(14) June 1, 1988;
(15) July 1, 1988;
(16) January 1, 1990;
(17) August 1, 1990;
(18) August 3, 1992;
(19) September 1, 1994;
(20) August 1, 1998;
(21) April 1, 1999.

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

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

(2) Morgan Creek [Index No. 16-41-1-(1)] to the University Lake dam including University Lake and all tributaries has been reclassified from Class WS-III to WS-I.

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

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

(1) Intracoastal Waterway (Index No. 18-87) from southern edge of White Oak River Basin to western end of Permuda Island (a line from Morris Landing to Atlantic Ocean), from the eastern mouth of Old Topsail Creek to the southwestern shore of Howe Creek and from the southwest mouth of Shinn Creek to channel marker No. 153 including all tributaries except the King Creek Restricted Area, Hardison Creek, Old Topsail Creek, Mill Creek, Futch Creek and Pages Creek were reclassified from Class SA to Class SA ORW.

(2) Topsail Sound and Middle Sound ORW Area which includes all waters between the Barrier Islands and the Intracoastal Waterway located between a line running from the western most shore of Mason Inlet to the southwestern shore of Howe Creek and a line running from the western shore of New Topsail Inlet to the eastern mouth of Old Topsail Creek was reclassified from Class SA to Class SA ORW.

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

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

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

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

(1) The Black River from its source to the Cape Fear River [Index Nos. 18-68-(0.5), 18-68-(3.5) and 18-65-(11.5)] was reclassified from Classes C Sw and C Sw HQW to Class C Sw ORW.

(2) The South River from Big Swamp to the Black River [Index Nos. 18-68-12-(0.5) and 18-68-12(11.5)] was reclassified from Classes C Sw and C Sw HQW to Class C Sw ORW.

(3) Six Runs Creek from Quewhiffle Swamp to the Black River [Index No. 18-68-2] was reclassified from Class C Sw to Class C Sw ORW.

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

(j) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective August 1, 1998 with the reclassification of Deep River and Cape Fear WS-IV Protected Areas. The Protected Areas were reduced in size.

(k) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective April 1, 1999 with the reclassification of Buckhorn Creek (Harris Lake)[Index No. 18-7-(3)] from the backwaters of Harris Lake to the Dam at Harris Lake from Class C to Class WS-V.

(l) The Schedule of Classifications and Water Quality Standards for the Cape Fear River Basin was amended effective April 1, 1999 with the reclassification of the Deep River from source to the dam at Oakdale-Cotton Mills, Inc., including tributaries, from Classes WS-IV and WS-IV CA to WS-IV NSW and WS-IV CA NSW. Also, a portion of the Deep River [Index No. 17-(4)] from the dam at Oakdale-Cotton Mills, Inc. to the dam at Randleman Reservoir (located 1.6 mile upstream of U.S. Hwy 220 Business), and including tributaries, is reclassified from Class C and Class B to Class WS-IV NSW and Class WS-IV & B NSW. Streams within the Randleman Reservoir Critical Area have been reclassified to WS-IV CA NSW.

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

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Notice is hereby given in accordance with G.S. 150B-21.2 that the Radiation Protection Commission intends to adopt the rules cited as 15A NCAC 11 .0359-.0362, .0524-.0525,

.1653; and amend the rules cited as 15A NCAC 11 .0104, .0111, .0117, .0305, .0317- .0318, .0321, .0323, .0339, .0353, .0502-.0503, .0506-.0513, .0515-.0517, .0520-.0523, .0702-.0703, .1003, .1633, .1635, .1647. Notice of Rule-making Proceedings was published in the Register on May 15, 1998.

Proposed Effective Date: *April 1, 1999*

A Public Hearing *will be conducted at 2:00 p.m. and 7:00 p.m. on September 1, 1998 at the Division of Radiation Protection, 3825 Barrett Drive, Room 101, Raleigh, NC 27609-7221.*

Reason for Proposed Action: *The Division of Radiation Protection is an agreement state with the US Nuclear Regulatory Commission. The Division's rules must be compatible with the US 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 September 14, 1998.*

Fiscal Note: *This Rule, 15A NCAC 11 .0353 affects the expenditure or distribution of State funds subject to the Executive Budget Act, Article 1 of Chapter 143. This Rule does not have a substantial economic impact of at least five million dollars ($5,000,000) in a 12-month period.*

Fiscal Note: *These Rules, 15 NCAC 11 .0104, .0111, .0117, .0305, .0317-.0318, .0321, .0323, .0339, .0359-.0362, .0502-.0503, .0506-.0513, .0515-.0517, .0520-.0525, .0702-.0703, .1003, .1633, .1635, .1647, .1653, 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 and Natural 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~~ an 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 either:

(a) at intervals not to exceed 12 consecutive ~~months.~~ months; or

(b) once per year at the same time each year (completed during the same month each year over a period of multiple years).

(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.~~ devices or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee or registrant. "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

Class	Clearance half-time
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 ($H_{E,50} = \Sigma\ w_T H_{T,50}$).

(24) "Constraint (dose constraint)" means a value above which specified licensee actions are required.

(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.

(26) "Critical group" means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.

~~(26)~~(27) "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.

~~(27)~~(28) "Declared pregnant woman" means a woman who has voluntarily informed her employer, in writing, of her pregnancy and the estimated date of conception.

~~(28)~~(29) "Decommission" means to remove (as a facility) safely from service and reduce residual radioactivity to a level that permits release of the property for either unrestricted use and termination of the ~~license.~~ license or for restricted use and termination of the license.

~~(29)~~(30) "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).

~~(30)~~(31) "Department" means the North Carolina Department of Environment and Natural Resources.

~~(31)~~(32) "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.

~~(32)~~(33) "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).

~~(33)~~(34) "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).

~~(34)~~(35) "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.

(36) "Distinguishable from Background" means that the detectable concentration of a radionuclide is statistically different from the background concentration of that radionuclide in the vicinity of the site or, in the case of structures, in similar materials using adequate measurement technology, survey and statistical techniques.

~~(35)~~(37) "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.

~~(36)~~(38) "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).

~~(37)~~(39) "Dose limits" (see "Limits" defined in this Rule).

~~(38)~~(40) "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.

~~(39)~~(41) "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 ($H_E = \Sigma w_T H_T$).

~~(40)~~(42) "Embryo/fetus" means the developing human organism from conception until the time of birth.

~~(41)~~(43) "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.

~~(42)~~(44) "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.

~~(43)~~(45) "Exposure" means being exposed to ionizing radiation or to radioactive material.

~~(44)~~(46) "Exposure rate" means the exposure per unit of time, such as R/min and mR/h.

~~(45)~~(47) "External dose" means that portion of the dose equivalent received from radiation sources outside the body.

~~(46)~~(48) "Extremity" means hand, elbow, arm, arm below the elbow, foot, knee, or leg below the knee.

~~(47)~~(49) "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/cm^2).

~~(48)~~(50) "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.

~~(49)~~(51) "Gray" (Gy) is the SI unit of absorbed dose. One gray is equal to an absorbed dose of one joule/kilogram (100 rads).

~~(50)~~(52) "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.

~~(51)~~(53) "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.

~~(52)~~(54) "Human use" means the internal or external administration of radiation or radioactive materials to human beings.

~~(53)~~(55) "Individual" means any human being.

~~(54)~~(56) "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.

~~(55)~~(57) "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.

~~(56)~~(58) "Inhalation class" (see "Class" defined in this Rule).

~~(57)~~(59) "Inspection" means an official examination or observation to determine compliance with rules, orders, requirements and conditions of the agency or

the Commission.

~~(58)~~(60) "Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

~~(59)~~(61) "License", except where otherwise specified, means a license issued pursuant to Section .0300 of this Chapter.

~~(60)~~(62) "Licensee" means any person who is licensed by the agency pursuant to Section .0300 of this Chapter.

~~(61)~~(63) "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).

~~(62)~~(64) "Limits" or "dose limits" means the permissible upper bounds of radiation doses.

~~(63)~~(65) "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.

~~(64)~~(66) "Lung class" (see "Class" as defined in this Rule).

(67) "Medical use" means the intentional internal or external administration of radioactive material or the radiation therefrom to patients or human research subjects under the supervision of an authorized user.

~~(65)~~(68) "Member of the public" means any individual except when that individual is receiving an occupational dose.

~~(66)~~(69) "Minor" means an individual less than 18 years of age.

~~(67)~~(70) "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.

~~(68)~~(71) "Mobile nuclear medicine service" means the transportation and medical use of radioactive material.

~~(69)~~(72) "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.

~~(70)~~(73) "Natural radioactivity" means radioactivity of naturally occurring nuclides.

~~(71)~~(74) "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).

~~(72)~~(75) "NRC" means the United States Nuclear Regulatory Commission or its duly authorized representatives.

~~(73)~~(76) "Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or radioactive 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.

~~(74)~~(77) "Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons, or other charged particles.

~~(75)~~(78) "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.

~~(76)~~(79) "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.

~~(77)~~(80) "Pharmacist" means an individual licensed by this state to compound and dispense drugs, prescriptions and poisons.

~~(78)~~(81) "Physician" means an individual currently licensed to practice medicine in this state.

~~(79)~~(82) "Planned special exposure" means an infrequent exposure to radiation, separate from and in addition to the annual dose limits.

~~(80)~~(83) "Prescribed dosage" means the quantity of radiopharmaceutical activity documented in a written directive by an authorized user.

~~(81)~~(84) "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.

~~(82)~~(85) "Public dose" means the dose received by a member of the public from exposure to radiation or radioactive material released by a licensee or registrant, or to another source of radiation within a licensee's or registrant's 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.

~~(83)~~(86) "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.

~~(84)~~(87) "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.

(88) "Quarterly" means either:

(a) at intervals not to exceed 13 weeks; or

(b) once per 13 weeks at about the same time during each 13 week period [(completed during the same month of the quarter (first month, second month or third month)] each quarter over a time period of several quarters.

~~(85)~~(89) "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).

~~(86)~~(90) "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.

~~(87)~~(91) "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.

~~(88)~~(92) "Radiation dose" means dose.

~~(89)~~(93) "Radiation machine" means any device capable of producing radiation except devices which produce radiation only from radioactive material.

~~(90)~~(94) "Radiation safety officer" means one who has the knowledge and responsibility to apply appropriate radiation protection rules.

~~(91)~~(95) "Radioactive material" means any material, solid, liquid, or gas, which emits radiation spontaneously.

~~(92)~~(96) "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.

~~(93)~~(97) "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.

~~(94)~~(98) "Radioactivity" means the disintegration of unstable atomic nuclei by emission of radiation.

~~(95)~~(99) "Radiobioassay" means bioassay.

~~(96)~~(100) "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 ~~137(a)(i)~~ (145)(a)(i) and ~~137(b)-(f)~~ (145)(b)-(f) of this Rule;

(b) a radiopharmaceutical or radiation from a licensed source where a written directive is required by Sub-items ~~137(a)(i)~~ (145)(a)(i) and ~~137(b)-(f)~~ (145)(b)-(f) of this Rule without recording each administered radiopharmaceutical dosage or radiation dose 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.

~~(97)~~(101) "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.

~~(98)~~(102) "Registrant" means any person who is registered with the agency as required by provisions of these Rules or the Act.

~~(99)~~(103) "Registration" means registration with the agency in accordance with these Rules.

~~(100)~~(104) "Regulations of the U.S. Department of Transportation" means the regulations in 49 CFR Parts 100-189.

~~(101)~~(105) "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

TYPE OF RADIATION	Quality Factor Q	Absorbed Dose Equal to a Unit Dose Equivalent[a]
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

[a]Absorbed 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

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

~~(102)~~(106) "Research and development" means:

(a) theoretical analysis, exploration, or experimentation; or

(b) the extension of investigative findings and theories of a scientific or technical nature into ~~(103)~~(108) practical application for experimental and demonstration purposes, including the experimental production and testing of models, ~~(104)~~(109) devices, equipment, materials, and processes.

Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

(107) "Residual radioactivity" means radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the ~~(105)~~(110) licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes ~~(106)~~(111) radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if the burials were made in accordance with the provisions of Section .1600 of this Chapter.

"Respiratory protective device" means an apparatus, such as a respirator, used to reduce the individual's intake of airborne radioactive materials.

"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.

"Roentgen" (R) means the special unit of exposure. One roentgen equals 2.58×10^{-4} coulombs/kilogram of air.

"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.

~~(107)~~(112) "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.

(113) "Semiannually" means either:

(a) at intervals not to exceed six months; or

(b) once per six months at about the same time during each six month period (completed during the sixth month of each six month period over multiple six month periods).

~~(108)~~(114) "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 ~~(115)~~(121) square centimeter.

~~(109)~~(115) "SI unit" means a unit of measure from the International System of Units as established by the General Conference of Weights and Measures.

~~(110)~~(116) "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 Sv = 100 rems).

~~(111)~~(117) "Site boundary" means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee or registrant. ~~(116)~~(122)

~~(112)~~(118) "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.

~~(113)~~(119) "Source of radiation" means any radioactive material, or any device or equipment emitting or capable of producing radiation.

~~(114)~~(120) "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 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 U.S.C. 2D11 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:

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

~~(117)~~(123) "State" means the State of North Carolina.

~~(118)~~(124) "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 ~~(120)~~(126) effects and cancer incidence are examples of (127) stochastic effects.

~~(119)~~(125) "Survey" means an evaluation of the radiological conditions and potential hazards incident to the ~~(121)~~(128) production, use, transfer, release, disposal, or presence of sources of radiation. When appropriate, such an evaluation includes a physical survey of the 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.

"To the extent practicable" means to the extent feasible or capable of being done or carried out with reasonable effort.

"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).

~~(122)~~(129) "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 .0102(a).

~~(123)~~(130) "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. ~~(128)~~(136)

(131) "Unit dosage" means a dosage intended for medical use in an individual that has been obtained from a ~~(129)~~(137) manufacturer or preparer licensed pursuant to 10 CFR 32.72 or equivalent agreement state requirements. ~~(130)~~(138)

~~(124)~~(132) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, ~~(131)~~(139) roasting, beneficiating, or refining.

~~(125)~~(133) "Unrestricted area" means an area, access to which is ~~(132)~~(140) neither limited nor controlled by the licensee or registrant.

~~(126)~~(134) "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).

"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.

"Waste, Class A" is defined in Rule .1650 of this Chapter.

"Waste, Class B" is defined in Rule .1650 of this Chapter.

"Waste, Class C" is defined in Rule .1650 of this Chapter.

"Week" means seven consecutive days starting on Sunday.

"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]
Whole body	1.00[b]

[a] 0.30 results from 0.06 for each of 5 "remainder" organs (excluding the skin and the lens of the eye) that receive t 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.~~

~~(133)~~(141) "Whole body" means, for purposes of external exposure, head, trunk (including male gonads), arms above the elbow, or legs above the knee.

~~(134)~~(142) "Worker" means an individual engaged in work under ~~(136)~~(144) a license or registration issued by the agency and controlled by a licensee or registrant, but does not ~~(137)~~(145) include the licensee or registrant.

~~(135)~~(143) "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.

~~(138)~~(146) "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).

.0111 COMMUNICATIONS

(a) Except as provided in Paragraph (b) of this Rule, all communications and reports concerning these Rules, and applications filed thereunder, shall be mailed to the agency at Division of Radiation Protection, ~~P.O. Box 27687,~~ 3825 Barrett Drive, Raleigh, North Carolina ~~27611-7687~~ 27609-7221 or delivered to the agency at its office located at ~~3825 Barrett Drive, Raleigh, North Carolina 27609-7221.~~ the same address.

(b) Except as specifically instructed otherwise by the agency, immediate telephone notification and reports required by the rules in this Chapter shall be directed to (919) 571-4141 from 8:00 a.m. to 5:30 p.m. on workdays.

Authority G.S. 104E-7.

.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~~ B, Appendix ~~C~~ C, and Appendix G to 10 CFR Parts 20.1001 - 20.2401;
(2) 10 CFR Part 31, 10 CFR Part 32, 10 CFR Part 35.910, 35.920, 35.930, 35.932, 35.934, 35.940, 35.941, 35.950, 35.960, 35.970, 35.971, 35.972, 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~~ N432-1980 "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 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~~ N432-1980 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

.0305 EXEMPT ITEM CONTAINING OTHER THAN SOURCE MATERIAL

(a) Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from the rules of this Chapter may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(b) Certain items containing radioactive material are exempt as provided in this Paragraph.

(1) Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products, any person is exempt from the rules of this Chapter to the extent that he receives, possesses, uses, transfers, owns, or acquires the following products:

(A) timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified levels of radiation:

(i) 25 millicuries of tritium per timepiece;

(ii) five millicuries of tritium per hand;

(iii) 15 millicuries of tritium per dial (bezels when used shall be considered as part of the dial);

(iv) 100 microcuries of promethium-147 per watch or 200 microcuries of promethium-147 per any other timepiece;

(v) 20 microcuries of promethium-147 per watch hand or 40 microcuries of promethium-147 per other timepiece hand;

(vi) 60 microcuries of promethium-147 per watch dial or 120 microcuries of promethium-147 per other timepiece dial (bezels when used shall be considered as part of the dial);

(vii) the levels of radiation from hands and dials containing promethium-147 will not exceed, when measured through 50 milligrams per square centimeter of absorber:

(I) for wrist watches, 0.1 millirad per hour at 10 centimeters from

any surface;

(II) for pocket watches, 0.1 millirad per hour at one centimeter from any surface;

(III) for any other timepiece, 0.2 millirad per hour at 10 centimeters from any surface.

(B) lock illuminators containing not more than 15 millicuries of tritium or not more than two millicuries of promethium-147 installed in automobile locks (the levels of radiation from each lock illuminator containing promethium-147 shall not exceed one millirad per hour at one centimeter from any surface when measured through 50 milligrams per square centimeter of absorber);

(C) balances of precision containing not more than one millicurie of tritium per balance or not more than 0.5 millicurie of tritium per balance part;

(D) automobile shift quadrants containing not more than 25 millicuries of tritium;

(E) marine compasses containing not more than 750 millicuries of tritium gas and other marine navigational instruments containing not more than 250 millicuries of tritium gas;

(F) thermostat dials and pointers containing not more than 25 millicuries of tritium per thermostat;

(G) electron tubes, provided that each tube does not contain more than one of the following specified quantities of radioactive material:

(i) 150 millicuries of tritium per microwave receiver protector tube or 10 millicuries of tritium per any other electron tube;

(ii) one microcurie of cobalt-60;

(iii) five microcuries of nickel-63;

(iv) 30 microcuries of krypton-85;

(v) five microcuries of cesium-137;

(vi) 30 microcuries of promethium-147; and provided further, that the levels of radiation from each electron tube containing radioactive material does not exceed one millirad per hour at one centimeter from any surface when measured through seven milligrams per square centimeter of absorber (for purposes of this Subparagraph, "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pickup tubes, radiation detection tubes and any other completely sealed tube that is designed to conduct or control electrical currents);

(H) ionizing radiation measuring instruments containing for purposes of internal calibration or standardization, sources of radioactive material each not exceeding the applicable quantity set forth in Rule .0304(e) of this Section.

(I) spark gap irradiation containing not more than one microcurie of cobalt-60 per spark gap irradiator for use in electrically ignited fuel oil burners having a firing rate of at least three gallons (11.4 liters) per hour.

(2) For purposes of Part (b)(1)(H) of this Rule, where there is involved a combination of radionuclides, the limit for the combination shall be derived as follows:

(A) Determine for each radionuclide in an ionizing radiation measuring instrument the ratio between the quantity present in the instrument and the exempt quantity established in Rule .0304(e) of this Section for the specific radionuclide when not in combination;

(B) No ratio shall exceed one and the sum of such ratios shall not exceed 10.

(C) For the purpose of Part (b)(1)(H) 0.05 microcurie of americium-241 is considered an exempt quantity under Rule .0304 of this Section.

(c) Self-luminous products are exempt as provided in this Paragraph.

(1) Except for persons who manufacture, process, or produce self-luminous products containing tritium, krypton-85, or promethium-147, any person is exempt from the rules of this Chapter to the extent that any person receives, possesses, uses, transfers, owns, or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, imported, or transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to Section 32.22 of 10 CFR Part 32, which license authorizes the transfer of the product to persons who are exempt from regulatory requirements.

(2) The exemption in Subparagraph (c)(1) of this Rule does not apply to tritium, krypton-85, or promethium-147 used in products for frivolous purposes or in toys or adornments.

(d) Gas and aerosol detectors are exempt as provided in this Paragraph.

(1) Except for persons who manufacture, process, or produce gas and aerosol detectors containing radioactive material, any person is exempt from the rules of this Chapter to the extent that any person receives, possesses, uses, transfers, owns or acquires radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards provided that detectors containing radioactive material shall be manufactured, imported, or transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or any agreement state, pursuant to Section 32.26 of 10 CFR 32, or equivalent, which authorizes the transfer

of the detectors to persons who are exempt from regulatory requirements.

(2) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an agreement state shall be considered exempt under Subparagraph (d)(1) of this Rule, provided that the devices are labeled in accordance with the specific license authorizing distribution of the general licensed device, and providing further that the devices meet the requirements of Rule .0327 of this Section.

(e) Resins containing scandium-46 are exempt as provided in this Paragraph.

(1) Any person is exempt from these Rules to the extent that such person receives, possesses, uses, transfers, owns or acquires synthetic plastic resins containing scandium-46 which are designed for sand consolidation in oil wells. These resins shall be manufactured or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or shall be manufactured in accordance with the specifications contained in a specific license issued by the agency or any agreement state to the manufacturer of such resins pursuant to licensing requirements equivalent to those in Sections 32.16 and 32.17 of 10 CFR Part 32 of the regulations of the U.S. Nuclear Regulatory Commission.

(2) This exemption does not authorize the manufacture of any resins containing scandium-46.

(f) Capsules containing Carbon-14 urea for "in-vivo" diagnostic use for humans are exempt as provided in this Paragraph:

(1) Except as provided in Subparagraphs (2) and (3) of this Paragraph, any person is exempt from the requirements for a license set forth in this Section provided that such person receives, possesses, uses, transfers, owns or acquires capsules containing approximately one microcurie (37kBq) Carbon-14 urea each for "in-vivo_ diagnostic use for humans.

(2) Any person who desires to use the capsules for research involving human subjects shall apply for and receive a specific license from the agency.

(3) Any person who desires to manufacture, prepare, process, produce, package, repackage, or transfer for commercial distribution such capsules shall apply for and receive a specific license from the U.S. Nuclear Regulatory Commission.

(4) Nothing in this Rule relieves persons from complying with applicable FDA and other federal regulations, and North Carolina requirements governing the receipt, administration, and use of drugs.

Authority G.S. 104E-7; 104E-10(b); 104E-20.

.0317 SPECIFIC LICENSES: FILING APPLICATION AND GENERAL REQUIREMENT

(a) Applications for specific licenses shall be filed on an agency form. Completed applications shall include the following information and other information required by the agency form:

(1) name, address and use location of the applicant;

(2) training and experience of radioactive material users and of the person responsible for radiation protection;

(3) types, quantities and uses of radioactive materials;

(4) description of facilities, equipment and safety program;

(5) procedures for disposal of radioactive ~~material.~~ material; and

(6) how facility design and procedures for operation will minimize, to the extent practical, contamination of the facility and the environment, facilitate eventual decommissioning, and minimize, to the extent practical, the generation of radioactive waste.

(b) The agency may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the agency to determine whether the application should be granted or denied or whether a license should be modified or revoked.

(c) Each application shall be signed by the applicant or licensee or a person duly authorized to act on his behalf.

(d) An application for a license may include a request for a license authorizing one or more activities.

(e) Applications and documents submitted to the agency may be made available for public inspection except as may be determined otherwise by the agency pursuant to the provisions of G.S. 104E-9(4).

(f) A license application ~~will~~ shall be approved if the agency determines that:

(1) the applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these Rules in such a manner as to minimize danger to public health and safety or property;

(2) the applicant's proposed equipment, facilities, and procedures are adequate to protect public health from radiation hazards and minimize radiological danger to life or property;

(3) the issuance of the license will not be inimical to the health and safety of the public; and

(4) the applicant satisfies any applicable special requirements in Rules .0318 to .0336 of this Section.

(g) As provided by Rule .0353 of this Section, certain applications for specific licenses filed under this Section must contain a proposed decommissioning funding plan or a certification of financial assurance for decommissioning. In the case of renewal applications submitted before the effective date of this Rule, this submittal may follow the renewal application but must be submitted on or before the effective date of this Rule.

Authority G.S. 104E-7; 104E-10(b); 104E-12; 104E-18.

.0318 SPECIFIC LICENSES: GENERAL REQUIREMENTS FOR HUMAN USE

(a) License required:

(1) A person shall not manufacture, produce, acquire, receive, possess, use or transfer radioactive material for medical use except in accordance with a specific license issued by the agency or as allowed pursuant to Subparagraphs (a)(2) and (a)(3) of this Rule.

(2) An individual may receive, possess, use, or transfer radioactive material in accordance with the rules of this Section under the supervision of an authorized user as provided in this Section unless prohibited by license condition.

(3) An individual may prepare unsealed radioactive material for medical use in accordance with the rules of this Section under the supervision of a pharmacist who is an authorized user or physician who is an authorized user as provided in this Section unless prohibited by license condition.

~~(a)~~(b) A license application for human use of radioactive material ~~will~~ shall be approved if the agency determines that:

(1) The applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these Rules;

(2) The applicant's proposed equipment, facilities, and procedures are adequate to protect public health from radiation hazards and minimize radiological danger to life or property;

(3) The issuance of the license will not be inimical to the health and safety of the public;

(4) The following training and supervisory relationship are adhered to:

(A) the user of radioisotopes applied to humans for diagnostic, therapeutic, or investigational purposes shall be a physician authorized by a condition of a specific license, including a specific license of broad scope.

(B) ~~No~~ An authorized physician may delegate only to persons who are ~~not~~ physicians under the supervision of the authorized physician, the following:

(i) the approval of procedures involving the administration to patients of radiopharmaceuticals or the application to patients of radiation from radioisotope sources;

(ii) the prescription of the radiopharmaceutical or source of radiation and the dose or exposure to be administered;

(iii) the determination of the route of administration;

(iv) the interpretation of the results of diagnostic procedures in which radiopharmaceuticals are administered;

(C) The authorized physician shall review the work of the supervised individual as it pertains to the delegated work in Subparagraph (b)(4) of this Rule and the records kept reflecting that work.

(5) the applicant satisfies any applicable special requirements in Rules .0319 to .0322 of this Section.

~~(b)~~(c) Subject to the provisions of Subparagraph ~~(a)(4)~~ (b)(4) and Paragraphs ~~(c)~~ (d) to ~~(f)~~ (g) of this Rule, an authorized physician may permit technicians and other paramedic personnel to perform the following activities:

(1) preparation and quality control testing of radiopharmaceuticals and sources of radiation;

(2) measurement of radiopharmaceutical doses prior to administration;

(3) use of appropriate instrumentation for the collection of data to be used by the physician;

(4) administration of radiopharmaceuticals and radiation from radioisotope sources to patients.

~~(c)~~(d) Authorized physicians who permit activities to be performed by technicians and other paramedical personnel pursuant to Paragraph ~~(b)~~ (c) of this Rule shall:

(1) prior to giving permission, determine that the technicians and other paramedical personnel have been properly trained to perform their duties with specific training in the following subjects, as applicable to the duties assigned:

(A) general characteristics of radiation and radioactive materials;

(B) physical, chemical, and pharmaceutical characteristics of each radiopharmaceutical to be used;

(C) mathematics and calculations basic to the use and measurement of radioactivity, including units of radiation dose and radiation exposure;

(D) use of radiation instrumentation for measurements and monitoring including operating procedures, calibration of instruments, and limitations of instruments;

(E) principles and practices of radiation protection;

(F) additional training in the above subjects, as appropriate, when new duties are added.

(2) assure that the technicians and other paramedical personnel receive appropriate retraining in the subjects listed in Subparagraph ~~(c)(1)~~ (d)(1) of this Rule to maintain proficiency and to keep abreast of developments in the field of nuclear medical technology;

(3) keep records showing the bases for the determinations of proper training; ~~and~~

(4) retain responsibility as licensee or authorized user for the satisfactory performance of the ~~activities.~~ activites; and

(5) review the work of the supervised individual and the records kept reflecting that work.

~~(d)~~(e) Certification in nuclear medicine technology by the American Registry of Radiologic Technologists or in nuclear medical technology by the Registry of Medical Technologists of the American Society of Clinical Pathologists or the Society of Nuclear Medicine ~~will~~ shall be deemed to satisfy the training requirements in Subparagraphs ~~(c)(1)~~ (d)(1) and (2) of this Rule.

~~(e)~~(f) An applicant for a license or for amendment or renewal of a license shall state whether he desires to permit technicians or other paramedical personnel to perform activities pursuant to Paragraph ~~(b)~~ (c) of this Rule and, if so, shall include in his

application for license, license amendment, or license renewal a statement of the activities to be so performed and a description of an adequate program for training the personnel, including retraining as required to keep abreast of developments in technology, or for otherwise determining that the personnel are properly trained to perform their duties.

~~(f)~~(g) Whenever a technician or other paramedical person administers a radiopharmaceutical to a patient by injection, a physician shall be immediately accessible, but not necessarily a physician authorized by the agency to be a user of radioisotopes.

