SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09C .0501 Current Good Manufacturing Practices and Fish and Fishery Products

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes include referencing the adoption of 21 CFR Part 123 – Fish and Fishery Products, with application to seafood processors, including smoked fish operations and the inclusion of "Fish and Fishery Products" in the title.

10. Rule-making Coordinator: Christina L. Waggett
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Raleigh, NC 27699-1001
Phone: 919-707-3008
E-Mail: Christina.waggett@ncagr.gov

Agency Contact, if any:
Phone:
E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:
Christina L. Waggett
***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09C .0502 Definitions

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes include include an updated definition of "smoke' and "smoked flavored fishery product" that aligns with the definition in 21 CFR Part 123.

10. Rule-making Coordinator: Christina L. Waggett
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Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09C .0503 Plants and Grounds

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JAN 19 AM 9:27
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

10. Rule-making Coordinator: Christina L. Waggett
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Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09C .0504 Sanitary Facilities

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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OFFICE OF ADMINISTRATIVE HEARINGS
2016 JAN 19 AM 9:27

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09C .0505 Sanitary Operations

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JUN 12 AM 9:20
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

10. Rule-making Coordinator: Christina L. Waggett
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Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09C .0506 Equipment and Procedures

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes include reference to a "temperature recording device" rather than a "recording thermometer" to better reflect current technology.

10. Rule-making Coordinator: Christina L. Waggett
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Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09C .0507 Processes and Controls

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JAN 19 AM 9:28
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:

☒ **Notice Required**
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ **Yes**
Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ **No**

8. Fiscal impact (check all that apply):

☐ **State funds affected**
☐ **Environmental permitting of DOT affected and analysis submitted to Board of Transportation**
☐ **Local funds affected**
☐ **Substantial economic impact (≥$1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:

☒ **Agency**
☐ **Court order / cite:**
☐ **Federal statute / cite:**
☐ **Federal regulation / cite:**
☐ **Legislation enacted by the General Assembly Cite Session Law:**
☐ **Petition for rule-making**
☒ **Other:** HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

10. Rule-making Coordinator: Christina L. Waggett
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Agency Contact, if any:
Phone:
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11. Signature of Agency Head* or Rule-making Coordinator:

Christina L. Waggett

***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09C .0601 Commingling of Shell and Egg Prohibited

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

OFFICE OF ADMINISTRATIVE HEARINGS
2017 JUN 19 AM 9:25
FILED

6. Notice for Proposed Rule:
☒ **Notice Required**
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

10. Rule-making Coordinator: Christina L. Waggett
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11. Signature of Agency Head* or Rule-making Coordinator:
Christina L. Waggett
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Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09C .0701 Bottled Water

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED
2017 JAN 19 P 3:32

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes align the reference with correct citation for the adoption of 21 CFR Part 129 in 02 NCAC 09B .0116.

10. Rule-making Coordinator: Christina L. Waggett
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Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09C .0702 Definitions

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JAN 12 AM 9:23
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09C .0703 Source Approval

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes align the reference with correct citation for the adoption of the "Standard Methods for the Examination of Water and Wastewater" in 02 NCAC 09B .0116 and update the correct reference for the NC Department of Environmental Quality, Division of Water Resources.

10. Rule-making Coordinator: Christina L. Waggett
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Raleigh, NC 27699-1001
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E-Mail: Christina.waggett@ncagr.gov

Agency Contact, if any:
Phone:
E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:
Christina L. Waggett
***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09E .0102 Terms Used in Reference to Commercial Feeds

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

OFFICE OF ADMINISTRATIVE HEARINGS
2017 JUN 19 AM 9:20
FILED

6. Notice for Proposed Rule:

☒ **Notice Required**
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ **Yes**
Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ **No**

8. Fiscal impact (check all that apply):

☐ **State funds affected**
☐ **Environmental permitting of DOT affected and analysis submitted to Board of Transportation**
☐ **Local funds affected**
☐ **Substantial economic impact (≥$1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:

☒ **Agency**
☐ **Court order / cite:**
☐ **Federal statute / cite:**
☐ **Federal regulation / cite:**
☐ **Legislation enacted by the General Assembly Cite Session Law:**
☐ **Petition for rule-making**
☒ **Other:** HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

10. Rule-making Coordinator: Christina L. Waggett
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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09E .0103 Commodities Declared Exempt

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes remove raw meat from commodities declared exempt. Raw meat is categorized as a high risk feed product due to the potential for contamination with pathogens such as E.coli and salmonella. Pet food manufacturing firms that handle or process raw diet or raw meat products should be subject to inspection and labeling requirements as to ensure the safety of the feed as well as the safety of the consumer as these diets are intended to be consumed raw and will not undergo a heat kill step.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09G .0101 Adoption by Reference

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED
2017 JUN 12 AM 9:32
OFFICE OF ADMINISTRATIVE HEARINGS

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes provide updated references and provides update sources of reference materials and removes obsolete and redundant language.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09G .2001 General – Adoption by Reference

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes adopt the current version of the PMO and all subsequent documents. This change assures that the current version of the PMO is automatically the operational regulatory document for the Grade A Milk Program.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09G .2002 Modifications of the Adoption by Reference

3. Action:
☐ ADOPTION ☐ AMENDMENT ☒ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JUN 13 AM 9:27
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is being repealed through the HB74 readoption process. This rule, upon further review during the process, is found to be redundant and should be repealed.

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Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09G .2003 Definitions

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes update the definitions to those currently used in the Grade A Milk program.

10. Rule-making Coordinator: Christina L. Waggett
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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09G .2004 Permits Required

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes align the wording of the rule with the wording in the current PMO.

10. Rule-making Coordinator: Christina L. Waggett
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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09G .2005 Issuance of Permit

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes align the requirements for Issuance of Permits with the requirements in the PMO. In addition, B) identifies the agency that issues permits to Independent milk distributors, out-of-state milk plants and milk distributors, and milk haulers

10. Rule-making Coordinator: Christina L. Waggett
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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09G .2006 Permit Suspension and Revocation

3. Action:
☐ ADOPTION ☐ AMENDMENT ☒ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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2017 JAN 12 AM 9:27
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is being repealed through the HB74 readoption process. This rule, upon further review during the process, is found to be redundant and should be repealed.

10. Rule-making Coordinator: Christina L. Waggett
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RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09G .2007 Enforcement and Penalties

3. Action:
☐ ADOPTION ☐ AMENDMENT ☒ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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2017 JUL 19 AM 9:27
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ **Notice Required**
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is being repealed through the HB74 readoption process. This rule, upon further review during the process, is found to be redundant and should be repealed.

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RRC AND OAH USE ONLY

Action taken:

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☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09G .2008

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JAN 17 AM 9:29
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ **Notice Required**
Notice of Text published on: 9/15/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

10. Rule-making Coordinator: Christina L. Waggett
Address: 1001 Mail Service Center
Raleigh, NC 27699-1001
Phone: 919-707-3008
E-Mail: Christina.waggett@ncagr.gov

Agency Contact, if any:
Phone:
E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:
Christina L. Waggett
***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09G .2010 Restrictions on Dispensing Raw Milk

3. Action:
☐ ADOPTION ☐ AMENDMENT ☒ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JUN 12 PM 9:27
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is being repealed through the HB74 readoption process. This rule, upon further review during the process, is found to be redundant and should be repealed.

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Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09 H .0109 Unavoidable Defect Levels for Cornmeal and Flour Samples

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED
2017 JAN 19 AM 9:29

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09J .0101 Cornmeal Testing

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED
OFFICE OF ADMINISTRATIVE HEARINGS
2017 JAN 19 AM 9:29

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09J .0102 Records Maintained

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

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2017 JAN 17 AM 9:30
OFFICE OF ADMINISTRATIVE HEARINGS

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0101 Definitions

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes align with the correct citation for the adoption of relevant sections in 02 NCAC 09B .0116 and create better alignment with and reflective of current program operations and objectives and associated industry operations.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0102 General Sampling Procedures

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED 2017 ... 9:33

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes align with the correct citation for the adoption of relevant sections in 02 NCAC 09B .0116 and create better alignment with and reflective of current program operations and objectives and associated industry operations

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11. Signature of Agency Head* or Rule-making Coordinator:
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***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0103 Approval of Testing Procedure Used

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes align with the correct citation for the adoption of relevant sections in 02 NCAC 09B .0116 and create better alignment with and reflective of current program operations and objectives and associated industry operations.

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Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

FILED

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0104 Place of Testing

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JAN 13 AM 9:30

6. Notice for Proposed Rule:

☒ **Notice Required**
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ **Yes**
Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ **No**

8. Fiscal impact (check all that apply):

☐ **State funds affected**
☐ **Environmental permitting of DOT affected and analysis submitted to Board of Transportation**
☐ **Local funds affected**
☐ **Substantial economic impact (≥$1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:

☒ **Agency**
☐ **Court order / cite:**
☐ **Federal statute / cite:**
☐ **Federal regulation / cite:**
☐ **Legislation enacted by the General Assembly Cite Session Law:**
☐ **Petition for rule-making**
☒ **Other:** HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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11. Signature of Agency Head* or Rule-making Coordinator:

Christina L. Waggett

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0105 Responsibility for Test

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JUN 12 AM 8:30
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
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☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0106 Test Reading

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes align with the correct citation for the adoption of relevant sections in 02 NCAC 09B .0116 and create better alignment with and reflective of current program operations and objectives and associated industry operations.

10. Rule-making Coordinator: Christina L. Waggett
Address: 1001 Mail Service Center
Raleigh, NC 27699-1001
Phone: 919-707-3008
E-Mail: Christina.waggett@ncagr.gov

Agency Contact, if any:
Phone:
E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:
Christina L. Waggett
***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0107 Test Reporting

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:

☒ **Notice Required**
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16

☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

8. Fiscal impact (check all that apply):

☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:

☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes align with the correct citation for the adoption of relevant sections in 02 NCAC 09B .0116 and create better alignment with and reflective of current program operations and objectives and associated industry operations.

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Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0108 Incorrect Tests

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JAN 17 AM 9:30
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ **Notice Required**
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0109 Sampling and Testing for Fresh Milk Samples

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED 2017 ... 9:34

6. Notice for Proposed Rule:
☒ **Notice Required**
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes align with the correct citation for the adoption of relevant sections in 02 NCAC 09B .0116 and create better alignment with and reflective of current program operations and objectives and associated industry operations.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0112 Sampling Cream

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0113 Procedure for Testing Cream

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes align with the correct citation for the adoption of relevant sections in 02 NCAC 09B .0116 and create better alignment with and reflective of current program operations and objectives and associated industry operations.

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Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0114 Reference Method

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED 2017 ... 9:26

6. Notice for Proposed Rule:
☒ **Notice Required**
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes align with the correct citation for the adoption of relevant sections in 02 NCAC 09B .0116 and create better alignment with and reflective of current program operations and objectives and associated industry operations.

