

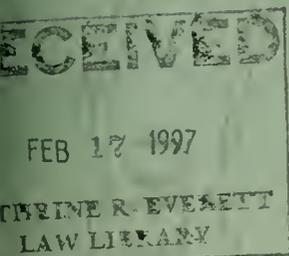
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NORTH CAROLINA REGISTER

**VOLUME 11 • ISSUE 22 • Pages 1703 - 1777
February 14, 1997**

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Agriculture
Community Colleges
Environment, Health, and Natural Resources
Human Resources
Justice
Labor
Real Estate Commission
Revenue
Transportation
List of Rules Codified
Rules Review Commission
Contested Case Decisions



PUBLISHED BY

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Rules Division
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IN THIS ISSUE



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This issue contains documents officially filed through January 24, 1997.

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FILING DEADLINES			NOTICE OF RULE-MAKING PROCEEDINGS		NOTICE OF TEXT (either column A or column B)						
volume and issue number	issue date	last day for filing	end of comment period	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact			B. substantial economic impact		
						end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session
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EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2B .0103 and the Rules of Civil Procedure, Rule 6.

GENERAL

- The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:
- (1) temporary rules;
 - (2) notices of rule-making proceedings;
 - (3) text of proposed rules;
 - (4) text of permanent rules approved by the Rules Review Commission;
 - (5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
 - (6) Executive Orders of the Governor;
 - (7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;
 - (8) orders of the Tax Review Board issued under G.S. 105-241.2; and
 - (9) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF RULE-MAKING PROCEEDINGS

END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS: This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.

EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD (1) RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

(2) RULE WITH SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.

This Section contains public notices that are required to be published in the Register or have been approved by the Codifier of Rules for publication.

North Carolina Department of Labor
Division of Occupational Safety and Health
319 Chapanoke Road
Raleigh, NC 27603

(919)662-4575

NOTICE OF PERMANENT VARIANCE FILING

The Commissioner of Labor hereby gives notice that he is considering, in accordance with GS 95-132(b), an application for a permanent variance from Broyhill Furniture Industries, Inc. The Variance, if granted, would allow Broyhill to use Type D Ford A-62 and Caterpillar IT28F front-end wheel-loaders, under the conditions specified in Broyhill's September 3, 1996 application, in their woodwaste boiler fuel recycling facilities in Lenoir, Conover, Newton, and Rutherfordton. Unless the Variance is granted, the usage of this equipment in these environments would be prohibited by 29 CFR 1910.178(c)(2)(vii), which has been adopted by reference by the North Carolina Division of Occupational Safety and Health.

Interested persons are invited to submit comments regarding the consideration of the granting of this variance. Affected employees and employers may request a public hearing.

For additional information regarding this Variance application, to submit comments, or to request that a public hearing be held, please contact:

Peggy D. Morris
Division of Occupational Safety and Health
319 Chapanoke Road
Raleigh, NC 27603
(919) 662-4581

All comments and requests must be submitted on or before March 17, 1997.

A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

CHAPTER 3 - FACILITY SERVICES

Notice of Rule-making Proceedings is hereby given by the DHR/Division of Facility Services in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making:
10 NCAC 3R .6001 - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: *G.S. 90-21.27; 90-21.35; 131E-192.11*

Statement of the Subject Matter: *To amend existing certificate of public advantage rules to incorporate provisions that will permit and encourage cooperative agreements between physicians or between physicians and others when the arrangement will help control costs, improve access and quality of health care. Issuance of the certificate of public advantage is intended to immunize physicians from challenge or scrutiny under state antitrust laws.*

Reason for Proposed Action: *To amend certificate of public advantage rules to include physicians who wish to participate voluntarily in the program. The agency may adopt temporary rules to add this provision.*

Comment Procedures: *Written Comments should be submitted to Jackie Sheppard, P.O. Box 29530, Raleigh, N.C. 27626-0530 no later than April 15, 1997.*

PROPOSED AMENDMENT

SUBCHAPTER 3R - CERTIFICATE OF NEED REGULATIONS

SECTION .6000 - CERTIFICATE OF PUBLIC ADVANTAGE PROGRAM

.6001 CERTIFICATE OF PUBLIC ADVANTAGE

~~The Division of Facility Services is responsible for carrying out the responsibilities of the Department in administering G.S. 131E Article 9A entitled the Certificate~~

~~of Public Advantage.~~ The rules in this Section apply to the Certificate of Public Advantage Program under either G.S. 131E Article 9A known as the Hospital Cooperation Act or G.S. 90 Article 1E known as the Physicians Cooperation Act. Applications for a Certificate of Public Advantage must be submitted to the Department of Human Resource's Division of Facility Services.

TITLE 15A - ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

CHAPTER 7 - COASTAL MANAGEMENT

Notice of Rule-making Proceedings is hereby given by the EHNR - Coastal Resources Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making:
15A NCAC 7H .0201 - .0208

Authority for the rule-making: *G.S. 113A-102(b)(1); 113A-102(b)(4); 113A-107(a); 113A-107(b); 113A-113(b)(1); 113A-113(b)(2); 113A-113(b)(5); 113A-113(b)(6)b; 113A-124*

Statement of the Subject Matter: *Estuarine System Area of Environmental Concern (AEC)*

Reason for Proposed Action: *The N.C. Ocean Resources Task Force recommended that the Estuarine System Area of Environmental Concern (AEC) be amended to "Estuarine and Ocean" system to clarify that the waters of the Atlantic Ocean within the state's jurisdictional boundary are located within this AEC category. The current title of the AEC category is confusing since many people do not realize that ocean waters are included in two estuarine system subcategories: estuarine waters and public trust areas. This change will not affect how the rules are currently applied. 15A NCAC 7H .0200 will be changed from "The Estuarine System" to "The Estuarine and Ocean System." This change will be made consistent throughout Subchapter 7H .0200.*

Comment Procedures: *Comments, statements, data and other information may be submitted in writing within 60 days after the date of publication of this issue of the NC Register. Copies of the proposed rules and information package may*

be obtained by contacting Kim Crawford, Ocean Resources Specialist, Division of Coastal Management, PO Box 27687, Raleigh, NC 27611-7687; (919) 733-2293. Written comments may be submitted to Ms. Crawford at the above-named address.

This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars (\$5,000,000). Statutory reference: G.S. 150B-21.2.

TITLE 2 - DEPARTMENT OF AGRICULTURE

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Board of Agriculture - State Marketing Authority intends to amend rules cited as 2 NCAC 43F .0003; 43H .0001; 43L .0202, .0401 - .0403, .0405; and adopt rule cited as 2 NCAC 43H .0007. Notice of Rule-making Proceedings was published in the Register on October 15, 1996.

Proposed Effective Date: July 1, 1998

Instructions on How to Demand a Public Hearing (must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than March 17, 1997, to David S. McLeod, Secretary of the North Carolina Board of Agriculture, PO Box 27647, Raleigh, NC 27611.

Reason for Proposed Action:

2 NCAC 43F .0003 - To make the rules consistent with the requirements of the Federal Fair Packaging and Labeling Act.
 2 NCAC 43H .0001, .0007 - Current rules do not permit the sale of fertile eggs or the labeling of eggs as organically produced or free-range.

2 NCAC 43L .0202 - To provide additional revenues to offset operating expenses.

2 NCAC 43L .0401 - .0403, .0405 - To provide additional revenues to offset operating costs.

Comment Procedures: Comments may be submitted in writing no later than March 17, 1997, to David S. McLeod, Secretary of the North Carolina Board of Agriculture, PO Box 27647, Raleigh, NC 27611.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 43 - MARKETS

SUBCHAPTER 43F - MARKETING AND BRANDING: APPLES AND PEACHES

.0003 STANDARDS FOR RECEPTACLES; LABELING; ETC.

All closed containers in which apples or peaches are packed for sale, exposed for sale, or offered for sale, shall clearly and conspicuously be marked immediately after the containers are closed in accordance with the following regulations:

- (1) The name and address (including zip code) of grower, packer, shipper, or distributor must be shown on the principal display panel.
- (2) The name of the product must be shown on the principal display panel.
- (3) The variety of apples must be shown; however, it may be shown on the principal display panel or on the bag closure. The words "Variety Unknown" may be used in lieu of the variety on containers in which apples are packed that are normally marketed during the summer months and meet the grade U.S. No. 1, Early.
- (4) The variety of peaches must be shown on the principal display panel. The words "Clingstone Peaches," "Semi-clingstone Peaches," or "Freestone Peaches," as applicable, may be used in lieu of variety.
- (5) The net ~~weight~~ quantity of contents (weight, measure or count) must be shown on the ~~lower 30 percent of the~~ principal display panel ~~and must be shown in pounds and ounces, as: 48 oz. (3 lbs.), on all containers of less than four pounds or more than one pound. Volume measure may be shown on larger containers in lieu of net weight.~~ in a uniform location, as required by the Federal Fair Packaging and Labeling Act.
- (6) The minimum size must be shown on the principal display panel; however, when fairly uniform size apples or peaches are packed in a container and sold by count, count may be used in lieu of net weight and minimum size markings. However, overwrap packages that contain six or less apples or peaches that are fully visible to the purchaser need not include a statement of count.
- (7) Apple containers must show the applicable U.S. Grade on the principal display panel or be marked "Unclassified," "Not Graded," or "Grade Not Determined." State grades shall not be shown without corresponding U.S. Grades. Peach containers are not required to show grade markings; however, when grade is shown, the product must meet

that standard.

Authority G.S. 106-185; 106-188; 106-195.

SUBCHAPTER 43H - MARKETING OF SHELL EGGS

.0001 DEFINITIONS

Words used in this Section in the singular form shall be deemed to impart the plural, and vice versa as the case may demand:

- (1) "Inedible Eggs" means black rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, eggs containing embryo chicks (at or beyond the blood ring stage) and any eggs that are adulterated as such term is defined pursuant to the Federal Food, Drug and Cosmetic Act.
- (2) "Leaker" means eggs that have a crack or break in the shell and shell membranes to the extent that the egg contents are exuding or free to exude through the shell.
- (3) "Loss Eggs" means eggs that are inedible, cooked, frozen, contaminated or containing bloody whites, blood spots, meat spots, or other foreign material.
- (4) "Ungraded Eggs" means eggs as collected from the production unit and placed into retail channels without being graded or segregated for quality, soundness of shell, or size; except that checks, dirties, or other obvious defects may be removed at time of collection.
- (5) "Baluts" means eggs that are fertile and incubated beyond the blood ring stage.
- (6) "Fertile" means an egg capable of developing into an embryo.
- (7) "Organic" means eggs produced in accordance with applicable Federal or State standards for organic product.
- (8) "Free Range" (or labeling of similar import) means eggs produced from laying chickens that are "cage free" or have access to a suitable outdoors environment.

Authority G.S. 106-245.16; 106-245.21.

.0007 SPECIAL REQUIREMENTS

(a) Baluts are exempt from the standards for shell eggs as set forth in 2 NCAC 43H .0003 and .0005. After incubation, eggs suited for use as baluts shall be legibly and conspicuously labeled with the word "embryo" or "balut" preceded by the name of the kind of poultry, or labeled as "Incubated Fertile Eggs," or words of similar import. Labeling must include the complete name and address of the hatchery with letters no less than three-eighths of one inch high.

(b) In addition to all other applicable labeling requirements, eggs marketed and labeled as organically produced must be certified by an accredited organization and identified on primary container.

(c) In addition to all other marketing requirements, eggs labeled and marketed as free range eggs must be identified and otherwise handled to maintain their identity through processing and packaging. Satisfactory evidence that the eggs are from production locations with cage-free birds or that have reasonable access to an outdoors range must be furnished by any person marketing these eggs to a retailer, institutional consumer or other person and shall be kept on file by both the person selling and the purchaser at their respective places of business for a period of at least 30 days.

(d) Eggs of a specific nature such as "Fertile" or "Brown" and eggs produced in accordance with applicable Federal or State standards may be labeled as such providing these eggs meet all other applicable requirements.

Authority G.S. 106-245.16; 106-245.21.

SUBCHAPTER 43L - MARKETS

SECTION .0200 - FEES: CHARLOTTE FARMERS MARKET

.0202 GATE FEES

The following gate fees shall be paid upon entering the market:

	Day	Week
(1) Retail Shed A		
(a) North Carolina residents:		
(i) March through December	\$ 6.00 <u>\$ 7.00</u>	\$ 30.00
(ii) January through February	5.00	
(iii) Non farmer sellers March through December		

	Saturdays	7.00		
(b)	Out of state sellers	10.00		
(2)	Retail Building B			
(a)	North Carolina residents:			
(i)	March through September	7.00	30.00	<u>35.00</u>
(ii)	<u>North Carolina farmers</u>		<u>30.00</u>	
(iii)	<u>(iii) October through February</u>	7.00	<u>25.00</u>	
(iii)	<u>(iv) Non-farmer sellers - March through December</u> - Saturdays	10.00		
(b)	Out of state sellers	10.00		
(3)	Retail Building C	6.00		
(4)	Eighteen Wheelers	8.00	<u>10.00</u>	
(5)	Deliveries	4.00		
	<u>(North Carolina farmers are exempt from this fee)</u>			
(6)	Greenery Shed (Trucker's Shed)	6.00	<u>7.00</u>	30.00

Authority G.S. 106-22; 106-530.

SECTION .0400 - FEES: WESTERN NORTH CAROLINA FARMERS MARKET

.0401 RETAIL BUILDINGS

(a) Rental charges for space in the "Retail Buildings" at the Western North Carolina Farmers Market shall be at the rate of ~~five seven~~ seven dollars (~~\$5.00~~) (\$7.00) per day or ~~thirty-five forty-two~~ forty-two dollars (~~\$35.00~~) (\$42.00) per week per assigned space of 10 feet by 20 feet from June through October and ~~two four~~ four dollars (~~\$2.00~~) (\$4.00) per day or ~~fourteen twenty-four~~ twenty-four dollars (~~\$14.00~~) (\$24.00) per week during the months of November through May.

(b) Beginning June 1, 1999, rental charges for space in the "Retail Buildings" at the Western North Carolina Farmers Market shall be at the rate of eight dollars (\$8.00) per day or forty-eight dollars (\$48.00) per week per assigned space of 10 feet by 20 feet from June through October and six dollars (\$6.00) per day or thirty-six dollars (\$36.00) per week during the months of November through May.

Authority G.S. 106-530.

.0402 GATE FEES

Gate fees for farmers or truckers who do not otherwise rent stall spaces at the Western North Carolina Farmers Market shall be as follows:

	Resident Sellers	Non-Resident Sellers	
Vehicles, 5 cartons or less	\$ 1.00	\$ 1.00	<u>\$ 3.00</u>
Pickups/4 wheelers	5.00	6.00	<u>8.00</u>
Ton trucks/6 wheelers:			
50 cartons or less	5.00	6.00	<u>8.00</u>
More than 50 cartons	7.00	8.00	<u>10.00</u>
10 Wheeler:-			
50 cartons or less	5.00	6.00	
51 to 100 cartons	7.00	8.00	
More than 100 cartons	8.00	9.00	
18 Wheeler:- <u>10 wheelers and tractor trailers:</u>			
50 <u>100</u> cartons or less	6.00	<u>8.00</u>	6.00 <u>11.00</u>
51 to 100 cartons	8.00	8.00	
101 cartons to half load	9.00	9.00	<u>12.00</u>
More than half load	10.00	10.00	<u>13.00</u>

Trucks which deliver such items as soft drinks, candy, snack bar supplies and freight are exempt from the gate fees stated in this Rule.

Authority G.S. 106-530.

.0403 FARMERS AND TRUCKERS SHEDS

~~Rental~~ Daily rental charges for space under the "Farmers and Truckers Sheds" at the Western North Carolina Farmers Market for each 12 foot wide stall shall be ~~six seven~~ dollars (\$6.00) (\$7.00) per day, day all year; forty forty-five ~~dollars (\$40.00) (\$45.00) per week, or one hundred thirty five fifty~~ dollars (\$135.00) (\$150.00) per month from June through October; five dollars (\$5.00) per day, thirty thirty-five ~~dollars (\$30.00) (\$35.00) per week, or eighty five one hundred~~ dollars (\$85.00) (\$100.00) per month for April, May, November and December; and five dollars (\$5.00) per day, twenty ~~dollars (\$20.00) per week, or sixty dollars (\$60.00) per month for January, February, February and March. Electricity used shall be paid for in addition to these regular fees.~~ A holding fee of ~~twenty twenty-five~~ dollars (\$20.00) (\$25.00) per stall per month shall be charged during December, January, February and March for each space to be rented on April 1. Electricity used shall be paid for in addition to these regular fees.

Authority G.S. 106-530.

.0405 YEARLY DELIVERY PERMIT

Truckers, farmers, or wholesalers making regular deliveries to the Western North Carolina Farmers Market may obtain a yearly delivery permit ~~for~~ as follows: all vehicles through 6 wheelers, three hundred dollars (\$300.00)- (\$300.00) per year; all vehicles over 6 wheelers, four hundred dollars (\$400.00) per year. These permits shall expire December 31 of the year purchased.

Authority G.S. 106-22; 106-530.

SUBCHAPTER 52B - ANIMAL DISEASE

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Board of Agriculture intends to adopt rule cited as 2 NCAC 52C .0701 and amend rule cited as 2 NCAC 52B .0212, .0303. Notice of Rule-making Proceedings was published in the Register on October 15, 1996.

Proposed Effective Date: July 1, 1998

Instructions on How to Demand a Public Hearing (must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than March 17, 1997, to David S. McLeod, Secretary of the North Carolina Board of Agriculture, P.O. Box 27647, Raleigh, NC 27611.

Reason for Proposed Action: 2 NCAC 52B .0200; 52C .0700 - To clarify requirements for importation of wild animals generally and to adopt new requirements to prevent the spread of disease from cervidae. 2 NCAC 52B .0300 - To make North Carolina rules consistent with federal rules and to make other technical changes.

Comment Procedures: Comments may be submitted in writing no later than March 17, 1997, to David S. McLeod, Secretary of the North Carolina Board of Agriculture, P.O. Box 27647, Raleigh, NC 27611.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

SECTION .0200 - ADMISSION OF LIVESTOCK TO NORTH CAROLINA

.0212 IMPORTATION REQUIREMENTS: WILD ANIMALS

(a) A person shall obtain a permit from the State Veterinarian before importing any of the following animals into this State:

- (1) Skunk;
- (2) Fox;
- (3) Raccoon;
- (4) Ringtail;
- (5) ~~Bobcat;~~ Bobcat (includes Lynx and other North and South American felines as cougars, jaguars, etc.);
- (6) Coyote;
- (7) Marten;
- (8) Brushtail Possum (Trichosurus vulpecula).

(b) Permits for the importation into this State of any of the animals listed in (a) of this Rule shall be issued only if the animal(s) will be used in a research ~~institute~~ institute, or for ~~public display~~ exhibition by a USDA licensed exhibitor, or organized entertainment as in zoos or circuses.

(c) ~~Llamas;~~ Camelids, all cervidae, bison, and ~~all~~ other bovidae other than domestic cattle may be imported into the State if accompanied by an official health certificate issued by an accredited veterinarian which states that:

- (1) all animals six months of age or older have tested negative for brucellosis within 30 days prior to importation; and
- (2) all animals six months of age or older have tested negative for tuberculosis within 60 days prior to importation pursuant to the guidelines of the United States Department of Agriculture

CHAPTER 52 - VETERINARY DIVISION

~~Veterinary Services Notice dated December 31, 1990, which states "the cervical test for cervidae is the intradermic injection of 0.1 ml. of U. S. Department of Agriculture (USDA) contract PPD Bovis tuberculin in the midcervical region with reading by observation and palpation at 72 hours, plus or minus 6 hours"; importation; and~~

(3) ~~all cervidae meet the requirements of the Uniform Methods and Rules: Tuberculosis in Cervidae; and~~

(3) (4) ~~the herd of origin has had no brucellosis or tuberculosis diagnosed within the past 12 months.~~

(d) ~~Other wild and semi-wild animals, under domestication or in custody may be imported into this State, provided that a report of the number of animals by species is made to the State Veterinarian within 96 hours after entry into the State and that an immediate opportunity for examination to determine the health status of such animals is afforded the State Veterinarian or his authorized representative. Any species or hybrid of a mammal not otherwise covered in the Administrative Code that is found to exist in the wild or naturally occurs in the wild must be accompanied by a valid certificate of veterinary inspection.~~

Authority G.S. 106-317; 106-400.

SECTION .0300 - BRUCELLOSIS REGULATIONS

.0303 CALFHOOD VACCINATION

Official Brucellosis ~~Strain 19~~ calfhooD vaccination of heifers between the ages of four and eight months by accredited veterinarians, employees of the veterinary division of the North Carolina Department of Agriculture, or employees of the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture, is permitted. The vaccine used must be licensed by the Biologics Division of the U.S. Department of Agriculture and ~~contain not less than three billion or more than ten billion live Strain 19 Brucella abortus organisms per dose.~~ be authorized for use in North Carolina by the State Veterinarian. Each vaccinated heifer shall be identified by the official vaccination tattoo and an approved ear tag in the right ear: Provided that the State Veterinarian may waive the ear tag requirement if other acceptable means of identifying individual heifers are used. The original and one copy of the brucellosis calfhooD vaccination record shall be submitted by the person doing the vaccinating to the State Veterinarian within 10 days following vaccination. Officially brucellosis vaccinated cattle of the dairy breeds 20 months of age and over, and those of the beef breeds 24 months of age and over, classified as reactors to an official test for brucellosis shall be branded and tagged as brucellosis reactors. Parturient and post parturient animals reacting to the official brucellosis test shall be branded and tagged as reactors regardless of age.

Authority G.S. 106-389; 106-396.

SECTION .0700 - MISCELLANEOUS REQUIREMENTS

.0701 INTRASTATE REQUIREMENTS: WILD ANIMALS

(a) Cervidae which originate from herds only containing cervidae may be sold within North Carolina, if they test negative for tuberculosis within 60 days of change of ownership.

(b) Cervidae which are commingled with domestic livestock may be sold within North Carolina provided that domestic cattle are tested annually, and all cervidae and bovidae other than domestic cattle and bison are tested negative for tuberculosis within 60 days prior to moving intrastate.

(c) Records of sales of any animal from herds containing cervidae must be maintained for at least five years.

Authority G.S. 106-317; 106-400.

TITLE 12 - DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the N.C. Department of Justice, State Bureau of Investigation/Division of Criminal Information intends to adopt rules cited as 12 NCAC 04E .0404 - .0405 and amend rules cited as 12 NCAC 04E .0104, .0401. Notice of Rule-making Proceedings was published in the Register on December 2, 1996.

Proposed Effective Date: July 1, 1998

A Public Hearing will be conducted at 9:00 a.m. on March 3, 1997 at the Division of Criminal Information, 407 North Blount Street, Raleigh, North Carolina 27601.

Reason for Proposed Action: 12 NCAC 04E .0104 - The DCI Advisory Policy Board believes that the addition of the above mandates would better serve the DCI Advisory Policy Board in making informed decisions regarding DCI standards for certification of DCI Terminal Operators. 12 NCAC 04E .0401 - The DCI Advisory Policy Board believes that the addition of the above mandate would better serve the DCI Advisory Policy Board in making informed decisions regarding minimum standards to become a DCI Terminal Operator. 12 NCAC 04E .0404 - The DCI Advisory Policy Board believes that the addition of the above mandate would better serve the DCI Advisory Policy Board in making informed decisions regarding DCI standards for certification of DCI Terminal Operators. 12 NCAC 04E .0405 - The DCI Advisory Policy Board believes that the addition of the above mandate would better serve the DCI Advisory Policy Board in making informed decisions regarding minimum standards to become a DCI Terminal Operator.

Comment Procedures: All comments should be directed to

Administrative Officer Judy Breeden, Division of Criminal Information, 407 N. Blount Street, Raleigh, NC 27601 within 30 days of this publication.

(c) a plea of no contest, nolo contendere, or the equivalent.

Authority G.S. 114-10; 114-10.1.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

SECTION .0400 - OPERATION OF DCI TERMINAL

CHAPTER 4 - DIVISION OF CRIMINAL INFORMATION

SUBCHAPTER 4E - ORGANIZATIONAL RULES AND FUNCTIONS

SECTION .0100 - GENERAL PROVISIONS

.0104 DEFINITIONS

The following definitions shall apply throughout Chapter 4 of this Title:

.0401 DCI TERMINAL OPERATOR

(a) A DCI Terminal operator is a person who has been certified through the DCI certification process as stated in Rule .0402 of this Section.

(b) An individual is eligible to attend certification class and become a DCI terminal operator only if employed by and under the management control of an agency as described in Rule .0201 of this ~~Subchapter~~. Subchapter and only after the individual has had a fingerprint criminal records search completed or a computerized criminal history records search conducted, and filed with the employing agency indicating that the individual is not convicted of a prohibiting criminal offense.

(c) The employing agency shall cause a background investigation to be conducted on all employees assigned as DCI operators. Such investigation shall include a state and national fingerprint search for a criminal record. Any individual who has been convicted of a felony or in the judgment of the agency head or the SBI Assistant Director for DCI, has been convicted of a misdemeanor involving fraud, misrepresentation, or deceit shall not be eligible to become certified as a DCI terminal operator or is subject to revocation of operator certification by ~~DCI-DCI,~~ in accordance with the periods of suspension set out in 12 NCAC 4E .0404.

(d) ~~Persons with an original certification date prior to January 1, 1992, are exempt from the background investigation and fingerprint search.~~ An employee assigned as a DCI operator and who currently holds valid certification as a sworn law enforcement officer with the powers of arrest through either the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriff's Education and Training Standards Commission shall not be subject to the criminal history record and background search provisions of 12 NCAC 4E .0401(b) and (c).

Authority G.S. 114-10; 114-10.1.

.0404 PERIOD OF SUSPENSION

A conviction of a felony will render an applicant or certified DCI operator permanently ineligible to hold such certification. A conviction of a misdemeanor involving fraud, misrepresentation, or deceit shall render an applicant ineligible to become certified as a DCI terminal operator when such conviction is within 10 years of the operator's date of request for DCI certification. Operators convicted of such a misdemeanor while holding certification shall be ineligible to maintain such certification for a period of 10 years following such conviction. An applicant or certified

- (1) "Administration of Criminal Justice" means the performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, and correctional supervision or rehabilitation of accused criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information.
- (2) "Administrative Message" means messages that may be used by DCI terminal operators to exchange official information of an administrative nature between in-state law enforcement/criminal justice agencies and out-of-state agencies by means of NLETS.
- (3) "Authorized Requestor" means any person who is authorized and/or approved to receive state and/or national criminal history data by virtue of being:
 - (a) a member of an approved law enforcement/criminal justice agency; or
 - (b) any DCI or NCIC authorized non-criminal justice agency pursuant to local ordinance or a state or federal law.
- (4) "Automated Fingerprint Identification System" (AFIS) means a computer based system for reading, encoding, matching, storage and retrieval of fingerprint minutiae and images.
- (5) "CCH" means computerized criminal history.
- (6) "Convicted" or "conviction" means for purposes of DCI operator certification, the entry of:
 - (a) a plea of guilty;
 - (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted, established, and recognized adjudicating body, tribunal, or official, either civilian or military; or

DCI terminal operator is permanently ineligible to hold such certification upon their conviction of three or more misdemeanors involving fraud, misrepresentation, or deceit regardless of the date of conviction.

Authority G.S. 114-10; 114-10.1.

**.0405 MINIMUM STANDARDS FOR DCI
TERMINAL OPERATORS**

(a) Prior to receiving certification as a DCI operator, and as a condition for maintaining certification as a DCI operator, such applicant or operator shall be a citizen of the United States.

(b) The applicant or certified operator shall be at least 18 years of age.

(c) Consistent with Rule .0401 and .0404 of this Section, no applicant for certification as a DCI operator will be eligible for certification while the applicant is subject to pending or outstanding criminal charges which, if adjudicated, would disqualify the applicant.

Authority G.S. 114-10; 114-10.1.

The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Rule-making Agency: DHR - Division of Facility Services

Rule Citation: 10 NCAC 3R .3053

Effective Date: January 15, 1997

Findings Reviewed and approved by: Beecher R. Gray

Authority for the rule-making: G.S. 131E-176(25); 131E-177(1); 131E-183(b)

Reason for Proposed Action: To adopt as a permanent rule the temporary version of the rule 10 NCAC 3R .3053 governing certificate of need (CON) review schedules for the 1997 State Medical Facilities Plan (SMFP). The review schedule has been revised to allow potential CON applications in Haywood and Transylvania Counties sufficient to prepare and submit their nursing home application for review on March 14, 1997 instead of January 16, 1997.

Comment Procedures: Written comments must be submitted to the APA Coordinator within 60 days of the publication of the rules in the North Carolina Register. Comments should be sent to Jackie Sheppard at the Division of Facility Services, PO Box 29530, Raleigh, NC 27626-0530. Telephone (919) 733-2342.

CHAPTER 3 - FACILITY SERVICES

SUBCHAPTER 3R - CERTIFICATE OF NEED REGULATIONS

SECTION .3000 - PLANNING POLICIES AND NEED DETERMINATIONS

.3053 CERTIFICATE OF NEED REVIEW SCHEDULE

The agency has established the following review schedules for certificate of need applications.

- (1) Nursing Care Beds (in accordance with need determinations in 10 NCAC 3R .3072)

County	CON Beginning Review Date
Alexander	April 1, 1997
Burke	February 1, 1997
Cherokee	October 1, 1997
Cleveland	April 1, 1997
Haywood	February 1, 1997 <u>April 1, 1997</u>
Jackson	October 1, 1997
Macon	October 1, 1997
Transylvania	February 1, 1997 <u>April 1, 1997</u>
Yancey	February 1, 1997
Davidson	October 1, 1997

TEMPORARY RULES

CON Beginning	
County	Review Date
Surry	August 1, 1997
Yadkin	August 1, 1997
Iredell	April 1, 1997
Lincoln	April 1, 1997
Union	August 1, 1997
Granville	May 1, 1997
Johnston	March 1, 1997
Lee	May 1, 1997
Wake	December 1, 1997
Brunswick	September 1, 1997
Cumberland	December 1, 1997
Harnett	March 1, 1997
Hoke	March 1, 1997
Moore	May 1, 1997
New Hanover	September 1, 1997
Currituck	December 1, 1997
Greene	September 1, 1997
Lenoir	May 1, 1997
Nash	September 1, 1997

(2) Home Health Agency Offices (in accordance with need determinations in 10 NCAC 3R .3074)

CON Beginning	
HSA	Review Date
I	December 1, 1997
II	April 1, 1997
III	June 1, 1997
IV	November 1, 1997
V	March 1, 1997
VI	July 1, 1997

(3) Detox-Only Beds (in accordance with need determinations in 10 NCAC 3R .3078)

TEMPORARY RULES

Mental Health Planning Areas	CON Beginning Review Date
1 (Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain)	April 1, 1997
4 (Henderson, Transylvania)	April 1, 1997
5 (Alexander, Burke, Caldwell, McDowell)	April 1, 1997
6 (Rutherford, Polk)	April 1, 1997
8 (Gaston, Lincoln)	April 1, 1997
11 (Davie, Iredell, Rowan)	April 1, 1997
13 (Surry, Yadkin)	June 1, 1997
15 (Rockingham)	June 1, 1997
17 (Alamance, Caswell)	June 1, 1997
18 (Orange, Person, Chatham)	June 1, 1997
20 (Vance, Granville, Franklin, Warren)	June 1, 1997
21 (Davidson)	May 1, 1997
23 (Bladen, Columbus, Robeson, Scotland)	May 1, 1997
26 (Johnston)	May 1, 1997
27 (Wake)	May 1, 1997
31 (Wayne)	May 1, 1997
32 (Wilson, Greene)	May 1, 1997
33 (Edgecombe, Nash)	May 1, 1997
34 (Halifax)	May 1, 1997
35 (Carteret, Craven, Jones, Pamlico)	May 1, 1997
36 (Lenoir)	May 1, 1997
38 (Bertie, Gates, Hertford, Northampton)	May 1, 1997
39 (Beaufort, Hyde, Martin, Tyrrell, Washington)	May 1, 1997
40 (Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans)	May 1, 1997
41 (Duplin, Sampson)	May 1, 1997

(4) Intermediate Care Facility Beds for Mentally Retarded (in accordance with need determinations in 10 NCAC 3R .3079)

Mental Health Planning Areas	CON Beginning Review Date
3 (Alleghany, Ashe, Avery, Watauga, Wilkes)	December 1, 1997

TEMPORARY RULES

Mental Health Planning Areas	CON Beginning Review Date
14 (Forsyth, Stokes)	December 1, 1997
21 (Davidson)	June 1, 1997
16 (Guilford)	June 1, 1997
18 (Orange, Person, Chatham)	November 1, 1997
24 (Cumberland)	May 1, 1997
30 (Onslow)	May 1, 1997
37 (Pitt)	May 1, 1997

- (5) Applications for certificates of need will be reviewed pursuant to the following review schedule, unless another schedule has been specified in Items (1) through (4) of this Rule.

CON Beginning Review Date	HSA I, II, III	HSA IV, V, VI
January 1	--	--
February 1	A, B, G, I	G
March 1	--	A, B, F, I
April 1	B, F, H, I	--
May 1	--	B, C, H, I
June 1	A, C, D, F, I	D
July 1	--	A, F, I
August 1	B, E, I	--
September 1	--	B, E, I
October 1	A, B, I	--
November 1	--	A, C, F, I
December 1	C, D, F, H, I	B, D, H, I

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
Temporary Adoption Eff. January 2, 1997;
Temporary Amendment Eff. January 15, 1997.*

APPROVED RULES

*This Section includes the Register Notice citation to a Rule approved by the Rules Review Commission (RRC) at its meeting of January 16, 1997 pursuant to G.S. 150B-21.17(a)(1) and reported to the Joint Legislative Administrative Procedure Oversight Committee pursuant to G.S. 150B-21.16. The full text of rules are published below when the rules have been approved by RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register. The rules published in full text are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

These rules unless otherwise noted, will become effective on the 31st legislative day of the 1998 Short Session of the General Assembly or a later date if specified by the agency unless a bill is introduced before the 31st legislative day that specifically disapproves the rule. If a bill to disapprove a rule is not ratified, the rule will become effective either on the day the bill receives an unfavorable final action or the day the General Assembly adjourns. Statutory reference: G.S. 150B-21.3.

APPROVED RULE CITATION

**REGISTER CITATION TO THE
NOTICE OF TEXT**

2	NCAC 48A	.0206*	11:06 NCR 325
2	NCAC 48A	.0211*	11:06 NCR 326
2	NCAC 48A	.0214	11:06 NCR 326
15A	NCAC 02C	.0211* (Eff. 2-1-97)	not required, G.S. 150B-21.5
15A	NCAC 02C	.0213* (Eff. 2-1-97)	not required, G.S. 150B-21.5
15A	NCAC 02C	.0214* (Eff. 2-1-97)	not required, G.S. 150B-21.5
15A	NCAC 07H	.0309*	11:12 NCR 981
15A	NCAC 18A	.0134* (Eff. 2-1-97)	not required, G.S. 150B-21.5
15A	NCAC 18A	.0134*	11:12 NCR 987
15A	NCAC 18A	.0168* (Eff. 2-1-97)	not required, G.S. 150B-21.5
15A	NCAC 18A	.0168*	11:12 NCR 989
15A	NCAC 18A	.0176	11:12 NCR 991
15A	NCAC 18A	.0182* (Eff. 2-1-97)	not required, G.S. 150B-21.5
15A	NCAC 18A	.0182*	11:12 NCR 991
15A	NCAC 18A	.0183*	11:12 NCR 991
15A	NCAC 18A	.0185	11:12 NCR 992
15A	NCAC 18A	.0187*	11:12 NCR 993
15A	NCAC 18A	.0301* (Eff. 2-1-97)	not required, G.S. 150B-21.5
15A	NCAC 18A	.0301*	11:12 NCR 993
15A	NCAC 18A	.0421*	11:12 NCR 994
15A	NCAC 18A	.0614* (Eff. 2-1-97)	not required, G.S. 150B-21.5
15A	NCAC 18A	.0614	11:12 NCR 995
15A	NCAC 18A	.0618* (Eff. 2-1-97)	not required, G.S. 150B-21.5
15A	NCAC 18A	.0618	11:12 NCR 995
15A	NCAC 18A	.0621	11:12 NCR 996
15A	NCAC 18A	.0901* (Eff. 2-1-97)	not required, G.S. 150B-21.5
15A	NCAC 18A	.0901*	11:12 NCR 997
15A	NCAC 18A	.1301* (Eff. 2-1-97)	not required, G.S. 150B-21.5
15A	NCAC 18A	.1301*	11:12 NCR 997
15A	NCAC 18A	.1319* (Eff. 2-1-97)	not required, G.S. 150B-21.5
15A	NCAC 18A	.1319	11:12 NCR 998
17	NCAC 01C	.0506*	11:10 NCR 838
19A	NCAC 03E	.0403* (Eff. 4-30-97)	not required, G.S. 150B-21.5
21	NCAC 58A	.0302*	11:03 NCR 116
21	NCAC 58A	.1501*	11:03 NCR 117
21	NCAC 58A	.1502*	11:03 NCR 117
23	NCAC 01B	.0001* (Eff. 3-1-97)	not required, G.S. 150B-21.5
23	NCAC 01B	.0004* (Eff. 3-1-97)	not required, G.S. 150B-21.5
23	NCAC 01B	.0005* (Eff. 3-1-97)	not required, G.S. 150B-21.5

23	NCAC 01B	.0008* (Eff. 3-1-97)
23	NCAC 02D	.0104* (Eff. 3-1-97)

not required, G.S. 150B-21.5
not required, G.S. 150B-21.5

TITLE 2 - DEPARTMENT OF AGRICULTURE

CHAPTER 48 - PLANT INDUSTRY

SUBCHAPTER 48A - PLANT PROTECTION

SECTION .0200 - HONEY AND BEE INDUSTRY

.0206 THE TRANSPORTATION OF BEES

The transportation or importation into North Carolina from any other state or country of bees of the superfamily apoidea in any stage of development, the causal agents of their diseases or disorders, their pests, their products, nests or hives, and associated equipment are prohibited except under the following conditions:

- (1) All bees of the superfamily apoidea except *apis mellifera* and cross bred strains of *apis mellifera* with other species of *apis* that are naturalized in the United States shall be allowed entry into North Carolina only by scientific permit. Procedures for obtaining scientific permit are:
 - (a) An application for a permit to move regulated articles shall be obtained from:

State Apiarist
Plant Industry Division
North Carolina Department of Agriculture
Post Office Box 27647
Raleigh, North Carolina 27611

 This application shall be returned to the State Apiarist for processing;
 - (b) Decisions on acceptance or rejection of applications for movement of regulated articles for scientific purposes are based on the following criteria:
 - (i) pest or disease risk hazard;
 - (ii) safeguards against spread which can be applied;
 - (iii) amount of material involved;
 - (iv) biological conditions in the area in which the regulated article is to be moved;
 - (v) method of packaging and method of shipment to be employed;
 - (vi) use for which the regulated articles is to be applied.
- (2) Bees of the species, *apis mellifera* and strains of *apis mellifera* cross bred with other species of *apis* that are naturalized in the United States herein referred to as bees and their equipment and products may be allowed entry into North Carolina under the following conditions:
 - (a) Live adult bees in cages, without combs or foundation provisioned with "candy" or

"syrup" made from sugar and boiled honey possessing a valid certificate of inspection will be admitted when not from an area under quarantine;

- (b) Bees on combs or foundation, nuclei, used hives, used combs and other used apiary equipment of any kind are prohibited except by permit issued according to the provisions of the rules in this Section;
 - (c) New or unused apiary equipment and products packed for nonbee consumption may be transported into North Carolina without restriction;
 - (d) Pollen shipped for bee food may be transported into North Carolina when free of bee disease;
 - (e) Nuclei of commercial beekeepers or a beekeeper who is not regularly in the business of raising queens, package bees or nuclei for sale are prohibited except by permit issued according to the provisions of the rules in this Section;
 - (f) Nuclei of queen breeders, package bee producers, or nuclei producers must be accompanied by a valid certificate of apiary inspection issued by the proper official of the state of origin and marked with the North Carolina compliance agreement number. A compliance agreement may be made between the State Apiarist and those rearing bees in other states for sale as nuclei providing the shipper agrees to the conditions in the compliance agreement;
 - (g) The transportation into North Carolina from any other state or country of bees on comb, used hive bodies, frames, combs and other apiary equipment may be allowed into North Carolina when each shipment is accompanied by a valid permit issued by the State Apiarist. Any colony or colonies of bees or used apiary equipment of any kind found to be moving or to have been moved into North Carolina in violation of the requirements of this Section shall be subject to seizure, destruction, or such other disposition as shall be determined by the State Apiarist, or other authorized inspector, without compensation to the owner.
- (3) Bees may be transported through North Carolina in interstate commerce to a destination outside North Carolina only under the following conditions:

- (a) Hives must be securely covered at all times;
 - (b) Transporting vehicles must keep motors running at all times unless refueling, or unless the bees are enclosed in a refrigerated containment vehicle that maintains the bees at a constant temperature below 45 degrees F.;
 - (c) Transporting vehicles must travel on and remain within one mile of an interstate highway; and
 - (d) The vehicle operator or other responsible person must immediately report to the North Carolina Department of Agriculture any accidental or intentional release of bees.
- (4) Bees may be transported freely within North Carolina except as restricted by quarantine, clean-up areas, or other rules herein.

History Note: Authority G.S. 106-634 through 106-644; Eff. January 1, 1985; Amended Eff. July 1, 1998; June 1, 1993; April 1, 1985.

.0211 COMPLIANCE AGREEMENT

(a) A compliance agreement may be made between the State Apiarist and those rearing bees for sale providing the shipper agrees to:

- (1) Notify the State Apiarist of bees shipped into or within North Carolina, the date shipped, and destination;
- (2) Not use chemotherapy to mask the presence of disease;
- (3) Not exchange used frames in the operation;
- (4) Have all of his bees inspected twice a year and send the State Apiarist copies of health certificates issued;
- (5) Meet all other conditions stipulated by the State Apiarist and provided for by these Rules.

(b) If conditions within the state of origin warrant or violations of the compliance agreement or other health standards occur, the State Apiarist may discontinue the issuance of compliance agreements and revoke any outstanding agreements.

(c) The compliance agreement expires December 31 of each year unless revoked by the State Apiarist prior to that date.

History Note: Authority G.S. 106-634 through 106-644; Eff. January 1, 1985; Amended Eff. July 1, 1998.

**TITLE 15A - DEPARTMENT OF ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES**

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

**SUBCHAPTER 2C - WELL CONSTRUCTION
STANDARDS**

**SECTION .0200 - CRITERIA AND STANDARDS
APPLICABLE TO INJECTION WELLS**

.0211 PERMITS

(a) A permit shall be obtained from the Director prior to constructing, operating, or using any well for injection unless the well is deemed permitted in accordance with Paragraph (u) of this Rule. In those instances where all individual injection wells within a well field will be essentially similar with respect to construction, operation, reporting, and abandonment, and are of the same well Type, the Director may issue an area permit for the injection operations within that same well field, facility, site, reservoir, or similar unit. No permit shall be granted for the injection of wastes or any substance of a composition and concentration such that, if it were discharged to the land or waters of the state, would create a threat to human health or would otherwise render those waters unsuitable for their intended best usage unless specifically provided for by Statute or by the Rules in this Section.

(b) All permit applications shall be signed as follows:

- (1) for a corporation: by a responsible corporate officer
- (2) for a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
- (3) for a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official; or
- (4) for all other persons: by the well owner.

(c) The person signing the permit application shall certify that the data furnished on the application is accurate and that the well will be operated in accordance with the approved specifications and conditions of the permit.

(d) An application shall be submitted, in duplicate, to the Director on forms furnished by the Director and shall include the following:

- (1) For all Class 5 Well Types:
 - (A) The permit well owner's and (if different from the owner) the well operator's name, address, telephone number, and status as a federal, state, private, public, or other activity;
 - (B) The name, mailing address, telephone number, and location of the facility for which the application is submitted and a brief description of the nature of the business;
 - (C) A description of the injection activities proposed by the applicant;
 - (D) A scaled, site-specific map showing the location(s) of the following:
 - (i) the proposed injection well(s);
 - (ii) all property boundaries;
 - (iii) the direction and distance from the

- injection well or well system to two nearby permanent reference points (such as roads, streams, and highway intersections);
- (iv) all buildings within the property boundary;
 - (v) any other existing or abandoned wells, including water supply and monitoring wells, within the area of review of the injection well or well system;
 - (vi) any existing sources of potential or known groundwater contamination, including waste storage, treatment, or disposal systems within the area of review of the injection well or well system; and
 - (vii) all surface water bodies within the area of review of the injection well or well system.
- (E) The chemical, physical, biological, and radiological characteristics of the fluid to be injected;
 - (F) The proposed average and maximum daily rate and quantity of fluid to be injected;
 - (G) Detailed plans and specifications of the surface and subsurface construction details of the system;
 - (H) A listing of all permits or construction approvals, received or applied for by the applicant, that are related to the site or facility covered by this application including but not limited to:
 - (i) Hazardous Waste Management program permits or approval under the Resource Conservation and Recovery Act (RCRA);
 - (ii) NC Division of Water Quality Non-Discharge permits;
 - (iii) Sewage Treatment and Disposal Permits issued in accordance with G.S. 130A; and
 - (iv) Other environmental permits required by state or federal law.
 - (I) Up to four Standard Industrial Codes which best reflect the principal products or services provided by the facility;
 - (J) Whether or not the facility is located on Indian lands;
 - (K) Such other information as deemed necessary by the Director for the protection of human health and the environment.
- (2) For Type 5A7 and 5QM Wells, in addition to the information required in Subparagraph (d)(1) of this Rule, the application shall include the heating/cooling system installation contractor's name, address, and telephone number;
- (3) For Type 5I and 5L Wells, in addition to the information required in Subparagraph (d)(1) of this Rule, the application shall include:
- (A) a brief description of the contamination incident and incident number assigned by Division staff in the Department's Regional Office;
 - (B) a site specific scaled map showing the following:
 - (i) contour intervals not exceeding two feet;
 - (ii) the location of all springs, lakes, ponds, or other surface drainage features within 1000 feet of the injection well or well system;
 - (iii) potentiometric surface showing direction of groundwater movement; and
 - (iv) the horizontal and vertical extent of the contaminant plume (including isoconcentration lines and plume cross sections).
 - (C) a tabulation of data on all wells within 1/4 mile of the injection well(s), excepting water supply wells serving a single-family residence, which penetrate the proposed injection zone. Such data shall include a description of each well's type, depth, record of abandonment or completion, and any additional information the Director may require;
 - (D) a hydrogeologic description, soils description, and cross section of the subsurface to a depth that includes the known or projected depth of contamination. G.S. 89E-18 requires that any geologic plans, reports, or documents in which the performance is related to the public welfare or safeguarding of the environment be prepared by a licensed geologist or subordinate under his direction. G.S. 89E-13 requires that all drawings, reports, or documents involving geologic work which shall have been prepared or approved by a licensed geologist or a subordinate under his direction be signed and sealed by him or her. The number of borings shall be sufficient to determine the following:
 - (i) the regional geologic setting;
 - (ii) significant changes in lithology;
 - (iii) the hydraulic conductivity of the saturated zone;
 - (iv) the depth to the mean seasonal high water table; and
 - (v) a determination of transmissivity and specific yield of the aquifer to be used for injection (showing

- calculations used for transmissivity and specific yield).
- (E) a detailed description of the proposed injection procedure including:
 - (i) average and maximum daily rate and quantity of fluid to be injected;
 - (ii) average and maximum injection pressure;
 - (iii) injection pressure relative to the overburden pressure of the soils and injection zone;
 - (iv) injection temperature; and
 - (v) demonstration of closed-loop recovery of injected and contaminated fluids;
 - (F) proposed concentration of any contaminant in the effluent, given any proposed pretreatment;
 - (G) plans for proposed location and construction details of groundwater monitoring well network including schedule for sampling and analytical methods.
- (4) For Types 5B22, 5R21, 5S23, 5T, 5X25, and 5Z wells, in addition to the information required in Subparagraph (d)(1) of this Rule, the application shall include:
- (A) a detailed description of all planned activities relating to the proposed injection facility including but not limited to:
 - (i) construction plans and materials;
 - (ii) operation procedures; and
 - (iii) planned injection schedule.
 - (B) a hydrogeologic description, soils description, and cross section of the subsurface to the depth of the proposed injection zone. G.S. 89E-18 requires that any geologic plans, reports, or documents in which the performance is related to the public welfare or safeguarding of the environment be prepared by a licensed geologist or subordinate under his direction. G.S. 89E-13 requires all drawings, reports, or documents involving geologic work which shall have been prepared or approved by a licensed geologist or a subordinate under his direction be signed and sealed by him or her. The number of borings shall be sufficient to determine the following:
 - (i) the regional geologic setting;
 - (ii) significant changes in lithology;
 - (iii) the hydraulic conductivity of the saturated zone;
 - (iv) the depth to the mean seasonal high water table; and
 - (v) a determination of transmissivity and specific yield of the aquifer to be

used for injection (show calculations used for transmissivity and specific yield).

- (C) plans for proposed location and construction details of groundwater monitoring well network including schedule for sampling and analytical methods.
 - (e) All applications for a new permit or renewal, modification, or transfer of an existing permit shall be filed in sufficient time prior to construction and operation or expiration, modification, or transfer to allow compliance with all legal procedures.
 - (f) All reports shall be signed by a person described in Paragraph (b) of this Rule or by a duly authorized agent of that person. All records, reports, and information required to be submitted to the Director and public comment on these records, reports, or information shall be disclosed to the public unless the person submitting the information can show that such information, if made public, would disclose methods or processes entitled to protection as trade secrets. The Director shall determine which information is entitled to confidential treatment. In the event the Director determines that such information is entitled to confidential treatment, the Director shall take steps to protect such information from disclosure.
 - (g) The Director shall consider the cumulative effects of drilling and construction of multiple wells and operation of all proposed wells within a well field during evaluation of an area permit application.
 - (h) Injection may not commence until construction is complete, the permittee has submitted notice of completion of construction to the Director, and the Director has inspected or otherwise reviewed the injection well and finds it in compliance with the permit conditions. If the permittee has not received notice from the Director of intent to inspect or otherwise review the injection well within 10 days after the Director receives the notice, the permittee may commence injection. Prior to granting approval for the operation of any injection well, the Director shall consider the following information when such information is required by these Rules:
 - (1) all available logging and testing data on the well;
 - (2) a satisfactory demonstration of mechanical integrity pursuant to these Rules;
 - (3) the proposed operating procedures;
 - (4) the results of the formation testing program; and
 - (5) the status of corrective action on defective wells in the area of review.
 - (i) The Director may establish maximum injection volumes and pressures necessary to assure that:
 - (1) fractures are not initiated in the confining zone;
 - (2) injected fluids do not migrate outside the injection zone or area;
 - (3) injected fluids do not cause or contribute to the migration of fluids beyond the compliance boundary;
 - (4) formation fluids are not displaced outside the

formation; and

(5) there is compliance with operating requirements.

(j) A permit shall be issued for a period not to exceed five years from the date of issuance. On expiration of the permit, the permit shall become invalid unless application is made, at least 120 days prior to the expiration date, for an extension of the subject permit.

(k) The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

(l) The permit may be modified, revoked and reissued, or terminated by the Director in whole or part for actions which would adversely impact human health or the environment, such actions to include but not be limited to:

- (1) violation of any terms or conditions of the permit;
- (2) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts;
- (3) refusal of the permittee to allow authorized employees of the Division upon proper presentation of credentials:

(A) to enter upon permittee's premises on which a system is located in which any records are required to be kept under terms and conditions of the permit;

(B) to have access to and copy any records required to be kept under terms and conditions of the permit;

(C) to inspect any monitoring equipment or method required in the permit; or

(D) to sample any discharge from the injection facility.

(m) The filing of an application by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, shall not stay any permit condition.

(n) The permit shall not convey any property rights of any sort, or any exclusive privilege.

(o) The permittee shall furnish to the Director any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. The permittee shall also furnish to the Director, upon request, copies of records required by the permit to be kept.

(p) The permittee shall allow the Director, or an authorized representative, upon their presentation of credentials and other documents as may be required by law, to:

- (1) enter upon the permittee's premises where a

regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

(2) have access to and copy, during normal business hours, any records that must be kept under the conditions of the permit;

(3) inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

(4) sample or monitor, at reasonable times, and for the purposes of assuring permit compliances or as otherwise authorized, any substances or parameters.

(q) The permittee shall retain copies of records of all monitoring information, including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit, for a period of at least three years from the date of the sample, measurement, report, or application. Records of monitoring information shall include:

(1) the date, exact place, and time of sampling or measurements;

(2) the individual(s) who performed the sampling or measurements;

(3) the date(s) analyses were performed;

(4) the individual(s) who performed the analyses;

(5) the analytical techniques or methods used; and

(6) the results of any such sampling, measurements, and analyses.

(r) The permit shall not be transferable to any person. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be appropriate.

(s) The permittee shall report any monitoring or other information which indicates that any contaminant may cause an endangerment to an underground source of drinking water and any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration outside the injection zone or area. The information shall be provided, to the Director, orally within 24 hours of the occurrence and as a written submission within five days of the occurrence. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue, and any steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(t) The Commission may delegate, through a Memorandum of Agreement to another state agency, the authority to permit injection wells that are an integral part of a facility requiring a permit from that agency.

(u) The following injection wells are deemed to be permitted pursuant to G.S. 87-87 and it shall not be

necessary for the Division to issue individual permits for construction or operation of the following Class 5 Well Types:

Amended Eff. February 1, 1997; October 1, 1996; March 1, 1984.

- (1) Type 5P - Air Injection Well which meets the following criteria:
 - (A) The air to be injected shall not exceed the ambient air quality standards set forth in 15A NCAC 2D Section .0400 and shall not contain any detectable hazardous constituents; and
 - (B) The operation of the air injection well shall not cause contaminated groundwater to migrate into an area not contaminated prior to initiation of injection activities or cause a contravention of a groundwater quality standard as specified in 15A NCAC 2L.
- (2) Type 5QW - Closed-Loop Geothermal-Water-Only Injection Well System which recirculates potable water only and meets the following criteria:
 - (A) The construction of the system shall be completed in such a manner so as to preclude surficial contaminants from entering the borehole; and
 - (B) The person responsible for the construction of the injection well system shall submit notification, prior to construction, of construction to the Division on forms supplied by the Division.
- (3) Type 5X30 - Aquifer Test Well which meets the following criteria:
 - (A) The operation of the aquifer test well shall not cause contaminated groundwater to migrate into an area not contaminated prior to initiation of injection activities or cause a contravention of a groundwater quality standard as specified in 15A NCAC 2L ; and
 - (B) The fluid to be injected shall be uncontaminated.
- (4) In addition to the criteria specified in Subparagraph (u)(2) of this Rule, any test hole or boring shall be permanently abandoned by the driller in accordance with Rule .0214 of this Section within two days after drilling or two days after testing is complete, whichever is less restrictive, except when a test well is being converted to a permanent injection well, in which case conversion shall be completed within 30 days.

.0213 ADDITIONAL CRITERIA AND STANDARDS APPLICABLE TO CLASS 5 WELLS

- (a) Location.
 - (1) For all well types, the injection well shall not be located in an area generally subject to flooding. Areas which are generally subject to flooding include those with concave slope, alluvial or colluvial soils, gullies, depressions, and drainage ways.
 - (2) For Type 5I, and 5L wells where the concentration of any component of the injectant:
 - (A) exceeds the groundwater quality standards specified in 15A NCAC 2L .0202, the injection well shall not be located:
 - (i) at a point where the injectant would degrade the existing quality of the groundwater in the water-bearing unit into which the injectant is being released; or
 - (ii) at a point where, as a result of the injection activity, corrective action would be required under 15A NCAC 2L .0106.
 - (B) is less than the groundwater quality standards specified in 15A NCAC 2L .0202, the injection well shall not be located at point where the injectant would result in a contravention of any of the aforementioned groundwater quality standards in the water-bearing unit into which the injectant is being released.
 - (3) For all well types, the injection well shall be located in an area which does not require a person to enter confined spaces to perform sampling and inspection activities.
 - (4) For Type 5A7, 5R21, 5S23, 5X25, and 5Z wells, the minimum horizontal separation between a well that is designed for injection at atmospheric pressure and potential sources of groundwater contamination shall be as follows unless it can be demonstrated to the Director's satisfaction that a lesser separation distance will not result in a threat to human health or a contravention of a groundwater quality standard as specified in 15A NCAC 2L:
 - (A) Septic tank and drainfield.....50 ft.
 - (B) Other subsurface ground absorption waste disposal system.....50 ft.
 - (C) Industrial or municipal sludge-spreading or wastewater-irrigationsites.....50 ft.
 - (D) Water-tight sewage or liquid-waste collection or transfer facility.....25 ft.
 - (E) Cesspools and privies.....50 ft.

History Note: Authority G.S. 87-87; 87-88; 87-90; 87-94; 87-95; 89E-13; 89E-18; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); 150B-19(4); 40 CFR Part 144.52(a)(7); 40 CFR Part 145.11(a)(20); Eff. August 1, 1982;

- (F) Animal feedlots or manure piles.....50 ft.
 - (G) Fertilizer, pesticide, herbicide, or other chemical storage areas..... 50 ft.
 - (H) Sanitary landfills.....500 ft.
 - (I) Non-hazardous waste storage, treatment, or disposal lagoons.....100 ft.
 - (J) Other non-hazardous solid waste landfills.....100 ft.
 - (K) Animal barns.....50 ft.
 - (L) All other potential sources of groundwater contamination..... 50 ft.
- (5) For all other well types the minimum horizontal separation between a well that is designed for injection and potential sources of groundwater contamination shall be the distance necessary to prevent migration of contaminants or a violation of groundwater standards as demonstrated by hydrogeologic computer modeling.
- (b) Drilling Fluids and Additives. Drilling fluids and additives shall not contain organic materials that cause the surrounding groundwaters to become non-potable nor toxic substances, and may be comprised only of:
- (1) the formational material encountered during drilling; or
 - (2) materials manufactured specifically for the purpose of borehole conditioning or well construction; or
 - (3) materials approved by the Director, based on a demonstration of not adversely affecting human health or the environment.
- (c) Drilling, Casing, Screens, and Testing.
- (1) In the drilling, casing, screening, and testing of injection wells the following procedures shall be utilized:
 - (A) unless otherwise excepted by this Rule, a casing shall be installed which extends from at least 12 inches above land surface to the top of the injection zone or to a depth of 20 feet whichever is shallower;
 - (B) wells with casing extending less than 12 inches above land surface and wells without casing may be approved by the Director only when the following conditions are met:
 - (i) Either:
 - (I) site-specific conditions directly related to business activities, such as vehicle traffic, would endanger the physical integrity of the well; or
 - (II) it is not operationally feasible for the well head to be completed 12 inches above land surface due to the engineering design requirements of the system; and
- (ii) for Type 5Q wells without permanent casing, the well head is completed in such a manner so as to preclude surficial contaminants from entering the well; and the vertical length of the borehole shall be grouted to a minimum depth of 20 feet below land surface with a grout, as specified in Rule .0204 of this Section, and by a method approved by the Director based on a demonstration of not adversely affecting human health or the environment; and
 - (iii) for all other wells, the well head is completed in such a manner so as to preclude surficial contaminants from entering the well; and well head protection shall include:
 - (I) an accessible external sanitary seal installed around the casing and grouting;
 - (II) a sufficient vertical distance between the top of the grouting and the top of the casing to prevent any surficial fluids from entering the injection well casing; and
 - (III) a water-tight seal installed on the top of the casing;
- (C) the methods and materials used in construction shall not threaten the physical and mechanical integrity of the well during its lifetime (i.e., it shall be designed and constructed to operate the projected life of the well) and shall be compatible with the proposed injection activities. In determining the suitability of the methods and materials to be used in the drilling, casing, screening, and testing, the Director shall consider the following:
- (i) depth to the injection zone;
 - (ii) injection pressure, external pressure, internal pressure, and axial loading;
 - (iii) hole size;
 - (iv) size and grade of all casing (wall thickness, diameter, nominal weight, length, joint specification, and casing material);
 - (v) size and grade of all screen material (wall thickness, nominal weight, diameter, length, joint specification, and screen material);
 - (vi) corrosiveness of injected and

- formation fluids;
 - (vii) lithology of injection and confining zones;
 - (viii) type and grade of cement;
 - (ix) type and grade of drilling fluid and additives; and
 - (x) other applicable state and local well construction and environmental standards;
 - (D) multi-screened wells shall not connect aquifers or zones which have differences in water quality which would result in a degradation of any aquifer or zone;
 - (E) the migration of fluids outside the approved injection or recovery zone or area is not permitted;
 - (F) contaminants are not introduced into underground sources of drinking water unless specifically authorized by Statute or Rule; and
 - (G) the borehole shall not penetrate to a depth greater than the depth at which injection will occur unless the purpose of the borehole is the investigation of the geophysical and geochemical characteristics of an aquifer. Following completion of the investigation the borehole beneath the zone of injection shall be grouted completely to prevent the vertical migration of any contaminants downward.
- (2) In addition to the requirements of Subparagraph (c)(1) of this Rule, the testing requirements for all wells other than Type 5A7, 5QW, 5P, and 5X30 shall include but not be limited to:
 - (A) Appropriate logs and other tests conducted during the drilling and construction of the wells shall be submitted to the Director within 30 days of completion of well construction. A descriptive report interpreting the results of such logs and tests shall be prepared by a knowledgeable log analyst and submitted to the Director within 30 days of completion of the tests. The logs and tests appropriate to each type of Class 5 well shall be determined by the Director based on the intended function, depth, construction, and other characteristics of the well, availability of similar data in the area of the drilling site, and the need for additional information that may arise from time to time as the construction of the well progresses. At a minimum, such logs and tests shall include deviation checks conducted on all holes where pilot holes and reaming are used, and at sufficiently frequent intervals to assure that vertical avenues for fluid migration in the form of diverging holes are not created during drilling. In the case of area permits, the Director may authorize logs and tests of the well field as a whole, rather than of each individual well within the well field.
 - (B) When the injection zone is a water-bearing formation, the following information concerning the injection zone as determined or calculated by the owner, shall be submitted to the Director within 30 days of completion of the determinations in an integrated form:
 - (i) fluid pressure;
 - (ii) fluid temperature;
 - (iii) fracture pressure;
 - (iv) other physical and chemical characteristics of the injection zone;
 - (v) physical and chemical characteristics of the formation fluids; and
 - (vi) compatibility of injected fluids with formation fluids.
 - (C) When the injection formation is not a water-bearing formation, only the information required in Parts (B)(iii) and (iv) of this Subparagraph shall be determined or calculated and submitted to the Director within 30 days of completion of the determinations.
 - (D) Monitoring wells completed in the injection zone and any of those zones adjacent to the injection zone might be affected by the injection operations. These wells shall be located in such a fashion as to detect any movement of injection fluids, process by-products, or formation fluids outside the injection area or zone. If the operation may be affected by subsidence or catastrophic collapse, the monitoring wells shall be located so that they will not be physically affected and shall be of an adequate number to detect movement of injected fluids, process by-products, or formation fluids outside the injection zone or area. In determining the number, location and spacing of monitoring wells, the following criteria shall be considered by the Director:
 - (i) the population relying on the underground source of drinking water affected, or potentially affected, by the injection operation;
 - (ii) the proximity of the injection operation to points of withdrawal of drinking water;
 - (iii) the local geology and hydrology;
 - (iv) the operating pressures;
 - (v) the chemical characteristics and volume of the injected fluid,

- formation water, and process by-products; and
- (vi) the density of injection wells.
- (E) For any wells that inject at a pressure exceeding atmospheric, tests for mechanical integrity and injection capacity shall be conducted in accordance with Rule .0207 of this Section.
- (3) All piping, wiring, and vents shall enter the well through the top of the casing unless otherwise approved by the Director based on a design demonstrated to preclude surficial contaminants from entering the well.
- (4) A hose bibb, sampling tap, or other collection equipment, as approved by the Director based on a demonstration of not adversely affecting human health or the environment, shall be installed on the line entering the injection well such that a sample of the injectant can be obtained immediately prior to its entering the injection well.
- (d) Grouting and Sand-and-Gravel-Packing.
- (1) The annular space between the casing and the borehole shall be grouted:
- (A) with a type of cement that is non-toxic and is non-reactive with the casing or screen materials, the formation, and the injected fluids;
- (B) by a method such that the physical and mechanical integrity of the well(s) is not threatened during its life expectancy;
- (C) from land surface:
- (i) to a minimum depth of 20 feet when the well is greater than 20 feet in depth; or
- (ii) to within two feet of the top of the injection zone in those wells less than 20 feet in depth; or
- (iii) in another configuration, as approved by the Director, upon demonstrations that such a configuration is necessitated by engineering design of the injection facility and will not adversely affect human health or the environment; and
- (D) so that the grout shall extend outward from the casing wall to a minimum thickness equal to either one-third of the diameter of the outside dimension of the casing or two inches, whichever is greater.
- (2) Grout shall be placed around the casing by one of the following methods:
- (A) Pressure. Grout shall be pumped or forced under pressure through the bottom of the casing until it fills the annular area around the casing and overflows at the surface.
- (B) Pumping. Grout shall be pumped into place through a hose or pipe extended to the bottom of the annular space which can be raised as the grout is applied. The grout hose or pipe shall remain submerged in grout during the entire application.
- (C) Other. Grout may be emplaced in the annular space by gravity flow in such a way to insure complete filling of the space.
- (3) If an outer casing is installed, it shall be grouted by either the pumping or pressure method.
- (4) All grout mixtures shall be prepared prior to emplacement.
- (5) The well shall be grouted within five working days after the casing is set.
- (6) No additives which will accelerate the process of hydration shall be used in grout for thermoplastic well casing.
- (7) In those instances where the life expectancy of the well will not exceed 90 days, the Director may consider modifications or deletion of the grouting requirements where such modifications or deletion would not have a deleterious effect upon an underground source of drinking water.
- (8) Packing materials shall:
- (A) be composed of quartz, granite, or similar rock material and shall be clean, of uniform size, water-washed and free from clay, silt, or other deleterious material;
- (B) be disinfected prior to subsurface emplacement;
- (C) be emplaced such that it shall not connect aquifers or zones which have differences in water quality that would result in the deterioration of the water qualities in any aquifer or zone; and
- (D) be evenly distributed around the screen and shall extend to a depth at least one foot above the top of the screen. A one foot thick seal, comprised of bentonitic clay or other sealing material approved by the Director based on a demonstration of not adversely affecting human health or the environment, shall be emplaced directly above and in contact with the packing material.
- (e) Operating.
- (1) Pressure at the well head shall be limited to a maximum which will ensure that the pressure in the injection zone does not initiate new fractures or propagate existing fractures in the injection zone, initiate fractures in the confining zone, or cause the migration of injected or formation fluids outside the injection zone or area.
- (2) Injection between the outermost casing protecting underground sources of drinking water and the well bore is prohibited.

- (3) Provisions shall be made by the permittee for the monitoring of operating processes at the well head.
- (4) All injection wells shall be afforded protection against damage during construction and use.
- (f) Monitoring.
 - (1) Monitoring of any injection wells may be required by the Director as necessary to demonstrate adequate protection of underground sources of drinking water. In determining the type, density, frequency, and scope of monitoring, the Director shall consider the following:
 - (A) physical and chemical characteristics of the injection zone;
 - (B) physical and chemical characteristics of the injected fluid(s);
 - (C) volume and rate of discharge of the injected fluid(s);
 - (D) compatibility of the injected fluid(s) with the formation fluid(s);
 - (E) the number, type and location of all wells, mines, surface bodies of water, and man-made structures within the area of review;
 - (F) proposed injection procedures;
 - (G) expected changes in pressure, formation fluid displacement, and direction of movement of injected fluid;
 - (H) proposals of corrective action to be taken in the event that a failure in any phase of injection operations endangers an underground source of drinking water; and
 - (I) the life expectancy of the injection operations.
 - (2) Monitoring, if required by the Director, shall be in accordance with the following requirements:
 - (A) Samples and measurements, taken for the purpose of monitoring, shall be representative of the monitored activity.
 - (B) Analysis of the physical and chemical characteristics of the injected fluid shall be made monthly or more frequently, as necessary, in order to provide representative data for characterization of the injectant.
 - (C) Monitoring of injection pressure, flow rate, and cumulative volume shall occur according to a schedule determined necessary by the Director.
 - (D) Monitoring wells associated with the injection site shall be monitored quarterly to detect any migration of injected fluids from the injection zone.
 - (E) Continuous recording devices to monitor the injection pressure, flow, rate, and volume of injected fluid shall be installed.
- (g) Injection Well Identification Plate.
 - (1) An identification plate showing the name and registration number of the drilling contractor shall be permanently installed on the well within 24 hours after completion of the drilling.
 - (2) The identification plate shall be constructed of a durable weatherproof, rustproof metal or equivalent material.
 - (3) The identification plate shall be securely attached to the well casing, or other location approved by the Director due to its immediate proximity to another part of the injection well, where it is readily visible.
 - (4) The identification plate shall not be removed from the well by any person.
 - (5) The identification tag shall be stamped with a permanent marking within 30 days of completion of the well to show the following:
 - (A) total depth of well;
 - (B) casing depth (ft.) and inside diameter (in.);
 - (C) screened intervals of screened wells;
 - (D) gravel interval of gravel-packed wells;
 - (E) yield, in gallons per minute (gpm), or specific capacity in gallons per minute per foot of drawdown (gpm ft.-dd);
 - (F) static water level and date measured;
 - (G) drilling contractor and registration number; and
 - (H) date well completed.
 - (h) Reporting. The well owner shall be responsible for submitting to the Director on forms furnished by the Director, or on an alternate approved form which provides the same information:
 - (1) A record of the construction or abandonment or repairs of a well, to include: the owner's name; well location, size, and depth; casing record; method of completion or abandonment; formation log; static water level; injection apparatus; and records of any surveys, geophysical logs, tests, or water analyses, and changes in construction or in materials replaced. These records shall be submitted within 30 days of completion of specified activities or abandonment of the well, whichever occurs earliest.
 - (2) Quarterly reports on required monitoring activities, which shall include:
 - (A) the date, exact place, and time of sampling or measurements;
 - (B) the individual(s) who performed the sampling or measurements;
 - (C) the date(s) analyses are performed;
 - (D) the individual(s) who performed the analyses;
 - (E) the analytical techniques or methods used; and
 - (F) the results of such sampling, measurements or analyses.

History Note: Authority G.S. 87-87; 87-88; 87-94; 87-95; 143-211; 143-214.2(b); 143-215.1A; 143-215.3(a)(1); 143-215.3(c); Eff. August 1, 1982; Amended Eff. February 1, 1997; October 1, 1996; March 1, 1984.

.0214 ABANDONMENT AND CHANGE-OF-STATUS OF WELLS

(a) In the event any injection or associated monitoring well is abandoned, either temporarily or permanently, the well owner shall notify the Director within 15 days and the well(s) shall be abandoned in accordance with one of the following procedures or other alternatives approved by the Director based on a demonstration of not adversely affecting human health or the environment:

- (1) Procedures for temporarily abandoned wells.
 - (A) Upon temporary removal from service, or prior to being put into service, the well shall be sealed with a water-tight cap or seal compatible with the casing and installed so that it cannot be removed without the use of hand or powers tools.
 - (B) The well shall be maintained whereby it is not a source or channel of contamination to an underground source of drinking water during its temporary status.
 - (C) The well shall be repaired, to achieve compliance with the Rules in this Section, or permanently abandoned within 30 days of receipt of notice from the department, upon finding that a well is acting as a source or channel of contamination to an underground source of drinking water.
- (2) Procedures for permanently abandoned wells.
 - (A) All casing and materials may be removed prior to initiation of abandonment procedures if the Director finds such removal will not be responsible for, or contribute to, the contamination of an underground source of drinking water. Any casing not grouted in accordance with 15A NCAC 2C .0113 shall be removed or properly grouted.
 - (B) The entire depth of the well shall be sounded before it is sealed to insure freedom from obstructions that may interfere with sealing operations.
 - (C) The well shall be thoroughly disinfected, prior to sealing, if the Director determines that failure to do so could lead to the contamination of an underground source of drinking water.
 - (D) Drilled wells shall be completely filled with cement grout, which shall be introduced into the well through a pipe which extends to the bottom of the well and

is raised as the well is filled. "Bored" or hand-dug wells over 24 inches in diameter may be filled with an alternative material approved by the Director based on a demonstration of not adversely affecting human health or the environment.

