

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03I .0108

DEADLINE FOR RECEIPT: Friday, January 14, 2022

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In G.S. 113-181 gives authority to the Department to “regulate placement of nets and other sports or commercial fishing apparatus in coastal fishing waters with regard to navigational and recreational safety as well as from a conservation standpoint.” G.S. 113-185 gives authority to the Commission to adopt rules regarding buoys or beachmarkers. This Rule appears to do the latter. So, why is G.S. 113-181 included as authority for this Rule?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03I .0115

DEADLINE FOR RECEIPT: Friday, January 14, 2022

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Just to be sure that I understand, do replacement costs come into play when a fish is unlawfully taken? I think it would be helpful to somehow tie this Rule to G.S. 113-267 in the text of the Rule. Perhaps something like "In accordance with G.S. 113-267, this Rule shall apply to replacement costs of fish that have been taken, inured, removed, harmfully altered, damaged or destroyed."

What is the intent of Paragraph (b), particularly lines 6-13? Overall, this paragraph appears to be unnecessary as it does not meet the definition of a Rule as set forth in G.S. 150B-2.

In (c), where can the "minimum legal size" be found? Is there a cross-reference to rule or statute available?

In (c), line 15, please consider changing "as follows" to "as set forth in this Paragraph."

Just so I understand, how does Paragraph (e) go with Paragraphs (b) through (d)? Paragraph (e) appears to provide the actual replacement cost, while Paragraphs (b) through (d) provide the factors in reaching an amount. Are (b) through (d) addressing the same fish in (e)?

In (f)(1)(B), please capitalize "State's"

In (f)(1)(C) and ((f)(2)(A), delete or define "reasonable"

What are "other costs" in (f)(2)(F)? I assume that these are the other costs directly related to and necessitated by the investigation?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03I .0122

DEADLINE FOR RECEIPT: Friday, January 14, 2022

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), what is considered to be a "valid request"? Please delete or define "valid."

I note that I read G.S. 113-182.1 to require user conflicts to be addressed by the Department's Fishery Management Plans. What is your authority for this Rule? Is it related to the authority for proclamation delegation set forth in G.S. 113-221.1?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0103

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (j), please add a comma before "except" throughout this Paragraph.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0104

DEADLINE FOR RECEIPT: Friday, January 14, 2022

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b)(5)(A), (B), (C), and (D), please change the semi-colons after the "W" on lines 24, 27, the first on line 30, and line 32 to a comma.

In (g), what is meant by "in order to secure compliance with this Rule"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0106

DEADLINE FOR RECEIPT: Friday, January 14, 2022

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please end (a)(1) through (4) with semi-colons, rather than periods and add an "and" or "or" at the end of (a)(4).

In (h)(2), what is meant by "in order to secure compliance with this Paragraph"?

Please begin (h)(2) with a capital letter since (h)(2) ended in a period.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0111

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), please delete or define "clearly" and "securely"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0202

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In reviewing this Rule, the staff recommends the following technical changes be made:

Since each Item is ending in a period, please begin each with a capital letter.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0402

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please check the capitalization and punctuation of the Sub-Paragraphs for consistency throughout this Rule. There are some that end with periods and others that end in semi-colons (I believe that semi-colons and "and" is what is intended in most places.)

In (a), what is considered to be "commercial fishing gear"? Is this defined elsewhere in rule or statute?

In (b)(3), please change "parks/recreation areas" to either "parks and recreation areas" or "parks or recreation areas", whichever is intended. Please do the same for "mooring facilities/marinas" in (b)(4).

Is (4)(c) intended to be broken up into additional parts?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03L .0207

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), is the intent to incorporate the commercial quota of the Atlantic State Marine Fisheries Commission for horseshoe crabs? I see this Commission is authorized in Article 19. If the intent is to incorporate by reference, please do so in accordance with G.S. 150B-21.6, unless it's already been done elsewhere in your Rules.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03L .0210

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In reviewing this Rule, the staff recommends the following technical changes be made:

What is considered to be "foreign crab meat"?

In (b), what are "state management measures"? I note that this language is used elsewhere in your Rules.

Is the intent to make this a criminal offense? If so, what is your authority to do so? I don't see it in the authority cited. I understand that G.S. 113-135 provides for criminal liability for violation of rules adopted pursuant to Article 13, but the specific authority for this Rule appears to come from G.S. 113-221.2 in Article 17. Please note that I am not questioning the authority for this Rule overall, just the authority to make this a criminal offense.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03L .0301

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (b), what are "state management measures"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03L .0302

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In reviewing this Rule, the staff recommends the following technical changes be made:

Just to be clear, there are no limits on the possession of the spiny lobster, unless done by proclamation to maintain compliance with the Fishery Management Plan? Who creates this? The Department in accordance with G.S. 113-182.1 or is this something different? I note that G.S. 113-182.1(f) requires rulemaking in accordance with G.S. 150B to implement Fishery Management Plans.