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Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0201 Specific Requirements

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED 2017 ... 9:37

6. Notice for Proposed Rule:

☒ **Notice Required**
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16

☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ **Yes**
Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ **No**

8. Fiscal impact (check all that apply):

☐ **State funds affected**
☐ **Environmental permitting of DOT affected and analysis submitted to Board of Transportation**
☐ **Local funds affected**
☐ **Substantial economic impact (≥$1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:

☒ **Agency**
☐ **Court order / cite:**
☐ **Federal statute / cite:**
☐ **Federal regulation / cite:**
☐ **Legislation enacted by the General Assembly Cite Session Law:**
☐ **Petition for rule-making**
☒ **Other:** HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes align with the correct citation for the adoption of relevant sections in 02 NCAC 09B .0116.

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Christina L. Waggett

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0202 Definitions

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED

6. Notice for Proposed Rule:

☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

8. Fiscal impact (check all that apply):

☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:

☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0203 Inspection Certificates

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0204 Suspension of Inspection

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 ... 9:30

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
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☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0205 Standards for Mobile Frozen Dessert Units

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

10. Rule-making Coordinator: Christina L. Waggett
Address: 1001 Mail Service Center
Raleigh, NC 27699-1001
Phone: 919-707-3008
E-Mail: Christina.waggett@ncagr.gov

Agency Contact, if any:
Phone:
E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:
Christina L. Waggett
***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0206 Frozen Dessert Mix/Standards for Use

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes allow industry more options for reconstituting dry mix while preserving food safety with the inclusion of "..a Pasteurized Grade A product…"

10. Rule-making Coordinator: Christina L. Waggett
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Raleigh, NC 27699-1001
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Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0207 Frozen Dessert Mix/Standard of Identity

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

10. Rule-making Coordinator: Christina L. Waggett
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Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0208 Dietary Frozen Dessert Standards

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0209 Quiescently Frozen Dairy Confections

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0210 Quiescently Frozen Confections

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 ... 9:31

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0211 Imitation Frozen Dessert Standards

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

OFFICE OF ... 2017 ... 9:37 FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes allow industry greater latitude in identifying frozen dessert products and does not negatively impact food safety by striking "Imitation frozen desserts sold here."

10. Rule-making Coordinator: Christina L. Waggett
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E-Mail: Christina.waggett@ncagr.gov

Agency Contact, if any:
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11. Signature of Agency Head* or Rule-making Coordinator:
Christina L. Waggett
***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0212 Bacterial Plate Count and Coliform Counts

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

10. Rule-making Coordinator: Christina L. Waggett
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***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0213 Standards of Identity for Milkshakes and Related Products

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2016 JUN 10 AM 9:27
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

10. Rule-making Coordinator: Christina L. Waggett
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Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09K .0214 Standards of Identity for Frozen Yogurt

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 ... 9:37

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes align with the correct citation for the adoption of relevant sections in 02 NCAC 09B .0116.

10. Rule-making Coordinator: Christina L. Waggett
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Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09O .0101 Definitions

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 ... 9:37

6. Notice for Proposed Rule:
☒ **Notice Required**
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes update to definitions currently used.

10. Rule-making Coordinator: Christina L. Waggett
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11. Signature of Agency Head* or Rule-making Coordinator:
Christina L Waggett
***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09O .0102 Loose Egg Displays

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

10. Rule-making Coordinator: Christina L. Waggett
Address: 1001 Mail Service Center
Raleigh, NC 27699-1001
Phone: 919-707-3008
E-Mail: Christina.waggett@ncagr.gov

Agency Contact, if any:
Phone:
E-Mail:

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09O .0103 Standards for Shell Eggs

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED

6. Notice for Proposed Rule:
☒ **Notice Required**
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes update to definitions currently used.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09O .0104 Sanitation and Materials

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

OFFICE OF ADMINISTRATIVE HEARINGS
2017 MAR 23 P 3:38
FILED

6. Notice for Proposed Rule:

☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

8. Fiscal impact (check all that apply):

☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:

☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes update the definitions.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09O .0105 Sale of Inedible or Loss Eggs to Consumer Prohibited

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
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Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09O .0106 Determining Grades

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
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Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 09O .0107 Special Requirements

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 38 .0201 Adoption by Reference

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED
2017 MAY 17 AM 9:26

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes include technical changes to be more in line with industry, and updates the location and price of the documents.

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 38 .0202 Weighing and Measuring Devices

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
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Notice of Text published on: 9/1/16
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Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

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2017 JAN 17 01 9:26
FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
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☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
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9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with no substantive changes from what is currently in the code.

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RRC AND OAH USE ONLY

Action taken:

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☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 38 .0301 Adoption by Reference

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED
2017 JAN 19 AM 9:26
OFFICE OF ADMINISTRATIVE HEARINGS

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
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☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
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9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 38 .0401 Method of Sale of Commodities

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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6. Notice for Proposed Rule:

☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

8. Fiscal impact (check all that apply):

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9. REASON FOR ACTION

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☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes include technical changes to be more in line with industry, deletes the reference to repealed statute 81A-41, updates the number of two references that have changed numbering in the adopted document, and updates document availability

10. Rule-making Coordinator: Christina L. Waggett
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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 38 .0601 Retail Motorfuel Dispensers/Half-pricing

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JAN 19 AM 9:26
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
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Hearing on: N/A
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☐ Notice not required under G.S.:
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7. Rule establishes or increases a fee? (See G.S. 12-3.1)
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Consultation not required. Cite authority:
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☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes broaden language to include other motor fuels sold by methods other than the gallon, such as compressed natural gas, sold by the gasoline gallon equivalent (GGE); shows half-pricing of fuel has not been allowed since January 1, 2011 (we do not want to delete it entirely so it is clear it is not allowed.); and deletes unnecessary language since half- pricing is not allowed.

10. Rule-making Coordinator: Christina L. Waggett
Address: 1001 Mail Service Center
Raleigh, NC 27699-1001
Phone: 919-707-3008
E-Mail: Christina.waggett@ncagr.gov

Agency Contact, if any:
Phone:
E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:
Christina L. Waggett
***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 38 .0604 Price Posting/Cash Discounts for Retail Motor Fuel Sales

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED
2017 ... 9:27
OFFICE OF ...

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes include language on posting of cash/credit pricing on fuel dispensers and how any discounts shall be displayed on the dispenser or the receipt; and includes a notice to the customer that a debit card at their location would be considered as cash or credit.

10. Rule-making Coordinator: Christina L. Waggett
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Raleigh, NC 27699-1001
Phone: 919-707-3008
E-Mail: Christina.waggett@ncagr.gov

Agency Contact, if any:
Phone:
E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:
Christina L. Waggett
***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Board of Agriculture

2. Rule citation & name (name not required for repeal): 02 NCAC 38 .0701 Adoption by Reference

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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2017 JUN 14 AM 9:27
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ **Notice Required**
Notice of Text published on: 9/1/16
Link to Agency notice: 9/1/16, http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm
Hearing on: N/A
Adoption by Agency on: 11/16/16
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☒ Other: HB 74 Readoption Process

9B. Explain: This Rule is readopted as part of the HB 74 readoption process. It was deemed "necessary with substantive public interest" during the review period and is being readopted with changes. These changes delete unnecessary language, as the adopted code has since changed; and updates document availability. It also includes a change requested from the NC Propane Gas Association, bringing it in-line with the National Fire Protection Association document NFPA 58.

10. Rule-making Coordinator: Christina L. Waggett
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Raleigh, NC 27699-1001
Phone: 919-707-3008
E-Mail: Christina.waggett@ncagr.gov

Agency Contact, if any:
Phone:
E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:
Christina L. Waggett
***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Christina L. Waggett
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .0101, .0204- 0205, .0302, .0305, .0504, .0603-.0604, .0606, .0801, .0804-.0808, .1002-.1013, .1501-.1502

3. Action:
☐ ADOPTION ☐ AMENDMENT ☒ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2016 DEC 21 PM 4:52
OFFICE OF ADMIN HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016, 2016 Volume 31:07
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
Rules are repealed because they do not meet the current definition of a rule, the content of the rule is moved elsewhere in Chapter 04R, or the rules were determined by the agency to be no longer necessary.

10. Rule-making Coordinator: Shawn Middlebrooks
Address: 4601 Mail Service Center
Raleigh, NC 27699
Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-807-6583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .0201 Purpose

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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2016 DEC 21 P 12:52

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016, 2016 Volume 31, 07 Page 530
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
Amended rule to delete subsections that do not fall within the definition of a rule and to clarify the purpose of Section .0200 of these rules.

10. Rule-making Coordinator: Shawn Middlebrooks
Address: 4601 Mail Service Center
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shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-807-6583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:
S Middlebrooks
*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .0202 Definitions

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016, 2016 Volume 31, 07 Page 530
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

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2016 DEC 16 AM 9:52

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
Moved definitions rule from .0204 to .0202 to put definitions at the beginning of this Subchapter. Added or edited definitions based on other proposed changes in this Subchapter.

10. Rule-making Coordinator: Shawn Middlebrooks
Address: 4601 Mail Service Center
Raleigh, NC 27699
Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-807-6583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:
S. Middlebrooks
*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .0203 Submissions for Review

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016, 2016 Volume 31, 07 Page 530-531
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

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2016 DEC 21 AM 11:52
OFFICE OF ADMINISTRATIVE HEARINGS

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
Moved definitions rule from .0204 to .0202 to put definitions at the beginning of this Subchapter. As a result of that move, moved previous text of Rule .0202 to Rule .0203. Subsections (b) - (e) were added to provide further instructions for applications for proposed undertakings and establish standards by which the Agency must review the applications.

10. Rule-making Coordinator: Shawn Middlebrooks
Address: 4601 Mail Service Center
Raleigh, NC 27699
Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-807-6583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .0206 Procedures for State Undertakings Affecting a National Register-Listed Property

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016, 2016 Volume 31, 07 Page 532-533
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

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7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
Edited for clarity, grammar, consistency with proposed changes to other rules in this Subchapter, and to delete portions of the rule governing internal agency functions.

10. Rule-making Coordinator: Shawn Middlebrooks
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Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-807-6583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:
*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .0301 National Register Advisory Committee

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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OFFICE OF ADMIN HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016, 2016 Volume 31, 07 Page 534
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
The proposed amendments to this rule change the make-up of the National Register Advisory Committee and explains the duties of the committee.

10. Rule-making Coordinator: Shawn Middlebrooks
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Raleigh, NC 27699
Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-807-6583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .0303 Nomination Procedures

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016, 2016 Volume 31, 07 Page 534-535
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

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2016 DEC 21 PM 0:52
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7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
The proposed amendments to this rule update the process to nominate a property to the National Register of Historic Places.

