NORTH CAROLINA REGISTER

VOLUME 37 • ISSUE 08 • Pages 618 – 655

October 17, 2022

I. EXECUTIVE ORDERS
Executive Order No. 269 ..... 618 – 619

II. IN ADDITION
Building Code Council – Notice of Rulemaking and Public Hearing ..... 620 – 623
License and Theft Bureau - Public Notices of License Application Submission 624 – 625

III. PROPOSED RULES
Natural and Cultural Resources, Department of
Department ..... 626 – 633
Health and Human Services, Department of
Radiation Protection Commission ..... 633 – 639
Occupational Licensing Boards and Commissions
Pharmacy, Board of 640

IV. TEMPORARY RULES
Environmental Quality, Department of
Wildlife Resources Commission ..... 641 – 642

V. RULES REVIEW COMMISSION ..... 643 – 655

PUBLISHED BY
The Office of Administrative Hearings
Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
Telephone 984-236-1850
Fax 984-236-1947

Donald R. van der Vaart, Director
Ashley B. Snyder, Codifier of Rules
Dana McGhee, Publications Coordinator
Cathy Matthews-Thayer, Editorial Assistant
Julie Brincefield, Register Drafter

Contact List for Rulemaking Questions or Concerns

For 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.

Office of Administrative Hearings
Rules Division
1711 New Hope Church Road — 984-236-1850
Raleigh, North Carolina 27609 — 984-236-1947 FAX

contact:	Ashley B. Snyder, Codifier of Rules	ashley.snyder@oah.nc.gov	984-236-1941
	Dana McGhee, Publications Coordinator	dana.mcghee@oah.nc.gov	984-236-1937
	Cathy Matthews-Thayer, Editorial Assistant	cathy.thayer@oah.nc.gov	984-236-1901

Rule Review and Legal Issues

Rules Review Commission
1711 New Hope Church Road — 984-236-1850
Raleigh, North Carolina 27609 — 984-236-1947 FAX

contact:	Brian Liebman, Commission Counsel	brian.liebman@oah.nc.gov	984-236-1948
	Lawrence Duke, Commission Counsel	lawrence.duke@oah.nc.gov	984-236-1938
	William W. Peaslee, Commission Counsel	bill.peaslee@oah.nc.gov	984-236-1939
	Alexander Burgos, Paralegal	alexander.burgos@oah.nc.gov	984-236-1940
	Julie Brincefield, Administrative Assistant	julie.brincefield@oah.nc.gov	984-236-1935

Fiscal Notes & Economic Analysis

Office of State Budget and Management
116 West Jones Street
Raleigh, North Carolina 27603-8005
Contact: Carrie Hollis, Economic Analyst — osbmruleanalysis@osbm.nc.gov — 984-236-0689

NC Association of County Commissioners
215 North Dawson Street — 919-715-2893
Raleigh, North Carolina 27603
contact: Amy Bason — amy.bason@ncacc.org

NC League of Municipalities — 919-715-2925
424 Fayetteville Street, Suite 1900
Raleigh, North Carolina 27601
contact: Monica Jackson — mjackson@nclm.org

Legislative Process Concerning Rulemaking

545 Legislative Office Building
300 North Salisbury Street — 919-733-2578
Raleigh, North Carolina 27611 — 919-715-5460 FAX

Jason Moran-Bates, Staff Attorney
Chris Saunders, Staff Attorney
Aaron McGlothlin, Staff Attorney

NORTH CAROLINA REGISTER
Publication Schedule for January 2022 – December 2022

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270th day from publication in the Register
36:13	01/03/22	12/08/21	01/18/22	03/04/22	03/21/22	04/21/2022	05/01/22	09/30/22
36:14	01/18/22	12/22/21	02/02/22	03/21/22	04/20/22	05/19/2022	06/01/22	10/15/22
36:15	02/01/22	01/10/22	02/16/22	04/04/22	04/20/22	05/19/2022	06/01/22	10/29/22
36:16	02/15/22	01/25/22	03/02/22	04/18/22	04/20/22	05/19/2022	06/01/22	11/12/22
36:17	03/01/22	02/08/22	03/16/22	05/02/22	05/20/22	06/16/2022	07/01/22	11/26/22
36:18	03/15/22	02/22/22	03/30/22	05/16/22	05/20/22	06/16/2022	07/01/22	12/10/22
36:19	04/01/22	03/11/22	04/16/22	05/31/22	06/20/22	07/21/2022	08/01/22	12/27/22
36:20	04/18/22	03/25/22	05/03/22	06/17/22	06/20/22	07/21/2022	08/01/22	01/13/23
36:21	05/02/22	04/08/22	05/17/22	07/01/22	07/20/22	08/18/2022	09/01/22	01/27/23
36:22	05/16/22	04/25/22	05/31/22	07/15/22	07/20/22	08/18/2022	09/01/22	02/10/23
36:23	06/01/22	05/10/22	06/16/22	08/01/22	08/22/22	09/15/2022	10/01/22	02/26/23
36:24	06/15/22	05/24/22	06/30/22	08/15/22	08/22/22	09/15/2022	10/01/22	03/12/23
37:01	07/01/22	06/10/22	07/16/22	08/30/22	09/20/22	10/20/2022	11/01/22	03/28/23
37:02	07/15/22	06/23/22	07/30/22	09/13/22	09/20/22	10/20/2022	11/01/22	04/11/23
37:03	08/01/22	07/11/22	08/16/22	09/30/22	10/20/22	11/17/2022	12/01/22	04/28/23
37:04	08/15/22	07/25/22	08/30/22	10/14/22	10/20/22	11/17/2022	12/01/22	05/12/23
37:05	09/01/22	08/11/22	09/16/22	10/31/22	11/21/22	12/15/2022	01/01/23	05/29/23
37:06	09/15/22	08/24/22	09/30/22	11/14/22	11/21/22	12/15/2022	01/01/23	06/12/23
37:07	10/03/22	09/12/22	10/18/22	12/02/22	12/20/22	01/19/2023	02/01/23	06/30/23
37:08	10/17/22	09/26/22	11/01/22	12/16/22	12/20/22	01/19/2023	02/01/23	07/14/23
37:09	11/01/22	10/11/22	11/16/22	01/03/23	01/20/23	02/16/2023	03/01/23	07/29/23
37:10	11/15/22	10/24/22	11/30/22	01/17/23	01/20/23	02/16/2023	03/01/23	08/12/23
37:11	12/01/22	11/07/22	12/16/22	01/30/23	02/20/23	03/16/2023	04/01/23	08/28/23
37:12	12/15/22	11/22/22	12/30/22	02/13/23	02/20/23	03/16/2023	04/01/23	09/11/23

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

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) text of proposed rules;
(3) text of permanent rules approved by the Rules Review Commission;
(4) emergency rules
(5) Executive Orders of the Governor;
(6) 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; and
(7) 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 after the first or fifteenth 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 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 An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed 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.

State of North Carolina

ROY COOPER
GOVERNOR

August 31, 2022

EXECUTIVE ORDER NO. 269

EXTENDING THE JUVENILE JUSTICE PLANNING COMMITTEE

WHEREAS, the Executive Organization Act of 1973 established the Governor's Crime Commission; and

WHEREAS, N.C. Gen. Stat. § 143B-1102 establishes the Juvenile Justice Planning Committee (the "Committee") as an adjunct committee to advise the Governor's Crime Commission on matters referred to it that are relevant to juvenile justice; and

WHEREAS, pursuant to N.C. Gen. Stat. § 143B-1102, the composition of the Committee shall be designated by the Governor through executive order; and

WHEREAS, the undersigned designated the composition of the Committee in Executive Order No. 167 and in accordance with the Juvenile Justice and Delinquency Prevention Act; and

WHEREAS, the federal Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. No. 93-415 (1974), as amended through Pub. L.115-385 (Dec. 21, 2018), requires states to establish advisory boards to administer juvenile justice and delinquency prevention grants from the United States Department of Justice ("DOJ"); and

WHEREAS, the Committee is ideally suited to serve as such an advisory board consistent with federal law; and

WHEREAS, juvenile justice policies and programs not only improve the health and well-being of juveniles, their families and the broader community, but also improve juveniles' long-term education and employment prospects; and

WHEREAS, Exec. Order No. 167, 35 N.C. Reg. 894-895 (November 2, 2020), which was issued on September 25, 2020, is set to expire on August 31, 2022; and

WHEREAS, the undersigned has determined that Executive Order No. 167 should be extended and amended.

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

SECTION 1. Extension of Executive Order No. 167

Executive Order No. 167, as amended herein, is hereby extended through the end of the calendar day on August 31, 2024. References to "August 31, 2022" in Executive Order No. 167 shall be replaced with "August 31, 2024."

SECTION 2. Amendments

Section 1 of Executive Order No. 167 is rescinded and replaced in its entirety with the following:

"The Juvenile Justice Planning Committee shall consist of no less than fifteen (15) and no more than thirty-three (33) members appointed by the Governor. Each member shall have training,

experience, or special knowledge concerning adolescent development, the prevention and treatment of juvenile delinquency, the administration of juvenile justice, the reduction of juvenile delinquency, or other relevant expertise and experience.

The majority of the members, including the chair, shall not be full-time employees of federal, state or local government. At least one-fifth (1/5) of the members shall be under the age of twenty-eight (28) at the time of appointment and at least three (3) members shall be under the jurisdiction of the juvenile justice system or have been previously under the jurisdiction of the juvenile justice system, or if not feasible and in appropriate circumstances, the parent or guardian of someone who has been or is currently under the jurisdiction of the juvenile justice system.

The Governor shall appoint a Committee whose membership includes:

1. Elected officials representing general purpose local government.
2. Representatives of local law enforcement and juvenile justice agencies, which may include: a juvenile court or family court judge, a juvenile or local prosecutor, counsel for children and youth, or a probation worker.
3. Representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities, recreation, and youth services.
4. Representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education and social services for children.
5. Volunteers who work with delinquent youth or youth at risk of delinquency.
6. Representatives of programs that are alternatives to confinement, including organized recreation activities.
7. Persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion.
8. Persons licensed or certified by the state with expertise and competence in preventing and addressing mental health and substance abuse needs in delinquent youth and youth at risk of delinquency.
9. Representatives of victim or witness advocacy groups, including at least one (1) individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma, particularly the needs of youth who experience disproportionate levels of sexual abuse, exploitation, and trauma before entering the juvenile justice system.
10. An American Indian tribal representative (if such representative is available) or other individual with significant expertise in tribal law enforcement and juvenile justice in the American Indian tribal communities.
11. Representatives of county sheriffs' departments.
12. Representatives of nonprofit faith-based groups or community groups."

SECTION 3. Effective Date

This Executive Order is effective immediately and shall remain in effect until the end of the calendar day on August 31, 2024, unless repealed, replaced or rescinded by another applicable Executive Order. It supersedes and replaces all other Executive Orders on this subject.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 31st day of August in the year of our Lord two thousand and twenty-two.

Roy Cooper
Governor

ATTEST:

Elaine F. Marshall
Secretary of State

NOTICE OF RULE MAKING PROCEEDINGS AND PUBLIC HEARING

NORTH CAROLINA BUILDING CODE COUNCIL

Notice of Rule-making Proceedings *is hereby given by NC Building Code Council in accordance with G.S. 150B-21.5(d).*

Citation to Existing Rule Affected by this Rule-Making: *North Carolina, Administrative, and Residential, Code amendments.*

Authority for Rule-making: *G.S. 143-136; 143-138.*

Reason for Proposed Action: *To incorporate changes in the NC State Building Codes as a result of rulemaking petitions filed with the NC Building Code Council and to incorporate changes proposed by the Council.*

Public Hearing: *Tuesday, December 13, 2022, 9:00AM, Albemarle Building, 325 North Salisbury Street, Raleigh, NC 27603, 2nd Floor Training Room 245. Comments on both the proposed rule and any fiscal impact will be accepted.*

Comment Procedures: *Written comments may be sent to Carl Martin, Secretary, NC Building Code Council, NC Department of Insurance, 1202 Mail Service Center, Raleigh, NC 27699-1202 (email carl.martin@ncdoi.gov). Comments on both the proposed rule and any fiscal impact will be accepted. Comment period expires on January 17, 2023.*

Link to Agency Notice:
https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices

Statement of Subject Matter:

1. Request by Carl Martin representing NC Department of Insurance to amend the 2018 NC Plumbing Code, Table 403.1 and 202 and the 2018 NC Building Code, Table 2902.1 and 202 as follows:

2018 NC Plumbing Code - Table 403.1
TABLE 403.1 - MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES

NO.	CLASSIFICATION	OCCUPANCY	DESCRIPTION	WATER CLOSETS (URINALS: SEE SECTION 419.2)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAIN (SEE SECTION 410)	OTHER
				MALE	FEMALE	MALE	FEMALE			
1	Assembly (See Sections 403.2, 403.3 and 403.3.3.2)	A-3	Places of worship and other religious services. Including churches ~~Churches~~ without assembly halls[e]	1 per 150	1 per 75	1 per 200		-	1 per 1,000	1 service sink

e. The number of fixtures provided shall be based on either the capacity of the church sanctuary or the church educational building (including fellowship halls and multiple purpose rooms), whichever is larger ~~and within 300 feet (91.44 m)~~. Remote buildings applying this footnote shall be a maximum of 300 feet (91.44 m) exterior travel distance to the nearest entrance of the building containing required plumbing fixtures and the total *plumbing fixture access travel distance* shall comply with Section 403.3.3. The path of travel between buildings is not required to be enclosed or covered when applying this footnote.