(h) A licensee that permits the preparation of radioactive material for medical use by an individual under the supervision of an authorized pharmacist as allowed by Subparagraph (a)(3) of this Rule shall:

(1) instruct the supervised individual in the preparation of radioactive material for medical use and the principles of and procedures for radiation safety and in the licensee's written quality management program, as appropriate to that individual's use of radioactive material;

(2) require the supervised individual to follow the instructions given pursuant to Subparagraph (h)(1) of this Rule and to comply with the rules of this Chapter and license conditions; and

(3) require the supervising authorized pharmacist to periodically review the work of the supervised individual as it pertains to preparing radioactive material for medical use and the records kept to reflect that work.

(i) A licensee shall appoint a Radiation Safety Officer (RSO) responsible for implementing the radiation safety program. The licensee, through the RSO, shall ensure that radiation safety activities are being performed in accordance with approved procedures and regulatory requirements in the daily operation of the licensee's radioactive material program.

(j) A licensee shall establish in writing the authority, duties and responsibilities of the Radiation Safety Officer.

(k) A licensee shall provide the Radiation Safety Officer sufficient authority, organizational freedom, and management prerogative to:

(1) identify radiation safety problems;

(2) investigate radiation safety problems such as overexposures, accidents, spills, losses, thefts, unauthorized receipts, uses, transfers, disposals, misadministrations, and other deviations from approved radiation safety practice and implement corrective actions as necessary;

(3) initiate, recommend or provide corrective actions for radiation safety problems;

(4) verify implementation of corrective actions; and

(5) retain records of items listed in Subparagraphs (k)(1) through (4) of this Rule.

(l) For each individual receiving radiopharmaceutical therapy and hospitalized for compliance with Rule .0358 of this Section, a licensee shall:

(1) provide a private room with a private sanitary facility;

(2) post the individual's door with a "Radioactive Materials" sign and note on the door or the individual's chart, where and how long visitors may stay in the individual's room;

(3) promptly, after administration of the dosage, measure the dose rates in contiguous restricted and unrestricted areas with a radiation measurement survey instrument to demonstrate compliance with Section .1600 of this Chapter; and retain for three years a record of each survey that includes the time and date of the survey, a plan of the area or list of points surveyed, the measured dose rate at several points expressed in millirem per hour, the instrument used to make the survey, and the initials of the individual who performed the survey;

(4) either monitor material and items removed from the individual's room to determine that their radioactivity cannot be distinguished from the natural background radiation level with a radiation detection survey instrument set on its most sensitive sale and with no interposed shielding, or handle them as radioactive waste; and

(5) Notify the Radiation Safety Officer and authorized user as soon as feasible if the individual has a medical emergency and immediately if the patient dies.

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

.0321 SPECIFIC LICENSES: GROUPS OF DIAGNOSTIC USES

(a) An application for a specific license pursuant to Rule .0318 of this Section for any diagnostic or therapeutic use of radioactive material specified in groups established in Paragraph (b) of this Rule ~~will~~ shall be approved for all of the diagnostic or therapeutic uses within the group which include the use specified in the application if:

(1) the applicant satisfies the requirements in Rule .0319 of this Section;

(2) the applicant's proposed radiation detection instrumentation is adequate for conducting the diagnostic or therapeutic procedure specified in the appropriate group;

(3) the physicians designated in the application as individual users, have ~~adequate~~ clinical experience in the types of uses included in the group or ~~groups;~~ groups incorporated by reference in Rule .0117(a)(2) of this Chapter;

(4) the physicians and all other personnel who will be involved in the preparation and use of radioactive material have ~~adequate~~ training and experience in the handling of radioactive material appropriate to their participation in the uses included in the group or ~~groups;~~ groups incorporated by reference in Rule .0117(a)(2) of this Chapter;

(5) the ~~applicant's~~ applicant has detailed radiation safety operating procedures ~~are adequate~~ for handling and disposal of the radioactive material involved in the uses included in the group or ~~groups.~~ groups that provide protection to the workers, the public and the environment from radiation exposure and radioactive

contamination.

(b) The groups of diagnostic and therapeutic radiopharmaceutical uses are established as follows:

(1) Group I includes radiopharmaceuticals for which a New Drug application has been approved by the U.S. Food and Drug Administration for diagnostic studies involving measurement of uptake, dilution and excretion. This group does not include the use of any radiopharmaceutical disapproved by the North Carolina Radiation Protection Commission or involving imaging, tumor localization or therapy.

(2) Group II includes radiopharmaceuticals for which a New Drug application has been approved by the U.S. Food and Drug Administration for diagnostic studies involving imaging and tumor localizations. This group does not include the use of any radiopharmaceutical disapproved by the North Carolina Radiation Protection Commission.

(3) Group III includes the use of generators and reagent kits for which a New Drug application has been approved by the U.S. Food and Drug Administration for the preparation of radiopharmaceuticals for certain diagnostic uses. This group does not include any generator or reagent kit disapproved by the North Carolina Radiation Protection Commission.

(4) Group IV includes radiopharmaceuticals for which a New Drug application has been approved by the U.S. Food and Drug Administration for therapeutic uses which do not normally require hospitalization for purposes of radiation safety. This group does not include any radiopharmaceutical disapproved by the North Carolina Radiation Protection Commission.

(c) Any licensee who is authorized to use radioactive material in one or more groups pursuant to Paragraph (a) of this Rule is subject to the following conditions:

(1) For Groups I, II and IV, no licensee shall receive, possess, or use radioactive materials except as a radiopharmaceutical manufactured in the form to be administered to the patient, labeled, packaged, and distributed in accordance with:

(A) a specific license issued by the U.S. Nuclear Regulatory Commission, pursuant to Section 32.72 of 10 CFR Part 32; or

(B) a specific license issued by the agency or an agreement state pursuant to equivalent regulations.

(2) For Group III, no licensee shall receive, possess, or use generators or reagent kits containing radioactive material or shall use reagent kits that do not contain radioactive material to prepare radiopharmaceuticals containing radioactive material, except:

(A) reagent kits, not containing radioactive material, that are approved by the U.S. Nuclear Regulatory Commission, the U.S. Atomic Energy Commission, or an agreement state for use by persons licensed for Group III pursuant to Paragraph (a) of this Rule or equivalent regulations of an agreement state or the U.S. Nuclear Regulatory Commission;

(B) generators or reagent kits containing radioactive material that are manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission ~~pursuant to Section 32.73 of 10 CFR Part 32~~ or by the agency or an agreement state pursuant to equivalent regulations;

(C) any licensee who uses generators or reagent kits shall elute the generator or process radioactive material with the reagent kit in accordance with instructions which are approved by the U.S. Nuclear Regulatory Commission or an agreement state and are furnished by the manufacturer on the label attached to or in the leaflet or brochure that accompanies the generator or reagent kit.

(3) For Groups I, II and III, any licensee using radioactive material for clinical procedures other than those specified in the product labeling package insert shall comply with the product labeling regarding:

(A) chemical and physical form;

(B) route of administration; and

(C) dosage range.

(4) Any licensee who is licensed pursuant to Paragraph (a) of this Rule for one or more of the medical use groups also is authorized to use radioactive material under the general license in Rule .0314 of this Section for the specified IN VITRO uses without filing agency form as required by Rule .0314(b) of this Section, provided that the licensee is subject to the other provisions of Rule .0314 of this Section.

(5) Any licensee who is licensed pursuant to Paragraph (a) of this Rule for one or more of the medical use groups in Paragraph (a) of this Rule also is authorized, subject to the provisions of Parts (c)(5)(E) and (F) of this Rule, to receive, possess, and use for calibration and reference standards:

(A) Any radioactive material listed in Group I, Group II, or Group III of this Rule with a half-life not longer than 100 days, in amounts not to exceed 15 millicuries total;

(B) Any radioactive material listed in Group I, Group II, or Group III of this Rule with half-life greater than 100 days in individual amounts not to exceed 200 microcuries total;

(C) Technetium-99m in individual amounts not to exceed ~~30~~ 50 millicuries;

(D) Any radioactive material in amounts not to exceed ~~three~~ 15 millicuries per source contained in calibration or reference sources that have been manufactured, labeled, packaged, and distributed in accordance with:

(i) a specific license issued to the manufacturer by an agreement state pursuant to equivalent state regulations;

(ii) a specific license issued by the U.S.

Nuclear Regulatory Commission pursuant to Section 32.74 of 10 CFR, Part 32; or

(iii) an application filed with the U.S. Atomic Energy Commission pursuant to Section 32.74 of 10 CFR, part 32; or

(iv) an application filed with an agreement state pursuant to equivalent state regulations on or before October 15, 1974 for a license to manufacture a source that the applicant distributed commercially on or before August 16, 1974, on which application the U.S. Atomic Energy Commission or the U.S. Nuclear Regulatory Commission or the agreement state has not acted.

(E) Any licensee who possesses sealed sources as calibration or reference sources pursuant to Subparagraph (c)(5) of this Rule shall cause each sealed source containing radioactive material other than hydrogen-3 with a half-life greater than 30 days in any form other than gas to be tested for leakage or contamination at intervals not to exceed six months. In the absence of a certificate from a transferor indicating that a test has been made within six months prior to the transfer, the sealed source shall not be used until tested. No leak tests are required when:

(i) The source contains 100 microcuries or less of beta or gamma emitting material or ten microcuries or less of alpha emitting material.

(ii) The sealed source is stored and is not being used.

Such source shall be tested for leakage prior to any use or transfer unless they have been leak tested within six months prior to the date of use or transfer.

(F) The leak test shall be capable of detecting the presence of 0.005 microcuries of radioactive material on the test sample. The test sample shall be taken from the sealed source or from the surfaces of the device in which the sealed source is permanently mounted or stored on which contamination might be expected to accumulate. Records of leak test results shall be kept in units of microcuries and maintained for inspection by the agency.

(G) If the leak test reveals the presence of 0.005 microcuries or more of removable contamination, the licensee shall immediately withdraw the sealed source from use and shall cause it to be decontaminated and repaired or to be disposed of in accordance with ~~agency~~ Commission rules. A report shall be filed within five days of the test with the agency address in Rule .0111 of this Chapter describing the equipment involved, the test results, and the corrective action taken.

(H) Any licensee who possesses and uses calibration and reference sources pursuant to Subparagraph (c)(5) of this Rule shall:

(i) follow the radiation safety and handling instructions ~~approved by the agency or an agreement state and~~ that are required by the licensing agency to be furnished by the manufacturer on the label attached to the source or permanent container thereof or in the leaflet or brochure that accompanies the source;

(ii) maintain such instructions in a legible and conveniently available form;

(iii) conduct a quarterly physical inventory to account for all sources received and possessed; Records of the inventories shall be maintained for inspection by the agency and shall include the quantities and kinds of radioactive material, location of sources and the date of the inventory.

(d) Current lists of the radiopharmaceuticals, generators, reagent kits, and associated uses in Group I to IV are available from the agency at the address in Rule .0111 of this Chapter.

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

.0323 SPECIFIC LICENSES: SEALED SOURCES IN INDUSTRIAL RADIOGRAPHY

In addition to the requirements set forth in Rule .0317 of this Section, a specific license for use of sealed sources in industrial radiography ~~will~~ shall be issued if:

(1) The applicant has ~~an adequate~~ a program for training radiographers and radiographers' assistants to meet the requirements of this Rule and Rule .0510 of this Chapter and submits to the agency a schedule or description of such program which specifies the:

(a) initial training;

(b) periodic training;

(c) on-the-job training;

(d) means to be used by the licensee to determine the radiographer's knowledge and understanding of and ability to comply with agency regulations and licensing requirements, and the operating and emergency procedures of the applicant; and

(e) means to be used by the licensee to determine the radiographer's assistant's knowledge and understanding of and ability to comply with the operating and emergency procedures of the applicant;

(2) The applicant has established and submits to the agency satisfactory written operating and emergency procedures described in Rule .0513 of this Chapter;

(3) The applicant has established and submits to the

agency a description of its inspection program which is adequate to ensure that each ~~radiographers~~ radiographer and ~~radiographers'~~ radiographer ~~assistants~~ assistant ~~follow~~ follows the rules in this Chapter and the applicant's operating and emergency ~~procedures, and which must include:~~ procedures.

~~(a) observation of the performance of each radiographer and radiographer's assistant during an actual radiographic operation at the intervals not to exceed three months; provided that, if a radiographer or a radiographer's assistant has not participated in a radiographic operation for more than three months since the last inspection, that individual's performance must be observed and recorded the next time the individual participates in a radiographic operation; and~~

~~(b) the retention of inspection records on the performance of radiographers or radiographers' assistants for three years;~~

(4) The inspection program described in the applicant's procedures shall include:

(a) observation of the performance of each radiographer and radiographer's assistant during an actual industrial radiographic operation at the intervals not to exceed six months; provided that, if a radiographer or a radiographer's assistant has not participated in a radiographic operation for more than six months since the last inspection, that individual's performance must be observed and recorded by a practical examination before the individual participates in a radiographic operation;

(b) in those operations where a single individual serves as both radiographer and Radiation Safety Officer, and performs all radiography operations, an inspection program is not required; and

(c) the retention of inspection records on the performance of radiographers or radiographers' assistants for three years;

~~(4)~~(5) The applicant submits to the agency a description of his overall organizational structure pertaining to the industrial radiography program, including specified delegations of authority and responsibility for operation of the program;

~~(5)~~(6) The applicant who desires to conduct his own leak tests has established ~~adequate~~ procedures to be followed in leak testing sealed sources for possible leakage and contamination sufficient to detect 0.005 microcuries of removable contamination on the source, and submits to the agency a description of the procedures, including:

(a) instrumentation to be used;

(b) method of performing tests, e.g., points on equipment to be tested and method of taking tests; and

(c) pertinent experience of the person who will perform the test; and

~~(6)~~(7) The licensee conducts a program for inspection and maintenance of radiographic exposure devices and storage containers to assure proper functioning of components important to safety.

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

.0339 EXPIRATION AND TERMINATION OF LICENSES & DECOMMISSIONING

(a) 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 specific license revoked by the agency, as provided for in Rule .0344 of this Section, 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) 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) limit actions involving radioactive material to those related to decommissioning; and

(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.

(d) 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 Commission 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) The license has expired pursuant to Paragraphs (a) or (b) of this Rule;

(2) 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 Commission requirements;

(3) No principal activities under the license have been conducted for a period of 24 months; or

(4) 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 Commission requirements.

(e) 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.

(1) 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) 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.

(f) 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.

(g) 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. For the purpose of Subparagraphs (g)(2)-(4) of this Rule, significantly higher or significantly greater is defined as an increase likely to result in either an increase in radiation exposure to workers or the public in excess of one percent of their respective annual radiation exposure limit.

(h) 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) 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) The proposed decommissioning plan for the site or separate building or outdoor area ~~must~~ shall include:

(1) A description of the conditions of the site or separate building or outdoor area sufficient to evaluate the acceptability of the plan;

(2) 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) The proposed decommissioning plan ~~will~~ shall 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.

(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~~ shall 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;~~ in accordance with the requirements for decommissioning described in Rule .1653 of this Chapter, or other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release ~~for unrestricted use.~~ in accordance with the requirements for decommissioning described in Rule .1653 of this Chapter.

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

.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 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.

(i) Prior to license termination, each licensee authorized to possess radioactive material in an unsealed form, shall forward to the agency the records required in Paragraph (h) of this Rule.

(j) Before licensed activities are transferred, licensees shall transfer all records required in Paragraph (h) of this Rule. In this case, the new licensee shall maintain the records until the license is terminated.

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

.0359 MEASUREMENTS/DOSAGES OF UNSEALED RADIOACTIVE MATERIAL FOR MEDICAL USE

(a) A licensee shall possess and use a dose calibrator to measure the radioactivity of dosages of photon-emitting radionuclides prior to administration to each individual. A licensee shall:

(1) develop, maintain, and implement written procedures for use of the dose calibrator;

(2) check dose calibrator for constancy at the beginning of each day of use. To satisfy the requirements of this Subparagraph, the check shall be done on a frequently used setting with a sealed source of not less than 10 microcuries (0.37 megabecquerel (MBq) of radium-226 or 50 microcuries (1.85 MBq) of any other photon-emitting radionuclide;

(3) test each dose calibrator for accuracy upon installation and at least annually thereafter by assaying at least two sealed sources containing different radionuclides who activity the manufacturer has determined within five percent of this stated activity, whose activity is at least 10 microcuries (0.37 MBq) for radium-226 and 50 microcuries (1.85 MBq) for any other photon-emitting radionuclide, and at least one of which has a principal photon energy between 100 keV and 500 keV;

(4) test each dose calibrator for linearity upon installation and at least quarterly thereafter over a range with from the highest dosage that will be administered to a patient or human research subject to 30 microcuries (1.1 MBq); and

(5) test each dose calibrator for geometry dependence upon installation over the range of volumes and volume configurations for which it will be used. The licensee shall keep a record of this test for the duration of the use of the dose calibrator.

(b) A licensee shall also perform appropriate checks and tests required by this Rule following repair of the dose calibrator.

(c) A licensee shall mathematically correct dosage readings for any geometry or linearity error that exceeds 10 percent if the dosage is greater than 10 microcuries (.37 MBq) and shall repair or replace the dose calibrator if the accuracy or constancy error exceeds 10 percent.

(d) A licensee shall retain a record of each check and test required by this Rule for three years. The records required in Subparagraphs (a)(2)-(a)(5) of this Rule shall include:

(1) For Subparagraph (a)(2), the model and serial number of the dose calibrator, the identity of the radionuclide contained in the check source, the date of the check, the activity measured, and the initials of the individual who performed the check;

(2) For Subparagraph (a)(3), the model and serial number of the dose calibrator, the model and serial number of each source used, the identity of the radionuclide contained in the source and its activity, the date of the test, the results of the test, and the identity of the individual performing the test;

(3) For Subparagraph (a)(4), the model and serial number of the dose calibrator, the calculated activities, the measured activities, the date of the test, and the identify of the individual performing the test; and

(4) For Subparagraph (a)(5), the model and serial number of the dose calibrator, the configuration of the source measured, the activity measured for each volume measured, the date of the test, and the identity of the individual performing the test.

Authority G.S. 104E-7; 104E-10(b); 104E-12.

.0360 SURVEYS OF RADIOPHARMACEUTICAL AREAS FOR CONTAMINATION & RADIATION EXPOSURE RATE

(a) A licensee shall survey with a radiation detection survey instrument at the end of each day of use all areas where radiopharmaceuticals are routinely prepared for use or administered.

(b) A licensee shall survey with a radiation detection survey instrument at least once each week all areas where radiopharmaceuticals or radiopharmaceutical waste is stored.

(c) A licensee shall conduct the survey required by Paragraphs (a) and (b) of this Rule so as to be able to detect dose rates as low as 0.1 millirem (1 microsievert) per hour.

(d) A licensee shall establish radiation dose rate trigger levels for the surveys required by Paragraphs (a) and (b) of this Rule. A licensee shall require the individual performing the survey to promptly notify the Radiation Safety Officer if a dose rate exceeds a trigger level.

(e) A licensee shall survey for removable contamination once each week all areas where radiopharmaceuticals are routinely prepared for use, administered, or stored.

(f) A licensee shall conduct the surveys required by Paragraph (e) of this Rule so as to be able to detect contamination on each wipe sample of 2,000 disintegrations per minute.

(g) A licensee shall establish removable contamination trigger levels for the surveys required by Paragraph (e) of this Rule. A licensee shall require the individual performing the survey to promptly notify the Radiation Safety Officer if contamination levels exceed the trigger level.

(h) A licensee shall retain a record of each survey required by this Rule for three years. The record shall include:

(1) the date of the survey;

(2) a plan of each area surveyed;

(3) the trigger level established for each area;

(4) the detected dose rate at several points in each area surveyed;

(5) the detected dose rate at several points in each area expressed in millirem (or microsievert) per hour or the removable contamination in each area expressed in disintegrations per minute per 100 square centimeters;

(6) the instrument used to make the survey or analyze the samples; and

(7) the initials of the individual who performed the survey.

(i) Any licensee authorized by the rules of this Chapter to manufacture, produce, acquire, receive, possess, use or transfer radioactive material for medical use shall have in its possession a calibrated portable radiation survey instrument capable of detecting dose rates over the range of 0.1 millirem per hour (1 microsievert per hour) to 100 millirem per hour (.01 millisievert per hour), and a portable radiation survey instrument capable of measuring dose rates over the range of one millirem per hour (.01 millisievert per hour) to 1,000 millirem per hour (10 millisievert per hour). A licensee shall calibrate the survey instruments used to show compliance with this Section before first use, annually, and following repair. The licensee shall:

(1) calibrate all scales with readings up to 1,000 millirem (10 millisievert) per hour with a radiation source;

(2) calibrate two separated readings on each scale that must be calibrated; and

(3) conspicuously note on the instrument the apparent exposure rate from a dedicated check source as determined at the time of calibration, and the date of calibration.

(j) When calibrating a survey instrument, the licensee shall consider a point as calibrated if the indicated exposure rate differs from the calculated exposure rate by not more than 20 percent.

(k) A licensee shall check each survey instrument for proper operation with the dedicated check source each day of use. A licensee is not required to keep records of these checks.

(l) A licensee shall retain a record of each survey instrument calibration for three years. The record must include:

(1) a description of the calibration procedure; and

(2) the date of the calibration, a description of the source used and the certified exposure rates from the source, and the rates indicated by the instrument being calibrated, the correction factors deduced from the calibration data, and the identity of the individual who performed the calibration.

Authority G.S. 104E-7; 104E-10(b); 104E-12.

.0361 MEDICAL USE OF UNSEALED RADIOACTIVE MATERIAL

(a) A licensee may use for diagnostic or therapeutic administration any unsealed radioactive material prepared for medical use that is either:

(1) obtained from a manufacturer or prepared licensed pursuant to 10 CFR 32.72 or equivalent agreement state requirements; or

(2) prepared by a pharmacist who is an authorized user, a physician who is an authorized user or an individual under the supervision of either.

(b) A licensee shall not administer to humans a radiopharmaceutical containing more than 0.15 microcurie of molybdenum-99 per millicurie of technetium-99m.

(c) A licensee that uses molybdenum-99/technetium-99m generators for preparing a technetium-99m radiopharmaceutical shall measure the molybdenum-99 concentration in each eluate or extract.

(d) A licensee that must measure molybdenum concentration shall retain a record of each measurement for three years. The record shall include for each elution or extraction of technetium-99m:

(1) the measured activity of the technetium expressed in millicuries;

(2) the measured activity of the molybdenum expressed in microcuries;

(3) the time and date of the measurement; and

(4) the initials of the individual who made the measurement.

(e) A licensee that administers radioactive aerosols or gases shall:

(1) do so in a room with a system that will keep airborne concentrations low enough so as not to exceed the limits prescribed by Rules .1604 and .1605 of this Chapter;

(2) before receiving, using or storing a radioactive gas, calculate the amount of time needed after a spill to reduce the concentration in the room low enough so as to not exceed the limits prescribed by Rules .1604 and .1605 of this Chapter;

(3) post the calculated time and safety measures to be instituted in the case of a spill at the area of use;

(4) store volatile radiopharmaceuticals and radioactive gases in the shipper's radiation shield and container; and

(5) store multi-dose containers in a fume hood or other enclosure vented directly to the atmosphere after drawing the first dosage from the container.

Authority G.S. 104E-7(a)(2); 104E-10(b); 104E-12.

.0362 DECAY-IN-STORAGE

(a) A licensee may hold radioactive material with a physical half-life of less than 165 days for decay-in-storage before disposal in ordinary trash and is exempt from the requirements of Rule .1628 of this Chapter if the licensee:

(1) holds radioactive material for decay a minimum of 10 half-lives;

(2) monitors radioactive material at the container surface before disposal as ordinary trash and determines that its radioactivity cannot be distinguished from the background radiation level with a radiation detection survey meter capable of detecting a dose rate of 0.1 millirem (1 microsievert) per hour and with no interposed shielding; and

(3) removes or obliterates all radiation labels.

(b) A licensee shall retain a record of each disposal permitted under Paragraph (a) of this Rule for three years. The record shall include the date of the disposal, the date on which radioactive material was placed in storage, the radionuclides disposed, the survey instrument used, the background dose rate used, and the dose rate measured at the surface of each waste container.

Authority G.S. 104E-7(a)(2); 104E-10(b).

CHAPTER .0500 - SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHY OPERATIONS

.0502 DEFINITIONS

(a) As used in this Section, the following definitions shall apply:

(1) "Annual refresher safety training" means a review conducted or provided by the licensee or registrant for its employees on radiation safety aspects of industrial radiography. The review may include, as appropriate, the results of internal inspections, new procedures or equipment, new or revised regulations, accidents or errors that have been observed, and shall also provide opportunities for employees to ask safety questions.

~~(1)~~(2) "Associated equipment" means equipment used in conjunction with a radiographic exposure device to make radiographic exposures that drives, guides or comes in contact with the sealed source or radiation ~~machines.~~ machines [e.g. guide tube, control tube, control (guide) tube, removable source stop, "J" tube and collimator when it is used as an exposure head].

~~(2)~~(3) "Cabinet radiography using radiation machines" means industrial radiography using radiation machines, which is conducted in an enclosed, interlocked cabinet, such that the radiation machine will not operate unless all openings are securely closed, and which cabinet is so shielded that every location on the exterior meets conditions for an unrestricted area as specified in Rule .1611 of this Chapter.

(4) "Certifying entity" means an independent certifying organization meeting the requirements in Rule .0525 of this Section.

~~(3)~~(5) "Collimator" means a ~~device used to~~ radiation shield that is placed on the end of the guide tube or directly onto a radiographic exposure device to limit the size, shape, and direction of the primary radiation ~~beam.~~ when the sealed source is cranked into position, to make a radiographic exposure.

~~(4)~~(6) "Control device", commonly called a crank-out, means the control cable, the protective sheath and

control drive mechanism used to move the sealed source from the shielded position in the radiographic device or camera to an unshielded position outside the device for the purpose of making a radiographic exposure.

(7) "Control drive mechanism" means a device that enables the source assembly to be moved to and from the exposure device.

(8) "Control tube" means a protective sheath for guiding the control cable. The control tube connects the control device mechanism to the radiographic exposure device.

~~(5)~~(9) "Exposure head", commonly called a source stop, means a device that locates the gamma radiography sealed source in the selected working position.

~~(6)~~(10) "Field examination" means a ~~demonstration of~~ practical examination. ~~application of principles learned in the classroom that shall include use of all appropriate equipment and procedures.~~

(11) "Field station" means a facility where licensed material or registered equipment may be stored or used and from which licensed material or registered equipment is dispatched.

(12) "Guide tube" (Projection sheath) means a flexible or rigid tube (i.e., "J" tube) for guiding the source assembly and the attached control cable from the exposure device to the exposure head. The guide tube may also include the connections necessary for attachment to the exposure device and to the exposure head.

(13) "Hands-on experience" means experience in all of those areas considered to be directly involved in the radiography process.

(14) "Independent certifying organization" means an independent organization that meets all of the requirements of Rule .0525 of this Section.

~~(7)~~(15) "Industrial radiography" means the examination of the structure of materials by nondestructive methods utilizing ionizing ~~sources of radiation.~~ radiation to make radiographic images.

(16) "Lay-barge radiography" means industrial radiography performed on any water vessel used for laying pipe.

(17) "Off-shore platform radiography" means industrial radiography conducted from a platform over a body of water.

~~(8)~~(18) "Periodic training" means a periodic review conducted or provided by the licensee or registrant for its employees on radiation safety aspects of radiography. The review shall include the results of internal inspections, new procedures or equipment, accidents or errors that have been observed, and opportunities for employees to ask safety questions.

~~(9)~~(19) "Permanent radiographic installation" means an enclosed shielded room, cell, or vault not located at a temporary job-site in which radiography is performed.

~~(10)~~(20) "Projection sheath", ~~commonly called~~ means a guide tube. ~~tube or "J" tube, means a flexible or rigid tube for guiding the source assembly and the attached control cable from the exposure device to the exposure head. When the source assembly is fully extended to the exposure head, the sealed source is in what is commonly called the working position.~~

(21) "Practical examination" means a demonstration through practical application of the safety rules and principles in industrial radiography including the use of all appropriate equipment and procedures.

~~(11)~~(22) "Radiation ~~Safety~~ safety ~~Officer"~~ officer" means an individual named by the licensee or registrant who has knowledge ~~of,~~ of and responsibility ~~for,~~ for the overall radiation safety program ~~and authority to ensure compliance with appropriate radiation protection rules, standards, and practices~~ on behalf of the licensee or registrant and who meets the requirements of Rule ~~.0510(g)~~ .0510(h) of this Section.

~~(12)~~(23) "Radiographer" means any individual who performs or who, in attendance at the site where sources of radiation are being used, personally supervises industrial radiographic operations and who is responsible to the licensee or registrant for assuring compliance with the requirements of these Rules and all license or registration conditions.

(24) "Radiographer certification" means written approval received from a certifying organization stating that an individual has satisfactorily met certain established radiation safety, testing, and experience criteria.

~~(13)~~(25) "Radiographer's assistant" means any individual who, under the ~~personal~~ direct supervision of a radiographer, uses radiographic exposure devices, sources of radiation, related handling tools, or survey instruments in industrial radiography.

~~(14)~~(26) "Radiographic exposure device", commonly called a camera or projector, means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position for purposes of making a radiographic exposure.