- (E) In the case of gravel-packed wells in which the casing and screens have not been removed, neat-cement shall be injected into the well completely filling it from the bottom of the casing to the top.
- (F) In those cases when, as a result of the injection operations, a subsurface cavity has been created, the well shall be abandoned in such a manner that will prevent the movement of fluids into or between underground sources of drinking water and in accordance with the terms and conditions of the permit.

(b) Exploratory or test wells, constructed for the purposes of obtaining information regarding an injection well site, shall be permanently abandoned in accordance with Subparagraph (2) of this Rule upon completion of their exploratory or testing status.

(c) An injection well shall be permanently abandoned by the drilling contractor before removing his equipment from the site if the well casing has not been installed or has been removed from the well bore.

History Note: Authority G.S. 87-87; 87-88; 143-211; 143-215.1A; 143-215.3(a)(1); 143-215.3(c); Eff. August 1, 1982; Amended Eff. February 1, 1997; October 1, 1996.

CHAPTER 7 - COASTAL MANAGEMENT

SUBCHAPTER 7H - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN

SECTION .0300 - OCEAN HAZARD AREAS

.0309 USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS

(a) The following types of development may be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of the Subchapter if all other provisions of this Subchapter and other state and local regulations are met:

- (1) campgrounds that do not involve substantial permanent structures;
- (2) parking areas with clay, packed sand or similar surfaces;
- (3) outdoor tennis courts;
- (4) elevated decks not exceeding a footprint of 500 square feet;
- (5) beach accessways consistent with Rule .0308(c) of this Subchapter;
- (6) unenclosed, uninhabitable gazebos with a footprint

- of 200 square feet or less;
- (7) uninhabitable, single-story storage sheds with a footprint of 200 square feet or less;
- (8) temporary amusement stands; and
- (9) swimming pools.

In all cases, this development shall only be permitted if it is landward of the vegetation line; involves no significant alteration or removal of primary or frontal dunes or the dune vegetation; has overwalks to protect any existing dunes; is not essential to the continued existence or use of an associated principal development; is not required to satisfy minimum requirements of local zoning, subdivision or health regulations; and meets all other non-setback requirements of this Subchapter.

(b) Where strict application of the oceanfront setback requirements of Rule .0306(a) of this Subchapter would preclude placement of permanent substantial structures on lots existing as of June 1, 1979, single family residential structures may be permitted seaward of the applicable setback line in ocean erodible areas, but not inlet hazard areas, if each of the following conditions are met:

- (1) The development is set back from the ocean the maximum feasible distance possible on the existing lot and the development is designed to minimize encroachment into the setback area;
- (2) The development is at least 60 feet landward of the vegetation line;
- (3) The development is not located on or in front of a frontal dune, but is entirely behind the landward toe of the frontal dune;
- (4) The development incorporates each of the following design standards, which are in addition to those required by Rule .0308(d) of this Subchapter.
 - (A) All pilings have a tip penetration that extends to at least four feet below mean sea level;
 - (B) The footprint of the structure be no more than 1,000 square feet or 10 percent of the lot size, whichever is greater.
- (5) All other provisions of this Subchapter and other state and local regulations are met. If the development is to be serviced by an on-site waste disposal system, a copy of a valid permit for such a system must be submitted as part of the CAMA permit application.

(c) Reconfiguration of lots and projects that have a grandfather status under Paragraph (b) of this Rule shall be allowed provided that the following conditions are met:

- (1) Development is setback from the first line of stable natural vegetation a distance no less than that required by the applicable exception;
- (2) Reconfiguration will not result in an increase in the number of buildable lots within the Ocean Hazard AEC or have other adverse environmental consequences; and
- (3) Development on lots qualifying for the exception

in Paragraph (b) of this Rule must meet the requirements of Paragraphs (1) through (5) of that Paragraph.

For the purposes of this Rule, an existing lot is a lot or tract of land which, as of June 1, 1979, is specifically described in a recorded plat and which cannot be enlarged by combining the lot or tract of land with a contiguous lot(s) or tract(s) of land under the same ownership. The footprint is defined as the greatest exterior dimensions of the structure, including covered stairways, when extended to ground level.

(d) The following types of water dependent development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:

- (1) piers providing public access (excluding any pier house, office, or other enclosed areas); and
- (2) maintenance and replacement of existing state-owned bridges and causeways and accessways to such bridges.

(e) Where application of the oceanfront setback requirements of Rule .0306(a) of this Section would preclude replacement of a pier house associated with an existing ocean pier, replacement of the pier house shall be permitted if each of the following conditions are met:

- (1) The associated ocean pier provides public access for fishing or other recreational purposes whether on a commercial, public, or nonprofit basis;
- (2) The pier house is set back from the ocean the maximum feasible distance while maintaining existing parking and sewage treatment facilities and is designed to reduce encroachment into the setback area;
- (3) The pier house shall not be enlarged beyond its original dimensions as of January 1, 1996;
- (4) The pier house shall be rebuilt to comply with all other provisions of this Subchapter; and
- (5) If the associated pier has been destroyed or rendered unusable, replacement of the pier house shall be permitted only if the pier is also being replaced and returned to its original function.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)a; 113A-113(b)(6)b; 113A-113(b)(6)d; 113A-124; Eff. February 2, 1981; Amended Eff. August 1, 1998; April 1, 1996; April 1, 1995; February 1, 1993; January 1, 1991; April 1, 1987.

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .0100 - HANDLING; PACKING; AND SHIPPING OF CRUSTACEA MEAT

.0134 DEFINITIONS

The following definitions shall apply throughout this Section; however, nothing in this Section shall be construed as expanding or restricting the definitions in G.S. 106-129 and G.S. 106-130:

- (1) "Adulterated" as used in G.S. 106-129 means the following:
 - (a) Any cooked crustacea or crustacea meat that have been picked, packed or repacked in a facility which has not been permitted by the Division in accordance with these Rules;
 - (b) Any cooked crustacea or crustacea meat which exceed the bacteriological standards in Rule .0182 of this Section;
 - (c) Any cooked crustacea or crustacea meat which has been deemed to be an imminent hazard.
- (2) "Code date" means the date conspicuously placed on the container to indicate the date that the product was packed.
- (3) "Cook" means to prepare or treat raw crustacea by heating.
- (4) "Crustacea meat" means the meat of crabs, lobster, shrimp or crayfish.
- (5) "Division" means the Division of Environmental Health or its authorized agent.
- (6) "Food-contact surface" means the parts of equipment, including auxiliary equipment, which may be in contact with the food being processed, or which may drain into the portion of equipment with which food is in contact.
- (7) "Foreign" means any place or location outside the United States.
- (8) "Fresh crustacea" means a live, raw or frozen raw crab, lobster, shrimp or crayfish which shows no decomposition.
- (9) "Imminent hazard" means a situation which is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious physical adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.
- (10) "Internal temperature" means the temperature of the product as opposed to the ambient temperature.
- (11) "Misbranded" as used in G.S. 106-130 means the following:
 - (a) Any container of cooked crustacea or crustacea meat which is not labeled with a valid identification number awarded by regulatory authority of the state or country of origin of the cooked crustacea or crustacea meat; or
 - (b) Any container of cooked crustacea or crustacea meat which is not labeled as required by these Rules.

- (12) "Operating season" means the season of the year during which a crustacea product is processed.
- (13) "Pasteurization" means the process of heating every particle of crustacea meat in a hermetically-sealed 401 by 301 one pound container to a temperature of at least 185° F (85° C) and holding it continuously at or above this temperature for at least one minute in properly operated equipment. The term includes any other process which has been found equally effective by the Division.
- (14) "Pasteurization date" means a code conspicuously placed on the container to indicate the date that the product was pasteurized.
- (15) "Processing" means any of the following operations when carried out in conjunction with the cooking of crustacea or crustacea meat: receiving, refrigerating, air-cooling, picking, packing, or pasteurizing.
- (16) "Repacker" means a facility which repacks cooked crustacea meat processed by a North Carolina certified crustacea facility into other containers.
- (17) "Responsible person" means the individual present in a cooked crustacea facility who is the apparent supervisor of the cooked crustacea facility at the time of the inspection. If no individual is the apparent supervisor, then any employee is the responsible person.
- (18) "Sanitize" means a bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.
- (19) "Standardization report" means a report tests which show that piece of equipment can produce time/temperature results as required by these Rules.

History Note: Authority G.S. 106-129; 106-130; 130A-230; Eff. October 1, 1992; Amended Eff. February 1, 1997.

.0134 DEFINITIONS

The following definitions shall apply throughout this Section; however, nothing in this Section shall be construed as expanding or restricting the definitions in G.S. 106-129 and G.S. 106-130:

- (1) "Adulterated" as used in G.S. 106-129 means the following:
 - (a) Any cooked crustacea or crustacea meat that does not comply with these Rules;
 - (b) Any cooked crustacea or crustacea meat which exceeds the bacteriological standards in Rule .0182 of this Section;
 - (c) Any cooked crustacea or crustacea meat which has been deemed to be an imminent hazard;
- (2) "Code date" means the date conspicuously placed

- on the container to indicate the date that the product was packed.
- (3) "Cook" means to prepare or treat raw crustacea by heating.
 - (4) "Crustacea meat" means the meat of crabs, lobster, shrimp or crayfish.
 - (5) "Division" means the Division of Environmental Health or its authorized agent.
 - (6) "Food-contact surface" means the parts of equipment, including auxiliary equipment, which may be in contact with the food being processed, or which may drain into the portion of equipment with which food is in contact.
 - (7) "Foreign" means any place or location outside the United States.
 - (8) "Fresh crustacea" means a live, raw or frozen raw crab, lobster, shrimp or crayfish which shows no decomposition.
 - (9) "Imminent hazard" means a situation which is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious physical adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.
 - (10) "Internal temperature" means the temperature of the product as opposed to the ambient temperature.
 - (11) "Misbranded" as used in G.S. 106-130 means any container of cooked crustacea or crustacea meat which is not labeled in compliance with these Rules. Any container of cooked crustacea or crustacea meat which is not labeled with a valid identification number awarded by regulatory authority of the state or country of origin of the cooked crustacea or crustacea meat.
 - (12) "Operating season" means the season of the year during which a crustacea product is processed.
 - (13) "Pasteurization" means the process of heating every particle of crustacea meat in a hermetically-sealed 401 by 301 one pound container to a temperature of at least 185° F (85° C) and holding it continuously at or above this temperature for at least one minute in properly operated equipment. The term includes any other process which has been found equally effective by the Division.
 - (14) "Pasteurization date" means a code conspicuously placed on the container to indicate the date that the product was pasteurized.
 - (15) "Processing" means any of the following operations when carried out in conjunction with the cooking of crustacea or crustacea meat: receiving, refrigerating, air-cooling, picking, packing, repacking, thermal processing, or pasteurizing.
 - (16) "Repacker" means a facility which repacks cooked

crustacea meat into other containers.

- (17) "Responsible person" means the individual present in a cooked crustacea facility who is the apparent supervisor of the cooked crustacea facility at the time of the inspection. If no individual is the apparent supervisor, then any employee is the responsible person.
- (18) "Sanitize" means a bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.
- (19) "Standardization report" means a report tests which show that piece of equipment can produce time/temperature results as required by these Rules.
- (20) "Thermal processing" means the heating of previously cooked crustacea or crustacea meat to a desired temperature for a specified time in properly operated equipment.

History Note: Authority G.S. 106-129; 106-130; 130A-230;

Eff. October 1, 1992;

Amended Eff. August 1, 1998; February 1, 1997.

.0168 SINGLE-SERVICE CONTAINERS

(a) Single-service containers used for packing cooked crustacea and crustacea meat shall be made from food safe materials approved by the United States Food and Drug Administration.

(b) Containers shall not be reused for packing cooked crustacea and crustacea meat.

(c) No person shall use containers bearing a permit number other than the number assigned to the facility.

(d) Each container shall be legibly impressed, embossed or lithographed with the name and address of the original packer, repacker or distributor. The original packer's or repacker's permit number preceded by the state abbreviation shall be legibly impressed, embossed or lithographed on each container.

(e) Each container shall be permanently and legibly identified with a code date.

(f) All containers shall be stored and handled in accordance with these Rules, sanitized by a procedure as stated in Rule .0157 of this Section and drained prior to filling.

(g) Effective April 1, 1993, all containers shall be sealed so that tampering can be detected.

History Note: Authority G.S. 130A-230;

Eff. October 1, 1992;

Amended Eff. February 1, 1997.

.0168 SINGLE-SERVICE CONTAINERS

(a) Single-service containers used for packing or repacking cooked crustacea and crustacea meat shall be made from food safe materials approved by the United States Food and Drug Administration.

(b) Containers shall not be reused for packing or repacking cooked crustacea and crustacea meat.

(c) No person shall use containers bearing a permit number other than the number assigned to the facility.

(d) Each container or lid shall be legibly impressed, embossed or lithographed with the name and address of the original packer, repacker or distributor. The original packer's or repacker's permit number preceded by the state abbreviation shall be legibly impressed, embossed or lithographed on each container or lid.

(e) Each container or lid shall be permanently and legibly identified with a code date.

(f) All containers and lids shall be stored and handled in accordance with these Rules, sanitized by a procedure as stated in Rule .0157 of this Section and drained prior to filling.

(g) All containers shall be sealed so that tampering can be detected. The words "Sealed For Your Protection" or equivalent shall be prominently displayed on the container or lid.

*History Note: Authority G.S. 130A-230;
Eff. October 1, 1992;
Amended Eff. August 1, 1998; February 1, 1997.*

.0182 BACTERIOLOGICAL AND CONTAMINATION STANDARDS

(a) Cooked crustacea or crustacea meat shall not exceed *Escherichia coli* Most Probable Number (MPN) of 36 per 100 grams of sample or exceed a standard plate count of 100,000 per gram.

(b) Pasteurized crustacea meat shall contain no *Escherichia coli* or fecal coliform. Samples of pasteurized crustacea meat, taken within 24 hours of pasteurizing, shall not have a standard plate count of more than 3,000 per gram.

(c) Cooked crustacea or crustacea meat shall not be handled in a manner to make it an imminent hazard.

(d) Cooked crustacea or crustacea meat found not complying with the standards as stated in Paragraph (a), (b), (c) or (d) of this Rule may be deemed adulterated by the Division.

*History Note: Authority G.S. 130A-230;
Eff. October 1, 1992;
Amended Eff. February 1, 1997.*

.0182 BACTERIOLOGICAL AND CONTAMINATION STANDARDS

(a) Cooked crustacea or crustacea meat shall not exceed *Escherichia coli* Most Probable Number (MPN) of 36 per 100 grams of sample or exceed a standard plate count of 100,000 per gram.

(b) Pasteurized crustacea meat shall contain no *Escherichia coli* or fecal coliform. Samples of pasteurized crustacea meat, taken within 24 hours of pasteurizing, shall not have a standard plate count of more than 3,000 per

gram.

(c) Thermally processed crustacea or crustacea meat shall not exceed *Escherichia coli* MPN of 36 per 100 grams of sample or exceed a standard plate count of 100,000 per gram.

(d) Cooked crustacea or crustacea meat shall not be handled in a manner to make it an imminent hazard.

(e) Cooked crustacea or crustacea meat found not complying with the standards as stated in Paragraph (a), (b), (c) or (d) of this Rule may be deemed adulterated by the Division.

*History Note: Authority G.S. 130A-230;
Eff. October 1, 1992;
Amended Eff. August 1, 1998; February 1, 1997.*

.0183 ALTERNATIVE LABELING

A durable label, permanently affixed to the container may be used to meet any labeling requirement in this Section.

*History Note: Authority G.S. 130A-230;
Eff. August 1, 1998.*

.0187 INTERFACILITY THERMAL PROCESSING PROCEDURES

Interfacility thermal processing of crustacea or crustacea meat shall be in conjunction with the following:

- (1) Crustacea or crustacea meat shall be packed, labeled and refrigerated in compliance with Rules .0134 through .0187 of this Section. Records shall be maintained to identify each batch of crustacea or crustacea meat thermally processed.
- (2) Crustacea or crustacea meat shall be shipped in an enclosed, easily cleanable vehicle at a temperature between 33° F (0.5° C) and 40° F (4.4° C).
- (3) Crustacea or crustacea meat shall be thermally processed in compliance with Rules .0184 through .0187 of this Section. The thermal processor shall provide a copy of each thermal processing chart to the original packer.

*History Note: Authority G.S. 130A-230;
Eff. August 1, 1998.*

SECTION .0300 - SANITATION OF SHELLFISH - GENERAL

.0301 DEFINITIONS

The following definitions shall apply throughout Subchapter:

- (1) "Adulterated" means the following:
 - (a) Any shellfish that have been harvested from prohibited areas;
 - (b) Any shellfish that have been shucked, packed, or otherwise processed in a plant which has not been permitted by the Division in accordance with these Rules;

- (c) Any shellfish which exceed the bacteriological standards in Rule .0430 of this Subchapter;
- (d) Any shellfish which are deemed to be an imminent hazard.
- (2) "Approved area" means an area determined suitable for the harvest of shellfish for direct market purposes.
- (3) "Bulk shipment" means a shipment of loose shellstock.
- (4) "Buy boat or buy truck" means any boat which complies with Rule .0419 of this Subchapter or truck which complies with Rule .0420 of this Subchapter that is used by a person permitted under these Rules to transport shellstock from one or more harvesters to a facility permitted under these Rules.
- (5) "Depuration" means mechanical purification or the removal of adulteration from live shellstock by any artificially controlled means.
- (6) "Depuration facility" means the physical structure wherein depuration is accomplished, including all the appurtenances necessary to the effective operation thereof.
- (7) "Division" means the Division of Environmental Health or its authorized agent.
- (8) "Heat shock process" means the practice of heating shellstock to facilitate removal of the shellfish meat from the shell.
- (9) "Imminent hazard" means a situation which is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious physical adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.
- (10) "Misbranded" means the following:
 - (a) Any shellfish which are not labeled with a valid identification number awarded by regulatory authority of the state or territory of origin of the shellfish; or
 - (b) Any shellfish which are not labeled as required by these Rules.
- (11) "Operating season" means the season of the year during which a shellfish product is processed.
- (12) "Person" means an individual, corporation, company, association, partnership, unit of government or other legal entity.
- (13) "Prohibited area" means an area unsuitable for the harvesting of shellfish for direct market purposes.
- (14) "Recall procedure" means the detailed procedure the permitted dealer will use to retrieve product from the market when it is determined that the product may not be safe for human consumption as determined by the State Health Director.
- (15) "Relaying or transplanting" means the act of removing shellfish from one growing area or shellfish grounds to another area or ground for any purpose.
- (16) "Repacking plant" means a shipper, other than the original shucker-packer, who repacks shucked shellfish into containers for delivery to the consumer.
- (17) "Reshipper" means a shipper who ships shucked shellfish in original containers, or shellstock, from permitted shellstock dealers to other dealers or to consumers.
- (18) "Sanitary survey" means the evaluation of factors having a bearing on the sanitary quality of a shellfish growing area including sources of pollution, the effects of wind, tides and currents in the distribution and dilution of polluting materials, and the bacteriological quality of water.
- (19) "Sanitize" means a bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.
- (20) "SELL BY date" means a date conspicuously placed on a container or tag by which a consumer is informed of the latest date the product will remain suitable for sale.
- (21) "Shellfish" means oysters, mussels, scallops and all varieties of clams. However, the term shall not include scallops when the final product is the shucked adductor muscle only.
- (22) "Shellstock" means any shellfish which remain in their shells.
- (23) "Shellstock conveyance" means all trucks, trailers, or other conveyances used to transport shellstock.
- (24) "Shellstock dealer" means a person who buys, sells, stores, or transports or causes to be transported shellstock which was not obtained from a person permitted under these Rules.
- (25) "Shellstock plant" means any establishment where shellstock are washed, packed, or otherwise prepared for sale.
- (26) "Shucking and packing plant" means any establishment or place where shellfish are shucked and packed for sale.
- (27) "Wet storage" means the temporary placement of shellstock from approved sources, in approved natural sea water.

History Note: Authority G.S. 130A-230; Eff. February 1, 1987; Amended Eff. February 1, 1997; January 4, 1994; September 1, 1990; December 1, 1987.

.0301 DEFINITIONS

The following definitions shall apply throughout Sections .0300 to .0900 of this Subchapter:

- (1) "Adulterated" means the following:
 - (a) Any shellfish that have been harvested from prohibited areas;

- (b) Any shellfish that have been shucked, packed, or otherwise processed in a plant which has not been permitted by the Division in accordance with these Rules;
- (c) Any shellfish which exceed the bacteriological standards in Rule .0430 of this Subchapter;
- (d) Any shellfish which are deemed to be an imminent hazard;
- (2) "Approved area" means an area determined suitable for the harvest of shellfish for direct market purposes.
- (3) "Bulk shipment" means a shipment of loose shellstock.
- (4) "Buy boat or buy truck" means any boat which complies with Rule .0419 of this Subchapter or truck which complies with Rule .0420 of this Subchapter that is used by a person permitted under these Rules to transport shellstock from one or more harvesters to a facility permitted under these Rules.
- (5) "Certification number" means the number assigned by the state shellfish control agency to each certified shellfish dealer. It consists of a one to five digit number preceded by the two letter state abbreviation and followed by the two letter symbol designating the type of operation certified.
- (6) "Depuration" means mechanical purification or the removal of adulteration from live shellstock by any artificially controlled means.
- (7) "Depuration facility" means the physical structure wherein depuration is accomplished, including all the appurtenances necessary to the effective operation thereof.
- (8) "Division" means the Division of Environmental Health or its authorized agent.
- (9) "Heat shock process" means the practice of heating shellstock to facilitate removal of the shellfish meat from the shell.
- (10) "Imminent hazard" means a situation which is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious physical adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.
- (11) "Misbranded" means the following:
 - (a) Any shellfish which are not labeled with a valid identification number awarded by regulatory authority of the state or territory of origin of the shellfish; or
 - (b) Any shellfish which are not labeled as required by these Rules.
- (12) "Operating season" means the season of the year during which a shellfish product is processed.
- (13) "Person" means an individual, corporation, company, association, partnership, unit of government or other legal entity.
- (14) "Prohibited area" means an area unsuitable for the harvesting of shellfish for direct market purposes.
- (15) "Recall procedure" means the detailed procedure the permitted dealer will use to retrieve product from the market when it is determined that the product may not be safe for human consumption as determined by the State Health Director.
- (16) "Relaying or transplanting" means the act of removing shellfish from one growing area or shellfish grounds to another area or ground for any purpose.
- (17) "Repacking plant" means a shipper, other than the original shucker-packer, who repacks shucked shellfish into containers for delivery to the consumer.
- (18) "Reshipper" means a shipper who ships shucked shellfish in original containers, or shellstock, from permitted shellstock dealers to other dealers or to consumers.
- (19) "Sanitary survey" means the evaluation of factors having a bearing on the sanitary quality of a shellfish growing area including sources of pollution, the effects of wind, tides and currents in the distribution and dilution of polluting materials, and the bacteriological quality of water.
- (20) "Sanitize" means the a bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.
- (21) "SELL BY date" means a date conspicuously placed on a container or tag by which a consumer is informed of the latest date the product will remain suitable for sale.
- (22) "Shellfish" means oysters, mussels, scallops and all varieties of clams. However, the term shall not include scallops when the final product is the shucked adductor muscle only.
- (23) "Shellstock" means any shellfish which remain in their shells.
- (24) "Shellstock conveyance" means all trucks, trailers, or other conveyances used to transport shellstock.
- (25) "Shellstock dealer" means a person who buys, sells, stores, or transports or causes to be transported shellstock which was not obtained from a person permitted under these Rules.
- (26) "Shellstock plant" means any establishment where shellstock are washed, packed, or otherwise prepared for sale.
- (27) "Shucking and packing plant" means any establishment or place where shellfish are shucked and packed for sale.
- (28) "Wet storage" means the temporary placement of shellstock from approved areas, in containers or floats in natural bodies of water or in tanks containing natural sea water.

*History Note: Authority G.S. 130A-230;
Eff. February 1, 1987;
Amended Eff. August 1, 1998; February 1, 1997;
January 4, 1994; September 1, 1990;
December 1, 1987.*

**SECTION .0400 - SANITATION OF SHELLFISH -
GENERAL OPERATION STANDARDS**

.0421 DAILY RECORD

All permitted persons who conduct any business of buying, selling, or shipping shellfish shall keep an accurate, daily record which shall show the names and addresses of all persons from whom shellfish are received, the location of the source of shellfish, and the names and addresses of all persons to whom shellfish are sold or shipped. These records shall be recorded and shall be kept on file for one year. All records shall be open to inspection by the Division at any time during business hours.

*History Note: Authority G.S. 130A-230;
Eff. February 1, 1987;
Amended Eff. August 1, 1998.*

**SECTION .0600 - OPERATION OF SHELLFISH
SHUCKING AND PACKING PLANTS AND
REPACKING PLANTS**

.0614 CONTAINERS

(a) Containers used for transporting shucked shellfish shall be made from food safe materials approved by the United States Food and Drug Administration. These containers shall not be reused for packing shellfish.

(b) Shucked shellfish shall be packed and shipped in approved containers, sealed so that tampering can be detected. Each individual container shall have permanently recorded on the container, so as to be conspicuous, the shucker-packer's, repacker's, or distributor's name and address, and the shucker-packer's or repacker's permit number preceded by the state abbreviation.

(c) Any container of shucked shellfish which has a capacity of 64 fluid ounces shall be dated as of the date shucked on both the lid and sidewall or bottom. Any container of shucked shellfish which has a capacity of 64 fluid ounces or less shall indicate a SELL BY date.

(d) No person shall use containers bearing a permit number other than the number assigned to him.

*History Note: Authority G.S. 130A-230;
Eff. February 1, 1987;
Amended Eff. February 1, 1997; December 1, 1987.*

**.0618 HEAT SHOCK METHOD OF
PREPARATION OF SHELLFISH**

(a) Facilities. If a shucking and packing plant uses the heat shock process, it shall be done in an separate room adjacent to the shellstock storage room and the shucking

room.

(b) Tank construction. The heat shock tank shall be constructed of smooth, non-corrosive metal, designed to drain quickly and completely and to be easily and thoroughly cleaned.

(c) Booster heaters. All heat shock tanks shall be equipped with booster heaters that are thermostatically controlled.

(d) Shellstock washing. All shellstock subjected to the heat shock process shall be thoroughly washed with flowing potable water immediately prior to the heat shock operation.

(e) Water temperature. During the heat shock process the water shall be maintained at not less than 145°F (63°C) or more than 150°F (65°C). An accurate thermometer shall be available and used to determine the temperature during the heat shock process. All water shall be completely drained from heat shock tanks and the tanks cleaned at least once in each three hour operational period or more often if necessary.

(f) Time requirements. Shellstock subjected to the heat shock process shall not be immersed in the heat shock water longer than three and one half minutes. An accurate timing device shall be available and used to determine the immersion time.

(g) Alternatives to heat shock method. Nothing in these Rules shall be construed to prohibit any other process which has been found equally effective.

(h) Water requirements. At least eight gallons of heat shock water shall be maintained in the tank for each one half bushel of shellstock being treated. All water used in the heat shock process shall be from a source approved by the Division under Rule .0913 of this Subchapter.

(i) Cooling. Immediately after the heat shock process, all treated shellstock shall be subjected to a cool-down with potable tap water. All heat shocked shellstock shall be handled in a manner to prevent adulteration of the product. Shellfish which have been subjected to the heat shock process shall be cooled to an internal temperature of 45°F (7°C) or below within two hours after this process and shall be placed in storage at 32° - 40°F (0° - 4°C).

(j) Cleaning. At the close of each day's operation, the heat shock tank shall be completely emptied of all water, mud, detritus, and thoroughly cleaned and then rinsed with flowing potable water.

(k) Sanitizing. All heat shock tanks shall be sanitized immediately before starting each day's operation.

(l) Records. All time and temperature records of heat shock processes shall be kept and maintained on file for one year.

*History Note: Authority G.S. 130A-230;
Eff. February 1, 1987;
Amended Eff. February 1, 1997; September 1, 1990.*

**SECTION .0900 - CLASSIFICATION OF
SHELLFISH GROWING WATERS**

.0901 DEFINITIONS

The following definitions shall apply throughout this Section.

- (1) "Approved area" means an area determined suitable for the harvesting of shellfish for direct market purposes.
- (2) "Closed - system marina" means a marina constructed in canals, basins, tributaries or any other area with restricted tidal flow.
- (3) "Commercial marina" means marinas that offer one or more of the following services: fuel, transient dockage, haul-out facilities, or repair services.
- (4) "Conditionally approved area" means an area subject to predictable intermittent pollution that may be used for harvesting shellfish for direct market purposes when management plan criteria are met.
- (5) "Depuration" means mechanical purification or the removal of adulteration from live shellstock by any artificially controlled method.
- (6) "Division" means the Division of Environmental Health or its authorized agent.
- (7) "Fecal coliform" means bacteria of the coliform group which will produce gas from lactose in a multiple tube procedure liquid medium (EC or A-1) within 24 plus or minus two hours at 44.5°C plus or minus 0.2°C in a water bath.
- (8) "Growing waters" means waters which support or could support shellfish life.
- (9) "Marina" means any water area with a structure (dock, basin, floating dock, etc.) which is utilized for docking or otherwise mooring vessels and constructed to provide temporary or permanent docking space for more than ten boats.
- (10) "Marine biotoxins" means a poisonous substance accumulated by shellfish feeding upon dinoflagellates containing toxins.
- (11) "Most probable number (MPN)" means a statistical estimate of the number of bacteria per unit volume and is determined from the number of positive results in a series of fermentation tubes.
- (12) "Open - system marina" means a marina constructed in an area where tidal currents have not been impeded by natural or man-made barriers.
- (13) "Private marina" means any marina that is not a commercial marina as defined in these Rules.
- (14) "Prohibited area" means an area unsuitable for the harvesting of shellfish for direct market purposes.
- (15) "Public health emergency" means any condition that may immediately cause shellfish waters to be unsafe for the harvest of shellfish for human consumption.
- (16) "Relaying" means the act of removing shellfish from one growing area or shellfish grounds to

another area or ground for any purpose.

- (17) "Restricted area" means an area from which shellfish may be harvested only by permit and subjected to an approved depuration process or relayed to an approved area.
- (18) "Sanitary survey" means the evaluation of factors that affect the sanitary quality of a shellfish growing area including sources of pollution, the effects of wind, tides and currents in the distribution and dilution of polluting materials, and the bacteriological quality of water.
- (19) "Shellfish" means oysters, mussels, and all varieties of clams.
- (20) "Shoreline survey" means a visual inspection of the environmental factors that affect the sanitary quality of a growing area and identifies sources of pollution when possible.

History Note: Authority G.S. 130A-230;

Eff. June 1, 1989;

Amended Eff. February 1, 1997; September 1, 1990.

.0901 DEFINITIONS

The following definitions shall apply throughout this Section.

- (1) "Approved area" means an area determined suitable for the harvesting of shellfish for direct market purposes.
- (2) "Closed - system marina" means a marina constructed in canals, basins, tributaries or any other area with restricted tidal flow.
- (3) "Commercial marina" means marinas that offer one or more of the following services: fuel, transient dockage, haul-out facilities, or repair services.
- (4) "Conditionally approved area" means an area subject to predictable intermittent pollution that may be used for harvesting shellfish for direct market purposes when management plan criteria are met.
- (5) "Depuration" means mechanical purification or the removal of adulteration from live shellstock by any artificially controlled method.
- (6) "Division" means the Division of Environmental Health or its authorized agent.
- (7) "Fecal coliform" means bacteria of the coliform group which will produce gas from lactose in a multiple tube procedure liquid medium (EC or A-1) within 24 plus or minus two hours at 44.5°C plus or minus 0.2°C in a water bath.
- (8) "Growing waters" means waters which support or could support shellfish life.
- (9) "Marina" means any water area with a structure (dock, basin, floating dock, etc.) which is utilized for docking or otherwise mooring vessels and constructed to provide temporary or permanent docking space for more than 10 boats.

- (10) "Marine biotoxins" means a poisonous substance accumulated by shellfish feeding upon dinoflagellates containing toxins.
- (11) "Most probable number (MPN)" means a statistical estimate of the number of bacteria per unit volume and is determined from the number of positive results in a series of fermentation tubes.
- (12) "Open - system marina" means a marina constructed in an area where tidal currents have not been impeded by natural or man-made barriers.
- (13) "Private marina" means any marina that is not a commercial marina as defined in this Rule.
- (14) "Prohibited area" means an area unsuitable for the harvesting of shellfish for direct market purposes.
- (15) "Public health emergency" means any condition that may immediately cause shellfish waters to be unsafe for the harvest of shellfish for human consumption.
- (16) "Relaying" means the act of removing shellfish from one growing area or shellfish grounds to another area or ground for any purpose.
- (17) "Restricted area" means an area from which shellfish may be harvested only by permit and subjected to an approved depuration process or relayed to an approved area.
- (18) "Sanitary survey" means the evaluation of factors that affect the sanitary quality of a shellfish growing area including sources of pollution, the effects of wind, tides and currents in the distribution and dilution of polluting materials, and the bacteriological quality of water.
- (19) "Shellfish" means oysters, mussels, scallops and all varieties of clams. However, the term shall not include scallops when the final product is the shucked adductor muscle only.
- (20) "Shoreline survey" means a visual inspection of the environmental factors that affect the sanitary quality of a growing area and identifies sources of pollution when possible.

History Note: Authority G.S. 130A-230; Eff. June 1, 1989; Amended Eff. August 1, 1998; February 1, 1997; September 1, 1990.

**SECTION .1300 - SANITATION OF HOSPITALS:
NURSING AND REST HOMES: SANITARIUMS:
EDUCATIONAL AND OTHER INSTITUTIONS**

.1301 DEFINITIONS

The following definitions shall apply throughout this Section in the interpretation and enforcement of this Section:

- (1) "Institution" includes the following establishments providing room or board and for which a license or certificate of payment must be obtained from

the Department of Human Resources, other than those operated exclusively by the State of North Carolina:

- (a) hospital, as defined in G.S. 131E-76 including doctors' clinics with food preparation facilities;
- (b) nursing home, as defined in G.S. 131E-101;
- (c) sanitarium, sanatorium, and any similar establishment, other than hospital and nursing home, for the recuperation and treatment of 13 or more persons suffering from physical or mental disorders;
- (d) rest home, providing custodial care on a 24-hour basis for 13 or more persons, including homes for the aged;
- (e) orphanage, or children's home providing care on a 24-hour basis for 13 or more children;
- (f) educational institution, providing dormitory or similar living quarters and meals in whole or in part to students, faculty, or others in attendance, including boarding schools and colleges;

However, the term shall not include a child day care facility or a residential care facility as defined in 15A NCAC 18A .1600.

- (2) "Department of Environment, Health, and Natural Resources" shall mean the Secretary, or his authorized representative.
- (3) "Local health director" shall mean local health director as defined in G.S. 130A-2(6) or his authorized representative.
- (4) "Sanitarian" shall mean a person authorized to represent the Department on the local or state level in making inspections pursuant to state laws and regulations.
- (5) "Person" shall mean an individual, firm, association, organization, partnership, business trust, corporation, or company.
- (6) "Potentially hazardous food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat treated foods of animal origin, raw seed sprouts, and treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.
- (7) "Sanitize" means a bactericidal treatment which meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.

History Note: Authority G.S. 130A-235; Eff. February 1, 1976; Readopted Eff. December 5, 1977; Amended Eff. February 1, 1997; September 1, 1990;

March 1, 1988.

.1301 DEFINITIONS

The following definitions shall apply throughout this Section in the interpretation and enforcement of this Section:

- (1) "Institution" includes the following establishments providing room or board and for which a license or certificate of payment must be obtained from the Department of Human Resources, other than those operated exclusively by the State of North Carolina:
 - (a) hospital, as defined in G.S. 131E-76 including doctors' clinics with food preparation facilities;
 - (b) nursing home, as defined in G.S. 131E-101;
 - (c) sanitarium, sanatorium, and any similar establishment, other than hospital and nursing home, for the recuperation and treatment of 13 or more persons suffering from physical or mental disorders;
 - (d) rest home, providing custodial care on a 24-hour basis for 13 or more persons, including homes for the aged;
 - (e) orphanage, or children's home providing care on a 24-hour basis for 13 or more children. However, the term shall not include a child day care facility or a residential care facility as defined in 15A NCAC 18A .1600.
- (2) "Department of Environment, Health, and Natural Resources" shall mean the Secretary, or his authorized representative.
- (3) "Local health director" shall mean local health director as defined in G.S. 130A-2(6) or his authorized representative.
- (4) "Sanitarian" shall mean a person authorized to represent the Department on the local or state level in making inspections pursuant to state laws and regulations.
- (5) "Person" shall mean an individual, firm, association, organization, partnership, business trust, corporation, or company.
- (6) "Potentially hazardous food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including Clostridium botulinum. This term includes raw or heat treated foods of animal origin, raw seed sprouts, and treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.
- (7) "Sanitize" means a bactericidal treatment which meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.