(The remainder of Table 403.1 remains unchanged by this proposed amendment.)

2018 NC Plumbing Code – Chapter 2 Definitions

Travel distance, plumbing fixture access. Travel distance shall be measured from the most remote point of each room, area or space along the natural, unobstructed and accessible path of horizontal and vertical travel to the entrance to the nearest toilet room containing plumbing fixtures required to serve the room, area or space.

2018 NC Building Code – Table 2902.1

[P] TABLE 2902.1

MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES

NO.	CLASSIFICATION	OCCUPANCY	DESCRIPTION	WATER CLOSETS (URINALS: SEE SECTION 419.2 OF THE *INTERNATIONAL PLUMBING CODE*)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAIN (SEE SECTION 410 OF THE *INTERNATIONAL PLUMBING CODE*)	OTHER
				MALE	FEMALE	MALE	FEMALE			
1	Assembly (See Sections 403.2, 403.3 and 403.3.3.2)	A-3	Places of worship and other religious services. Including churches ~~Churches~~ without assembly halls[e]	1 per 150	1 per 75	1 per 200		-	1 per 1,000	1 service sink

e. The number of fixtures provided shall be based on either the capacity of the church sanctuary or the church educational building (including fellowship halls and multiple purpose rooms), whichever is larger ~~and within 300 feet (91.44 m)~~. Remote buildings applying this footnote shall be a maximum of 300 feet (91.44 m) exterior travel distance to the nearest entrance of the building containing required plumbing fixtures and the total *plumbing fixture access travel distance* shall comply with Section 2902.3.2. The path of travel between buildings is not required to be enclosed or covered when applying this footnote.

(The remainder of Table 2902.1 remains unchanged by this proposed amendment.)

2018 NC Building Code – Chapter 2 Definitions

Travel distance, plumbing fixture access. Travel distance shall be measured from the most remote point of each room, area or space along the natural, unobstructed and accessible path of horizontal and vertical travel to the entrance to the nearest toilet room containing plumbing fixtures required to serve the room, area or space.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2023, (earliest through RRC) unless the BCC assigns a delayed effective date (January 1, 2024).

Reason Given – This amendment is proposed to clarify the allowed travel distance found in footnote e of NCPC, Tables 403.1 and NCBC, Table 2902.1.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

2. Request by Carl Martin representing NC Department of Insurance to amend the 2018 NC Building Code, Table 1004.1.2 as follows:

TABLE 1004.1.2

MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANTc

Skating rinks, swimming pools, recreational courts	
Rink, pool, and recreational court	50 gross
Decks	15 gross[d]

For SI: 1 square foot = 0.0929 m2, 1 foot = 304.8 mm.

a. Floor area in square feet per occupant.

b. An assembly occupancy conference room that is accessory to a Group B office occupancy and meeting the requirements of Section 303.1, exception 2, shall be calculated at 100 square feet per occupant for determining the overall occupant load of the associated floor. The assembly occupancy shall be calculated

at 15 square feet per occupant for the purpose of determining egress from the room containing the assembly occupancy.

c. For mixed uses sum all loads before rounding up to the next whole number.

d. Occupant circulation area required by NCAC 18A.2522 around the edge of a swimming pool shall not be included in the deck gross floor area.

(The remainder of Table 1004.1.2 remains unchanged by this proposed amendment.)

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2023, (earliest through RRC) unless the BCC assigns a delayed effective date (January 1, 2024).

Reason Given – The swimming pool deck area identified in the new footnote is required for occupant circulation around a swimming pool and will be the same occupants that are already accounted for in the swimming pool or on the remainder of the pool deck. This will reflect a more accurate quantity of required exits and plumbing fixtures.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

NOTICE:

Appeals and Interpretations *of the North Carolina State Building Codes are published online at the following link.*

https://www.ncosfm.gov/codes/codes-current-and-past

NOTICE:

Objections and Legislative Review *requests may be made to the NC Office of Administrative Hearings in accordance with G.S. 150B-21.3(b2) after Rules are adopted by the Building Code Council.*

http://www.ncoah.com/rules/

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Rustic Trail RV LLC

Applicant's Address: 400 Substation Rd Troy, NC 27371

Application Date: 09/22/2022

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant: Jeffrey Shaw

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: KAUFMAN TRAILERS GROUP LLC

Applicant's Address:508 NORTH SILVER STREET

LEXINGTON, NC 27292

Application Date: 09/28/2022

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

RACHEL PRINCE – MANAGER

ANDREW CHAD BLACKMON - MANAGER

Note from the Codifier: *The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.*

TITLE 07 – DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

Notice *is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Department of Natural and Cultural Resources intends to amend the rules cited as 07 NCAC 13C .0102, .0406, .0407, repeal the rules cited as 07 NCAC 13C .0105, .0203, .0302, .0304-.0306, .0309-.0314, .0408, and readopt with substantive changes the rules cited as 07 NCAC 13C .0201, .0202, .0301, .0303, .0307 and .0315.*

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.ncdcr.gov/request-public-comments*

Proposed Effective Date: *February 1, 2023*

Public Hearing:
Date: *December 6, 2022*
Time: *1:00 p.m.-2:00 p.m.*
Location: *This public hearing will be held by teleconference at (919) 814-6771 (no access code needed)*

Reason for Proposed Action:
The following rules are being amended to reflect current operating procedures of the managing state agency: ***07 NCAC 13C .0102; 07 NCAC 13C .0406-.0407.***
The following rules are being readopted pursuant to the required rules review process and updated to reflect current Division of Park and Recreation operations: ***07 NCAC 13C .0201; 07 NCAC 13C .0202; 07 NCAC 13C .0301; 07 NCAC 13C .0303; 07 NCAC 13C .0307; 07 NCAC 13C .0315.***
The following rules are being repealed because they are no longer necessary because of proposed changes in the readopted rules: ***07 NCAC 13C .0105; 07 NCAC 13C .0203; 07 NCAC 13C .0302; 07 NCAC 13C .0304; 07 NCAC 13C .0305; 07 NCAC 13C .0306; 07 NCAC 13C .0309; 07 NCAC 13C .0310; 07 NCAC 13C .0311; 07 NCAC 13C .0312; 07 NCAC 13C .0313; 07 NCAC 13C .0314; 07 NCAC 13C .0408.***

Comments may be submitted to: *Jonathan Avery, 4601 Mail Service Center, Raleigh, NC 27699; phone (919) 814-6771; email jonathan.avery@ncdcr.gov*

Comment period ends: *December 16, 2022*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

CHAPTER 13 - PARKS AND RECREATION AREA RULES

SUBCHAPTER 13C - STATE LAKES REGULATIONS

SECTION .0100 - GENERAL PROVISIONS

07 NCAC 13C .0102 DEFINITIONS
The following definitions apply to this Chapter:

(1) Appliances means any major electrical, gas, heating, or cooling device including, but not limited to, refrigerators, stoves, heaters, freezers, air conditioners, or any other device designed to be permanently situated or attached; Appliances shall not be construed to include lights or boats hoists;
(2) Boat means any vessel equipped with any propulsion machinery, whether or not any such machinery is the principal source of propulsion;
(3) Boat Ramp means any permanent or temporary structure which is placed on the floor of a state lake for the purpose of allowing boats to enter or be removed from a state lake;
(4) Boat Slip means any structure adjoining, attached to, or part of a pier which has the capacity to store one boat;
(5) Commercial means, when applied to any permit issued or application submitted under this

Subchapter, that a structure or activity shall be used primarily for gain or profit;

(6) Floor Level means the level of the structure closest to the water;

(7) Joint Private means, when applied to any permit issued or application submitted under this Subchapter, that a structure is in joint ownership between two or more waterfront property owners and constructed on the owner's waterfront property in accordance with Rule .0301(h)(1) of this Subchapter;

(8) Major Modification means replacement of 50 percent or more of the existing structure, or a modification which would change the existing dimensions of the structure;

(9) Mooring Buoy means a device to which a vessel can be moored consisting of

(a) a closed cell foam buoy with a hard shell,

(b) a screw anchor capable of attaching to the lake floor,

(c) a swivel device affixed into the anchoring, and

(d) chains capable of anchoring the buoy and a vessel;

(10) No Wake Zone means, an area created in accordance with G.S. 75A-15, within which vessels are required to travel at a slow speed that creates no appreciable wake;

(11) Owner means any person or entity owning, leasing, operating, or having the exclusive use of a structure or any waterfront property;

(12) Patio means any floor area of a pier, whether covered or uncovered, which directly adjoins the shoreline without using a walkway, not including walkways;

(13) Pavilion means any roofed structure erected above the floor level of a pier and which does not directly adjoin the shoreline other than via a walkway;

(14) Pier means an entire structure, permitted under a state lake permit, leading out from the shore into a state lake, which may include walkways, patios, platforms, pavilions, and boat slips;

(15) Pier Agent means a representative acting on behalf of a homeowner's association, corporation, street association, or in a multiple-owner situation who is the sole contact and authority regarding a permitted structure;

(16) Platform means any floor area of a pier, other than walkways, which does not directly adjoin the shoreline;

(17) Private means, when applied to any permit issued or application submitted under this Subchapter, that such structure shall be used for the primary enjoyment of the owner and his or her personal guests, invitees, tenants, or lessees;

(18) Projected Property Lines means a linear projection of the property boundaries at each of the two property corners touching at the mean high water mark of the shoreline;

(19) Public means, when applied to any permit issued under this Subchapter, a government-owned structure or a structure open to the public with no fee;

(20) Seawall means a wall or embankment erected to prevent the water of a state lake from encroaching on or eroding an area of land;

(21) State Lake means all property up to the mean high water mark, whether covered by water or not, in any body of water identified in Rule .0101 of this Section;

(22) Structure means any pier, seawall, boat ramp, boat stall, mooring buoy, or other object constructed over, upon or attached to the floor of a state lake;

(23) Swim Line means a line or rope with a series of floatation devices used to delineate an area of surface water for the purpose of swimming;

(24) Vessel means any watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation or habitation on the water;

(25) Walkway means the floored area of a pier, excluding a patio, platform, pavilion, and boat stall, used for egress and ingress on the pier; and

(26) Waterfront Property means any real property abutting upon a state lake.

~~(1) State Lake. The term state lake or state lakes, unless specifically limited shall be deemed to include all property up to the mean high water mark, whether covered by water or not, in White Lake, Singletary Lake, Bay Tree Lake, Jones Lake, Salters Lake, Lake Waccamaw, and Lake Phelps;~~

~~(2) Mean High Water Mark. The highest point on the shore of any lake to which water reaches under normal circumstances;~~

~~(3) Regulations. Any regulation duly adopted by the Department of Natural Resources and Community Development, and posted as a state lakes regulation;~~

~~(4) Owner. Any person, firm, association, partnership, municipality, county, or corporation owning, leasing, operating or having the exclusive use of a pier, structure or any property under a lease or otherwise;~~

~~(5) Private. The term private when applied to any permit, shall be deemed to mean that such permit shall be used for the primary enjoyment of the owner's family, personal guests, invitees, tenants or lessees. With private permits, the owner may not collect any charge or fee for the use of any pier, boat, ramp or other structure which is the subject matter of the permit;~~

~~(6) Joint Private. The term joint private when applied to any permit means that the permitted structure is in joint ownership. Adjoining~~

~~property owners who do not have sufficient land to meet the maximum measurement and limitations may apply for this permit. With joint private permits, the owners may not collect any charges or fees for the use of any pier, boat, ramp or other structure which is the subject matter of the permit. This term shall not be construed within the context of these regulations to mean any single family dwelling;~~

~~(7) Commercial. The term commercial when applied to any permit means that the permitted structure and activity shall be used primarily for gain or profit. This term shall not be construed within the context of these regulations to mean any single family dwelling;~~

~~(8) Permittee. Any person to whom a permit is issued;~~

~~(9) Pier. The entire structure, including walkway, patio, platform, pavilion and boat stall;~~

~~(10) Walkway. The floored area of a pier excluding the patio, platform, pavilion and boat stall, used for egress and ingress on the pier;~~

~~(11) Pavilion. Any roofed structure erected above the floor level of a pier;~~

~~(12) Platform. Any floor area of a pier other than walkways, wherever located;~~

~~(13) Patio. Any floor area of a pier, whether covered or uncovered, which adjoins that shoreline of a land area of the owner's real property, not including walkways;~~

~~(14) Boat Stall. Any structure adjoining or attached to a pier which has the capacity to store one boat;~~

~~(15) Appliances. Any major electrical, gas, heating, or cooling device including, but not being limited to, refrigerators, stoves, heaters, freezers, air conditioners, or any other device or devices designed to be permanently situated or attached; Appliances shall not be construed to include lights or boats hoists;~~

~~(16) Transfer. Any devolution of title to or interest in water front property by deed, will, intestate succession, or otherwise by operation of any instrument or law;~~

~~(17) Boat Ramp. Any permanent or temporary structure which is placed on the floor of a state lake for the purpose of allowing boats to enter or be removed from a state lake; Boat ramp shall not be interpreted to mean boat stall;~~

~~(18) Lake Front Property. Any property adjoining or abutting upon a state lake.~~

Authority G.S. 143B-135.16.