(27) "Radiographic operations" means all activities associated with the presence of radioactive sources in a radiographic exposure device during use of the device or transport (except when being transported by a common or contract transport), to include surveys to confirm the adequacy of boundaries, setting up equipment and any activity inside restricted area boundaries.

(28) "S-tube" means a tube through which the radioactive source travels when inside a radiographic exposure device.

~~(15)~~(29) "Sealed source" means any radioactive material that is encased in a capsule designed to prevent leakage or escape of the radioactive material.

~~(16)~~(30) "Shielded position" means the location within the radiographic exposure device or source changer where the sealed source is secured and restricted from movement. ~~In this position the radiation exposure will be at minimum.~~ This position incorporates maximum

shielding for the sealed source.

~~(17)~~(31) "Source assembly" means an assembly that consists of the sealed source and a ~~connector.~~ connector that attaches the source to the control cable. ~~It~~ The source assembly also includes the stop ball if one is used to secure the sealed source in the shielded position. The connector attaches to the control cable.

~~(18)~~(32) "Source changer" means a device designed and used for replacement of sealed sources in radiographic exposure devices, including those also used for transporting and storage of sealed sources.

~~(19)~~(33) "Storage area" means any location, facility or vehicle which is used to store or secure a radiographic exposure device, a storage container or a sealed source when it is not in use and which is locked or has a physical barrier to prevent accidental exposure, tampering with or unauthorized removal of the device, storage container or sealed source.

~~(20)~~(34) "Storage container" means a device in which sealed sources are secured and stored.

~~(21)~~(35) "Temporary jobsite" means a ~~place,~~ location, ~~other than a permanent radiographic installation,~~ where ~~sealed sources or radiation machines are present for the purpose of performing radiography.~~ radiographic operations are conducted and where licensed material may be stored other than those location(s) of use authorized on the license.

(36) "Underwater radiography" means industrial radiography performed when the radiographic exposure device or related equipment are beneath the surface of the water.

(b) Other definitions applicable to this Section may be found in Rule .0104 of this Chapter.

Authority G.S. 104E-7.

.0503 EQUIPMENT RADIATION LEVEL LIMITS

~~(a) Radiographic exposure devices measuring less than either four inches or 10 centimeters from the sealed source storage position to any exterior surface of the device shall have no radiation level in excess of 50 milliroentgens (0.5 millisieverts) per hour at either six inches or 15 centimeters from any exterior surface of the device. Radiographic exposure devices,~~ The maximum exposure rate limits for source changers and storage containers ~~measuring a minimum of either four inches or 10 centimeters from the sealed source storage position to any exterior surface of the device, and all storage containers for sealed sources or outer containers for radiographic exposure devices, shall have no radiation level in excess of~~ are 200 ~~milliroentgens~~ millirem (2 millisieverts) per hour at any exterior surface, and ~~ten~~ 10 ~~milliroentgens~~ millirem (0.1 millisieverts) per hour at one meter from any exterior surface. The radiation levels specified are with the sealed source in the shielded position.

~~(b) After January 10, 1996 all radiographic exposure devices and associated equipment other than storage containers shall meet the requirements of Rule .0521 of this Section.~~

Authority G.S. 104E-7.

.0506 SURVEY INSTRUMENTS

(a) The licensee or registrant shall maintain sufficient calibrated and operable radiation survey instruments at each temporary jobsite and at any location where sealed sources or radiation machines are used or stored to make physical radiation surveys as required by this Rule and Rules .1613 and .1627 of this Chapter.

(b) Each radiation survey instrument required by Paragraph (a) of this Rule shall be calibrated:

(1) at intervals not to exceed ~~three~~ six months and after each instrument servicing except for battery change;

(2) at the following points for each instrument, as applicable:

(A) linear scale instruments shall be calibrated at two points located approximately 1/3 and 2/3 of full-scale on each scale;

(B) logarithmic scale instruments shall be calibrated at the midrange of each decade and at two points in the same decade for at least one decade; and

(C) digital instruments shall be calibrated in accordance with procedures ~~approved by the agency provided~~ that ~~the calibration includes~~ include the following calibration points:

(i) 2 mR/hr or 0.02 mSv/hr;

(ii) 5 mR/hr or 0.05 mSv/hr;

(iii) 50 mR/hr or 0.5 mSv/hr;

(iv) 500 mR/hr or 5 mSv/hr; and

(v) 1 R/hr or 0.01 Sv/hr;

(3) so that an accuracy within plus or minus 20 percent of the calibration standard can be demonstrated on each scale.

(c) Instrumentation required by this Rule shall have a range such that two milliroentgens (0.02 millisieverts) per hour through one roentgen (0.01 sievert) per hour can be measured.

(d) Survey instruments shall be checked for operability prior to use. This may be accomplished by evaluating the instrument response to the previously measured fields at the projection sheath port or the control cable sheath port on a radiographic exposure device.

(e) The licensee or registrant shall maintain records of the results of the instrument calibrations in accordance with Rule .0523 of this Section.

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

.0507 LEAK TESTING AND REPLACEMENT OF SEALED SOURCES

(a) The replacement of any sealed source fastened to or contained in a radiographic exposure device and leak testing of any sealed source shall be performed only by persons specifically authorized by the agency to do so pursuant to the rules in this Section.

(b) The opening, repair, or modification of any sealed source shall be performed only by persons specifically named in a license condition to perform that function.

~~(b)~~(c) Each sealed source shall be tested for leakage at intervals not to exceed six months. In the absence of a

certificate from a transferor that a test has been made within the six months prior to the transfer, the sealed source shall not be put into use until tested.

~~(c)~~(d) The wipe of a sealed source shall be performed using a leak test kit or ~~method approved by the agency.~~ similar materials and methods. The wipe sample shall be taken from the nearest accessible point to the sealed source. The wipe sample shall be analyzed for radioactive contamination. The analysis shall be capable of detecting 0.005uCi (185 Bq) of radioactive material on the test sample and shall be performed by persons licensed or registered by the agency to perform such a service.

~~(d)~~(e) Any test conducted pursuant to Paragraphs ~~(b) and~~ (c) and (d) of this Rule which reveals the presence of 0.005 microcurie (185 Bq) or more of removable radioactive material shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the equipment involved from use and shall cause it to be decontaminated and repaired or to be disposed of, in accordance with these Rules. A report describing the equipment involved, the test results, and the corrective action taken shall be submitted in writing to the agency at the address in Rule .0111 of this Chapter within five days after the test.

~~(e)~~(f) The licensee shall maintain records of the leak test results in accordance with Rule .0523 of this Section.

Authority G.S. 104E-7.

.0508 QUARTERLY INVENTORY

(a) Each licensee shall conduct a quarterly physical inventory to account for all sealed sources and devices containing depleted uranium received and possessed under the license.

(b) The licensee shall maintain records of the quarterly inventory in accordance with Rule .0523 of this Section.

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

.0509 UTILIZATION LOGS

Each licensee or registrant shall maintain current utilization logs for inspection by the agency at the address specified in the license, showing for each sealed source and radiation machine the information required by Rule ~~.0523~~ .0523(a)(6) of this Section.

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

.0510 LIMITATIONS

(a) The licensee or registrant shall not permit any person to act as a radiographer until the person:

(1) has been instructed in the subjects outlined in Rule .0519 of this Section and has demonstrated understanding ~~thereof;~~ thereof by successful completion of a written test. Within two years after the effective date of this Rule, the person shall also have a minimum of two months of on-the-job training, and be certified through a radiography certification program by a certifying entity in accordance with the requirements of Rule .0525 of this Section;

(2) has received copies of and instruction in the rules contained in this Section and in the applicable rules of Sections .0200, .0300, .0900 and .1600 of this Chapter, in applicable U.S. Department of Transportation regulations referenced in Rule .0117 of this Chapter, and the licensee's or registrant's operating and emergency procedures, and has demonstrated understanding ~~thereof;~~ thereof by successful completion of a written test;

(3) has received training in the use of the licensee or registrant's radiographic exposure devices, sealed sources, in the daily inspection of devices and associated equipment, and in the use of radiation survey instruments;

~~(3)~~(4) has demonstrated competence to use the radiographic exposure devices, sealed sources, related handling tools, radiation machines and survey instruments which will be employed in his ~~assignment;~~ assignment by successful completion of a practical examination covering this material; and

~~(4)~~(5) has demonstrated understanding of the instructions in Paragraph (a) of this Rule by successful completion of a written test ~~and a field examination~~ on the subjects covered.

(b) The licensee or registrant shall not permit any person to act as a radiographer's assistant until the person:

(1) has received copies of and instructions in the licensee's or registrant's operating and emergency procedures, and has demonstrated understanding ~~thereof;~~ thereof by successful completion of a written or oral test and practical examination on the subjects covered;

(2) has demonstrated competence to use under the personal supervision of the radiographer, the radiographic exposure devices, sealed sources, related handling tools, radiation machines and radiation survey instruments which will be employed in his assignment; and

(3) has demonstrated understanding of the instructions in Paragraph (b) of this Rule by successfully completing a written or oral test and a field examination on the subjects covered.

(c) Records of the training including copies of written tests and dates of oral tests and field examinations shall be maintained in accordance with Rule .0523 of this Section.

(d) Each licensee or registrant shall conduct an internal audit program to ensure that the agency's radioactive material license, registration conditions and the licensee's or registrant's operating and emergency procedures are followed by each radiographer and radiographer's assistant. These internal audits shall be performed and records maintained by the licensee or registrant as specified in ~~Sub-items (3)(a) and (b)~~ Items (3) and (4) of Rule .0323 of this Chapter.

(e) The licensee or registrant shall provide periodic training for radiographers and radiographer's assistants at least once during every 12 months.

(f) Whenever radiography is performed outside of a permanent radiographic installation, the radiographer shall be accompanied by another ~~qualified~~ radiographer or an individual

with, at least, the qualifications of a radiographer's assistant. This person's responsibilities shall include but not be limited to observing the operations and being capable and prepared to provide immediate assistance to prevent unauthorized entry. ~~Unless otherwise authorized by the agency, radiography shall not be performed if only one qualified individual is present.~~

(g) A licensee or registrant may conduct lay-barge, off-shore platform, or underwater radiography only if detailed procedures have been developed and submitted to the agency that ensure radiation exposure to the workers and the public are ALARA during the radiographic operation.

~~(g)~~(h) The radiation safety officer shall ensure that radiation safety activities are being performed in accordance with approved procedures and regulatory requirements in the daily operation of the licensee's or registrant's program.

(1) The radiation safety officer's qualifications shall include:

(A) completion of the training and testing requirements of Paragraph (a) of this Rule; and

(B) Two ~~years~~ thousand hours documented experience in industrial radiographic operations, with at least 40 hours of ~~formal~~ classroom training with respect to the establishment and maintenance ~~oversight~~ of radiation protection programs or an equivalent combination of education and experience.

(2) The specific duties and authorities of the radiation safety officer shall include, but are not limited ~~to,~~ to the following:

(A) to establish and oversee operating, emergency and ALARA procedures, and to review them regularly to assure that the procedures are current and conform with these ~~Rules:~~ Rules and to the license conditions;

(B) to oversee and approve all phases of the training of radiographic personnel so that appropriate and effective radiation protection practices are taught;

(C) to ensure that required radiation surveys and leak tests are performed and documented in accordance with this Rule, including any corrective measures when levels of radiation exceed established limits;

(D) to ensure that personnel monitoring devices are calibrated and used properly by occupationally-exposed personnel, that records are kept of the monitoring results, and that timely notifications are made as required by Rule .1646 of this Chapter;

(E) to assure that operations are conducted safely and to assume control and have the authority to institute corrective actions including stopping of operations when necessary in emergency situations or unsafe conditions.

~~(h) Notwithstanding the provisions of Paragraph (g) of this Rule, any person authorized by license or registration condition to serve as the radiation safety officer on the effective date of this Rule, shall not be required to meet the training requirements in Subparagraph (g)(1) of this Rule until October 1, 1996.~~

Authority G.S. 104E-7; 10 C.F.R. Chapter 1, Commission Notices, Policy Statements, Agreement States, 46 F.R. 7540.

.0511 INSPECTION AND MAINTENANCE

~~(a) The licensee or registrant shall conduct a program for inspection and maintenance of radiographic exposure devices, storage containers, source changers, radiation machines and associated equipment at intervals not to exceed three months or prior to the first use thereafter to assure proper functioning of components important to safety. Records of these inspections and maintenance shall be made in accordance with Rule .0523 of this Section. If defects are found, the affected radiographic exposure devices, storage containers, source changers, radiation machines and associated equipment shall be removed from service until repaired and a record made in accordance with Rule .0523 of this Section.~~

~~(b)~~(a) Prior to use each day, the licensee or registrant shall visually check for obvious defects in radiographic exposure devices, storage containers, source changers, radiation machines and associated equipment. The purpose of the visual check is to assure that the radiographic exposure devices, storage containers, source changers, radiation machines and associated equipment are in good working condition and that the required labeling is present. If defects are found, the affected radiographic exposure devices, storage containers, source changers, radiation machines and associated equipment shall be removed from service until repaired and a record shall be made in accordance with Rule .0523 of this Section.

~~(c)~~(b) Each exposure device using depleted uranium (DU) shielding and an "S" tube configuration shall be tested for DU contamination at intervals not to exceed 12 months. This test shall be performed by the licensee using procedures approved by the agency pursuant to Rule .0323 of this Chapter or by the licensee returning the exposure device to the manufacturer for such testing. If the test reveals the presence of DU contamination, the exposure device shall be removed from use and arrangements for proper disposal shall be made.

(c) Each licensee or registrant shall have written procedures for:

(1) inspection and maintenance or radiographic exposure devices, transport and storage containers, source changers, survey instruments, radiation machines and associated equipment at intervals not to exceed three months or prior to the first use thereafter to assure proper functioning of components important to safety. Records of these inspections and maintenance shall be made in accordance with Rule .0523 of this Section. If defects are found, the affected radiographic exposure and associated equipment shall be removed from service until repaired and a record made in accordance with Rule .0523 of this Section.

(2) inspection and maintenance necessary to maintain Type B packaging used to transport radioactive materials. The inspection and maintenance program shall include procedures to assure that Type B packages are shipped and maintained in accordance

with the certificate of compliance or other approval.

(d) Records of equipment problems and of any maintenance performed under Paragraphs (a) and (b) of this Rule shall be made in accordance with Rule .0523 of this Section.

Authority G.S. 104E-7.

.0512 PERSONNEL MONITORING

(a) The licensee or registrant shall not permit any individual to act as a radiographer or a radiographer's assistant unless, at all times during radiographic operations, each such individual wears on the trunk of the body a direct reading pocket dosimeter, an operating alarm ratemeter, and either a film badge or a thermoluminescent dosimeter ~~(TLD) except that for~~ (TLD). At permanent radiography facilities where other ~~appropriate~~ alarming or warning devices are in routine use, the wearing of an alarming ratemeter is not required. Pocket dosimeters shall have a range from zero to 200 milliroentgens (2 millisieverts) and shall be recharged at the start of each shift. Electronic personal dosimeters may only be used in place of ion-chamber pocket dosimeters. Each film badge and TLD shall be assigned to and worn by only one individual. Film badges ~~and TLDs~~ shall be exchanged at least ~~monthly.~~ monthly and TLDs shall be exchanged at least once each three months. After exchange, each film badge or TLD shall be promptly processed.

(b) ~~Pocket~~ Direct reading dosimeters such as electronic dosimeters or pocket dosimeters shall be read and exposures recorded at the beginning and end of each shift.

(c) Pocket dosimeters or electronic personal dosimeters shall be checked at periods not to exceed 12 months for correct response to radiation. Acceptable dosimeters shall read within plus or minus ~~30~~ 20 percent of the true radiation exposure.

(d) If an individual's pocket dosimeter is found to be off-scale, and the possibility of radiation exposure cannot be ruled out as the cause, their film badge or TLD shall be immediately sent for processing. In addition, the individual shall not work with sealed sources until a determination of his radiation exposure has been made by the radiation safety officer or his designee.

(e) If a film badge or TLD is lost or damaged, the worker shall cease work immediately until a replacement film badge or TLD is provided and exposure is calculated for the time period from issuance to loss or damage of the film badge or TLD.

(f) Each alarm ratemeter shall:

(1) be checked to ensure that the alarm functions properly prior to use at the start of each shift;

(2) be set to give an alarm signal at a preset rate not to exceed 500 mR/hr or 5 mSv/hr;

(3) require special means to change the preset alarm function;

(4) alarm within plus or minus 20 percent of the true radiation rate;

(5) be calibrated at periods not to exceed one year for correct response to radiation.

(g) Records of daily dosimeter readings, determination of exposure as a result of a lost or damaged film badge or TLD, 12 month response checks on dosimeters and results from the film badge or TLD processor shall be maintained in accordance with Rule .0523 of this Section.

(h) Notwithstanding the requirements of Paragraph (a) of this Rule, the agency may approve a higher pocket dosimeter range upon written request by the licensee or registrant if the agency determines that the requested range will afford the protection required by the rules in this Chapter.

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

.0513 OPERATING AND EMERGENCY PROCEDURES

The licensee's or registrant's operating and emergency procedures shall include instructions in at least the following:

(1) the handling and use of licensed sealed sources of radiation and radiographic exposure devices to be employed such that no individual is likely to be exposed to radiation doses in excess of the limits established in Rule .1604 of this Chapter;

(2) methods and occasions for conducting radiation surveys;

(3) methods for controlling access to radiographic areas;

(4) methods and occasions for locking and securing radiographic exposure devices, transport and storage containers and sealed sources of radiation;

(5) personnel monitoring and the use of personnel monitoring equipment;

(6) transportation of sealed sources to field locations, including packing of radiographic exposure devices, and storage containers ~~sealed sources~~ in the vehicles, ~~posting~~ placarding of vehicles, and control of sealed sources during transportation;

(7) minimizing exposure of individuals in the event of an accident;

(8) the procedure for notifying proper personnel in the event of an accident;

(9) maintenance of records;

(10) the inspection and maintenance and operability checks of radiographic exposure devices, radiation ~~machines~~ machines, survey instruments, transport containers, and storage containers;

(11) steps that shall be taken immediately by radiography personnel in the event a pocket dosimeter is found to be off ~~scale;~~ scale or an alarm ratemeter alarms unexpectedly; and

(12) sealed source recovery procedure if the licensee will perform sealed source recovery.

Authority G.S. 104E-7.

.0515 RADIATION SURVEYS AND SURVEY RECORDS

(a) No radiographic operation shall be conducted unless calibrated and operable radiation survey instrumentation as described in Rule .0506 of this Section is available and used at each site where radiography is performed, including sealed source exchange and at the storage area whenever a radiographic exposure device, a storage container or sealed source is being placed in storage.

(b) A survey with a radiation detection instrument shall be made after each radiographic exposure to determine that the sealed source has returned to its shielded position in the radiographic exposure device or the radiation machine is off. For sealed sources, the licensee shall conduct a survey of the guide tube as the radiographer or radiographer's assistant approaches the ~~camera~~ camera. ~~and the entire circumference of the camera when the radiographer or radiographer's assistant reaches it~~ The survey must determine that the sealed source has returned to its shielded position prior to exchanging films, repositioning the ~~collimator~~ exposure head or dismantling the radiographic exposure device and associated equipment.

(c) When the use of a radiographic exposure device or storage container is to be terminated at the end of a work period, a survey with a radiation detection instrument shall be made of the locked radiography device or storage container to determine that the sealed source is in its shielded position.

(d) A survey of the radiographic exposure device and source changer shall be performed with a radiation detection instrument any time the sealed source is exchanged and whenever a radiographic exposure device is placed in a storage area.

(e) An area survey of the perimeter of the restricted area with a radiation detection instrument shall be made with the sealed source exposed or the radiation machine on before or during the initial radiographic exposure on each shift and when the sealed source or the radiation machine target configuration for an exposure is ~~substantially~~ different from that of the preceding ~~exposure.~~ exposure such that the radiation exposure rate at the perimeter of the restricted area is likely to increase by a measurable amount using a radiation detection instrument. These surveys are not required for radiography performed in a permanent radiographic installation.

(f) Records of surveys required by this Rule shall be maintained in accordance with the requirements of Rule .0523 of this Section.

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

.0516 POSTING

Notwithstanding any provisions in Rule .1625 of this Chapter, areas in which radiography is being performed shall be conspicuously posted as required by Rule .1624 of this Chapter. The exception listed in Rule .1625 of this Chapter does not apply to industrial radiography.

Authority G.S. 104E-7.

.0517 SUPERVISION OF RADIOGRAPHERS' ASSISTANTS

(a) Whenever a radiographer's assistant uses radiographic exposure devices or radiation machines, uses sealed sources or related source handling tools, or conducts radiation surveys required by Rule .0515(b) and (c) of this Section to determine that the exposure has been terminated and, if applicable, the sealed source has returned to the shielded position after an exposure, ~~he~~ the assistant shall be under the personal supervision of a radiographer.

(b) The personal supervision shall include:

(1) the radiographer's ~~personal~~ physical presence at the site where the sealed sources or radiation machines are being used;

(2) the ~~ability~~ availability of the radiographer to give immediate assistance, if required; and

(3) the radiographer's ~~watching~~ direct observation of the assistant's performance of the operations referred to in this Section.

Authority G.S. 104E-7.

.0520 PERMANENT RADIOGRAPHIC INSTALLATIONS

(a) Permanent radiographic installations having high radiation area entrance controls of the types described in Subparagraphs (a)(1), (2) and (3) of Rule .1615 of this Chapter shall also meet the following special requirements:

(1) Each entrance that is used for personnel access to the high radiation area in a permanent radiographic installation to which this Section applies shall have both visible and audible warning signals to warn of the presence of radiation.

(2) The visible signal shall be actuated by radiation whenever the sealed source is exposed.

(3) The audible signal shall be actuated when an attempt is made to enter the installation while the sealed source is exposed.

(b) The alarm system shall be tested for proper operation ~~at intervals not to exceed three months and~~ with a radiation source at the beginning of each day of equipment use. The daily test shall include a check of the visible and audible signals by exposing the sealed source or operating the radiation machine prior to use of the room. Entrance control devices that reduce the radiation level upon entry as required in Paragraph (a) of this Rule shall be tested monthly. If a control device or alarm is operating improperly, it shall immediately be labeled as defective and repaired within seven calendar days. The facility may continue to to be used during this seven day period, provided the licensee or registrant implements continuous surveillance to protect against unauthorized entry and uses an alarming ratemeter. ~~before industrial radiographic operations are resumed.~~

(c) Records of test of alarm functions shall be maintained in accordance with Rule .0523 of this Section.

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

.0521 PERFORMANCE REQUIREMENTS FOR RADIOGRAPHY EQUIPMENT

Equipment used in industrial radiographic operations shall meet the following minimum criteria:

(1) Each radiographic exposure ~~device~~ device, source assembly or sealed source, and all associated equipment shall meet the requirements specified in American National Standard ~~N43.9-1991~~ N432-1980 "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography". This publication is incorporated by reference in Rule .0117

of this Chapter.

(2) Engineering analysis may be submitted to the agency to demonstrate the applicability of previously performed testing on similar individual radiography equipment components. Upon review by the agency, this may be an acceptable alternative to actual testing of the component pursuant to the above referenced standard.

~~(2)~~(3) In addition to the requirements specified in Item (1) of this Rule, the following requirements apply to radiographic exposure ~~devices and associated equipment:~~ devices, source changers, source assemblies, and sealed sources:

(a) Each radiographic exposure device shall have attached to it by the user a durable, legible, clearly visible label bearing the following:

(i) Chemical symbol and mass number of the radionuclide in the device;

(ii) Activity and the date on which this activity was last measured;

(iii) Model number (or product code) and serial number of the sealed source;

(iv) ~~Manufacturer~~ Manufacturer's identity of the sealed source; and

(v) Licensee's name, address, and telephone number.

(b) Radiographic exposure devices intended for use as Type B transport containers shall meet the applicable requirements of 10 CFR Part 71.

(c) Modification of ~~any~~ radiographic exposure ~~devices~~ devices, source chargers and source assemblies and associated equipment is prohibited, unless the design of any replacement component, including sealed source holder, source assembly, controls or guide tubes would not compromise the design safety features of the system.

~~(3)~~(4) In addition to the requirements specified in Items (1) and ~~(2)~~ (3) of this Rule, the following requirements apply to radiographic exposure ~~devices~~ devices, source assemblies, and associated equipment that allow the sealed source to be moved out of the device for ~~routine~~ radiographic ~~operation.~~ operations or to source changers.

(a) The coupling between the source assembly and the control cable shall be designed in such a manner that the source assembly will not become disconnected if cranked outside the guide tube. The coupling shall be such that it cannot be unintentionally disconnected under normal and reasonably foreseeable abnormal conditions.

(b) The device shall automatically secure the source assembly when it is cranked back into the fully shielded position within the device. This securing system shall be designed to only allow release of the sealed source by means of a deliberate operation on the exposure device.

(c) The outlet fittings, lock box, and drive cable fittings on each radiographic exposure device shall be equipped with safety plugs or covers which shall be installed during storage and transportation to protect the source assembly from water, mud, sand or other foreign matter.

(d) Each sealed source or source assembly shall have attached to it or engraved in it, a durable, legible, visible label with the words: "DANGER--RADIOACTIVE." The label shall not interfere with the safe operation of the exposure device or associated equipment.

(e) The guide tube ~~shall have passed the~~ must be able to withstand a crushing ~~tests~~ test ~~for the control tube as specified in ANSI N432~~ that closely approximates the crushing forces that are likely to be encountered during use, and be able to withstand a kinking resistance test that closely approximates the kinking forces that are likely to be encountered during use.

(f) Guide tubes shall be used when moving the sealed source out of the device.

(g) An exposure head or similar device designed to prevent the source assembly from passing out of the end of the guide tube shall be attached to the outermost end of the guide tube during radiographic operations.

(h) The guide tube exposure head connection shall be able to withstand the tensile test for control units specified in ANSI N432.

(i) Source changers shall provide a system for assuring that the sealed source will not be accidentally withdrawn from the changer when connecting or disconnecting the drive cable to or from a source assembly.

~~(4) All newly manufactured radiographic exposure devices and associated equipment acquired by licensees after the effective date of this Rule shall comply with the requirements of this Rule.~~

~~(5) All radiographic exposure devices, source assemblies and associated equipment in use after January 10, 1996 shall comply with the requirements of this Rule.~~

~~(6)~~(5) All associated equipment acquired after January 10, 1996 shall be labeled to identify that the components have met the requirements of this Rule.

Authority G.S. 104E-7.

.0522 REPORTING REQUIREMENTS

(a) In addition to the reporting requirements specified in other rules of this Chapter, each licensee or registrant shall provide a written report to the agency at the address specified in Rule .0111 of this Chapter within 30 days of the occurrence of any of the following incidents involving radiographic equipment:

(1) unintentional disconnection of the source assembly from the control cable;

(2) inability to retract the source assembly to its fully shielded position and secure it in this position; or

(3) failure of any component critical to safe operation of the device to properly perform its intended function.

(b) The licensee or registrant shall include the following information in each report required by Paragraph (a) of this Rule, and in each report of overexposure submitted pursuant to Section .1600 which involves failure of safety components of radiography equipment:

(1) a description of the equipment problem;
(2) cause of each incident, if known;
(3) manufacturer and model number of equipment involved in the incident;
(4) place, time and date of the incident;
(5) actions taken to establish normal operations;
(6) corrective actions taken or planned to prevent recurrence; and
(7) qualifications of personnel involved in the incident.

(c) Any licensee or registrant conducting radiographic operations or storing radioactive material at any location not listed on the license for a period in excess of 180 days in a calendar year, shall notify the agency prior to exceeding the 180 days.

Authority G.S. 104E-7.

.0523 RECORDS OF INDUSTRIAL RADIOGRAPHY

(a) Each licensee or registrant shall maintain, for a period of three years after the record is ~~made~~ made, ~~or until the agency authorizes disposition,~~ the following records for inspection by the agency:

(1) copies of the following documents:
  (A) radioactive materials license or registration issued by the agency;
  (B) the complete application submitted for the license or registration that includes all amendments; and
  (C) current operating and emergency procedures;
(2) records showing the receipt and transfer of all sealed sources and devices using depleted uranium (DU) for shielding that include:
  (A) date;
  (B) individual making the record;
  (C) radionuclide;
  (D) activity in curies or ~~becquerel;~~ becquerel or mass for depleted uranium; and
  (E) make, model and serial number of each sealed source and device;
(3) records of the calibrations of radiation detection instrumentation;
(4) records of leak tests for sealed sources and devices containing depleted uranium in units of microcuries or becquerel;
(5) records of quarterly inventories that include:
  (A) radionuclide;
  (B) activity in curies or becquerel;
  (C) specific information on each sealed source and the radiographic exposure device, storage container or source changer which contains the sealed source to include:
    (i) model numbers;
    (ii) serial numbers; and
    (iii) manufacturers names;
  (D) location of sealed sources;
  (E) name of the individual conducting the inventory; and
  (F) the date of the inventory;
(6) records of utilization logs showing the following information:
  (A) a description of each radiographic exposure device, radiation machine or transport or storage container in which the sealed source is located that includes:
    (i) make;
    (ii) model number; and
    (iii) serial number;
  (B) the identity and signature of the radiographer to whom assigned; and
  (C) the plant or site where used; and
  (D) dates of use that includes the dates removed and returned to storage;
(7) records of inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers and radiation machines. The record shall include:
  (A) date of the check;
  (B) name of the individual performing the check;
  (C) equipment involved;
  (D) any ~~defects~~ problems ~~found;~~ found in daily checks and quarterly inspections; and
  (E) any repairs or maintenance made and name of individual or company performing the repair;
(8) records of alarm system tests for permanent radiographic installations;
(9) records of the training and certification of each radiographer and radiographer's assistant as follows:
  (A) radiographer certification documents and verification of certification status;
  ~~(A)~~(B) for initial training, copies of written tests, dates and results of oral tests and field examinations; and names of individuals conducting and receiving the oral test or field examination;
  ~~(B)~~(C) for periodic ~~training,~~ training and semi-annual inspections of job performance, list of topics discussed, date(s) of the ~~review~~ review, names of the instructors and the attendees; and
  (D) for inspections of job performance, the records shall also include a list showing the items checked and any noncompliance observed by the Radiation Safety Officer.
(10) records for pocket dosimeters to include daily exposure readings and yearly operability checks;
(11) records of reports received from the film badge or TLD processor. These records shall be maintained until the agency terminates the license or registration or until authorized by the agency;
(12) records of exposure device surveys performed at the

end of the work day and prior to placing the device in storage; ~~and~~

(13) records of area surveys required by Rule .0515 of this ~~Section.~~ Section;

(14) copy of current operating and emergency procedures until the agency terminates the license or registration and copies of superseded material shall be retained for three years after the change is made; and

(15) evidence of the latest calibrations of alarm ratemeters and operability checks of pocket dosimeters or electronic personal dosimeters.