10. Rule-making Coordinator: Shawn Middlebrooks
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Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-807-6583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .0304 Review and Processing

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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2016 DEC 21 PM 4:52
OFFICE OF ADMIN HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016, 2016 Volume 31, 07 Page 535-536
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
Edits update the rule to delete provisions governing internal agency activity and instead make the rule focus on governing procedure requirements.

10. Rule-making Coordinator: Shawn Middlebrooks
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shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-807-6583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:
S. Middlebrooks
*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .0501 Review of Commission Reports

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2016 DEC 21 PM 4:52
OFFICE OF ADMIN HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016, 2016 Volume 31, 07 Page 536
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
Wording changed to simplify and clarify requirements and to provide a mailing address.

10. Rule-making Coordinator: Shawn Middlebrooks
Address: 4601 Mail Service Center
Raleigh, NC 27699
Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-807-6583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:
S. Middlebrooks
*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .0502 Review of Appeals

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2016 DEC 21 PM 4:52
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016, 2016 Volume 31, 07 Page 536
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
Edited for clarity and to add a mailing address. Wording changed to reflect procedures required by persons outside the Agency instead of internal Agency functions.

10. Rule-making Coordinator: Shawn Middlebrooks
Address: 4601 Mail Service Center
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Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-807-6583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .0503 Certificates of Appropriateness

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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OFFICE OF ADMIN HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016, 2016 Volume 31, 07 Page 536-537
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
Amended to clarify requirements for a local preservation commission to follow if they want to receive advice from DNCR regarding an application for a certificate of appropriateness.

10. Rule-making Coordinator: Shawn Middlebrooks
Address: 4601 Mail Service Center
Raleigh, NC 27699
Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-807-6583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .0601 Statement of Purpose

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016, 2016 Volume 31, 07 Page 537
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

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7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
Amended to provide overview of the purpose of Section .0600.

10. Rule-making Coordinator: Shawn Middlebrooks
Address: 4601 Mail Service Center
Raleigh, NC 27699
Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-807-6583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:
*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .0602 General Application Process; Criteria for Designation

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016, 2016 Volume 31, 07 Page 537
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule was amended for clarity, to update the mailing address, and to include a list of the criteria for designation as a historic property.

10. Rule-making Coordinator: Shawn Middlebrooks
Address: 4601 Mail Service Center
Raleigh, NC 27699
Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-807-6583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:
S. Middlebrooks
*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .0605 Documentation Required

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016, 2016 Volume 31, 07 Page 538
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule was amended for clarity and to update the documentation requirements.

10. Rule-making Coordinator: Shawn Middlebrooks
Address: 4601 Mail Service Center
Raleigh, NC 27699
Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-807-6583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .0802 Disposition of Artifacts; Loans

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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2016 DEC 21 PM 4:53
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016 Volume 31, Issue 07, Page 539
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule includes new language to inform the public of the criteria required for deaccessioning artifacts. The rule also sets restrictions and conditions concerning the use and care of loaned artifacts.

10. Rule-making Coordinator: Shawn Middlebrooks
Address: 4601 Mail Service Center
Raleigh, NC 27699
Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-8076583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:
S. Middlebrooks
***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**
Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .0803 Curation of Archaeological Collections

3. Action:
☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2016 DEC 21 PM 4:53
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ **Notice Required**
Notice of Text published on: October 3, 2016 Volume 31, Issue 07, Page 539-540
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ **Notice not required under G.S.:**
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☒ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule is being readopted with changes regarding the temporary and permanent storage of archaeological collections at the Office of State Archaeology.

10. Rule-making Coordinator: Shawn Middlebrooks
Address: 4601 Mail Service Center
Raleigh, NC 27699
Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-8076583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .1503 Visitation Policy

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
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OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016 Volume 31, Issue 07, Page 543
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule provides guidance to members of the public on the Survey and National Registry Branch's visitation procedures. Under this rule, Branch access will not be allowed without proper notice through the branch supervisor. The rule also permits the branch supervisor to limit access to its files under specified conditions.

10. Rule-making Coordinator: Shawn Middlebrooks
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Agency Contact, if any: Ramona Bartos
Phone: 919-8076583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:

***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .1601 Definitions

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
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OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016 Volume 31, Issue 07, Page 543-544
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule sets forth definitions applicable to Sections .0800 and .1600 of 07 NCAC 04R.

10. Rule-making Coordinator: Shawn Middlebrooks
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Agency Contact, if any: Ramona Bartos
Phone: 919-8076583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:
S. Middlebrooks
*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .1602 Archaeological Investigations on State Lands

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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OFFICE OF ADMIN HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016 Volume 31, Issue 07, Page 544
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule establishes permit requirements for anyone conducting terrestrial or underwater archaeological investigations on State lands. The rule recognizes two types of permits, General Permits and Specific Permits. General Permits shall be required for land controlling agencies that employ qualified archaeologist to conduct investigations on State lands. All other permits shall be Specific Permits.

10. Rule-making Coordinator: Shawn Middlebrooks
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Agency Contact, if any: Ramona Bartos
Phone: 919-8076583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .1603 Applications for Archaeological Permits

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
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OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016 Volume 31, Issue 07, Page 544-545
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule sets out the information that must be submitted in order to obtain a General or Specific to conduct Archaeological Investigations.

10. Rule-making Coordinator: Shawn Middlebrooks
Address: 4601 Mail Service Center
Raleigh, NC 27699
Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-8076583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:

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Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .1604 Requirements for Issuance of Permits

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule sets for the requirements for applicants requesting archaeological investigations permits. The rule also provides guidance regarding the issuance of general and specific permits.

10. Rule-making Coordinator: Shawn Middlebrooks
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Phone: 919-807-7275
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Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

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☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .1605 Duration, Extension, and Renewal of Permits

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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6. Notice for Proposed Rule:
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☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule explains the process for renewing and extending archaeological investigation permits. The rule also sets the duration period for general and specific archaeological.

10. Rule-making Coordinator: Shawn Middlebrooks
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Phone: 919-807-7275
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Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .1606 Terms and Conditions of Permits

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
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☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule outlines the information included in each issued permit. The rule also places additional requirements on permit holders, such as holding the State harmless from claims arising out of the project and obtaining liability insurance.

10. Rule-making Coordinator: Shawn Middlebrooks
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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .1607 Permit Denial, Suspension, Revocation

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule explains the conditions for denying, suspending or revoking a permit.

10. Rule-making Coordinator: Shawn Middlebrooks
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Phone: 919-807-7275
E-Mail:
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Agency Contact, if any: Ramona Bartos
Phone: 919-8076583
E-Mail: ramona.bartos@ncdcr.gov

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Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .1608 Appeals Relating to Permits

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
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9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule addresses a permittee's appeal rights in event their request for a permit is denied or if their permit has been suspended or revoked.

10. Rule-making Coordinator: Shawn Middlebrooks
Address: 4601 Mail Service Center
Raleigh, NC 27699
Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-8076583
E-Mail: ramona.bartos@ncdcr.gov

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Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .1609 Emergency Archaeological Investigations

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
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7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
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☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule establishes guidelines for conducting Emergency Archaeological Investigations. The rule stipulates that artifacts and records discovered during emergency investigations belong to the State.

10. Rule-making Coordinator: Shawn Middlebrooks
Address: 4601 Mail Service Center
Raleigh, NC 27699
Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-8076583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:
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Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .1610 Protected Areas

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
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9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule authorizes DNCR to issue permits for sites designated as protected areas by the Secretary of a State Agency.

10. Rule-making Coordinator: Shawn Middlebrooks
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Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-8076583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:

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Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

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☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .1611 Reporting Requirements for General Permits; Review

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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6. Notice for Proposed Rule:
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Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
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☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule sets for the reporting requirements for General Permits. The principal investigator archaeologist shall submit all investigations results with the General Permit Report. The land controlling agency shall submit reports in writing of any change of the principal investigator within 10 days of the change. Final reports shall be submitted by the end of the calendar year following the completed investigation. The rule also sets out the process for submitted a delayed report and sets time periods for the State Archaeologist and Principal investigator to respond to submitted reports.

10. Rule-making Coordinator: Shawn Middlebrooks
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Agency Contact, if any: Ramona Bartos
Phone: 919-8076583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:

***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .1612 Reporting Requirements for Specific Reports; Review

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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6. Notice for Proposed Rule:
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Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
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☐ Approved by OSBM
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9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule sets for the reporting requirements for Specific Permits. Permittees shall keep daily logs of project activities. A filed report shall be submitted within 60 days of the on-site investigation. Draft reports are to be submitted as set forth in the permit, including for emergency investigations. Final reports should be submitted within 90 days of the draft report. Annual progress reports should be submitted for projects lasting longer than one year. The rule authorizes the State Archaeologist to review the permittee's performance for projects lasting more than one year. The State Archaeologist is permitted to request revisions of the draft and final reports. The State Archaeologist shall have 60 days to review and comment on draft reports and return to the permittee.

10. Rule-making Coordinator: Shawn Middlebrooks
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Agency Contact, if any: Ramona Bartos
Phone: 919-8076583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:
S. Middlebrooks
***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**
Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04R .1613 Custody of Resources under Terms of Permits

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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6. Notice for Proposed Rule:
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☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
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☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
Under this rule, all archaeological resources obtained shall remain the property of the State, including shipwrecks and underwater artifacts. This rule sets base restrictions for changing the location of records, artifacts and other archaeological materials. Lastly, the rule sets conditions for the availability of all records and artifacts.

10. Rule-making Coordinator: Shawn Middlebrooks
Address: 4601 Mail Service Center
Raleigh, NC 27699
Phone: 919-807-7275
E-Mail:
shawn.middlebrooks@ncdcr.gov
Agency Contact, if any: Ramona Bartos
Phone: 919-8076583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Historical Commission

2. Rule citation & name (name not required for repeal):
07 NCAC 04T .0104 Criteria

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016 Volume 31, Issue 07, Page 548-549
Link to Agency notice: www.ncdcr.gov
Hearing on: October 19, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED
2016 DEC 21 PM 4:54
OFFICE OF ADMINISTRATIVE HEARINGS

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:
This rule is proposed for amendment. The amendments add clarifying language regarding who is eligible for obtaining a historic highway marker. The rule is also amended to address the "period of significance" required to obtain a highway marker for houses of worship/churches. Additionally, markers will no longer be allowed solely to list the date of incorporation of a town. Likewise, the rule limits establishing markers for public schools, while allowing markers for private schools that qualify. The rule continues by setting limits on markers that recognize groups of persons that equally contributed to an event of historical significance. Finally, the rule sets restrictions on persons being named or mentioned on multiple markers.