07 NCAC 13C .0105 PERMITS

Authority G.S. 143B-135.16.

SECTION .0200 - COMMERCIAL ENTERPRISES

07 NCAC 13C .0201 COMMERCIAL ENTERPRISES AND ACTIVITIES

~~No person, being without a permit shall, in or upon any state lake or within or upon any structure on the floor of any state lake, sell or offer for sale, hire, lease or let out, any object of merchandise, property, privilege, service or any other thing, or~~ No person shall engage in any ~~business~~ business, or erect any building or other structure ~~whatsoever.~~ for commercial purposes in or upon any state lake or within or upon any structure on or attached to the floor of any state lake, except as authorized:

(1) by a permit issued in accordance with 07 NCAC 13B .0104;

(2) under a long-term contract with the State; or

(3) elsewhere in the rules of this Subchapter, including, but not limited to, Rules .0301 and .0407 of this Subchapter.

Authority G.S. 143B-135.16.

07 NCAC 13C .0202 SCIENTIFIC ~~RESEARCH: EDUCATIONAL:~~ OR EDUCATIONAL RESEARCH AND NONCOMMERCIAL ACTIVITIES

No person shall engage in ~~scientific,~~ scientific or educational research, as defined in 07 NCAC 13B .0104(f), or any ~~other~~ noncommercial activity listed in 07 NCAC 13B .0104(b) and (d) in or upon a state lake without a ~~special use~~ permit issued under 07 NCAC 13B .0104. ~~by the Superintendent of State Parks. No such permit may be issued if the activity for which the permit is applied will have any adverse effect on the state lake or upon those who are engaging in any lawful activities thereon.~~

Authority G.S. 143B-135.16.

07 NCAC 13C .0203 COMMERCIAL ACTIVITIES IN OR UPON STATE LAKES

Authority G.S. 143B-135.16.

SECTION .0300 - CONSTRUCTION AND USE OF PIERS AND OTHER STRUCTURES ON STATE LAKES

07 NCAC 13C .0301 STATE LAKE PERMITS

(a) No ~~pier, boat ramp, seawall, boat stall, pavilion, platform, patio, or other~~ structure shall be built ~~or maintained~~ upon the floor ~~of~~ of, erected in, or floating upon any state lake without a state lake permit.

(b) Applications for a state lake permit may be made by submitting a completed application to the park office that manages the state lake which will be the subject of the permit.

(c) The following uses of Division property, as defined in 07 NCAC 13B .0101(2), on a state lake shall require a state lake permit authorized by the Division:

(1) initial construction of a structure;

(2) major modification of an existing structure; and

(3) transfer of ownership rights or interest in an existing structure.

(d) State lake permits shall be available only to the following classes of persons and only for the state lake appurtenant to the applicant's property interest:

(1) owners of waterfront property;
(2) owners of an exclusive right to use waterfront property; and
(3) towns, municipalities, or county governments at a public beach or at the end of a dedicated street abutting upon the waters of a state lake.

(e) Applicants shall obtain an approved state lake permit signed by the Park Superintendent or his or her designee prior to beginning construction or major modification of a structure. A completed application for a state lake permit shall include the following information:
(1) the name, permanent address, and phone number of the applicant;
(2) the address of the waterfront property for which the permit is requested;
(3) the name, address, and phone number of a pier agent, if applicable;
(4) a written description of the structure for which the permit is desired, or if the structure already exists, the modification to be made to the structure;
(5) a drawing, photograph, diagram, or other illustration depicting the structure for which the permit is requested. The drawing, photograph, diagram, or other illustration shall locate the structure relative to the waterfront property which gives rise to the right to apply for the permit and show compliance with the requirements of Rule .0303 of this Section. If the application is for modification of an existing structure, the applicant shall also locate in the drawing, photograph, diagram or other illustration the proposed modification with respect to the existing structure. The Division may request the applicant to provide professional drawings created by a licensed engineer or architect if the Division is not able to determine if the structure will comply with the rules of this Subchapter from the submitted drawing, photograph, diagram or other illustration; and
(6) a copy of the waterfront-property deed to which the structure would be appurtenant, or if the structure is not to be attached to the waterfront property at the water line, the waterfront property which gives rise to the right to apply for the permit. If the applicant does not own the property, applicant shall also provide proof of the applicant's property rights which authorize them to apply for the permit.

(f) Except as prohibited in Rule .0407(h) of this Subchapter, applicants shall obtain an approved state lake permit transfer signed by the Park Superintendent or his or her designee in order to transfer any permit for a structure permitted under these Rules. A completed application to transfer a state lake permit shall include the following information:
(1) the name, permanent address, and phone number of the transferee;
(2) the address of the waterfront property for which the permit is requested;
(3) the permit number of the structure for which the permit transfer is requested;
(4) the name, address, and phone number of the transferor;
(5) the name, address, and phone number of a pier agent, if applicable; and
(6) proof of the conveyance, devise, or other mode of transfer of title to the property giving rise to the right to the permit.

(g) The Park Superintendent or their designee shall issue a state lake permit on receipt of a completed application unless:
(1) the construction, modification, or transfer will threaten the health, safety, and welfare of persons using the state lake;
(2) the construction, modification, or transfer would create conditions that are inconsistent with or are detrimental to the protection and use of state property or would cause harm to areas of natural, cultural, or archaeological significance;
(3) the construction, modification, or transfer would constitute a violation of applicable law or rule;
(4) the applicant has an outstanding balance resulting from unpaid state lake permit fees; or
(5) the construction or modification of the structure does not comply with the rules of this Subchapter.

(h) All structures permitted under this Rule shall be subject to the following additional provisions:
(1) No structure or any portion thereof, except boat ramps, shall be located closer than 15 feet from the corners of the property for which the structure is permitted. Where adjoining waterfront properties do not conform to the 15-foot requirement, the owners of said property may submit an application for a joint private state lake permit, including proof of a written agreement between the property owners to share the structure, and request a waiver of the 15-foot requirement from the Division. The Division shall waive the 15-foot requirement unless a safety hazard would be created by permitting the structure or granting the waiver would create noncompliance with the rules of this Subchapter;
(2) No structure may be located within 25 feet of another structure, except where a structure extends from a seawall;
(3) Permit holders shall not collect any charges or fees for the use of structures that are permitted under private, joint private, or public state lake permits, except for a homeowner association in accordance with Rule .0407(e) of this Subchapter;
(4) Boats shall not be moored or tethered to a boat ramp;

(5) Swim lines shall require a Special Activity Permit issued in accordance with 07 NCAC 13B .0104(d)(7); and

(6) All permitted structures shall prominently display the structure's assigned permit number at all times.

(i) All structures which meet the following requirements shall be considered non-conforming structures:

(1) existed on February 1, 1974;

(2) are not conforming to permissible structural dimensions, as set forth in Rule .0303 of this Section, at the time of the adoption of this Rule; and

(3) have previously been permitted by the Division.

Notwithstanding Paragraph (k) of this Rule, non-conforming structures shall continue to be permitted as long as the structure is not the subject of a major modification. If a non-conforming structure is subject to a major modification, then the entire structure shall be brought into compliance with the dimension requirements set forth in Rule .0303 of this Section. Repairs to maintain the safety of the structure are allowed; should such structures be destroyed or substantially damaged (greater than 50 percent or more of the existing structure) from any causes, the structure shall be brought into compliance with the dimension requirements set forth in Rule .0303 of this Section.

(j) All permits issued in accordance with this Rule are valid for one year from the date of issuance. Permit holders shall renew their state lake permits on an annual basis to remain valid. All permit fees shall be paid at the time of issuance or renewal in order for the permit to remain valid.

(k) Permits issued in accordance with this Rule may be revoked by the Division for one or more of the following reasons:

(1) failure to pay any permit fee within 60 days after the due date thereof; or

(2) failure to bring a permitted structure into compliance with rules of this Subchapter, unless excepted under Paragraph (i) of this Rule, or with any term or condition imposed by the permit within 30 days after receipt of a notice from the Division setting forth the corrective measures, in accordance with Rule .0315 of this Section.

~~After February 1, 1974, no pier, boat ramp, seawall, boat stall, pavilion, platform, patio or other structure, which requires a permit to be constructed initially, may be modified or enlarged so as to alter the design of the pier or other structure without first obtaining approval of the Division based upon a Permit Amendment Application Form provided by the Division. Such application shall be in accordance with Regulation .0309 of this Section. Such desired modification or enlargement must conform to the requirements of the regulations now in force. All such structures which were in existence on February 1, 1974, shall apply for a permit under these regulations. If the structure so existing conforms to the specifications governing size and otherwise, application may be made under the terms of Regulation .0311(1) of this Section. If the existing structure is not within the specifications as prescribed in these rules and regulations, application must be made under the terms of Regulation .0311(2) of this Section.~~

Authority G.S. 143B-135.16.

07 NCAC 13C .0302 STRUCTURES PROHIBITED ON CERTAIN STATE LAKES

Authority G.S. 143B-135.16.

07 NCAC 13C .0303 PERMISSIBLE STRUCTURAL DIMENSIONS

~~Permits shall be approved for piers, boat ramps, boat stalls, pavilions, platforms, patios and other structures subject to the following limitations:~~ Dimensions of a structure shall include all attachments to the structure, including, but not limited to, lifts and floating docks. In order to be eligible for permit approval, all structures in or on state lakes shall conform to within the following structural dimensions:

(1) Commercial Piers. Maximum measurements for a commercial pier shall be as follows:

(a) walkways, 16 feet wide;

(b) length of ~~pier structure,~~ pier, 375 feet;

(c) platform, pavilion; 32 feet in width;

(d) platform, pavilion; 50 feet in length;

(e) patio, 20 feet in length extending towards the water from the mean high water mark. ~~water mark.~~

(2) ~~Private piers shall conform to the maximum requirements:~~ Private Piers. Maximum measurements for a private pier shall be as follows:

~~(a) Single family:~~

~~(i)~~(a) walkways, 8 feet wide;

~~(ii)~~(b) length of ~~pier structure,~~ pier, 225 feet;

~~(iii)~~(c) platform, pavilion; 20 feet in width;

~~(iv)~~(d) platform, pavilion; 32 feet in length;

~~(v)~~(e) patio, 20 feet in length extending towards the water from the mean high water mark;

~~(b)~~(3) ~~Joint private piers shall be limited to the following maximum measurements:~~ Joint Private Piers. Maximum measurements for a joint private pier shall be as follows:

~~(i)~~(a) walkways, 16 feet wide;

~~(ii)~~(b) length of ~~pier structure,~~ pier, 225 feet;

~~(iii)~~(c) platform, pavilion; 32 feet in width;

~~(iv)~~(d) platform, pavilion, 50 feet in length;

~~(v)~~(e) patio, 20 feet in length extending towards the water from the mean high water mark.

~~(3)~~(4) ~~Public piers shall be subject to the following maximum measurements and limitations:~~ Public Piers. Maximum measurements for a public pier shall be as follows:

(a) walkway, 16 feet wide;

(b) length of ~~pier structure,~~ pier, 225 feet;

(c) platform, pavilion; 32 feet in width;

(d) platform, pavilion; 50 feet in length;

(e) patio, 20 feet in length extending towards the water from the mean high water mark.

~~(4)~~(5) Boat Ramps. ~~The maximum limitation for the size of a boat ramp will be 25 feet by 25 feet square; boat ramps shall not be subject to location criteria of Regulation .0303(6)(a) of this Section.~~ No boat ramp shall exceed 25 feet in length nor 25 feet in width.