(b) Each licensee or registrant conducting operations at temporary jobsites shall maintain copies of the following documents and records at the temporary jobsite until the radiographic operation is completed:

(1) operating and emergency procedures required by Rule .0513 of this Section;

(2) radioactive materials license or registration;

(3) evidence of training of the radiographers and radiographer's assistants. The individuals shall either be listed on the radioactive materials license or registration and offer ~~proper~~ identification or shall have certification of his training and offer ~~proper~~ identification;

(4) evidence of the latest calibration of the radiation detection instrumentation in use at the site as required by Rule .0506 of this Section;

(5) evidence of the latest leak test of the sealed source required by Rule .0507 of this Section;

(6) records of the latest surveys required by Rule .0515 of this Section;

(7) records of current direct reading dosimeters such as pocket dosimeter or electronic personal dosimeter readings;

(8) shipping papers for the transportation of radioactive materials required by 10 CFR Part 71.5; ~~and~~

(9) records of area surveys required by Rule .0515 of this ~~Section.~~ Section;

(10) a copy of Section .0500 of this Chapter;

(11) utilization records for each radiographic exposure device dispatched from that location as required by Subparagraph (a) of Rule .0523 of this Section;

(12) records of equipment problems identified in daily checks of equipment; and

(13) when operating under reciprocity, a copy of the Nuclear Regulatory Commission or agreement state license authorizing the use of radioactive material.

(c) Each record required by this Rule shall be legible throughout the specified retention period. The record may be an original, a reproduced copy or microform provided that the copy or microform is authenticated by ~~authorized personnel~~ the licensee and ~~that~~ the microform is capable of reproducing a clear copy throughout the required record retention period. The record may also be stored in electronic media with the capability for producing legible, accurate and complete records during the required record retention period. Records, such as letters, drawings and specifications shall include all pertinent information, such as stamps, initials and signatures. The licensee or registrant shall maintain safeguards against tampering with and loss of records.

Authority G.S. 104E-7.

.0524 SPECIFIC LICENSE FOR INDUSTRIAL RADIOGRAPHY

An application for a specific license for the use of licensed material in industrial radiography shall be approved if the applicant meets the following requirements:

(1) the applicant satisfies the general requirements specified in Rules .0317 and .0323 of this Chapter for radioactive material, as appropriate, and any special requirements contained in this Section;

(2) the applicant submits a program for training radiographers and radiographers' assistants, that meets the requirements of Rule .0323 of this Chapter and Rule .0510 of this Section.

(3) the applicant submits procedures for verifying and documenting the certification status of radiographers and for ensuring that the certification of individuals acting as radiographers remains valid;

(4) the applicant submits written operating and emergency procedures as described in Rule .0323 of this Chapter and Rule .0513 of this Section;

(5) the applicant submits a description of a program for inspections of the job performance of each radiographer and radiographers' assistant at intervals not to exceed six months as described in Rule .0323 of this Chapter;

(6) the applicant submits a description of the applicant's overall organizational structure as it applies to the radiation safety responsibilities in industrial radiography, including specified delegation of authority and responsibility;

(7) the applicant identifies and lists the qualifications of the individual(s) designated as the radiation safety officer and potential designees responsible for ensuring that the licensee's radiation safety program is implemented in accordance with the requirements of this Chapter;

(8) If an applicant intends to perform leak testing of sealed sources or exposure devices containing depleted uranium shielding, the applicant shall describe the procedures for performing and the qualifications of the person(s) authorized to do the leak testing. If the applicant intends to analyze its own wipe samples, the application shall include a description of the procedures to be followed. The description shall include the:

(a) instruments to be used;

(b) methods of performing the analysis; and

(c) pertinent experience of the person who will analyze the wipe samples;

(9) If the applicant intends to perform "in-house" calibrations of survey instruments, the applicant shall describe methods to be used and the relevant experience of the person(s) who will perform the

calibrations. All calibrations shall be performed according to the procedures described and at the intervals prescribed in Rule .0506 of this Section;

(10) The applicant identifies and describes the location(s) of all field stations and permanent radiographic installations; and

(11) The applicant identifies the locations where all records required by this Section and other Sections of this Chapter will be maintained.

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

.0525 RADIOGRAPHER CERTIFICATION

(a) An independent certifying organization shall:

(1) be an organization such as the American Society of Nondestructive Testing (ASNT) or other society or association, whose members participate in, or have an interest in, the field of industrial radiography;

(2) make its membership available to the general public nationwide that is not restricted because of race, color, religion, sex, age, national origin or disability;

(3) have a certification open to nonmembers, as well as members;

(4) be an incorporated, nationally recognized organization, such as ASNT, that is involved in setting national standards of practice within its field of expertise;

(5) have staff, a viable system for financing its operations, and policy and decision-making review board;

(6) have a set of written organizational by-laws and policies that provide assurance of lack of conflict of interest and a system for monitoring and enforcing those by-laws and policies;

(7) have a committee, whose members can carry out their responsibilities impartially, to review and approve the certification guidelines and procedures, and to advise the organization's staff in implementing the certification program;

(8) have a committee, whose members can carry out their responsibilities impartially, to review complaints against certified individuals and to determine appropriate sanctions;

(9) have written procedures describing all aspects of its certification program, maintain records of the current status of each individual's certification and the administration of its certification program;

(10) have procedures to ensure that certified individuals are provided due process with respect to the administration of its certification program, including the process of becoming certified and any sanctions imposed against certified individuals;

(11) have procedures for proctoring examinations, including qualifications for proctors;

(12) ensure that the procedures in Subparagraph (a)(11) of this Paragraph require that the individuals proctoring each examination are not employed by the same company or corporations (or a wholly-owned subsidiary of such company or corporation) as any of the examinees;

(13) exchange information about certified individuals with the agency and other independent certifying organizations or the U.S. Nuclear Regulatory Commission and other agreement states, and allow periodic review of its certification program and related records; and

(14) provide a description to the agency of its procedures for choosing examination sites and for providing an environment suitable for examination.

(b) All certification programs shall:

(1) require applicants for certification to receive training in the topics set forth in Rule .0519 of this Section and satisfactorily complete a written examination covering the topics in Rule .0519 of this Section;

(2) require applicants for certification to provide documentation that demonstrates that the applicant has:

(A) received training in the topics set forth in Rule .0519 of this Section; or

(B) satisfactorily completed a minimum period of on-the-job training; and

(C) received verification by an agreement state or a Nuclear Regulatory Commission licensee that the applicant has demonstrated the capability of independently working as a radiographer;

(3) include procedures to ensure that all examination questions are protected for disclosure;

(4) include procedures for denying an application, and for revoking, suspending, and reinstating a certification;

(5) provide a certification period of not less than three years and not more than five years;

(6) include procedures for renewing certifications and, if the procedures allow renewals without examination, require evidence of recent full-time employment and annual refresher training; and

(7) provide a timely response to inquiries by telephone or letter, from members of the public, about an individual's certification status.

(c) All examinations shall be:

(1) designed to test an individual's knowledge and understanding of the topics set forth in Rule .0519 of this Section;

(2) written in a multiple-choice format; and

(3) have test items drawn from a question list based on the material contained in Rule .0519 of this Section.

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

SECTION .0700 - USE OF SEALED RADIOACTIVE SOURCES IN THE HEALING ARTS

.0702 INTERSTITIAL: INTRACAVITARY AND SUPERFICIAL APPLICATIONS

(a) Accountability, storage and transit

(1) ~~Except as otherwise specifically authorized by the~~

~~agency each~~ Each licensee shall provide accountability of sealed sources and shall keep a record of the issue and return of all sealed sources. A physical inventory shall be made at least every six months and a written record of the inventory maintained.

(2) When not in use, sealed sources and applicators containing sealed sources shall be kept in a protective enclosure of such material and wall thickness as necessary to assure compliance with the provisions of Rules .1604, .1609 and .1611 of this Chapter.

(b) Testing sealed sources for leakage and contamination

(1) All sealed sources with a half-life greater than 30 days and in any form other than gas shall be tested for leakage and contamination prior to initial use and at intervals not to exceed six months. If there is reason to suspect that a sealed source might have been damaged, or might be leaking, it shall be tested for leakage before further use.

(2) Leak tests shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample, or in the case of radium, the escape of radon at rate of 0.001 microcurie per 24 hours. Any test conducted pursuant to Subparagraph (b)(1) of this Rule which reveals the presence of 0.005 microcurie or more of removable contamination or, in the case of radium, the escape of radon at the rate of 0.001 microcurie or more per 24 hours shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the source from use and shall cause it to be decontaminated and repaired or to be disposed of in accordance with applicable provisions of Section .1600 of this Chapter. A report describing the sealed sources involved, the test results and the corrective action taken shall be submitted in writing to the agency at the address stated in Rule .0111 of this Chapter within five days after the test.

(3) Leak test results shall be recorded in units of microcuries and maintained for inspection by the agency.

(c) Radiation surveys

(1) The maximum radiation level at a distance of one meter from the patient in whom brachytherapy sources have been inserted shall be determined by measurement or calculation. This radiation level shall be entered on the patient's chart and other signs as required in Paragraph (d) of this Rule.

(2) The radiation surveying in Paragraph (c) of this Rule or a special survey shall be performed and shall include measurements necessary to comply with the following requirements:

(A) The therapeutic use of sealed sources shall not create radiation levels in areas occupied by patients not undergoing radiation therapy which would result in an accumulated dose in excess of 125 millirem if a patient were continuously present during the entire treatment period.

(B) The licensee shall maintain a record of this survey and the calculation which demonstrates compliance with Subparagraph (c)(1) of this Rule.

(C) The licensee shall select rooms for hospitalization of these sealed source therapy patients in a manner so as to minimize radiation exposure of other patients, hospital staff, visitors and the public, especially those who are under 18 years of age or who are pregnant females.

(D) This Rule does not relieve the licensee of responsibility to monitor or limit occupational radiation exposure for the licensee's staff as provided in Section .1600 of this Chapter.

~~(3) The licensee shall conduct a survey and a source count on all patients treated with cobalt-60, cesium-137, iridium-192, or radium-226 implants to ensure that all implants have been removed prior to release of the patient from the hospital. The results of these surveys shall be recorded and maintained for inspection by the agency for two years from the time the implants are removed.~~

(3) Immediately after implanting sources in an individual the licensee shall make a radiation survey of the individual and the area of use to confirm that no source has been misplaced. The licensee shall make a record of each survey.

(4) Immediately after removing the last temporary implant source from an individual, the licensee shall make a radiation survey of the individual with a radiation detection survey instrument to confirm that all sources have been removed. The licensee may not release from confinement for medical care an individual treated by temporary implant until all sources have been removed.

(d) A licensee shall maintain accountability for all brachytherapy sources in storage or in use. After removing sources from an individual, a licensee shall return brachytherapy sources to the storage area. A licensee shall ensure that all sources taken from the storage area have been returned, and shall make a record of the source accountability and retain the record for three years.

(e) For temporary implants, the record shall include:

(1) the number and activity of sources removed from storage;

(2) the date the sources were removed from storage;

(3) the number and activity of sources returned to storage; and

(4) the date the sources were returned to storage.

(f) For permanent implants, the record shall include:

(1) the number and activity of sources removed from storage;

(2) the date the sources were removed from storage;

(3) the number and activity of sources returned to storage;

(4) the date the sources were returned to storage; and

(5) the number and activity of sources permanently

implanted in the individual.

~~(d)~~(g) Signs and records

(1) In addition to the requirements of Rule .1624 of this Chapter, the bed, cubicle, or room of the hospital brachytherapy patient shall be marked with a sign indicating the presence of brachytherapy sources. This sign shall incorporate the radiation symbol and specify the radionuclide, activity, date, and the individual(s) to contact for radiation safety instructions. The sign is not required provided the exception in Rule .1625 of this Chapter is satisfied.

(2) The following information shall be included in the patient's chart:

(A) the radionuclide administered, number of sources, activity in millicuries and time and date of administration;

(B) the exposure rate at one meter, the time the determination was made, and by whom;

(C) the radiation symbol; and

(D) the precautionary instructions necessary to assure that the exposure of individuals does not exceed that permitted in Paragraph (c) of this Rule.

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

.0703 TELETHERAPY

(a) Any licensee authorized under Rule .0322 of this Chapter to use teletherapy units for treating humans shall cause full calibration measurements to be performed on each teletherapy unit.

(1) Such measurement shall be done at all of the following times:

(A) prior to the first use of the unit for treating humans;

(B) prior to treating humans whenever:

(i) spot-check measurements indicate that the output value differs by more than five percent from the value obtained at the last full calibration corrected mathematically for physical decay, or

(ii) following replacement of the radiation source or following reinstallation of the teletherapy unit in a new location, or

(iii) following any repair of the teletherapy unit that includes removal of the source or major repair of the components associated with the source exposure assembly; and

(C) at intervals not exceeding one year.

(2) Full calibration measurements required by Subparagraph (a)(1) of this Rule shall include determination of:

(A) the exposure rate or dose rate to an accuracy within plus or minus three percent for the range of field sizes and for the range of distances (or for the axis distance) used in radiation therapy;

(B) the congruence between the radiation field and the field indicated by the light beam localizing device;

(C) the uniformity of the radiation field and its dependence upon the orientation of the useful beam;

(D) timer accuracy; and

(E) the accuracy of all distance-measuring devices used for treating humans.

(3) Full calibration measurements shall be made in accordance with the procedures recommended by the Scientific Committee on Radiation Dosimetry of the American Association of Physicists in Medicine (Physics in Medicine and Biology, Vol. 16, No. 3, 1971, pp. 379-396).

(4) The exposure rate or dose rate values determined in Part (a)(2)(A) of this Rule shall be corrected mathematically for physical decay for intervals not exceeding one month.

(5) Full calibration measurements required by Subparagraph (a)(1) of this Rule and physical decay corrections required by Subparagraph (a)(4) of this Rule shall be performed by an expert qualified by training and experience in accordance with Subparagraph (d)(1) of this Rule.

(b) Any licensee authorized under Rule .0322 of this Chapter to use teletherapy units for treating humans shall cause spot-check measurements to be performed on each teletherapy unit at intervals not exceeding one month.

(1) Required spot-check measurements shall include determination of:

(A) timer accuracy;

(B) the congruence between the radiation field and the field indicated by the light beam localizing device;

(C) the accuracy of all distance-measuring devices used for treating humans;

(D) the exposure rate, dose rate, or a quantity related in a known manner to these rates for one typical set of operating conditions; and

(E) the difference between the measurement made in Part (b)(1)(D) of this Rule and the anticipated output, expressed as a percentage of the anticipated output (i.e., the value obtained at last full calibration corrected mathematically for physical decay).

(2) Required spot-check measurements shall be performed in accordance with procedures established by an expert qualified by training and experience in accordance with Paragraph (d) of this Rule.

(c) Any licensee responsible for the performance of full calibration or spot-check measurements shall be required to calibrate the instruments used in making such determinations.

(1) Full calibration measurements required by Paragraph (a) of this Rule shall be performed using a dosimetry system that has been calibrated by the National Bureau of Standards or by a Regional Calibration Laboratory accredited by the American Association of Physicists in Medicine. The dosimetry system shall

have been calibrated within the previous two years and after any servicing that may have affected system calibration.

(2) Spot-check measurements required by Paragraph (b) of this Rule shall be performed using a dosimetry system that has been calibrated in accordance with Subparagraph (c)(1) of this Rule. Alternatively, a dosimetry system used solely for spot-check measurements may be calibrated by direct intercomparison with a system that has been calibrated in accordance with Subparagraph (c)(1) of this Rule. This alternative calibration method shall have been performed within the previous one year and after each servicing that may have affected system calibration. Dosimetry systems calibrated by this alternative method shall not be used for full calibration measurements.

(d) The licensee shall determine if a person is an expert qualified by training and experience to calibrate a teletherapy unit and establish procedures for and review the results of spot-check measurements.

(1) The licensee shall determine that the expert is qualified by his:

(A) being certified by the American Board of Radiology in therapeutic radiological physics, radiological physics, roentgen-ray and gamma-ray physics, or x-ray and radium physics; or

(B) having the following minimum training and experience:

(i) a master's or doctor's degree in physics, biophysics, radiological physics or health physics;

(ii) one year of full-time training in therapeutic radiological physics; and

(iii) one year of full-time experience in a radiotherapy facility including personal calibration and spot check of at least one teletherapy unit.

(2) The licensee who has his teletherapy units calibrated by persons who do not meet the criteria for minimum training and experience stated in Part (d)(1)(B) of this Rule may request a license amendment excepting them from these requirements.

(A) Such request shall include:

(i) the name of the proposed qualified expert;

(ii) a description of his training and experience including information similar to that specified in Part (d)(1)(B) of this Rule;

(iii) reports of at least one calibration and spot-check program based on measurements personally made by the proposed expert within the last ten years; and

(iv) written endorsement of the technical qualifications of the proposed expert from personal knowledge by a physicist certified by the American Board of Radiology in one of the specialties listed in Part (d)(1)(A) of this Rule.

~~(B) The individual's qualifications will be evaluated by the Division of Radiation Protection, North Carolina Department of Environment, Health, and Natural Resources.~~

(e) The licensee shall maintain, for inspection by the agency, records of the measurements, tests, corrective actions, and instrument calibrations made under Paragraphs (a), (b), and (c) of this Rule, and records of the licensee's evaluation of the qualified expert's training and experience made under Paragraph (d) of this Rule for the following periods of time:

(1) Records of the full calibration measurements under Paragraph (a) of this Rule and the calibration of the instruments used to make these measurements under Paragraph (c) of this Rule shall be preserved for five years after completion of the calibration.

(2) Records of the spot-check measurements and corrective actions under Paragraph (b) of this Rule and the calibration of instruments used to make spot-check measurements under Paragraph (c) of this Rule shall be preserved for two years after completion of the spot-check measurements and corrective actions.

(3) Records of the licensee's evaluation of the qualified expert's training and experience under Paragraph (d) of this Rule shall be preserved for five years after the qualified expert's last performance of a full calibration on the licensee's teletherapy unit.

(f) Each teletherapy room shall be equipped with a radiation monitoring device which continuously monitors the teletherapy beam condition and is equipped with a back-up battery power supply for emergency operation.

(1) This device shall energize a visible signal to make the operator continuously aware of teletherapy beam conditions in order that appropriate emergency procedures may be instituted to prevent unnecessary radiation exposure.

(2) Operating procedures shall be modified to require daily operational testing of the installed radiation monitor.

(3) If a radiation monitor is inoperable for any reason, any person entering the teletherapy room shall use a properly operating portable radiation survey instrument or a personal dosimeter with an audible alarm to monitor for any malfunction of the source exposure mechanism which may have resulted in an exposed or partially exposed source.

(4) Survey instruments or dosimeters shall be tested daily before use.

(g) The licensee shall cause each teletherapy unit used to treat humans to be fully inspected and serviced during source replacement or at intervals not to exceed five years, whichever comes first, to assure proper functioning of the source exposure mechanism.

(h) Inspection and servicing of the teletherapy unit shall be

performed by persons specifically authorized to perform such services by a specific license issued by the agency, the U.S. Nuclear Regulatory Commission or an agreement state.

(i) A licensee shall post safety instructions at the teletherapy unit console. To satisfy this requirement, these instructions shall inform the operator of:

(1) The procedures to be followed to ensure that only the individual for whom treatment is planned is in the treatment room before turning the primary beam of radiation on to begin a treatment or after a door interlock interruption; and

(2) The procedure to be followed, if:

(A) the operator is unable to turn the primary beam of radiation off with controls outside the treatment room or if any other abnormal operation occurs; and

(B) the names and telephone numbers of the authorized users and radiation safety officer to be immediately contacted if the teletherapy unit or console operates abnormally.

(j) A licensee shall provide instruction in the topics identified in Paragraph (i) of this Rule to all individuals who operate a teletherapy unit.

(k) A licensee shall retain for three years a record of individuals receiving instruction required by Paragraph (j) of this Rule, a description of the instruction, the date of instruction, and the name of the individual who gave the instruction.

(l) A licensee shall control access to the teletherapy room by a door at each entrance.

(m) A licensee shall equip each entrance to the teletherapy room with an electrical interlock system that will:

(1) prevent the operator from turning the primary beam of radiation on unless each treatment room entrance door is closed;

(2) turn the primary beam of radiation off immediately when an entrance door is opened; and

(3) prevent the primary beam of radiation from being turned on following an interlock interruption until all treatment room entrance doors are closed and the beam on-off control is reset at the console.

(n) A licensee shall equip each entrance to the teletherapy room with a beam condition indicator light.

(o) A licensee shall install in each teletherapy room a permanent radiation monitor capable of continuously monitoring beam status.

(1) A radiation monitor must provide visual notice of a teletherapy unit malfunction that results in an exposed or partially exposed source, and must be observable by an individual entering the teletherapy room.

(2) A radiation monitor must be equipped with a backup power supply separate from the power supply to the teletherapy unit. This backup supply may be a battery system.

(3) A radiation monitor shall be checked with a dedicated check source for proper operation each day before the teletherapy unit is used for treatment of patients or human research subjects.

(4) A licensee shall maintain a record of the check required by Subparagraph (o)(3) of this Rule for three years. The record shall include:

(A) the date of the check;

(B) notation that the monitor indicates when its detector is and is not exposed; and

(C) the initials of the individual who performed the check.

(5) If a radiation monitor is inoperable, the licensee shall require any individual entering the teletherapy room to use a survey instrument or audible alarm personal dosimeter to monitor for any malfunction of the source exposure mechanism that may result in an exposed or partially exposed source. The instrument or dosimeter shall be checked with a dedicated check source for proper operation at the beginning of each day of use. The licensee shall keep a record as described in Subparagraph (o)(4) of this Rule.

(6) A licensee shall promptly repair or replace the radiation monitor if it is inoperable.

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

SECTION .1000 - NOTICES: INSTRUCTIONS: REPORTS AND INSPECTIONS

.1003 INSTRUCTIONS TO WORKERS

(a) All individuals who, in the course of employment, are likely to receive in a year an occupational dose in excess of 100 millirem (1 millisievert) ~~working in or frequenting any portion of a restricted area~~ shall be kept informed of the storage, transfer, or use of radioactive material or of radiation in such portions of the restricted area: shall be instructed in the health protection problems associated with exposure to such radioactive material or radiation, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed; shall be instructed in, and instructed to observe, to the extent within the worker's control, the applicable provisions of this Chapter and licenses for the protection of personnel from exposures to radiation or radioactive material occurring in such areas; shall be instructed of their responsibility to report promptly to the licensee or registrant any condition which may lead to or cause a violation of rules in this Chapter and licenses or unnecessary exposure to radiation or radioactive material; shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and shall be advised as to the radiation exposure reports which workers may request pursuant to Rule .1004 of this Section. The extent of these instructions shall be commensurate with potential radiological health protection problems in the restricted area.

(b) In determining those individuals subject to the requirements of Paragraph (a) of this Rule, licensees or registrants shall take into consideration assigned activities during normal and abnormal situations involving exposure to all sources of radiation and radioactive material which can reasonably be expected to occur during the life of the licensed or registered facility. The extent of these instructions shall be commensurate

with the potential radiological health protection problems present in the workplace.

Authority G.S. 104E-7; 104E-10; 104E-12.

SECTION .1600 - STANDARDS FOR PROTECTION AGAINST RADIATION

.1633 TRANSFER 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:~~

(a) The requirements of this Rule and Appendix G to 10 CFR 20, incorporated by reference in Rule .0117 of this Chapter, are designed to:

~~(1) the name, address and telephone number of the person generating the waste;~~

(1) control transfers of low-level radioactive waste by any waste generator, waste collector, or waste processor licensee, as defined in Appendix G to 10 CFR 20, who ships low-level waste either directly, or indirectly through a waste collector or waste processor, to a licensed low-level waste disposal facility, as defined in Rule .1202 of this Chapter;

~~(2) the name, address and telephone number of the person transporting the waste to the waste disposal facility;~~

(2) establish a manifest tracking system; and

~~(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 .1650 of this Section.~~

(3) supplement existing requirements concerning transfers and recordkeeping for those wastes.

~~(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.~~

(b) Any licensee shipping radioactive waste intended for ultimate disposal at a licensed land disposal facility shall document the information required on the U.S. Nuclear Regulatory Commission's Uniform Low-Level Radioactive Waste Manifest and transfer this recorded manifest information to the intended consignee in accordance with this Rule and Appendix G to 10 CFR 20.

~~(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.~~

(c) Each shipment manifest shall include a certification by the waste generator as specified in Appendix G to 10 CFR 20.

~~(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 .1650 of this Section and meets the waste characteristic requirements in Rule .1651 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 .1650 of this Section;~~

~~(3) conduct a quality control program to assure compliance with the provisions of Rules .1650 and .1651 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 radioactive material as required in Rules .0115 and .1642 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.~~

(d) Each person involved in the transfer for disposal and disposal of waste, including the waste generator, waste collector, waste processor, and disposal facility operator, shall comply with the requirements specified in this Rule and Appendix G to 10 CFR 20.

~~(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 .1642 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.

(e) Reports and notifications required to be made to the nearest regional administrator by Appendix G to 10 CFR 20 shall, instead, be made to the agency.

(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 .1650 of this Section and meets the waste characteristics requirements in Rule .1651 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 .1650 and .1652 of this Section:

(5) conduct a quality control program to assure compliance with the provisions of Rules .1650 and .1651 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 radioactive material as required in Rules .0115 and .1642 of this Chapter:

(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(a)(2),(a)(3); 104E-12(a).

.1635 GENERAL PROVISIONS FOR RECORDS

(a) Each licensee or registrant shall use the units: curie, rad and rem, including multiples and subdivisions thereof, and shall clearly indicate the units of all quantities on records required by this Section.

(b) Notwithstanding the requirements of Paragraph (a) of this Rule, when recording information on shipping manifests, as required by Rule .1633 of this Section and Appendix G to 10 CFR 20, information shall be recorded in the International System of Units (SI) or SI and units as specified in Paragraph (a) of this Rule.

(b)(c) The licensee or registrant shall make a clear distinction between the quantities entered on the records required by this Section (e.g., total effective dose equivalent, shallow-dose equivalent, eye dose equivalent, deep-dose equivalent, committed effective dose equivalent).

(c)(d) The discontinuance or curtailment of activities does not relieve the licensee or registrant of responsibility for retaining all records required by the rules in this Section. A licensee or registrant, may, however request the agency to accept such records. If the agency accepts such records, the licensee or registrant is relieved of subsequent responsibility only in respect to their preservation as required by the rules in this Section.

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;
  (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: 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.

(e) Any reports made by licensees or registrants in response to the requirements of this Rule shall also be provided to the exposed individual. The copy submitted to the exposed individual shall be transmitted at a time no later than the transmittal to the agency.

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

.1653 RADIOLOGICAL REQUIREMENTS FOR LICENSE TERMINATION

(a) General provisions and scope:

(1) The requirements in this Rule apply to the decommissioning of facilities licensed under the rules of this Chapter. For low-level radioactive waste disposal facilities licensed under Section .1200 of this Chapter, the requirements apply only to ancillary surface facilities that support radioactive waste disposal facilities.

(2) The requirements in this Rule do not apply to sites which:
  (A) have been decommissioned prior to the effective date of this Rule in accordance with criteria approved by the agency; or
  (B) have previously submitted and received agency approval for a license termination plan or for a decommissioning plan.

(3) After a site has been decommissioned and the license terminated in accordance with the requirements set forth in this Rule, the agency may require additional cleanup only if, based on new information, the agency determines that the requirements of this Rule were not met and residual radioactivity remaining at the site could result in a significant threat to the public health and safety.

(4) When calculating Total Effective Dose Equivalent (TEDE) to the average member of the critical group, the licensee shall determine the peak annual TEDE expected within the first 1,000 years after decommissioning.