History Note: Authority G.S. 130A-235;

Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. August 1, 1998; February 1, 1997;
September 1, 1990; March 1, 1988.

.1319 BEDROOM AND LOBBY FURNISHINGS

- (a) All furniture, bed springs, mattresses, draperies, curtains, shades, venetian blinds, or other furnishings shall be kept clean and in good repair.
- (b) Clean bed linen in good repair shall be provided for each individual and shall be changed when soiled. Clean linen shall be stored and handled in a separate room or area, or in another manner that will prevent contamination of clean linen. Soiled linen shall be stored and handled in such a manner as not to spread contamination, as by the use of closed hampers.
- (c) The provisions regarding linen do not apply to educational institutions in which linens are provided by students.

History Note: Authority G.S. 130A-235;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. February 1, 1997; September 1, 1990.

TITLE 17 - DEPARTMENT OF REVENUE

CHAPTER 1 - DEPARTMENTAL RULES

SUBCHAPTER 1C - GENERAL ADMINISTRATION

SECTION .0500 - FORM OF PAYMENT

.0506 VOLUNTARY EFT PROGRAM PARTICIPATION

- (a) The following taxpayers not subject to remittance provisions of 17 NCAC 1C .0504 may elect to participate in the EFT Program on or after January 1, 1995:
 - (1) Taxpayers required to file returns and pay Withholding of Income Taxes from wages of individuals under Article 4A.
 - (2) Taxpayers required to remit installment payments of Estimated Corporate Income Tax under Chapter 105 Article 4C.
 - (3) Taxpayers who remit Alcoholic Beverage Excise Taxes payable under Chapter 105 Article 2C.
 - (4) Taxpayers who remit Utility Sales Tax payable under the provisions of G.S. 105-164.4 (a)(4c).
 - (5) Taxpayers who remit Utility Franchise Tax payable under G.S. 105-116 or G.S. 105-120, excluding telephone companies who remit less than three thousand dollars (\$3,000.00) per month.
 - (6) Taxpayers who remit Sales and Use Tax under G.S. 105-164.16(b).
 - (7) Taxpayers who remit Motor Fuels Taxes levied

under Chapter 105 Article 36C and 36D.

- (8) Taxpayers who remit Tobacco Products Tax levied under Chapter 105 Article 2A.
- (9) Taxpayers who remit Soft Drink Tax levied under Chapter 105 Article 2B.
- (10) Taxpayers who remit Insurance Taxes levied under Chapter 105 Article 8B.

(b) Taxpayers electing to voluntarily participate in the EFT Program shall complete and return Form AC-EFT-100V, Electronic Funds Transfer Authorization Agreement for Voluntary Participants.

(c) Taxpayers who elect to participate in the EFT Program shall remit payments electronically for a minimum of twelve consecutive months. A taxpayer may withdraw from the EFT Program after 12 months by giving the Department 45 days written notice.

(d) Taxpayers who elect to participate in the EFT Program shall be subject to the penalty provisions stated in G.S. 105-236 (1a) and (1b).

(e) Taxpayers electing to participate in the EFT Program shall be subject to the same rules as taxpayers subject to the remittance provisions of 17 NCAC 1C .0504.

History Note: Authority G.S. 105-241; 105-262; 105-236; Eff. October 1, 1993; Amended Eff. March 1, 1995; November 1, 1994; Temporary Amendment Eff. December 20, 1995. Amended Eff. July 1, 1998; March 1, 1997.

TITLE 19A - DEPARTMENT OF TRANSPORTATION

CHAPTER 3 - DIVISION OF MOTOR VEHICLES

SUBCHAPTER 3E - INTERNATIONAL REGISTRATION PLAN (IRP) SECTION

SECTION .0400 - INTERNATIONAL REGISTRATION PLAN

.0403 LICENSE PERIOD FOR TRAILER PLATE

(a) G.S. 20-66 establishes the expiration date for both annual and staggered registration plates. Under an agreement with the Division and the registrant, trailer plates may be issued for a period of up to five years with the following conditions:

- (1) Payment is made for the first year's fees;
- (2) A certificate of deposit from a credit union insured by Credit Union National Association Insurance Mutual Group, Inc. (CUNA) or a bank or savings and loan institution insured by Federal Deposit Insurance Corporation (FDIC) in an amount equal to the fees for the remainder of the issuance period, shall be filed with the Division;
- (3) Payment for each additional year is made during the normal renewal period. The certificate of

deposit may be reissued each year in an amount equal to the fees for the years remaining on the agreement.

(b) Copies of the trailer registration plate agreement are available from the International Registration Plan Section, Division of Motor Vehicles, 1425 Rock Quarry Road, Raleigh, NC 27610.

History Note: Statutory Authority G.S. 20-39; 20-63; 20-87(9); 20-88; Eff. November 1, 1991; Amended Eff. April 30, 1997; December 1, 1993.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 58 - REAL ESTATE COMMISSION

SUBCHAPTER 58A - REAL ESTATE BROKERS AND SALESMEN

SECTION .0300 - APPLICATION FOR LICENSE

.0302 FILING AND FEES

(a) Completed applications must be received in the Commission's office or postmarked not later than the filing date established by the executive director for a scheduled examination and must be accompanied by the appropriate fee. A filing date shall be no more than 40 days prior to a scheduled examination. Once the application has been filed and processed, the application fee may not be refunded.

(b) The following fees shall be charged:

- (1) application for new broker license.....\$30.00,
- (2) application for new salesman license.....\$30.00.

For the purposes of this Section, the term, broker, shall refer to both an individual and a business entity.

History Note: Authority G.S. 93A-4(a),(d); Eff. February 1, 1976; Readopted Eff. September 30, 1977; Amended Eff. July 1, 1998; July 1, 1996; February 1, 1989; December 1, 1985; May 1, 1984; May 1, 1982.

SECTION .1500 - FORMS

.1501 LICENSING AND GENERAL BROKERAGE FORMS

History Note: Authority G.S. 93A-4(d); 150B-11(1); Eff. July 1, 1989; Repealed Eff. July 1, 1998.

.1502 FORMS FOR SCHOOL APPROVAL OR LICENSURE

History Note: Authority G.S. 93A-4(d); 150B-11(1);

*Eff. July 1, 1989;
Amended Eff. May 1, 1990;
Repealed Eff. July 1, 1998.*

TITLE 23 - DEPARTMENT OF COMMUNITY COLLEGES

CHAPTER I - GENERAL PROVISIONS

SUBCHAPTER 1B - PROCEDURE

.0001 PETITIONS

(a) Any person wishing to request the adoption, amendment, or repeal of a rule made by the State Board, Department of Community Colleges, shall make a request in a petition addressed to:

System President
Department of Community Colleges
200 West Jones Street
Raleigh, NC 27603-1379

(b) The petition shall contain the following information:

- (1) either a draft of the proposed rule or a summary of its contents;
- (2) the statutory authority for the agency to adopt the rule;
- (3) the reasons for the proposal;
- (4) the effect of the proposed rule on existing rules;
- (5) any data supporting the proposal;
- (6) the effect of the proposed rule on existing practices in the area involved, including cost factors; and
- (7) the name and address of the petitioner.

(c) The System President or designee shall determine, based on a study of the facts stated in the petition, whether the public interest will be served by granting the petition. The System President or designee shall consider all the contents of the submitted petition and any additional information deemed relevant.

(d) Within 120 days of submission of the petition, the State Board or designee shall render a decision. If the decision is to deny the petition, the System President or designee shall notify the petitioner in writing, stating the reason(s) for the denial. If the decision is to approve the petition, the State Board shall publish a notice of rule-making proceedings.

*History Note: Authority G.S. 143B-10(j)(2); 150B-20;
Eff. September 1, 1993;
Amended Eff. March 1, 1997.*

.0004 HEARINGS

(a) Any person desiring to make an oral presentation at a public hearing may submit a written copy of the presentation to the hearing officer prior to or at the public hearing.

(b) Presentations shall not exceed 10 minutes.

(c) Written comments must be sent to:

System President
Department of Community Colleges
200 West Jones Street
Raleigh, NC 27603-1379

(d) The hearing officer shall have control over the rule making hearing, including:

- (1) the responsibility of having a record made of the hearing;
- (2) extension of any time allotments;
- (3) recognition of speakers;
- (4) prevention of repetitious presentations; and
- (5) general management of the hearing.

(e) The hearing officer shall ensure that each person attending the hearing is given a fair opportunity to present views, data, and comments.

*History Note: Authority G.S. 143B-10; 150B-21.2;
Eff. September 1, 1993;
Amended Eff. March 1, 1997.*

.0005 STATEMENT OF REASONS FOR AND AGAINST RULE MAKING DECISION

(a) Any person who desires from the System President a concise written statement of the principal reasons for or against the decision by the State Board to adopt or reject a rule may, within 30 days after adoption of a rule, submit a request to:

System President
Department of Community Colleges
200 West Jones Street
Raleigh, NC 27603-1379

(b) The request must be made in writing and must identify the rule or proposed rule involved.

(c) The System President shall issue the statement of reason(s) against the State Board's decision within 45 days after receipt of the request.

*History Note: Authority G.S. 143B-10; 150B-21.2;
Eff. September 1, 1993;
Amended Eff. March 1, 1997.*

.0008 DECLARATORY RULINGS

(a) The State Board shall have the power to make declaratory rulings. A declaratory ruling means the State Board's determination of the validity of a specific rule or whether a specific statute, rule or order applies to a given set of facts. All requests for declaratory rulings shall be by written petition and shall be submitted to:

System President
Department of Community Colleges
200 West Jones Street
Raleigh, NC 27603-1379

(b) Every request for a declaratory ruling must include the following information:

- (1) the name and address of the petitioner;
- (2) the statute or rule to which the question relates;

- (3) a concise statement of the manner in which the petitioner is aggrieved by the rule or statute or its potential application to him; and
- (4) the consequences of a failure to issue a declaratory ruling.

(c) Whenever the State Board believes that the issuance of a declaratory ruling is undesirable, it shall refuse to issue one. Where a declaratory ruling is deemed inappropriate, the System President or designee shall notify in writing the petitioner, stating reasons for the denial of a declaratory ruling. The State Board may refuse to consider the validity of a rule:

- (1) unless the petitioner shows that the circumstances are so changed since adoption of the rule that such a ruling would be warranted;
- (2) unless the rule making record evidences a failure by the agency to consider specified relevant factors;
- (3) unless circumstances stated in the request or otherwise known to the agency show that a declaratory ruling would presently be appropriate.

(d) Where a declaratory ruling is deemed appropriate, the State Board shall issue the ruling within 60 days of the receipt of the petition.

(e) A declaratory ruling procedure may consist of written submissions, oral hearings, or such other procedure as may be deemed appropriate, in the discretion of the State Board or its designee in the particular case.

(f) The System President or his designee may issue notice to persons who might be affected by the ruling that written comments may be submitted or oral presentations received at a scheduled hearing.

(g) A record of all declaratory ruling proceedings shall be maintained by the System President and shall be available for public inspection during regular business hours. This record shall contain:

- (1) the original request;
- (2) the reason(s) for refusing to issue a ruling when the request is denied;
- (3) all written memoranda and information submitted;
- (4) any written minutes or audio tape or other record of the oral hearing; and
- (5) a statement of the ruling when the request is granted.

*History Note: Authority G.S. 150B-4;
Eff. September 1, 1993;
Amended Eff. March 1, 1997.*

CHAPTER 2 - COMMUNITY COLLEGES

**SUBCHAPTER 2D - COMMUNITY COLLEGES:
FISCAL AFFAIRS**

SECTION .0100 - SALARIES

.0104 MILITARY LEAVE

(a) The rules concerning military leave, codified as Title 25, Subchapter 1E, Section .0800, are hereby incorporated by reference including any subsequent amendments and editions of these rules to apply to community college system employees.

(b) Copies of 25 NCAC, Subchapter 1E, Section .0800 may be inspected in or obtained, at no cost, from the Office of the System President, Department of Community Colleges, 200 West Jones Street, Raleigh, North Carolina, 27603-1379.

*History Note: Authority G.S. 115D-5; 127A-116; 150B-21.6;
Eff. February 1, 1976;
Amended Eff. March 1, 1997; September 1, 1993; August 17, 1981.*

The List of Rules Codified is a listing of rules that were filed with OAH in the month indicated and have been entered into the Code.

Key:

- Citation = Title, Chapter, Subchapter and Rule(s)
- AD = Adopt
- AM = Amend
- RP = Repeal
- With Chgs = Final text differs from proposed text
- Corr = Typographical errors or changes that requires no rulemaking
- Temp. = Rule was filed as a temporary rule
- Eff. Date = Date rule becomes effective

NORTH CAROLINA ADMINISTRATIVE CODE

JANUARY 97

TITLE	DEPARTMENT	TITLE	DEPARTMENT
2	Agriculture	19A	Transportation
10	Human Resources	21	Occupational Licensing Board
13	Labor		1 - Acupuncture
15A	Environment, Health, and Natural Resources	23	22 - Hearing Aid Dealers and Fitters
		25	Community Colleges Personnel

RULE CITATION	AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
2 NCAC 34 .0503		✓				✓	01/10/97
.0602		✓				✓	01/10/97
.0604 - .0605		✓				✓	01/10/97
10 NCAC 3R .3002	✓					✓	01/01/97
.3051 - .3088	✓					✓	01/01/97
.3053		✓				✓	01/15/97
18W .0202	✓			✓			02/01/97
.0204	✓			✓			02/01/97
.0206 - .0210	✓			✓			02/01/97
.0212 - .0213	✓			✓			02/01/97
.0216 - .0217	✓			✓			02/01/97
.0219	✓			✓			02/01/97
26H .0506						expired	01/10/97
49C .0107						expired	09/10/96
50D .0101 - .0103						expired	07/01/96

LIST OF RULES CODIFIED

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
10	NCAC	50D	.201						expired	07/01/96
			.0301 - .0302						expired	07/01/96
			.0401 - .0402						expired	07/01/96
			.0501 - .0503						expired	07/01/96
13	NCAC	7F	.0101						expired	01/26/97
15A	NCAC	2C	.0211		✓					02/01/97
			.0213 - .0214		✓					02/01/97
		7M	.0401		✓		✓			04/01/97
			.0402		✓		✓			04/01/97
		18A	.0134		✓					02/01/97
			.0168		✓					02/01/97
			.0182		✓					02/01/97
			.0301		✓					02/01/97
			.0614		✓					02/01/97
			.0618		✓					02/01/97
			.0901		✓					02/01/97
			.1301		✓					02/01/97
			.1319		✓					02/01/97
19A	NCAC	3E	.0403		✓					04/30/97
21	NCAC	1	.0301						expired	11/11/96
			.0702 - .0704	✓			✓			02/01/97
			.0710	✓			✓			02/01/97
			.0711	✓						02/01/97
		22F	.0003					✓		
23	NCAC	1B	.0001		✓					03/01/97
			.0004 - .0005		✓					03/01/97
			.0008		✓					03/01/97
		2D	.0104		✓					03/01/97
25	NCAC	1J	.0613						expired	11/26/96

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, February 20, 1997, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Monday, February 17, 1997, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate
 Philip O. Redwine - Chairman
 Vernice B. Howard
 Teresa L. Smallwood
 Charles H. Henry

Appointed by House
 Bill Graham - Vice Chairman
 James Mallory, III
 Paul Powell
 Anita White

RULES REVIEW COMMISSION MEETING DATES

February 20, 1997	May 15, 1997
March 20, 1997	June 19, 1997
April 17, 1997	July 17, 1997

MEETING DATE: FEBRUARY 20, 1997

LOG OF FILINGS

RULES SUBMITTED: DECEMBER 20, 1996 THROUGH JANUARY 20, 1997

AGENCY/DIVISION	RULE NAME	RULE	ACTION
TRANSPORTATION/DIVISION OF MOTOR VEHICLES			
	Definitions	19A NCAC 3J .0102	Amend
	Course of Instruction	19A NCAC 3J .0306	Amend
	Student Requirements	19A NCAC 3J .0307	Amend
	Reports to be Submitted	19A NCAC 3J .0308	Amend
	Requirements	19A NCAC 3J .0601	Amend

RULES REVIEW OBJECTIONS

ACUPUNCTURE LICENSING BOARD

<i>21 NCAC 1 .0706 - Continuances</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>21 NCAC 1 .0707 - Disqualification for Personal Bias</i>	<i>RRC Objection</i>	<i>01/16/97</i>

COMMUNITY COLLEGES

<i>23 NCAC 2C .0304 - Student Loan Funds for Vocational and Technical Education</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>23 NCAC 2E .0203 - Standards for Technical-Vocational Curriculums</i>	<i>RRC Objection</i>	<i>01/16/97</i>

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Coastal Management

<i>15A NCAC 7H .0104 - Development Initiated Prior to Eff. Date of Revisions</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>

RULES REVIEW COMMISSION

15A NCAC 7H .0304 - AECs Within Ocean Hazard Areas	RRC Objection	11/21/96
Agency Revised Rule	Obj. Removed	12/19/96
15A NCAC 7H .0305 - General Identification and Description of Landforms	RRC Objection	11/21/96
Agency Revised Rule	Obj. Removed	12/19/96
15A NCAC 7M .0403 - Policy Statements	RRC Objection	01/16/97

Environmental Management

15A NCAC 2B .0229 - Tar Pamlico River Basin-Nutrient Sensitive Waters Mgmt Strategy	RRC Objection	11/21/96
Agency Revised Rule	Obj. Removed	12/19/96

Commission for Health Services

15A NCAC 18A .0134 - Definitions	RRC Objection	12/19/96
15A NCAC 18A .0168 - Single-Service Containers	RRC Objection	12/19/96
15A NCAC 18A .0176 - Pasteurization of Crustacea Meat	RRC Objection	12/19/96
15A NCAC 18A .0182 - Bacteriological and Contamination Standards	RRC Objection	12/19/96
15A NCAC 18A .0183 - Alternative Labeling	RRC Objection	12/19/96
15A NCAC 18A .0185 - Thermal Processing of Crustacea and Crustacea Meat	RRC Objection	12/19/96
15A NCAC 18A .0187 - Interfacility Thermal Processing Procedures	RRC Objection	12/19/96
15A NCAC 18A .0301 - Definitions	RRC Objection	12/19/96
15A NCAC 18A .0421 - Daily Record	RRC Objection	12/19/96
15A NCAC 18A .0614 - Containers	RRC Objection	12/19/96
15A NCAC 18A .0618 - Heat Shock Method of Preparation of Shellfish	RRC Objection	12/19/96
15A NCAC 18A .0621 - Recall Procedure	RRC Objection	12/19/96
15A NCAC 18A .0901 - Definitions	RRC Objection	12/19/96
15A NCAC 18A .1301 - Definitions	RRC Objection	12/19/96
15A NCAC 18A .1319 - Bedroom and Lobby Furnishings	RRC Objection	12/19/96

Parks and Recreation Area Rules

15A NCAC 12B .1206 - Fees and Charges	RRC Objection	11/21/96
Agency Revised Rule	Obj. Removed	12/19/96

HUMAN RESOURCES

Facility Services

10 NCAC 3R .3030 - Facility and Service Need Determinations	RRC Objection	10/17/96
Agency Revised Rule	Obj. Cont'd	11/21/96
No Response from Agency	Obj. Cont'd	12/19/96
Agency Revised Rule	Obj. Cont'd	01/16/97
10 NCAC 3R .3033 - Open Heart Surgery Services Need Determinations (Rev. Cat. H)	RRC Objection	01/16/97
10 NCAC 3R .3034 - Heart-Lung Bypass Mch. Need Det./New Open Heart Sgy. Svcs.	RRC Objection	01/16/97
10 NCAC 3R .3035 - Heart-Lung Bypass Mch. Need Det./Existing Open Heart Sgy. Svcs.	RRC Objection	01/16/97
10 NCAC 3R .3036 - Cardiac Catheterization Eqpt Need Det./New Providers	RRC Objection	01/16/97
10 NCAC 3R .3037 - Cardiac Catheterization Eqpt Need Det./Existing Providers	RRC Objection	01/16/97
10 NCAC 3R .3038 - Cardiac Angioplasty Eqpt Need Det./New Providers	RRC Objection	01/16/97
10 NCAC 3R .3039 - Cardiac Angioplasty Eqpt Need Det./Existing Providers	RRC Objection	01/16/97

Mental Health: Other Programs

10 NCAC 18W .0201 - Scope	RRC Objection	01/16/97
10 NCAC 18W .0203 - General Provisions	RRC Objection	01/16/97
10 NCAC 18W .0205 - Emotional, Mental or Neurological Handicap Defined	RRC Objection	01/16/97
10 NCAC 18W .0211 - Needs Assessment	RRC Objection	01/16/97
10 NCAC 18W .0214 - Area Program Requirements	RRC Objection	01/16/97
10 NCAC 18W .0215 - Division Requirements	RRC Objection	01/16/97
10 NCAC 18W .0218 - Contested Case Hearings	RRC Objection	01/16/97

Social Services Commission

10 NCAC 41P .0002 - Organization and Administration (Renumbered as .0102)	RRC Objection	11/21/96
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RULES REVIEW COMMISSION

<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>10 NCAC 41P .0005 - Placement Services to Families and Child. (Renumbered as .0105)</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>10 NCAC 41P .0013 - Fees (Renumbered as .0113)</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>10 NCAC 42A .0703 - Designated Agencies</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>10 NCAC 42C .2011 - Staff Competency and Training</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>10 NCAC 42C .2012 - Training Program Content and Approval</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>10 NCAC 42D .1410 - Staff Competency and Training</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>10 NCAC 42D .1411 - Training Program Content and Approval</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>

PUBLIC INSTRUCTION

<i>16 NCAC 7 .0101 - Definitions</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>16 NCAC 7 .0102 - General Information</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>16 NCAC 7 .0103 - Exemptions from Certification Requirements of the Standards Board</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>

REAL ESTATE COMMISSION

<i>21 NCAC 58A .0302 - Filing and Fees</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>21 NCAC 58A .1501 - Licensing and General Brokerage Forms</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>21 NCAC 58A .1502 - Forms for Education Program</i>	<i>RRC Objection</i>	<i>12/19/96</i>

BOARD OF REFRIGERATION EXAMINERS

<i>21 NCAC 60 .0314 - Use of License</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>

REVENUE

<i>17 NCAC 5C .0102 - Doing Business Defined</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>12/19/96</i>

TRANSPORTATION

Division of Motor Vehicles

<i>19A NCAC 3E .0403 - License Period for Trailer Plate</i>	<i>RRC Objection</i>	<i>12/19/96</i>
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This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Brenda B. Becton
Sammie Chess Jr.
Beecher R. Gray
Meg Scott Phipps

Robert Roosevelt Reilly Jr.
Dolores O. Smith
Thomas R. West

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
ADMINISTRATION				
Douglas J. Register v. Department of Administration	96 DOA 0172	Reilly	08/16/96	
<i>Purchase and Contract</i>				
Budd Seed, Inc. v. Department of Administration	96 DOA 0281	Chess	09/19/96	
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Osama Arafat Sadar v. Alcoholic Beverage Control Commission	95 ABC 0721	Gray	07/09/96	
Alcoholic Beverage Control Commission v. James Eads Sprowles	95 ABC 0883*7	Gray	07/10/96	
Cole Entertainment, Inc. v. Alcoholic Beverage Control Commission	95 ABC 0917	West	08/21/96	11:12 NCR 1027
Fuad Saif Murshed v. Alc. Bev. Ctl. Comm. & Durham Mem. Bapt. Ch.	95 ABC 0922	Chess	04/24/96	
Alcoholic Beverage Control Commission v. Tremik, Inc.	95 ABC 0925	Morrison	03/25/96	
City of Raleigh v. Alcoholic Beverage Control Commission and Marshall Stewart, III, Robert David Park, and Park Stewart Inc.	95 ABC 1143	Morrison	11/08/96	11:17 NCR 1362
Alcoholic Beverage Control Commission v. Maria Virginia Tramontano	95 ABC 1200	West	04/23/96	
Alcoholic Beverage Control Commission v. Huffman Oil Co., Inc.	95 ABC 1251	West	04/03/96	11:03 NCR 166
Pinakin P. Talate v. Alcoholic Beverage Control Commission	95 ABC 1329	West	04/10/96	
Alcoholic Beverage Control Commission v. Entrepreneur, Inc.	95 ABC 1363	Reilly	05/02/96	
Alcoholic Beverage Control Commission v. Zell, Inc.	95 ABC 1366	West	06/17/96	
Alcoholic Beverage Control Commission v. Henry Franklin Gurganus	95 ABC 1389	West	04/01/96	
Andrew Parker v. Alcoholic Beverage Control Commission	95 ABC 1402	Phipps	03/27/96	
Barraq Sabri Alquza v. Alcoholic Beverage Control Commission	95 ABC 1424	Phipps	04/03/96	
Alcoholic Beverage Control Comm. v. Partnership T/A T & L Groceries	95 ABC 1443	West	03/26/96	
Alcoholic Beverage Control Commission v. Cashion's Food Mart, Inc.	95 ABC 1444	Gray	03/13/96	
Alcoholic Beverage Control Commission v. E.K.'s II, Inc. Carl E. Collins	95 ABC 1458	Chess	08/12/96	
Bro Bee, Inc. v. Alcoholic Beverage Control Commission	95 ABC 1480	West	04/15/96	
Alcoholic Beverage Control Commission v. Donald Ray Doak	95 ABC 1488	West	03/29/96	
Alcoholic Beverage Control Commission v. Janice Lorraine Jeter	96 ABC 0013	Reilly	04/26/96	
Alcoholic Beverage Control Commission v. Well Informed, Inc.	96 ABC 0016	Chess	05/28/96	
Alcoholic Beverage Control Commission v. Kubbard, Inc.	96 ABC 0017	Reilly	05/20/96	
Alcoholic Beverage Control Commission v. Stemmermans's, Inc.	96 ABC 0018	Chess	05/28/96	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
George Wright and Alice Ramsuer v. Alcoholic Beverage Control Comm.	96 ABC 0058	Becton	04/16/96	
Alcoholic Beverage Control Commission v Bayron Green	96 ABC 0097	Becton	08/23/96	
Alcoholic Beverage Control Commission v Circle K Stores, Inc.	96 ABC 0134	Gray	11/06/96	
Alcoholic Beverage Control Commission v Robert Montgomery McKnight	96 ABC 0135	Phipps	05/09/96	
Alcoholic Beverage Control Commission v. Cadillacs Discotheque, Inc.	96 ABC 0136	Phipps	12/04/96	
Gerald Audry Sellars v. Alcoholic Beverage Control Commission	96 ABC 0160	Becton	06/25/96	11:08 NCR 564
Alcoholic Beverage Control Commission v. Jacqueline Robin Anthony	96 ABC 0184	Phipps	05/09/96	
Alcoholic Beverage Control Commission v. Factory Night Club, Inc.	96 ABC 0226	Phipps	08/02/96	
Alcoholic Beverage Control Commission v C N H Enterprises, Inc.	96 ABC 0232	Becton	07/09/96	
Alcoholic Beverage Control Commission v. Millicent J. Green	96 ABC 0234	Smith	06/13/96	
Ghassan Hasan Issa v. Alcoholic Beverage Control Commission	96 ABC 0256	Morrison	05/23/96	
Alcoholic Beverage Control Commission v. Abdelhakeem Muraweh Saleh	96 ABC 0381	Chess	08/27/96	
Alcoholic Beverage Control Commission v. Triangle Drive-In	96 ABC 0443	Reilly	06/11/96	
Alcoholic Beverage Control Commission v Beroth Oil Company	96 ABC 0447	Morrison	08/30/96	11:13 NCR 1085
Alcoholic Beverage Control Commission v Beroth Oil Company	96 ABC 0448	Morrison	08/30/96	
Alcoholic Beverage Control Commission v Beroth Oil Company	96 ABC 0449	Morrison	08/30/96	
Alcoholic Beverage Control Commission v Beroth Oil Company	96 ABC 0450	Morrison	08/30/96	
Alcoholic Beverage Control Commission v Giles Rozier	96 ABC 0473	Morrison	09/19/96	
Alcoholic Beverage Control Commission v Clifton Franklin Smith	96 ABC 0474	Reilly	08/12/96	
Alcoholic Beverage Control Comm. v. Crown Central Petroleum Corp.	96 ABC 0482	Morrison	10/18/96	
Dilthra Smith Patton v. Alcoholic Beverage Control Commission	96 ABC 0505	Morrison	08/06/96	
Virginia Caporal v. Alcoholic Beverage Control Commission	96 ABC 0507	Becton	10/04/96	
Alcoholic Beverage Control Commission v James Eads Sprowles	96 ABC 0526*	Gray	07/10/96	
Alcoholic Beverage Control Commission v Chae Ypo Chong	96 ABC 0530	Morrison	10/29/96	
Alcoholic Beverage Control Commission v Albert S. Carter	96 ABC 0534	Morrison	08/05/96	
Alcoholic Beverage Control Commission v Taleb Abed Rahman	96 ABC 0551	West	11/14/96	
Alcoholic Beverage Control Comm. v. Centergrove Entertainment Ent.	96 ABC 0583	Reilly	08/12/96	
Joseph Marcel Etienne v. Alcoholic Beverage Control Commission	96 ABC 0718	Phipps	10/17/96	
Alcoholic Beverage Control Commission v Jesse Smith	96 ABC 0804	Gray	11/19/96	
Alcoholic Beverage Control Commission v Winn Dixie Charlotte, Inc.	96 ABC 0858	Morrison	11/21/96	
Alcoholic Beverage Control Commission v Winn Dixie Charlotte, Inc	96 ABC 0859	Morrison	11/21/96	
Louis Corpening v. Alcoholic Beverage Control Commission	96 ABC 0985	Gray	09/26/96	
Alcoholic Beverage Control Commission v Joyce N. Capra	96 ABC 1060	Reilly	11/15/96	
HARB Inc. v. Alcoholic Beverage Control Commission	96 ABC 1124	Phipps	10/23/96	
Alcoholic Beverage Control Commission v Russell Bernard Speller	96 ABC 1394	Smith	12/20/96	
Alcoholic Beverage Control Comm v. Ptnrshp., T/A Blue Front Groc.	96 ABC 1469	Smith	12/09/96	
Alcoholic Beverage Control Commission v Anthony Jerome Foster	96 ABC 1587	Reilly	01/29/97	

COMMISSION FOR AUCTIONEERS

John W. Foster v. Auctioneer Licensing Board	96 CFA 0201	Phipps	05/06/96	
Barry G. York v. Auctioneer Licensing Board	96 CFA 0297	Smith	10/18/96	

DEPARTMENT OF CORRECTION

James J. Lewis v. Department of Correction	96 DOC 0772	West	09/05/96	
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CRIME CONTROL AND PUBLIC SAFETY

Roland Lee Kelly, Jr. v. United Family Services, Victim Assistance/ Crime Victims Compensation Comm.	95 CPS 0568	Morrison	05/29/96	
Robert F. Bronsdon v. Crime Victims Compensation Commission	95 CPS 1216	Chess	05/28/96	
Helen B. Hunter-Reid v. Crime Victims Compensation Commission	95 CPS 1336	Smith	03/29/96	11:02 NCR 93
Deborah C. Passarelli v. Crime Victims Compensation Commission	95 CPS 1399	Reilly	07/18/96	11:09 NCR 814
Kenneth Saunders v. Victims Compensation Commission	95 CPS 1445	Chess	03/26/96	
Franklin McCoy Jones v. Crime Victims Compensation Commission	96 CPS 0056	Smith	07/03/96	
Ruby H. Ford v. Crime Victims Compensation Commission	96 CPS 0110	Reilly	04/18/96	
Manuel Cervantes v. Victims Compensation Fund	96 CPS 0118	Chess	03/19/96	
Sheila Carol Blake v. Victims Compensation Commission	96 CPS 0280	West	07/10/96	
James T. Mungo v. Victims Compensation Commission	96 CPS 0333	Reilly	07/09/96	
Jerome Crutchfield v. CPS, Victims Compensation Commission	96 CPS 0340	Phipps	09/05/96	
William Theodore Frazier v. Crime Victims Compensation Commission	96 CPS 0435	Chess	08/22/96	
Emma Coble v. Crime Victims Compensation Commission	96 CPS 0468	Chess	09/25/96	
Donna Williams v. Crime Victims Compensation Commission	96 CPS 0493	Morrison	06/13/96	
Daisy Reid v. Crime Victims Compensation Commission	96 CPS 0499	West	11/18/96	
Earlie McLaurin, Jr. Delano McLaurin, Sr v. Crime Victims Comp Comm	96 CPS 0639	West	01/21/97	
Anthony P. Dawkins v. Crime Victims Compensation Commission	96 CPS 0716	Reilly	08/16/96	
Judy Worley Milam v. Crime Victims Compensation Commission	96 CPS 0717	Gray	11/21/96	

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Shirley M. King v. Crime Victims Compensation	96 CPS 0802	West	08/08/96	
Mark Matthews for Child Victim v. Crime Victims Compensation Comm.	96 CPS 0832	Becton	08/20/96	
Clara Durham v. Victims Compensation	96 CPS 0906	Phipps	09/23/96	
Shawn P. Saddler v. Victims Compensation Commission	96 CPS 1109	Morrison	01/02/97	
David Carl Anderson v. Crime Victims Compensation Commission	96 CPS 1409	Smith	11/25/96	
Douglas Alan West v. Crime Victims Compensation Commission	96 CPS 1888	West	01/03/97	
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES				
Gribble & Assoc. & Four Seasons Car Wash v. EHNR	95 EHR 0576	Gray	04/25/96	
Webster Environmental Inc. v. EHNR, Asbestos Hazard Mgmt. Branch	95 EHR 0647	Becton	01/24/97	
Wilton Evans v. Environment, Health, & Natural Resources	95 EHR 0843	Reilly	07/17/96	
David Martin Shelton v. Rockingham County Dept/Public Health, EHNR	95 EHR 0941	West	05/01/96	
Kinston Urological Associates, P.A. v. N.C. Cancer Program	95 EHR 1198* ¹	Smith	03/27/96	11:02 NCR 97
Kinston Urological Associates, P.A. v. N.C. Cancer Program	95 EHR 1199* ²	Smith	03/27/96	11:02 NCR 97
Elsie & Tony Cecchini v. Environment, Health, & Natural Resources	95 EHR 1240	Reilly	04/22/96	
United Organics Corporation v. Environment, Health, & Natural Res.	96 EHR 0064	Smith	07/01/96	
Gerald Mac Clamrock v. Environment, Health, & Natural Resources	96 EHR 0168	Phipps	05/06/96	
Phillip T. Goetz v. Carteret County Health Center	96 EHR 0596	Smith	01/23/97	
John Milazzo v. Environment, Health, & Natural Resources	96 EHR 0644	Reilly	08/13/96	
Wayne Marshall, Pres. Metro Area Dev., Inc. v. EHNR	96 EHR 0826	West	10/01/96	
David J. Mohn v. Environment, Health, & Natural Resources	96 EHR 0947	Smith	10/04/96	
Elizabeth Shepard Covin v. Environment, Health, & Natural Resources	96 EHR 1258	Becton	01/14/97	
Reuben Massey v. Environment, Health, and Natural Resources	96 EHR 1301	Reilly	12/18/96	
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<i>Solid Waste Management</i>				
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Larry Michael Rollins, Jr. v. Department of Human Resources	96 CRA 1341	Reilly	01/10/97	
Kenneth Ray Lowery v. Department of Human Resources	96 CRA 1355	Becton	01/15/97	
Jeffrey Len Ezzell v. Department of Human Resources	96 CRA 1369	Phipps	12/12/96	
Tessa Jones v. Department of Human Resources	96 CRA 1372	Mann	12/10/96	
Ronald Graham Moore v. Department of Human Resources	96 CRA 1374	Gray	01/14/97	
John G. Howard, Jr. v. Department of Human Resources	96 CRA 1386	Reilly	12/13/96	
Gregory B. Phy v. Department of Human Resources	96 CRA 1399	West	11/14/96	
Raymond E. Smith v. Department of Human Resources	96 CRA 1404	West	01/10/97	
Robert A. Green v. Department of Human Resources	96 CRA 1436*12	Gray	12/12/96	
Kevin J. Miller v. Department of Human Resources	96 CRA 1443	Becton	01/13/97	