~~(5)~~(6) Boat ~~Stalls.~~ Slips. ~~There shall be a limit of one boat stall per single family pier. Boat stalls will not be permitted on joint private, public, or commercial piers.~~ A private pier shall not exceed one boat slip. The dimension of the boat slip shall not exceed 32 feet in length by 12 feet in width. Boat slips are prohibited on joint private, public, and commercial piers.

~~(6)~~(7) Maximum limits for structures of all types above the floor level shall be as follows:

(a) Overall structure height may not exceed 15 feet above the floor level, with the exception of flag poles, semaphores, and light poles which may extend to a height of 20 feet above the floor level; and

(b) The following items shall not be stored or installed in storage boxes, lofts, and compartments on any structure:

(i) electrical appliances or their components;

(ii) fireworks or other explosives; or

(iii) gasoline, oil, or any other petroleum-based or hazardous materials;

~~(6) All permitted structures shall be subject to the following additional provisions:~~

~~(a) No structure or any portion thereof, except boat ramps, shall be located closer than 15 feet from the property owners' corners in the shoreline. Adjoining property owners who own waterfront property may, by special agreement, waive this provision in unusual or hardship cases, and where no hazard is erected by the waiver, may submit an application for a joint private pier permit.~~

~~(b) Piers must be located so as to point to a location fixed by the Division.~~

~~(c) No pier, patio, platform, pavilion, or boat stall may be located within 25 feet of another structure.~~

~~(d) Where an applicant fails to comply with these regulations because of the noncompliance of an adjoining property owner who holds a permit for a structure erected prior to the effective date of these regulations, the applicant shall submit his application for approval to the Division. The Division may approve the application subject to conditions and modifications it imposes in the permit.~~

Authority G.S. 143B-135.16.

07 NCAC 13C .0304 LIMITS ON ELEVATED STRUCTURES

Authority G.S. 143B-135.16.

07 NCAC 13C .0305 PERMITS FOR STRUCTURES EXISTING AS OF FEBRUARY 1, 1974

Authority G.S. 143B-135.16.

07 NCAC 13C .0306 FEES

Authority G.S. 143B-135.16.

07 NCAC 13C .0307 CONDITION OF ~~DOCKS: ETC.~~ STRUCTURES

(a) ~~All piers, boat ramps, seawalls, boathouses, pavilion, platform, patio or other structures on a state lake must without expense to the Department be kept by the owner in a good state of repair and in a clean, sanitary, safe and presentable condition. Owners shall comply with all laws, rules and regulations now existing or hereafter adopted by the state and county departments of health. Owners shall also comply with all zoning regulations of the local town, municipality, or county. The provisions of this Regulation shall be subject to the notice and hearing procedures set forth in Regulation .0315 of this Section.~~ All structures must be kept free of any defects in the structure which may manifest in a risk of collapse or make the structure unsafe to occupy.

(b) ~~At least one inspection of each structure shall be made annually by the Division.~~ Permit holders shall make their respective structures available for inspection by the Division to ensure compliance with the terms and conditions of their permit and the rules of this Subchapter. Within 60 days of the date of ~~inspection~~ inspection, a notice of the results of such inspection shall be sent to the permit holder. This notice shall indicate either that the structure ~~meets with the requirements of these regulations or if it does not~~ is in compliance with the permit and the rules of this Subchapter or, if not, shall specify:

(1) what ~~problems~~ noncompliance issues are ~~noted,~~ noted;

(2) the rules or statutes that give rise to the noncompliance; and

~~(2)~~(3) what corrective actions are ~~recommended.~~ required in order to come into compliance.

Corrective actions may include providing proof of inspection by a licensed inspector with regard to any structural or electrical components of the structure within 60 days of the delivery of notice to the permit holder.

(c) Permit holders shall provide proof of inspection by a licensed inspector with regard to any structural or electrical components of their structure to the Division within 60 days of completion of construction or modification of a structure that is the subject of a permit for initial construction of a structure or major modification of an existing structure.

Authority G.S. 143B-135.16.

07 NCAC 13C .0309 ELIGIBILITY FOR PERMITS

Authority G.S. 143B-135.16.

07 NCAC 13C .0310 REVOCATION OF PERMITS

Authority G.S. 143B-135.16.

07 NCAC 13C .0311 APPLICATION FOR STRUCTURAL PERMITS

Authority G.S. 143B-135.16.

07 NCAC 13C .0312 PERMITS FOR STRUCTURES EXISTING ON FEBRUARY 1, 1974

Authority G.S. 143B-135.16.

07 NCAC 13C .0313 LIABILITY

Authority G.S. 143B-135.16.

07 NCAC 13C .0314 RIGHT OF ENTRY RESERVED

Authority G.S. 143B-135.16.

07 NCAC 13C .0315 ~~NOTICES: RIGHT TO HEARING: HEARING PROCEDURES: APPEAL~~ APPLICATION DENIAL AND PERMIT REVOCATION PROCEDURES

~~(a) Pier permit revocations and denials of applications for structural permits create opportunities for contested case hearings under G.S. 150B-23. Contested case hearings, including petitions for hearings, are governed by G.S. 150B, Article 3, and rules of the Office of Administrative Hearings at 26 NCAC 3.~~

~~(b)~~(a) ~~The power of the Department to give notice of permit revocation or structural permit denial under this Rule is vested in the Chief of Operations of the Division of Parks and Recreation.~~ Before revoking any ~~pier~~ state lake permit under these ~~rules,~~ Rules, the ~~Department~~ Division shall ~~five~~ give written notice of its intent to revoke to the permit ~~holder.~~ holder by U.S. mail or electronic mail at the address provided by the permit holder on the permit application. Upon the denial of any application for a ~~structural~~ state lake permit under these ~~rules,~~ Rules, the ~~Department~~ Division shall give written notice of its action to the ~~applicant.~~ applicant by U.S. mail or electronic mail at the address provided by the applicant on the application. ~~The notice required by this Paragraph shall be in writing, and shall be served either personally, or by certified mail with return receipt requested, or in the manner provided at G.S. 1A-1, Rule 4 (j1).~~

~~(c)~~(b) The notice required by Paragraph ~~(b)~~(a) of this Rule shall contain the following:

(1) facts:

(A) in the case of a state lake permit revocation, the facts relied upon by the ~~Department~~ Division to support its intended revocation; and

(B) in the case of a ~~structural~~ state lake permit application denial, the facts relied upon as the basis for the ~~denial.~~ denial;

(2) rules: the ~~rule or~~ rules or statutes ~~in 07 NCAC 13~~ under which the ~~Department~~ Division acts or intends to act;

(3) corrective action: a statement of the corrective action, if any action is possible, to bring the permit holder, or applicant's application, into compliance. ~~compliance with the rules at Paragraph (c)(2) of this Rule.~~ In the case of a permit revocation for failure to pay a fee ~~required under these rules~~ in the time provided, late ~~payment is not~~ payment, including payment of any additional late fees, shall constitute corrective action;

(4) final date: the date on which the revocation or denial ~~will~~ shall become final if the permit holder or applicant does not request a hearing ~~as provided in this Rule.~~ in accordance with Chapter 150B, Article 3, of the North Carolina General Statutes, and Chapter 03 of Title 26 of the North Carolina Administrative Code. The final date shall be no sooner than the 61st day after service of notice on the permit holder or applicant;

(5) right to a hearing: a statement ~~that~~ informing the permit holder or applicant ~~has a right to a hearing, if the hearing request is made:~~ of the right, the procedure, and the time limit to file a contested case petition made in accordance with Chapter 150B, Article 3 of the North Carolina General Statutes, and Chapter 03 of Title 26 of the North Carolina Administrative Code; and

~~(A) in the form prescribed by G.S. 150B-23(a);~~

~~(B) accompanied by a certificate of service on the Department showing service has been made as follows:~~

~~Joseph E. Slate Jr., Registered Agent~~
~~Room 1225, 12th Floor, Archdale Building~~
~~512 North Salisbury Street~~
~~P. O. Box 27687~~
~~Raleigh, North Carolina 27611~~

~~(C) in a timely manner, either by postmarking or hand-delivery no later than the 60th day following service of the Department's notice under Paragraphs (b) and (c) of this Rule, to the following address:~~

~~Office of Administrative Hearings~~
~~424 North Blount Street~~
~~P. O. Drawer 11666~~

~~Raleigh, North Carolina 27604~~

(6) failure to exhaust remedies: a statement that the failure to request a hearing in the form, manner, and time required by ~~this Rule~~ Chapter 150B, Article 3 of the North Carolina General Statutes, and Chapter 03 of Title 26 of the North Carolina Administrative Code constitutes a failure to exhaust all administrative remedies ~~made available under this Rule,~~ and ~~that this failure will~~ shall preclude judicial review under ~~G.S.~~ Chapter 150B of any denial or revocation by the ~~Department.~~ Division.

~~(d) The final agency decision power of the Department under G.S. 150B-36 on a recommended decision or order of an administrative law judge made under G.S. 150B-34 shall be made by the Director of the Division of Parks and Recreation.~~

~~(e) The failure of the pier permit holder or a structural pier permit applicant to request a hearing in the form, manner, and time required required by Paragraph (c) of this Rule constitutes a failure to exhaust all administrative remedies made available under this Rule. In a case of a failure of a permit holder to request a hearing in the form, manner, and time required by Paragraph (c) of this Rule, and the director will enter an order to revoke the permit. No none who fails to exhaust this administrative remedy is entitled to judicial review of a permit revocation or denial under G.S. 150B.~~

Authority G.S. 143B-135.16; 150B-23.

07 NCAC 13C .0406 WATER ~~LEVEL~~ LEVEL; DISCHARGE

(a) No person shall in any way damage or alter drainage ditches, drainage ~~gates~~ gates, or any other ~~inlet or~~ outlet from or inlet to a state lake; nor in any way change the water level of a state lake. ~~Water level for purpose of measuring the depth of water in the lake shall be determined by the Department.~~

(b) No person shall discharge any of the following into a state lake:

(1) wastewater, stormwater or anything that causes water pollution, as defined in G.S. 143-213;

(2) other unfiltered or untreated drainage; or

(3) fill material, including but not limited to, sand, rock, or gravel, except as permitted pursuant to the rules of this Subchapter.

Authority G.S. 143B-135.16.

07 NCAC 13C .0407 MOORING BUOYS

(a) No stakes, ~~poles~~ poles, or posts shall be driven or placed into the floor of any state lake for any purpose, except to anchor a ~~lawfully placed mooring buoy. Mooring buoys may be placed upon the floor of state lakes for the purpose of mooring boats by permits issued by the Division.~~ a structure permitted by the Division. ~~Mooring buoys placed upon state lakes shall meet the requirements of the Wildlife Resources Commission State Boating Regulations.~~

(b) No mooring buoy may be placed outside any ~~established safety zone, or~~ posted no wake zone or, where a posted no wake zone does not exist, placed farther than 375 feet from ~~shore where there is no established safety zone.~~ the shore of the waterfront property for which the mooring buoy is permitted in accordance with Rule .0301 of this Subchapter. ~~Where the permittee is an owner the buoy may be placed at any point within the safety zone. Where the permittee is not an owner, the buoy may not be placed within 25 feet of any structure or within 100 feet of the shore. However, in no case may a mooring buoy be placed within 25 feet of another legally permitted buoy.~~

(c) The Division may authorize the temporary placement of mooring buoys for recreational ~~purposes.~~ purposes, such as shows, tournaments, and other recreational activities, through the Special Activity Permit process outlined in 07 NCAC 13B .0104. ~~The Division is to cooperate, whenever possible, with clubs, groups and other organizations seeking to promote or offer organized recreational activities or shows or tournaments.~~

(d) Except as permitted in Paragraph (e) of this Rule, waterfront property owners may apply for and hold permits for no more than two mooring buoys.

(e) Commercial waterfront property owners and homeowner associations may apply for and hold permits for more than two mooring buoys, in accordance with Rule .0301 of this Subchapter. All mooring buoys within the projected property lines of the permit holder must be owned and paid for by the waterfront property owner or homeowner association.

(f) Mooring buoys are private property that shall be the responsibility of the owner to maintain.

(g) In addition to the requirements of Rule .0301(h)(6) of this Subchapter, all permitted mooring buoys shall display the permit holder's full name and phone number at all times or the buoy shall be subject to removal by the Division.

(h) Transfer of a state lake permit for a mooring buoy shall not be permitted.

(i) When a state lake permit for a mooring buoy is terminated, the permit holder shall remove the mooring buoy from the state lake.

Authority G.S. 143B-135.16.

07 NCAC 13C .0408 STATE PARKS REGULATIONS

Authority G.S. 143B-135.16.