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Agency Contact, if any: Ramona Bartos
Phone: 919-8076583
E-Mail: ramona.bartos@ncdcr.gov

11. Signature of Agency Head* or Rule-making Coordinator:

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Typed Name: Shawn Middlebrooks
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0302/EXEMPTIONS FOR SOURCE MATERIAL

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being revised to maintain compatibility with 10 CFR 40.13 and provides for exemption from licensing based upon the quantity of radioactive material possessed and used as source material, and source material used in certain objects and devices.

10. Rule-making Coordinator: Nadine Pfeiffer
Address: 2701 Mail Service Center
Raleigh, NC 27699-2700
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E-Mail: nadine.pfeiffer@dhhs.nc.gov

Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0304/EXEMPT QUANTITIES: OTHER THAN SOURCE MATERIAL

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being revised to maintain compatibility with 10 CFR 30.18. A license issued by the NRC is required for the commercial transfer of exempt quantities of radioactive materials or devices containing exempt quantities of radioactive material.

10. Rule-making Coordinator: Nadine Pfeiffer
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Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0305/EXEMPT ITEM CONTAINING OTHER THAN SOURCE MATERIAL

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

OFFICE OF ADMINISTRATIVE HEARINGS 2017 FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being revised to maintain compatibility with 10 CFR 30.15, 30.19, 30.20, 30.21 & 30.22. Devices currently regulated as generally licensed devices will become exempt from regulation with this rule amendment.

10. Rule-making Coordinator: Nadine Pfeiffer
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E-Mail: nadine.pfeiffer@dhhs.nc.gov

Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:
Nadine Pfeiffer

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0307/GENERAL LICENSES: SOURCE MATERIAL

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

OFFICE OF ADMINISTRATIVE HEARINGS
2017 JAN 19 P 3:16
FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 40.22 to provide for general licenses for: dispersible forms of source material, removal of uranium in drinking water, and environmental lab use, medical use, disposal, exporting, minimizing contamination, and transfer of source material.

10. Rule-making Coordinator: Nadine Pfeiffer
Address: 2701 Mail Service Center
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Phone: 919-855-3811
E-Mail: nadine.pfeiffer@dhhs.nc.gov

Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:
Nadine Pfeiffer

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0308/GENERAL LICENSES: OTHER THAN SOURCE MATERIAL

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to reference Rule .0305 of this Chapter, as the devices that had been regulated by this Rule are reclassified as exempt under Rule .0305 of this Chapter.

10. Rule-making Coordinator: Nadine Pfeiffer
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Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

SUBMISSION FOR PERMANENT RULE

JAN 1 1 2017

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0309/GENERAL LICENSES: MEASURING GAUGING: CONTROLLING DEVICES

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 31.5 for persons possessing devices listed in the rule and issued a general license in accordance with Rule .0306 of this Chapter.

10. Rule-making Coordinator: Nadine Pfeiffer
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Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:
Nadine Pfeiffer

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0310/GENERAL LICENSES: MANUFACTURE, TRANSFER, INSTALL, GENERALLY LICENSED DEVICES

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
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☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 31.6 for the manufacture, transfer and installation of generally licensed devices possessed under 10A NCAC 15 .0309.

10. Rule-making Coordinator: Nadine Pfeiffer
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Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0316/GENERAL LICENSES: TRANSPORTATION

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
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☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 33.13, 40.12, 40.23, 70.12, 70.20a, 70.20b, Part 71 and the notification requirements of 10 CFR 71.97 and 73.37(b)(2), and the prohibition against transporting certain quantities of special nuclear material by passenger aircraft in 150.21.

10. Rule-making Coordinator: Nadine Pfeiffer
Address: 2701 Mail Service Center
Raleigh, NC 27699-2700
Phone: 919-855-3811
E-Mail: nadine.pfeiffer@dhhs.nc.gov

Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0317/SPECIFIC LICENSES: FILING APPLICATION AND GENERAL REQUIREMENT

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

RECEIVED 2017 FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR Part 30 and Part 32 regarding applying for Sealed Source and Device Registration certificates.

10. Rule-making Coordinator: Nadine Pfeiffer
Address: 2701 Mail Service Center
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E-Mail: nadine.pfeiffer@dhhs.nc.gov

Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0327/SPECIFIC LICENSES: EXEMPT GAS AND AEROSOL DETECTORS

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

OFFICE OF ADMINISTRATIVE HEARINGS
2017 JAN 13 A 8:23
FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR Part 32.26 in that a specific license issued by the NRC is required for the distribution of devices containing exempt quantities of radioactive materials.

10. Rule-making Coordinator: Nadine Pfeiffer
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Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:
Nadine Pfeiffer

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0328/SPECIFIC LICENSES: MANUFACTURE DEVICES TO PERSONS LICENSED

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JAN 12 AM 8:21
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to remain compatible with 10 CFR 32.26 and to cross reference Rule .0317 of this Section for persons manufacturing and distributing generally licensed devices specified under Rule .0309 of this Section.

10. Rule-making Coordinator: Nadine Pfeiffer
Address: 2701 Mail Service Center
Raleigh, NC 27699-2700
Phone: 919-855-3811
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Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0329/SPECIFIC LICENSES: LUMINOUS SAFETY DEVICES IN AIRCRAFT

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JAN 13 AM 9:26
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to cross reference Rule .0317 of this Section for persons generally licensed under Rule .0311 of this Section.

10. Rule-making Coordinator: Nadine Pfeiffer
Address: 2701 Mail Service Center
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Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0330/SPECIFIC LICENSES: MANUFACTURE OF CALIBRATION SOURCES

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JAN 13 AM 8:27
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to cross reference .0317 of this Section for persons generally licensed under Rule .0312 of this Section.

10. Rule-making Coordinator: Nadine Pfeiffer
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E-Mail: nadine.pfeiffer@dhhs.nc.gov

Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0331/SPECIFIC LICENSES-MANUFACTURE OF IN VITRO TEST KITS

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JAN 13 AM 8:27
OFFICE OF ADMIN HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to cross reference .0317 of this Section for persons generally licensed under Rule .0314 of this Section.

10. Rule-making Coordinator: Nadine Pfeiffer
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Phone: 919-855-3811
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Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL
JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0332/SPECIFIC LICENSES: MANUFACTURE OF ICE DETECTION DEVICES

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JAN 13 AM 8:28
OFFICE OF ADMIN HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to cross reference .0317 of this Section for persons generally licensed under Rule .0315 of this Section.

10. Rule-making Coordinator: Nadine Pfeiffer
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Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:
Nadine Pfeiffer

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0335/SPECIFIC LICENSES: PRODUCTS CONTAINING DEPLETED URANIUM

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED
2017 JAN 13 AM 8:28
OFFICE OF ADMIN HEARINGS

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to cross reference .0317 of this Section for persons generally licensed under Rule .0307(b) of this Section.

10. Rule-making Coordinator: Nadine Pfeiffer
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Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0337/ISSUANCE OF SPECIFIC LICENSES AND SEALED SOURCE AND DEVICE REGISTRATION CERTIFICATES

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
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☐ Notice not required under G.S.:
Adoption by Agency on:

FILED
2017 JAN 13 AM 8:29
OFFICE OF ADMIN HEARINGS

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 30.39, 36.13, 39.13 and 32.210, for the issuance of a specific license for the use of radioactive materials and issuance of Sealed Source & Device Registration certificates.

10. Rule-making Coordinator: Nadine Pfeiffer
Address: 2701 Mail Service Center
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Phone: 919-855-3811
E-Mail: nadine.pfeiffer@dhhs.nc.gov

Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0338/SPECIFIC TERMS AND CONDITIONS OF LICENSES

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED
2017 JAN 13 AM 8:29
OFFICE OF ADMIN HEARINGS

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 30.34, 40.46 and 70.36, for the conditions of issuance of specific license to possess and use radioactive material, and to add required text back into the rule that was accidentally removed in 2013.

10. Rule-making Coordinator: Nadine Pfeiffer
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Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

ORIGINAL
NOV 1 1 2017

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0343/TRANSFER OF MATERIAL

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED
2017 JAN 13 AM 8:30
OFFICE OF ADMIN HEARINGS

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 30.41, 40.51 and 70.42, for transferring radioactive material and to require a NRC issued license to export radioactive material from the United States.

10. Rule-making Coordinator: Nadine Pfeiffer
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Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

ORIGINAL

JAN 1 1 2017

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0344/MODIFICATION: REVOCATION: AND TERMINATION OF LICENSES AND SEALED SOURCE AND DEVICE REGISTRATION CERTIFICATES

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

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2017 JAN 13 AM 8:33
OFFICE OF ADMINISTRATIVE HEARINGS

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 30.61 to modify, revoke, or terminate specific licenses and Sealed Source and Device Registration Certificates for the use and possession of radioactive materials.

10. Rule-making Coordinator: Nadine Pfeiffer
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Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

ORIGINAL
JAN 1 1 2017

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0353/FINANCIAL ASSURANCE AND RECORD-KEEPING FOR DECOMMISSIONING

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

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2017 JAN 13 P 3:33

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 30.35, 40.36, and 70.25 for the need for financial assurance dependent on the quantity of radioactive material authorized by a specific license.

10. Rule-making Coordinator: Nadine Pfeiffer
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Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0354/METHODS OF FINANCIAL ASSURANCE FOR DECOMMISSIONING

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED
OFFICE OF ADMINISTRATIVE HEARINGS
2017 JAN 13 AM 8:34

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 30.35(f), 40.36(e), and 70.25(f) to authorize the self-guarantee of funds sufficient for decommissioning as required by Rule .0355 of this Section.

10. Rule-making Coordinator: Nadine Pfeiffer
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Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0355/FINANCIAL TESTS: SELF-AND PARENT CO. GUARANTEES: DECOMMISSIONING FUNDING

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

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OFFICE OF ADMINISTRATIVE HEARINGS
2017 JAN 13 PM 8:34

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 30.35(f), 40.36(e), and 70.25(f) to provide guidance for the self and parent company guarantee of funds sufficient for decommissioning for a variety of licensees.

10. Rule-making Coordinator: Nadine Pfeiffer
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Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0357/REPORTING REQUIREMENTS

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

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2017 JAN 13 AM 8:34
OFFICE OF ADMINISTRATIVE HEARINGS

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 70.50(c)(2) for radiation exposure reporting.

10. Rule-making Coordinator: Nadine Pfeiffer
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Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0359/MEASUREMENTS/DOSAGES OF UNSEALED RADIOACTIVE MATERIAL FOR MEDICAL USE

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

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OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 35.63(d) for quality assurance/quality control of equipment used to measure radioactivity and of radioactive pharmaceuticals administered to human patients.

10. Rule-making Coordinator: Nadine Pfeiffer
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Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .0521/PERFORMANCE REQUIREMENTS FOR RADIOGRAPHY EQUIPMENT

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

OFFICE OF ... 2017 ... 8:37 FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 30.20(a)(1), and to bring this rule into compatibility with 34.20(d) and (e) with regard to performance standards for radiography equipment in use after January 10, 1996.

10. Rule-making Coordinator: Nadine Pfeiffer
Address: 2701 Mail Service Center
Raleigh, NC 27699-2700
Phone: 919-855-3811
E-Mail: nadine.pfeiffer@dhhs.nc.gov

Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .1004/NOTIFICATIONS AND REPORTS TO INDIVIDUALS

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

OFFICE OF ADMINISTRATIVE HEARINGS
2017 JAN 13 A 8:37
FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 19.13(e) to require licensees to provide radiation exposure reports to employees terminating employment, or their designee, at termination upon request of the employee. .

10. Rule-making Coordinator: Nadine Pfeiffer
Address: 2701 Mail Service Center
Raleigh, NC 27699-2700
Phone: 919-855-3811
E-Mail: nadine.pfeiffer@dhhs.nc.gov

Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .1613/SURVEYS

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED
2017 JAN 13 AM 8:38
OFFICE OF ADMINISTRATIVE HEARINGS

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 20.1501 for licensees addressing subsurface contamination during surveys based upon licensed activities and keeping records of those surveys with decommissioning records.

10. Rule-making Coordinator: Nadine Pfeiffer
Address: 2701 Mail Service Center
Raleigh, NC 27699-2700
Phone: 919-855-3811
E-Mail: nadine.pfeiffer@dhhs.nc.gov

Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .1645/REPORTS OF THEFT OR LOSS OF LICENSED RADIOACTIVE MATERIAL

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 20.2201 for reporting requirements when radioactive material is lost or stolen if not reported under a different regulatory requirement.

10. Rule-making Coordinator: Nadine Pfeiffer
Address: 2701 Mail Service Center
Raleigh, NC 27699-2700
Phone: 919-855-3811
E-Mail: nadine.pfeiffer@dhhs.nc.gov

Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL
JAN 1 1 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Radiation Protection Commission

2. Rule citation & name (name not required for repeal): 10A NCAC 15 .1653/RADIOLOGICAL REQUIREMENTS FOR LICENSE TERMINATION

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 10/03/16
Link to Agency notice: http://www2.ncdhhs.gov/dhsr/ruleactions.html
Hearing on: 11/18/16
Adoption by Agency on: 01/09/17
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☒ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☒ Approved by OSBM
☐ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Radiation Protection rules are being amended to comply with federal requirements of the US Nuclear Regulatory Commission (NRC) for radioactive materials control. NC entered into an agreement with the US Atomic Energy Commission (now the NRC) effective 8/1/64. The agreement requires NC to continue to maintain compatibility with NRC radiation protection rules. Failure to maintain compatibility with appropriate federal rules could result in NC losing its NRC Agreement Status, whereby the NRC would resume regulatory control and increase the financial burden through fees for NC entities using radioactive materials. This rule is being amended to maintain compatibility with 10 CFR 20.1403, 20.1404 and 20.1406 for license termination and decommissioning.

10. Rule-making Coordinator: Nadine Pfeiffer
Address: 2701 Mail Service Center
Raleigh, NC 27699-2700
Phone: 919-855-3811
E-Mail: nadine.pfeiffer@dhhs.nc.gov

Agency Contact, if any: Lee Cox, Chief
Phone: 919-855-814-2252
E-Mail: lee.cox@dhhs.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Nadine Pfeiffer
Title: Rule-making Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Labor FILED

2. Rule citation & name (name not required for repeal): 13 NCAC 13 .0101 Definitions

2017 JAN 17 PM 2:16

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:	☐ Yes. Cite authority:
☒ No	☒ No

6. Notice for Proposed Rule:

☒ Notice Required
Notice of Text published on: November 1, 2016
Link to Agency notice: http://www.nclabor.com/legal/rulemaking.pdf
Hearing on: November 16, 2016
Adoption by Agency on: January 10, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact (check all that apply):
☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	☐ State funds affected ☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation ☐ Local funds affected ☐ Substantial economic impact (≥$1,000,000) ☐ Approved by OSBM ☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:

☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: SL 2015-221
☐ Petition for rule-making
☐ Other:

9B. Explain:
Session Law 2015-221 repealed N.C. Gen. Stat. §95-69.13 and made technical, conforming, and other changes to the labor laws of North Carolina. The Board of Boiler and Pressure Vessels Rules was eliminated by the repeal of N.C. Gen. Stat. §95-69.13. This rule amendment eliminates references to the Board of Boiler and Pressure Vessels Rules and makes other conforming changes.

10. Rule-making Coordinator: Jane Ammons Gilchrist	11. Signature of Agency Head* or Rule-making Coordinator:
Address: 1101 Mail Service Center Raleigh, N.C. 27699-1101 Phone: (919) 733-0844 E-Mail: jane.gilchrist@labor.nc.gov Agency Contact, if any: Carla D. Rose Phone: (919) 733-7885 E-Mail: carla.rose@labor.nc.gov	Jane Ammons Gilchrist *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jane Ammons Gilchrist Title: General Counsel, Rulemaking Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

FILED

1. Rule-Making Agency: North Carolina Department of Labor

2. Rule citation & name (name not required for repeal): 13 NCAC 13 .0203 North Carolina Commission

2017 JAN 17 11 10: 15

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

OFFICE OF ADMINISTRATIVE HEARINGS

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: November 1, 2016
Link to Agency notice: http://www.nclabor.com/legal/rulemaking.pdf
Hearing on: November 16, 2016
Adoption by Agency on: January 10, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: SL 2015-221
☐ Petition for rule-making
☐ Other:

9B. Explain:
Session Law 2015-221 repealed N.C. Gen. Stat. §95-69.13 and made technical, conforming, and other changes to the labor laws of North Carolina. The Board of Boiler and Pressure Vessels Rules was eliminated by the repeal of N.C. Gen. Stat. §95-69.13. This rule amendment eliminates references to the Board of Boiler and Pressure Vessels Rules and makes other conforming changes.

10. Rule-making Coordinator: Jane Ammons Gilchrist
Address: 1101 Mail Service Center
Raleigh, N.C. 27699-1101
Phone: (919) 733-0844
E-Mail: jane.gilchrist@labor.nc.gov

Agency Contact, if any: Carla D. Rose
Phone: (919) 733-7885
E-Mail: carla.rose@labor.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Jane Ammons Gilchrist
Title: General Counsel, Rulemaking Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Labor FILED

2. Rule citation & name (name not required for repeal): 13 NCAC 13 .0205 Owner-User Inspection Organization

2017 JAN 17 AM 10:16

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: November 1, 2016
Link to Agency notice: http://www.nclabor.com/legal/rulemaking.pdf
Hearing on: November 16, 2016
Adoption by Agency on: January 10, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: SL 2015-221
☐ Petition for rule-making
☐ Other:

9B. Explain:
Session Law 2015-221 repealed N.C. Gen. Stat. §95-69.13 and made technical, conforming, and other changes to the labor laws of North Carolina. The Board of Boiler and Pressure Vessels Rules was eliminated by the repeal of N.C. Gen. Stat. §95-69.13. This rule amendment eliminates references to the Board of Boiler and Pressure Vessels Rules and makes other conforming changes.

10. Rule-making Coordinator: Jane Ammons Gilchrist
Address: 1101 Mail Service Center
Raleigh, N.C. 27699-1101
Phone: (919) 733-0844
E-Mail: jane.gilchrist@labor.nc.gov

Agency Contact, if any: Carla D. Rose
Phone: (919) 733-7885
E-Mail: carla.rose@labor.nc.gov

11. Signature of Agency Head* or Rule-making Coordinator:
Jane Ammons Gilchrist
*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Jane Ammons Gilchrist
Title: General Counsel, Rulemaking Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

original
1/19/17

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Environmental Management Commission

2. Rule citation & name (name not required for repeal): 15A NCAC 02L .0507 Reclassification of Risk Levels

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://deq.nc.gov/about/divisions/waste-management/underground-storage-tanks-section/whats-new
Hearing on: October 20, 2016
Adoption by Agency on: January 12, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: The Division of Waste Management received a request to clarify for remedial action when contamination has migrated offsite. This modification does not change the legal requirements for remedial action or the Division's implementation and enforcement of the statute.

10. Rule-making Coordinator: Jennifer Everett
Address: 1601 Mail Service Center
Raleigh, NC 27699-1601
Phone: 919-707-8614
E-Mail: Jennifer.everett@ncdenr.gov

Agency Contact, if any: Linda L. Smith
Phone: 919-707-8150
E-Mail: linda.l.smith@ncdenr.gov

11. Signature of Agency Head* or Rule-making Coordinator:
Jennifer Z Everett
*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Jennifer Everett
Title: Rulemaking Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

FILED

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0101 SCOPE

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

FILED
OFFICE OF ADMINISTRATIVE HEARINGS
2017 JAN 18 PM 4:35

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
☐ Petition for rule-making
☐ Other:

9B. Explain:

10. Rule-making Coordinator: John H. Seibert
Address: 501 N. Wilmington Street
Raleigh, North Carolina 27604
Phone: 919-814-1163
E-Mail: john.seibert@ncdor.gov

Agency Contact, if any:
Phone:
E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0102 DEFINITIONS

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

OFFICE OF ADMINISTRATIVE HEARINGS
2017 JAN 18 PM 4:35
FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
☐ Petition for rule-making
☐ Other:

9B. Explain:

10. Rule-making Coordinator: John H. Seibert
Address: 501 N. Wilmington Street
Raleigh, North Carolina 27604
Phone: 919-814-1163
E-Mail: john.seibert@ncdor.gov

Agency Contact, if any:
Phone:
E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

SUBMISSION FOR PERMANENT RULE

JAN 18 2017

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0201 ASSIGNMENT OF RECEIPTS FROM SALES OF OTHER THAN TANGIBLE PERSONAL PROPERTY

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

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☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
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Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

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☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0301 IN GENERAL

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

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Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
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☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
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RRC AND OAH USE ONLY

Action taken:

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☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

SUBMISSION FOR PERMANENT RULE

JAN 18 2017

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0302 APPROXIMATION BASED UPON KNOWN SALES

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

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☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

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9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
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Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

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☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0303 RELATED ENTITY TRANSACTIONS

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

6. Notice for Proposed Rule:
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☐ Notice not required under G.S.:
Adoption by Agency on:

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2017 JAN 18 PM 4:36
OFFICE OF ADMIN HEARINGS

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

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☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
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RRC AND OAH USE ONLY

Action taken:

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☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

SUBMISSION FOR PERMANENT RULE

JAN 18 2017

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0401 ALLOCATED GROSS RECEIPTS

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
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6. Notice for Proposed Rule:
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7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
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Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

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☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

SUBMISSION FOR PERMANENT RULE

JAN 18 2017

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0402 UNASSIGNABLE GROSS RECEIPTS

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

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Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

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☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0501 ALTERNATIVE APPORTIONMENT

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

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7. Rule establishes or increases a fee? (See G.S. 12-3.1)
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RRC AND OAH USE ONLY

Action taken:

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☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0502 ORIGINAL RETURNS

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

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☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0503 SECRETARY'S AUTHORITY TO ADJUST A TAXPAYER'S RETURN

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

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☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0504 TAXPAYER AUTHORITY TO CHANGE A METHOD OF ASSIGNMENT ON A PROSPECTIVE BASIS

3. Action:
☒ **ADOPTION** ☐ **AMENDMENT** ☐ **REPEAL** ☐ **READOPTION**

4. Rule exempt from RRC review?
☐ **Yes. Cite authority:**
☒ **No**

5. Rule automatically subject to legislative review?
☒ **Yes. Cite authority:** S.L. 2016-94
☐ **No**

FILED
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6. Notice for Proposed Rule:
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Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ **Yes**
Agency submitted request for consultation on:
Consultation not required. Cite authority:
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☐ **Approved by OSBM**
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☐ **Agency**
☐ **Court order / cite:**
☐ **Federal statute / cite:**
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ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0505 SECRETARY AUTHORITY TO CHANGE A METHOD OF ASSIGNMENT ON A PROSPECTIVE BASIS

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

FILED
2017 JAN 18 PM 4:39
OFFICE OF ADMIN HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
☐ Petition for rule-making
☐ Other:

9B. Explain:

10. Rule-making Coordinator: John H. Seibert
Address: 501 N. Wilmington Street
Raleigh, North Carolina 27604
Phone: 919-814-1163
E-Mail: john.seibert@ncdor.gov

Agency Contact, if any:
Phone:
E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

SUBMISSION FOR PERMANENT RULE

JAN 18 2017

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0601 EXAMPLES

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

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Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
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☐ Substantial economic impact (≥$1,000,000)
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9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
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☒ Legislation enacted by the General Assembly
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Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

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☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

SUBMISSION FOR PERMANENT RULE

JAN 18 2017

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0701 IN GENERAL

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
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7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
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RRC AND OAH USE ONLY

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☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0801 IN GENERAL

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

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Hearing on: October 31, 2016
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☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

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☐ Court order / cite:
☐ Federal statute / cite:
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Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

SUBMISSION FOR PERMANENT RULE

JAN 18 2017

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0802 ASSIGNMENT OF RECEIPTS FROM SALE OF IN-PERSON SERVICES

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

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2017 JAN 18 PM 4:40
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Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
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☐ Substantial economic impact (≥$1,000,000)
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☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
☐ Petition for rule-making
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Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0803 REASONABLE APPROXIMATION

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

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OFFICE OF ADMIN HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
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Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

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9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
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☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
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Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0901 IN GENERAL

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

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6. Notice for Proposed Rule:
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Hearing on: October 31, 2016
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☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
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☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
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Phone: 919-814-1163
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Agency Contact, if any:
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Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0902 ASSIGNMENT OF RECEIPTS FROM SALES OF SERVICES DELIVERED TO THE CUSTOMER OR ON BEHALF OF THE CUSTOMER, OR DELIVERED ELECTRONICALLY THROUGH THE CUSTOMER

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

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6. Notice for Proposed Rule:
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7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
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8. Fiscal impact (check all that apply):
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9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
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Typed Name: John H. Seibert
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RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
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☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0903 DELIVERY TO OR ON BEHALF OF A CUSTOMER BY PHYSICAL MEANS, WHETHER TO AN INDIVIDUAL OR BUSINESS CUSTOMER

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

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RRC AND OAH USE ONLY

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☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0904 DELIVERY TO CUSTOMER BY ELECTRONIC TRANSMISSION

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

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7. Rule establishes or increases a fee? (See G.S. 12-3.1)
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☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .0905 SERVICES DELIVERED ELECTRONICALLY THROUGH OR ON BEHALF OF AN INDIVIDUAL OR BUSINESS CUSTOMER

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
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11. Signature of Agency Head* or Rule-making Coordinator:

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Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .1001 IN GENERAL

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

OFFICE OF ADMINISTRATIVE HEARINGS
2017 JAN 18 P 4:42
FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
☐ Petition for rule-making
☐ Other:

9B. Explain:

10. Rule-making Coordinator: John H. Seibert
Address: 501 N. Wilmington Street
Raleigh, North Carolina 27604
Phone: 919-814-1163
E-Mail: john.seibert@ncdor.gov

Agency Contact, if any:
Phone:
E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:

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Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .1002 OVERLAP WITH OTHER CATEGORIES OF SERVICES

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

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6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
☐ Petition for rule-making
☐ Other:

9B. Explain:

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Address: 501 N. Wilmington Street
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Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .1003 ASSIGNMENT OF RECEIPTS

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
☐ Petition for rule-making
☐ Other:

9B. Explain:

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Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .1004 PROFESSIONAL SERVICES OTHER THAN ARCHITECTURAL OR ENGINEERING SERVICES

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED
2017 JAN 18 AM 10:43
OFFICE OF ADMINISTRATIVE HEARINGS

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
☐ Petition for rule-making
☐ Other:

9B. Explain:

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Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 13 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .1005 ARCHITECTURAL OR ENGINEERING SERVICES WITH RESPECT TO REAL OR TANGIBLE PERSONAL PROPERTY

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED
2017 JAN 13 A 9:42
OFFICE OF ADMINISTRATIVE HEARINGS

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
☐ Petition for rule-making
☐ Other:

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Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .1006 RELATED ENTITY TRANSACTIONS

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
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☐ Substantial economic impact (≥$1,000,000)
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☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
☐ Petition for rule-making
☐ Other:

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Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .1101 IN GENERAL

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
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☐ Substantial economic impact (≥$1,000,000)
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9. REASON FOR ACTION

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☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
☐ Petition for rule-making
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Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .1102 LICENSE OF A MARKETING INTANGIBLE

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
☐ Petition for rule-making
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Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

SUBMISSION FOR PERMANENT RULE

JAN 18 2017

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .1103 LICENSE OF A PRODUCTION INTANGIBLE

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
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☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
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☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
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Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .1104 LICENSE OF A MIXED INTANGIBLE

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
☐ Petition for rule-making
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RRC AND OAH USE ONLY

Action taken:

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☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .1105 LICENSE OF INTANGIBLE PROPERTY WHEN SUBSTANCE OF THE TRANSACTION RESEMBLES A SALE OF GOODS OR SERVICES

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
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Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

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☐ Substantial economic impact (≥$1,000,000)
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☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
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ORIGINAL

JAN 18 2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .1201 ASSIGNMENT OF RECEIPTS

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
☐ Petition for rule-making
☐ Other:

9B. Explain:

10. Rule-making Coordinator: John H. Seibert
Address: 501 N. Wilmington Street
Raleigh, North Carolina 27604
Phone: 919-814-1163
E-Mail: john.seibert@ncdor.gov

Agency Contact, if any:
Phone:
E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

SUBMISSION FOR PERMANENT RULE

JAN 18 2017

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .1301 SOFTWARE TRANSACTIONS

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
☐ Petition for rule-making
☐ Other:

9B. Explain:

10. Rule-making Coordinator: John H. Seibert
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E-Mail: john.seibert@ncdor.gov

Agency Contact, if any:
Phone:
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11. Signature of Agency Head* or Rule-making Coordinator:

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Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

SUBMISSION FOR PERMANENT RULE

JAN 18 2017

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .1302 SALES OR LICENSES OF DIGITAL GOODS AND SERVICES

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
☐ Petition for rule-making
☐ Other:

9B. Explain:

10. Rule-making Coordinator: John H. Seibert
Address: 501 N. Wilmington Street
Raleigh, North Carolina 27604
Phone: 919-814-1163
E-Mail: john.seibert@ncdor.gov

Agency Contact, if any:
Phone:
E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

SUBMISSION FOR PERMANENT RULE

JAN 18 2017

1. Rule-Making Agency: North Carolina Department of Revenue

2. Rule citation & name (name not required for repeal): 17 NCAC 05G .1303 TELECOMMUNICATIONS COMPANIES

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☒ Yes. Cite authority: S.L. 2016-94
☐ No

FILED

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 3, 2016
Link to Agency notice: http://www.dor.state.nc.us/taxes/corporate/noticeoftext17-0531-07.pdf
Hearing on: October 31, 2016
Adoption by Agency on: January 4, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
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☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☐ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: S.L. 2016-94
☐ Petition for rule-making
☐ Other:

9B. Explain:

10. Rule-making Coordinator: John H. Seibert
Address: 501 N. Wilmington Street
Raleigh, North Carolina 27604
Phone: 919-814-1163
E-Mail: john.seibert@ncdor.gov

Agency Contact, if any:
Phone:
E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: John H. Seibert
Title: Revenue Administration Officer III

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL
1/20/2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Medical Board

2. Rule citation & name (name not required for repeal): 21 NCAC 32M .0106 ANNUAL RENEWAL

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 11/1/2016
Link to Agency notice: http://www.ncmedboard.org/about-the-board/latest-board-activity/rule-change-tracker
Hearing on: November 18, 2016
Adoption by Agency on: January 19, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:

Evidence of certification or recertification as a nurse practitioner by a national credentialing body is a requirement for approval to practice. Evidence to maintain certification is a public safety measure to demonstrate maintained competence. Current language lacks clarity in the requirement for maintaining national certification for annual renewal of the NP approval to practice.

10. Rule-making Coordinator: Wanda Long
Address: NC Medical Board
PO Box 20007, Raleigh, NC 27604
Phone: (919) 277-1841
E-Mail: wanda.long@ncmedboard.org

Agency Contact, if any: Marcus Jimison
Phone: (919) 277-1844
E-Mail: marcus.jimison@ncmedboard.org

11. Signature of Agency Head* or Rule-making Coordinator:
Wanda Long
*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Wanda Long
Title: Rule Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

FILED
2017 JAN 20 PM 2:57
OFFICE OF ADMIN HEARINGS

ORIGINAL
1/20/2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Medical Board

2. Rule citation & name (name not required for repeal): 21 NCAC 32M .0107 CONTINUING EDUCATION (CE)

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:

☒ Notice Required
Notice of Text published on: 11/1/2016
Link to Agency notice: http://www.ncmedboard.org/about-the-board/latest-board-activity/rule-change-tracker
Hearing on: November 18, 2016
Adoption by Agency on: January 19, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

8. Fiscal impact (check all that apply):

☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:

☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: 2015 – 241
☐ Petition for rule-making
☐ Other:

9B. Explain: In accordance with Session Law 2015 – 241 Section 12 F. 16. (b), the boards regulating licensees authorized to prescribe controlled substances shall require that at least one hour of the total required continuing education hours consists of a course designed specifically to address prescribing practices. The course shall include, but not be limited to, instruction on controlled substance prescribing practices and controlled substance prescribing for chronic pain management. Establishing parallel CE requirements among all authorized prescribers, designed specifically to address controlled substance prescribing practices, signs of the abuse or misuse of controlled substances, and controlled substance prescribing for chronic pain management, will provide consistency in public protection.

10. Rule-making Coordinator: Wanda Long
Address: NC Medical Board
PO Box 20007, Raleigh, NC 27604
Phone: (919) 277-1841
E-Mail: wanda.long@ncmedboard.org

Agency Contact, if any: Marcus Jimison
Phone: (919) 277-1844
E-Mail: marcus.jimison@ncmedboard.org

11. Signature of Agency Head* or Rule-making Coordinator:

Wanda Long

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Wanda Long
Title: Rule Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

FILED
2017 JAN 20 PM 2:57
OFFICE OF ADMIN HEARINGS

ORIGINAL
1/20/2017

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Medical Board

2. Rule citation & name (name not required for repeal): 21 NCAC 32M .0109 PRESCRIBING AUTHORITY

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: 11/1/2016
Link to Agency notice: http://www.ncmedboard.org/about-the-board/latest-board-activity/rule-change-tracker
Hearing on: November 18, 2016
Adoption by Agency on: January 19, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain:

Clarity in prescriptive authority protects the public through prescriptive practices that are based on evidence and public safety. The current language creates confusion regarding refill authorizations by NP prescribers. Revisions provide clarity re: authority to refill on Schedules II, IIN, III and IIIN.

10. Rule-making Coordinator: Wanda Long
Address: NC Medical Board
PO Box 20007, Raleigh, NC 27604
Phone: (919) 277-1841
E-Mail: wanda.long@ncmedboard.org

Agency Contact, if any: Marcus Jimison
Phone: (919) 277-1844
E-Mail: marcus.jimison@ncmedboard.org

11. Signature of Agency Head* or Rule-making Coordinator:
Wanda Long
*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Wanda Long
Title: Rule Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

FILED
2017 JAN 20 PM 2:56
OFFICE OF ADMIN HEARINGS

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Midwifery Joint Committee

2. Rule citation & name (name not required for repeal): 21 NCAC 33 .0103 Application - Amendment

3. Action:
☐ ADOPTION ☒ AMENDMENT P REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JAN 20 PM 3:45
OFFICE OF ADMIN HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: November 1, 2016
Link to Agency notice: www.ncbon.com
Hearing on: November 17, 2016
Adoption by Agency on: March 1, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
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☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law: 2013-152 Section 3
☐ Petition for rule-making
☐ Other:

9B. Explain: 21 NCAC 33 .0103 Application Form – Rule revision directs the applicant to the electronic, web-based application process. This effectively and efficiently streamlines the application process, optimizes resources, and improves application turn-around time.

10. Rule-making Coordinator: Chandra Graves
Address: NC Midwifery Joint Committee
PO Box 2129, Raleigh, NC 27602-2129
Phone: 919.782.3211 ext. 232
E-Mail: chandra@ncbon.com

Agency Contact, if any: Julia L. George, RN, MSN, FRE
Phone: 919.782.3211 ext. 250
E-Mail: julie@ncbon.com

11. Signature of Agency Head* or Rule-making Coordinator:

Chandra Graves

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Chandra Graves
Title: Administrative Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Midwifery Joint Committee

2. Rule citation & name (name not required for repeal): 21 NCAC 33 .0107 Nurse Midwife Applicant Status - Repeal

3. Action:
☐ ADOPTION ☐ AMENDMENT ☒ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JAN 20 PM 3:45
OFFICE OF ADMIN HEARINGS

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☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
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9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
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☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law: 2013-152 Section 3
☐ Petition for rule-making
☐ Other:

9B. Explain: 21 NCAC 33 .0107 Nurse Midwife Applicant Status – rule was put in place to allow Certified Midwives to begin practice during an extensive waiting period required for administration and grading of the certification examination.

10. Rule-making Coordinator: Chandra Graves
Address: NC Midwifery Joint Committee
PO Box 2129, Raleigh, NC 27602-2129
Phone: 919.782.3211 ext. 232
E-Mail: chandra@ncbon.com

Agency Contact, if any: Julia L. George, RN, MSN, FRE
Phone: 919.782.3211 ext. 250
E-Mail: julie@ncbon.com

11. Signature of Agency Head* or Rule-making Coordinator:

Chandra Graves

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Typed Name: Chandra Graves
Title: Administrative Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Midwifery Joint Committee

2. Rule citation & name (name not required for repeal): 21 NCAC 33 .0111 Continuing Education

3. Action:
☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: November 1, 2016
Link to Agency notice: www.ncbon.com
Hearing on: November 17, 2016
Adoption by Agency on: March 1, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

FILED
2017 JAN 20 PM 3:45
OFFICE OF ADMIN HEARINGS

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

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☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law: 2013-152 Section 3
☐ Petition for rule-making
☐ Other:

9B. Explain: 21 NCAC 33 .0111 Continuing Education – Standardized national certification for nurse-midwives was initiated in 1971 and protects the public by ensuring that certified individuals have met predetermined criteria for safety in practice. Approval for nurse midwifery practice in NC requires initial and ongoing certification and assures public protection. Documented evidence of Continuing Education (CE) is required for ongoing midwifery certification,

10. Rule-making Coordinator: Chandra Graves
Address: NC Midwifery Joint Committee
PO Box 2129, Raleigh, NC 27602-2129
Phone: 919.782.3211 ext. 232
E-Mail: chandra@ncbon.com

Agency Contact, if any: Julia L. George, RN, MSN, FRE
Phone: 919.782.3211 ext. 250
E-Mail: julie@ncbon.com

11. Signature of Agency Head* or Rule-making Coordinator:
Chandra Graves

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Typed Name: Chandra Graves
Title: Administrative Coordinator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Board of Nursing

2. Rule citation & name (name not required for repeal): 21 NCAC 36 .0806 Annual Renewal

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JUN 20 PM 3:46
OFFICE OF ADMIN HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: November 1, 2016
Link to Agency notice: www.ncbon.com
Hearing on: November 17, 2016
Adoption by Agency on: January 20, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: Evidence of certification or recertification as a nurse practitioner by a national credentialing body is a requirement for approval to practice. Evidence to maintain certification is a public safety measure to demonstrate maintained competence in a population foci. Current language lacks clarity in the requirement for maintaining national certification for annual renewal of the NP approval to practice.

10. Rule-making Coordinator: Angela Ellis
Address: PO Box 2129
Raleigh, NC 27602-2129
Phone: 919.782.3211 ext 259
E-Mail: angela@ncbon.com

Agency Contact, if any: Julia L. George, RN, MSN, FRE
Executive Director
Phone: 919.782.3211 ext 250
E-Mail: julie@ncbon.com

11. Signature of Agency Head* or Rule-making Coordinator:

Angela Ellis

***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Angela Ellis
Title: Chief Nurse Administrator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Board of Nursing

2. Rule citation & name (name not required for repeal): 21 NCAC 36 .0807 Continuing Education (CE)

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JAN 20 PM 3:46
OFFICE OF ADMINISTRATIVE HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: November 1, 2016
Link to Agency notice: www.ncbon.com
Hearing on: November 17, 2016
Adoption by Agency on: January 20, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☒ Legislation enacted by the General Assembly
Cite Session Law: 2015-241 Section 12F 16(b)
☐ Petition for rule-making
☐ Other:

9B. Explain: Just as other regulatory agencies are evaluating how to ensure public protection relating to pain management using opioid products, the NCBON is in process of evaluating measures to safeguard the public be ensuring evidence-based opioid management for appropriately credentialed advanced practice nursing prescribers. In accordance with Session Law 2015 – 241 Section 12 F. 16. (b), the boards regulating licensees authorized to prescribe controlled substances shall require that at least one hour of the total required continuing education hours consists of a course designed specifically to address prescribing practices. The course shall include, but not be limited to, instruction on controlled substance prescribing practices and controlled substance prescribing for chronic pain management. Establishing parallel CE requirements among all authorized prescribers, designed specifically to address controlled substance prescribing practices, signs of the abuse or misuse of controlled substances, and controlled substance prescribing for chronic pain management, will provide consistency in public protection

10. Rule-making Coordinator: Angela Ellis
Address: PO Box 2129
Raleigh, NC 27602-2129
Phone: 919.782.3211 ext 259
E-Mail: angela@ncbon.com

Agency Contact, if any: Julia L. George, RN, MSN, FRE
Executive Director
Phone: 919.782.3211 ext 250
E-Mail: julie@ncbon.com

11. Signature of Agency Head* or Rule-making Coordinator:

Angela Ellis

***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Angela Ellis
Title: Chief Nurse Administrator

RRC AND OAH USE ONLY

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Board of Nursing

2. Rule citation & name (name not required for repeal): 21 NCAC 36 .0809 Prescribing Authority

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JAN 20 PM 3:46
OFFICE OF ADMIN HEARINGS

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: November 1, 2016
Link to Agency notice: www.ncbon.com
Hearing on: November 17, 2016
Adoption by Agency on: January 20, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: Prescriptive authority is a basic part of the NP approval to practice. Clarity in prescriptive authority protects the public through prescriptive practices that are based on evidence and public safety. The current language creates confusion regarding refill authorizations by NP prescribers. Minor technical revisions are recommended to provide clarity regarding authority to refill on Schedules II, IIN, III and IIIN.

10. Rule-making Coordinator: Angela Ellis
Address: PO Box 2129
Raleigh, NC 27602-2129
Phone: 919.782.3211 ext 259
E-Mail: angela@ncbon.com

Agency Contact, if any: Julia L. George, RN, MSN, FRE
Executive Director
Phone: 919.782.3211 ext 250
E-Mail: julie@ncbon.com

11. Signature of Agency Head* or Rule-making Coordinator:

Angela Ellis

***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Angela Ellis
Title: Chief Nurse Administrator

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

ORIGINAL

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Board of Pharmacy

2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 21 NCAC 46 .2201 HOURS: RECORDS: PROVIDERS: CORRESPONDENCE: RECIPROCITY

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: October 17, 2016
Link to Agency notice: www.ncbop.org/lawandrules.htm
Hearing on: January 17, 2017
Adoption by Agency on: January 17, 2017
☐ Notice not required under G.S.:
Adoption by Agency on:

OFFICE OF ... 2017 ... FILED

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: To facilitate easier continuing education recordkeeping requirements for pharmacists, as well as to allow for more efficient reporting of continuing education hours to the Board and more efficient and accurate review and audit of those records by the Board. In addition, the rule decreases the number of "contact" continuing education hours that must be received, and formalizes certain exemptions provided by the Board.

10. Rule-making Coordinator: Clinton R. Pinyan
Address: Brooks, Pierce, McLendon, Humphrey & Leonard, LLP, PO Box 26000, Greensboro, NC 27420
Phone: (336) 373-8850
E-Mail: cpinyan@brookspierce.com

Agency Contact, if any: Jay Campbell
Phone: (919) 246-1050
E-Mail: jcampbell@ncbop.org

11. Signature of Agency Head* or Rule-making Coordinator:

***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Clinton R. Pinyan
Title: General Counsel and Rulemaking Coordinator

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

1/10/2017

ORIGINAL

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Veterinary Medical Board

2. Rule citation & name (name not required for repeal): 21 NCAC 66.0106 ~~Applicability of Board Rules~~

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

FILED
2017 JAN 10 PM 12:11

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: December 1, 2015
Link to Agency notice: WWW.ncvmb.org
Hearing on: N/A
Adoption by Agency on: April 7, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☐ Petition for rule-making
☐ Other:

9B. Explain: *Removal of text no longer needed due to online availability of the Veterinary Practice Act.*

10. Rule-making Coordinator: Thomas M. Mickey
Address: North Carolina Veterinary Medical Board
1611 Jones Franklin Road, Suite 106, Raleigh, NC 27606
Phone: (919) 854-5601
E-Mail: tmickey@ncvmb.org

Agency Contact, if any:
Phone:
E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:

Thomas M Mickey

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Thomas M. Mickey
Title: Executive Director

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council

2. Rule citation & name (name not required for repeal):
2012 NC Building Code 509.2 Horizontal building separation allowance. (160614 Item B-1)

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: August 15, 2016
Link to Agency notice: http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=BCC_-_Hearing_Notice&user=Building_Co
Hearing on: September 13, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☒ Petition for rule-making
☐ Other:

9B. Explain:
This purpose of this amendment is to allow more than one story below the horizontal separation. This change has been made in the 2015 IBC.

The delayed effective date of this Rule is January 1, 2018.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

10. Rule-making Coordinator: Barry Gupton
Address: 1202 Mail Service Center, Raleigh, NC 27699-1202

Phone: 919-647-0004
E-Mail:
barry.gupton@ncdoi.gov
Agency Contact, if any: Barry Gupton
Phone: 919-647-0004
E-Mail: barry.gupton@ncdoi.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Barry Gupton
Title: Chief Code Consultant

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

FILED

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council

2. Rule citation & name (name not required for repeal):
2012 NC Building Code 1008.1.4.6, FC 1008.1.4.6, EBC 403.7 Locking arrangements in educational occupancies. (160614 Item B-9)

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: August 15, 2016
Link to Agency notice: http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=BCC_-_Hearing_Notice&user=Building_Co
Hearing on: September 13, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☒ Petition for rule-making
☐ Other:

9B. Explain:
This purpose of this amendment is to specify a means to lockdown a building during an active shooter event, while allowing authorized entry and exit after the event.

The delayed effective date of this Rule is January 1, 2018.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

10. Rule-making Coordinator: Barry Gupton
Address: 1202 Mail Service Center, Raleigh, NC 27699-1202

Phone: 919-647-0004
E-Mail:
barry.gupton@ncdoi.gov
Agency Contact, if any: Barry Gupton
Phone: 919-647-0004
E-Mail: barry.gupton@ncdoi.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Barry Gupton
Title: Chief Code Consultant

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

FILED

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council

2. Rule citation & name (name not required for repeal):
2012 NC Mechanical Code 202 General Definitions. (160614 Item B-6)

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: August 15, 2016
Link to Agency notice: http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=BCC_-_Hearing_Notice&user=Building_Co
Hearing on: September 13, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☒ Petition for rule-making
☐ Other:

9B. Explain:
This purpose of this proposal is to provide a definition for large diameter fans.

The delayed effective date of this Rule is January 1, 2018.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

10. Rule-making Coordinator: Barry Gupton
Address: 1202 Mail Service Center, Raleigh, NC 27699-1202

Phone: 919-647-0004
E-Mail:
barry.gupton@ncdoi.gov
Agency Contact, if any: Barry Gupton
Phone: 919-647-0004
E-Mail: barry.gupton@ncdoi.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Barry Gupton
Title: Chief Code Consultant

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review;
☐ RRC determined substantial changes;
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

OFFICE ... 2017 ... FILED

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council

2. Rule citation & name (name not required for repeal):
2012 NC Mechanical Code 931 High Volume Low Speed Fans. (160614 Item B-8)

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: August 15, 2016
Link to Agency notice: http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=BCC_-_Hearing_Notice&user=Building_Co
Hearing on: September 13, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly; Cite Session Law:
☒ Petition for rule-making
☐ Other:

9B. Explain:
This purpose of this proposal is to require large diameter fans to meet standard specifications.

The delayed effective date of this Rule is January 1, 2018.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

FILED
2017 OFFICE OF ADMINISTRATIVE HEARINGS 14:22

10. Rule-making Coordinator: Barry Gupton
Address: 1202 Mail Service Center, Raleigh, NC 27699-1202

Phone: 919-647-0004
E-Mail:
barry.gupton@ncdoi.gov
Agency Contact, if any: Barry Gupton
Phone: 919-647-0004
E-Mail: barry.gupton@ncdoi.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Barry Gupton
Title: Chief Code Consultant

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council

2. Rule citation & name (name not required for repeal):
2012 NC Mechanical Code Chapter 15 Referenced Standards. (160614 Item B-7)

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: August 15, 2016
Link to Agency notice: http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=BCC_-_Hearing_Notice&user=Building_Co
Hearing on: September 13, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☒ Petition for rule-making
☐ Other:

9B. Explain:
This purpose of this proposal is to provide standard references for large diameter fans.

The delayed effective date of this Rule is January 1, 2018.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

10. Rule-making Coordinator: Barry Gupton
Address: 1202 Mail Service Center, Raleigh, NC 27699-1202

Phone: 919-647-0004
E-Mail:
barry.gupton@ncdoi.gov
Agency Contact, if any: Barry Gupton
Phone: 919-647-0004
E-Mail: barry.gupton@ncdoi.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Barry Gupton
Title: Chief Code Consultant

RRC AND OAH USE ONLY

Action taken:
☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

OFFICE OF ... FILED 2017 ... 4: 22

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council

2. Rule citation & name (name not required for repeal):
2012 NC Plumbing Code Chapter 306.2.4 Tracer wire. (160614 Item B-2)

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: August 15, 2016
Link to Agency notice: http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=BCC_-_Hearing_Notice&user=Building_Co
Hearing on: September 13, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☒ Petition for rule-making
☐ Other:

9B. Explain:
This purpose of this amendment is to provide a tracer wire to locate non-metallic pipe and avoid repairs due to trenching damage.

The effective date of this Rule is March 1, 2017.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

FILED
OFFICE OF ADMINISTRATIVE HEARINGS
2017 JAN 24 A 8: 22

10. Rule-making Coordinator: Barry Gupton
Address: 1202 Mail Service Center, Raleigh, NC 27699-1202

Phone: 919-647-0004
E-Mail:
barry.gupton@ncdoi.gov
Agency Contact, if any: Barry Gupton
Phone: 919-647-0004
E-Mail: barry.gupton@ncdoi.gov

11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Barry Gupton
Title: Chief Code Consultant

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council

2. Rule citation & name (name not required for repeal):
2012 NC Energy Conservation Code 402.4.3, RC N1102.4.3 Fireplaces. (160614 Item B-5)

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: August 15, 2016
Link to Agency notice: http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=BCC_-_Hearing_Notice&user=Building_Co
Hearing on: September 13, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☒ Petition for rule-making
☐ Other:

9B. Explain:
This purpose of this proposal is to eliminate the fireplace door requirement. The required damper effectively closes off any significant draft that could impact energy usage.

The effective date of this Rule is March 1, 2017
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

10. Rule-making Coordinator: Barry Gupton
Address: 1202 Mail Service Center, Raleigh, NC 27699-1202

Phone: 919-647-0004
E-Mail:
barry.gupton@ncdoi.gov
Agency Contact, if any: Barry Gupton
Phone: 919-647-0004
E-Mail: barry.gupton@ncdoi.gov

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Title: Chief Code Consultant

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council

2. Rule citation & name (name not required for repeal):
2012 NC Residential Code AG105.2 Outdoor swimming pool. (160614 Item B-3)

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: August 15, 2016
Link to Agency notice: http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=BCC_-_Hearing_Notice&user=Building_Co
Hearing on: September 13, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly
Cite Session Law:
☒ Petition for rule-making
☐ Other:

9B. Explain:
This purpose of this amendment is to increase the clearance to the bottom of the barrier to facilitate deck cleaning.

The delayed effective date of this Rule is January 1, 2018.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

10. Rule-making Coordinator: Barry Gupton
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Phone: 919-647-0004
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Typed Name: Barry Gupton
Title: Chief Code Consultant

RRC AND OAH USE ONLY

Action taken:

☐ RRC extended period of review:
☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

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OFFICE OF ADMINISTRATIVE HEARINGS

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council

2. Rule citation & name (name not required for repeal):
2014 NC Electrical Code 680.25 Feeders. (160614 Item B-4)

3. Action:
☐ ADOPTION ☒ AMENDMENT ☐ REPEAL ☐ READOPTION

4. Rule exempt from RRC review?
☐ Yes. Cite authority:
☒ No

5. Rule automatically subject to legislative review?
☐ Yes. Cite authority:
☒ No

6. Notice for Proposed Rule:
☒ Notice Required
Notice of Text published on: August 15, 2016
Link to Agency notice: http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=BCC_-_Hearing_Notice&user=Building_Co
Hearing on: September 13, 2016
Adoption by Agency on: December 13, 2016
☐ Notice not required under G.S.:
Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
☒ No

8. Fiscal impact (check all that apply):
☐ State funds affected
☐ Environmental permitting of DOT affected and analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
☒ Agency
☐ Court order / cite:
☐ Federal statute / cite:
☐ Federal regulation / cite:
☐ Legislation enacted by the General Assembly Cite Session Law:
☒ Petition for rule-making
☐ Other:

9B. Explain:
This purpose of this amendment is to allow a cable assembly with an uninsulated grounding conductor to be used. Type SER cable is generally used for this wiring method.

The delayed effective date of this Rule is January 1, 2018.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

10. Rule-making Coordinator: Barry Gupton
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Typed Name: Barry Gupton
Title: Chief Code Consultant

RRC AND OAH USE ONLY

Action taken:

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☐ RRC determined substantial changes:
☐ Withdrawn by agency
☐ Subject to Legislative Review
☐ Other:

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