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Timothy Schnell v. Department of Human Resources	96 CRA 1447	Morrison	01/30/97	
Roger W Taylor v. Department of Human Resources	96 CRA 1478	Mann	01/10/97	
Barbara Renea Caldwell v. Cumberland Cty Child Support Enforcement	96 CRA 1510	Reilly	01/14/97	
Lee G Sanders Jr v. Department of Human Resources	96 CRA 1515	Reilly	01/13/97	
Brian Kevin King v. Department of Human Resources	96 CRA 1516	West	01/13/97	
Laura D. Prince v. Department of Human Resources	96 CRA 1517	Smith	01/13/97	
George D. Brickell v. Department of Human Resources	96 CRA 1526	Morrison	12/10/96	
Kelvine Lance Thompson v. Department of Human Resources	96 CRA 1537	Becton	12/18/96	
Marcus Watkins v. Stanly County Department of Social Services	96 CRA 1554	West	01/13/97	
David Lynn Jones v. Department of Human Resources	96 CRA 1565	West	01/13/97	
Keith W. Phillips v. Cleveland Cty Department of Social Services	96 CRA 1627	West	01/14/97	
Judy R. Johnson v. Department of Human Resources	96 CRA 1631	Phipps	01/14/97	
Levern Blue v. Department of Human Resources	96 CRA 1650	West	01/14/97	
Michael E. Kimbril v. Child Support Agency Buncombe County	96 CRA 1666	Smith	01/14/97	
Spencer L. Allen v. Department of Human Resources	96 CRA 1676	Smith	01/14/97	
Joseph J. Dunn v. Department of Human Resources	96 CSE 1770*14	Mann	02/03/97	
Melinda S. Tunner v. Department of Human Resources	95 DCS 0921	Morrison	05/09/96	
Jeanne G. Bishop v. Department of Human Resources	95 DCS 0958	West	04/04/96	
Rebecca Beaver v. Department of Human Resources	95 DCS 1114	Reilly	04/26/96	
Vivian B. White v. Department of Human Resources	95 DCS 1115	Phipps	06/04/96	
Mary R. Mahon v. Department of Human Resources	95 DCS 1137*6	Chess	06/11/96	
Mary R. Mahon v. Department of Human Resources	95 DCS 1142*9	Chess	06/11/96	
Laura Heidorf v. Department of Human Resources	96 DCS 0065	Reilly	03/22/96	
Lois Floyd Barber v. Department of Human Resources	96 DCS 0176	Gray	07/30/96	
La Rue Herring v. Department of Human Resources	96 DCS 0298	Gray	11/06/96	
Debra D. Hammonds v. Department of Human Resources	96 DCS 0792	Chess	10/08/96	
Vickie Osoria v. Department of Human Resources	96 DCS 1140	Gray	12/12/96	
Trinc P. Bollinger v. Department of Human Resources	96 DCS 1353	Smith	12/12/96	
Christie L. Pittman v. Department of Human Resources	96 DCS 1561	Mann	01/27/97	

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Carol M. Hall v. Teachers & State Employees Comp. Major Medical Plan	95 INS 1141	Phipps	04/01/96	
Arthur Wayne Dempsey v. Department of Insurance	95 INS 1255	Smith	04/22/96	
Deborah B. Beavers v. Teachers & St. Emp. Comp. Major Med. Plan	95 INS 1411	Smith	05/10/96	11:05 NCR 308
Nadia A. Hakim v. Department of Insurance	95 INS 1422	Smith	03/26/96	
Kathleen D. Jarvis v. Teachers & St. Emp. Comp. Major Med Plan	96 INS 0075	Morrison	10/16/96	
Mary Alice Casey v. Department of Insurance	96 INS 0148	Reilly	08/14/96	
Nancy C. Lowe v. Teachers & State Employees Comp. Major Med. Plan	96 INS 0726	West	11/20/96	

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Wendy Atwood v. Department of Justice (Company Police Program)	96 DOJ 0111	Chess	08/07/96	
Deborah K. Torrance v. Company Police Program Administrator	96 DOJ 0363	Becton	08/14/96	
John O. Beach v. Alarm Systems Licensing Board	96 DOJ 1362	West	11/19/96	
Ronald R. Coats v. Alarm Systems Licensing Board	96 DOJ 1364	Phipps	11/26/96	

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Freddie Levern Thompson v. Criml. Justice Ed. & Training Stds. Comm.	95 DOJ 0731	Chess	02/29/96	
Shane Douglas Crawford v. Sheriffs' Ed. & Training Stds. Comm.	95 DOJ 0943	Reilly	05/17/96	
Charles Henry Daniels v. Criml. Justice Ed. & Training Stds. Comm.	95 DOJ 1070	West	06/12/96	
Valerie Maxine Brewington v. Criml. Justice Ed. & Training Stds. Comm	95 DOJ 1129	Smith	04/12/96	
Patricia Josephine Bonanno v. Sheriffs' Ed. & Training Stds. Comm.	95 DOJ 1152	Chess	03/25/96	
Douglas Allan Stuart v. Sheriffs' Ed. & Training Stds. Comm.	95 DOJ 1189	Morrison	06/06/96	
Rick M. Evoy v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 1235	Chess	03/25/96	
Windell Daniels v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 1320	Gray	07/24/96	
Gregory Lee Daughtridge v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0027	Reilly	03/19/96	
Sherrie Ann Gainey v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0028	Becton	08/09/96	
Stuart Hugh Rogers v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0029	West	06/18/96	
Brian Thomas Craven v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0036	Gray	07/09/96	
Larry D. Weston v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0037	Smith	06/12/96	
Carlton Gerald v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0068	Gray	03/26/96	
Ken Montie Oxendine v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0071	West	03/28/96	
James Leon Hunt v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0077	Phipps	07/25/96	
David Kent Knight v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0115	West	03/28/96	
Demetrius Arnez Brown v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0138	Becton	08/09/96	
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Philip Purnell v. Department of Human Resources	96 CSE 0878	Phipps	10/25/96	
Edwin Southards v. Department of Human Resources	96 CSE 0968	Gray	10/25/96	
Mary Vanover v. Department of Human Resources	96 CSE 0981	Morrison	10/24/96	
Cabot S. Pollard v. Department of Human Resources	96 CSE 1012	Reilly	10/28/96	
Johnnie B. Walton v. Department of Human Resources	96 CSE 1071	Smith	11/14/96	
Timothy P. Ruth v. Department of Human Resources	96 CSE 1086	Becton	10/30/96	
Thomas Lee Glenn v. Department of Human Resources	96 CSE 1170	Reilly	12/10/96	
William S. Freeman v. Department of Human Resources	96 CSE 1184	Smith	01/10/97	
Randy Dale Finnicum v. Department of Human Resources	96 CSE 1191	Gray	12/12/96	
William A. Cotton v. Department of Human Resources	96 CSE 1212	Morrison	01/10/97	
Michael R. Bryant v. Department of Human Resources	96 CSE 1253	Phipps	01/14/97	
Washington J. James, III v. Department of Human Resources	96 CSE 1276	Chess	11/04/96	
Leslie E. Little v. Department of Human Resources	96 CSE 1282	Smith	01/10/97	
Tommy R. Thompson v. Department of Human Resources	96 CSE 1328	Mann	12/10/96	
Kenneth R. Blount v. Department of Human Resources	96 CSE 1332	West	01/30/97	
Anthony Bernard Crawford v. Department of Human Resources	96 CSE 1333	Smith	11/14/96	
Harry J. Cook v. Department of Human Resources	96 CSE 1339	Gray	12/12/96	
Donald (Glendon) Ryan v. Department of Human Resources	96 CSE 1344	Becton	01/31/97	
Jethero Davidson Jr. v. Department of Human Resources	96 CSE 1347	Morrison	11/14/96	
Wilbert J. Boykin v. Department of Human Resources	96 CSE 1375	Morrison	12/10/96	
Raymond G. Molina v. Department of Human Resources	96 CSE 1378	Gray	12/12/96	
Robert R. Pray v. Department of Human Resources	96 CSE 1379	Morrison	01/09/97	
Marion A. Ward v. Department of Human Resources	96 CSE 1380	Reilly	11/15/96	
Robin G. Staten v. Department of Human Resources	96 CSE 1402	Gray	12/12/96	
Edward F. Murphy v. Department of Human Resources	96 CSE 1412	Smith	12/12/96	
Robert A. Green v. Department of Human Resources	96 CSE 1437*12	Gray	12/12/96	
Charlie Thomas Smith v. Department of Human Resources	96 CSE 1445	Phipps	12/12/96	
Salvatore Mitchell Dichiera v. Department of Human Resources	96 CSE 1474	Smith	01/30/97	
Randy Earl Richardson v. Northhampton County Dept. of Social Services	96 CSE 1486	West	01/31/97	
James McCollough v. Department of Human Resources	96 CSE 1490	Phipps	01/09/97	
Raleigh W. Nickerson v. Guilford County Child Support Enforcement	96 CSE 1509	Gray	02/03/97	
Dennis R. Kozee v. Department of Human Resources	96 CSE 1518	Becton	01/31/97	
Kelvine Lance Thompson v. Department of Human Resources	96 CSE 1538	Becton	01/09/97	
Larry D. Worthy v. Forsyth County Child Support	96 CSE 1546	Phipps	02/03/97	
Christopher A. Abney v. Department of Human Resources	96 CSE 1552	Reilly	01/30/97	
James A. Fultz v. Department of Human Resources	96 CSE 1560	Phipps	01/30/97	
Mari L. Ross v. Department of Human Resources	96 CSE 1580	Phipps	01/14/97	
Reginald A. Barnes v. Department of Human Resources	96 CSE 1581	Mann	12/10/96	
Mark A. Blackburn v. Department of Human Resources	96 CSE 1596	Smith	01/30/97	
Spencer B. Miller v. Department of Human Resources	96 CSE 1607	Morrison	01/09/97	
Kilamenjaro C. Clifton v. Department of Human Resources	96 CSE 1615	Morrison	01/09/97	
Maria H. Morris v. Carteret County Child Support Agency	96 CSE 1618	Smith	01/10/97	
Jeffrey S. Lerner v. Department of Human Resources	96 CSE 1621	Phipps	01/09/97	
Gary Lee Heafner Sr. v. Department of Human Resources	96 CSE 1684	Gray	02/03/97	
Jeffrey Dale Grant v. Department of Human Resources	96 CSE 1753	Reilly	01/30/97	
Harold Ray Armstrong, Jr. v. Department of Human Resources	96 CSE 1763	Gray	02/03/97	
Joseph J. Dunn v. Department of Human Resources	96 CSE 1771*14	Mann	02/03/97	
Archie Lee Oxendine v. Department of Human Resources	96 CSE 1797	Morrison	01/30/97	
Michael Bell v. Department of Human Resources	96 CSE 1800	Morrison	01/09/97	
Ramon Domenech v. Department of Human Resources	96 CSE 1912	Gray	02/03/97	
Phillip L. Lewis v. Department of Human Resources	96 CRA 1225	Becton	12/18/96	
John William Vestal Sr. v. Department of Human Resources	96 CRA 1244	Reilly	12/10/96	
Charles F. Haag, Jr. v. Department of Human Resources	96 CRA 1289	Phipps	12/12/96	
Walter Richardson, Jr. v. Department of Human Resources	96 CRA 1302	Morrison	12/10/96	
Clifton Huff v. Child Support Enforcement Mecklenburg	96 CRA 1318	Mann	01/22/97	
Scott Sanders v. Department of Human Resources	96 CRA 1320	Morrison	12/12/96	
Mark Stephens v. Department of Human Resources	96 CRA 1321	Reilly	12/13/96	
Teresa Devalle v. Department of Human Resources	96 CRA 1329	Gray	01/13/97	
Larry Michael Rollins, Jr. v. Department of Human Resources	96 CRA 1341	Reilly	01/10/97	
Kenneth Ray Lowery v. Department of Human Resources	96 CRA 1355	Becton	01/15/97	
Jeffrey Len Ezzell v. Department of Human Resources	96 CRA 1369	Phipps	12/12/96	
Tessa Jones v. Department of Human Resources	96 CRA 1372	Mann	12/10/96	
Ronald Graham Moore v. Department of Human Resources	96 CRA 1374	Gray	01/14/97	
John G. Howard, Jr. v. Department of Human Resources	96 CRA 1386	Reilly	12/13/96	
Gregory B. Phy v. Department of Human Resources	96 CRA 1399	West	11/14/96	
Raymond E. Smith v. Department of Human Resources	96 CRA 1404	West	01/10/97	
Robert A. Green v. Department of Human Resources	96 CRA 1436*12	Gray	12/12/96	
Kevin J. Miller v. Department of Human Resources	96 CRA 1443	Becton	01/13/97	

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Ethel R. Tyson v. NC Judicial Dept., Administrative Office of the Court	96 OSP 0080	Smith	03/15/96	
<i>Albemarle Mental Health Center</i>				
Judy A. Gordon v. Albemarle Mental Health Center	96 OSP 0354	Chess	10/17/96	
<i>Appalachian State University</i>				
Janice S. Walton v. ASU, Beverly Christian, Joan Critcher, Libby Clawson	96 OSP 0055	West	01/15/97	
Janice S. Walton v. Appalachian St University, Claude Cooper, Bill Ragan	96 OSP 0062	West	03/13/96	
Janice S. Carroll v. Appalachian St University, Claude Cooper, Bill Ragan	96 OSP 0063	West	03/07/96	
Theresa Louise Whittington v. Appalachian State University	96 OSP 0350	Smith	10/09/96	
<i>A & T State University</i>				
Jocy M. Carey v. A & T State University	96 OSP 0393	West	10/10/96	
<i>Caldwell County</i>				
Blake C. Pace v. Caldwell County	96 OSP 0047	Morrison	04/01/96	
<i>Catawba County Mental Health</i>				
Tonyer J. Ruff v. Catawba County Mental Health	96 OSP 0951	Becton	10/22/96	
<i>NC Central University</i>				
Francina Y. Tate v. Chancellor Julius L. Chambers, NC Central Univ.	95 OSP 1432	Smith	04/22/96	
Renee Lynch v. NC Central University	95 OSP 1461	Smith	10/03/96	11:15 NCR 1255
<i>Central North Carolina School for the Deaf</i>				
Felicia S. Milton v. Central North Carolina School for the Deaf	95 OSP 1241	Chess	05/17/96	
<i>Department of Correction</i>				
Haydee Craver v. Department of Correction, Pender Correctional Inst.	95 OSP 1046	Gray	03/12/96	
Gregory Allen Jones v. Department of Correction, Supt. Bonnie Boyette	95 OSP 1290	Phipps	05/14/96	
Carolyn Cheek v. Department of Correction	95 OSP 1441	Smith	09/19/96	
Calvia L. Hill v. Department of Correction, McCain Correctional Hospital	95 OSP 1460	Gray	05/17/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0092	Gray	06/03/96	
Brenda Propst v. Foothills Correctional Institution	96 OSP 0199	Morrison	04/09/96	
Delon D. Solomon v. Department of Correction	96 OSP 0258	West	07/02/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0261	Morrison	08/05/96	
Ann Williams v. Department of Correction	96 OSP 0279	Phipps	10/31/96	
Haydee C. Craver v. Department of Correction, Christopher Phillips	96 OSP 0348	Phipps	05/15/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0372**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0373**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0374**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0375**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0376**	Smith	07/05/96	
Rebecca A. Faison v. Department of Correction for Women	96 OSP 0383	Becton	10/01/96	
Calvia L. Hill v. Department of Correction, McCain Correctional Hospital	96 OSP 0397	Gray	08/15/96	
Pamela Robinson v. Department of Correction	96 OSP 0403	Phipps	12/18/96	
James A. Klein v. Department of Correction	96 OSP 0434	Gray	10/29/96	
Tony R. Broffman v. Department of Correction	96 OSP 0625	Becton	08/29/96	
Mary Hargraves v. Department of Correction	96 OSP 0674	Smith	09/05/96	
Michael S. Doe v. Caswell Center	96 OSP 0691	Phipps	09/23/96	
Timothy L. Willis v. Caswell Correctional Center	96 OSP 0715	West	07/30/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0780	Smith	10/16/96	
Sharon Oxendine v. Department of Correction	96 OSP 0999	Becton	10/22/96	
Charles H. Perry v. Department of Correction	96 OSP 1542	Reilly	01/02/97	

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<i>Craven County Health Department</i>				
Linda Walker v. Craven County Health Department	95 OSP 1171*15	Smith	01/24/97	
Patricia Kemp v. Craven County Health Department	95 OSP 1233*15	Smith	01/24/97	
Patricia Kemp v. Craven County Health Department	96 OSP 0324*15	Smith	01/24/97	
<i>Department of Crime Control and Public Safety</i>				
Jerry Lee Fields v. State Highway Patrol	94 OSP 1174*10	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 0249*9	Smith	07/23/96	
Hearl Oxendine v. Crime Control & Public Safety, St. Highway Patrol	95 OSP 0697	Smith	10/16/96	
Jerry Lee Fields v. State Highway Patrol	95 OSP 0836*10	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 1050*9	Smith	07/23/96	
Peter Mason Griffin v. Crime Control & Public Safety, St. Highway Patrol	96 OSP 1309	Gray	12/12/96	
<i>Durham County Health Department</i>				
Lylla D. Stockton v. Durham County Health Department	95 OSP 0176	West	07/02/96	
<i>East Carolina University</i>				
Gregory Lapicki v. East Carolina University	94 OSP 1721	Reilly	09/26/96	
Bela E. Karvaly, Ph.D. v. ECU Bd. of Trustees, Ch. Richard R. Eakin	96 OSP 0150	Chess	05/08/96	
Teresa Dail McCaskill v. East Carolina University	96 OSP 0212	Gray	01/10/97	
Richard Paul Schneck v. ECU Human Res., Sch. of Med., Psych. Med.	96 OSP 0759	Smith	12/19/96	
<i>Employment Security Commission</i>				
Gene S. Baker v. Gov. James B. Hunt, Jr., Ann Q. Duncan, Chairman, Employment Security Commission	93 OSP 0707	Becton	05/16/96	11:05 NCR 300
William Herbert Allen v. Employment Security Commission	94 OSP 1688	West	06/11/96	
Patricia Gary v. Employment Security Commission	95 OSP 0793	Chess	05/14/96	
Tonderlier Lynch v. Emp. Security Comm., Austin Quality Foods, Inc.	96 OSP 0275	Chess	05/21/96	
Jessie James Thomas, Jr. v. Employment Security Commission	96 OSP 1961	Phipps	01/27/97	
<i>Department of Environment, Health, and Natural Resources</i>				
Roberta Ann "Robin" Hood v. Environment, Health, & Natural Resources	95 OSP 0035	Reilly	04/09/96	
Kathy B. Vinson v. Dept. of Environment, Health, & Natural Resources	95 OSP 0203	Gray	09/18/96	11:13 NCR 1087
Donald E. Batts v. Division of Adult Health, EHNR	95 OSP 1071	Smith	10/01/96	
<i>Fayetteville State University</i>				
William C. Neal v. Fayetteville State University	95 OSP 0392	Smith	04/22/96	
<i>Guilford County Area Mental Health, Developmental Disabilities and Substance Abuse</i>				
Stuart Klatt v. Guilford Cty Area MH/DD/SAS, St. Per Comm, OSP	95 OSP 1179	Smith	07/19/96	11:10 NCR 865
<i>Department of Human Resources</i>				
Sheila Logan v. Black Mountain Center, Dept. of Human Resources	95 OSP 0672	Chess	01/24/97	
Myron A. Smith v. DHR, Division of Child Development	95 OSP 1033	Morrison	11/27/96	
Ophelia Webb v. Edard R. Inman, Dir. Alamance Cty DSS, Alamance Cty DSS, Alamance County, and DHR	96 OSP 0112	Gray	03/13/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0114*11	Gray	11/05/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0146*11	Gray	11/05/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0147*11	Gray	11/05/96	
Gail Marie Rodgers Lincoln v. DHR, DMH/DD/SAS-Cherry Hosp., Cherry Hospital	96 OSP 0159	Chess	06/17/96	
Cynthia D. Hickman v. DHR, Central School for the Deaf	96 OSP 0191	Becton	09/23/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0217	Reilly	08/13/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0241*11	Gray	11/05/96	
Mary A. Boogaerts v. Cherry Hospital, Goldsboro, NC	96 OSP 0269	Becton	05/29/96	
Kelvin Parter v. Dorothea Dix Hospital	96 OSP 0294	Chess	08/07/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0543	Reilly	07/09/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0590	Reilly	07/09/96	
Kim A. Bell v. Walter B. Jones Alcohol & Drug Abuse Treatment Center	96 OSP 0597	Becton	09/11/96	

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Allen J. Wright, Jr. v. Blue Ridge Area Authority	96 OSP 0665	Reilly	12/20/96	
Lynn S. Hales v. John Umstead Hospital	96 OSP 0729	West	10/02/96	
Deborah Ayala v. DHR/DSS/Child Support Enforcement	96 OSP 1062	Smith	10/29/96	
Jacqueline C. Branch v. Division of Facility Services	96 OSP 1089	Smith	12/09/96	
<i>Buncombe County Department of Social Services</i>				
Kathy Davis v. Buncombe County Department of Social Services	95 OSP 1487	West	08/09/96	
<i>Caswell Center</i>				
Ramona C. Jenkins v. Department of Human Resources, Caswell Center	89 OSP 0411	Becton	03/26/96	
Ramona C. Jenkins v. Department of Human Resources, Caswell Center	91 OSP 0522	Becton	03/26/96	11:02 NCR 89
Franklin D. Sutton v. Department of Human Resources, Caswell Center	94 OSP 0766	Smith	03/21/96	
<i>Cumberland County Department of Social Services</i>				
Ruth Fortner v. Cumberland County Department of Social Services	96 OSP 0829	Becton	12/02/96	
<i>Durham County Department of Social Services</i>				
Jan E. Smith v. Durham County Department of Social Services	95 OSP 1121	Morrison	05/24/96	
<i>Halifax County Department of Social Services</i>				
Clairbel Thomas v. Halifax County DSS & Director, Halifax County DSS	95 OSP 0905	West	05/29/96	11:06 NCR 395
<i>Haywood County Department of Social Services</i>				
Carol Hubbard v. Haywood County Department of Social Services	95 OSP 1084	Reilly	08/30/96	11:13 NCR 1092
<i>Lenoir County Department of Social Services</i>				
Sharron S. Moten v. Lenoir County DSS, Jack B. Jones	96 OSP 1100	Gray	12/06/96	
Felicia Ann Baker v. Lenoir County DSS, Jack B. Jones	96 OSP 1101	Gray	12/12/96	
<i>Division of Medical Assistance</i>				
Harold Wiggins v. Division of Medical Assistance	95 OSP 1482	West	06/11/96	
<i>O'Berry Center</i>				
Samuel Geddie v. O'Berry Center	96 OSP 0414	Morrison	06/13/96	
Gale Worrells v. Department of Human Resources, O'Berry Center	96 OSP 1011	Gray	01/09/97	11:21 NCR 1699
<i>Rockingham County Department of Social Services</i>				
Loretta Lawson v. Rockingham County DSS	96 OSP 0471	West	06/13/96	
<i>Vance County Department of Social Services</i>				
Robert Eugene Davis v. Vance County Department of Social Services	96 OSP 0157	Reilly	10/28/96	
<i>Wake County Department of Social Services</i>				
Phylis Gilbert v. Wake County Department of Social Services	95 OSP 1238	Phipps	06/27/96	
<i>Wilson County Department of Social Services</i>				
Karen R. Davis v. Wilson County Department of Social Services	96 OSP 0394	Chess	11/01/96	
<i>Department of Insurance</i>				
Larry W. Creech v. Department of Insurance	95 OSP 0631	Reilly	06/06/96	11:07 NCR 434
<i>Department of Labor</i>				
Kevin P. Kolbe, Sr. v. Department of Labor	95 OSP 0968	Morrison	03/14/96	11:01 NCR 58

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<i>New Hanover County Board of Health</i>				
Tabandeh Zand v. New Hanover County Board of Health	95 OSP 1035	Smith	03/01/96	
<i>Pembroke State University</i>				
Bruce W. Hunt v. Pembroke State University	95 OSP 1288	Becton	12/02/96	
<i>Department of Public Instruction</i>				
Johnny Leak v. Public Schools of NC, Dept. of Public Instruction	96 OSP 0861	Phipps	09/05/96	
McLennard Jay v. Person County Schools	96 OSP 0862	Phipps	09/04/96	
<i>Sandhill Community College</i>				
Earl Levon Womack v. Sandhill Community College Bd. of Trustees	96 OSP 0573	Phipps	07/25/96	
<i>Office of the State Controller</i>				
Angela M. Terry v. Office of the State Controller	96 OSP 0402	Becton	08/07/96	
<i>North Carolina State University</i>				
Vernell Mitchell v. North Carolina Cooperative Extension	96 OSP 0132	Gray	05/10/96	
Frederick A. Parmley v. NCSU Public Safety	96 OSP 1037	Smith	01/14/97	
Harvey Lee Clemmons v. North Carolina State University	96 OSP 1426	Reilly	01/16/97	
Andrew W. Gholson v. North Carolina State University	96 OSP 1730	Reilly	01/15/97	
<i>Department of Transportation</i>				
Pearlie M. Simuel-Johnson v. Department of Transportation	94 OSP 0589 ⁻¹	Gray	03/01/96	
Dorothy J. Grays v. Div. of Motor Vehicles, Dept. of Transportation	94 OSP 1044	Reilly	04/12/96	11:03 NCR 173
Bobby R. Mayo v. Department of Transportation	95 OSP 0561 ^{*13}	Reilly	01/08/97	
James H. Broyhill v. Department of Transportation	95 OSP 0673	Gray	12/02/96	
Bobby R. Mayo v. Department of Transportation	95 OSP 0798 ^{*13}	Reilly	01/08/97	
Pearlie M. Simuel-Johnson v. Department of Transportation	95 OSP 0837 ^{*1}	Gray	03/01/96	
Lisa Ann Lee v. Department of Transportation	95 OSP 1099	Reilly	07/31/96	
Melvin Duncan v. Department of Transportation	95 OSP 1462	Morrison	03/08/96	
Greg Brown v. Department of Transportation	96 OSP 0048	Reilly	05/02/96	
Jesse Wayne Castle v. State Highway Maint., Guess Rd., Durham, NC	96 OSP 0087	Gray	04/15/96	
Archie Brooks v. W. F. Rosser, Department of Transportation	96 OSP 0239	Smith	05/17/96	
Jessie L. Allen et al. v. DMV Enforcement Section	96 OSP 0408	Becton	08/12/96	
Dwight Odell Graves v. DOT Maintenance, Caswell County	96 OSP 0616	Morrison	10/24/96	
R.L. Singleton v. Department of Transportation	96 OSP 0683	Becton	08/12/96	
William Dean Gillenwater v. Department of Transportation	96 OSP 0684	Gray	12/13/96	
Stephanie Taylor v. Department of Motor Vehicles	96 OSP 0955	Becton	08/29/96	11:13 NCR 1095
<i>Tri-County Mental Health Complex</i>				
Deborah Heil v. Tri-County Mental Health Complex	95 OSP 1100	Smith	03/22/96	
<i>University of North Carolina</i>				
Pamela B. Edwards v. University of North Carolina at Chapel Hill	95 OSP 0842	Chess	06/28/96	
Keith R. Cameron v. University of North Carolina at Chapel Hill	95 OSP 1060	Morrison	06/24/96	
Jerel H. Bonner v. School of Nursing UNC at Chapel Hill	96 OSP 0026	Gray	03/12/96	11:01 NCR 61
Bela E. Karvaly, Ph.D. v. UNC Bd. of Gov., Pres. C.D. Spangler, Jr.	96 OSP 0151	Chess	05/08/96	
Carl E. Whigham v. UNC Hospitals at Chapel Hill	96 OSP 0248	Chess	06/11/96	
J. Scott Spears v. Ralph Pederson and UNC-C	96 OSP 0548	Chess	08/30/96	
Nellie Joyce Ferguson v. UNC Physicians & Assoc., Charles Foskey, Dir.	96 OSP 0977	Phipps	10/02/96	
Mae Helen Lewis v. UNC Greensboro - Physical Plant	96 OSP 1000	Reilly	10/21/96	
Donna M. VanHook v. UNC Hospitals at Chapel Hill	96 OSP 1103	Gray	01/29/97	
<i>Wake County Board of Health</i>				

* Consolidated cases.

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Debbie L. Whitley v. Env. Health Div. Wake Cty. Dept. of Health <i>Western Carolina University</i>	96 OSP 1090	Smith	09/05/96	
Kristin K. Parkinson v. Western Carolina University <i>Winston Salem State University</i>	96 OSP 0987	Becton	10/22/96	
Gejuan Long v. Winston Salem State University	96 OSP 0253	Gray	01/17/97	
Rebecca Williams v. Winston Salem State University	96 OSP 0807	Smith	01/23/97	
STATE TREASURER				
Donald B. Durham v. Teachers' & St. Employees Retirement Sys.	92 DST 1066	Chess	07/17/96	11:09 NCR 810
Joyce Clyburn v. Dept. of State Treasurer Retirement Systems Division	96 DST 1087	Smith	10/18/96	
DEPARTMENT OF TRANSPORTATION				
James E. Phillips v. Dept. of Transportation, Div. of Motor Vehicles	96 DOT 1829	Reilly	12/10/96	
UNIVERSITY OF NORTH CAROLINA				
Sylvia Jeffries v. University of NC Hospitals at Chapel Hill	96 UNC 0067	Gray	04/16/96	
James E. Boudwin v. University of NC Hospitals at Chapel Hill	96 UNC 0343	Chess	07/22/96	
Rufus T. Moore Jr. v. UNC Hospital	96 UNC 0470	Reilly	08/12/96	
Marcia Spruill v. UNC Hospitals - Patient Accounts	96 UNC 0500	Becton	07/10/96	
Charles E. Houlk v. UNC Hospitals	96 UNC 0588	Morrison	08/09/96	

STATE OF NORTH CAROLINA

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
96 DHR 0513

COUNTY OF ORANGE

TAR HEEL HOME HEALTH, INC.,)
 Petitioner,)
)
 v.)
)
 NORTH CAROLINA DEPARTMENT OF HUMAN)
 RESOURCES, DIVISION OF FACILITY SERVICES,)
 CERTIFICATE OF NEED SECTION,)
 Respondent.)
)
 and)
)
 TOTAL CARE, INC.)
 Respondent-Intervenor,)

RECOMMENDED DECISION

In the above-captioned contested case, Petitioner Tar Heel Home Health, Inc. ("Tar Heel") challenges the decision of the North Carolina Department of Human Resources, Division of Facility Services, Certificate of Need Section ("CON Section" or "the Agency") to award a Certificate of Need ("CON") to Total Care, Inc. ("Total Care") and to deny Tar Heel's application for a CON.

Pursuant to N.C.G.S. § 131E-188(a) and 150B-23 through 37, a contested case hearing was held in this matter on November 19-22, 25-28 and December 2-5, 1996, in Raleigh, North Carolina before the undersigned Administrative Law Judge.

APPEARANCES

Renée J. Montgomery and James C. Thornton of Parker, Poe, Adams & Bernstein, L.L.P. represented Petitioner Tar Heel Home Health, Inc. Lauren Murphy Clemmons, Assistant Attorney General, represented Respondent CON Section. Joy H. Thomas and Denise Smith Cline of Moore & Van Allen, P.L.L.C. represented Respondent-Intervenor Total Care, Inc.

APPLICABLE LAW

1. The procedural statutory law applicable to this contested case is Article 3 of the North Carolina Administrative Procedure Act, N.C.G.S. § 150B-22 et seq. and § 131E-188 of the North Carolina Certificate of Need law.

2. The substantive statutory law applicable to this contested case is the North Carolina Certificate of Need law, N.C.G.S. § 131E-175 et seq.

3. The administrative regulations applicable to this contested case hearing are the North Carolina Certificate of Need Program Administrative Regulations, 10 N.C.A.C. 3R.0100 et seq., in particular 10 N.C.A.C. 3R.2000 et seq. (Criteria and Standards for Home Health Services), 10 N.C.A.C. 3R.3030(6) (the home health agency need determination), and 10 N.C.A.C. 3R.3050(b)(3) (Policy C.3 of the 1995 State Medical Facilities Plan). The Office of Administrative Hearings Regulations, 26 N.C.A.C. 3.0001 et seq. are also applicable to this contested case hearing.

ISSUES

1. The issue in this contested case is:

Whether the CON Section, in making its decision to deny the application of Tar Heel and to conditionally approve the application of Total Care, substantially prejudiced Petitioner Tar Heel's rights, and (1) exceeded its authority or jurisdiction; (2) acted erroneously; (3) failed to use proper procedure; (4) acted arbitrarily or capriciously; or (5) failed to act as required by law or rule in violation of N.C.G.S. § 150B-23(a).

After examination of the record and consideration of the parties' stipulations, the evidence presented at the hearing, the presentations of counsel, briefs and the proposed findings of facts and conclusions of law presented by the parties, the Administrative Law Judge recommends the following:

FINDINGS OF FACT

Stipulated Facts:

2. It is stipulated in the Pre-Hearing Order that the following statutory review criteria are not applicable to Tar Heel's Certificate of Need application: N.C.G.S. § 131E-183(a)(3a), (9), (10), and (12).

3. It is stipulated by the parties in the Pre-Hearing Order that the following statutory review criteria are not applicable to Total Care's Certificate of Need application: N.C.G.S. § 131E-183(a)(3a), (9), (10), and (12).

Adjudicated Facts:

I. BACKGROUND

4. The 1995 State Medical Facilities Plan ("SMFP") allocated one additional home health agency to be located in Orange County. Six applicants submitted applications to establish home health agencies or offices in Orange County in a review which commenced on November 1, 1995. These applications were reviewed competitively since only one home health agency or office could be approved in Orange County.

5. Tar Heel proposed in Project I.D. No. J-5257-95 to develop a Medicare certified home health agency in Orange County.

6. Total Care proposed in Project I.D. No. J-5266-95 to develop a branch office of its Medicare certified home health agency in Orange County.

7. By letter dated March 29, 1996, the CON Section disapproved the CON application of Tar Heel and conditionally approved the CON application of Total Care. The other four CON applications were disapproved. On April 8, 1996, the CON Section sent Tar Heel written notice of its findings and conclusions upon which it based its decision to disapprove Tar Heel's Certificate of Need application and to conditionally approve the Certificate of Need application of Total Care.

8. On April 29, 1996, Tar Heel filed a Petition for Contested Case Hearing with the Office of Administrative Hearings, identified as 96-DHR-0513.

9. On May 29, 1996, Total Care moved to intervene in contested case 96-DHR-0513 and was allowed to intervene by the undersigned by Order filed May 30, 1996.

10. N.C.G.S. § 131E-183(a) requires that:

"The Department shall review all applications utilizing the criteria outlined in this subsection and shall determine that an application is either consistent with or not in conflict with these criteria before a Certificate of Need for the proposed project shall be issued."

11. The CON Section determined that both the Tar Heel and Total Care applications conformed to all statutory and regulatory criteria. Each of the other four competing applications was found to be non-conforming with at least two or more of the applicable statutory and regulatory criteria.

12. Policy C.3 of the 1995 State Medical Facilities Plan, promulgated as a regulation, 10 N.C.A.C. 3R.3050(b)(3), states:

"After applying other required criteria, when superiority among two or more competing home health agency or office certificate of need applications is uncertain, favorable consideration shall be given to proposals which: (A) provide an expanded scope of

services (including nursing, physical therapy, speech therapy, and home health aide service); (B) provide the widest range of treatments within a given service; and, (C) have the ability to offer services on a seven days per week basis as required to meet patient needs.”

II. REVIEW CRITERION 1

13. N.C.G.S. § 131E-183(a)(1), review Criterion 1, requires that a proposed project be consistent with the applicable policies and need determinations in the SMFP. The project analyst appropriately determined that both Tar Heel and Total Care were individually conforming with the need determinations in the SMFP since both applicants intended to establish only one home health agency or office in Orange County.