What are "state management measures"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0134

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Given the language on line 5, I understand that you are not trying to expand the definition of "adulterated" set forth in G.S. 106-129. So, would it be more accurate to say something like "Adulterated" as defined in G.S. 106-129, shall include the following:"?

In Item (2), delete or define "conspicuously"

In Item (4), what is an "acceptable level"?

In Item (5), what is an "acceptable level"?

In Item (8), please delete or define "readily", "effectively", and "normal"

In Item (13), is the plan going to be specific to each dealer"? Also, what is a "dealer"?

In Item (15), what is meant by "immediate" and "serious"?

In Item (17), would it be more accurate to say something like "Misbranded" as defined in G.S. 106-130 includes any container of cooked..." Given the language on line 5, I understand that you aren't trying to change the definition of "misbranded"

In (21), delete or define "conspicuously"

In (27)(b), delete or define "substantially"

In (28), desired and specified by whom? Is time and temperature provided in these Rules?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0138

DEADLINE FOR RECEIPT: January 14, 2022

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (b), who is an "unauthorized person"? Unauthorized by whom?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0139

DEADLINE FOR RECEIPT: January 14, 2022

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), cleaned how? Is there a cross-reference available? I note that "sanitize" is defined.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0144

DEADLINE FOR RECEIPT: January 14, 2022

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 5, what is considered to be "good-repair"?

What are the applicable State and federal laws and Rules?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0145

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 5, what are the applicable State and federal laws and Rules?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0147

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (b), a laboratory certified by whom?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0148

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), what is meant by "in a manner to prevent contamination"?

In (b), cleaned how? Is there a cross-reference available?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0149

DEADLINE FOR RECEIPT: January 14, 2022

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (c), please delete or define "readily"

In (g), what standards or factors is the Division to use in determining whether to approve a testing method or equipment? Is this within the authority of the Division to determine the standards? Must the method or equipment just be capable of testing the strength of the solution?

In (g), what is meant by the "prescribed strengths"? Those set forth in this Paragraph?

In (h), what is meant by a "protected dispenser"?

In (h), approved by whom? How will this be determined?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0152

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), what other solid wastes may this include? I'm assuming that your regulated public knows?

In (b) and (d), what are the approval standards that the Division is to use? Is this within the Department's authority to set standards? If so, I think it's fine. If not, please provide how this determination is to be made and/or the requirements of these areas. Is this provided elsewhere in rule or statute?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0153

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), delete or define "conspicuous"

In (b), what does "sanitize" mean in this context? The definition provided in .0134 does not seem to apply here.

In (c), what is considered to be "clean" in this context?

In (g), what standards will be used in determining whether to approve an arm guard? What are the requirements for an arm guard?

In (h), what is considered to be "clean"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0156

DEADLINE FOR RECEIPT: January 14, 2022

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In reviewing this Rule, the staff recommends the following technical changes be made:

On line 4, what is considered "durable" and "good repair"?

On line 5, please delete or define "easily" in "easily accessible." Please delete or define "easily."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0157

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), what is considered "clean"?

In (a) and (b), what is "evidence of contamination"? Can you provide some examples?

In (d)(2), what is "clean" water?

In (d)(3), please change "will" to "shall". Alternatively, please consider changing "will require washing, rinsing, and sanitizing" to "shall be washed, rinsed, and sanitized."

In (d)(4), delete or define "regularly"

In (d)(4), what factors is the Division to use in determining whether to approve testing methods or equipment?

In (d)(4), what are "prescribed strengths"? Those set forth in this Subparagraph?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0158

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In reviewing this Rule, the staff recommends the following technical changes be made:

What is meant by "in a manner to protect against contamination"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0161

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (g), please delete or define "durable"

*In (i), what factors will the Division use in determining whether to approve the Report?
Here, is the report being approved or is the retort being approved based upon the Report?
Please clarify if necessary.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0164

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), what is meant by “in a manner to prevent contamination”?

In (e), what standards or factors is the Division to use in determining whether to approve a testing method or equipment? Is this within the authority of the Division to determine the standards? Must the method or equipment just be capable of testing the strength of the solution?

In (e), what are the “prescribed minimums”? Those set forth in this Paragraph?

In (e), just to be clear, the “chemical sanitizers” on line 11 are the same as the “bactericidal solutions” on line 9? Please use consistent language where you can.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0165

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (d), what is meant by "clean" in this context?

In (g), approved by whom? What are these "federal and State rules and regulations"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road,

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0166

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), what is considered to be "a sanitary manner"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0168

DEADLINE FOR RECEIPT: January 14, 2022

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (f), what is meant by "in a manner to prevent contamination"?

In (g), what is meant by "or the equivalent" in this context?

In (g), delete or delete "prominently"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0173

DEADLINE FOR RECEIPT: January 14, 2022

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b), how does this work? Must they keep this list current with you all and provide an updated list whenever something changes? Must they provide it upon request?

In (c)(3), what is meant by "cleaned" in this context?

What is the intent of (c)(7)? Are these the original containers that were used for the meat that is repacked?

In (d)(5), what is your authority for this provision? I see that G.S. 113-221.2 allows you to regulate crustacea shipped into North Carolina. Is that the intent here?

