REQUEST FOR TECHNICAL CHANGE

AGENCY: PLANT CONSERVATION BOARD

RULE CITATION: 02 NCAC 48F .0305

DEADLINE FOR RECEIPT: TUESDAY, NOVEMBER 15, 2011

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In (c)(4) page 2 line 5 please correct the statutory reference from G.S. 106-202.19(1) to G.S. 106-202.19(a)(1).*

*In (d)(6), page 3 line 14, I would normally ask you to delete or define “accurate.” I am aware of the session law requirement that this section of the rule “be substantially identical to ... Section 18(c)” of the session law referred to as authority for the rule. It does seem to me that defining what is the current standard, what is meant by and is your interpretation of “accurate,” would be within the limits of authority set out in the session law. However, if you choose not to make any change I shall not recommend objection to the RRC based on a failure to make the technical change requested.*

***Please note that the deadline above for submitting technical changes is proposed to be changed to the earlier of 10 business days after transmission of the request or the Friday before the RRC meeting. If that rule were in effect now the deadline would be Tuesday, November 8, two weeks from today.***

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel