

**G.S. 150B-21.3A Report for 24 NCAC 03, SAFETY AND HEALTH REVIEW BOARD OF NORTH CAROLINA**

Agency - LABOR/ OSHA REVIEW BOARD

Comment Period - Filled in by agency

Date Submitted to APO - Filled in by RRC staff - November 24, 2014

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
SECTION .0100 - GENERAL PROVISIONS	24 NCAC 03 .0101	DEFINITIONS	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.1	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0102	SCOPE OF RULES: APPLICABILITY OF NORTH CAROLINA RULES	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.2	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0103	USE OF GENDER AND NUMBER	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.3	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0104	COMPUTATION OF TIME	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.4	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0105	EXTENSIONS OF TIME	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.5	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0106	RECORD ADDRESS	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.6	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0107	SERVICE AND NOTICE	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.7	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0108	FILING	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.8	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0109	CONSOLIDATION	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.9	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0110	SEVERANCE	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.10	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0111	PROTECTION OF TRADE SECRETS: CONFIDENTIAL INFORMATION	Eff. February 3, 1992	Necessary without substantive public interest	No			No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action
SECTION .0200 - PARTIES AND REPRESENTATIVES	24 NCAC 03 .0201	PARTY STATUS	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.20	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0202	INTERVENTION: APPEARANCE BY NON-PARTIES	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.21	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0203	REPRESENTATION OF PARTIES AND INTERVENORS	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.22	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .0300 - PLEADINGS AND MOTIONS	24 NCAC 03 .0301	FORM	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.30(a)	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0302	CAPTION: TITLES OF CASES	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.31	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0303	CITATION	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.33	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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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
	24 NCAC 03 .0304	COMPLAINT AND ANSWER	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.34	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0305	PETITION FOR MODIFICATION OF ABATEMENT PERIOD	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.37	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0306	EMPLOYEE OBJECTIONS TO PERIODS OF ABATEMENT	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.38	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0307	STATEMENT OF POSITION	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.39	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0308	MOTIONS	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.40	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0309	FAILURE TO OBEY RULES	Eff. February 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
<b>SECTION .0400 - PRE-HEARING PROCEDURES AND DISCOVERY</b>	24 NCAC 03 .0401	WITHDRAWALS	Eff. February 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0402	PRE-HEARING CONFERENCE	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.51	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0403	REQUEST FOR ADMISSIONS	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.54	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0404	DISCOVERY DEPOSITIONS AND INTERROGATORIES	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.55, .56	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0405	FAILURE TO COMPLY WITH ORDERS FOR DISCOVERY	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.52(f)	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0406	SUBPOENAS ISSUED: MODIFY SUBPOENAS: INSPECT AND COPY DATA	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.57	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
<b>SECTION .0500 - HEARINGS</b>	24 NCAC 03 .0501	NOTICE OF HEARING	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.60	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0502	POSTPONEMENT OF HEARING	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.62	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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	24 NCAC 03 .0503	FAILURE TO APPEAR	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.64	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0504	PAYMENT OF FEES AND MILEAGE TO WITNESSES: COURT REPORTERS	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.65	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0505	COURT REPORTERS: FEES: COST OF TRANSCRIPT OF TESTIMONY	Amended Eff. April 1, 1993	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.66	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0506	TRANSCRIPT OF TESTIMONY	Amended Eff. April 1, 1993	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.66	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0507	DUTIES AND POWER OF BOARD AND HEARING EXAMINER	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.67	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0508	DISQUALIFICATION OF MEMBER OF BOARD OR HEARING EXAMINER	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.68	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0509	EXAMINATION OF WITNESSES	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.69	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0510	AFFIDAVITS	Eff. February 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0511	GENERAL PROCEDURES: DEPOSITIONS IN LIEU OF ORAL TESTIMONY	Eff. February 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0512	EXHIBITS	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.70	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0513	RULES OF EVIDENCE	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.71	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0514	BURDEN OF PROOF	Eff. February 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0515	OBJECTIONS	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.72	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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	24 NCAC 03 .0516	FILING OF BRIEF: ORAL ARGUMENTS	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.74	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
<b>SECTION .0600 - POST HEARING PROCEDURES</b>	24 NCAC 03 .0601	DECISIONS OF HEARING EXAMINER	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.90	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0602	REVIEW: BRIEFS FOR REVIEW	Amended Eff. April 1, 1993	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.91,.92	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0603	STAY OF FINAL ORDER	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.94	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0604	ORAL ARGUMENT BEFORE THE BOARD	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.95	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0605	JUDICIAL REVIEW	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.96	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
<b>SECTION .0700 - MISCELLANEOUS PROVISIONS</b>	24 NCAC 03 .0701	SETTLEMENT	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.100	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0702	EXPEDITED PROCEEDING	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.103	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0703	STANDARDS OF CONDUCT	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.104	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0704	EX PARTE COMMUNICATION	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.105	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0705	RESTRICTION ON PARTICIPATION BY COMMISSIONER AND BOARD MEMBERS	Eff. February 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0706	INSPECTION AND REPRODUCTION OF DOCUMENTS	Eff. February 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0707	RESTRICTIONS WITH RESPECT TO FORMER EMPLOYEES	Eff. February 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0708	ADOPTION TO RULES	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.106	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0709	CONSTRUCTION	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.107	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	24 NCAC 03 .0710	PENALTIES	Eff. February 3, 1992	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	29 C.F.R. §2200.108	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note