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

***Notice** is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Radiation Protection Commission intends to amend the rule cited as 10A NCAC 15 .1701, readopt with substantive changes the rules cited as 10A NCAC 15 .0323, .1203, and repeal through readoption the rules cited as 10A NCAC 15 .0113, .0349, .1201, .1202, .1204-.1231, .1233-.1242, .1501-.1517 and .1650-.1652.*

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): *https://info.ncdhhs.gov/dhsr/ruleactions.html*

Proposed Effective Date: *May 1, 2023*

Public Hearing:
Date: *November 30, 2022*
Time: *10:00 a.m.*
Location:
By teleconference using telephone number 1-877-848-7030; Access code: 5133201

Reason for Proposed Action:
Pursuant to G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years, or they shall expire. As a result of the periodic review of the rules in Chapter 10A NCAC 15, Radiation Protection, these 65 proposed readoption rules were part of the 257 rules from the N.C. Radiation Protection Commission determined as "Necessary With Substantive Public Interest," requiring readoption. With input from working groups of the N.C. Radiation Protection Commission, substantive changes are proposed to two rules for readoption, 62 rules are proposed for readoption as a repeal, and one rule is proposed for amendment for the regulation of the use of radioactive material in the State.

*Rules **10A NCAC 15 .0323** and **10A NCAC 15 .1203** are proposed for readoption with substantive changes to incorporate by reference the federal Code of Federal Regulations (CFR) for industrial radiography found in 10 CFR 34, and the licensing of low-level radioactive waste (LLRW) disposal facilities found in 10 CFR 61, respectively. Added to these rules is a description of the information required to be submitted on applications sent to the agency.*

*Rule **10A NCAC 15 .1203** also contains additional licensing requirements for LLRW disposal facilities and LLRW disposal site access that G.S. 104E requires the N.C. Radiation Protection Commission to adopt.*

*Rule **10A NCAC 15 .1701,** is proposed for amendment to bring that rule into compatibility with the federal regulations in 10 CFR 37. This amendment incorporates by reference two federal regulations the State had not been required to have in rule and removes address information and license verification requirements from the rule that are now codified in 10 CFR 37. In addition, technical changes were made in the rule.*

In addition, 62 rules are proposed for readoption as a repeal because these rules repeat the federal regulations and are no longer necessary.

Comments may be submitted to: *Nadine Pfeiffer, 709 Ruggles Drive, 2707 Mail Service Center, Raleigh, NC 27699-2701; email DHSR.RulesCoordinator@dhhs.nc.gov*

Comment period ends: *December 16, 2022*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☒ **Approved by OSBM**
☒ **No fiscal note required**

CHAPTER 15 - RADIATION PROTECTION

SECTION .0100 – GENERAL PROVISIONS

10A NCAC 15 .0113 CLASSIFICATION OF RADIOACTIVE MATERIAL

Authority G.S. 104E-15.

SECTION .0300 - LICENSING OF RADIOACTIVE MATERIAL

10A NCAC 15 .0323 SPECIFIC LICENSES: SEALED SOURCES IN INDUSTRIAL ~~RADIOGRAPHY:~~ RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

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

~~(1) The applicant has 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~~

~~(c) 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 radiographer and radiographer assistant follows the rules in this Chapter and the applicant's operating and emergency procedures.~~

~~(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;~~

~~(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;~~

~~(6) The applicant who desires to conduct his own leak tests has established 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~~

~~(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.~~

(a) Persons conducting industrial radiographic operations using radioactive materials shall comply with the requirements of 10 CFR 34, which are hereby incorporated by reference including subsequent amendments and editions, except for: 10 CFR 34.5, 34.8, 34.121, and 34.123.

(b) Applications required by 10 CFR 34.11 shall be made on forms provided by the agency. Applications and supporting material shall be submitted to the agency at the address shown in Rule .0111 of this Chapter in lieu of the NRC:

(1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The instructions for completing the application printed on the application form shall be followed. The following information shall appear on the application:

(A) legal business name and mailing address;

(B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;

(C) the name, telephone number, and e-mail address of the Radiation Safety Officer;

(D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application may so state;

(E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;

(F) if the application is for the renewal of an existing license, the license number shall be provided on the application;

(G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and

(H) the printed name, title, and signature of the certifying official. The certifying official shall be an

individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The instructions for completing the application printed on the application form shall be followed. The following information shall appear on the application:

(A) the license number;

(B) amendment number of the current license;

(C) expiration date of the license;

(D) licensee name as it currently appears on the license;

(E) the name, telephone number, and e-mail address of the Radiation Safety Officer;

(F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application may be left blank;

(G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;

(H) explanation of the action requested; and

(I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(3) Applications specified in this Rule are available at: www.ncradiation.net/rms/rmsforms2.htm(Rev 01).htm.

(c) Reports of leaking sealed sources required by 10 CFR 34.27 shall be made to the agency at the address shown in Rule .0111 of this Chapter in lieu of the NRC.

(d) Notifications required by 10 CFR 34.101, including notifications of source disconnects, shall be made to the agency at the address shown in Rule .0111 of this Chapter in lieu of the NRC. In addition to the information required by 10 CFR 34.101(b), notifications of devices with failed or worn through S-tubes shall contain the serial number and storage location of the device, whether the device has been disposed of or returned to the manufacturer, and whether personnel contamination occurred.

(e) Requests for exemption from the requirements of 10 CFR 34, incorporated by reference in this Rule, shall be made to the agency as specified in Paragraph (b) of this Rule.

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

10A NCAC 15 .0349 EXEMPTIONS: WASTE MANAGEMENT BY GENERATORS

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

SECTION .1200 - LAND DISPOSAL OF RADIOACTIVE WASTE

10A NCAC 15 .1201 PURPOSE AND SCOPE
10A NCAC 15 .1202 DEFINITIONS

Authority G.S. 104E-2; 104E-3; 104E-5; 104E-7; 104E-10; 104E-10.1; 104E-10.2; 104E-25.

10A NCAC 15 .1203 LICENSE REQUIRED

~~(a) No person may receive, possess, and dispose of waste from other persons at a land disposal facility unless authorized by a license issued by the agency pursuant to the rules in this Section and the rules in Section .0300 of this Chapter.~~

~~(b) Each person shall file an application with the agency pursuant to Rule .0317 of this Chapter and obtain a license as provided in this Section before commencement of construction of a land disposal facility. Failure to comply with this requirement may be grounds for denial of a license.~~

(a) This Rule establishes the procedures, standards, criteria, and terms and conditions upon which the Department issues licenses authorizing land disposal of low-level radioactive waste received from other persons for disposal.

(1) No person may receive, possess, and dispose of low-level radioactive waste at a land disposal facility located in North Carolina unless authorized by a license issued by the Department pursuant to this Rule.

(2) No low-level radioactive waste shall be received from any source not licensed by the agency except as may be specifically authorized in writing by the agency.

(3) The regulations in 10 CFR 61 which are hereby incorporated by reference, including subsequent amendments and editions, except that 10 CFR 61.5, 61.8, 61.16, 61.23(i) and (j), 61.83, and 61.84 are not incorporated by reference. Communications, records, reports, and notifications required by 10 CFR 61.4 and 61.80 shall be submitted to the agency at the address shown in Rule .0111 of this Chapter in lieu of the NRC.

(4) The requirements found in G.S. 104E-6.1, 104E-10.1(a), (a1), and (b), 104E-10.2, 104E-25(a), (c) through (h), and (j) shall be met.

(5) In addition to the definitions found in 10 CFR 61.2, the definitions in G.S. 104E-5 shall apply. Where terms are defined by both the regulations and the General Statutes, the definition in the

General Statutes shall prevail, except as stated by G.S. 104E-5.

(6) The agency may access and inspect any licensed low-level radioactive waste disposal facility on a temporary or emergency basis in its discretion.

(b) This Rule establishes the procedures, criteria, and terms and conditions upon which the agency issues licenses authorizing access to low-level radioactive waste land disposal facilities licensed under Paragraph (a) of this Rule.

(1) No person shall transport or transfer waste to a low-level radioactive waste land disposal facility licensed under Paragraph (a) of this Rule unless licensed by the agency or otherwise specifically authorized in writing by the agency.

(2) The definitions of terms in G.S. 104E-5 shall apply.

(3) Generators, waste brokers, and waste processors of low-level radioactive waste shall develop procedures and implement practices to prevent, minimize, and reduce the generation of low-level radioactive waste, including segregating radioactive waste by half-life and holding low-level radioactive waste for decay in storage.

(4) Upon receipt of an application for a license authorizing access to low-level radioactive waste land disposal facilities licensed under Paragraph (a) of this Rule, the agency shall review the contents of the application and determine if the applicant's facilities, staffing, equipment, and procedures are adequate to protect the health and safety of the public and occupationally exposed workers, and if the requirements in Subparagraph (b)(3) of this Rule are met. If the agency determines that the applicant's facilities, staffing, equipment, and procedures are adequate to protect the health and safety of the public and occupationally exposed workers, and that the applicant's procedures and practices prevent, minimize and reduce the generation of low-level radioactive waste, the agency shall issue a license as described in this Rule.

(5) Licenses issued under this Rule are subject to suspension or revocation at the discretion of the agency for any reason, including, but not limited to:

(A) Deliberate misconduct by any employee or agent acting on behalf of the licensee that causes, or would have caused if not detected, a licensee to be in violation of any rule; or any term, condition, or limitation of any license issued by the agency.

(B) Deliberately submitting information that the person submitting the information knows to be incomplete or inaccurate on any shipping manifest used for the transportation of low-level radioactive waste for disposal at a facility licensed under Paragraph (a) of this Rule.

(C) Failure to pay license fees as instructed on an invoice issued by the agency.

(6) Licenses issued by the agency may be inspected by authorized representatives of the Department as permitted by G.S. 104E-11(a). For licenses issued to licensees located outside of the jurisdiction of the Department, the Department may delegate this authority to individuals representing the radiation control programs within those jurisdictions.

(c) Applications required by this Rule shall be made on forms provided by the agency, and the payment of fees required by 10 CFR 61.20(c) shall not apply. Applications and supporting material shall be submitted to the agency at the address shown in Rule .0111 of this Chapter in lieu of the NRC:

(1) Persons applying for new radioactive materials licenses, or for the renewal of existing radioactive materials licenses, shall submit an Application for Radioactive Materials License. The instructions for completing the application printed on the application form shall be followed. The following information shall appear on the application:

(A) legal business name and mailing address;

(B) physical address(es) where radioactive material shall be used or possessed. The application shall indicate if radioactive materials shall be used at temporary jobsites;

(C) the name, telephone number, and e-mail address of the Radiation Safety Officer;

(D) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, the application may so state;

(E) the application shall indicate if the application is for a new license, or for the renewal of an existing license, by marking the corresponding check box;

(F) if the application is for the renewal of an existing license, the license number shall be provided on the application;

(G) applicants shall indicate the type and category of license as shown on the form by marking the corresponding check box; and

(H) the printed name, title, and signature of the certifying official. The certifying official shall be an

individual employed by the business or licensee, who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(2) Persons applying for an amendment to an existing license shall submit an Application for Amendment of Radioactive Materials and Accelerator Licenses. The instructions for completing the application printed on the application form shall be followed. The following information shall appear on the application:

(A) the license number;

(B) amendment number of the current license;

(C) expiration date of the license;

(D) licensee name as it currently appears on the license;

(E) the name, telephone number, and e-mail address of the Radiation Safety Officer;

(F) the name, telephone number, and e-mail address of the individual to be contacted about the application. If this individual is same as the Radiation Safety Officer, item 5b on the application may be left blank;

(G) applicants shall provide a description of the action requested by marking the corresponding checkbox in item 6a. If the check box next to "Other" is marked in item 6a, provide a brief description of the action requested in the space provided in item 6b;

(H) explanation of the action requested; and

(I) the printed name, title, and signature of the certifying official. The certifying official shall be an individual employed by the business or licensee who is authorized by the licensee to sign license applications on behalf of the business or licensee.

(3) Application forms specified in this Rule shall be made available by the agency on the agency's public website.

(d) Nothing in this Rule shall relieve any person of responsibility for complying with other applicable North Carolina laws and rules.

Authority G.S. 104E-5; 104E-6.1; 104E-7;104E-10(b); 104E-10.1; 104E-10.2; 104E-10.3; 104E-11; 104E-18; 104E-25; 104E-26; 104E-27.