14. The project analyst also determined that both Tar Heel and Total Care were individually conforming with Policy C.3 of the 1995 SMFP. In determining that each applicant conformed with this policy, he found that each of the applicants proposed to offer services on a seven (7) day per week basis, each proposed to provide an expanded scope of services, and each proposed a wide range of treatments within the proposed service disciplines.

15. Policy C.3 is a comparative criteria which should be applied “after applying other required criteria, when superiority among two or more competing home health agency or office Certificate of Need applications is uncertain.” The project analyst did not mention Policy C.3 in his comparative analysis. Consequently, the project analyst erred in applying this criterion only on an individual basis under Criterion 1 and not in his comparative analysis of the applicants. This Policy should be one of the determining factors in the comparative review of Certificate of Need applications for home health agencies or offices that otherwise conform to all of the other required criteria.

16. In applying Policy C.3 on a comparative basis, as discussed below in the findings on comparative analysis, Tar Heel’s application proposes a more expansive scope of services and a wider range of treatments within a given service than Total Care’s application.

III. REVIEW CRITERION 3

17. N.C.G.S. § 131(a)(3), Review Criterion 3, requires an applicant to identify the population to be served by the proposed project, and demonstrate the need that this population has for the services proposed, and the extent to which all residents of the area, and, in particular, low income persons, racial and ethnic minorities, women, handicapped persons, the elderly, and other underserved groups are likely to have access to the services proposed.

18. The project analyst found that both Tar Heel and Total Care conformed with this review criterion, finding that each applicant had adequately identified the population it proposed to serve and demonstrated the need that this population has for the services it proposed to provide.

19. The project analyst did not err in his determination that Tar Heel’s application conforms with statutory review Criterion 3.

20. The project analyst did not err in his determination that Total Care’s application, when reviewed independently, conforms with statutory review Criterion 3.

IV. REVIEW CRITERION 4

21. N.C.G.S. § 131E-183(a)(4), Review Criterion 4, requires that where alternative methods of meeting the needs for the proposed project exist, the applicant shall demonstrate that the least costly or most effective alternative has been proposed.

22. The project analyst determined that both Tar Heel and Total Care had discussed other alternatives in their respective applications and that each was conforming with all other applicable review criteria. On that basis, the project analyst found both Tar Heel and Total Care individually conforming with statutory review Criterion 4.

V. REVIEW CRITERION 5

23. N.C.G.S. § 131E-183(a)(5), Review Criterion 5, states that the

“[f]inancial and operational projections for the project shall demonstrate the availability of funds for capital and operating needs as well as the immediate and long-term financial feasibility of the proposal, based upon reasonable projections of the cost of and charges for providing health services by the person proposing the service.”

TAR HEEL'S APPLICATION

24. In applying statutory review Criterion 5, the project analyst did not err in determining that Tar Heel's application conformed with this criterion. Tar Heel demonstrated the availability of funds for capital and operating needs, as well as the immediate and long-term financial feasibility of the proposal based upon reasonable projections of costs and charges.

25. In determining that the financial and operational projections for Tar Heel's project demonstrate the availability of funds for capital and operating needs, the project analyst appropriately relied upon financial statements from Home Technology Health Care, Inc., the majority shareholder of the parent corporation of Tar Heel, and a letter from the Executive Vice President of Finance of Home Technology Health Care. While Total Care claims that this documentation is insufficient to demonstrate the availability of funds for Tar Heel's \$35,000 project because the letter from Home Technology makes reference to the Onslow County project, this reference in the letter is not significant. A CON application for Onslow County was being filed by another Tar Heel company at the same time as the CON application for Orange County. Tar Heel's application indicates that Home Technology Health Care is the entity responsible for funding Tar Heel's Orange County project. The letter from Home Technology is directed to the contact person for Tar Heel's Orange County project, references Home Technology's willingness to make available to Tar Heel any cash it needs, and attaches Home Technology's audited financial statements, which show more than adequate funds available for Tar Heel's project. Tar Heel has demonstrated the availability of funds for its project and a commitment by Home Technology to provide those funds.

26. The project analyst also appropriately determined that Tar Heel had adequately demonstrated the immediate and long-term financial feasibility of its proposal based upon reasonable projections of costs and charges. The project analyst found Tar Heel's projected cost per visit reasonable when compared to Medicare reimbursement caps inflated at 4.75% and the 1993 average cost of existing providers in Region J, which includes Orange County, inflated four years at 3% per year. The project analyst also determined that Tar Heel's projected year two charges were reasonable in comparison to the 1994 maximum contracted charges allowed by Blue Cross Blue Shield of North Carolina inflated 3% per year for three years. He correctly determined that Tar Heel had sufficiently demonstrated the financial feasibility of its proposal by projecting a net profit in each of the first two years of operation.

27. Total Care presented opinion testimony that Tar Heel had not demonstrated the availability of funds for capital and operating needs. Greg Lentz testified that Tar Heel should have provided financial statements from the applicant, Tar Heel Home Health, Inc. However, Tar Heel Home Health, Inc., as a new provider and a new corporation, does not have an operating history and therefore has no financial statements. Additionally, Criterion 5 does not require the submission of financial statements by the applicant. It only requires financial information from the entity responsible for funding the project.

28. The CON application form specifically allows an applicant to provide financial statements from the parent company or any other financial reports which may document the financial security of the applicant. As the majority shareholder of Tar Heel Holdings, Inc., the parent corporation of Tar Heel, Home Technology Health Care's audited financial statements were reliable information which Mr. Cogley reasonably relied upon in concluding that Tar Heel had demonstrated the availability of funding for its project.

29. Total Care also presented Mr. Lentz's testimony that Tar Heel had not appropriately accounted for certain "sunk costs". Sunk costs would relate to expenses incurred by an agency between the date of licensure and the date of certification. The application form does not specifically ask for an identification of "sunk costs". Tar Heel appropriately included its sunk costs in its startup expenses. Furthermore, certification is not a lengthy process in North Carolina and little expense is usually incurred between the date of licensure and certification of a home health agency.

30. Mr. Lentz also testified that Tar Heel may have overstated its Medicare revenue by inappropriately assuming that certain expense items would be reimbursable by the Medicare program. Tar Heel's pro formas did not include any non-reimbursable costs. Expenses labeled "Promotions and Public Relations" is composed of community education and board and staff meeting expense which is reimbursable under the Medicare program. Also, the expense item labeled "Bad Debt Expense Contingency" is an expense contingency to add some additional costs in case any item had been understated.

TOTAL CARE'S APPLICATION

31. The project analyst erred in his determination that Total Care's application conformed with statutory review Criterion 5. Total Care does not conform with Criterion 5 because there are legitimate financial questions concerning the reliability of Total Care's financial projections.

32. Total Care's financial projections are questionable for at least three reasons: (1) Total Care's application understated its expenses attributable to related parties, specifically central office overhead; (2) Total Care's application understated its administrative taxes and benefits; and (3) Total Care's application understated its salary expenses.

Central Office Overhead

33. Since Total Care proposed that its new office would be a branch office of its existing certified home health agency, it was required to complete Form C providing historical financial information for its existing agency. Total Care completed the expense item entries in Form C and represented that Form C was its revenues and expenses for the year 1994.

34. In its application, Total Care represented that its existing operations were used as the basis for its projections. Ann Reynolds, the person who prepared Total Care's financial projections, testified in her deposition that historical experience was the basis for the financial projections.

35. Total Care's 1994 Medicare cost report shows Total Care's financial performance in 1994 and itemizes expenses claimed by Total Care as reimbursement from the Medicare program. A Medicare cost report requires a certification by an officer of the corporation that the information in the cost report is complete and accurate.

36. Form C of Total Care's Certificate of Need application should have reported the same expenses as Total Care's 1994 cost report. Instead, the expenses on Form C are understated by approximately \$383,000 when compared with Total Care's 1994 cost report. The understatement on Form C is related to central office overhead.

37. Related party expenses can include expenses labeled "central office overhead" and "management fees". Medicare will not reimburse a "management fee" between related parties, but will only reimburse actual expenses incurred called "related party expenses."

38. On Total Care's 1994 cost report, it reported that for 1994 its related party expenses totaled \$3,965,625. In comparison, in Form C of the Certificate of Need application, Total Care represented that its related party expenses for 1994 (including management fees and central office overhead combined) totaled only \$3,581,948 - a difference of over \$383,000.

39. Not only has Form C reported a lower related party expense than the amount Total Care claimed as reimbursement from the Medicare program, the amount of related party expense per visit projected by Total Care in Form B (the financial projections) is less than Total Care's related party expense per visit reported on Form C. Form C uses \$8.20 per visit for central office overhead and Form B projects only \$7.59 per visit for central office overhead.

40. Based on Total Care's 1994 cost report, Total Care was paying \$9.72 per visit for central office overhead. Because Form B was based upon Total Care's historical experience, Form B should have used \$9.72 per visit to project central office overhead. If this amount per visit had been used for year 2, Total Care's expenses would have been increased by \$38,587.

41. Total Care also failed to include in its pro formas \$15,000 of charity care it stated it would commit which should have been included. If Total Care had correctly shown \$15,000 of charity care in its financial projections as it should have, and if Total Care had correctly included central office overhead based on the 1994 Medicare cost report, Total Care would show a loss in both years 1 and 2 and would not have been financially feasible. The loss in year 2 would have been \$35,000.

42. Although Total Care claimed that its projection of a lower related party expense in its application was due to a projected decline in related party expense, Total Care's 1995 cost report shows that Total Care's related party expenses did not decline in 1995. There is a difference of only \$.02 in the cost per visit for central office overhead from 1994 to 1995.

43. Total Care also reported a higher cost per visit by service discipline in its 1994 cost report than what it represented in its Certificate of Need application in Form C. The cost per visit reported on the 1994 cost report should be the same as Total Care represented as its current cost per visit in its Certificate of Need application.

44. Total Care attempted to explain these significant differences in the costs reported in its 1994 Medicare cost report as compared to its CON application by claiming that Total Care was not required to follow Medicare principles of cost reimbursement in its CON application. This is not an adequate explanation for several reasons. First, Total Care is applying for permission to develop a Medicare certified home health agency office and will be seeking reimbursement from the Medicare program for all related party expenses, just as it did in its 1994 and 1995 cost reports. Second, Form C asks for all costs for the last full operating year which should include all Medicare reimbursable expenses. Finally, Total Care stated in its application that its costs were calculated "using the Medicare cost reporting methodology."

Administrative Taxes and Benefits

45. Total Care also understated taxes and benefits for administrative personnel in its financial projection, Form B. In Form B, Total Care projected taxes and benefits for direct care staff at 25% whereas it projected taxes and benefits for administrative staff of only 7%. Generally, a home health agency pays the same percentage of taxes and benefits for all full-time employees.

46. Total Care's historical financial information, Form C of the application, shows that Total Care has been paying 25% as taxes and benefits for administrative staff. The effect of Total Care understating its related party expenses (central office overhead) and understating taxes and benefits for administrative personnel is to show a lower cost per visit. The understatement of expenses also allowed Total Care to show a profit in year 2 and therefore be financially feasible. If these expenses had been included, Total Care would have shown a loss in both years 1 and 2 and would not have been found financially feasible.

Staffing

47. The CON application form asks the applicant to identify the specific personnel that will be employed to provide the services. In response to this question, Total Care represented on page 10 of its application that its Orange County office would be staffed with a certain number of full-time equivalence (FTEs) based upon the number of visits performed each month. However, in its staffing table in Section VIII of the application and in its financial pro formas, Total Care did not include the level of staffing that it represented it would employ in its Orange County office.

48. Based on the salaries Total Care projected paying for each discipline and the numbers of full-time equivalents that it represented it would have for its Orange County office on page 10 of its application, Total Care understated its salaries in year 2 by approximately \$130,000, not including the benefits and taxes associated with those salaries.

49. In his review of Total Care's application, Mr. Cogley failed to analyze the inconsistencies between staffing Total Care represented it would employ on page 10 of its application and the staffing that was actually included in Total Care's financial projections. Mr. Cogley also failed to analyze the discrepancies between the central office overhead reported by Total Care in Form C of its application (\$8.20 per visit) and the amount projected by Total Care in its financial projections, Form B (\$7.59) which he should have done.

VI. REVIEW CRITERION 6

50. N.C.G.S. § 131E-183(a)(6), Review Criterion 6, states that

“[t]he applicant shall demonstrate that the proposed project will not result in unnecessary duplication of existing or approved health service capabilities or facilities.”

51. In applying Criterion 6, the project analyst appropriately concluded that both Tar Heel and Total Care conformed with this criterion based on the fact that the 1995 SMFP established a need for one additional home health agency in Orange County in 1996. Each of the applicants was proposing only one new agency or office in Orange County.

VII. REVIEW CRITERION 7

52. N.C.G.S. § 131E-183(a)(7), Review Criterion 7, states that

“[t]he applicant shall show evidence of the availability of resources, including health manpower and management personnel, for the provision of the services proposed to be provided.”

TAR HEEL'S APPLICATION

53. The project analyst did not err in determining that Tar Heel's application conformed with Review Criterion 7. Tar Heel demonstrated the availability of resources, including health manpower and management personnel, for the provision of the services it proposed for its Orange County agency.

54. Total Care claimed that Tar Heel had not provided enough MSW support for the scope of services proposed in Tar Heel's application. Tar Heel has proposed sufficient MSW staff for the numbers of visits projected. Mr. Cogley determined that Tar Heel had projected a reasonable number of MSW visits. Total Care's witness on staffing agreed that Tar Heel had indicated sufficient MSW staff to cover the visits projected.

55. If Tar Heel were to experience more MSW visits than projected in its application, there would be no negative impact on its financial projections since the cost of MSW visits would likely be reduced.

56. Tar Heel proposes using its corporate Director of Social Work Services to provide support for the social work services needed in the Orange County office and to provide visits, if necessary. If needed, this would amount to only one patient visit a week. There is enough expense in Tar Heel's pro formas to account for the use of the central office MSW support proposed by Tar Heel. Medicaid generally does not even cover MSW visits.

57. Total Care also raised an issue about Tar Heel's aide salaries. Tar Heel has proposed a very reasonable, competitive salary for aides, consistent with its operating experience.

TOTAL CARE'S APPLICATION

58. On page 10 of its application, Total Care represented that it would employ a certain number of full-time equivalents (FTEs) for each position based upon the number of monthly visits performed.

59. Total Care's staffing chart in Section VII of its application does not include the numbers of FTEs in the positions of patient care coordinator, secretary, medical records technician, nursing, and home health aides as Total Care represented on page 10 of its application it would have for its proposed Orange County office. The staffing in Section VII of Total Care's application is also inconsistent with Total Care's branch office organizational chart.

VIII. REVIEW CRITERION 8

60. N.C.G.S. § 131E-183(a)(8), Review Criterion 8, states that

“[t]he applicant shall demonstrate that the provider of the proposed services will make available, or otherwise make arrangements for, the provision of the necessary ancillary

and support services. The applicant shall also demonstrate that the proposed service will be coordinated with the existing health care system.”

61. The project analyst appropriately concluded that both Tar Heel and Total Care conformed to Criterion 8. Each of the applicants proposed that it would make available, or otherwise make arrangements for, the provision of necessary ancillary and support services. Additionally, both Tar Heel and Total Care demonstrated that the proposed service would be coordinated with the existing health care system.

62. Although both Tar Heel and Total Care were individually conforming with Criterion 8, as discussed below in the findings on comparative analysis, Tar Heel’s application is superior to Total Care’s in connection with the provision of necessary ancillary and support services. Tar Heel’s application is also superior to Total Care’s application in demonstrating coordination with the existing health care system.

IX. REVIEW CRITERION 13(c)

63. Under N.C.G.S. § 131E-183(13)(c), an applicant is required to demonstrate the contribution of the proposed service in meeting the health related needs of the elderly and members of medically underserved groups, such as medically indigent or low income persons, Medicaid and Medicare recipients, racial and ethnic minorities, women, and handicapped persons. An applicant is required to demonstrate that the elderly and medically underserved groups will be served by the applicant’s proposed services and the extent to which each of these groups is expected to utilize the proposed services.

64. The project analyst determined that both Tar Heel and Total Care conformed with statutory review Criterion 13(c). His finding that Tar Heel’s application conformed with statutory Criterion 13(c) was reasonable and appropriate.

65. Total Care projected service to Medicaid of 5.13% of its projected visits. In comparison, Tar Heel projected that 11.7% of its projected visits would be for Medicaid patients.

66. There are two existing home health agencies located in Orange County, Home Health Agency of Chapel Hill and Staff Builders (now MedVisits). Information in the Agency file shows that Home Health Agency of Chapel Hill provided 12% of its visits to Medicaid as reported in its 1996 licensure application data supplement and Staff Builders provided 13% of its visits to Medicaid as reported in its 1996 licensure application data supplement. Total Care’s proposed service of only 5.13% of its proposed visits to Medicaid raises a question whether Total Care would be adequately serving the Medicaid population of Orange County.

67. The project analyst failed to properly consider Total Care’s low projection of service to Medicaid, particularly in comparing the Tar Heel and Total Care applications.

68. In his review of Criterion 13(c), the project analyst properly refused to consider Total Care’s statement that the owners would commit an additional \$15,000 per year for charity care in Orange County because the \$15,000 was not reflected on Total Care’s financial projections, Form B. Charity care should be shown in an applicant’s financial pro formas.

X. REVIEW CRITERION 14

69. N.C.G.S. § 131E-183(a)(14), Review Criterion 14, requires that “[t]he applicant shall demonstrate that the proposed health services accommodate the clinical needs of health professional training programs in the area, as applicable.”

70. The project analyst determined that both the Total Care and Tar Heel applications conformed with this statutory criterion. There was no testimony or other evidence presented by any of the parties challenging this determination.

XI. REVIEW CRITERION 18(a)

71. N.C.G.S. § 131E-183(a)(18a), Review Criterion 18(a), requires that

“[t]he applicant shall demonstrate the expected effects of the proposed services on competition in the proposed service area, including how any enhanced competition will have a positive impact upon the cost effectiveness, quality, and access to the services proposed; ...”

72. The project analyst determined that both Tar Heel and Total Care's applications conformed with this statutory criterion.

XII. REVIEW CRITERION 20

73. N.C.G.S. § 131E-183(a)(20), Review Criterion 20, requires that

“[a]n applicant already involved in the provision of health services shall provide evidence that quality care has been provided in the past.”

74. The project analyst determined that this criterion was not applicable to Total Care or Tar Heel because neither applicant currently provided health care services in Orange County. Criterion 20 is not expressly limited to applicants already providing services in the county in which the applicant is applying. However, there was no evidence presented that Total Care, an existing provider of home health agency services, was not providing quality care. This statutory criterion was not an issue with either Total Care or Tar Heel.

XIII. SPECIAL CRITERIA

75. 10 N.C.A.C. 3R.2000 *et seq* sets forth special criteria and standards for home health services and was applied by the Agency in this review. The project analyst found that both Tar Heel and Total Care conformed with all of the special criteria and standards.

76. The project analyst did not err in his determination that Tar Heel conformed with the special criteria and standards for home health services.

77. The project analyst also did not err in his determination that Total Care conformed with the special criteria and standards for home health services when reviewed on an individual basis.

XIV. COMPARATIVE REVIEW

POLICY C.3

78. Policy C.3 is a rule that has been adopted as part of the SMFP by the State Health Coordinating Council and approved by the Governor. 10 N.C.A.C. 3R.3050(b)(3).

79. Policy C.3 should be applied comparatively between competing home health agency applications, particularly where, after applying other required review criteria, superiority among two or more competing home health agency or office Certificate of Need applications is uncertain. 10 N.C.A.C. 3R.3050(b)(3).

80. The project analyst determined that both Tar Heel and Total Care conformed with all statutory and regulatory criteria. Therefore, he should have applied Policy C.3 to these applicants.

81. The project analyst's written findings do not reflect that he comparatively reviewed the applications of Tar Heel and Total Care, as required by Policy C.3, to determine which of the applications proposed a more expanded scope of services and a wider range of treatments within the proposed service disciplines.

82. In Mr. Cogley's review of 28 different home health agency applications in three different reviews, he has never determined that one application proposed a wider range of treatments or a broader scope of services than any other applicant. His general approach has been to determine if an applicant proposes the six core services and to conclude that each applicant proposes a wide range of treatments.

83. Mr. Cogley was unfamiliar with some of the treatments that were described in the Tar Heel application and despite his unfamiliarity, failed to seek assistance in analyzing the treatments proposed. He was not sure whether certain treatments proposed by Tar Heel would be offered by Total Care, and testified that he assumed that would be the case even though the treatments were not mentioned in the Total Care application.

84. Mr. Cogley had nurses employed by the Division of Facility Services available to him as a resource. These nurses could have assisted him in understanding the description of services and treatments contained in the Tar Heel and Total Care applications.

85. Because patients are being discharged from hospitals with acute diagnoses because of managed care and the method of reimbursing hospitals under Medicare, it is necessary for home health agencies to offer new kinds of programs, services, and advanced types of treatments in the home.

86. A CON applicant seeking to develop a home health agency or office is required in its application to "[d]escribe all services that will be provided as part of this project" and to "[d]iscuss each of the proposed services to be provided in detail, including the various kinds of treatments that will be available in each service discipline."

A project analyst must base his or her decision on the information in the CON application.

87. The 1994 Orange County Health Department needs assessment, which was an exhibit to the Tar Heel application, reports cardiovascular disease as the leading cause of death in Orange County. The Orange County Health Department needs assessment also reports as a serious problem an increasing number of communicable diseases including AIDS. For example, the rate of AIDS cases among the non-white population increased by over 300% between 1988 and 1993. This Health Department needs assessment also reports significant health problems for poor pregnancy outcomes and high numbers of unwanted and unplanned pregnancies. Tar Heel focused on these Orange County health problems by proposing special services and treatments for cardiac patients, AIDS patients, and for women and children.

88. Tar Heel proposes a more expansive scope of services and a wider range of treatments than Total Care. Tar Heel's application addresses the needs of the population it planned to serve, as outlined in the Orange County Health Department needs assessment, and described in detail the specialized services and treatments that it would provide. In particular, Tar Heel's application focuses on specialized services and treatments in the area of cardiac, HIV/AIDS, and women's and children's services which were cited as serious health problems for Orange County. Total Care's expert witness, Kim Chambers, agreed that not all home health agencies offer these types of specialized services. In comparison, Total Care's application describes general nursing services and does not indicate that it will provide specialized services and treatments in the areas of cardiac, HIV/AIDS, and women's and children's services.

89. Tar Heel also proposes providing a variety of ancillary and support services, such as infusion pharmacy, respiratory therapy, nutritional counseling and durable medical equipment. Tar Heel's application describes in detail how these services will be provided. In contrast, Total Care's application does not specifically describe these services.

90. Tar Heel proposes that it will participate in the AIDS case management program through its proposed Orange County office. In comparison, Total Care does not propose to be a participant in the AIDS case management program.

91. The need for special services to AIDS patients has increased dramatically over the last several years. Tar Heel began its AIDS case management program in Beaufort County in 1992 with only a handful of patients and is now serving 45 patients under that program. There are a total of around 200 AIDS patients being served in Pitt County.

92. Tar Heel's application proposes that it will provide treatments that are not included in Total Care's application. For example, Total Care's application does not propose offering apnea monitoring and bili-blankets, treatments that will be offered for infants and children by Tar Heel. Some of the other treatments proposed in Tar Heel's application and not proposed in Total Care's application include amphotericin and pentamidine isethionate used for treatment of AIDS patients, dobutamine therapy for cardiac patients, epidural for cancer patients, blood and blood products administration for cancer patients, oxygen therapy for infants and children, ventilator care, and suctioning for infants and children.

93. Tar Heel proposes that its nurses will be trained to deliver category II advanced nursing procedures, whereas Total Care does not indicate that it will provide this training for its nurses.

94. Tar Heel's application also proposes having certain corporate resources available to provide specialized services, including a Program Director of Women's and Children's Services and an AIDS Case Manager. In comparison, Total Care does not propose having special corporate positions available as a resource that would be dedicated to these specific services.

95. Tar Heel proposes a lower productivity standard for its nurses and aides. Tar Heel expects its nurses to perform 5 visits per day, while Total Care expects 6.3 visits per day. Tar Heel expects its aides to perform 5 visits per day, while Total Care expects 6 visits per day. Tar Heel's lower productivity standard for nurses and aides allows Tar Heel to perform more complex services and treatments since there is more time allocated for each patient visit. In addition, because Total Care expects its nurses and aides to perform a greater number of visits than Tar Heel, it may have to pay higher salaries for these positions.

COST COMPARISON

96. Costs are an important consideration in connection with a Medicare certified home health agency since Medicare reimburses a home health agency based on the lower of costs or charges, not to exceed an established "cap" on reimbursement.

97. Both the Tar Heel and Total Care applications projected costs including medical supplies so a comparison of costs per visit by discipline, including medical supplies, could be performed. In comparing the Tar Heel and Total Care applications on the cost per discipline including medical supplies, Tar Heel had a lower cost in each of the six disciplines for each of the two years projected in the applications. Projections contained in each of the applications showed that Tar Heel's cost per visit was lower than Total Care's in year 2 in each discipline by the following amounts: Nursing, \$6.20; physical therapy, \$5.24; speech therapy, \$10.27; occupational therapy, \$1.38; MSW, \$21.27; home health aide, \$9.36.

98. Based on the cost per visit projections in the Tar Heel and Total Care applications and using the numbers of visits projected by Tar Heel for years 1 and 2, the savings to the health care system if Tar Heel's project were approved instead of Total Care's would be \$46,340 in year 1 and \$58,468 in year 2. This is a reasonable way to quantify the cost to the health care system of approving Tar Heel over Total Care.

99. The CON application form also requests that applicants project cost per visit by discipline for years 1 and 2 without medical supplies. Based on the projections contained in the Tar Heel and Total Care applications, Tar Heel showed a lower cost per visit by discipline in each of the six disciplines except occupational therapy. Occupational therapy is a low volume discipline and represented only 1.5% of Tar Heel's projected visits.

100. Because of the legitimate questions raised concerning Total Care's financial projections as set forth in the findings under Criterion 5 above, Total Care's actual costs per visit may be even higher than it projected in its application.

101. In comparing Tar Heel and Total Care on projected costs, Tar Heel is a more cost effective alternative.

SERVICE TO MEDICAID COMPARISON

102. Persons eligible for Medicaid are recognized as being medically underserved in North Carolina. N.C.G.S. § 131E-183(a)(13)(c). Medicaid patients can only receive home health agency services from a Medicare certified home health agency.

103. In projecting its Medicaid service, Total Care simply duplicated the same percentage it was doing in its existing offices rather than analyzing the Medicaid demand in the area. Total Care should have considered the Medicaid demand in the area as shown by the Medicaid service being provided by the existing home health agencies in Orange County.

104. Based upon the existing home health agencies located in Orange County, service to the Medicaid population has been 12 to 13% of actual home health agency visits.

105. Although Total Care projected Medicaid at less than half the level of existing Orange County providers, Total Care mentioned in its application the increased need for home health services to Medicaid. This need was not addressed by Total Care.

106. Tar Heel projects 11.7% of its visits to Medicaid in comparison with Total Care's projection of 5.13%. Tar Heel proposes serving approximately the same percentage Medicaid as existing agencies in Orange County while Total Care's percentage service to Medicaid is less than half of the average of existing agencies.

107. Tar Heel's application is superior in connection with proposed service to Medicaid and this disparity in service to Medicaid should have been a factor in comparing Tar Heel with Total Care.

COORDINATION AND SUPPORT COMPARISON

108. The CON application form requests the applicant to provide specific evidence of support for its proposed project and to demonstrate coordination with the existing health care system.

109. Coordination with the existing health care providers is important to the viability of a home health agency. Home health agencies receive referrals from physicians. It is important for agencies to interact with physicians, local hospitals and other health care providers to assure coordination of treatment of patients.

110. Tar Heel's letters of support are superior to Total Care's in showing that the physicians have a working knowledge of the organization proposing the services. Tar Heel's letters of support also showed that it had considered the services needed in Orange County and collaborated with health care providers to meet those needs. Tar Heel specifically showed that it was coordinating its services with the Orange County Health Department's needs assessment.

111. Tar Heel's application was superior to Total Care's application in showing coordination with the existing health care system because the quality of Tar Heel's letters of support was better than Total Care's letters of support. Tar Heel's application contained letters of support indicating a stronger referral base for patients than the Total Care application. Tar Heel's application contained letters of support from the directors, chiefs and heads of various departments from North Carolina Memorial Hospital at UNC. This hospital is the largest in Orange County and is a large referral base for home health services.

112. Tar Heel representatives met with nurses and physicians from the AIDS Clinical Trials Unit at UNC Hospital and discussed Tar Heel's expertise in HIV/AIDS services and the program it proposed for Orange County. As a result, Tar Heel received letters of support from all three physicians and the coordinator at the AIDS Clinical Trials Unit at UNC Hospital. Tar Heel's application also contained a letter of support from the Piedmont HIV Consortium. This is the lead agency on HIV/AIDS.

113. Coordination with HIV/AIDS providers is important because the Orange County Health Department's needs assessment identified the HIV/AIDS population as an area of health concern for Orange County.

114. The State of North Carolina has also recognized HIV/AIDS as a growing health problem. As a result, effective January 1, 1996, Policy C.3 was modified to place special emphasis on HIV/AIDS treatment in home health. Home health is an appropriate treatment setting for patients.

115. Unlike Tar Heel's application, Total Care's application contained no letters of support from the directors, chiefs or department heads of any medical unit at the UNC Hospital.

116. Unlike Tar Heel's application, Total Care provided no letters from the UNC AIDS Clinical Trials Unit or the Piedmont HIV Consortium.

117. Tar Heel's application contained a copy of the most recent Orange County Health Department's needs assessment outlining the health concerns in Orange County. Total Care's application did not contain a copy of this needs assessment.

118. Tar Heel's application is superior to Total Care's in connection with showing coordination with the existing health care system and this disparity in coordination should have been a factor favoring Tar Heel's application over Total Care. The project analyst erred in not making this determination.

XV. PROJECT ANALYST'S COMPARATIVE ANALYSIS

119. While Mr. Cogley testified at the hearing that he could not make a determination of which applicant proposed a broader scope of services or wider range of treatments under Policy C.3, he should have stated this in his comparative analysis and set forth his reasons. He failed to do so. He also did not properly compare the applications on service to Medicaid, costs, and coordination and support as outlined above.

120. Mr. Cogley testified that there were four major factors he considered in the comparative analysis -- location, costs, charges, and markup of charges over costs. The reasons he chose Total Care over Tar Heel were: (1) location; (2) Tar Heel's projected OT costs; (3) Tar Heel's projected charges; and (4) Tar Heel's "markup" of charge per visit over cost per visit for home health aide services. If Mr. Cogley had chosen to approve Tar Heel, instead of Total Care, he agreed that he could have cited positive factors favoring Tar Heel in his comparative analysis.

LOCATION

121. The 1995 SMFP regulates the geographic distribution of health care services by setting forth need for these services on a single county basis. The 1995 SMFP has a need projection for one home health agency to be located in Orange County. The 1995 SMFP does not require that the agency be geographically located in a specific part of Orange County. The need is for the whole county. There was no evidence presented that the projected need was for a specific area.

122. In its CON application, Tar Heel proposed locating its home health agency office at the intersection of 15/501 Bypass and Smith Level Road, in Carrboro. Total Care proposed locating its home health agency office at Boone Square, Exit 164, I-85, in Hillsborough. Currently, there are no home health agencies located in either Carrboro or Hillsborough.

123. While location can be a factor for consideration in a home health review, it should not have been a determining factor in this review.

124. Tar Heel and Total Care could effectively serve all patients throughout Orange County from their proposed locations. An agency can effectively serve patients 35 to 40 miles away from the agency location.

125. The geographic location of the agency is also not a concern for staffing purposes in this review. First, both Total Care and Tar Heel would hire staff from all parts of Orange County. Second, the project analyst found that Tar Heel staff would be traveling an average of 10.35 miles per visit and Total Care staff would average 12.0 miles per visit. Finally, Orange County is relatively compact, keeping staff travel to a minimum.

126. The CON Section has recently lifted the service area restrictions for the provision of home health services. This enables existing agencies in other counties to serve patients in Orange County.

127. Referrals from physicians and other health care providers are more important to the success of a home health agency than its geographic location. Also, in home health, the patient's home address is more important than the address of the home health agency office because the service is provided at the patient's home. This is evidenced by the fact that there are currently only two home health agencies located in Orange County. Both of these agencies are geographically located in Chapel Hill. However, one of these agencies, Staff Builders, served only 87 patients in 1994. Thus, at that time, only one home health agency in Orange County was serving more than 150 patients, which is the minimal requirement for determining need for a new agency in a county.

128. Carrboro is a reasonable and effective location for a home health agency office in Orange County. The factors contained in the Agency findings regarding location of a home health agency office point to the reasonableness of locating a home health agency office close to the patient population.

129. Orange County is a compact county and a majority of the population of Orange County is located in close proximity to Carrboro. Ninety-three percent (93%) of the total population of Orange County is within a 15-mile radius of Carrboro. Mr. Cogley found that over sixty-five percent (65%) of the Orange County population age 65 and over reside in the southern townships of Orange County. Carrboro has the fastest growing population in Orange County.

130. It is advantageous for a home health agency office to be located in close proximity to the patient referral base and to the greatest patient population. A large majority of the referring physicians are located in close proximity to Carrboro, and the only referring hospital in Orange County, UNC Hospital, is located in close proximity to Carrboro.

131. There is no specific statutory criterion or regulatory criterion and there is nothing in the State Medical Facilities Plan stating that the geographic location of a home health agency office is a factor in a home health review. The CON regulation regarding site does not require an applicant to explain the reason for its location within the county. There is no specific question in the CON application asking an applicant to address why a specific location was chosen. Mr.

Cogley testified that he decided on his own that location would be an issue in this review.

132. Tar Heel was not given any notice prior to filing its CON application, or during the review of the applications, that the geographic location of its home health agency office would be a factor in this review. At the pre-application conference with the project analyst, Tar Heel representatives were not told that location would be a factor in the review. Tar Heel representatives were not told to look at any previous findings that might indicate location as a factor in a home health agency review.

OT COSTS

133. In the project analyst's comparison of costs, he focused only on Tar Heel's projected OT costs per visit. Tar Heel's projected OT cost is comparable to other home health agencies in the region. He recognized that Total Care's charges for PT, OT, and ST were the highest, but justified his approval of Total Care on the grounds that these disciplines represent a relatively low volume of visits.

134. OT is also a low volume service for Tar Heel - 1.5% of total visits. The project analyst, nevertheless, used Tar Heel's OT cost per visit as a reason to approve Total Care over Tar Heel while justifying Total Care's OT charges on the basis of low volume. This treatment is inconsistent.

135. If the project analyst had wanted to deny Total Care's application, he could have said in his comparative analysis that Total Care proposed the second highest costs of any applicant in the review in nursing and PT.

136. A comparison of all costs between Tar Heel and Total Care would have resulted in the conclusion that Tar Heel's projected costs in all disciplines were lower than those of Total Care, if medical supplies are included. Tar Heel's proposed costs are lower in 5 out of 6 disciplines (without medical supplies). In comparison with other home health agencies in the region, Tar Heel's projected costs were lower than the average in five out of six disciplines.

137. Since home health agencies are reimbursed under the Medicare program on the basis of aggregate costs, a higher cost for one discipline will be offset by a lower cost for another discipline. It is unreasonable to single out one discipline instead of comparing on the basis of all disciplines. Mr. Cogley erred in focusing only on OT costs in his comparative analysis.

TAR HEEL'S PROJECTED CHARGES

138. Because Medicare is a cost based reimbursement system, costs are much more meaningful than charges in reviewing an application for a Medicare certified agency. Charges are irrelevant for services to Medicare unless charges are set lower than costs. In North Carolina, Medicaid reimburses at a set rate per visit, so the charges established by home health agencies are not relevant.

139. Commercial insurance typically involves managed care discounts so charges are a starting point for negotiating a rate. In comparing the applications on charges, the project analyst erred in not considering that Tar Heel projected a managed care discount off charges. In comparison, Total Care did not include any managed care discounts.

140. A comparison of actual charges would have reduced Tar Heel's proposed charges for private pay/commercial insurance by the 5% discount. If Tar Heel's projected discount had been taken into account, Total Care's proposed charges in 5 out of 6 disciplines would have been higher than the proposed charges of Tar Heel.

141. The project analyst recognized that Total Care had the highest charges of any of the applicants in three out of six disciplines, but still approved Total Care. The project analyst erred in using charges as a reason for approving Total Care over Tar Heel in his comparative analysis.