(b) Radiological criteria for unrestricted use of a site shall be considered acceptable for unrestricted use if the residual radioactivity that is distinguishable from background radioactivity results in a TEDE to an average member of the critical group that does not exceed 25 millirem (0.25 millisievert) per year, including that from groundwater sources of drinking water, and the residual radioactivity has been reduced to levels that are as low as reasonably achievable (ALARA). Determination of the levels, which are ALARA, may take into account consideration of detriments, such as deaths from transportation accidents, expected to potentially result from decontamination and waste disposal.

(c) A site shall be considered acceptable for license termination under restricted conditions if:

(1) the licensee can demonstrate that further reductions in residual radioactivity necessary to comply with the provisions of Paragraph (b) of this Rule would result in net public or environmental harm or were not being made because the residual levels associated with restricted conditions are ALARA. Determination of the levels which are ALARA may take into account consideration of detriments, such as traffic accidents, expected to result from decontamination and waste disposal;

(2) the licensee has made provisions for legally enforceable institutional controls that provide reasonable assurance that the TEDE from residual radioactivity distinguishable from background radioactivity, to the average member of the critical group, will not exceed 25 millirem (0.25 millisievert) per year;

(3) the licensee has provided sufficient financial assurance to enable an independent third party, including a governmental custodian of a site, to assume and carry out responsibilities for any necessary control and maintenance of the site. Acceptable financial assurance mechanisms to meet the requirements of Subparagraph (c)(3) of this Rule are described in Rule .0354 of this Chapter.

(4) the licensee has submitted to the agency a decommissioning plan or license termination plan, as described in Rule .0339 of this Chapter, indicating the licensee's intent to decommission in accordance with the requirements of this Chapter, and specifying that the licensee intends to decommission by restricting use of the site;

(5) the licensee has documented in the license termination plan or decommissioning plan how the advice of individuals and institutions in the community who may be affected by the decommissioning has been sought and incorporated, as appropriate, following analysis of that advice:

(A) licensees proposing to decommission by restricting use of the site shall have sought advice from such affected parties regarding the following matters concerning the proposed decommissioning:

(i) whether provisions for institutional controls proposed by the licensee will provide reasonable assurance that the TEDE from residual radioactivity distinguishable from background radioactivity to the average member of the critical group will not exceed 25 millirem (0.25 millisievert) TEDE per year, will be enforceable and will not impose undue burdens on the community or other affected parties; and

(ii) whether the licensee has provided sufficient financial assurance to enable an independent third party, including a governmental custodian of a site, to assume and carry out responsibilities for any necessary control and maintenance of the site.

(B) the licensee has provided for:

(i) participation by representatives of a broad cross-section of community interests who may be affected by the decommissioning;

(ii) an opportunity for a comprehensive, collective discussion of the issues by the participants represented; and

(iii) a publicly available summary of the results of all such discussions, and the extent of agreement and disagreement among the participants on the issues.

(6) residual radioactivity at the site has been reduced so that if the institutional controls were no longer in effect, there is reasonable assurance that the TEDE from residual radioactivity distinguishable from background radioactivity to the average member of the critical group is as low as reasonably achievable and would not exceed either:

(A) 100 millirem (1 millisievert) per year; or

(B) 500 millirem (5 millisievert) per year provided the licensee:

(i) demonstrates that further reductions in residual radioactivity necessary to comply with the 100 millirem per year (1 millisievert per year) value described in Part (c)(6)(A) of this Rule, are not technically achievable, would be prohibitively expensive, or would result in net public or environmental harm;

(ii) makes provisions for durable institutional controls; or

(iii) provides sufficient financial assurance to enable a responsible government entity or independent third party, including a governmental custodian of a site, both to carry out periodic rechecks of the site no less frequently than every five years to assure that the institutional controls remain in place as necessary to meet the requirements of Subparagraph (c)(2) of this Rule and to assume and carry out responsibilities for any necessary control and maintenance of those controls.

(d) Alternate criteria for license termination:

(1) The agency may terminate a license using alternate criteria greater than the dose requirements of Paragraph (b), Subparagraph (c)(2), and Subpart (c)(5)(A)(i) of this Rule, if the licensee:

(A) provides assurance that public health and safety would continue to be protected, and that it is unlikely that the dose from all man-made sources combined, other than medical, would be more than 100 millirem TEDE per year (1 millisievert per year) limit described in Rule .1611 of this Section, by submitting an analysis of possible sources of exposure;

(B) has employed, to the extent practical, restrictions on site use according to the provisions of Paragraph (c) of this Rule in minimizing exposures at the site;

(C) reduces doses to ALARA levels, taking into consideration detriments such as traffic accidents expected to potentially result from decontamination and waste disposal;

(D) has submitted a decommissioning plan or license termination plan to the agency indicating the licensee's intent to decommission in accordance with the requirements of this Chapter, and specifying that the licensee proposes to decommission by use of alternate

criteria;

(E) has documented in the decommissioning plan or license termination plan how the advice of individuals and institutions in the community who may be affected by the decommissioning has been sought and addressed; and

(F) in seeking such advice, the licensee has provided for:

(i) participation by representatives of a broad-cross section of community interests who may be affected by the decommissioning;

(ii) an opportunity for a comprehensive, collective discussion of the issues by the participants represented; and

(iii) a publicly available summary of the results of such discussions, including a description of the extent of agreement and disagreement among the participants on the issues.

(2) The use of alternate criteria to terminate a license requires the consideration of any comments provided by any other interested state agencies and any public comments submitted pursuant to Paragraph (e) of this Rule.

(e) Upon the receipt of a license termination plan or decommissioning plan from the licensee, or a proposal by the licensee for release of a site pursuant to Paragraphs (c) and (d) of this Rule, or whenever the agency deems such notice to be in the public interest, the agency shall notify and solicit comments from:

(1) local governments in the vicinity of the site, appropriate state agencies, the U.S. Environmental Protection Agency, and any Indian Nation or other indigenous people that have treaty or statutory rights that could be affected by the decommissioning; and

(2) publish a notice in a forum, such as local newspapers, letters to state or local organizations or other appropriate forum that is readily accessible to individuals in the vicinity of the site, and solicit comments from affected parties.

Authority G.S. 104E-7(a)(2); 104E-10(b).

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

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 the rules cited as 21 NCAC 46 .1612, .1706, .2306, .2506 and amend the rules cited as 21 NCAC 46 .1601, .1703, .1809, .2304, .2502, .2604, .2609, .2611. Notice of Rule-making Proceedings was published in the Register on June 15, 1998.

Proposed Effective Date: *April 1, 1999*

A Public Hearing *will be conducted at 10:00 a.m. on September 14, 1998 at the Institute of Pharmacy, Auditorium, 109 Church Street, Chapel Hill, NC 27516.*

Reason for Proposed Action: *To modify requirements regarding the dispensing of prescription drugs by physician assistants; to modify requirements for the use of automated data processing systems by requiring use of drug interaction software; to modify service requirements with regard to rehabilitational medical equipment; to modify requirements regarding emergency prescription refills; to address late renewal fees; to allow for access to pharmacy records by parent, spouse, or agent; to address the reporting of and documentation of dispensing errors; to regulate pharmacist working conditions; to require that a pharmacy must post times that a pharmacist is on duty; to correct an incorrect citation in 21 NCAC 46 .1601; and to modify record keeping requirements for device and medical equipment permit holders.*

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 Board of Pharmacy, PO Box 459, Carrboro, NC 27510-0459. Written submission of comments or argument will be accepted at any time up to and including September 14, 1998.*

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 PERMITS

.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 clerks have been instructed that they may render pharmaceutical service only as an aid to and under the immediate supervision of a registered pharmacist.

(3) The pharmacy posts in a location conspicuous to the public the specific hours that a pharmacist is on duty in the pharmacy.

~~(3)~~(4) 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, 1/2 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)~~(5) 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)~~(6) 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~~ Section .1400 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.

.1612 LATE RENEWAL FEES

All licenses renewed after March 1 are subject to an additional fifteen dollar ($15.00) late renewal fee. All permits renewed after March 1 are subject to the original registration fee.

Authority G.S. 150B-19(5).

SECTION .1700 - DRUGS DISPENSED BY NURSE OR PHYSICIAN'S ASSISTANT

.1703 DRUGS TO BE DISPENSED

(a) Such drugs as may be dispensed by the nurse practitioner who is authorized to prescribe or dispense drugs shall be limited to those drugs in the written standing protocols approved and signed by the supervising physician(s), consulting pharmacist, and the nurse practitioner and maintained in each practice site. The written standing protocols shall include drugs that may be prescribed, ordered and implemented by the nurse practitioner. All drugs not listed in the written standing protocols which might be prescribed by the physician supervising the nurse practitioner must be dispensed personally by the prescribing physician, by the pharmacist, or by a person acting under the supervision of the pharmacist.

(b) The physician assistant may dispense any and all drugs that the physician assistant is authorized by law to prescribe. ~~Such drugs as may be dispensed by a physician assistant who is authorized to prescribe or dispense drugs shall be limited to those drugs in the written instructions for prescribing drugs from the supervising physician. The written instructions for prescribing drugs shall include drugs that may be prescribed, ordered and implemented by the physician assistant. All drugs not listed in the written instructions for prescribing drugs which might be prescribed by the physician supervising the physician assistant must be dispensed personally by the prescribing physician, by the pharmacist, or by a person acting under the supervision of the pharmacist.~~

(c) The pharmacist shall prepare a plan to ensure ~~proper ordering, storing, and packaging of~~ that there are adequate amounts of each of the drugs dispensed by a nurse practitioner or physician ~~assistant.~~ assistant, and that such drugs are properly stored and packaged. ~~All drugs dispensed by a nurse practitioner or physician assistant shall be reviewed by a pharmacist on a weekly basis for compliance with retrospective drug utilization review, for cost effective use of prescription drugs, and to ensure optimal drug therapy. Factors to be considered are:~~

- ~~(1) Need of the drug, given the diseases and conditions treated;~~
- ~~(2) Effectiveness of the drug, in terms of efficiency,~~
  - ~~(a) efficiency,~~
  - ~~(b) toxicity,~~
  - ~~(c) pharmacokinetic properties,~~
  - ~~(d) bioequivalence, if applicable,~~
  - ~~(e) pharmaceutical equivalence, if applicable, and~~
  - ~~(f) therapeutic equivalence, if applicable; and~~
- ~~(3) Risks of:~~
  - ~~(a) known incidence of adverse drug reactions; and~~
  - ~~(b) potential for error in prescribing or ordering preparation, dispensing, and administration.~~

(d) All drugs dispensed by a nurse practitioner or physician assistant must be dispensed from a place holding a current pharmacy permit from the Board as required by G.S. 90-85.21.

(e) The consulting pharmacist shall be available for consultation in person, by telephone, or other means of direct communication at all times when drugs are dispensed.

(f) All drugs dispensed by the nurse practitioner or physician assistant shall be prepackaged in safety closure containers and shall be appropriately prelabeled (including necessary auxiliary labels) by the pharmacist with all information required by law except the name of the patient and the directions for use. The name of the patient and directions for use of the drugs shall be placed on the label by the nurse practitioner or physician assistant at the time it is delivered to the patient or his agent.

Authority G.S. 90-18.1; 90-18.2; 90-85.6.

.1706 RETROSPECTIVE REVIEW AND CONSULTATION

All drugs dispensed by a nurse practitioner or physician assistant shall be retrospectively reviewed by a pharmacist on a weekly basis. The reviewing pharmacist may advise and consult with the dispensing nurse practitioner or physician assistant about potential drug therapy concerns which may result from:

- (1) therapeutic duplication;
- (2) drug-disease contraindication;
- (3) interactions between or among drugs, including serious interactions with prescription or over-the-counter drugs;
- (4) incorrect drug dosage or duration of drug treatment;
- (5) interactions between drugs and allergies; and
- (6) clinical abuse or misuse.

Authority G.S. 90-18.1; 90-18.2; 90-85.6.

SECTION .1800 - PRESCRIPTIONS

.1809 EMERGENCY PRESCRIPTION REFILLS

In the event a pharmacist or device and medical equipment permit holder receives a request for a prescription refill and the

pharmacist or permit holder is unable to obtain readily refill authorization from the prescriber, the pharmacist or permit holder may dispense a one-time emergency refill ~~of up to a 72-hour supply~~ of the prescribed medication, provided that:

(1) The prescription is not for a Schedule II controlled substance;

(2) The medication is essential to the maintenance of life or to the continuation of therapy in a chronic condition;

(3) In the pharmacist's or permit holder's professional judgment, the interruption of therapy might reasonably produce undesirable health consequences;

(4) The dispensing pharmacist or permit holder creates a written order containing all of the prescription information required by Section .2300 of these Rules and signs that order;

(5) The dispensing pharmacist or permit holder notifies the prescriber or the prescriber's office of the emergency dispensing within 72 hours after such dispensing.

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

SECTION .2300 - PRESCRIPTION INFORMATION AND RECORDS

.2304 AUTOMATED DATA PROCESSING SYSTEMS

An automated data processing system may be employed as a record-keeping system if the following conditions are met:

(1) The system shall have the capability of producing sight-readable documents of all original and refilled prescription information. The term "sight-readable" means that a regulatory agent shall be able to examine the record and read the information. During the course of an inspection, the record may be read from the cathode ray tube, microfiche, microfilm, printout or other method acceptable to the Board. In the case of administrative proceedings before the Board, records must be provided in a readable paper printout form.

(2) Such information shall include, but not be limited to the prescription requirements and records of dispensing as indicated in Rules .2301 and .2302 of this Section.

(3) The individual pharmacist responsible for completeness and accuracy of the entries to the system must provide documentation of the fact that prescription information entered into the computer is correct. In documenting this information, the pharmacist shall have the option of either:

(a) providing a printout of each day's prescription information. That printout shall be dated and the individual pharmacist shall verify that the information indicated is correct and sign the printout in the same manner as a check or legal document (e.g. J.H. Smith, or John H. Smith). Such printout must be maintained three years from the date of last dispensing; or

(b) maintaining a log book, or separate file, in which each individual pharmacist involved in such dispensing shall sign a statement each day attesting to the fact that the prescription information entered into the computer that day has been reviewed and is correct as shown. Such a book or file must be maintained at the pharmacy employing such a system for a period of three years after the date of last dispensing.

(4) Documentation in Paragraph (3) of this Rule must be provided in the pharmacy within 72 hours of date of dispensing.

(5) An auxiliary recordkeeping system shall be established for the documentation of refills if the automated data processing system is inoperative for any reason. When the automated data processing system is restored to operation, the information regarding prescriptions filled, refilled or transferred during the inoperative period shall be entered into the automated data processing system within the time equal to the number of inoperative days times three; for example, if the system were inoperative for five days then all interim data shall be entered within 15 days of the last inoperative day. However, nothing in this Paragraph shall preclude the pharmacist from using professional judgment for the benefit of a patient's health and safety. The auxiliary record keeping system shall be backed up at least weekly.

(6) A pharmacy shall make arrangements with the supplier of data processing services or materials to assure that the pharmacy continues to have adequate and complete prescription and dispensing records if the relationship with such supplier is terminated for any reason. A pharmacy shall assure continuity in the maintenance of records.

(7) A current version of drug interactions software shall be used and policies and procedures shall be established to address overriding the interactions prompt.

Authority G.S. 90-85.6(a); 90-85.26; 90-85.32; 90-107.

.2306 RELEASE OF PHARMACY RECORDS

The contents of written prescription orders on file in a pharmacy or other place where prescriptions are dispensed or a copy of such orders may be provided to the patient's parent, spouse, or agent for the purpose of submitting the information to any entity described in G.S. 90-85.36(a)(10).

Authority G.S. 90-85.6; 90-85.32; 90-85.36.

SECTION .2500 - MISCELLANEOUS PROVISIONS

.2502 RESPONSIBILITIES OF PHARMACIST-MANAGER

(a) The pharmacist-manager shall assure that prescription legend drugs and controlled substances are safe and secure

within the pharmacy.

(b) The pharmacist-manager employed or otherwise engaged to supply pharmaceutical services may have a flexible schedule of attendance but shall be present for at least one-half the hours the pharmacy is open or 32 hours a week, whichever is less.

(c) Whenever a change of ownership or change of pharmacist-manager occurs, the successor pharmacist-manager shall complete an inventory of all controlled substances in the pharmacy within ten days. A written record of such inventory, signed and dated by the successor pharmacist-manager, shall be maintained in the pharmacy with other controlled substances records for a period of three years.

(d) The pharmacist-manager shall develop and implement a system of inventory record-keeping and control which will enable that pharmacist-manager to detect any shortage or discrepancy in the inventories of controlled substances at that pharmacy at the earliest practicable time.

(e) The pharmacist-manager shall maintain complete authority and control over any and all keys to the pharmacy and shall be responsible for the ultimate security of the pharmacy.

(f) These duties are in addition to the specific duties of pharmacist-managers at institutional pharmacies and pharmacies in health departments as set forth in these rules.

(g) A person shall not serve as pharmacist-manager at more than one pharmacy at any one time except for limited service pharmacies, which will be considered by the Board on an individual basis upon application by the pharmacist-manager.

(h) When a pharmacy is to be closed permanently, the pharmacist-manager shall inform the Board and the United States Drug Enforcement Administration of the closing, arrange for the proper disposition of the pharmaceuticals and return the pharmacy permit to the Board's offices within ten days of the closing date. The pharmacist-manager, and the pharmacy's owner (if the owner is other than the pharmacist-manager), shall transfer prescription files to another pharmacy for maintenance of patient therapy and shall inform the public of such transfer by posted notice or otherwise. Controlled substance records shall be retained for the period of time required by law.

(i) The pharmacist-manager shall prepare a plan to safeguard prescription records and pharmaceuticals in the event of a natural disaster such as hurricane or flood.

(j) The pharmacist-manager shall separate from the dispensing stock all drug products more than six months out of date.

(k) The owner representative or pharmacist-manager shall report to the Board of Pharmacy information that reasonably suggests that there is a probability that a prescription drug or device dispensed from a location holding a permit has caused or contributed to the death of a patient or customer. This report shall be filed in writing on a form provided by the Board within 14 days of the owner representative or pharmacist-manager's becoming aware of the event. The pharmacist-manager shall retain all documents, labels, vials, supplies, substances and internal investigative reports relating to the event. All such items shall be made available to the Board upon request.

(l) The Board may not disclose the identity of an owner representative or pharmacist-manager who makes a report under Paragraph (k) of this Rule, except in connection with G.S. 90-85.36. No report made under Paragraph (k) of this Rule shall be discoverable or admissible into evidence or otherwise used in any civil action involving private parties except as provided by G.S. 90-85.36.

(m) Dispensing errors which are not detected and corrected prior to the patient receiving the medication shall be documented and reported within a suitable time frame to the pharmacist-manager. Documentation shall include pertinent chronological information and appropriate forms including the identity of individual(s) responsible. These documents shall be archived in a readily retrievable manner and available for inspection by the Board for a period of three years. These documents shall not be discoverable or admissible into evidence or otherwise used in any civil action involving private parties except as provided by G.S. 90-85.36.

~~(m)~~(n) In any Board proceeding, the Board shall consider compliance with Paragraphs (k) and (m) of this Rule as a mitigating factor and noncompliance with Paragraphs (k) and (m) of this Rule as an aggravating factor.

Authority G.S. 90-85.6; 90-85.21; 90-85.25.

.2506 PHARMACIST WORK CONDITIONS

A permit holder shall not require a pharmacist to work longer than 12 continuous hours per work day. A pharmacist working longer than six continuous hours per work day shall be allowed during that time period to take a 30 minute meal break and one additional 15 minute break.

Authority G.S. 90-85.6; 90-85.21; 90-85.32.

SECTION .2600 - DEVICES

.2604 RECORDS

(a) All orders and records for devices and medical equipment shall conform in all pertinent respects with Board Rules .2301 through .2305 of this ~~Chapter.~~ Chapter and shall be maintained at the dispensing site. In addition to the requirements of those rules, the serial numbers for all devices dispensed and all medical equipment delivered to outpatients shall be preserved as part of the records; provided, that this requirement shall not apply to disposable devices and medical equipment.

(b) All prescriptions and refill orders for devices and medical equipment shall be maintained at the dispensing site for at least three years.

(c) All device and medical equipment permit holders shall maintain a file copy of every item sold or rented with a serial number or tracking number or code in compliance with FDA Medical Device Tracking requirements.

Authority G.S. 90-85.3(e),(l1),(r); 90-85.6; 90-85.22.

.2609 REHABILITATION EQUIPMENT

(a) Rehabilitation equipment suppliers shall demonstrate to the Board's satisfaction a working knowledge of the services provided and how they relate to each patient's goals as prescribed by the physician.

(b) Rehabilitation equipment suppliers shall:

(1) Actively solicit information from the physician, physical therapist, occupational therapist, registered nurse and other medical or educational personnel, as to the results of their assessment and evaluation of the patient's physical, functional and associated needs as well as the specific goals to be met by the enabling technology;

(2) In close consultation with the referring health professional(s), patient, patient's family and other primary care providers, delineate the appropriate choices of commercially available and custom fabricated equipment to meet the specified needs of the patient;

(3) Participate in the measurement of the patient, utilizing appropriate instruments and techniques to assure the fit and function of the selected equipment;

(4) Deliver, fit and adjust the prescribed equipment;

(5) Instruct the patient and family in the safe and proper use and care of the equipment provided;

(6) Provide service and support for the equipment delivered through knowledgeable, skilled and highly trained service personnel and within 72 hours, provide a response to patient requests for repair service on equipment supplied; however, such service and support need not be provided unless the patient's account is current;

(7) Provide a specific, written statement of warranty on the equipment provided, including commercial warranties and those for adapted or custom fabricated items;

(8) Maintain liability insurance of at least one million dollars ($1,000,000) worth of coverage and when involved in the design, fabrication or substantial modification of commercially available equipment, also maintain product liability insurance; and

(9) Utilize extensive, written, quality assurance procedures including, but not limited to:

(A) Reviewing custom designed and fabricated equipment and interfacing techniques with commercial equipment to assure compatibility and safety;

(B) Understanding the properties of the materials being used in custom designed and modified equipment to assure long term durability;

(C) Documenting goals and objectives of the referring medical or education personnel, as well as short and long term effectiveness of the equipment in meeting those goals and objectives; and

(D) Documenting complaints and problems as required in Rule .1608(a)(12) of this Chapter.

Authority G.S. 90-85.3(e),(l1),(r); 90-85.6; 90-85.22.

.2611 MEDICAL EQUIPMENT

(a) Medical equipment suppliers shall demonstrate to the Board's satisfaction a working knowledge of the services provided and how they relate to each patient's goals.

(b) Medical equipment suppliers shall:

(1) Document where appropriate, information from the physician or other medical personnel as to the patient's specific needs to be met by the equipment delivered as well as the effectiveness of the equipment in meeting those needs;

(2) In consultation with the referring health professional(s), patient, patient's family and other primary care providers, delineate the appropriate choices of commercially available equipment to meet the specified needs of the patient;

(3) Participate in the measurement of the patient, utilizing appropriate instruments and techniques to assure the fit and function of the selected equipment;

(4) Deliver, fit and adjust the prescribed equipment;

(5) Instruct the patient or family in the safe and proper use and care of the equipment provided in compliance with Rule .2504;

(6) Provide service and support for the equipment dispensed or delivered and, within 72 hours, provide a response to patient requests for repair service on equipment supplied; however, such service and support need not be provided unless the patient's account is current;

(7) Maintain liability insurance of at least one million dollars ($1,000,000) worth of coverage;

(8) Demonstrate that each item sold or rented has been checked, is free of defect, and operates within the manufacturers' specifications;

(9) Refrain from modifying equipment to the extent that the modification might reasonably cause harm;

(10) Maintain all electrical components so that they do not present a fire or shock hazard;

(11) Ensure that all appropriate warning labels or labeling, including tags, are present on the equipment provided;

(12) Maintain documentation demonstrating that a function and safety check of equipment was performed prior to set up;

(13) Maintain an established protocol for cleaning and disinfecting equipment which addresses both aerobic and anaerobic pathogens including procedures to prevent cross-contamination; and

(14) Clean and disinfect equipment according to manufacturers' specifications.

(c) Medical equipment suppliers shall implement a comprehensive preventative maintenance program for rental equipment which includes the following:

(1) Procedures for problem reporting, tracking, recall, and resolution;

(2) Performance of service as specified by the manufacturer and the documentation of such performance in the service records; and

(3) Maintain documentation of repair and maintenance of equipment. The following information shall be documented in the repair log:

(A) Type of equipment;

(B) Manufacturer;

(C) Model;

(D) Serial number;
(E) Date of repair;
(F) Specific repair made; and
(G) Name of person or company performing the repair.

(d) In addition to Section .2500 of this Chapter providers of parenteral and enteral nutrition services shall comply with the following counseling requirements:

(1) Utilize orientation checklists to review:
(A) Instructions for use of the equipment;
(B) Safety precautions;
(C) Cleaning procedures;
(D) Maintenance procedures; and
(E) Return demonstrations on equipment delivered.

(2) Instruct the patient about emergency and routine contact procedures;

(3) Deliver and review with the patient written instruction materials to ensure that the patient receives adequate information to properly operate the equipment; and

(4) A written plan of service shall be developed, implemented, and documented in the patient record. The plan of service shall include, but is not limited to, the assessment of the safety of the home environment, the caregiver or patient's ability to comply with the prescription, and the caregiver or patient's ability to operate and clean the equipment as instructed.

Authority G.S. 90-85.3(e),(l1),(r); 90-85.6; 90-85.22.

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 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Rule-making Agency: *DENR - Environmental Management Commission*

Rule Citation: *15A NCAC 2H .0226*

Effective Date: *August 21, 1998*

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

Authority for the rule-making: *G.S. 143-215.3(a)(1); 1997 N.C. Sess. Laws ch. 458; 143-215.1; 143-215.10C.*

Reason for Proposed Action: *With the enactment of HB 515, the moratorium that was created will serve as a basis for future requirements. HB 515 provides for an exception to the moratorium allowing the permitting of innovative animal waste systems that do not employ anaerobic lagoons. The intent of this exception, along with the proposed temporary rule, was to allow the development of innovative technologies as an alternative to the conventional anaerobic lagoons that are now employed. Even though the expiration of the moratorium is before this rule will become permanent, a permanent rule may be required. The General Assembly is currently considering and may require an extension of the moratorium. The proposed rule would only be effective as long as Part I. of HB 515 is in effect. Also, this rule may serve as the foundation for future systems if conventional anaerobic lagoons are restricted in future legislation.*

Comment Procedures: *Comments, statements, data, and other information may be submitted in writing within 60 days (until October 13, 1998) after the date of publication of this issue in the NC Register. Copies of the proposed rule and information package may be obtained by contacting the Non-Discharge Permitting Unit at (919) 733-5083 (ext. 574 or 535). Written comments may be submitted to Kim H. Colson, Division of Water Quality, Water Quality Section, Non-Discharge Permitting Unit, PO Box 29535, Raleigh, NC 27626-0535.*

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2H - PROCEDURES FOR PERMITS: APPROVALS

SECTION .0200 - WASTE NOT DISCHARGED TO SURFACE WATERS

.0226 INNOVATIVE ANIMAL WASTE OPERATION PERMITS FOR SWINE OPERATIONS

(a) In accordance with the Clean Water Responsibility And Environmentally Sound Policy Act, 1997 N.C. Sess. Laws ch. 458, Sec. 1.1(b)(7), the Director may issue permits for a new or expanding swine waste operation if the operation utilizes an innovative animal waste management system that does not employ an anaerobic lagoon. For the purpose of implementing the Clean Water Responsibility And Environmentally Sound Policy Act, 1997 N.C. Sess. Laws ch. 458, an individual permit may be issued for a new or expanding swine farm under G.S. 143-215.10C if the animal waste management system meets the criteria as set forth in Paragraph (b) of this Rule.

(b) An animal waste management system may be considered for an exception under Sec. 1.1(b)(7) of the Clean Water Responsibility And Environmentally Sound Policy Act, 1997 N.C. Sess. Laws ch. 458 if:

(1) The system is installed on state or federally owned property, does not employ an anaerobic lagoon, and is a research or demonstration project; or

(2) The system is substantially different from systems, other than pilot scale, currently in use in North Carolina on swine operations with 250 or more swine; and

(3) It appears that the system will provide the Department a viable alternative to the continued use of the existing form of anaerobic wastewater lagoons prevalent in North Carolina as the treatment system for swine waste, or it appears that the system will substantially advance the Department's knowledge with regard to significant improvements that can be made to animal waste management on swine farms; and

(4) The system does not employ an anaerobic lagoon.

(c) The following definitions apply to this Section:

(1) "Anaerobic Lagoon" shall mean the lagoon is designed for the treatment of waste by converting it into Carbon dioxide, Methane, other gaseous end products, organic acids, and cell tissue.

(2) "Lagoon" shall be as defined in G.S. 106-802(1).

(3) "Anaerobic process" means a biological treatment process that occurs in the absence of oxygen.

(d) Other processes, such as anoxic zones and anaerobic zones for nutrient removal or anaerobic digesters for the further treatment of residual solids, that do not include an anaerobic lagoon, would not prevent consideration for an exception under this Rule, provided the applicant can document beneficial aspects of the treatment with respect to ammonia volatilization, water quality, and odor reduction. The burden of proof shall be on the applicant to demonstrate this requirement.

(e) The Director may require the use of aeration or other treatment in holding basins or other storage devices if there is a potential for anaerobic processes developing and generating odors on a regular basis which are detectable beyond the property of the operation.