10A NCAC 15 .1205 GENERAL INFORMATION
10A NCAC 15 .1206 SPECIFIC TECHNICAL INFORMATION
10A NCAC 15 .1207 ENVIRONMENTAL INFORMATION
10A NCAC 15 .1208 TECHNICAL AND ENVIRONMENTAL ANALYSES
10A NCAC 15 .1209 INSTITUTIONAL INFORMATION
10A NCAC 15 .1210 FINANCIAL INFORMATION
10A NCAC 15 .1211 FILING AND DISTRIBUTION OF APPLICATION
10A NCAC 15 .1212 ELIMINATION OF REPETITION
10A NCAC 15 .1213 UPDATING OF APPLICATION
10A NCAC 15 .1214 STANDARDS FOR ISSUANCE OF A LICENSE
10A NCAC 15 .1215 CONDITIONS OF LICENSE
10A NCAC 15 .1216 AMENDMENT OF LICENSE
10A NCAC 15 .1217 APPLICATION FOR RENEWAL OR CLOSURE
10A NCAC 15 .1218 CONTENTS OF APPLICATION FOR CLOSURE
10A NCAC 15 .1219 POSTCLOSURE OBSERVATION AND MAINTENANCE
10A NCAC 15 .1220 TRANSFER OF LICENSE
10A NCAC 15 .1221 TERMINATION OF LICENSE
10A NCAC 15 .1222 PERFORMANCE OBJECTIVES: GENERAL REQUIREMENT
10A NCAC 15 .1223 PROTECTION OF POPULATION FROM RELEASES OF RADIOACTIVITY
10A NCAC 15 .1224 PROTECTION OF INDIVIDUALS FROM INADVERTENT INTRUSION
10A NCAC 15 .1225 PROTECTION OF INDIVIDUALS DURING OPERATIONS
10A NCAC 15 .1226 STABILITY OF THE DISPOSAL SITE AFTER CLOSURE
10A NCAC 15 .1227 TECHNICAL REQUIREMENTS FOR LAND DISPOSAL FACILITIES
10A NCAC 15 .1228 DISPOSAL SITE SUITABILITY REQUIREMENTS
10A NCAC 15 .1229 SITE DESIGN FOR LAND DISPOSAL
10A NCAC 15 .1230 FACILITY OPERATION AND DISPOSAL SITE CLOSURE
10A NCAC 15 .1231 ENVIRONMENTAL MONITORING

Authority G.S. 104E-5; 104E-6.1; 104E-7; 104E-9(3); 104E-9(a)(3); 104E-10; 104E-10.1; 104E-10.2; 104E-10(b); 104E-12; 104E-13(a); 104E-15; 104E-16; 104E-18; 104E-25; 104E-26; 104G-13; 104G-14; 150B-19(6); 10 C.F.R. Chapter 1, Commission Notices, Policy Statements, Agreement States, 46 F.R. 7540.

10A NCAC 15 .1233 WASTE CLASSIFICATION AND CHARACTERISTICS
10A NCAC 15 .1234 INSTITUTIONAL REQUIREMENTS
10A NCAC 15 .1235 APPLICANT QUALIFICATIONS AND ASSURANCES

10A NCAC 15 .1236 FUNDING OF CLOSURE: STABILIZATION: INSTITUTIONAL CONTROLS
10A NCAC 15 .1237 RECORDS: REPORTS: TESTS: AND INSPECTIONS
10A NCAC 15 .1238 MAINTENANCE OF RECORDS: REPORTS AND TRANSFERS
10A NCAC 15 .1239 TESTS AT LAND DISPOSAL FACILITIES
10A NCAC 15 .1240 AGENCY INSPECTIONS OF LAND DISPOSAL FACILITIES
10A NCAC 15 .1241 INSPECTION
10A NCAC 15 .1242 NOTIFICATIONS AND REPORTS

Authority G.S. 104E-6.1; 104E-7; 104E-9(3); 104E-9(a)(3); 104E-10(b); 104E-10.1; 104E-10.2; 104E-11; 104E-12; 104E-15; 104E-16; 104E-17; 104E-18; 104E-19(b); 104E-25; 104E-26.

SECTION .1500 - LICENSES FOR DISPOSAL SITE ACCESS

10A NCAC 15 .1501 PURPOSE AND SCOPE
10A NCAC 15 .1502 DEFINITIONS
10A NCAC 15 .1503 LICENSE REQUIRED
10A NCAC 15 .1504 APPLICATION FOR SITE ACCESS LICENSE: GENERAL REQUIREMENTS
10A NCAC 15 .1505 APPLICATION FOR SITE ACCESS LICENSE - WASTE GENERATORS
10A NCAC 15 .1506 CONTENT OF APPLICATION FOR WASTE COLLECTORS
10A NCAC 15 .1507 CONTENT OF APPLICATION FOR WASTE PROCESSORS
10A NCAC 15 .1508 CERTIFICATION OF COMPLIANCE WITH APPLICABLE REQUIREMENTS
10A NCAC 15 .1509 PRIOR NOTIFICATION FOR WASTE SHIPMENTS
10A NCAC 15 .1510 RADIOACTIVE SHIPMENT MANIFEST
10A NCAC 15 .1511 FINANCIAL QUALIFICATIONS AND REQUIREMENTS
10A NCAC 15 .1512 WASTE MANAGEMENT AND REDUCTION REQUIREMENTS
10A NCAC 15 .1513 ISSUANCE AND EXPIRATION OF SITE ACCESS LICENSES
10A NCAC 15 .1514 SITE ACCESS LICENSE RENEWAL
10A NCAC 15 .1515 SITE ACCESS LICENSE AMENDMENT
10A NCAC 15 .1516 MODIFICATION, REVOCATION, AND TERMINATION OF LICENSES
10A NCAC 15 .1517 TEMPORARY OR EMERGENCY ACCESS

Authority G.S. 104E-5; 104E-7; 104E-10.3; 104E-18; 104E-27; 104E-29; 132-1.2.

SECTION .1600 - STANDARDS FOR PROTECTION AGAINST RADIATION

10A NCAC 15 .1650 CLASSIFICATION /RADIOACTIVE WASTE FOR NEAR-SURFACE DISPOSAL
10A NCAC 15 .1651 RADIOACTIVE WASTE CHARACTERISTICS
10A NCAC 15 .1652 LABELING

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

SECTION .1700 – PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL

10A NCAC 15 .1701 ADDITIONAL REQUIREMENTS FOR LICENSEES POSSESSING CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL

(a) Licensees possessing an aggregate category 1 or category 2 quantity of radioactive material, as defined in 10 CFR 37.5, shall comply with the requirements for the physical protection program listed in 10 CFR Part 37, which is hereby incorporated by reference, including any subsequent amendments and editions, except as follows:

(1) 10 CFR 37.1;
(2) 10 CFR 37.3;
(3) 10 CFR 37.7;
(4) 10 CFR 37.9;
(5) 10 CFR 37.11(a) and (b);
(6) 10 CFR 37.13;
~~(7) 10 CFR 37.71;~~
~~(8) 10 CFR 37.77(f);~~
~~(9)~~(7) 10 CFR 37.105;
~~(10)~~(8) 10 CFR 37.107; and
~~(11)~~(9) 10 CFR 37.109.

~~(b) In lieu of the address given in 10 CFR 37.27(c), licensees shall submit fingerprint cards or records to Director, Division of Facilities and Security, U.S. NRC, 11545 Rockville Pike, Rockville, Maryland 20852-2738, ATTN: Criminal History Program, Mail Stop T-03B46M.~~

~~(c)~~(b) Licensee required reports of events or notifications in 10 CFR 37.41, 37.45, 37.57, 37.77(a) through (d), 37.81, shall use the Agency contact information in Rule .0111 of this Chapter.

~~(d) A licensee transferring a category 1 or category 2 quantity of radioactive material to a licensee of the U.S. Nuclear Regulatory Commission (NRC) or to an Agreement State of the NRC shall meet the license verification provisions listed in Rule .0343 of this Chapter.~~

~~(e)~~(c) The Code of Federal Regulations incorporated by this Rule ~~may be obtained from the U.S. Government Publishing Office, P.O. Box 979050 St. Louis, MO 63197-9000 for sixty-four dollars ($64.00), and~~ are available free of charge at ~~http://www.ecfr.gov/cgi-bin/ECFR?page=browse.~~ https://www.ecfr.gov/current/title-10/chapter-I/part-37.

Authority G.S. 104E-7.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 46 – BOARD OF PHARMACY

Notice *is hereby given in accordance with G.S. 150B-21.2 that the Board of Pharmacy intends to repeal the rule cited as 21 NCAC 46 .1819.*

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): *www.ncbop.org/rulemakings.htm*

Proposed Effective Date: *March 1, 2023*

Public Hearing:
Date: *January 4, 2023*
Time: *10:00 a.m.*
Location: *North Carolina Board of Pharmacy, 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina 27517*

Reason for Proposed Action: *At the outset of the COVID-19 pandemic in March 2020, the North Carolina Secretary of Health and Human Services and the State Health Director proposed that the Boards of Pharmacy and Nursing and the Medical Board adopt a COVID-19 Drug Preservation Rule. At that time, there were many drugs with a suspected potential to treat COVID-19. The rule was drafted to ensure that a supply of those drugs also remained available for patients who were prescribed those drugs for other conditions. On August 15, 2022, the declared state of emergency ended in North Carolina. With that change, the North Carolina Secretary of Health and Human Services and the State Health Director have agreed that there is no current need for this rule. The Board of Pharmacy understands that the Medical Board and the Board of Nursing are considering repealing their analogous rules.*

Comments may be submitted to: *Jay Campbell, 6015 Farrington Rd Ste 201, Chapel Hill, NC 27517; email ncboprulemaking@ncbop.org*

Comment period ends: *January 4, 2023*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

SECTION .1800 - PRESCRIPTIONS

21 NCAC 46 .1819 COVID-19 DRUG PRESERVATION RULE

Authority G.S. 90-85.6; 90-85.26; 90-85.32.

Note from the Codifier: *The rules published in this Section of the NC Register are temporary rules reviewed and approved by the Rules Review Commission (RRC) and have been delivered to the Codifier of Rules for entry into the North Carolina Administrative Code. A temporary rule expires on the 270th day from publication in the Register unless the agency submits the permanent rule to the Rules Review Commission by the 270th day.*
This section of the Register may also include, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 02C .0500 for adoption and filing requirements.

TITLE 15 – DEPARTMENT OF ENVIRONMENTAL QUALITY

Rule-making Agency: *Wildlife Resources Commission*

Rule Citation: *15A NCAC 10F .0305*

Effective Date: *October 1, 2022*

Date Approved by the Rules Review Commission: *September 15, 2022*

Reason for Action: *G.S. 150B-21.1(a)(7)a. The Town of Sunset Beach in Brunswick County has requested Temporary rulemaking by the Wildlife Resources Commission to establish a no-wake zone in part of South Jinks Creek. Dredging is planned to begin in November 2022 to remove a large drifting sandbar that causes part of the creek to be less than two feet deep at mean low tide. The channel near the peninsula at the eastern end of North Shore Drive is very narrow as well. Creating navigation hazards.*

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0305 BRUNSWICK COUNTY

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

(1) Lockwoods Folly River in the Town of Varnamtown, from a point at 33.94966 N, 78.22587 W, 500 yards northwest of the boat ramp located at the end of SR 1123 otherwise known as Fisherman Road, to a point at 33.94498 N, 78.22206 W, 180 yards southeast of the boat ramp, and including the portion of the river otherwise known as Mill Creek where it meets Lockwoods Folly River directly across from the boat ramp, to a point 100 feet northeast at 33.94687 N, 78.22235 W;

(2) Calabash River in the Town of Calabash, from a point in the water at the end of Marina Drive at 33.88638 N, 78.56254 W to a point 650 yards southwest at the southern end of the deep-sea fishing docks at 33.88344 N, 78.56751 W;

(3) the Small Boat Harbor, shore to shore beginning at its intersection with the Intracoastal Waterway at a point at 33.91685 N, 78.02865 W;

(4) Shallotte River east of SR 1233, otherwise known as Village Point Road SW south of the Town of Shallotte, shore to shore from its intersection with the Intracoastal Waterway at a point at 33.91477 N, 78.37103 W to point 500 feet north at 33.91613 N, 78.37126 W;

(5) Montgomery Slough otherwise known as Davis Creek, within 100 yards of the hotel and marina at the northern end of 57th Place West in the Town of Oak Island;

(6) the waters in the natural and concrete canals located on the south side of the Intracoastal Waterway, east of N.C. Highway 904 in the Town of Ocean Isle Beach;

(7) Town Creek east of SR 1609, otherwise known as Clearview Lane in Town Creek Township, shore to shore from a point at 34.16788 N, 78.07139 W, north and east around a bend in the creek to a point at 34.16910 N, 78.07030 W;

(8) Montgomery Slough, otherwise known as Davis Creek, shore to shore from its entrance at the Intracoastal Waterway west of SW Yacht Drive at a point at 33.92145 N, 78.19408 W, to the canal end at NE 40th Street in the Town of Oak Island;

(9) Intracoastal Waterway in the Town of Sunset Beach, shore to shore from a point 150 yards east of the Sunset Boulevard South bridge at 33.88173 N, 78.50995 W, to a point 50 yards west of the bridge at 33.88111 N, 78.51194 W; and

(10) Intracoastal Waterway in the Town of Ocean Isle Beach, shore to shore from a point 100 yards east of the NC Hwy 904 Odell Williamson Bridge at 33.89578 N, 78.43870 W, to a point 100 yards west of the bridge at 33.89567 N, 78.44092 W.

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

(c) Placement of Markers. The following agencies shall be the designated agencies for the placement of markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

(1) the Board of Aldermen of Varnamtown for areas indicated in Subparagraph (a)(1) of this Rule;

(2) the Board of Commissioners of Brunswick County for areas indicated in Subparagraphs (a)(2) through (8) of this Rule;

(3) the North Carolina Wildlife Resources Commission for the area indicated in Subparagraph (a)(9) of this Rule; and

(4) the Town of Ocean Isle Beach for the area indicated in Subparagraph (a)(10) of this Rule.

(d) Notwithstanding Paragraphs (a) through (c) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters of South Jinks Creek in the Town of Sunset Beach, south of a line from a point on the north shore of the peninsula at the eastern end of North Shore Drive at 38.87481 N, 78.49324 W, eastward to a point in the water at 33.87516 N, 78.49215 W, then west of a line from that point at 33.87516 N, 78.49215 W southward to a point on the shore at 33.87300 N, 78.49133 W, then westward the waters, shore to shore, to a line from a point on the shore at 33.87250 N, 78.49373 W northward to a point on the south shore of the peninsula at 33.87370 N, 78.49411 W. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this regulated area.

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

This Section contains information for the meeting of the Rules Review Commission September 15, 2022 at 1711 New Hope Church Road, RRC Commission 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. Specific instructions and addresses may be obtained from the Rules Review Commission at 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate
Jeanette Doran (Chair)
Robert A. Bryan, Jr. (2nd Vice Chair)
Jeff Hyde
Robert A. Rucho

Appointed by House
Andrew P. Atkins (1st Vice Chair)
Wayne R. Boyles, III
Barbara A. Jackson
Randy Overton
Paul Powell

COMMISSION COUNSEL

Brian Liebman	984-236-1948
Lawrence Duke	984-236-1938
William W. Peaslee	984-236-1939

RULES REVIEW COMMISSION MEETING DATES

October 20, 2022	December 15, 2022
November 17, 2022	January 19, 2023

RULES REVIEW COMMISSION MEETING
MINUTES
September 15, 2022

The Rules Review Commission met on Thursday, September 15, 2022, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeanette Doran, Jeff Hyde, Randy Overton, and Bob Rucho were present in the Commission Room. Commissioners Barbara Jackson and Paul Powell were present via WebEx.

Staff members Alexander Burgos, Commission Counsel Lawrence Duke, Brian Liebman, and Bill Peaslee were present in the room.

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the August 18, 2022 regular meeting and the August 25, 2022 special meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

The Chair notified the Commissioners that the following items on the agenda would be taken up out of order at the end of the agenda: Follow up matters for the Board of Agriculture Tab A and Coastal Resources Commission Tabs H, I, and J.

DRAFT

FOLLOW UP MATTERS

Board of Agriculture

02 NCAC 52J .0205, .0301, .0408, .0418, .0419, and .0702 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powel, and Bob Rucho – 8. Voting in the negative - 0.

Upon the call of the Chair, the Commission voted to adopt staff's recommendation to object to 02 NCAC 52J .0201, .0208 and .0704 by adopting the opinions incorporated in counsel's staff opinion that the rules were unclear and ambiguous pursuant to G.S. 150B-21.9. The RRC also objected to 15A NCAC 07M .0704 finding the rule was not reasonably necessary pursuant to G.S. 150B-21.9. During the discussion, the original motion to object to Rule 02 NCAC 52J .0201 was amended by Commissioner Atkins without objection by Commissioner Bryan and the Commission voted to approve 02 NCAC 52J .0201 and object to 02 NCAC 52J .0208 and .0704 by roll-call vote, ayes 6, noes 2 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Barbara Jackson, Randy Overton, and Paul Powel – 6. Voting in the negative: Jeff Hyde and Bob Rucho - 2.
Chris McClennan with the Department of Justice and representing the agency addressed the Commission.

Dr. Patricia Norris, DVM, Director of Animal Welfare Section for the agency, addressed the Commission.

State Board of Elections

08 NCAC 10B .0101; and 20 .0101 – Pursuant to G.S. 150B-21.1(b2) the rules were returned to the agency. No action was required by the Commission.

Medical Care Commission

10A NCAC 13B .3801, .3903, .4103, .4104, .4106, .4305, .4603, .4801, .4805, .5102, .5105, .5406, .5408, and .5411 - The agency is addressing the objection from the August meeting. No action was required by the Commission.

Sheriffs' Education and Training Standards Commission

12 NCAC 10B .0704 - The agency is addressing the objection from the July meeting. No action was required by the Commission.

Environmental Management Commission

15A NCAC 02B .0208, .0212, .0214, .0215, .0216, and .0218 - The agency is addressing the objection from the May meeting. No action was required by the Commission.

Environmental Management Commission

15A NCAC 02H .1301, .1401, .1402, .1403, .1404, and .1405 - The agency is addressing the objection from the May meeting. No action was required by the Commission.

Environmental Management Commission

15A NCAC 02P .0101, .0102, .0103, .0201, .0202, .0301, .0302, .0401, .0402, .0403, .0404, .0405, .0406, and .0407 – The rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None

Coastal Resources Commission

15A NCAC 07I .0204, .0302, .0305, .0306, .0401, .0402, .0505, .0507, .0509, .0510, .0601, .0701; 07J .0102, .0201, .0209, .0211, .0301, .0302, .0602, .0603, .0605, .0701, .0702, and .0703 - The rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None

15A NCAC 07H .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0508, .0509, .0510, .0601, .0603, .0604; 07I .0406, .0504, .0506, .0508, .0510, .0511, .0602, .0702; 07J .0203, .0204, .0206, .0207, .0208, .0210, and .0312 – The Commission objected to the rules for lack of statutory authority pursuant to G.S. 150B-21.9(1), ambiguity pursuant to G.S. 150B-21.9(2), on the basis that the rules were not reasonably necessary pursuant to G.S. 150B-21.9(3), and for failure to comply with Part 2 of Article 2A of the Administrative Procedure Act pursuant to G.S. 150B-21.9(4) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None

DRAFT

15A NCAC 07H .0602 and 07J .0604 were withdrawn at the request of the agency. No action was required by the Commission.

Mary Lucasse with the Department of Justice, and representing the agency, addressed the Commission.

Coastal Resources Commission
15A NCAC 07H .1301, .1302, .1303, .1304, .1305, .1401, .1402, .1403, .1404, .1405, .1501, .1502, .1503, .1504, .1505, .1601, .1602, .1603, .1604, .1605, .2001, .2002, .2003, .2004, .2005, .2101, .2102, .2103, .2104, .2105, .2201, .2202, .2203, .2204, .2205, .2301, .2302, .2303, .2304, .2401, .2402, .2403, .2404, .2405, .2601, .2602, .2603, .2604, .2605, .2701, .2702, .2703, .2704, .2705 - The rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None

15A NCAC 07H .2305 – The Commission objected to the rule for ambiguity pursuant to G.S. 150B-21.9(2) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None

Mary Lucasse with the Department of Justice, and representing the agency, addressed the Commission.

Coastal Resources Commission
15A NCAC 07M .0702 and .0705 – The rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None

15A NCAC 07M .0201, .0202, .0401, .0403, .0503, .0701, .0801, .0802, .1001, .1101, .1201, and .1202 - The Commission objected to the rules for ambiguity pursuant to G.S. 150B-21.9(2), on the basis that the rules were not reasonably necessary pursuant to G.S. 150B-21.9(3), and for failure to comply with Part 2 of Article 2A of the Administrative Procedure Act pursuant to G.S. 150B-21.9(4) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None

15A NCAC 07M .0402, .0601, .0603, .0703, .0704, .1002, and .1102 – The Commission objected to the rules for lack of statutory authority pursuant to G.S. 150B-21.9(1) and ambiguity pursuant to 150B-21.9(2) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None

15A NCAC 07M .0602 and .0902 were withdrawn at the request of the agency. No action was required by the Commission.

Mary Lucasse with the Department of Justice, and representing the agency, addressed the Commission.

The Chair called the meeting into a brief recess at 10:02 a.m.

The meeting resumed at 10:10 a.m.

LOG OF FILINGS (PERMANENT RULES)
Board of Agriculture
Upon the call of the Chair, the Commission extended the period of review for 02 NCAC 52B .0212, .0214, 02 NCAC 61 .0101, .0102, .0104, .0106, .0109, and .0111 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

State Board of Elections
Upon the call of the Chair, the Commission extended the period of review for 08 NCAC 04 .0308 and .0309 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

DRAFT

Medical Care Commission
Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Radiation Protection Commission
Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Commission for Public Health
Upon the call of the Chair, 10A NCAC 41A .0107 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Criminal Justice Education and Training Standards Commission
Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Private Protective Services Board
Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Wildlife Resources Commission
Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Commission for Public Health 15A NCAC 18A
Upon the call of the Chair, the Commission extended the period of review for 15A NCAC 18A .1301, .1302, .1304, .1305, .1306, .1307, .1308, .1309, .1310, .1311, .1312, .1313, .1314, .1315, .1316, .1317, .1318, .1319, .1320, .1321, .1323, .1324, .1327 and .0309 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Board of Chiropractic Examiners
Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Board of Dental Examiners
Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Board of Pharmacy
Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

State Human Resources Commission
25 NCAC 01C .1007 was withdrawn at the request of the agency. No action was required by the Commission.

LOG OF FILINGS (TEMPORARY RULES)
Wildlife Resources Commission
Upon the call of the Chair, 15A NCAC 10F .0305 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

DRAFT

COMMISSION BUSINESS

The Chair continued the pre-review discussion. A proposed pre-review checklist draft submitted by the NCBA Administrative Law Section was distributed to the RRC.

The Commission's Bylaws require that elections be held at the September meeting. Upon the call of the Chair, the Commission waived its bylaws to re-elect the current Chair and Vice-Chairs in one motion.

Upon the call of the Chair, the following members were re-elected as officers: Jeanette Doran as Chair, Andrew Atkins as 1st Vice-Chair, and Bobby Bryan as 2nd Vice-Chair by roll-call vote, ayes 8 noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Wayne Boyles, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

The meeting adjourned at 10:41 a.m.

The next regularly scheduled meeting of the Commission is Thursday, October 20, 2022, at 9:00 a.m.

_____

Alexander Burgos, Paralegal

_____

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

DRAFT

September 15, 2022

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Jennifer Everett	DEQ
Christopher McLennan	NCDOJ
Patricia Norris	NCDA+CS
Carrie Ruhlman	WRC
Peter Daniel	NC Chamber
Philip R. Bailey	Burns
Ann B. Wall	SOS
Anna Haywood	NCDACS
Virginia Nichols	NCDHHS, DSM

Rules Review Commission Meeting September 15, 2022
Via WebEx

Name	Agency
Tenisha Jacobs	NCDOR
Elizabeth Kountis	DEQ
Virginia Niehaus	DHHS
Daniel Johnson	DOT
Chris Millis	NCHBA
Jared Simmons	ncleg.gov
Misty Piekaar	DHHS
Ronald Williams	NCDOR
Seth Ascher	
Dennis Seavers	Barbers
Anna S	amreican.edu
Julie Ventaloro	OSBM
Nancy Hardison	DEQ
Chris Ventaloro	DEQ
Anna Choi	Chiropractic Bd
Madison Alligood	
Carmine Plott	novanthealth.org
Vance Jackson	DEQ
Thomas Jumalon	DHHS
David Crowley	DHHS
Michelle Schilling	DOJ
Libby Kinsey	libby.kinsey@dhhs.nc.gov
Bridget Shelton	DEQ
Makeda Harris	NCHA
Jessica Montie	DEQ
Dauna Bartley	Dental Bd
Russell Henderson	DOJ
Brooks Pearson	SELCNC
Christine Ryan	DOJ
Helen Landi	DOT
Catherine Blum	DEQ
Laura Lansford	DOR
James Albright	DHHS
Larry Michael	DHHS
Shazia Keller	DHHS
Phillip Reynolds	DOJ
Kim Harron	DHHS
Anne Coan	NCFB

Laura Rowe	Treasurer
John Barkley	DOJ
Carl Williams	DHHS
Clint Pinyan	Pharmacy
Shane Smith	DHHS
Nadine Pfeiffer	DHHS
Zack Moore	DHHS
Mary Lucasse	CRC
Shelby Taylor	DHHS
Nathan Vail	DHHS
Kathy Herring	rkk.com