MARKUP FOR AIDE SERVICES

142. It is important in a Medicare certified home health agency to set charges above costs and above Medicare caps. Otherwise, the agency may be reimbursed less than its costs. Therefore, looking at the margin or markup is not very meaningful for a Medicare certified home health agency.

143. While Tar Heel projected a markup on charge per visit over cost per visit of 58% on aide visits (not taking

into account Tar Heel's managed care discounts), this is not unreasonable. In addition, this "markup" relates only to a small percentage of patients, since for most patients of Tar Heel's proposed home health agency, charges will be irrelevant. Mr. Cogley testified that the profit projected by Tar Heel for its proposed home health agency is not unreasonable.

144. The Agency approved three applicants for Certificates of Need for home health agencies in Wake County based on the fact that none of these three applicants proposed a markup of charges over costs that exceeded 100%.

145. Mr. Cogley erred in using the markup on aide visits as a reason for approving Total Care over Tar Heel.

XVI. THE CERTIFICATION PAGE ISSUE RAISED BY TOTAL CARE

146. Total Care raised an issue regarding whether Tar Heel Home Health, Inc. was the legal applicant in this review. Based on the information contained in the application and the agency file, and the evidence presented at the hearing, Tar Heel Home Health, Inc. is the legal applicant in this review.

147. Tar Heel Home Health, Inc. filed its CON application and properly identified itself as the legal applicant in Section 1 (the identification section) of the application form. A copy of the Articles of Incorporation for Tar Heel Home Health, Inc. is contained in the filed application. A revised letter of intent and letter submitting the filing fee were submitted to the CON Section on the same day the application was filed -- October 16, 1995 -- identifying Tar Heel Home Health, Inc. as the applicant. The CON Section found the application filed by Tar Heel Home Health, Inc. complete for review. The CON Section also found that Tar Heel Home Health, Inc. had submitted a correct certification page.

148. The project analyst testified that during this review there was no doubt in his mind that Tar Heel Home Health, Inc. was the legal applicant.

149. The findings issued by the Agency identify Tar Heel Home Health, Inc. as the applicant. The CON Section sent the applicant -- Tar Heel Home Health, Inc. -- a copy of the decision and findings.

150. The identification of the applicant as Tar Heel Health Care, Inc. on the certification page was a harmless error. The application was signed by Elaine Scott, a Director of Tar Heel Home Health, Inc., as identified in the Articles of Incorporation. At that time, Ms. Scott was also a Chief Operating Officer for Tar Heel Holdings, Inc. which is the parent company of Tar Heel Home Health, Inc. Consequently, Ms. Scott had signatory authority for Tar Heel Home Health, Inc.

Based upon the foregoing findings of fact, the undersigned makes the following:

CONCLUSIONS OF LAW

1. In making its initial decision to approve the application of Total Care and to deny the application of Tar Heel after finding both applications conforming to all other required criteria, the Agency failed to properly apply Policy C.3, promulgated as a rule in 10 N.C.A.C. 3R.3050(b)(3), and failed to properly compare the applications on services and treatments under Policy C.3. The Agency erred in failing to conclude that Tar Heel is the superior applicant under the factors that must be considered in Policy C.3. The Agency acted erroneously, failed to use proper procedure, and failed to act as required by this rule.

2. The Agency also acted erroneously in making Total Care's proposed location such a determining factor in the review, and in not properly comparing the Tar Heel and Total Care applications on costs, service to Medicaid, and coordination and support. There was no evidence to support a determination that the projected need was for a specific area of Orange County. The 1995 SMFP regulates the geographic distribution of home health services on a county-wide basis. Tar Heel's proposed location is at least as effective as Total Care's proposed location, if not more effective.

3. Tar Heel's application is consistent with all applicable plans, standards and criteria and should have been approved as the most effective alternative.

4. The Agency erred in failing to determine that Tar Heel's application is the most effective alternative for the development of a new home health agency in Orange County.

5. The errors of the Agency were material errors and substantially prejudiced Tar Heel's rights by denying it a Certificate of Need.

6. As the legal applicant, Tar Heel Home Health, Inc., is an "affected person" as defined in N.C.G.S. § 131E-188(c) and properly exercised its right to file a petition for a contested case hearing. The clerical error in the corporate name used on the certification page attached to Tar Heel's application was immaterial and in no way disqualifies the legal applicant, Tar Heel Home Health, Inc., from receiving a Certificate of Need to develop its proposed home health agency in Orange County.

RECOMMENDED DECISION

It is hereby recommended that the Director of the Division of Facility Services, Department of Human Resources, enter a final Agency decision approving the application of Tar Heel Home Health, Inc. for a Certificate of Need to establish a home health agency in Orange County and denying the application of Total Care, Inc. to establish a home health agency office in Orange County.

ORDER

It is hereby ordered that the Agency serve a copy of the final decision on the Office of Administrative Hearings, Post Office Drawer 27447, Raleigh, North Carolina 27611-7447, in accordance with N.C.G.S. § 150B-36(b).

NOTICE

The Agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this Recommended Decision and to present written arguments to those in the Agency who will make the final decision. N.C.G.S. § 150B-36(a).

The Agency is required by N.C.G.S. § 150B-36(b) to serve a copy of the final decision on all parties and to furnish a copy to the parties attorney of record and to the Office of Administrative Hearings.

The Agency that will make the final decision in this contested case is the North Carolina Department of Human Resources.

This the 22nd day of January, 1997.

Fred G. Morrison, Jr.
Senior Administrative Law Judge

The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE DEPARTMENT LICENSING BOARDS CHAPTER

1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Auctioneers	4
4	Commerce	Barber Examiners	6
5	Correction	Certified Public Accountant Examiners	8
6	Council of State	Chiropractic Examiners	10
7	Cultural Resources	General Contractors	12
8	Elections	Cosmetic Art Examiners	14
9	Governor	Dental Examiners	16
10	Human Resources	Dietetics/Nutrition	17
11	Insurance	Electrical Contractors	18
12	Justice	Electrolysis	19
13	Labor	Foresters	20
14A	Crime Control & Public Safety	Geologists	21
15A	Environment, Health, and Natural Resources	Hearing Aid Dealers and Fitters	22
16	Public Education	Landscape Architects	26
17	Revenue	Landscape Contractors	28
18	Secretary of State	Marital and Family Therapy	31
19A	Transportation	Medical Examiners	32
20	Treasurer	Midwifery Joint Committee	33
*21	Occupational Licensing Boards	Mortuary Science	34
22	Administrative Procedures	Nursing	36
23	Community Colleges	Nursing Home Administrators	37
24	Independent Agencies	Occupational Therapists	38
25	State Personnel	Opticians	40
26	Administrative Hearings	Optometry	42
27	NC State Bar	Osteopathic Examination & Reg. (Repealed)	44
		Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		Practicing Psychologists	54
		Professional Engineers & Land Surveyors	56
		Real Estate Appraisal Board	57
		Real Estate Commission	58
		Refrigeration Examiners	60
		Sanitarian Examiners	62
		Social Work Certification	63
		Soil Scientists	69
		Speech & Language Pathologists & Audiologists	64
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Note: Title 21 contains the chapters of the various occupational licensing boards.



CUMULATIVE INDEX

(April 1996 - March 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

This index provides information related to notices, rules and other documents published in the Register. The information provided below includes notices and rules published on or after December 1, 1995 and will be cumulative through March 1997. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds. L = Rule affects the expenditure or distribution of local government funds. SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. * = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

ACUPUNCTURE LICENSING BOARD

21 NCAC 01 .0101	11:18 NCR 1368									
21 NCAC 01 .0301		10:22 NCR 2860	Temp. Expired							
21 NCAC 01 .0702			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0703			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0704			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0705	10:17 NCR 2228		10:22 NCR 2834	*	Approve	04/18/96	*	11:04 NCR 220		
21 NCAC 01 .0709	10:17 NCR 2228		10:22 NCR 2834	*	Approve	04/18/96	*	11:04 NCR 220		
21 NCAC 01 .0710			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0711			10:16 NCR 2027	*	Approve	01/16/97	*			

ADMINISTRATIVE HEARINGS

Hearings Division

26 NCAC 03 .0301	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96		11:16 NCR 1291		
26 NCAC 03 .0302	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96		11:16 NCR 1291		
26 NCAC 03 .0303	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96		11:16 NCR 1291		
26 NCAC 03 .0304	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96		11:16 NCR 1291		
26 NCAC 03 .0305	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96		11:16 NCR 1291		

Rules Division

26 NCAC 02C	11:19 NCR 1413									
26 NCAC 02C .0102	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96		11:20 NCR 1569		
26 NCAC 02C .0103	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*	11:20 NCR 1569		
26 NCAC 02C .0111	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96		11:20 NCR 1569		
26 NCAC 02C .0307	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*	11:20 NCR 1569		

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26 NCAC 02C .0401	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		11:20 NCR 1569	
26 NCAC 02C .0502	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		11:20 NCR 1569	
ADMINISTRATION										
1 NCAC 39 .0101	10:16A NCR 1672		11:14 NCR 1111	*	Approve	12/19/96				
1 NCAC 39 .0201	10:16A NCR 1672		11:14 NCR 1111	*	Approve	12/19/96				
State Building Commission										
1 NCAC 30G .0101		11:04 NCR 194	11:19 NCR 1414	*						
1 NCAC 30G .0102		11:04 NCR 194	11:19 NCR 1414	*						
1 NCAC 30G .0103		11:04 NCR 194	11:19 NCR 1414	*						
1 NCAC 30G .0104		11:04 NCR 194	11:19 NCR 1414	S/L						
1 NCAC 30G .0105		11:04 NCR 194	11:19 NCR 1414	S/L						
AGRICULTURE										
2 NCAC 09C .0701	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			11:20 NCR 1569	
2 NCAC 09C .0702	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			11:20 NCR 1569	
2 NCAC 09C .0704	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			11:20 NCR 1569	
2 NCAC 48A .0206	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96	*			
2 NCAC 48A .0211	10:24 NCR 3056		11:06 NCR 324	*	Approve	01/16/97			11:22 NCR 1717	
2 NCAC 48A .0214	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96	*			
2 NCAC 48A .1103	10:24 NCR 3056		11:06 NCR 324	*	Approve	01/16/97			11:22 NCR 1717	
2 NCAC 48A .1110	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96	*			
2 NCAC 48B .0112	10:24 NCR 3056		11:06 NCR 324	*	Approve	01/16/97			11:22 NCR 1717	
2 NCAC 48B .0114	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96	*			
2 NCAC 48B .0119	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96			11:20 NCR 1569	
2 NCAC 48B .0120	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*			
2 NCAC 52B .0201	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96			11:20 NCR 1569	
2 NCAC 52B .0212	11:14 NCR 1107		11:06 NCR 324	*	Approve	12/19/96	*			
2 NCAC 52B .0303	11:14 NCR 1107		11:22 NCR 1709	*	Approve	12/19/96			11:20 NCR 1569	
			11:22 NCR 1709	*	Approve	12/19/96			11:20 NCR 1569	

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2 NCAC 52C .0701	11:14 NCR 1107		11:22 NCR 1709	*						
Marketing Authority										
2 NCAC 43F .0003	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43H .0001	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43H .0007	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43L .0202	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43L .0401	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43L .0402	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43L .0403	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43L .0405	11:14 NCR 1107		11:22 NCR 1706	*						
Plant Conservation Board										
2 NCAC 48F .0301	11:07 NCR 407		11:11 NCR 883	*						
2 NCAC 48F .0302	11:07 NCR 407		11:11 NCR 883	*						
2 NCAC 48F .0304	11:07 NCR 407		11:11 NCR 883	*						
2 NCAC 48F .0305	11:07 NCR 407		11:11 NCR 883	*						
2 NCAC 48F .0306	11:07 NCR 407		11:11 NCR 883	*						
Structural Pest Control										
2 NCAC 34 .0503		11:21 NCR 1651								
2 NCAC 34 .0602		11:21 NCR 1651								
2 NCAC 34 .0604		11:21 NCR 1651								
2 NCAC 34 .0605		11:21 NCR 1651								
AUCTIONEERS LICENSING BOARD										
21 NCAC 04B .0202	11:18 NCR 1368									
COMMERCE										
4 NCAC 01E	11:09 NCR 569									
4 NCAC 01F	11:09 NCR 569									
4 NCAC 01H	11:09 NCR 569									
4 NCAC 01I	11:09 NCR 569									

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4 NCAC 01J	11:09 NCR 569									
4 NCAC 01K	11:09 NCR 569									
Community Assistance										
4 NCAC 01K .0501	11:09 NCR 569									
4 NCAC 01K .0502	11:09 NCR 569									
4 NCAC 01K .0503	11:09 NCR 569									
4 NCAC 01K .0504	11:09 NCR 569									
4 NCAC 01K .0505	11:09 NCR 569									
4 NCAC 01K .0506	11:09 NCR 569									
4 NCAC 19L .0401	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0403	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0404	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0407	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0501	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0502	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0505	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0706	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0707	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0708	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0802	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0805	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0901	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0906	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0907	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0911	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1002	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1004	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1009	11:09 NCR 569		11:14 NCR 1113	*						

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4 NCAC 19L .1011	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1301	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1302	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1303	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1701	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1702	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1703	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1801	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1802	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1803	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1804	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1805	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1900	11:09 NCR 569									
Credit Union Division										
4 NCAC 06C .0205	10:18 NCR 2398									
4 NCAC 06C .0407	10:18 NCR 2398									
4 NCAC 06C .0409	10:18 NCR 2398									
Energy										
4 NCAC 12C .0007						Approve	07/18/96		11:10 NCR 843	
State Ports Authority										
4 NCAC 13A .0101	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0102	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0105	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0202	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0203	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0204	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B .0001	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B .0002	10:24 NCR 3056		11:13 NCR 1040	*						

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4 NCAC 13B .0003	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B .0004	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B .0005	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13C .0001	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13D .0101	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0101	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0102	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0103	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0201	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0202	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0301	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0302	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0401	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0402	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0403	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0404	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0405	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0501	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0502	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0601	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0602	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0603	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0701	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0702	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0801	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0803	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0901	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0902	10:24 NCR 3056		11:13 NCR 1040	*						

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4 NCAC 13F .0301	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13F .0302	10:24 NCR 3056		11:13 NCR 1040	*						
COMMUNITY COLLEGES										
23 NCAC 01A .0001	11:18 NCR 1369									
23 NCAC 01B .0001					Approve	01/16/97		11:22 NCR 1717		Notice Not Required
23 NCAC 01B .0004					Approve	01/16/97		11:22 NCR 1717		Notice Not Required
23 NCAC 01B .0005					Approve	01/16/97		11:22 NCR 1717		Notice Not Required
23 NCAC 01B .0008					Approve	01/16/97		11:22 NCR 1717		Notice Not Required
23 NCAC 02C .0108	11:18 NCR 1369									
23 NCAC 02C .0202	11:18 NCR 1369									
23 NCAC 02C .0207	11:18 NCR 1369									
23 NCAC 02C .0304										
23 NCAC 02C .0305	11:18 NCR 1369				Object	01/16/97				Notice Not Required
23 NCAC 02C .0604	11:18 NCR 1369									
23 NCAC 02C .0701	11:18 NCR 1369									
23 NCAC 02D .0103	11:18 NCR 1369									
23 NCAC 02D .0104										
23 NCAC 02D .0201	11:18 NCR 1369									
23 NCAC 02D .0202	11:17 NCR 1336									
23 NCAC 02D .0202	11:18 NCR 1369									
23 NCAC 02D .0203	11:18 NCR 1369									
23 NCAC 02D .0301	11:18 NCR 1369									
23 NCAC 02D .0323	11:18 NCR 1369									
23 NCAC 02D .0324	11:18 NCR 1369									
23 NCAC 02D .0325	10:24 NCR 3058									
23 NCAC 02D .0327	11:18 NCR 1369									
23 NCAC 02E .0101	11:18 NCR 1369									
23 NCAC 02E .0102	11:18 NCR 1369									
			11:09 NCR 585	*	Approve	11/21/96	*		11:19 NCR 1449	

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23 NCAC 02E .0201	11:18 NCR 1369									
23 NCAC 02E .0203	10:24 NCR 3058		11:09 NCR 585	*						
23 NCAC 02E .0203	11:18 NCR 1369									
23 NCAC 02E .0203					Object	01/16/97				Notice Not Required
23 NCAC 02E .0204	11:18 NCR 1369									
23 NCAC 02E .0205	11:18 NCR 1369									
23 NCAC 02E .0501	11:18 NCR 1369									
23 NCAC 02E .0604	11:18 NCR 1369									
23 NCAC 03A .0113	10:24 NCR 3058		11:09 NCR 585	*	Approve	11/21/96	*		11:19 NCR 1449	
CULTURAL RESOURCES										
USS North Carolina Battleship Commission										
7 NCAC 05 .0202	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			11:20 NCR 1569	
7 NCAC 05 .0203	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			11:20 NCR 1569	
7 NCAC 05 .0203		11:19 NCR 1436								
7 NCAC 05 .0204	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			11:20 NCR 1569	
7 NCAC 05 .0207	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			11:20 NCR 1569	
DENTAL EXAMINERS										
21 NCAC 16B .0303	11:20 NCR 1538									
21 NCAC 16I .0001	11:20 NCR 1538									
21 NCAC 16I .0002	11:20 NCR 1538									
21 NCAC 16I .0003	11:20 NCR 1538									
21 NCAC 16I .0004	11:20 NCR 1538									
21 NCAC 16I .0005	11:20 NCR 1538									
21 NCAC 16M .0001	11:20 NCR 1538									
21 NCAC 16R .0001	11:20 NCR 1538									
21 NCAC 16R .0002	11:20 NCR 1538									
21 NCAC 16R .0003	11:20 NCR 1538									
21 NCAC 16R .0004	11:20 NCR 1538									

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21 NCAC 16R .0005 11:20 NCR 1538

21 NCAC 16V .0101 10:16 NCR 2043

11:20 NCR 1556

21 NCAC 16V .0102 10:16 NCR 2043

11:20 NCR 1556

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Notice Subject Matter

Notice Subject Matter

11:01 NCR 2

11:09 NCR 590

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

15A Public Notice

15A Public Notice

15A NCAC 01K 10:19 NCR 2506

15A NCAC 01M .0101 11:06 NCR 368

15A NCAC 01M .0101 11:19 NCR 1439

15A NCAC 01M .0102 11:06 NCR 368

15A NCAC 01M .0102 11:19 NCR 1439

15A NCAC 01M .0201 11:06 NCR 368

15A NCAC 01M .0201 11:19 NCR 1439

15A NCAC 01M .0202 11:06 NCR 368

15A NCAC 01M .0202 11:19 NCR 1439

15A NCAC 01M .0301 11:06 NCR 368

15A NCAC 01M .0301 11:19 NCR 1439

15A NCAC 01M .0302 11:06 NCR 368

15A NCAC 01M .0302 11:19 NCR 1439

15A NCAC 01M .0303 11:06 NCR 368

15A NCAC 01M .0303 11:19 NCR 1439

15A NCAC 01M .0304 11:06 NCR 368

15A NCAC 01M .0304 11:19 NCR 1439

15A NCAC 01M .0305 11:06 NCR 368

15A NCAC 01M .0305 11:19 NCR 1439

15A NCAC 01M .0306 11:06 NCR 368

15A NCAC 01M .0306 11:19 NCR 1439

Coastal Resources Commission

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15A NCAC 07	11:04 NCR 183									
15A NCAC 07H .0104	10:24 NCR 3045		11:07 NCR 409	*	Object	11/21/96				11:09 NCR 575
15A NCAC 07H .0106	10:16 NCR 1921		11:04 NCR 190	*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 07H .0106	11:19 NCR 1408				Approve	09/19/96	*			Notice Subject Matter
15A NCAC 07H .0201	11:22 NCR 1704									
15A NCAC 07H .0202	11:22 NCR 1704									
15A NCAC 07H .0203	11:22 NCR 1704									
15A NCAC 07H .0204	11:22 NCR 1704									
15A NCAC 07H .0205	11:22 NCR 1704									
15A NCAC 07H .0206	11:22 NCR 1704									
15A NCAC 07H .0207	11:22 NCR 1704									
15A NCAC 07H .0208	11:22 NCR 1704									
15A NCAC 07H .0208	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .0208	11:19 NCR 1408									
15A NCAC 07H .0304	10:24 NCR 3045		11:07 NCR 409	*	Object	11/21/96				11:09 NCR 575
15A NCAC 07H .0304	11:15 NCR 1200	11:15 NCR 1226			Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 07H .0305	11:15 NCR 1200	11:15 NCR 1226								
15A NCAC 07H .0306	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .0309	11:08 NCR 442		11:12 NCR 981	*	Approve	01/16/97		11:22 NCR 1717		
15A NCAC 07H .1104	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1202	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1204	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1205	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1304	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1404	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1504	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1600	11:15 NCR 1200		11:11 NCR 907	*						

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15A.NCAC.07H.1704	11:04 NCR 183		11:11 NCR 907	*						
15A.NCAC.07H.1804	11:04 NCR 183		11:11 NCR 907	*						
15A.NCAC.07H.1904	11:04 NCR 183		11:11 NCR 907	*						
15A.NCAC.07H.2004	11:04 NCR 183		11:11 NCR 907	*						
15A.NCAC.07H.2104	11:04 NCR 183		11:11 NCR 907	*						
15A.NCAC.07J.0102	10:24 NCR 3045		11:04 NCR 190	*						
15A.NCAC.07K.0203	11:04 NCR 183		11:11 NCR 907	*	Approve	11/21/96			11:19 NCR 1449	
15A.NCAC.07M.0301	10:16B NCR 1921		11:11 NCR 907	*						
15A.NCAC.07M.0302	10:16B NCR 1921		11:11 NCR 907	*						
15A.NCAC.07M.0303	10:16B NCR 1921		11:11 NCR 907	*						
15A.NCAC.07M.0304	10:16B NCR 1921		11:11 NCR 907	*						
15A.NCAC.07M.0305	10:16B NCR 1921		11:11 NCR 907	*						
15A.NCAC.07M.0306	10:16B NCR 1921		11:11 NCR 907	*						
15A.NCAC.07M.0307	10:16B NCR 1921		11:11 NCR 907	*						
15A.NCAC.07M.0308	10:16B NCR 1921		11:11 NCR 907	*						
15A.NCAC.07M.0309	10:16B NCR 1921		11:11 NCR 907	*						
15A.NCAC.07M.0401	10:16B NCR 1921		11:11 NCR 907	*	Approve	01/16/97	*			
15A.NCAC.07M.0402	10:16B NCR 1921		11:11 NCR 907	*	Approve	01/16/97	*			
15A.NCAC.07M.0403	10:16B NCR 1921		11:11 NCR 907	*	Object	01/16/97				
15A.NCAC.07M.1200	11:19 NCR 1408		11:11 NCR 907	*						
Environmental Management Commission										
15A.NCAC.02	10:24 NCR 3045									
15A.NCAC.02	11:04 NCR 183									
15A.NCAC.02	11:19 NCR 1408									
15A.NCAC.02B.0223	11:02 NCR 75									
15A.NCAC.02B.0223	11:03 NCR 109									
15A.NCAC.02B.0224	10:18 NCR 2400		11:12 NCR 973	*						
15A.NCAC.02B.0227	10:18 NCR 2400		11:12 NCR 973	*						

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15A NCAC 02B .0229	11:03 NCR 109		11:09 NCR 572	*	Object	11/21/96				
15A NCAC 02B .0231	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L/S/E	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 02B .0232	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L						
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L						
15A NCAC 02B .0234	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	*						
15A NCAC 02B .0235	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	*						
15A NCAC 02B .0236	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L						
15A NCAC 02B .0237					Approve	12/19/96			11:21 NCR 1682	
15A NCAC 02B .0303	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0305	11:20 NCR 1534									
15A NCAC 02B .0308	11:20 NCR 1534									
15A NCAC 02B .0315	11:02 NCR 75		11:09 NCR 572	L	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 02B .0316	11:20 NCR 1534									
15A NCAC 02C .0211					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 02C .0213					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 02C .0214					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 02D .0101	11:15 NCR 1200									
15A NCAC 02D .0104	11:15 NCR 1200									
15A NCAC 02D .0105	11:15 NCR 1200									
15A NCAC 02D .0108	11:15 NCR 1200									
15A NCAC 02D .0202	11:15 NCR 1200									
15A NCAC 02D .0302	11:15 NCR 1200									
15A NCAC 02D .0307	11:15 NCR 1200									
15A NCAC 02D .0501	11:15 NCR 1200									

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15A NCAC 02D .0518	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96		11:19 NCR 1449		
15A NCAC 02D .0518	11:19 NCR 1408									
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0524	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*	11:19 NCR 1449		
15A NCAC 02D .0524	11:15 NCR 1200									
15A NCAC 02D .0525	11:15 NCR 1200									
15A NCAC 02D .0530	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96		11:19 NCR 1449		
15A NCAC 02D .0531	11:15 NCR 1200									
15A NCAC 02D .0535	10:18 NCR 2317		11:16 NCR 1271	*						
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0902	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96		11:19 NCR 1449		
15A NCAC 02D .0902	11:19 NCR 1408									
15A NCAC 02D .0907	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96		11:19 NCR 1449		
15A NCAC 02D .0909	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96		11:19 NCR 1449		
15A NCAC 02D .0909	11:19 NCR 1408									
15A NCAC 02D .0910	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96		11:19 NCR 1449		
15A NCAC 02D .0911	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96		11:19 NCR 1449		
15A NCAC 02D .0912	11:15 NCR 1200									
15A NCAC 02D .0917	11:19 NCR 1408									
15A NCAC 02D .0918	11:19 NCR 1408									
15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									
15A NCAC 02D .0922	11:19 NCR 1408									
15A NCAC 02D .0923	11:19 NCR 1408									
15A NCAC 02D .0924	11:19 NCR 1408									
15A NCAC 02D .0934	11:19 NCR 1408									
15A NCAC 02D .0946	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96		11:19 NCR 1449		

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15A NCAC 02D .0948	11:19 NCR 1408									
15A NCAC 02D .0949	11:19 NCR 1408									
15A NCAC 02D .0950	11:19 NCR 1408									
15A NCAC 02D .0951	11:19 NCR 1408									
15A NCAC 02D .0953	11:15 NCR 1200									
15A NCAC 02D .0954	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 02D .0954	11:15 NCR 1200									
15A NCAC 02D .1005	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1107	11:15 NCR 1200									
15A NCAC 02D .1110	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 02D .1111	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 02D .1201	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1202	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1203	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1203	11:15 NCR 1200									
15A NCAC 02D .1204	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1205	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1206	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1207	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1208	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1209	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1402	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .1403	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .1500	11:19 NCR 1408									
15A NCAC 02D .1902	11:19 NCR 1408									
15A NCAC 02D .1903	11:19 NCR 1408									
15A NCAC 02D .2200	11:15 NCR 1200									

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15A.NCAC.02H.0225	11:15 NCR 1200	11:15 NCR 1225	11:20 NCR 1550	*						
15A.NCAC.02H.0610	11:08 NCR 442									
15A.NCAC.02H.1202	11:15 NCR 1200									
15A.NCAC.02H.1203	11:15 NCR 1200									
15A.NCAC.02H.1204	11:15 NCR 1200									
15A.NCAC.02H.1205	11:15 NCR 1200									
15A.NCAC.02L	11:15 NCR 1200 11:15 NCR 1204									
15A.NCAC.02L.0106		10:19 NCR 2508	11:21 NCR 1639	*						
15A.NCAC.02L.0115	11:15 NCR 1200 11:15 NCR 1204		11:21 NCR 1639	L						
15A.NCAC.02L.0202	10:20 NCR 2591									
15A.NCAC.02N	11:15 NCR 1200									
15A.NCAC.02N	11:15 NCR 1204									
15A.NCAC.02N.0701	11:15 NCR 1200		11:21 NCR 1639	*						
15A.NCAC.02N.0707	11:15 NCR 1204		11:21 NCR 1639	*						
15A.NCAC.02P	11:15 NCR 1200									
15A.NCAC.02P.0402	11:15 NCR 1204	10:19 NCR 2512	11:21 NCR 1639	*						
15A.NCAC.02Q.0102			11:06 NCR 350	*						
15A.NCAC.02Q.0102	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96	*		11:19 NCR 1449	
15A.NCAC.02Q.0102	11:19 NCR 1408									
15A.NCAC.02Q.0104	10:24 NCR 2400		11:08 NCR 472	*	Approve	11/21/96	*		11:19 NCR 1449	
15A.NCAC.02Q.0107	10:18 NCR 2400		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A.NCAC.02Q.0207	11:19 NCR 1408									
15A.NCAC.02Q.0312	10:24 NCR 3045		11:16 NCR 1271	*						
15A.NCAC.02Q.0313	10:24 NCR 3045		11:16 NCR 1271	*						
15A.NCAC.02Q.0507	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			11:19 NCR 1449	
15A.NCAC.02Q.0512	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			11:19 NCR 1449	
15A.NCAC.02Q.0514	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			11:19 NCR 1449	
15A.NCAC.02Q.0515	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			11:19 NCR 1449	

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15A NCAC 02Q .0517	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02Q .0525	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0527	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0607	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0700	11:08 NCR 442									
NPDES Permits										
NPDES Permits										
Health Services, Commission for										
15A NCAC 13A .0101	11:16 NCR 1269		11:20 NCR 1552	*						11:06 NCR 317
15A NCAC 13A .0105	11:16 NCR 1269		11:20 NCR 1552	*						11:07 NCR 406
15A NCAC 13A .0107	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13A .0111	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13A .0112	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13A .0119	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13B .1627	11:08 NCR 442		11:13 NCR 1055	*						
15A NCAC 13B 1800	11:08 NCR 442									
15A NCAC 13C .0301	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		11:14 NCR 1156	
15A NCAC 13C .0302	10:18 NCR 2317		11:06 NCR 357	*	Object	09/19/96	*		11:19 NCR 1449	
15A NCAC 13C .0303	10:18 NCR 2317		11:06 NCR 357	*	Approve	11/21/96	*		11:14 NCR 1156	
15A NCAC 13C .0304	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		11:19 NCR 1449	
15A NCAC 13C .0305	10:18 NCR 2317		11:06 NCR 357	*	Approve	11/21/96	*		11:14 NCR 1156	
15A NCAC 13C .0306	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		11:14 NCR 1156	
15A NCAC 13C .0307	10:18 NCR 2317		11:06 NCR 357	*	Object	09/19/96	*		11:19 NCR 1449	
15A NCAC 13C .0308	10:18 NCR 2317		11:06 NCR 357	*	Approve	11/21/96	*		11:14 NCR 1156	
15A NCAC 18A	11:04 NCR 183		11:06 NCR 357	*	Approve	09/19/96	*		11:14 NCR 1156	
15A NCAC 18A .0134	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
					Approve	01/16/97	*			

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15A NCAC 18A .0134					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0136	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0137	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0159	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0168	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
15A NCAC 18A .0168					Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .0169	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0173	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0174	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0175	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0176	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0182	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
15A NCAC 18A .0182					Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .0183	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0184	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0185	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .0186	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0187	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:20 NCR 1569	
15A NCAC 18A .0187					Approve	12/19/96				
15A NCAC 18A .0301	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0301					Approve	01/16/97				
15A NCAC 18A .0302	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0401	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0401					Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 18A .0421	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0424	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0425	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:20 NCR 1569	
15A NCAC 18A .0614	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0614					Object	12/19/96				
					Approve	01/16/97			11:22 NCR 1717	

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15A NCAC 18A.0614					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A.0615	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A.0616	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A.0617	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 18A.0618	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
15A NCAC 18A.0618					Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A.0620	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A.0621	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A.0901	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
15A NCAC 18A.0901					Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A.1301	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*			
15A NCAC 18A.1301					Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A.1302	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A.1319	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*			
15A NCAC 18A.1319					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A.1805	11:04 NCR 183		11:09 NCR 576	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A.1814					Approve	04/18/96			11:04 NCR 209	
15A NCAC 18A.1937	11:19 NCR 1408	11:20 NCR 1561			Object	12/19/96				
15A NCAC 18A.1938	11:19 NCR 1408	11:20 NCR 1561			Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A.1958	11:19 NCR 1408	11:20 NCR 1561			Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A.1961	11:19 NCR 1408	11:20 NCR 1561			Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A.2601		11:01 NCR 24	11:05 NCR 273	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 18A.2701					Approve	06/20/96	*		11:08 NCR 536	
15A NCAC 19A.0203	11:21 NCR 1638				Approve	04/18/96			11:04 NCR 209	
15A NCAC 20D.0243					Approve					
15A NCAC 21H.0111		11:06 NCR 371			Approve					
15A NCAC 21H.0113		11:06 NCR 371			Approve					
15A NCAC 21H.0101		11:07 NCR 422	11:20 NCR 1552		Approve					

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15A NCAC 21J .0101		11:07 NCR 422	11:20 NCR 1552							
15A NCAC 26C .0001	11:19 NCR 1408									
15A NCAC 26C .0002	11:19 NCR 1408									
15A NCAC 26C .0003	11:19 NCR 1408									
15A NCAC 26C .0004	11:19 NCR 1408									
15A NCAC 26C .0005	11:19 NCR 1408									
15A NCAC 26C .0006	11:19 NCR 1408									
15A NCAC 26C .0007	11:19 NCR 1408									
Marine Fisheries Commission										
15A NCAC 03	11:11 NCR 881									
15A NCAC 03	11:20 NCR 1537									
15A NCAC 03I .0101	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 03I .0105	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 03I .0019			10:21 NCR 2737	*	Approve	05/16/96	*			
15A NCAC 03J .0202	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03J .0401			10:21 NCR 2688	*	Approve	05/16/96	*			
15A NCAC 03L .0102	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03L .0201	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 03M .0202	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 03M .0204		11:14 NCR 1153	11:18 NCR 1371	*						
15A NCAC 03M .0503	11:07 NCR 407		11:11 NCR 938	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 03M .0503		11:18 NCR 1383		*						
15A NCAC 03M .0504	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 03M .0506	11:07 NCR 407	11:14 NCR 1153		*						
15A NCAC 03M .0506		11:18 NCR 1383	11:11 NCR 888	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 03M .0507		11:11 NCR 938		*						
15A NCAC 03M .0511	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96	*		11:20 NCR 1569	

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15A NCAC 03M .0514		11:18 NCR 1383								
15A NCAC 03R .0106	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 03R .0107	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96			11:20 NCR 1569	
Parks and Recreation										
15A NCAC 12B .1206	10:18 NCR 2317		11:12 NCR 985	*	Object	11/21/96	*		11:20 NCR 1569	
Soil and Water Conservation										
15A NCAC 06E .0102	11:08 NCR 442		11:12 NCR 979	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 06E .0102		11:12 NCR 1004								
15A NCAC 06E .0103	11:08 NCR 442		11:12 NCR 979	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 06E .0105		11:12 NCR 1004								
Water Pollution Control System Operators Certification Commission										
15A NCAC 08F .0101		11:19 NCR 1442								
15A NCAC 08F .0102		11:19 NCR 1442								
15A NCAC 08F .0201		11:19 NCR 1442								
15A NCAC 08F .0202		11:19 NCR 1442								
15A NCAC 08F .0203		11:19 NCR 1442								
15A NCAC 08F .0301		11:19 NCR 1442								
15A NCAC 08F .0401		11:19 NCR 1442								
15A NCAC 08F .0402		11:19 NCR 1442								
15A NCAC 08F .0403		11:19 NCR 1442								
15A NCAC 08F .0404		11:19 NCR 1442								
15A NCAC 08F .0405		11:19 NCR 1442								
15A NCAC 08F .0406		11:19 NCR 1442								
15A NCAC 08F .0407		11:19 NCR 1442								
15A NCAC 08F .0501		11:19 NCR 1442								
15A NCAC 08F .0502		11:19 NCR 1442								
15A NCAC 08F .0503		11:19 NCR 1442								
15A NCAC 08F .0504		11:19 NCR 1442								