(f) The Director may consider whether the proposed location is consistent with water quality concerns in the watershed.

(g) This Rule shall be in effect as long as the Clean Water Responsibility And Environmentally Sound Policy Act, 1997 N.C. Sess. Laws ch. 458, Sec. 1.1 is in effect.

History Note: Authority G.S. 143-215.1; 143-215.10C; S.L. 1997 c. 458;
Temporary Adoption Eff. August 21, 1998.

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Rule-making Agency: *North Carolina Wildlife Resources Commission*

Rule Citation: *15A NCAC 10B .0207*

Effective Date: *August 1, 1998*

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

Authority for the rule-making: *G.S. 113-134; 113-274; 113-291.1; 113-292*

Reason for Proposed Action: *To set/amend the rule regarding possession and transportation of box trapped rabbits which is necessary to manage and conserve the resource.*

Comment Procedures: *The North Carolina Wildlife Resources Commission has the authority to adopt temporary rules pursuant to S.L. 1997-0403. This temporary rule is adopted following the public hearing and public comment period established for permanent rule adoption. A public hearing was held on July 2, 1998 for the permanent rule and the record of hearing for public comment was closed on July 15, 1998. The submission for permanent rule is on file with the Rules Review Commission.*

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0200 - HUNTING

.0207 RABBITS

(a) Open Season: Saturday next preceding Thanksgiving to the last day of February.

(b) Bag Limits: Daily, five; possession, 10; season, 75.

(c) Box-traps. During the hunting season specified in Paragraph (a) of this Rule and subject to the bag, possession and season limits set forth in Paragraph (b) of this Rule, rabbits may be taken with box-traps. A valid hunting license shall serve as a transportation permit for live rabbits taken pursuant to this Rule.

History Note: Authority G.S. 113-134; 113-274; 113-291.1; 113-291.2;
Eff. February 1, 1976;
Amended Eff. July 1, 1987; July 1, 1986; July 1, 1985; July 1, 1984;
Temporary Amendment Eff. August 1, 1998.

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, August 20, 1998, 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, August 17, 1998, 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
Teresa L. Smallwood, Vice Chairman
Jim Funderburke
Vernice B. Howard
Philip O. Redwine
David Twiddy

Appointed by House
Paul Powell, Chairman
Anita White, 2nd Vice Chairman
Mark Garside
Steve Rader
George Robinson

RULES REVIEW COMMISSION MEETING DATES

July 23, 1998
August 20, 1998
September 17, 1998
October 15, 1998
November 19, 1998

MEETING DATE: AUGUST 20, 1998

LOG OF FILINGS

RULES SUBMITTED: JUNE 20, 1998 THROUGH JULY 20, 1998

AGENCY/DIVISION	RULE NAME	RULE CITATION	ACTION
DHHS/COMMISSION FOR MH/DD/SAS			
	Definitions	10 NCAC 45H .0201	Amend
JUSTICE/NC ALARM SYSTEMS LICENSING BOARD			
	Statement of Purpose	12 NCAC 11 .0501	Adopt
	Definitions	12 NCAC 11 .0502	Adopt
	Required CLE Hours	12 NCAC 11 .0503	Adopt
	Accreditation Standards	12 NCAC 11 .0504	Adopt
	Non-Resident Licensee	12 NCAC 11 .0505	Adopt
	Recording and Reporting CLE Credits	12 NCAC 11 .0506	Adopt
	Non-Compliance	12 NCAC 11 .0507	Adopt
EDUCATION, STATE BOARD OF			
	Hearings	16 NCAC 6C .0502	Amend
	Early Admission to Kingergarten	16 NCAC 6E .0105	Adopt
	Annual Performance Standards	16 NCAC 6G .0305	Amend
	Annual Performance Standards	16 NCAC 6G .0310	Adopt
	Liability Insurance	16 NCAC 6G .0501	Adopt
TRANSPORTATION, DEPARTMENT OF/DIVISION OF MOTOR VEHICLES			
	Original Application	19 NCAC 3I .0202	Amend
	Reneal Applications	19 NCAC 3I .0203	Amend
	Requirements	19 NCAC 3I .0501	Amend
	Original Application	19 NCAC 3I .0502	Amend

Renewal Application	19 NCAC 3I .0503	Amend
STATE BOARDS/DENTAL EXAMINERS, BOARD OF		
Definitions	21 NCAC 16V .0102	Amend
STATE BOARDS/REAL ESTATE COMMISSION, BOARD OF		
Proof of Licensure	21 NCAC 58A .0101	Amend

RULES REVIEW COMMISSION

July 23, 1998
MINUTES

The Rules Review Commission met on July 23, 1998, in the Assembly Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners in attendance were Chairman Paul Powell, Teresa L. Smallwood, Vernice B. Howard, George S. Robinson, Jim R. Funderburk, Anita A. White, and Mark P. Garside.

Staff members present were: Joseph J. DeLuca, Staff Director; Bobby Bryan, Rules Review Specialist; Glenda B. Gruber, Administrative Assistant; and Sandy Webster.

The following people attended:

Valerie Chaffin	Hunton & Williams
Charlotte Hall	DHHS/MH/DD/SAS
Portia Rochelle	DHHS/DMA
Sharnese Ransome	DHHS/DSS
Patricia Purser	DHHS/DSB
David Brown	DENR
Dedra Alston	DENR
Ed Norman	DENR

APPROVAL OF MINUTES

The meeting was called to order at 10:05 a.m. with Chairman Powell presiding. He asked for any discussion, comments, or corrections concerning the minutes of the June 18, 1998 meeting. There being none, the minutes were approved.

FOLLOW-UP MATTERS

10 NCAC 14G .0102 - DHHS/Commission for MH/DD/SAS: The rewritten rule submitted by the agency was approved by the Commission.

10 NCAC 41A .0007 - DHHS/Social Services Commission: The rewritten rule submitted by the agency was approved by the Commission.

15A NCAC 10G .0404 - DENR/Wildlife Resources Commission: The rewritten rule submitted by the agency was approved by the Commission.

LOG OF FILINGS

Chairman Powell presided over the review of the log and all rules were approved with the following exceptions:

15A NCAC 7H .0310 - DENR/Coastal Resources Commission: This rule was withdrawn by the agency.

15A NCAC 18A .3101, .3102, .3105, .3108, and .3109 - DENR/Commission for Health Services: The Commission objected to .3101 due to ambiguity and lack of necessity. Because there is no authority for setting occupational standards for workers and supervisors, there is no need for the definitions in (1) and (2). It is also not clear what standards the Department will use in

approving the one day courses and video instructions. In the last sentence in (7), it is not clear if a visual inspection must include one of the listed activities. The Commission objected to .3102 due to lack of statutory authority. The last sentence in this rule is not consistent with G.S. 130A-131.7(12). As long as the lowest blood test shows a blood lead concentration of 15 - 19 micrograms per deciliter, it is irrelevant how high the others are. The Commission objected to .3105 due to ambiguity. In (b)(3), it is not clear what is meant by "properly" installed, established, and maintained. The Commission objected to .3108 due to lack of statutory authority and ambiguity. In (a), it is not clear what form and manner is prescribed for applications for certificates of compliance. In (c)(1), there is no authority for the Commission to set occupational requirements for workers and supervisors performing work to comply with the maintenance standard. In (c)(3), it is not clear what manner has been prescribed by the owner for the written summary. In (c)(4), it is not clear what standards the Department will use in approving laboratories or methods. In (e), it is not clear what manner is prescribed by the Department. The Commission objected to .3109 due to ambiguity and lack of necessity. In (e), it is not clear what method is approved by the Department. As written, the paragraph is meaningless since the Department sends the notice. Commissioner Rader voted not to approve the rules because they exceed their statutory authority in that they may arguably require demolition of a structure.

COMMISSION PROCEDURES AND OTHER MATTERS

Mr. DeLuca reported on his trip to Salt Lake City for the NASS/ACR (National Association of Secretaries of State/Administrative Codes and Registers). The next meeting will be on August 20, 1998.

The meeting adjourned at 10:55 a.m.

Respectfully submitted,
Sandy Webster

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

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Alcoholic Beverage Control Commission v. Kenneth Jerome	97 ABC 1205	Phipps	07/23/98	
Alcoholic Beverage Control Commission v. Jesse Jacob Joyner, Jr	97 ABC 1438	Phipps	06/19/98	
Alcoholic Beverage Control Commission v. Axis Entertainment	98 ABC 0357*[3]	Reilly	07/02/98	
Sokha Huor Ramadneh v. Alcoholic Beverage Control Commission	98 ABC 0382	Smith	06/30/98	13:03 NCR 350
Alcoholic Beverage Control Commission v. Delores Williams Alnaqib	98 ABC 0392	Chess	07/30/98	
Alcoholic Beverage Control Commission v. Axis Entertainment	98 ABC 0401*[3]	Reilly	07/02/98	
Tarus Jackson v. Alcoholic Beverage Control Commission	98 ABC 0768	Smith	07/13/98	
CRIME CONTROL AND PUBLIC SAFETY				
Marcella Skaggs v. Crime Victims Compensation Commission	98 CPS 0065	Owens	06/05/98	
Talmadge E. McHenry v. Crime Victims Compensation Commission	98 CPS 0116	Gray	06/24/98	
Kenneth T. Lytle v. Crime Victims Compensation Commission	98 CPS 0176	Reilly	07/06/98	
Mia Thompson-Clark v. Crime Victims Compensation Commission	98 CPS 0349	Chess	05/14/98	
ENVIRONMENT AND NATURAL RESOURCES				
Teresa Heflin v. Department of Environment and Natural Resources	97 EHR 0409	Morrison	07/29/98	
Ronald Prater v. Department of Environment and Natural Resources	97 EHR 0451	Reilly	07/02/98	
James F. Smith v. Department of Environment and Natural Resources	97 EHR 1365	Chess	07/17/98	
Hickory Alliance v. Department of Environment and Natural Resources and Godfrey Lumber Company, Inc	97 EHR 1607	Reilly	07/17/98	
John M. Silvia v. Department of Environment and Natural Resources	97 EHR 1646	Chess	06/03/98	
Godfrey Lumber Company, Inc v. Dept./Environment & Natural Resources and Hickory Alliance	97 EHR 1676	Reilly	07/17/98	
Gregory B. Jackson, Brenda R. Jackson v. Greene Cty. Hlth. Dept., ENR	98 EHR 0042	Reilly	07/02/98	
Robert G. Goff, Sr. v. Department of Environment and Natural Resources	98 EHR 0072*[2]	Gray	06/25/98	
Scotland Water, Cedar Circle v. Environment and Natural Resources	98 EHR 0236	Smith	06/09/98	
Robert G. Goff, Sr. v. Department of Environment and Natural Resources	98 EHR 0448*[2]	Gray	06/25/98	
Division of Environmental Management				
Save Our Rivers, Inc., et al v. Town of Highlands, EHNR, Env. Mgmt., William W. Cobey, Jr., Secretary	91 EHR 0377	Gray	07/30/98	
Division of Marine Fisheries				
Lady LaShanda Melvin Bryant v. EHNR, Division of Marine Fisheries	97 EHR 1459	Gray	07/20/98	
HEALTH AND HUMAN SERVICES				
Stanley C. Ochulo v. Off./Administrative Hearings, Mr. R. Marcus Lodge	98 DHR 0021	Reilly	06/24/98	
Oliver C. Johnson, Hazel T. Johnson v. Health and Human Services	98 DHR 0090	Gray	07/08/98	

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
Louise Streater v Health and Human Services	98 DHR 0196	Gray	06/03/98	
Richard E. Lawrence, Rebecca A Lawrence v Health and Human Services	98 DHR 0209	Phipps	07/15/98	
Carolyn L Freeman v Department of Human Resources	98 DHR 0721	Gray	08/05/98	
Christopher Germano, Lee Germano v Department of Health	98 DHR 0780	Owens	07/28/98	
Division of Facility Services				
Pearlie W Lawson v DHHS, Facility Svcs., Health Care Personnel Reg	97 DHR 1034	Becton	07/30/98	
Annie K Morgan v Health & Human Services., Facility Services	97 DHR 1046*[6]	Phipps	07/23/98	
Mooresville Hospital Mgmt Associates, Inc d/b/a Lake Norman Regional Medical Center v DHR, Facility Services, Certificate of Need Section and Autumn Corporation and McKinley V Jurney	97 DHR 1209	Reilly	06/23/98	
Constellation Health Services, Inc and Constellation Senior Services, Inc v DHR, Facility Services, Group Care Licensure Section and Diversified Health Group, L.L.C and The Innovative Health Group, Inc.	97 DHR 1529	Gray	06/24/98	
Sunlite Retirement Home, Winnie Jane Johnson v DHR, Facility Services	98 DHR 0124	Phipps	06/11/98	
Ann Davis Rest Home v Group Care Licensure Section	98 DHR 0197	Phipps	06/23/98	
Diane Lingard v DHR, Facility Svcs, Health Care Personnel Reg	98 DHR 0214	Becton	06/22/98	
Kimberly Annette Smith Hull v DHHS, Division of Facility Services	98 DHR 0239	Phipps	06/23/98	
Deborah Ann Holt v DHHS, Division of Facility Services	98 DHR 0348	Phipps	06/22/98	
Annie K Morgan v Health & Human Services., Facility Services	98 DHR 0496*[6]	Phipps	07/23/98	
Johnnie E Williams v DHHS, Division of Facility Services	98 DHR 0639	Reilly	07/02/98	
Division of Medical Assistance				
Charlotte-Mecklenburg Hospital Authority, d/b/a Carolinas Medical Ctr, and Harry Mahannah, M D v DHHS, Division of Medical Assistance	97 DHR 0621	Smith	07/08/98	
Division of Social Services				
William & Crystal Steakley v DHHS, Division of Social Services	98 DHR 0076	Gray	07/20/98	
Raji Abdus-Salaam v Department of Human Resources, DSS-DCA	98 DHR 0771	Owens	07/30/98	
Child Support Enforcement Section				
Jeffery Lee Graves v Department of Human Resources	98 CRA 0137	Becton	06/23/98	
Donald L. Carr, Jr v Department of Human Resources	98 CRA 0545	Reilly	06/08/98	
Marvin Diggs v Department of Human Resources	98 CRA 0588	Reilly	06/24/98	
Dennis Lee McNeill v Department of Human Resources	96 CSE 1305	Gray	06/22/98	
Byron O Ashby II v Department of Human Resources	96 CSE 1435	Mann	07/15/98	
Michael A Wilder v Department of Human Resources	97 CSE 1301	Chess	07/17/98	
Billy Anthony Jr v Department of Human Resources	97 CSE 1393	Reilly	06/24/98	
Alton D Bagley v Department of Human Resources	97 CSE 1424	Chess	06/02/98	
Bernel B Berry Jr v Department of Human Resources	97 CSE 1435	Smith	06/12/98	
Anthony Montgomery v Department of Human Resources	97 CSE 1442	Phipps	06/17/98	
Terry Letterman v Department of Human Resources	97 CSE 1492	Smith	06/22/98	
Annette Chipman v Department of Human Resources	97 CSE 1545	Phipps	07/23/98	
Paul J Mobley, Jr v Department of Human Resources	97 CSE 1568	Phipps	06/17/98	
Robert A Sherer v Department of Human Resources	97 CSE 1605	Mann	07/15/98	
Rodger Hazen II v Department of Human Resources	97 CSE 1666	Chess	07/17/98	
Wade A Burgess v Department of Human Resources	98 CSE 0071	Morrison	06/12/98	
Robert L. Robinson v Department of Human Resources	98 CSE 0130	Reilly	07/15/98	
Jamie A Hurtt v Department of Health & Human Services	98 CSE 0307	Morrison	07/06/98	
Renardo Jenkins v Department of Human Resources	98 CSE 0310	Smith	06/23/98	
Anthony Love v Department of Human Resources	98 CSE 0312	Phipps	06/23/98	
Steven Kent Gold v Department of Human Resources	98 CSE 0333	Morrison	07/01/98	
Leroy J Poole v Department of Human Resources	98 CSE 0375	Reilly	07/02/98	
Hoyal A McLean v Department of Health & Human Services	98 CSE 0420	Smith	07/29/98	
Michael Bernard Hill v Department of Health & Human Services	98 CSE 0421	Becton	07/15/98	
Charlie Ratliff Jr v Department of Health & Human Services	98 CSE 0449	Mann	07/15/98	
John B Hall v Department of Human Resources	98 CSE 0506	Chess	07/20/98	
Tabatha D Pate v Department of Human Resources	98 CSE 0556	Becton	06/23/98	
Amanda F Blount v Department of Human Resources	98 CSE 0560	Chess	07/29/98	
Charlie Gray Hunt Jr v Department of Human Resources	98 CSE 0607	Smith	06/22/98	
Robert L Williams v Department of Human Resources	98 CSE 0682	Smith	06/22/98	
Teresa L Galloway v Department of Health & Human Services	98 CSE 0769	Becton	07/30/98	
Vernon Reginald Pinkney v Department of Health & Human Services	98 CSE 0833	Owens	07/29/98	
Elijah G Deans v Department of Health & Human Services	98 CSE 0867	Phipps	07/20/98	
Vickie E Lane v Michael L Adams, Department of Human Resources	96 DCS 2105	Gray	07/08/98	
Janice Scott Padgett (Fisher) v Department of Human Resources	97 DCS 1219	Smith	07/29/98	
Barbara Fanta-Blandine v Department of Human Resources	97 DCS 1486	Morrison	06/22/98	
Sharon Brim v Department of Health & Human Services	97 DCS 1574	Gray	08/04/98	
Tenta M Sharpe v Department of Human Resources	98 DCS 0468	Morrison	06/09/98	
Ruth McFadden v Department of Human Resources	98 DCS 0675	Reilly	07/15/98	

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
Division of Women's and Children's Health				
Joseph A. Nawas v. DHHS, Women's/Children's Health, Nutrition Svcs	98 DHR 0637	Phipps	07/02/98	
JUSTICE				
Alarm Systems Licensing Board				
Claude David Huggins v. Alarm Systems Licensing Board	98 DOJ 0871	Morrison	07/09/98	
Auctioneer Licensing Board				
Wiley R. Tyndall v. Auctioneer Licensing Board	97 DOJ 1236	Phipps	07/24/98	
Education and Training Standards Division				
Thomas Dwayne Brown v. Sheriffs' Education & Training Standards Comm	97 DOJ 1319	Phipps	07/29/98	
Odis Fitzgerald Darden v. Sheriffs' Education & Training Standards Comm	97 DOJ 1698	Reilly	06/12/98	
Hoyle Kenneth Wise, Jr. v. Sheriffs' Education & Training Standards Comm	98 DOJ 0022	Smith	07/14/98	
Hearl Oxendine v. Criminal Justice Education & Training Stds. Comm.	98 DOJ 0121	Smith	06/22/98	
James Farrell Roberts v. Criminal Justice Education & Training Stds. Comm	98 DOJ 0147	Smith	07/16/98	
Phillip Keith McPherson v. Sheriffs' Education & Training Standards Comm	98 DOJ 0388	Reilly	07/24/98	
Daryl LaMar Bryant v. Sheriffs' Education & Training Standards Comm	98 DOJ 0430	Gray	07/21/98	
William Scott Key v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0432	Becton	06/08/98	
Johnny Wayne Wills v. Criminal Justice Education & Training Stds. Comm	98 DOJ 0574	Chess	07/30/98	
Paul Harvey Taylor v. DOJ, Criminal Justice Ed. & Training Stds. Comm.	98 DOJ 0841	Phipps	07/10/98	
BOARD OF MEDICAL EXAMINERS				
Joe D. Crawford, M.D. v. Medical Bd. of NC Bd. of Medical Examiners	98 BME 0870	Owens	07/30/98	
PUBLIC INSTRUCTION				
Nicholas Eirschele, By and Throught His Parents, Charles & Kathleen Eirschele v. Craven County Board of Education	97 EDC 1234	Phipps	07/16/98	
STATE PERSONNEL				
Department of Correction				
Terry T. Rees v. Department of Correction	97 OSP 1671*[4]	Smith	06/30/98	
Leon Owens v. Department of Correction	98 OSP 0050	Becton	07/10/98	
Terry T. Rees v. Department of Correction	98 OSP 0119*[4]	Smith	06/30/98	
Jayne D. Bledsoe v. Correction, Div. of Adult Probation & Parole	98 OSP 0543	Owens	07/29/98	
Carl W. Craven, II v. Pender Correctional Institution	98 OSP 0633	Smith	06/25/98	
Tommy L. Hancock v. Department of Correction	98 OSP 0881	Owens	08/04/98	
Crime Control and Public Safety				
Roger D. Davis v. Crime Control & Public Safety, St. Hwy Patrol	97 OSP 0617	Chess	05/27/98	
Albert R. Little v. Crime Control & Public Safety, Info. Sys. Specialists	97 OSP 1157	Morrison	07/22/98	
Employment Security Commission				
Jane B. Bolin and Arlene G. Sellers v. Employment Security Commission	97 OSP 1122*[1]	Chess	06/02/98	
Jane B. Bolin and Arlene G. Sellers v. Employment Security Commission	97 OSP 1134*[1]	Chess	06/02/98	
Environment and Natural Resources				
Charles Anthony Bruce v. ENR, Division of Parks and Recreation	98 OSP 0240	Reilly	06/08/98	
Health and Human Services				
Angela M. Miles v. Cumberland County Department of Social Services	97 OSP 0613*[5]	Gray	07/10/98	
Charity Swick v. Cumberland County Department of Social Services	97 OSP 0775	Gray	07/10/98	
Ruth Holroyd v. Montgomery Cty. DSS, Children's Services	97 OSP 1586	Smith	05/27/98	13:02 NCR 257
James W. Crews v. DHHS, Murdoch Center	98 OSP 0060	Gray	07/20/98	
Patricia R. Quick v. DHHS, Dorothea Dix Hospital	98 OSP 0061	Becton	07/16/98	
Angela M. Miles v. Cumberland County Department of Social Services	98 OSP 0084*[5]	Gray	07/10/98	
Delores Laverne Rich v. Health & Human Services, Dorothea Dix Hosp.	98 OSP 0120	Gray	07/08/98	
Anthony M. Ruiz v. Department of Health & Human Svcs, Youth Svcs	98 OSP 0454	Gray	06/04/98	
Rudolph Waters v. DHHS, Youth Services, Dobbs School	98 OSP 0474	Morrison	07/30/98	
Jeffrey L. Williams v. Dorothea Dix Hospital	98 OSP 0595	Becton	07/22/98	
Barbara Jean Paquette v. Durham County (respondeat superior for the Durham County Public Library)	98 OSP 0765	Morrison	08/05/98	
Secretary of State				
Jonathan M. Demers v. Department of Secretary of State	97 OSP 1018	Becton	07/07/98	13:03 NCR 343
Department of Transportation				
Larry W. Davis v. Department of Transportation	98 OSP 0241	Gray	07/08/98	

* Consolidated Cases.

University of North Carolina				
Douglas Love, Jr v. UNC Hospitals	97 OSP 0662	Reilly	06/08/98	
Deborah J Fenner v NC Central University	97 OSP 0902	Chess	05/29/98	
Joyce M. Smith v North Carolina Central University	97 OSP 1297	Smith	06/25/98	
Edwin Swain v University of North Carolina at Chapel Hill	97 OSP 1694	Morrison	07/31/98	
Leo Watford, Roosevelt Parris, Claiborne Baker, et al v University of North Carolina at Chapel Hill	98 OSP 0254	Chess	07/17/98	
Jonathan L. Fann v North Carolina State University Physical Plant	98 OSP 0465	Becton	07/17/98	
STATE TREASURER				
Hugh A Wells v Consolidated Judicial Retirement System of NC, Bd of Trustees Teachers and State Employees' Retirement System	98 DST 0316	Morrison	06/05/98	13:01 NCR 166
TRANSPORTATION				
David Warren Dew et al v Motor Vehicles, Alexander Killens Comm	95 DOT 1144	Gray	06/04/98	
UNIVERSITY OF NORTH CAROLINA				
Ladonna P James v UNC Hospitals	98 UNC 0591	Becton	07/20/98	

CUMULATIVE INDEX

(Updated through August 10, 1998)

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.

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				
1 NCAC 15 .0202	13:02 NCR 175									
1 NCAC 15 .0203	13:02 NCR 175									
1 NCAC 15 .0204	13:02 NCR 175									
1 NCAC 15 .0205	13:02 NCR 175									
1 NCAC 15 .0206	13:02 NCR 175									
1 NCAC 15 .0207	13:02 NCR 175									
1 NCAC 15 .0208	13:02 NCR 175									
1 NCAC 15 .0209	13:02 NCR 175									
1 NCAC 15 .0210	13:02 NCR 175									
1 NCAC 15 .0211	13:02 NCR 175									
1 NCAC 15 .0212	13:02 NCR 175									
1 NCAC 15 .0213	13:02 NCR 175									
1 NCAC 15 .0214	13:02 NCR 175									
Purchase and Contract Division										
1 NCAC 05A	13:04 NCR 360									
1 NCAC 05B	13:04 NCR 360									
1 NCAC 05B .0301		12:17 NCR 1611								
1 NCAC 05B .0302		12:17 NCR 1611								
1 NCAC 05B .0310		12:17 NCR 1611								
1 NCAC 05B .0316		12:17 NCR 1611								
1 NCAC 05B .0401		12:17 NCR 1611								
1 NCAC 05B .0801		12:17 NCR 1611								
1 NCAC 05B .0802		12:17 NCR 1611								
1 NCAC 05B .1301		12:17 NCR 1611								
1 NCAC 05B .1519		12:17 NCR 1611								
1 NCAC 05B .1604		12:17 NCR 1611								
1 NCAC 05B .1906		12:17 NCR 1611								
1 NCAC 05C	13:04 NCR 360									

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				
1 NCAC 05D	13:04 NCR 360									
State Building Commission										
1 NCAC 30F .0305	13:04 NCR 360									
ADMINISTRATIVE HEARINGS										
26 NCAC 01 .0102	N/A	N/A	N/A	N/A	Approve	06/18/98			13:03 NCR 334	
Civil Rights Division										
26 NCAC 04 .0101		12:12 NCR 1071	12:16 NCR 1508	*	Approve	04/15/98			13:01 NCR 43	
26 NCAC 04 .0201		12:12 NCR 1071	12:16 NCR 1508	*	Approve	04/15/98			13:01 NCR 43	
26 NCAC 04 .0202		12:12 NCR 1071	12:16 NCR 1508	*	Approve	04/15/98	*		13:01 NCR 43	
26 NCAC 04 .0202	N/A	N/A	N/A	N/A	Approve	07/23/98				
26 NCAC 04 .0203		12:12 NCR 1071	12:16 NCR 1508	*	Approve	04/15/98			13:01 NCR 43	
26 NCAC 04 .0204		12:12 NCR 1071	12:16 NCR 1508	*	Approve	04/15/98			13:01 NCR 43	
AGRICULTURE										
Structural Pest Control										
2 NCAC 34 .0102	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0302	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0303	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0306	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0308	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0309	12:09 NCR 743		12:14 NCR 1234	S/L	Approve	04/15/98	*		13:01 NCR 43	Addendum 12:15 NCR 1419
2 NCAC 34 .0312	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98			13:01 NCR 43	
2 NCAC 34 .0313	12:09 NCR 743		12:14 NCR 1234	S/L	Approve	04/15/98	*		13:01 NCR 43	Addendum 12:15 NCR 1419
2 NCAC 34 .0323	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98			13:01 NCR 43	
2 NCAC 34 .0325	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0328	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0401	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0402	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98			13:01 NCR 43	

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 .0403	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0404	12:09 NCR 743		12:14 NCR 1234	*	Object	04/15/98				
					Approve	05/21/98	*		13:02 NCR 249	
2 NCAC 34 .0406	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98			13:01 NCR 43	
2 NCAC 34 .0501	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0502	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0503		11:21 NCR 1651	12:06 NCR 455	*						
2 NCAC 34 .0503	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0504	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0505	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0506	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0507	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0508	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98			13:01 NCR 43	
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		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0604		11:21 NCR 1651	12:06 NCR 455	*						
2 NCAC 34 .0604	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0605		11:21 NCR 1651	12:06 NCR 455	*						
2 NCAC 34 .0605	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0701	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0702	12:09 NCR 743									
2 NCAC 34 .0703	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0803	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0902	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0904	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .1101	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
APPRAISAL BOARD										
21 NCAC 57A .0101	13:01 NCR 3									

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 57A .0102	13:01 NCR 3									
21 NCAC 57A .0201	13:01 NCR 3									
21 NCAC 57A .0202	13:01 NCR 3									
21 NCAC 57A .0203	13:01 NCR 3									
21 NCAC 57A .0205	13:01 NCR 3									
21 NCAC 57A .0206	13:01 NCR 3									
21 NCAC 57A .0208	13:01 NCR 3									
21 NCAC 57A .0301	13:01 NCR 3									
21 NCAC 57A .0302	13:01 NCR 3									
21 NCAC 57A .0303	13:01 NCR 3									
21 NCAC 57A .0304	13:01 NCR 3									
21 NCAC 57A .0305	13:01 NCR 3									
21 NCAC 57A .0306	13:01 NCR 3									
21 NCAC 57A .0401	13:01 NCR 3									
21 NCAC 57A .0402	13:01 NCR 3									
21 NCAC 57A .0403	13:01 NCR 3									
21 NCAC 57A .0404	13:01 NCR 3									
21 NCAC 57A .0405	13:01 NCR 3									
21 NCAC 57A .0407	13:01 NCR 3									
21 NCAC 57A .0501	13:01 NCR 3									
ARCHITECTURE, BOARD OF										
21 NCAC 02 .0208	12:04 NCR 244									
21 NCAC 02 .0210	12:04 NCR 244									
21 NCAC 02 .0904	12:04 NCR 244		12:09 NCR 795	S/L/SE	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 02 .0906	12:04 NCR 244		12:09 NCR 795	S/L/SE	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
ATHLETIC TRAINER EXAMINERS, BOARD OF										
21 NCAC 03 .0101		12:18 NCR 1714	12:22 NCR 2007	S						
21 NCAC 03 .0102		12:18 NCR 1714	12:22 NCR 2007	S						