LIST OF APPROVED PERMANENT RULES
September 15, 2022 Meeting

AGRICULTURE, BOARD OF

General	02 NCAC	52J	.0201
Feeding	02 NCAC	52J	.0205
Vehicles	02 NCAC	52J	.0301
Trainers	02 NCAC	52J	.0408
Duties	02 NCAC	52J	.0418
Grounds for Discipline - Certified Euthanasia Technicians	02 NCAC	52J	.0419
Gunshot or Other Methods	02 NCAC	52J	.0702

MEDICAL CARE COMMISSION

Qualifications of Activity Director	10A NCAC	13F	.0404
Other Staff Qualifications	10A NCAC	13F	.0407
Personal Care Training and Competency	10A NCAC	13F	.0501
Personal Care Training Content and Instructors	10A NCAC	13F	.0502
Medication Administration Competency	10A NCAC	13F	.0503
Competency Validation for Licensed Health Professional Su...	10A NCAC	13F	.0504
Assessment Training	10A NCAC	13F	.0508
Activities Program	10A NCAC	13F	.0905
Medication Storage	10A NCAC	13F	.1006
Controlled Substances	10A NCAC	13F	.1008
Pharmaceutical Services	10A NCAC	13F	.1010
Facilities to Report Resident Deaths	10A NCAC	13F	.1207
Qualifications of Activity Coordinator	10A NCAC	13G	.0404
Other Staff Qualifications	10A NCAC	13G	.0406
Personal Care Training and Competency	10A NCAC	13G	.0501
Personal Care Training and Competency Program Approval	10A NCAC	13G	.0502
Medication Administration Competency Evaluation	10A NCAC	13G	.0503
Competency Validation for Licensed Health Professional Su...	10A NCAC	13G	.0504
Training on Cardio-Pulmonary Resuscitation	10A NCAC	13G	.0507
Assessment Training	10A NCAC	13G	.0508
Licensed Health Professional Support	10A NCAC	13G	.0903

Activities Program	10A NCAC	13G	.0905
Self-Administration of Medications	10A NCAC	13G	.1005
Medication Storage	10A NCAC	13G	.1006
Facilities to Report Resident Deaths	10A NCAC	13G	.1208

RADIATION PROTECTION COMMISSION

Well Logging, Wireline-Service Operations, and Subsurface...	10A NCAC	15	.1301
Definitions	10A NCAC	15	.1302
Written Agreements Required	10A NCAC	15	.1303
Limits on Levels of Radiation	10A NCAC	15	.1304
Storage Precautions	10A NCAC	15	.1305
Transport Precautions	10A NCAC	15	.1306
Radiation Survey Instruments	10A NCAC	15	.1307
Leak Testing of Sealed Sources	10A NCAC	15	.1308
Quarterly Inventory	10A NCAC	15	.1309
Utilization Records	10A NCAC	15	.1310
Design: Performance: and Certification Criteria	10A NCAC	15	.1311
Labeling	10A NCAC	15	.1312
Inspection and Maintenance	10A NCAC	15	.1313
Training Requirements	10A NCAC	15	.1314
Operating and Emergency Procedures	10A NCAC	15	.1315
Personnel Monitoring	10A NCAC	15	.1316
Security	10A NCAC	15	.1317
Handling Tools	10A NCAC	15	.1318
Subsurface-Tracer Studies	10A NCAC	15	.1319
Particle Accelerators	10A NCAC	15	.1320
Radiation Surveys	10A NCAC	15	.1321
Documents and Records Required at Field Stations	10A NCAC	15	.1322
Documents and Records Required at Temporary Jobsites	10A NCAC	15	.1323
Notification of Incidents: Abandonment: and Lost Sources	10A NCAC	15	.1324
Subjects in Training Courses for Logging Supervisors	10A NCAC	15	.1325
Energy Compensation Sources	10A NCAC	15	.1326
Tritium Neutron Generator Target Sources	10A NCAC	15	.1327

PUBLIC HEALTH, COMMISSION FOR

Reporting of COVID-19 Diagnostic Test Results	10A NCAC	41A	.0107

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

Definitions	12 NCAC	09A	.0103
Background Investigations	12 NCAC	09B	.0102
Medical Examination	12 NCAC	09B	.0104
Employment Interview	12 NCAC	09B	.0105
Documentation of Educational Requirements	12 NCAC	09B	.0106
Criminal History Record	12 NCAC	09B	.0111
Minimum Standards for Local Confinement Personnel	12 NCAC	09B	.0114
Minimum Standards for Juvenile Court Counselors and Chief...	12 NCAC	09B	.0116
Minimum Standards for Juvenile Justice Officers	12 NCAC	09B	.0117

Certification of Diversion Investigator and Supervisors	12 NCAC	09B	.0314
Military Transferees	12 NCAC	09B	.0701
Agency Reporting of Drug Screening Results	12 NCAC	09C	.0310

PRIVATE PROTECTIVE SERVICES BOARD

Renewal of Armed Security Guard Firearm Registration Permit	14B NCAC	16	.0806
Renewal of a Firearms Trainer Certificate	14B NCAC	16	.0904
Renewal of an Unarmed Trainer Certificate	14B NCAC	16	.0911

ENVIRONMENTAL MANAGEMENT COMMISSION

General	15A NCAC	02P	.0101
Copies of Rules Incorporated by Reference	15A NCAC	02P	.0102
False or Misleading Information	15A NCAC	02P	.0103
Applicability	15A NCAC	02P	.0201
Definitions	15A NCAC	02P	.0202
Fees and Payment	15A NCAC	02P	.0301
Notification	15A NCAC	02P	.0302
Eligibility of Owner or Operator	15A NCAC	02P	.0401
Cleanup Costs	15A NCAC	02P	.0402
Third-Party Claims	15A NCAC	02P	.0403
Requests for Reimbursement	15A NCAC	02P	.0404
Method of Reimbursement	15A NCAC	02P	.0405
Apportionment	15A NCAC	02P	.0406
Appeal Rights	15A NCAC	02P	.0407

COASTAL RESOURCES COMMISSION

Purpose	15A NCAC	07H	.1301
Approval Procedures	15A NCAC	07H	.1302
Permit Fee	15A NCAC	07H	.1303
General Conditions	15A NCAC	07H	.1304
Specific Conditions	15A NCAC	07H	.1305
Purpose	15A NCAC	07H	.1401
Approval Procedures	15A NCAC	07H	.1402
Permit Fee	15A NCAC	07H	.1403
General Conditions	15A NCAC	07H	.1404
Specific Conditions	15A NCAC	07H	.1405
Purpose	15A NCAC	07H	.1501
Approval Procedures	15A NCAC	07H	.1502
Application Fee	15A NCAC	07H	.1503
General Conditions	15A NCAC	07H	.1504
Specific Conditions	15A NCAC	07H	.1505
Purpose	15A NCAC	07H	.1601
Approval Procedures	15A NCAC	07H	.1602
Permit Fee	15A NCAC	07H	.1603
General Conditions	15A NCAC	07H	.1604
Specific Conditions	15A NCAC	07H	.1605
Purpose	15A NCAC	07H	.2001

Approval Procedures	15A NCAC	07H	.2002
Permit Fee	15A NCAC	07H	.2003
General Conditions	15A NCAC	07H	.2004
Specific Conditions	15A NCAC	07H	.2005
Purpose	15A NCAC	07H	.2101
Approval Procedures	15A NCAC	07H	.2102
Permit Fee	15A NCAC	07H	.2103
General Conditions	15A NCAC	07H	.2104
Specific Conditions	15A NCAC	07H	.2105
Purpose	15A NCAC	07H	.2201
Approval Procedures	15A NCAC	07H	.2202
Permit Fee	15A NCAC	07H	.2203
General Conditions	15A NCAC	07H	.2204
Specific Conditions	15A NCAC	07H	.2205
Purpose	15A NCAC	07H	.2301
Approval Procedures	15A NCAC	07H	.2302
Permit Fee	15A NCAC	07H	.2303
General Conditions	15A NCAC	07H	.2304
Purpose	15A NCAC	07H	.2401
Approval Procedures	15A NCAC	07H	.2402
Permit Fee	15A NCAC	07H	.2403
General Conditions	15A NCAC	07H	.2404
Specific Conditions	15A NCAC	07H	.2405
Purpose	15A NCAC	07H	.2601
Approval Procedures	15A NCAC	07H	.2602
Permit Fees	15A NCAC	07H	.2603
General Conditions	15A NCAC	07H	.2604
Specific Conditions	15A NCAC	07H	.2605
Purpose	15A NCAC	07H	.2701
Approval Procedures	15A NCAC	07H	.2702
Permit Fee	15A NCAC	07H	.2703
General Conditions	15A NCAC	07H	.2704
Specific Conditions	15A NCAC	07H	.2705
Local Ordinance Required	15A NCAC	07I	.0204
Application Process	15A NCAC	07I	.0302
Grant Administration	15A NCAC	07I	.0305
Grant Conditions	15A NCAC	07I	.0306
Program Costs	15A NCAC	07I	.0401
Ineligible Activities	15A NCAC	07I	.0402
Content of Plan	15A NCAC	07I	.0505
Local Permit Officer	15A NCAC	07I	.0507
Notice of Civil Action	15A NCAC	07I	.0509
Commission Review and Acceptance of the Local Plan	15A NCAC	07I	.0510
Notice and Public Hearing Requirement	15A NCAC	07I	.0601
Sanction for Violations by the Local Permit-Letting Agency	15A NCAC	07I	.0701
General Definitions	15A NCAC	07J	.0102
Permit Required	15A NCAC	07J	.0201

Issuance of Permits	15A NCAC	07J	.0209
Non-Conforming Development	15A NCAC	07J	.0211
Who is Entitled to a Contested Case Hearing	15A NCAC	07J	.0301
Petition for Contested Case Hearing	15A NCAC	07J	.0302
Procedure for Requesting Declaratory Rulings	15A NCAC	07J	.0602
Procedures: Considering Requests for Declaratory Rules	15A NCAC	07J	.0603
Petitions for Rulemaking	15A NCAC	07J	.0605
Variance Petitions	15A NCAC	07J	.0701
Staff Review of Variance Petitions	15A NCAC	07J	.0702
Procedures for Deciding Variance Petitions	15A NCAC	07J	.0703
Definitions	15A NCAC	07M	.0702
Review Procedures	15A NCAC	07M	.0705

WILDLIFE RESOURCES COMMISSION

Replacement Costs of Wildlife	15A NCAC	10A	.1502
Importation of Wild Animals, Birds, and Native Reptiles a...	15A NCAC	10B	.0101
Wildlife Taken for Depredations	15A NCAC	10B	.0106
Black Bear	15A NCAC	10B	.0107
Chasing Deer with Dogs in Certain Counties	15A NCAC	10B	.0109
Replacement Costs of Wildlife Resources	15A NCAC	10B	.0117
Sale of Wildlife	15A NCAC	10B	.0118
Taking Deer and Bear with Handguns	15A NCAC	10B	.0120
State Hunting License Exemptions	15A NCAC	10B	.0126
Possession of Wildlife Killed Accidentally or Found Dead	15A NCAC	10B	.0127
Foxes (Gray and Red)	15A NCAC	10B	.0212
Falconry	15A NCAC	10B	.0216
Pistol Seasons	15A NCAC	10B	.0217
Feral Swine	15A NCAC	10B	.0223
Prohibited Taking	15A NCAC	10B	.0302
Bag Limits	15A NCAC	10B	.0304
Traps	15A NCAC	10B	.0305
Definitions	15A NCAC	10B	.0401
Trappers and Hunters	15A NCAC	10B	.0404
Fur Dealers	15A NCAC	10B	.0405
Misuse of Tags	15A NCAC	10B	.0406
Reciprocal License Agreement	15A NCAC	10C	.0203
Trotlines, Jug Hooks, and Set Hooks	15A NCAC	10C	.0206
Spawning Areas	15A NCAC	10C	.0208
Fish Collectors	15A NCAC	10C	.0214
Replacement Costs of Wildlife Resources - Fish	15A NCAC	10C	.0215
State Inland Fishing License Exemptions	15A NCAC	10C	.0216
Dare County	15A NCAC	10F	.0310
Wildlife Control Technician	15A NCAC	10H	.1510

CHIROPRACTIC EXAMINERS, BOARD OF

North Carolina Examination	21 NCAC	10	.0203
Determination of Probable Cause	21 NCAC	10	.0503

Fee Schedule	21 NCAC	10	.0803
DENTAL EXAMINERS, BOARD OF			
Continuing Education on Substance Abuse and Mental Health	21 NCAC	16I	.0206
Continuing Education on Substance Abuse and Mental Health	21 NCAC	16R	.0206
PHARMACY, BOARD OF			
Definitions	21 NCAC	46	.1317
Drugs and Devices to be Dispensed	21 NCAC	46	.2403

LIST OF APPROVED TEMPORARY RULES

September 15, 2022 Meeting

WILDLIFE RESOURCES COMMISSION			
Brunswick County	15A NCAC	10F	.0305