In (d)(5), what are the federal labeling requirements? Is the intent to incorporate this by reference in accordance with G.S. 150B-21.6?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0174

DEADLINE FOR RECEIPT: January 14, 2022

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), what is meant by "to give a true representation of the operating temperature"? Would it suffice to say something like "... to provide the operating temperature..."

In (f), please consider changing "falsification of a thermometer chart shall not occur" to say who shall do what.

Please end (f)(1) through (6) with semi-colons, rather than a period and add an "and" at the end of (f)(6).

In (f)(6), what is the "optimum temperature"?

In (i), how will it be determined whether the Division will approve these? I assume if it gives the Division the same information?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0175

DEADLINE FOR RECEIPT: January 14, 2022

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please end Items (1) and (2) with semi-colons, rather than periods, and add an "and" at the end of (2).

In Item of (2), how will it be determined whether something was done "as quickly as possible"?

In Item (3), what is meant by "immediately" here?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0176

DEADLINE FOR RECEIPT: January 14, 2022

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), what factors is the Division to use in determining whether to approve the report? Is the report as defined in .0134 to be approved or is it the pasteurization operation? If it's the pasteurization operation, will it be approved if the report indicates the operation will result in compliance with this Rule?

Please end (b)(1) through (3) with semi-colons, rather than periods, and end (b)(3) with an "and"

In (b)(2), in this context, what is meant by "alteration of the... loading of containers"? Does the report require that they say how the containers are going to be loaded?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0177

DEADLINE FOR RECEIPT: January 14, 2022

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please end Items (1) through (3) with semi-colons, rather than periods, and add an "and" at the end of Item (3).

In Item (1), delete or define "clearly"

In Item (3), what is considered to be an "equivalent" here?

In Item (3), delete or define "prominently"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0178

DEADLINE FOR RECEIPT: January 14, 2022

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Is the process to request approval for interfacility pasteurization and the standards that the Division is to use whether to approve the request set forth elsewhere in rule or statute?

Please end Items (1) and (2) with semi-colons and add an "and" at the end of (2).

In Item (1), what is to be included in the records? Is this set forth elsewhere in rule?

In Item (3), what is to be included in the pasteurization chart? Is this up to the pasteurizer?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0182

DEADLINE FOR RECEIPT:

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In reviewing this Rule, the staff recommends the following technical changes be made:

What is meant by (d)? Are they just to follow the Rules of this Section?

In (e), do you need "found" in "... crustacea meat found not complying..." How will this be found? Upon inspection?

In (e), please change "with the standards as set forth in Paragraph (a), (b), (c), or (d) of this Rule..." to "with this Rule" or "with the standards set forth in this Rule."

In (e), line 12, by "may", do you mean "shall"? If not, how will it be determined whether they will be deemed "adulterated"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0183

DEADLINE FOR RECEIPT:

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In reviewing this Rule, the staff recommends the following technical changes be made:

On line 4, what is meant by "durable" in this case?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0184

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), what is meant by "to give a true representation of the operating temperature"? Would it suffice to say something like "... to provide the operating temperature.."

In (f), please consider changing "falsification of a thermometer chart shall not occur" to say who shall do what.

Please end (f)(1) through (6) with semi-colons, rather than a period and add an "and" at the end of (f)(6).

In (f)(6), what is the "optimum temperature"?

In (i), how will it be determined whether the Division will approve these? I assume if it gives the Division the same information?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0185

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), what factors is the Division to use in determining whether to approve the report? Is the report as defined in .0134 to be approved or is it the thermal processing operation? If it's the operation, will it be approved if the report indicates the operation will result in compliance with this Rule?

Please end (b)(1) through (3) with semi-colons, rather than periods, and end (b)(3) with an "and"

In (b)(2), in this context, what is meant by "alteration of the... loading of containers"? Does the report require that they say how the containers are going to be loaded?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0186

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In reviewing this Rule, the staff recommends the following technical changes be made:

Please end Items (1) through (3) with semi-colons, rather than periods, and add an "and" at the end of Item (3).

In Item (1), delete or define "clearly"

In Item (3), what is considered to be an "equivalent" here?

In Item (3), delete or define "prominently"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0187

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In reviewing this Rule, the staff recommends the following technical changes be made:

Please end Items (1) and (2) with semi-colons, rather than periods, and add an "and" at the end of Item (2).

In Item (1), what is to be included in the records? Is this set forth elsewhere in rule?

In Item (3), what is to be included in the thermal processing chart? Is this up to the processor?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: December 30, 2021

REQUEST FOR TECHNICAL CHANGE

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0191

DEADLINE FOR RECEIPT:

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

What are "general sanitation requirements"? I assume those set forth in these Rules? If so, please make that clear.

Just to be clear, will the monitoring records as set forth in the plan be different for each dealer? If not, do these requirements meet the definition of a rule as set forth in 150B-2(8a)? Alternatively, are these the records required to be maintained by these Rules?

Is the owner or designee the same as the dealer referenced in .0134(13)?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.