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 03 .0103		12:18 NCR 1714	12:22 NCR 2007	S						
21 NCAC 03 .0201		12:18 NCR 1714	12:22 NCR 2007	S						
21 NCAC 03 .0301		12:18 NCR 1714	12:22 NCR 2007	S						
21 NCAC 03 .0302		12:18 NCR 1714	12:22 NCR 2007	S						
21 NCAC 03 .0303		12:18 NCR 1714	12:22 NCR 2007	S						
21 NCAC 03 .0304		12:18 NCR 1714	12:22 NCR 2007	S						
21 NCAC 03 .0401		12:18 NCR 1714	12:22 NCR 2007	S						
ATHLETIC TRAINER EXAMINERS/MEDICAL BOARD COMMITTEE										
21 NCAC 03 .0501		12:18 NCR 1714	12:22 NCR 2007	*						
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS										
21 NCAC 08A .0301	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08A .0301	13:03 NCR 269									
21 NCAC 08A .0309	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08A .0310	13:03 NCR 269									
21 NCAC 08F .0103	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08F .0105	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 08F .0302	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08F .0401	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 08F .0410	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 08G .0404	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08H .0001	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08H .0001	13:03 NCR 269									
21 NCAC 08I .0004	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 08I .0005	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 08J .0001	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 08J .0002	13:03 NCR 269									
21 NCAC 08J .0005	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08J .0006	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	

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 08J .0007	13:03 NCR 269									
21 NCAC 08J .0010	13:03 NCR 269									
21 NCAC 08J .0008	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 08J .0008	13:03 NCR 269									
21 NCAC 08J .0010	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08J .0010	13:03 NCR 269									
21 NCAC 08J .0011	13:03 NCR 269									
21 NCAC 08K .0104	13:03 NCR 269									
21 NCAC 08K .0301	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 08M	13:03 NCR 269									
21 NCAC 08M .0101	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08M .0102	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08M .0201	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08M .0204	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08N .0208	13:03 NCR 269									
21 NCAC 08N .0302	13:03 NCR 269									
21 NCAC 08N .0303	13:03 NCR 269									
21 NCAC 08N .0307	13:03 NCR 269									
CHIROPRACTIC										
21 NCAC 10 .0203		12:23 NCR 2098								
COMMERCE										
4 NCAC 01E	11:09 NCR 569									
4 NCAC 01F	11:09 NCR 569									
4 NCAC 01H	11:09 NCR 569									
4 NCAC 01I	11:09 NCR 569									
4 NCAC 01J	11:09 NCR 569									
4 NCAC 01K	11:09 NCR 569									
4 NCAC 01K .0501	11:09 NCR 569									

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				
4 NCAC 01K .0502	11:09 NCR 569									
4 NCAC 01K .0503	11:09 NCR 569									
4 NCAC 01K .0504	11:09 NCR 569									
4 NCAC 01K .0505	11:09 NCR 569									
4 NCAC 01K .0506	11:09 NCR 569									
Community Assistance										
4 NCAC 19L .0805	11:09 NCR 569									
4 NCAC 19L .1900	11:09 NCR 569									
COSMETIC ART EXAMINERS										
21 NCAC 14A .0104	N/A	N/A	N/A	N/A	Approve	07/23/98				
21 NCAC 14H .0105	12:06 NCR 453		12:11 NCR 925	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 14I .0107	12:22 NCR 1981		13:02 NCR 246	*						
21 NCAC 14J .0105	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14J .0501	12:06 NCR 453		12:11 NCR 925	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 14K .0103	12:06 NCR 453		12:11 NCR 925	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 14L .0105	12:06 NCR 453		12:11 NCR 925	*	Approve	06/18/98			13:03 NCR 334	
21 NCAC 14N .0102	12:06 NCR 453		12:11 NCR 925	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 14N .0103	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14N .0107	12:06 NCR 453		12:11 NCR 925	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 14N .0113	12:06 NCR 453		12:11 NCR 925	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
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 .0909	12:06 NCR 444	12:13 NCR 1174	12:13 NCR 1174	S	Object	03/20/98				

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				
					Approve	04/15/98	*		13:01 NCR 43	
7 NCAC 04R .0910	12:06 NCR 444	12:13 NCR 1174	12:13 NCR 1174	S	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
7 NCAC 04R .0911	12:06 NCR 444	12:13 NCR 1174	12:13 NCR 1174	S	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
7 NCAC 04R .0912	12:06 NCR 444	12:13 NCR 1174	12:13 NCR 1174	S	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
7 NCAC 04R .0913	12:06 NCR 444	12:13 NCR 1174	12:13 NCR 1174	S	Object	03/20/98				
					Approve	04/15/98			13:01 NCR 43	
7 NCAC 04R .0914	12:06 NCR 444	12:13 NCR 1174	12:13 NCR 1174	S	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
7 NCAC 04R .0915	12:06 NCR 444	12:13 NCR 1174	12:13 NCR 1174	S	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
USS North Carolina Battleship Commission										
7 NCAC 05 .0203		11:19 NCR 1436 Temp Expired 12:16 NCR 1511	12:16 NCR 1511	S/L	Approve	04/15/98			13:01 NCR 43	
DENTAL EXAMINERS										
21 NCAC 16H .0101	12:24 NCR 2203									
21 NCAC 16H .0102	12:24 NCR 2203									
21 NCAC 16H .0103	12:24 NCR 2203									
21 NCAC 16H .0104	12:24 NCR 2203									
21 NCAC 16H .0201	12:24 NCR 2203									
21 NCAC 16H .0202	12:24 NCR 2203									
21 NCAC 16H .0203	12:24 NCR 2203									
21 NCAC 16H .0204	12:24 NCR 2203									
21 NCAC 16H .0205	12:24 NCR 2203									
21 NCAC 16H .0206	12:24 NCR 2203									
21 NCAC 16I .0004	11:20 NCR 1538									
21 NCAC 16I .0005	11:20 NCR 1538									
21 NCAC 16Q .0101	12:24 NCR 2203									
21 NCAC 16Q .0201	12:24 NCR 2203									
21 NCAC 16Q .0301	12:24 NCR 2203									
21 NCAC 16R .0002	11:20 NCR 1538									

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 .0003	11:20 NCR 1538									
21 NCAC 16R .0005	11:20 NCR 1538									
ELECTRICAL CONTRACTORS, EXAMINERS OF										
21 NCAC 18B	12:22 NCR 1982									
21 NCAC 18B .0209	N/A	N/A	N/A		Approve	04/15/98			13:01 NCR 43	
21 NCAC 18B .0404	N/A	N/A	N/A		Approve	04/15/98			13:01 NCR 43	
21 NCAC 18B .0802	N/A	N/A	N/A		Approve	04/15/98			13:01 NCR 43	
EMPLOYEE ASSISTANCE PROFESSIONALS, BOARD OF										
21 NCAC 11 .0101	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0102	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0103	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0104	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0105	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0106	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0107	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0108	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0109	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0110	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0111	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
21 NCAC 11 .0112	12:19 NCR 1764	12:21 NCR 1884	13:03 NCR 313	S/L						
ENVIRONMENT AND NATURAL RESOURCES										
15A NCAC 01J .0401	12:08 NCR 614	12:09 NCR 833	12:14 NCR 1266	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 01J .0402	12:08 NCR 614	12:09 NCR 833	12:14 NCR 1266	*	Approve	04/15/98			13:01 NCR 43	
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							

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 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 .0101	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	*						
15A NCAC 01N .0102	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	*						
15A NCAC 01N .0103	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0201	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0202	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0203	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0301	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0302	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0303	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0304	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0401	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0402	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0403	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0501	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0502	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0503	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0601	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0602	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0603	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0604	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0605	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0606	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						

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 01N .0701	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0702	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0703	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0704	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0705	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0801	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0802	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0901	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0902	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01O .0101	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0102	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0103	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0104	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0105	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0106	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0107	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0108	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0109	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 12B .0901		12:03 NCR 209								
15A NCAC 19C .0206		12:15 NCR 1451								
Coastal Resources Commission										
15A NCAC 07	11:04 NCR 183									
15A NCAC 07H .0208	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 07H .0208	12:21 NCR 1873									
15A NCAC 07H .0209	12:21 NCR 1873									
15A NCAC 07H .0210	12:02 NCR 52									
15A NCAC 07H .0306	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .0306	12:19 NCR 1763									

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 .0308	12:16 NCR 1489		13:01 NCR 26	S						
15A NCAC 07H .0310	12:11 NCR 919		12:20 NCR 1828	S						
15A NCAC 07H .1100	12:21 NCR 1873									
15A NCAC 07H .1200	12:21 NCR 1873									
15A NCAC 07H .1300	12:21 NCR 1873									
15A NCAC 07H .1400	12:21 NCR 1873									
15A NCAC 07H .1500	12:21 NCR 1873									
15A NCAC 07H .1600	12:21 NCR 1873									
15A NCAC 07H .1600	11:15 NCR 1200									
15A NCAC 07H .1601	11:15 NCR 1200		11:27 NCR 2071	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 07H .1604	11:15 NCR 1200		11:27 NCR 2071	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 07H .1605	11:15 NCR 1200		11:27 NCR 2071	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 07H .1700	12:21 NCR 1873									
15A NCAC 07H .1705	12:16 NCR 1489		13:01 NCR 26	S						
15A NCAC 07J .0200	12:24 NCR 2202									
15A NCAC 07J .0405	12:24 NCR 2202									
15A NCAC 07K .0203	12:21 NCR 1873									
15A NCAC 07K .0208	12:21 NCR 1873									
15A NCAC 07L .0202	12:21 NCR 1874									
15A NCAC 07L .0203	12:21 NCR 1874									
15A NCAC 07L .0206	12:21 NCR 1874									
15A NCAC 07L .0302	12:21 NCR 1874									
15A NCAC 07L .0304	12:21 NCR 1874									
15A NCAC 07L .0401	12:21 NCR 1874									
15A NCAC 07L .0405	12:21 NCR 1874									
15A NCAC 07M .0300	12:24 NCR 2202									
15A NCAC 07M .0401	13:04 NCR 361									
15A NCAC 07M .0402	13:04 NCR 361									

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 .0403	13:04 NCR 361									
15A NCAC 07O .0105	13:02 NCR 176									
15A NCAC 07O .0202	13:02 NCR 176									
Environmental Management Commission										
15A NCAC 02	10:24 NCR 3045									
15A NCAC 02	11:04 NCR 183									
15A NCAC 02	11:19 NCR 1408									
15A NCAC 02B .0101	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0202	11:24 NCR 1818		11:30 NCR 2303	*						
15A NCAC 02B .0223	11:02 NCR 75									
15A NCAC 02B .0223	11:03 NCR 109									
15A NCAC 02B .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 11:14 NCR 1136	L/SE						
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824	L	Object Approve	01/15/98 02/19/98	*		12:22 NCR 2012	Pending Leg. Action
		12:02 NCR 77 12:14 NCR 1348 12:20 NCR 1836	11:14 NCR 1136	L						
			12:06 NCR 462	S/L/SE						
15A NCAC 02B .0245	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0246	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0247	12:23 NCR 2088		13:04 NCR 368	L/SE						
15A NCAC 02B .0248	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0249	12:23 NCR 2088		13:04 NCR 368	SE						
15A NCAC 02B .0250	12:23 NCR 2088		13:04 NCR 368	L/SE						
15A NCAC 02B .0251	12:23 NCR 2088		13:04 NCR 368	L/SE						
15A NCAC 02B .0308	12:12 NCR 993		12:21 NCR 1879 12:23 NCR 2091	* L						
15A NCAC 02B .0308	12:14 NCR 1233		12:19 NCR 1769	*						

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 .0308	12:16 NCR 1489									
15A NCAC 02B .0309	12:14 NCR 1233		12:19 NCR 1769	*						
15A NCAC 02B .0311	12:10 NCR 865		12:20 NCR 1825	*						
15A NCAC 02B .0311	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0313	12:10 NCR 865		12:20 NCR 1825	*						
15A NCAC 02B .0316	11:26 NCR 1976		12:01 NCR 6	*	Approve	01/15/98	*		12:21 NCR 1886	Extend Com. Period 12:13 NCR 1095 Pending Leg. Action
15A NCAC 02D .0101	12:02 NCR 52									
15A NCAC 02D .0101	12:16 NCR 1482									
15A NCAC 02D .0105	N/A	N/A	N/A		Approve	04/15/98			13:01 NCR 43	
15A NCAC 02D .0108	11:15 NCR 1200									
15A NCAC 02D .0307	11:15 NCR 1200									
15A NCAC 02D .0405	12:16 NCR 1482		13:03 NCR 270	*						
15A NCAC 02D .0409	12:16 NCR 1482		13:03 NCR 270	*						
15A NCAC 02D .0410	12:16 NCR 1482		13:03 NCR 270							
15A NCAC 02D .0501	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0501	11:04 NCR 183									
15A NCAC 02D .0503	10:24 NCR 3045		13:03 NCR 270	*						
15A NCAC 02D .0504	10:24 NCR 3045		13:03 NCR 270	*						
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 .0535	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02D .0540	13:04 NCR 356									
15A NCAC 02D .0601	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0602	10:18 NCR 2318		12:22 NCR 1983	*						

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 .0604	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0605	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0606	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0607	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0608	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0610	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0611	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0611	11:15 NCR 1200									
15A NCAC 02D .0612	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0612	11:15 NCR 1200									
15A NCAC 02D .0613	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0613	11:15 NCR 1200									
15A NCAC 02D .0614	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0614	11:15 NCR 1200									
15A NCAC 02D .0615	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0615	11:15 NCR 1200									
15A NCAC 02D .0806	11:26 NCR 1976									
15A NCAC 02D .0902	11:19 NCR 1408									
15A NCAC 02D .0903	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0903	11:15 NCR 1200									
15A NCAC 02D .0909	11:19 NCR 1408									
15A NCAC 02D .0912	11:15 NCR 1200									
15A NCAC 02D .0917	11:19 NCR 1408									
15A NCAC 02D .0918	11:19 NCR 1408									
15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									

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 .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	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02D .0934	11:19 NCR 1408									
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 .0952	12:16 NCR 1482									
15A NCAC 02D .0954	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1102	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02D .1103	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02D .1103	13:04 NCR 356									
15A NCAC 02D .1104	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02D .1104	12:02 NCR 52	12:02 NCR 77								
15A NCAC 02D .1104	13:04 NCR 356									
15A NCAC 02D .1105	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .1105	11:15 NCR 1200									
15A NCAC 02D .1106	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02D .1106	11:26 NCR 1976									
15A NCAC 02D .1201	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02D .1201	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1202	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1203	11:15 NCR 1200									
15A NCAC 02D .1203	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1204	10:18 NCR 2318		12:22 NCR 1983	*						

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 .1204	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1205	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02D .1205	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1206	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1208	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1209	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1404	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .1404	11:15 NCR 1200									
15A NCAC 02D .1501	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .1502	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .1503	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .1504	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .1601	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .1700	12:02 NCR 52									
15A NCAC 02D .1903	12:16 NCR 1482									
15A NCAC 02D .1904	12:16 NCR 1482									
15A NCAC 02D .2001	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .2002	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .2003	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .2004	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .2005	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02D .2100	13:04 NCR 356									
15A NCAC 02D .2200	11:26 NCR 1976									
15A NCAC 02H .0226	12:20 NCR 1817	13:04 NCR 426								
15A NCAC 02H .0610	10:18 NCR 2317		12:08 NCR 650	*						
15A NCAC 02H .0610	11:08 NCR 442									
15A NCAC 02H .0610	12:02 NCR 52	12:02 NCR 77								
15A NCAC 02H .0800	13:04 NCR 356									
15A NCAC 02H .1202	11:15 NCR 1200									

CUMULATIVE INDEX

(Updated through August 10, 1998)

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 02H .1203	11:15 NCR 1200									
15A NCAC 02H .1204	11:15 NCR 1200									
15A NCAC 02H .1205	11:15 NCR 1200									
15A NCAC 02L	11:15 NCR 1200 11:15 NCR 1204									
15A NCAC 02L .0106		10:19 NCR 2508	11:21 NCR 1639	*	Approve	12/18/98	*		12:17 NCR 1620	Pending Leg. Action
15A NCAC 02L .0106		12:08 NCR 713								
15A NCAC 02L .0115	11:15 NCR 1200		11:21 NCR 1639	L	Object Approve	12/18/97 02/19/98	*		12:22 NCR 2012	Pending Leg. Action
15A NCAC 02L .0115	11:15 NCR 1204	12:08 NCR 713								
15A NCAC 02L .0202	10:20 NCR 2591									
15A NCAC 02L .0202	13:04 NCR 356									
15A NCAC 02N	11:15 NCR 1200									
15A NCAC 02N	11:15 NCR 1204									
15A NCAC 02N .0701	11:15 NCR 1200	12:08 NCR 713	11:21 NCR 1639	*	Approve	12/18/97	*		12:17 NCR 1620	Pending Leg. Action
15A NCAC 02N .0707	11:15 NCR 1204	12:08 NCR 713	11:21 NCR 1639	*	Object Approve	12/18/97 02/19/98	*		12:22 NCR 2012	Pending Leg. Action
15A NCAC 02P	11:15 NCR 1200									
15A NCAC 02P .0402	11:15 NCR 1204	10:19 NCR 2512	11:21 NCR 1639	*	Approve	12/18/97			12:17 NCR 1620	Pending Leg. Action
15A NCAC 02P .0402	11:15 NCR 1204	12:08 NCR 713								
15A NCAC 02Q .0101	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0102	10.18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0102			11:06 NCR 350	*						
15A NCAC 02Q .0102	11:19 NCR 1408									
15A NCAC 02Q .0102	12:02 NCR 52		13:03 NCR 270	*						
15A NCAC 02Q .0102	12:16 NCR 1482									
15A NCAC 02Q .0103	12:16 NCR 1482		13.03 NCR 270	*						
15A NCAC 02Q .0103	12:20 NCR 1817									
15A NCAC 02Q .0107	12:16 NCR 1482		13:03 NCR 270	*						
15A NCAC 02Q .0304	11:26 NCR 1976		13:03 NCR 270	*						
15A NCAC 02Q .0306	11:26 NCR 1976		13:03 NCR 270	*						

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 .0309	11:26 NCR 1976		13:03 NCR 270	*						
15A NCAC 02Q .0314	11:26 NCR 1976		13:03 NCR 270	*						
15A NCAC 02Q .0315	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02Q .0301	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0401	12:04 NCR 240		13:03 NCR 270	*						
15A NCAC 02Q .0402	12:04 NCR 240		13:03 NCR 270	*						
15A NCAC 02Q .0501	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0511	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02Q .0700	11:08 NCR 442									
15A NCAC 02Q .0701	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0702	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0703	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0703	13:04 NCR 356									
15A NCAC 02Q .0704	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0705	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0706	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0707	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0708	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0709	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0710	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0711	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0711	13:04 NCR 356									
15A NCAC 02Q .0712	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0713	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0801	12:02 NCR 52		13:03 NCR 270	*						
15A NCAC 02Q .0803	12:02 NCR 52		13:03 NCR 270	*						
15A NCAC 02Q .0808	12:16 NCR 1482		13:03 NCR 270	*						
15A NCAC 02R .0101	12:02 NCR 52		12:14 NCR 1267	*	Approve	04/15/98	*		13:01 NCR 43	

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 02R .0102	12:02 NCR 52		12:14 NCR 1267	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0201	12:02 NCR 52		12:14 NCR 1267	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0202	12:02 NCR 52		12:14 NCR 1267	S	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0203	12:02 NCR 52		12:14 NCR 1267	S	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0204	12:02 NCR 52		12:14 NCR 1267	S						
15A NCAC 02R .0205	12:02 NCR 52		12:14 NCR 1267	S						
15A NCAC 02R .0301	12:02 NCR 52		12:14 NCR 1267	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0302	12:02 NCR 52		12:14 NCR 1267	S	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0401	12:02 NCR 52		12:14 NCR 1267	S	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0402	12:02 NCR 52		12:14 NCR 1267	S	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0403	12:02 NCR 52		12:14 NCR 1267	S	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0501	12:02 NCR 52		12:14 NCR 1267	S	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0502		11:27 NCR 2075	12:14 NCR 1267	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0503		11:27 NCR 2075	12:14 NCR 1267	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0504		11:27 NCR 2075	12:14 NCR 1267	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0600	12:02 NCR 52									
Health Services, Commission for										
15A NCAC 13A .0100	12:02 NCR 52									
15A NCAC 13A .0109	12:07 NCR 509		12:22 NCR 2000	*						
15A NCAC 13A .0110	12:07 NCR 509		12:22 NCR 2000	*						
15A NCAC 13A .0111	12:07 NCR 509		12:22 NCR 2000	*						
15A NCAC 13B .1301		12:12 NCR 1064	12:24 NCR 2211	*						
15A NCAC 13B .1624	11:19 NCR 1764	13:03 NCR 325	12:24 NCR 2211	L						
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 .0425		12:14 NCR 1352								

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 .0432		12:14 NCR 1352								
15A NCAC 18A .1601		12:21 NCR 1882								
15A NCAC 18A .1611		12:21 NCR 1882								
15A NCAC 18A .1720	12:16 NCR 1482	12:18 NCR 1713 12:21 NCR 1882 12:24 NCR 2228								
15A NCAC 18A .1810		12:24 NCR 2228								
15A NCAC 18A .2308	12:03 NCR 168		12:07 NCR 519	*	Ext. Review **Object**	12/18/97 **01/15/98**				
15A NCAC 18A .2309	12:03 NCR 168		12:07 NCR 519	*	Ext. Review **Object**	12/18/97 **01/15/98**				
15A NCAC 18A .2508	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2513	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2515	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2517	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2518	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2522	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2526	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2528	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2530	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2531	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2532	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2535	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2537	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2539	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2543	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2600	12:04 NCR 240									
15A NCAC 18A .2612		12:14 NCR 1352								
15A NCAC 18A .2801	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2802	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2803	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						

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 .2804	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2805	12:16 NCR 1482									
15A NCAC 18A .2806	12:16 NCR 1482									
15A NCAC 18A .2807	12:16 NCR 1482									
15A NCAC 18A .2808	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2809	12:16 NCR 1482									
15A NCAC 18A .2810	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2811	12:16 NCR 1482									
15A NCAC 18A .2812	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2813	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2814	12:16 NCR 1482									
15A NCAC 18A .2815	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2816	12:16 NCR 1482									
15A NCAC 18A .2817	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2818	12:16 NCR 1482									
15A NCAC 18A .2819	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2820	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2821	12:16 NCR 1482									
15A NCAC 18A .2822	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2823	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2824	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2825	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2826	12:16 NCR 1482									
15A NCAC 18A .2827	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2828	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2829	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2830	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2831	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						

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 .2832	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2833	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2834	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2835	12:16 NCR 1482									
15A NCAC 18A .2836	12:16 NCR 1482									
15A NCAC 18A .3101	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	**Object**	**07/23/98**				
15A NCAC 18A .3102	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	**Object**	**07/23/98**				
15A NCAC 18A .3103	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98				
15A NCAC 18A .3104	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*			
15A NCAC 18A .3105	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	**Object**	**07/23/98**				
15A NCAC 18A .3106	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*			
15A NCAC 18A .3107	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*			
15A NCAC 18A .3108	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	**Object**	**07/23/98**				
15A NCAC 18A .3109	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	**Object**	**07/23/98**				
15A NCAC 18A .3110	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*			
15A NCAC 18A .3111	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98				
15A NCAC 18C	13:04 NCR 356									
15A NCAC 19A .0101	12.02 NCR 52	12.02 NCR 88								
15A NCAC 21H .0110	12.20 NCR 1822									
15A NCAC 21H .0111	12:20 NCR 1822									
15A NCAC 21H .0113	12:20 NCR 1822									
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									

CUMULATIVE INDEX

(Updated through August 10, 1998)

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				
Land Resources/Land Quality										
15A NCAC 04B .0006	12:20 NCAC 1817									
15A NCAC 04B .0007	12:20 NCAC 1817									
15A NCAC 04B .0027	12:20 NCAC 1817									
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 03H .0103	12:23 NCR 2089									
15A NCAC 03I .0101	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03J .0107	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03J .0109	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03J .0202	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03J .0202	11:26 NCR 1976	12:12 NCR 1063	12:05 NCR 418	*	Approve	04/15/98	*		13:01 NCR 43	
			12:12 NCR 1002	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 03L .0102	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03M .0503	12:19 NCR 1762	12:23 NCR 2094	13:03 NCR 303	*						
15A NCAC 03M .0507	12:23 NCR 2089	12:23 NCR 2094	13:03 NCR 303	*						
15A NCAC 03M .0513	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 03M .0513	11:26 NCR 1985		12:12 NCR 1002	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 03M .0515	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03O .0303		12:23 NCR 2094	13:03 NCR 303	*						
15A NCAC 03O .0306		12:19 NCR 1780	13:03 NCR 303	*						
		12:23 NCR 2094	13:03 NCR 303	*						
15A NCAC 03P .0103	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0201	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0202	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0203	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0301	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0302	12:23 NCR 2089		13:03 NCR 303	*						

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 03P .0303	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P .0304	12:23 NCR 2089		13:03 NCR 303	*						
Parks and Recreation Commission										
15A NCAC 12A .0001	12:13 NCR 1097									
15A NCAC 12A .0004	12:13 NCR 1097									
15A NCAC 12A .0005	12:13 NCR 1097									
15A NCAC 12B .0101	12:13 NCR 1097									
15A NCAC 12B .0104	12:13 NCR 1097									
15A NCAC 12B .0106	12:13 NCR 1097									
15A NCAC 12B .0203	12:13 NCR 1097									
15A NCAC 12B .0401	12:13 NCR 1097									
15A NCAC 12B .0402	12:13 NCR 1097									
15A NCAC 12B .0501	12:13 NCR 1097									
15A NCAC 12B .0602	12:13 NCR 1097									
15A NCAC 12B .0701	12:13 NCR 1097									
15A NCAC 12B .0702	12:13 NCR 1097									
15A NCAC 12B .0802	12:13 NCR 1097									
15A NCAC 12B .0901	12:13 NCR 1097									
15A NCAC 12B .1001	12:13 NCR 1097									
15A NCAC 12B .1004	12:13 NCR 1097									
15A NCAC 12B .1102	12:13 NCR 1097									
15A NCAC 12B .1201	12:13 NCR 1097									
Radiation Protection										
15A NCAC 11 .0104	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0111	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0117	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0305	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0317	12:22 NCR 1979		13:04 NCR 378	*						

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 .0318	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0321	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0323	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0339	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0353	12:22 NCR 1979		13:04 NCR 378	S						
15A NCAC 11 .0359	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0360	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0361	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0362	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0502	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0503	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0506	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0507	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0508	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0509	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0510	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0511	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0512	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0513	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0515	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0516	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0517	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0520	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0521	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0522	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0523	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0524	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0525	12:22 NCR 1979		13:04 NCR 378	*						

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 .0702	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0703	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1003	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1100	12:04 NCR 240									
15A NCAC 11 .1400	12:04 NCR 240									
15A NCAC 11 .1633	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1635	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1647	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1653	12:22 NCR 1979		13:04 NCR 378	*						
Soil & Water Conservation										
15A NCAC 06E .0105	12:20 NCR 1817		13:01 NCR 25	*						
Water Pollution Control System Operators Certification Commission										
15A NCAC 08A .0101	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08A .0202	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08A .0301	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08A .0302	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08A .0303	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0101	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0102	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0103	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0104	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0105	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0106	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0108	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0109	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0201	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0202	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0203	11:26 NCR 1976		13:02 NCR 204	*						

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 08B .0204	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0205	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0207	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0208	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0209	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0210	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0211	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0212	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0213	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0214	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0301	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0302	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0303	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0304	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0402	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0404	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0405	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0406	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0502	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0506	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C .0002	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C .0004	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C .0005	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C .0006	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C .0007	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C .0008	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08D .0002	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08D .0004	11:26 NCR 1976		13:02 NCR 204	*						

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 08D .0005	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08D .0006	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08E	11:26 NCR 1976									
15A NCAC 08F	11:26 NCR 1976									
15A NCAC 08G .0101	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0102	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0201	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0202	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0203	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0204	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0205	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0301	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0302	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0303	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0304	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0305	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0306	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0307	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0308	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0401	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0402	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0403	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0404	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0405	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0406	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0407	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0408	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0409	11:26 NCR 1976		13:02 NCR 204	*						

