



**North Carolina  
Department of Commerce  
Wanchese Marine Industrial Park**

**Pat McCrory, Governor  
Sharon Allred Decker, Secretary**

**Bob Peele, Director**

August 25, 2014

Ms. Amanda J. Reeder  
Commission Counsel  
North Carolina Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27609-6714

Re: Periodic Review and Expiration of Existing Rules  
Title 04, Chapter 17

FILED  
2014 SEP -2 AM 11:03  
OFFICE OF  
ADMIN HEARINGS

Dear Ms. Reeder:

Thank you for the correspondence of August 22, 2014 in which you offer an explanation of the rulemaking procedures under the North Carolina Administrative Procedure Act.

The North Carolina Marine Industrial Park Authority held a quarterly meeting on August 20, 2014 in which the current rules were discussed. It was the consensus of the Authority that the current rules as written are outdated and apply to the management in the Wanchese Marine Industrial Park in 1981 when it first opened. The rules no longer apply very well to current management procedures in the Wanchese facility.

It was the strong consensus of the Authority to allow the rules to lapse. If and when administrative rules are necessary in the future, the Authority will go through the appropriate process at that time to promulgate new ones.

If you have any questions, feel free to give me a call at any time.

Sincerely,

CARL WORSLEY  
Chairman  
NC Marine Industrial Park Authority

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August 22, 2014

Carl Worsley, Chairman  
North Carolina Seafood Industrial Authority Park Authority  
633 Harbor Road  
Wanchese, NC 27981  
pogiew@obxcwa.com

Re: Periodic Review and Expiration of Existing Rules  
Title 04, Chapter 17

Dear Chairman Worsley,

At the Rules Review Commission's August meeting, it was noted that the North Carolina Seafood Industrial Authority Park Authority did not file the existing rules report as required by G.S. 150B-21.3A and Rule 26 NCAC 05 .0203(c) for review by the Rules Review Commission (RRC) at its September 18, 2014 meeting.

Pursuant to G.S. 150B-21.3A, all agencies subject to rulemaking under Article 2A of the North Carolina Administrative Procedure Act are required to review all existing rules in the North Carolina Administrative Code. This agency is subject to rulemaking under Article 2A. The RRC was given authority by the General Assembly to set the schedule for each agency to conduct the review. That schedule was adopted by the RRC effective April 1, 2014, and is contained in Rule 26 NCAC 05 .0211.

The rules of the Seafood Industrial Authority Park Authority are scheduled for review by the RRC at the September 2014 meeting. The deadline for filing the report was August 15, 2014. The agency did not file the report by the deadline. Unless the agency seeks a waiver of the filing deadline pursuant to Rule 26 NCAC 05 .0204, and that request is granted by the Commission, the above-referenced rules will expire on September 18, 2014 pursuant to G.S. 150B-21.3A(b), and they will be deemed repealed as of that date. The Codifier of Rules will remove the rules from the North Carolina Administrative Code.

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Division  
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Should your agency wish to seek an extension for filing the report, please refer to Rule 26 NCAC 05 .0204. I encourage you to file the request as soon as possible.

If you have any questions regarding the Rules Review Commission's actions, please contact staff.

Sincerely,



Amanda J. Reeder  
Commission Counsel

cc: Sen. Fletcher Hartsell, Co-Chair, Joint Legislative Administrative Procedure Oversight Committee  
Rep. Tim Moffitt, Co-Chair, Joint Legislative Administrative Procedure Oversight Committee  
Karen Cochrane- Brown, Staff, Joint Legislative Administrative Procedure Oversight Committee  
Bob Peele, Rulemaking Coordinator  
John Hoomani, General Counsel, Department of Commerce

**G.S. 150B-21.3A Report for 04 NCAC 17, DEPARTMENT OF COMMERCE, SEAFOOD INDUSTRIAL PARK AUTHORITY**

Agency - North Carolina Department of Commerce, Seafood Industrial Park Authority

Comment Period - June 26, 2014 through August 25, 2014

Date Submitted to APO - September 22, 2014

Subchapter or Blank	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SUBCHAPTER 17 - SEAFOOD INDUSTRIAL PARK AUTHORITY	Section .0100 - Organization of Seafood Industrial Park Authority	04 NCAC 17 .0101	IDENTIFYING INFORMATION	Eff. March 1, 1988	Necessary without substantive public interest	No		Select One	Agency did not review	Agency did not conduct the review	Agency did not review and rule expired	Rule expired - remove from Code
	Section .0100 - Organization of Seafood Industrial Park Authority	04 NCAC 17 .0102	FUNCTIONS AND POWERS	Eff. March 1, 1988	Necessary with substantive public interest	No		Select One	Agency did not review	Agency did not conduct the review	Agency did not review and rule expired	Rule expired - remove from Code
	Section .0200 - Regulation of Dockage	04 NCAC 17 .0203	GENERAL REGULATIONS FOR USE OF DOCK FACILITIES	Eff. March 1, 1990	Necessary with substantive public interest	No		Select One	Agency did not review	Agency did not conduct the review	Agency did not review and rule expired	Rule expired - remove from Code
	Section .0200 - Regulation of Dockage	04 NCAC 17 .0204	DEFINITIONS	Eff. July 1, 1989	Necessary with substantive public interest	No		Select One	Agency did not review	Agency did not conduct the review	Agency did not review and rule expired	Rule expired - remove from Code
	Section .0200 - Regulation of Dockage	04 NCAC 17 .0205	RATES: FEES AND PENALTIES	Eff. July 1, 1989	Necessary with substantive public interest	No		Select One	Agency did not review	Agency did not conduct the review	Agency did not review and rule expired	Rule expired - remove from Code