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 08G .0501	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0502	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0503	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0504	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0505	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0601	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0602	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0603	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0604	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0701	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0801	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0802	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0803	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0804	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0901	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0902	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .1001	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .1002	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .1101	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .1102	11:26 NCR 1976		13:02 NCR 204	*						
Wildlife Resources Commission										
Public Notice - 15A NCAC 10B .0105										13:04 NCR 353
15A NCAC 10B .0113	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10B .0200	12:06 NCR 445									
15A NCAC 10B .0202	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10B .0203	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10B .0207	12:06 NCR 445	13:04 NCR 427	12:24 NCR 2205	*						
15A NCAC 10B .0209	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	

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 10B .0216	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10C .0203	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10C .0205	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10C .0212	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10C .0300	13:01 NCR 3									
15A NCAC 10C .0304	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10C .0305	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10C .0400	13:01 NCR 3									
15A NCAC 10C .0401	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10C .0402	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10C .0404	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10C .0407	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10D	12:18 NCR 1694									
15A NCAC 10D .0002	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10D .0003	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10D .0003	12:18 NCR 1694		12:24 NCR 2205	*						
15A NCAC 10D .0004	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10F .0102	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10F .0103	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10F .0104	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10F .0105	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10F .0109	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10F .0301	12:19 NCR 1763	12:24 NCR 2224	12:24 NCR 2224	*						
15A NCAC 10F .0303	12:19 NCR 1763									
15A NCAC 10F .0303	N/A		N/A		Approve	05/21/98			13:02 NCR 249	
15A NCAC 10F .0305	12:10 NCR 865	12:16 NCR 1518	12:16 NCR 1518	*	Approve	07/23/98				
15A NCAC 10F .0310	12:19 NCR 1763	12:24 NCR 2224	12:24 NCR 2224	L						
15A NCAC 10F .0311	12:11 NCR 920	12:24 NCR 2224	12:17 NCR 1608	L	Approve	07/23/98				

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 10F .0314	12:19 NCR 1763									
15A NCAC 10F .0317	12:11 NCR 920	12:24 NCR 2224	12:17 NCR 1608	L	Approve	07/23/98				
15A NCAC 10F .0318	12:06 NCR 445									
15A NCAC 10F .0327	12:11 NCR 920	12:24 NCR 2224	12:17 NCR 1608	L	Approve	07/23/98	*			
15A NCAC 10F .0330	13:03 NCR 269									
15A NCAC 10F .0345	12:06 NCR 445	12:19 NCR 1781	12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10F .0347	12:06 NCR 445	12:19 NCR 1781	12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10F .0359	12:19 NCR 1763									
15A NCAC 10G .0402	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10G .0403	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10G .0404	12:06 NCR 445		12:12 NCR 1004	*	Extend Review Object Approve	04/15/98 06/18/98 07/23/98	 *			
15A NCAC 10H .0802	12:06 NCR 445		12:13 NCR 1127	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10H .0810	12:06 NCR 445		12:13 NCR 1137	*	Approve	04/15/98	*		13:01 NCR 43	
FINAL DECISION LETTERS										
Voting Rights Act										13:02 NCR 173
Voting Rights Act										13:04 NCR 354
GENERAL CONTRACTORS LICENSING BOARD										
21 NCAC 12 .0204	11:28 NCR 2117		12:04 NCR 292	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 12 .0503	11:28 NCR 2117									
21 NCAC 12 .0504	11:28 NCR 2117									
21 NCAC 12 .0902	11:28 NCR 2117									
21 NCAC 12 .0905	11:28 NCR 2117									
21 NCAC 12 .0906	11:28 NCR 2117									
21 NCAC 12 .0907	11:28 NCR 2117									
21 NCAC 12 .0908	11:28 NCR 2117									
21 NCAC 12 .0909	11:28 NCR 2117									
21 NCAC 12 .0910	11:28 NCR 2117									

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 .0911	11:28 NCR 2117									
21 NCAC 12 .0912	11:28 NCR 2117									
GOVERNOR'S EXECUTIVE ORDERS										
Number 136 - Eff. 06/05/98										13:01 NCR 1
HEALTH AND HUMAN SERVICES										
Aging										
10 NCAC 22	10:23 NCR 2956									
Child Day Care Commission										
10 NCAC 03U .0102	12:21 NCR 1873									
10 NCAC 03U .0300	12:21 NCR 1873									
10 NCAC 03U .0302	12:08 NCR 617		12:13 NCR 1098	*	Object Approve	03/20/98 04/15/98			13:01 NCR 43	
10 NCAC 03U .0602	11:24 NCR 1817	12:08 NCR 710								
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 .0605	12:08 NCR 710		12:13 NCR 1098	S/L	Approve	03/20/98	*		12:23 NCR 2100	Pending Leg. Action
10 NCAC 03U .0703	12:08 NCR 617		12:13 NCR 1098	*	Approve	03/20/98	*		12:23 NCR 2100	Pending Leg. Action
10 NCAC 03U .0704	12:08 NCR 617		12:13 NCR 1098	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	Pending Leg. Action
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	12:08 NCR 617		12:13 NCR 1098	*	Approve	03/20/98	*		12:23 NCR 2100	Pending Leg. Action
10 NCAC 03U .0708	12:08 NCR 617		12:13 NCR 1098	*	Approve	03/20/98	*		12:23 NCR 2100	Pending Leg. Action
10 NCAC 03U .0710	12:08 NCR 617		12:13 NCR 1098	*	Approve	04/15/98	*		13:01 NCR 43	Pending Leg. Action
10 NCAC 03U .0806	12:08 NCR 617		12:13 NCR 1098	*	Approve	04/15/98	*		13:01 NCR 43	
10 NCAC 03U .0901	11:08 NCR 449		11:17 NCR 1338	*	**Object**	**03/20/98**				
10 NCAC 03U .1600	12:21 NCR 1873									
10 NCAC 03U .1700	12:21 NCR 1873									
10 NCAC 03U .1720	12:08 NCR 617		12:13 NCR 1098	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	

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 03U .2000	12:21 NCR 1873									
10 NCAC 03U .2500	12:21 NCR 1873									
Facility Services										
Certificate of Public Advantage (COPA)										13:03 NCR 261
Public Notice - Draft 1999 State Medical Facilities Plan										13:02 NCR 171
10 NCAC 03R .0214	12:08 NCR 617		13:03 NCR 270	*						
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 .3030	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3040	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3050	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3051		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .3053		11:22 NCR 1713								
10 NCAC 03R .3053		12:06 NCR 481								
10 NCAC 03R .3060		12:06 NCR 481								
10 NCAC 03R .3061		12:06 NCR 481								
10 NCAC 03R .3063		12:06 NCR 481								
10 NCAC 03R .3065		12:06 NCR 481								
10 NCAC 03R .3072		12:06 NCR 481								
10 NCAC 03R .6001	11:22 NCR 1704									
10 NCAC 03R .6101		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6102		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6103		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6104		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6105		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6106		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6107		12:15 NCR 1431	13:02 NCR 178	S/L/SE						

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 .6108		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6109		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6110		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6111		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6112		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC 03R .6113		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6114		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6115		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6116		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6117		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6118		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6119		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6120		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC 03R .6121		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC 03R .6122		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC 03R .6123		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC 03R .6124		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC 03R .6125		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6126		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6127		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6128		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6129		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC 03R .6130		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6131		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6132		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6133		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6134		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6135		12:15 NCR 1431	13:02 NCR 178	*						

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 .6136		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6137		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6138		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6139		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6140		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6141		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03S	12:24 NCR 2194									
Health Services										
15A NCAC 16A .0101	12:22 NCR 1979		13:02 NCR 234	*						
15A NCAC 16A .0106	12:22 NCR 1979		13:02 NCR 234	*						
15A NCAC 16A .0108	12:22 NCR 1979		13:02 NCR 234	*						
15A NCAC 24A .0101	12:22 NCR 1979		13:02 NCR 244	*						
15A NCAC 24A .0102	12:22 NCR 1979		13:02 NCR 244	*						
15A NCAC 24A .0302	12:22 NCR 1979		13:02 NCR 244	*						
15A NCAC 24A .0402	12:22 NCR 1979		13:02 NCR 244	*						
15A NCAC 24A .0403	12:22 NCR 1979		13:02 NCR 244	*						
15A NCAC 24A .0404	12:22 NCR 1979		13:02 NCR 244	*						
Medical Assistance										
10 NCAC 26B .0103	12:18 NCR 1694		13:01 NCR 5	*						
10 NCAC 26D .0110	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26H .0101	11:14 NCR 1108									
10 NCAC 26H .0102	11:14 NCR 1108									
10 NCAC 26H .0102	12:09 NCR 743	12:14 NCR 1341	12:18 NCR 1696	S/L/SE	Approve	07/23/98				
10 NCAC 26H .0211	12:09 NCR 743	12:14 NCR 1341	12:18 NCR 1696	S/L/SE	Approve	07/23/98				
10 NCAC 26H .0212		12:09 NCR 827								
10 NCAC 26H .0213		11:26 NCR 1997								
10 NCAC 26H .0213		12:09 NCR 827								
10 NCAC 26H .0304		13:03 NCR 316		S/L						

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 26H .0401	12:08 NCR 618	12:14 NCR 1341	12:21 NCR 1875	S/L	Approve	07/23/98				
10 NCAC 26H .0401		13.02 NCR 248								
10 NCAC 26H .0602		12:04 NCR 313	12:15 NCR 1419	S\L	Approve	04/15/98	*		13:01 NCR 43	
10 NCAC 26I .0101	13:02 NCR 175									
10 NCAC 26K .0106	12:05 NCR 337									
10 NCAC 26K .0106	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26M .0201	12:06 NCR 444		13:01 NCR 5	*						
10 NCAC 26M .0202	12:06 NCR 444		13:01 NCR 5	*						
10 NCAC 26M .0203	12:05 NCR 337									
10 NCAC 26M .0203	12:06 NCR 444		13:01 NCR 5	*						
10 NCAC 26M .0204	12:06 NCR 444		13:01 NCR 5	*						
10 NCAC 26M .0305	13:02 NCR 175									
10 NCAC 50A .0604	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B .0202	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B .0302	13:02 NCR 175									
10 NCAC 50B .0311	13:03 NCR 268									
10 NCAC 50B .0313	13:02 NCR 175									
Medical Care Commission										
10 NCAC 03D .1500	11:23 NCR 1779									
Mental Health, Developmental Disabilities and Substance Abuse Services										
10 NCAC 14G .0102		12:12 NCR 1060	12:19 NCR 1766	*	Object Approve	06/18/98 07/23/98	 *			
10 NCAC 14V .0800	12:20 NCR 1820									
10 NCAC 14V .3800	12:20 NCR 1820									
10 NCAC 14V .4000	12:20 NCR 1820									
10 NCAC 14V .4301	12:19 NCR 1762									
10 NCAC 14V .4302	12:19 NCR 1762									
10 NCAC 14V .4303	12:19 NCR 1762									
10 NCAC 14V .4304	12:19 NCR 1762									

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 14V .4305	12:19 NCR 1762									
10 NCAC 14V .4306	12:19 NCR 1762									
10 NCAC 14V .5000	12:20 NCR 1820									
10 NCAC 45H .0205	11:19 NCR 1762	12:24 NCR 2223		*						
Secretary of Health and Human Services										
10 NCAC 14C .1151	12:20 NCR 1820		13:02 NCR 198	*						
10 NCAC 14V .7006		12:01 NCR 31	12:07 NCR 511	*						
10 NCAC 21B .0117		12:17 NCR 1616	12:21 NCR 1875	S	Approve	07/23/98				
10 NCAC 49B .0315		12:18 NCR 1703	13:02 NCR 203	*						
Social Services Commission										
10 NCAC 24A .0508	12:12 NCR 993	12:13 NCR 1180	12:23 NCR 2090	*						
10 NCAC 30 .0207	12:11 NCR 919	12:14 NCR 1347	12:15 NCR 1420	*	Approve	05/21/98			13:02 NCR 249	
10 NCAC 41A .0107		12:11 NCR 938	12:15 NCR 1420	*	Object Approve	05/21/98 07/23/98	 *		 	
10 NCAC 41E	12:11 NCR 919									
10 NCAC 41F .0707		12:11 NCR 938	12:15 NCR 1420	S	Approve	05/21/98			13:02 NCR 249	
10 NCAC 41F .0813		12:11 NCR 938	12:15 NCR 1420	S	Approve	05/21/98			13:02 NCR 249	
10 NCAC 41G	12:11 NCR 919									
10 NCAC 41I .0100	10:17 NCR 2228									
10 NCAC 41I .0102	10:17 NCR 2228		10:21 NCR 2687	*						
10 NCAC 42C .2301	12:22 NCR 1979									
10 NCAC 42C .3401		12:13 NCR 1180	13:02 NCR 200	*						
10 NCAC 42C .3403		12:13 NCR 1180	13:02 NCR 200	*						
10 NCAC 42C .3404		12:13 NCR 1180	13:02 NCR 200	*						
10 NCAC 42C .3601		12:13 NCR 1180	13:02 NCR 200	*						
10 NCAC 42R .0201	12:11 NCR 919	12:13 NCR 1180	12:23 NCR 2090	S/L						
10 NCAC 47A .0502		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98			13:02 NCR 249	
10 NCAC 47B .0102		12:11 NCR 938	12:15 NCR 1420	*	Object Approve	05/21/98 06/18/98	 *		 13:03 NCR 334	
10 NCAC 47B .0303		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98			13:02 NCR 249	

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 47B .0304		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98			13:02 NCR 249	
10 NCAC 47B .0305		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98	*		13:02 NCR 249	
10 NCAC 47B .0403		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98	*		13:02 NCR 249	
10 NCAC 49B .0608	12:20 NCR 1822	13:03 NCR 320								
Vocational Rehabilitation Services										
10 NCAC 20C .0100	12:24 NCR 2202									
10 NCAC 20C .0203	12:24 NCR 2202									
10 NCAC 20C .0206	12:24 NCR 2202									
INSURANCE										
11 NCAC 06	12:09 NCR 744									
11 NCAC 12	12:09 NCR 744									
11 NCAC 12 .0800	13:01 NCR 2									
11 NCAC 12 .0840	13:01 NCR 2	13:03 NCR 323								
11 NCAC 12 .0841	13:01 NCR 2	13:03 NCR 323								
11 NCAC 12 .0842	13:01 NCR 2	13:03 NCR 323								
11 NCAC 12 .1000	13:01 NCR 2									
11 NCAC 12 .1801		12:11 NCR 942	12:15 NCR 1424	*	Approve	04/15/98			13:01 NCR 43	
11 NCAC 12 .1802		12:11 NCR 942	12:15 NCR 1424	*	Approve	04/15/98			13:01 NCR 43	
11 NCAC 12 .1803		12:11 NCR 942	12:15 NCR 1424	*	Approve	04/15/98	*		13:01 NCR 43	
11 NCAC 12 .1804		12:11 NCR 942	12:15 NCR 1424	*	Approve	04/15/98	*		13:01 NCR 43	
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 20	12:09 NCR 744									
11 NCAC 21	12:09 NCR 744									
North Carolina Manufactured Housing Board										

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 8 .0900	13:01 NCR 2									
JUSTICE										
Alarm Systems Licensing Board										
12 NCAC 11	11:30 NCR 2300									
12 NCAC 11 .0204	12:12 NCR 993		12:20 NCR 1823	*						
12 NCAC 11 .0210	12:08 NCR 618		12:20 NCR 1823	*						
12 NCAC 11 .0501	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0502	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0503	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0504	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0505	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0506	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0507	11:30 NCR 2300		12:20 NCR 1823	*						
Criminal Justice Education and Training Standards Commission										
12 NCAC 09A .0103	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0101	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0210	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0211	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0212	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0213	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0214	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0215	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0218	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0219	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0220	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0221	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0222	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0301	12:21 NCR 1873		13:01 NCR 6	*						

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 09B .0309	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0310	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0311	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0404	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0408	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0409	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0414	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0416	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09C .0308	12:21 NCR 1873		13:01 NCR 6	*						
Private Protective Services Board										
12 NCAC 07D .0204	11:14 NCR 1108		12:08 NCR 622	*	Object Approve	03/20/98 06/18/98	*		13:03 NCR 334	
12 NCAC 07D .1106	11:14 NCR 1108		12:08 NCR 622	*	Object Approve	03/20/98 06/18/98	*		13:03 NCR 334	
12 NCAC 07D .1201	11:10 NCR 818		12:14 NCR 1263	*						
12 NCAC 07D .1202	11:10 NCR 818		12:14 NCR 1263	*						
12 NCAC 07D .1301	11:16 NCR 1268		12:14 NCR 1263	*						
12 NCAC 07D .1302	11:16 NCR 1268		12:14 NCR 1263	*						
12 NCAC 07D .1303	11:16 NCR 1268		12:14 NCR 1263	*						
12 NCAC 07D .1304	11:16 NCR 1268		12:14 NCR 1263	*						
12 NCAC 07D .1305	11:16 NCR 1268		12:14 NCR 1263	*						
12 NCAC 07D .1306	11:16 NCR 1268		12:14 NCR 1263	*						
12 NCAC 07D .1307	11:16 NCR 1268		12:14 NCR 1263	*						
Sheriffs' Education and Training Standards Commission										
12 NCAC 10B .0206	12:07 NCR 508	12:18 NCR 1703	12:18 NCR 1703	*	Approve	06/18/98			13:03 NCR 334	
12 NCAC 10B .1103	12:07 NCR 508	12:18 NCR 1703	12:08 NCR 624							
12 NCAC 10B .1104	12:07 NCR 508	12:18 NCR 1703	12:08 NCR 624							
LABOR										
13 NCAC WORD Div	13:03 NCR 268									
Boiler and Pressure Vessel Division										

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 13 13:03 NCR 269

Occupational Safety and Health

13 NCAC 07A .0900 11:11 NCR 881
13 NCAC 07F 11:03 NCR 106
13 NCAC 07F 13:02 NCR 176
13 NCAC 07F .0201 11:03 NCR 106
13 NCAC 07F .0301 11:03 NCR 106

Wage and Hour Division

13 NCAC 12 .0101 13:03 NCR 268
13 NCAC 12 .0303 13:03 NCR 268
13 NCAC 12 .0304 13:03 NCR 268
13 NCAC 12 .0305 13:03 NCR 268
13 NCAC 12 .0306 13:03 NCR 268
13 NCAC 12 .0307 13:03 NCR 268
13 NCAC 12 .0501 13:03 NCR 268
13 NCAC 12 .0502 13:03 NCR 268
13 NCAC 12 .0801 13:03 NCR 268
13 NCAC 12 .0802 13:03 NCR 268

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

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 32B	12:04 NCR 245									
21 NCAC 32F .0103		11:18 NCR 1386 Temp Expired	12:04 NCR 294	*						
21 NCAC 32F .0103		12:14 NCR 1354	12:21 NCR 1881	*						
21 NCAC 32H .0402		12:04 NCR 314								
21 NCAC 32M	12:19 NCR 1765									
21 NCAC 32O	11:18 NCR 1369									
MORTUARY SCIENCE, BOARD OF										
21 NCAC 34A .0201		12:07 NCR 556								
21 NCAC 34C	12:09 NCR 745									
MUNICIPAL INCORPORATIONS PETITION										
NURSING, BOARD OF										
21 NCAC 36 .0227	12:05 NCR 338									
OPTICIANS, BOARD OF										
21 NCAC 40 .0108		12:07 NCR 557								
OPTOMETRY, BOARD OF										
21 NCAC 42	12:06 NCR 453									
21 NCAC 42E .0102		12:06 NCR 487	12:12 NCR 1058	*	Approve	04/15/98			13:01 NCR 43	
PHARMACY, BOARD OF										
21 NCAC 46 .1317	13:01 NCR 3									
21 NCAC 46 .1414	N/A	N/A	N/A		Approve	04/15/98			13:01 NCR 43	
21 NCAC 46 .1414	12:24 NCR 2203									
21 NCAC 46 .1601	12:03 NCR 168		12:07 NCR 527	*						
			12:09 NCR 797	*	Approve	03/20/98			12:23 NCR 2100	Pending Leg. Action
21 NCAC 46 .1601	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .1606	13:01 NCR 3									
21 NCAC 46 .1608	12:24 NCR 2203									
21 NCAC 46 .1609	12:24 NCR 2203									

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 46 .1612	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .1703	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .1706	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .1804	12:03 NCR 168		12:07 NCR 527	*						
			12:09 NCR 797	*	State Budget	03/20/98				
			13:02 NCR 246	SE						
21 NCAC 46 .1809	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .1813	N/A	N/A	N/A		Approve	04/15/98			13:01 NCR 43	
21 NCAC 46 .2103	12:03 NCR 168		12:07 NCR 527	*						
			12:09 NCR 797	*						
21 NCAC 46 .2301	12:03 NCR 168		12:07 NCR 527	*						
			12:09 NCR 797	*						
21 NCAC 46 .2304	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .2306	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .2502	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .2506	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .2604	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .2609	12:24 NCR 2203		13:04 NCR 419	*						
21 NCAC 46 .2611	N/A	N/A	N/A		Approve	04/15/98			13:01 NCR 43	
21 NCAC 46 .2611	12:24 NCR 2203		13:04 NCR 419	*						
PHYSICAL THERAPY EXAMINERS										
21 NCAC 48A .0103	12:08 NCR 619		12:13 NCR 1150	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 48A .0105	12:08 NCR 619		12:13 NCR 1150	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 48C .0401	12:08 NCR 619		12:13 NCR 1150	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 48D .0102	12:08 NCR 619		12:13 NCR 1150	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 48D .0105	12:08 NCR 619		12:13 NCR 1150	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 48D .0112	12:08 NCR 619		12:13 NCR 1150	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	

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 48F .0102	12:08 NCR 619		12:13 NCR 1150	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 48G .0203	12:08 NCR 619		12:13 NCR 1150	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 48G .0404	12:08 NCR 619		12:13 NCR 1150	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 48G .0601	12:08 NCR 619		12:13 NCR 1150	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
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	12:16 NCR 1490	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 50 .0306	12:07 NCR 509	12:07 NCR 557	12:16 NCR 1490	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 50 .0404	12:07 NCR 509	12:07 NCR 557	12:16 NCR 1490	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 50 .0405	12:07 NCR 509		12:16 NCR 1490	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 50 .0506	12:07 NCR 509	12:07 NCR 557								
21 NCAC 50 .0510	12:07 NCR 509		12:16 NCR 1490	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 50 .0511	12:07 NCR 509	12:07 NCR 557	12:16 NCR 1490	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 50 .1102	12:07 NCR 509	12:07 NCR 557	12:16 NCR 1490	S	Approve	04/15/98			13:01 NCR 43	
21 NCAC 50 .1104	12:07 NCR 509		12:16 NCR 1490	*	Approve	04/15/98			13:01 NCR 43	
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 .0103	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0104	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .0401	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	

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 56 .0403	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0404	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .0405	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .0501	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0502	12:08 NCR 619		12:16 NCR 1492	S	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0503	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0505	12:08 NCR 619		12:16 NCR 1492	S	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0601	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0602	12:08 NCR 619		12:16 NCR 1492	S	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0603	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0606	12:08 NCR 619		12:16 NCR 1492	S	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .0701	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0702	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .0901	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0902	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .1102	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1103	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1104	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1105	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .1106	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1201	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1203	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1205	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1301	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1302	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1403	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .1409	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1411	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	

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 56 .1602	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1603	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1604	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .1703	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1704	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .1705	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .1711	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
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									
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									

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 .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 .0310			12:01 NCR 18	*						
		12:03 NCR 210								Temp Filed over obj
16 NCAC 06C .0502		12:09 NCR 834	12:19 NCR 1773	N/A						
16 NCAC 06C .0602			12:12 NCR 1050	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
16 NCAC 06D .0103		12:22 NCR 2010								
16 NCAC 06E .0105		12:05 NCR 433	12:19 NCR 1773	N/A						
16 NCAC 06G .0305			12:19 NCR 1773	N/A						
16 NCAC 06G .0310			12:19 NCR 1773	N/A						
16 NCAC 06G .0311		12:22 NCR 2010								
16 NCAC 06G .0501		12:12 NCR 1071	12:19 NCR 1773	N/A						
Public School Administration, Standards Board for										
16 NCAC 07 .0202		12:07 NCR 533	12:12 NCR 1052	*	Approve	04/15/98	*		13:01 NCR 43	
REVENUE										
17 NCAC 05B .1402	N/A	N/A	N/A		Approve	04/15/98			13:01 NCR 43	
17 NCAC 05B .1703	N/A	N/A	N/A		Approve	04/15/98			13:01 NCR 43	

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				
17 NCAC 05C .0102			12:14 NCR 1285	*						
17 NCAC 05C .0703			12:14 NCR 1285	*						
17 NCAC 06B .3204			12:17 NCR 1610	*	Approve	06/18/98			13:03 NCR 334	
17 NCAC 09L .0302			12:17 NCR 1610	*	Approve	06/18/98			13:03 NCR 334	
Tax Review Board										13:03 NCR 262
SECRETARY OF STATE										
18 NCAC 06 .1104		12:07 NCR 534	12:14 NCR 1312	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
18 NCAC 06 .1206		12:07 NCR 534	12:14 NCR 1312	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
18 NCAC 06 .1212		12:07 NCR 534	12:14 NCR 1312	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
18 NCAC 06 .1401		12:07 NCR 534	12:14 NCR 1312	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
18 NCAC 06 .1509		12:07 NCR 534	12:14 NCR 1312	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
18 NCAC 06 .1702		12:07 NCR 534	12:14 NCR 1312	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
18 NCAC 06 .1703		12:07 NCR 534	12:14 NCR 1312	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
18 NCAC 06 .1705		12:07 NCR 534	12:14 NCR 1312	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
18 NCAC 06 .1706		12:07 NCR 534	12:14 NCR 1312	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
18 NCAC 06 .1802		12:07 NCR 534	12:14 NCR 1312	*						
18 NCAC 06 .1803		12:07 NCR 534	12:14 NCR 1312	*						
18 NCAC 06 .1805		12:07 NCR 534	12:14 NCR 1312	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
18 NCAC 06 .1811		12:07 NCR 534	12:14 NCR 1312	*	Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	
SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS										
21 NCAC 64 .0303	11:23 NCR 1780									
STATE PERSONNEL COMMISSION										
25 NCAC 01D .2516		11:13 NCR 1062 Temp Expired	11:19 NCR 1429	*						
25 NCAC 01D .2517		12:09 NCR 835								

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				
SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD										
21 NCAC 68	12:09 NCR 745									
21 NCAC 68 .0101		12:11 NCR 944	12:15 NCR 1426	S/L	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 68 .0102	N/A	N/A	N/A		Approve	04/15/98			13:01 NCR 43	
21 NCAC 68 .0301		12:11 NCR 944	12:15 NCR 1426	S/L	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 68 .0302		12:11 NCR 944	12:15 NCR 1426	S/L	Approve	04/15/98			13:01 NCR 43	
21 NCAC 68 .0303		12:11 NCR 944	12:15 NCR 1426	S/L	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 68 .0304		12:11 NCR 944	12:15 NCR 1426	S/L	Approve	04/15/98			13:01 NCR 43	
21 NCAC 68 .0305		12:11 NCR 944	12:15 NCR 1426	S/L	Object Approve	04/15/98 05/21/98	*		13:02 NCR 249	
21 NCAC 68 .0306		12:11 NCR 944	12:15 NCR 1426	S/L	Approve	04/15/98			13:01 NCR 43	
21 NCAC 68 .0307		12:11 NCR 944	12:15 NCR 1426	S/L	Approve	04/15/98			13:01 NCR 43	
21 NCAC 68 .0602	12:09 NCR 745		12:15 NCR 1426	S/L	Approve	04/15/98			13:01 NCR 43	
21 NCAC 68 .0603	12:09 NCR 745		12:15 NCR 1426	S/L	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 68 .0608	12:09 NCR 745		12:15 NCR 1426	S/L	Approve	04/15/98			13:01 NCR 43	
TRANSPORTATION										
Highways, Division of										
19A NCAC 02D .0406	12:22 NCR 1980									
19A NCAC 02D .0415	12:18 NCR 1694		12:24 NCR 2219	*						
19A NCAC 02D .0816	12:19 NCR 1764		13:01 NCR 41	*						
19A NCAC 02E .0221	13:04 NCR 361									
19A NCAC 02E .0222	13:04 NCR 361									
Motor Vehicles, Division of										
19A NCAC 03I .0100	11:19 NCR 1413									
19A NCAC 03I .0200	11:19 NCR 1413									
19A NCAC 03I .0202	12:18 NCR 1695		12:24 NCR 2220	*						
19A NCAC 03I .0203	12:18 NCR 1695		12:24 NCR 2220	*						
19A NCAC 03I .0300	11:19 NCR 1413									
19A NCAC 03I .0400	11:19 NCR 1413									

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 03I .0500	11:19 NCR 1413									
19A NCAC 03I .0501	12:18 NCR 1695		12:24 NCR 2220	*						
19A NCAC 03I .0502	12:18 NCR 1695		12:24 NCR 2220	*						
19A NCAC 03I .0503	12:18 NCR 1695		12:24 NCR 2220	*						
19A NCAC 03I .0600	11:19 NCR 1413									
19A NCAC 03I .0700	11:19 NCR 1413									
19A NCAC 03I .0800	11:19 NCR 1413									
Rail Division										
19A NCAC 06B .0412	12:22 NCR 1981									
19A NCAC 06B .0413	12:22 NCR 1981									
VETERINARY MEDICAL BOARD										
21 NCAC 66 .0207	12:23 NCR 2089									
21 NCAC 66 .0208	12:23 NCR 2089									

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