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15A.NCAC.08F.0505		11:19 NCR 1442								
15A.NCAC.08F.0506		11:19 NCR 1442								
Wildlife Resources Commission										
15A.NCAC.10B.0106	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96	*		11:16 NCR 1291	
15A.NCAC.10B.0113	11:07 NCR 408		11:12 NCR 983	*	Approve	12/19/96	*		11:20 NCR 1569	
15A.NCAC.10B.0115	11:07 NCR 408		11:12 NCR 984	*	Approve	12/19/96			11:20 NCR 1569	
15A.NCAC.10B.0115	11:11 NCR 882									
15A.NCAC.10B.0116	11:12 NCR 959		11:18 NCR 1372	*						
15A.NCAC.10B.0123	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96			11:16 NCR 1291	
15A.NCAC.10B.0203	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		11:19 NCR 1449	
15A.NCAC.10B.0208	11:02 NCR 76		11:08 NCR 495	*						
15A.NCAC.10B.0209	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96			11:19 NCR 1449	
15A.NCAC.10C.0107	11:02 NCR 76									
15A.NCAC.10C.0205	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		11:19 NCR 1449	
15A.NCAC.10C.0305	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		11:19 NCR 1449	
15A.NCAC.10C.0401	11:02 NCR 76									
15A.NCAC.10C.0401	11:07 NCR 408									
15A.NCAC.10D.0002	11:02 NCR 76		11:08 NCR 495	*						
15A.NCAC.10D.0003	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		11:19 NCR 1449	
15A.NCAC.10F.0102	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A.NCAC.10F.0103	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A.NCAC.10F.0104	10:19 NCR 2506		11:01 NCR 14	*	Approve	08/15/96	*		11:12 NCR 1006	
15A.NCAC.10F.0105	10:19 NCR 2506		11:01 NCR 14	*	Approve	08/15/96	*		11:12 NCR 1006	
15A.NCAC.10F.0106	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A.NCAC.10F.0107	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A.NCAC.10F.0109	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A.NCAC.10F.0300	11:01 NCR 13		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A.NCAC.10F.0302	11:05 NCR 272		11:14 NCR 1150	*						

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15A NCAC 10F .0303	10:24 NCR 3057		11:06 NCR 355	*	Approve	09/19/96			11:14 NCR 1156	
15A NCAC 10F .0305	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96			11:10 NCR 843	
15A NCAC 10F .0307	11:02 NCR 76		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10F .0307	11:08 NCR 451		11:14 NCR 1150	*						
15A NCAC 10F .0308	11:21 NCR 1638									
15A NCAC 10F .0310	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96			11:10 NCR 843	
15A NCAC 10F .0310	10:24 NCR 3057		11:06 NCR 355	*	Approve	09/19/96			11:14 NCR 1156	
15A NCAC 10F .0317	11:13 NCR 1039		11:19 NCR 1427	*						
15A NCAC 10F .0327	11:14 NCR 1109		11:20 NCR 1551	*						
15A NCAC 10F .0339	11:13 NCR 1039		11:19 NCR 1427	*						
15A NCAC 10F .0339	11:21 NCR 1638									
15A NCAC 10F .0342	10:19 NCR 2506		11:01 NCR 14	*	Withdrawn/Agcy	07/18/96				
15A NCAC 10F .0348	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0367	11:16 NCR 1269									
15A NCAC 10G	11:01 NCR 13									
15A NCAC 10G .0100	11:02 NCR 76									
15A NCAC 10G .0102	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0103	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0202	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0203	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0206	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0302	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0303	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0401	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0402	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		11:16 NCR 1291	
15A NCAC 10G .0403	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		11:16 NCR 1291	
15A NCAC 10G .0404	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		11:16 NCR 1291	
15A NCAC 10G .0501	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		11:16 NCR 1291	

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					Action	Date				
15A NCAC 101.0001	10:22 NCR 2829		11:04 NCR 191	*	Approve	09/19/96		11:14 NCR 1156		11:03 NCR 104
15A NCAC 101.0002	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96	*	11:16 NCR 1291		11:04 NCR 182
Wildlife Proclamation										
Wildlife Proclamation										
FINAL DECISION LETTERS										
Voting Rights Act										11:01 NCR 1
Voting Rights Act										11:04 NCR 181
Voting Rights Act										11:06 NCR 315
Voting Rights Act										11:07 NCR 405
Voting Rights Act										11:13 NCR 1038
Voting Rights Act										11:16 NCR 1263
Voting Rights Act										11:18 NCR 1367
Voting Rights Act										11:20 NCR 1533
GENERAL CONTRACTORS LICENSING BOARD										
21 NCAC 12.0204	10:22 NCR 2829	11:06 NCR 372	11:09 NCR 583	*	Approve	10/17/96		11:16 NCR 1291		
21 NCAC 12.0503	10:22 NCR 2829	11:06 NCR 372	11:09 NCR 584	*	Approve	10/17/96	*	11:16 NCR 1291		
GOVERNOR'S EXECUTIVE ORDERS										
Number 95 - Eff. 04/24/96										11:05 NCR 270
Number 96 - Eff. 06/14/96										11:08 NCR 441
Number 97 - Eff. 07/12/96										11:10 NCR 817
Number 98 - Eff. 08/09/96										11:11 NCR 880
Number 99 - Eff. 09/05/96										11:14 NCR 1101
Number 100 - Eff. 09/12/96										11:14 NCR 1101
Number 101 - Eff. 09/12/96										11:14 NCR 1101
Number 102 - Eff. 10/02/96										11:15 NCR 1197
Number 103 - Eff. 10/10/96										11:15 NCR 1197
Number 104 - Eff. 10/10/96										11:15 NCR 1197
Number 105 - Eff. 12/02/96										11:19 NCR 1406

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10 NCAC 03U .2702		10:20 NCR 2593	11:10 NCR 819		Approve	11/21/96	*		11:19 NCR 1449	
10 NCAC 03U .2703		10:20 NCR 2593	11:10 NCR 819	S	Object	10/17/96			11:19 NCR 1449	
10 NCAC 03U .2704		10:20 NCR 2593	11:10 NCR 819	S	Approve	11/21/96	*		11:19 NCR 1449	
Facility Services										
10 NCAC 03	10:18 NCR 2399									
10 NCAC 03R .3001	10:23 NCR 2956	10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*		11:16 NCR 1291	11:11 NCR 888
10 NCAC 03R .3002		11:21 NCR 1655	11:06 NCR 328	S/L/SE						
10 NCAC 03R .3010		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96			11:16 NCR 1291	11:11 NCR 888
10 NCAC 03R .3020		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*		11:16 NCR 1291	11:11 NCR 888
10 NCAC 03R .3020	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3030		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	10/17/96	*			11:11 NCR 888
10 NCAC 03R .3030	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Object	11/21/96				
10 NCAC 03R .3032		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*		11:16 NCR 1291	11:11 NCR 888
10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3033		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3034		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3035		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3036		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3037		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3038		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3040		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3040	10:23 NCR 2956		11:08 NCR 452	S/L/SE	Object	10/17/96	*		11:19 NCR 1449	11:11 NCR 888
10 NCAC 03R .3050		10:21 NCR 2699	11:06 NCR 328	S/L/SE	Approve	11/21/96				
10 NCAC 03R .3050		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	10/17/96				11:11 NCR 888

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10 NCAC 03R .3050	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Approve	11/21/96	*		11:19 NCR 1449	
10 NCAC 03R .3051		11:21 NCR 1655								
10 NCAC 03R .3052		11:21 NCR 1655								
10 NCAC 03R .3053		11:21 NCR 1655								
10 NCAC 03R .3053		11:22 NCR 1713								
10 NCAC 03R .3054		11:21 NCR 1655								
10 NCAC 03R .3055		11:21 NCR 1655								
10 NCAC 03R .3056		11:21 NCR 1655								
10 NCAC 03R .3057		11:21 NCR 1655								
10 NCAC 03R .3058		11:21 NCR 1655								
10 NCAC 03R .3059		11:21 NCR 1655								
10 NCAC 03R .3060		11:21 NCR 1655								
10 NCAC 03R .3061		11:21 NCR 1655								
10 NCAC 03R .3062		11:21 NCR 1655								
10 NCAC 03R .3063		11:21 NCR 1655								
10 NCAC 03R .3064		11:21 NCR 1655								
10 NCAC 03R .3065		11:21 NCR 1655								
10 NCAC 03R .3066		11:21 NCR 1655								
10 NCAC 03R .3067		11:21 NCR 1655								
10 NCAC 03R .3068		11:21 NCR 1655								
10 NCAC 03R .3069		11:21 NCR 1655								
10 NCAC 03R .3070		11:21 NCR 1655								
10 NCAC 03R .3071		11:21 NCR 1655								
10 NCAC 03R .3072		11:21 NCR 1655								
10 NCAC 03R .3073		11:21 NCR 1655								
10 NCAC 03R .3074		11:21 NCR 1655								
10 NCAC 03R .3075		11:21 NCR 1655								

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10 NCAC 03R .3076		11:21 NCR 1655								
10 NCAC 03R .3077		11:21 NCR 1655								
10 NCAC 03R .3078		11:21 NCR 1655								
10 NCAC 03R .3079		11:21 NCR 1655								
10 NCAC 03R .3080		11:21 NCR 1655								
10 NCAC 03R .3081		11:21 NCR 1655								
10 NCAC 03R .3082		11:21 NCR 1655								
10 NCAC 03R .3083		11:21 NCR 1655								
10 NCAC 03R .3084		11:21 NCR 1655								
10 NCAC 03R .3085		11:21 NCR 1655								
10 NCAC 03R .3086		11:21 NCR 1655								
10 NCAC 03R .3087		11:21 NCR 1655								
10 NCAC 03R .3088		11:21 NCR 1655								
10 NCAC 03R .6001	11:22 NCR 1704									
Medical Assistance										
Disproportionate Share List										
10 NCAC 26B .0105	10:18 NCR 2398		10:22 NCR 2831	*	Approve	04/18/96	*	11:04 NCR 207		11:03 NCR 101
10 NCAC 26B .0123		11:19 NCR 1436								
10 NCAC 26G .0707	11:08 NCR 450	11:15 NCR 1205	11:18 NCR 1371	*						
10 NCAC 26H .0101	11:14 NCR 1108									
10 NCAC 26H .0102	11:14 NCR 1108									
10 NCAC 26H .0104	11:16 NCR 1268									
10 NCAC 26H .0212		11:15 NCR 1205								
10 NCAC 26H .0213		11:15 NCR 1205								
10 NCAC 26H .0213	11:18 NCR 1368									
10 NCAC 26H .0506		11:02 NCR 77	Temp. Expired							
10 NCAC 26H .0506	10:21 NCR 2686									
10 NCAC 26H .0506		11:19 NCR 1438								

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10 NCAC 2611 .0602	11:09 NCR 569	11:13 NCR 1062		S/L	Approve	12/19/96		11:20 NCR 1569		
10 NCAC 50B .0202		11:10 NCR 841								
10 NCAC 50B .0404		11:10 NCR 841								
10 NCAC 50B .0409		11:10 NCR 841								
10 NCAC 50D										11:06 NCR 316
10 NCAC 50D .0101	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0102	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0103	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0201	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0301	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0302	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0401	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0402	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0501	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0502	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0503	10:24 NCR 3057	11:04 NCR 196								
Medical Care Commission										
10 NCAC 03B	11:16 NCR 1268									
10 NCAC 03B .1001		11:20 NCR 1560								
10 NCAC 03B .1002		11:20 NCR 1560								
10 NCAC 03C .3707	11:20 NCR 1534									
10 NCAC 03C .6208									11:04 NCR 206	
Mental Health, Developmental Disabilities and Substance Abuse Services										
10 NCAC 14V .3402	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 14V .3803	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 14V .5602	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 15A .0128	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
10 NCAC 15A .0129	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				

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10 NCAC 18W .0201	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97				
10 NCAC 18W .0202	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0203	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97				
10 NCAC 18W .0204	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0205	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97				
10 NCAC 18W .0206	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0207	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0208	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0209	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0210	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0211	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97				
10 NCAC 18W .0212	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0213	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0214	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97				
10 NCAC 18W .0215	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97				
10 NCAC 18W .0216	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0217	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0218	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97				
10 NCAC 18W .0219	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 45H .0200	11:08 NCR 449		11:14 NCR 1124	S	Approve	01/16/97	*			
Social Services Commission										
10 NCAC 35E .0101		11:16 NCR 1288								
10 NCAC 35E .0105		11:16 NCR 1288								
10 NCAC 35E .0106		11:16 NCR 1288								
10 NCAC 35E .0308		11:16 NCR 1288								
10 NCAC 41F	10:23 NCR 2956									
10 NCAC 41F .0705	10:23 NCR 2956		11:03 NCR 111	L	Approve	07/18/96	*		11:15 NCR 1229	
10 NCAC 41F .0706		10:21 NCR 2726	11:03 NCR 111	*	Approve	07/18/96				

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10 NCAC 41F .0707		10:21 NCR 2726	11:03 NCR 111	S	Object Approve	07/18/96 09/19/96	*	11:15 NCR 1229		
10 NCAC 41F .0812		10:21 NCR 2726	11:03 NCR 111	*	Approve	07/18/96		11:15 NCR 1229		
10 NCAC 41F .0813		10:21 NCR 2726	11:03 NCR 111	S	Object Approve	07/18/96 09/19/96	*	11:15 NCR 1229		
10 NCAC 41F .0814	10:23 NCR 2956		11:03 NCR 111	L	Object Approve	07/18/96 09/19/96	*	11:15 NCR 1229		
10 NCAC 411 .0100	10:17 NCR 2228									
10 NCAC 411 .0102	10:17 NCR 2228		10:21 NCR 2687	*						
10 NCAC 41P .0102	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Object	11/21/96	*	11:20 NCR 1569	Notice Not Required	
10 NCAC 41P .0105	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	12/19/96	*	11:20 NCR 1569		
10 NCAC 41P .0106	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	12/19/96	*	11:20 NCR 1569	Notice Not Required	
10 NCAC 41P .0108	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Object	11/21/96	*	11:19 NCR 1449		
10 NCAC 41P .0109	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	12/19/96	*	11:19 NCR 1449		
10 NCAC 41P .0110	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 41P .0111	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 41P .0112	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 42A .0701		10:21 NCR 2728	11:10 NCR 823	S/L/SE	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 42A .0702		10:21 NCR 2728	11:10 NCR 823	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 42A .0703		10:21 NCR 2728	11:10 NCR 823	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 42B .1209		10:21 NCR 2729	11:12 NCR 967	*	Object	11/21/96	*	11:20 NCR 1569		
10 NCAC 42B .1210		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96	*	11:19 NCR 1449		
10 NCAC 42B .1211		10:21 NCR 2729	11:12 NCR 967	S/L	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 42B .2402		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 42B .2403		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 42B .2404		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*	11:19 NCR 1449		

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					Action	Date				
10 NCAC 42B .2405		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42C .2010		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42C .2011		10:21 NCR 2729	11:12 NCR 967	S/L	Object	11/21/96	*	11:20 NCR 1569		
10 NCAC 42C .2012		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96		11:20 NCR 1569		
10 NCAC 42C .3701		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 42C .3702		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 42C .3703		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 42C .3704		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42D .1409		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42D .1410		10:21 NCR 2729	11:12 NCR 967	S/L	Object	11/21/96	*	11:20 NCR 1569		
10 NCAC 42D .1411		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96		11:20 NCR 1569		
10 NCAC 42D .1827		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*	11:20 NCR 1569		
10 NCAC 42D .1828		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96		11:19 NCR 1449		
10 NCAC 42D .1829		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 42D .1830		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42J .0001		11:16 NCR 1288			Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42J .0004		11:16 NCR 1288			Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42J .0005		11:16 NCR 1288			Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42V .0201		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*	11:10 NCR 843		
10 NCAC 42V .0802		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*	11:10 NCR 843		
10 NCAC 42V .0803		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*	11:10 NCR 843		
10 NCAC 49A .0102		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 49B .0202		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 49B .0310		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 49B .0502		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 49C .0107		10:18 NCR 2402	Temp. Expired		Approve	11/21/96		11:19 NCR 1449		

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					Action	Date				
10 NCAC 20B .0204	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		11:20 NCR 1569	
10 NCAC 20B .0205	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		11:20 NCR 1569	
10 NCAC 20B .0206	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20B .0208	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20B .0209	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20B .0210	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20B .0214	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20B .0218	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		11:20 NCR 1569	
10 NCAC 20B .0222	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		11:20 NCR 1569	
10 NCAC 20B .0224	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20B .0226	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20B .0227	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20C .0603	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20D .0204	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		11:20 NCR 1569	
INSURANCE										
11 NCAC 08 .1001		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1002		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1003		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1004		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1005		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1006		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1007		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1008		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1009		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1010		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1011		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1101		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1102		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection

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					Action	Date				
11 NCAC 08 .1103		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1104		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1105		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1106		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1107		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1108		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1109		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1110		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1111		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1112		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1113		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1114		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1115		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1116		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1201		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1202		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1203		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1204		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1205		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1206		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1207		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1208		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1209		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 10 .0602		11:15 NCR 1223	11:19 NCR 1426	*						Filed over objection
11 NCAC 10 .0603		11:15 NCR 1223	11:19 NCR 1426	*						Filed over objection
11 NCAC 10 .0606		11:15 NCR 1223	11:19 NCR 1426	*						Filed over objection
11 NCAC 12 .0551	10:18 NCR 2399		10:22 NCR 2831	*		Approve	05/16/96		11:05 NCR 283	
11 NCAC 16 .0703	10:18 NCR 2399		10:22 NCR 2832	*		Approve	05/16/96		11:05 NCR 284	

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JUSTICE										
Attorney General/Company Police										
12 NCAC 021 .0101						Approve	04/18/96		11:04 NCR 208	
12 NCAC 021 .0206						Approve	04/18/96		11:04 NCR 208	
12 NCAC 021 .0210						Approve	04/18/96		11:04 NCR 208	
Alarm Systems Licensing Board										
12 NCAC 11 .0202	10:24 NCR 3057		11:14 NCR 1136	*						
Criminal Justice Education and Training Standards Commission										
12 NCAC 09A .0103	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0102	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0111	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0206	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0224	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0225	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0409	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0304	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0307	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0309	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0601	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0602	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0603	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0604	11 14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0605	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0606	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0607	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0608	11:14 NCR 1109		11:20 NCR 1539	*						
Private Protective Services Board										
12 NCAC 07D	11:10 NCR 818									

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12 NCAC 07D	11:16 NCR 1268									
12 NCAC 07D .0100	11:16 NCR 1268									
12 NCAC 07D .0104	11:16 NCR 1268									
12 NCAC 07D .0201	11:10 NCR 818									
12 NCAC 07D .0204	11:14 NCR 1108									
12 NCAC 07D .0504	11:10 NCR 818									
12 NCAC 07D .0701	11:10 NCR 818									
12 NCAC 07D .0801	11:10 NCR 818									
12 NCAC 07D .0902	11:10 NCR 818									
12 NCAC 07D .1106	11:14 NCR 1108									
State Bureau of Investigation/Division of Criminal Information										
12 NCAC 04E .0103	11:11 NCR 881		11:17 NCR 1339	*						
12 NCAC 04E .0104	11:17 NCR 1336		11:22 NCR 1710	*						
12 NCAC 04E .0401	11:17 NCR 1336		11:22 NCR 1710	*						
12 NCAC 04E .0404	11:17 NCR 1336		11:22 NCR 1710	*						
12 NCAC 04E .0405	11:17 NCR 1336		11:22 NCR 1710	*						
LABOR										
Permanent Variance Filing										
Occupational Safety and Health										
13 NCAC 07A .0900	11:11 NCR 881									
13 NCAC 07F	11:03 NCR 106									
13 NCAC 07F .0101		11:03 NCR 119	Temp. Expired							
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0201	11:09 NCR 568									
13 NCAC 07F .0301	11:03 NCR 106									
MEDICAL BOARD										
21 NCAC 32B	11:18 NCR 1369									
21 NCAC 32F .0003		11:18 NCR 1386								

11:22 NCR 1703

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21 NCAC 32H .0101	10:18 NCR 2400				Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0102	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0201	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0203	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			
21 NCAC 32H .0301	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0302	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0303	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0401	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0402	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0403	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0404	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0406	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0407	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0408	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0409	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0501	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0502	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0504	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0505	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0506	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0507	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0601	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0602	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0701	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0702	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0801	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0901	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
				*	Object	04/18/96	*		Returned to Agency 6/20/96	
				*	Approve	04/18/96	*		11:04 NCR 221	
				*	Approve	04/18/96	*		11:04 NCR 221	

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					Action	Date				
21 NCAC 32H .0902	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96			11:04 NCR 221	
21 NCAC 320	11:18 NCR 1369									
NURSING, BOARD OF										
21 NCAC 36 .0320	11:14 NCR 1109		11:19 NCR 1428	*						
NURSING HOME ADMINISTRATORS										
21 NCAC 37D .0202		11:11 NCR 940	11:18 NCR 1372	*						
21 NCAC 37G .0102		11:11 NCR 940	11:18 NCR 1372	*						
OPTOMETRY, BOARD OF										
21 NCAC 42B .0107	11:18 NCR 1369									
PSYCHOLOGY BOARD										
21 NCAC 54 .1802			11:18 NCR 1373	*						
21 NCAC 54 .1803			11:18 NCR 1373	*						
21 NCAC 54 .2001			11:18 NCR 1373	*						
21 NCAC 54 .2002			11:18 NCR 1373	*						
21 NCAC 54 .2003			11:18 NCR 1373	*						
21 NCAC 54 .2004			11:18 NCR 1373	*						
21 NCAC 54 .2005			11:18 NCR 1373	*						
21 NCAC 54 .2007			11:18 NCR 1373	*						
21 NCAC 54 .2008			11:18 NCR 1373	*						
21 NCAC 54 .2009			11:18 NCR 1373	*						
21 NCAC 54 .2704			11:18 NCR 1373	*	Approve	04/18/96			11:04 NCR 236	
21 NCAC 54 .2706					Approve	04/18/96			11:04 NCR 236	
PUBLIC EDUCATION										
16 NCAC 01A .0001					Approve	05/16/96			11:05 NCR 286	
16 NCAC 01A .0003					Approve	05/16/96			11:05 NCR 283	
Standards Board for Public School Administration										
16 NCAC 07 .0101	10:23 NCR 2957		11:09 NCR 576	*	Object	11/21/96			11:20 NCR 1569	
					Approve	12/19/96	*			

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16 NCAC 07 .0102	10:23 NCR 2957		11:09 NCR 576	*	Object	11/21/96				
16 NCAC 07 .0103	10:23 NCR 2957		11:09 NCR 576	*	Approve	12/19/96	*	11:20 NCR 1569		
16 NCAC 07 .0104	10:23 NCR 2957		11:09 NCR 576	*	Object	11/21/96				
16 NCAC 07 .0105	10:23 NCR 2957		11:09 NCR 576	*	Approve	12/19/96	*	11:20 NCR 1569		
16 NCAC 07 .0106	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0107	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0108	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0109	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0110	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0111	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0112	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
REAL ESTATE COMMISSION										
21 NCAC 58A .0101	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			11:20 NCR 1569	
21 NCAC 58A .0104	11:07 NCR 408		11:11 NCR 935	*	Approve	12/19/96	*		11:20 NCR 1569	
21 NCAC 58A .0105	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			11:20 NCR 1569	
21 NCAC 58A .0109	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			11:20 NCR 1569	
21 NCAC 58A .0110	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			11:20 NCR 1569	
21 NCAC 58A .0302	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96				
21 NCAC 58A .0503	10:22 NCR 2829		11:03 NCR 114	*	Approve	01/16/97	*		11:22 NCR 1717	
21 NCAC 58A .0504	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			11:20 NCR 1569	
21 NCAC 58A .1501	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			11:20 NCR 1569	
21 NCAC 58A .1502	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96				
			11:03 NCR 114	*	Approve	01/16/97			11:22 NCR 1717	
			11:03 NCR 114	*	Object	12/19/96			11:22 NCR 1717	
			11:03 NCR 114	*	Approve	01/16/97			11:20 NCR 1569	
21 NCAC 58A .1601	10:22 NCR 2835		11:03 NCR 114	*	Approve	12/19/96			11:20 NCR 1569	
REFRIGERATION EXAMINERS										
21 NCAC 60 .0204	11:05 NCR 272		11:10 NCR 839	*	Approve	11/21/96			11:19 NCR 1449	
21 NCAC 60 .0207	11:05 NCR 272		11:10 NCR 839	*	Approve	11/21/96			11:19 NCR 1449	

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					Action	Date				
21 NCAC 60 .0314	11:05 NCR 272		11:10 NCR 839	*	Object Approve	11/21/96 12/19/96	*		11:20 NCR 1569	
REVENUE										
17 NCAC 01C .0504		10:20 NCR 2599		*	Object	08/15/96				
17 NCAC 01C .0506		10:20 NCR 2599		*	Approve	09/19/96			11:14 NCR 1156	
17 NCAC 01C .0506			11:10 NCR 838	*	Approve	08/15/96				
17 NCAC 05C .0102			11:03 NCR 113	*	Approve	01/16/97				
			11:09 NCR 582	*	Rule Returned	01/16/97				
17 NCAC 05C .2101			10:24 NCR 3059	*	Approve	05/16/96	*		11:05 NCR 284	
17 NCAC 06B .0612			10:22 NCR 2833	*	Approve	04/18/96	*		11:04 NCR 211	
17 NCAC 06B .3716			10:22 NCR 2833	*	Approve	04/18/96	*		11:04 NCR 211	
17 NCAC 07B .0118			11:12 NCR 998	*	Approve	11/21/96	*		11:19 NCR 1449	
17 NCAC 07B .1101			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1105			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1108			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1109			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1110			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1112			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1114			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1123			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1602			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1602			11:12 NCR 998	*	Approve	11/21/96	*		11:19 NCR 1449	
17 NCAC 07B .1701			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1702			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1702			11:12 NCR 998	*	Approve	11/21/96	*		11:19 NCR 1449	
17 NCAC 07B .1802			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1802			11:12 NCR 998	*	Approve	11/21/96	*		11:19 NCR 1449	
17 NCAC 07B .2401			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	

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					Action	Date				
17 NCAC 07B .2601			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .3103			11:12 NCR 998	*	Approve	11/21/96			11:19 NCR 1449	
17 NCAC 07B .3106			11:12 NCR 998	*	Approve	11/21/96	*		11:19 NCR 1449	
17 NCAC 07B .4002			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .4004			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .4008			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .4202			11:12 NCR 998	*	Approve	11/21/96			11:19 NCR 1449	
17 NCAC 07B .4301			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .4408			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .4501			11:12 NCR 998	*	Approve	11/21/96			11:19 NCR 1449	
17 NCAC 07B .4902			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	11:02 NCR 72
Tax Review Board										11:06 NCR 318
Tax Review Board										11:14 NCR 1104
Tax Review Board										11:16 NCR 1266
Tax Review Board										11:17 NCR 1332
Tax Review Board										11:21 NCR 1632
SOCIAL WORK, BOARD OF										
21 NCAC 63 .0306		10:21 NCR 2739	11:03 NCR 118	*	Approve	11/21/96	*		11:19 NCR 1449	
SOIL SCIENTISTS, BOARD FOR LICENSING										
21 NCAC 69 .0101	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Approve	09/19/96			11:14 NCR 1156	
21 NCAC 69 .0102	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			11:16 NCR 1291	
21 NCAC 69 .0103	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		11:14 NCR 1156	
21 NCAC 69 .0104	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156	
21 NCAC 69 .0201	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156	
21 NCAC 69 .0202	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96	*		11:14 NCR 1156	
			11:04 NCR 200	*	Approve	09/19/96			11:14 NCR 1156	

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21 NCAC 69 .0301	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156	
21 NCAC 69 .0302	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Object	09/19/96	*			
			11:08 NCR 523	*	Approve	10/17/96			11:16 NCR 1291	
21 NCAC 69 .0303	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Object	09/19/96	*			
			11:08 NCR 523	*	Approve	10/17/96			11:16 NCR 1291	
21 NCAC 69 .0304	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Object	09/19/96	*			
			11:08 NCR 523	*	Approve	10/17/96			11:16 NCR 1291	
21 NCAC 69 .0305	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Object	09/19/96	*			
			11:08 NCR 523	*	Approve	10/17/96			11:16 NCR 1291	
21 NCAC 69 .0306	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Approve	10/17/96	*			
			11:08 NCR 523	*	Approve	09/19/96	*		11:14 NCR 1156	
21 NCAC 69 .0307	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Object	09/19/96	*			
			11:08 NCR 523	*	Approve	10/17/96			11:16 NCR 1291	
21 NCAC 69 .0308	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Approve	10/17/96	*			
			11:08 NCR 523	*	Approve	09/19/96	*		11:14 NCR 1156	
21 NCAC 69 .0401	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Object	09/19/96	*			
			11:08 NCR 523	*	Approve	10/17/96			11:16 NCR 1291	
21 NCAC 69 .0402	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Approve	10/17/96	*			
			11:08 NCR 523	*	Approve	09/19/96	*		11:16 NCR 1291	
21 NCAC 69 .0501	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Approve	10/17/96	*			
			11:08 NCR 523	*	Approve	09/19/96	*		11:14 NCR 1156	
STATE PERSONNEL COMMISSION										
25 NCAC 01D .2501		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2503		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2504		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2505		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2507		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2508		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2509		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2511		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2513		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2514		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2516		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01E .0705	11:14 NCR 1110		11:19 NCR 1434	*						

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25 NCAC 01E .0707	11:14 NCR 1110		11:19 NCR 1434	*						
25 NCAC 01E .0709	11:14 NCR 1110		11:19 NCR 1434	*						
25 NCAC 01J .0613		10:23 NCR 2960	Temp. Expired							
25 NCAC 01J .0613				Approve	03/21/96				11:01 NCR 26	
SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION BOARD										
21 NCAC 68	10:18 NCR 2401									
21 NCAC 68 .0101	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0102	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0201	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0202	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0203	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0204	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0205	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0206	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0207	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0208	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0209	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0210	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0211	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0212	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0213	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0401	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0402	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0403	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0404	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0405	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0406	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0407	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	

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21 NCAC 68 .0701	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0702	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0703	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0704	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0705	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0706	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0707	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0708	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0709	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
TRANSPORTATION										
19A NCAC 06B .0401	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0402	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0403	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0404	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0405	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0406	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0407	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0408	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0409	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0410	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0411	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0412	10:23 NCR 2957		11:05 NCR 279	S	Object	08/15/96	*		11:14 NCR 1156	
19A NCAC 06B .0413	10:23 NCR 2957		11:05 NCR 279	S	Approve	09/19/96				
19A NCAC 06B .0414	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0415	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0416	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0417	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				

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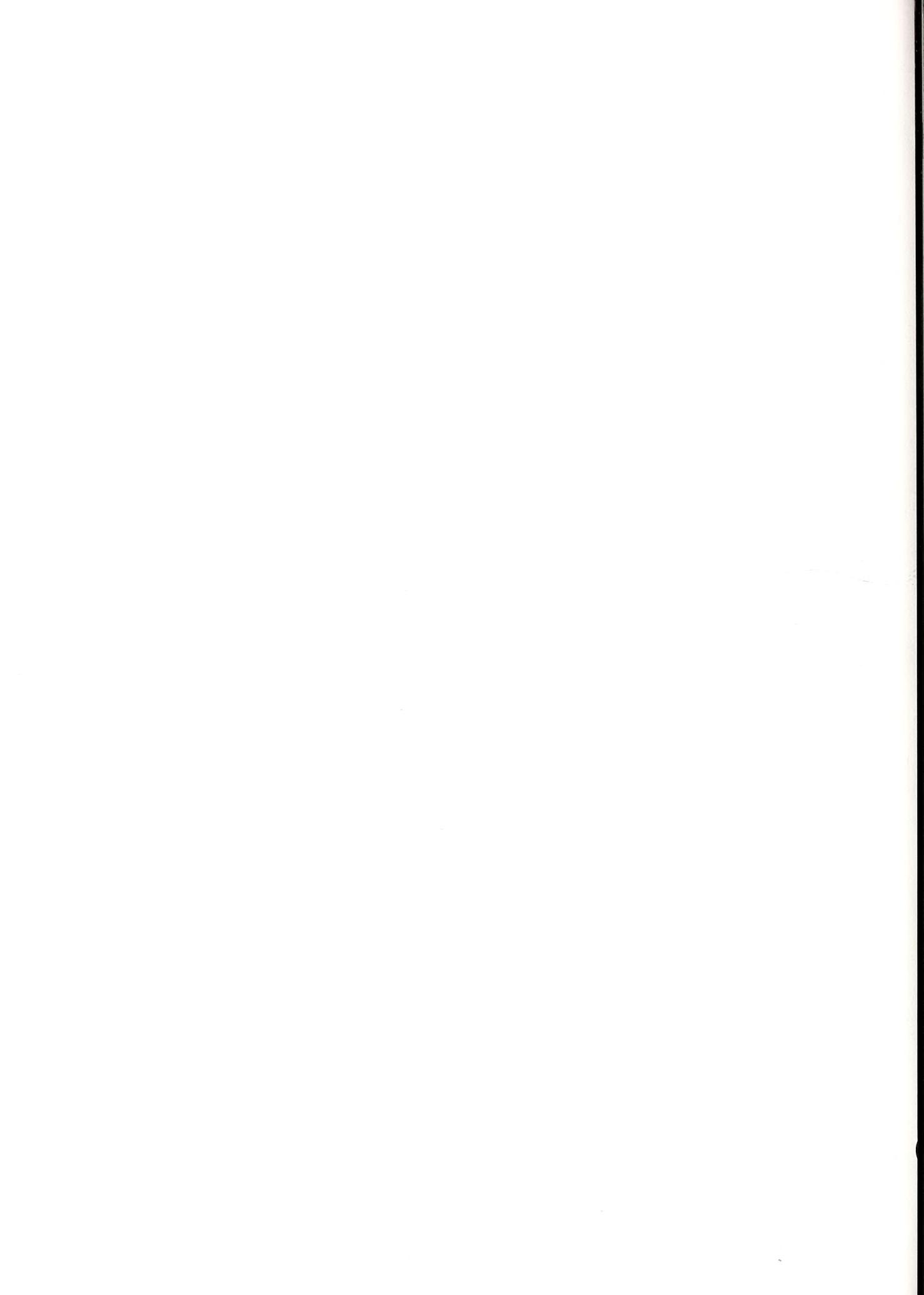
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					Action	Date				
Highways, Division of										
19A NCAC 02B .0164	11:20 NCR 1537					Approve	08/15/96		11:12 NCR 1006	
19A NCAC 02D .0415	11:20 NCR 1537					Approve	08/15/96			
19A NCAC 02D .0425						Approve	08/15/96			
19A NCAC 02D .1101	10:23 NCR 2957		11:05 NCR 274	*		Approve	08/15/96			
19A NCAC 02D .1102	10:23 NCR 2957		11:05 NCR 274	*		Object	08/15/96		11:14 NCR 1156	
19A NCAC 02D .1103	10:23 NCR 2957		11:05 NCR 274	*		Approve	09/19/96		11:12 NCR 1006	
19A NCAC 02D .1104	10:23 NCR 2957		11:05 NCR 274	*		Approve	08/15/96		11:12 NCR 1006	
19A NCAC 02D .1105	10:23 NCR 2957		11:05 NCR 274	*		Approve	08/15/96		11:12 NCR 1006	
19A NCAC 02D .1106	10:23 NCR 2957		11:05 NCR 274	*		Approve	08/15/96		11:12 NCR 1006	
19A NCAC 02D .1107	10:23 NCR 2957		11:05 NCR 274	*		Approve	08/15/96			
19A NCAC 02D .1108	10:23 NCR 2957		11:05 NCR 274	*		Object	08/15/96		11:14 NCR 1156	
19A NCAC 02D .1109	10:23 NCR 2957		11:05 NCR 274	*		Approve	09/19/96		11:12 NCR 1006	
19A NCAC 02D .1110	10:23 NCR 2957		11:05 NCR 274	*		Approve	08/15/96			
19A NCAC 02D .1111	10:23 NCR 2957		11:05 NCR 274	*		Approve	08/15/96		11:12 NCR 1006	
19A NCAC 02D .1112	10:23 NCR 2957		11:05 NCR 274	*		Object	08/15/96		11:14 NCR 1156	
Motor Vehicles, Division of										
19A NCAC 03E .0403						Approve	08/15/96			
19A NCAC 03E .0501	11:01 NCR 13		11:07 NCR 416	*		Object	12/19/96		11:22 NCR 1717	Notice Not Required
19A NCAC 03E .0502	11:01 NCR 13		11:07 NCR 416	*		Approve	01/16/97		11:14 NCR 1156	
19A NCAC 03E .0510	11:01 NCR 13		11:07 NCR 416	*		Approve	09/19/96			
19A NCAC 03E .0511	11:01 NCR 13		11:07 NCR 416	*		Approve	09/19/96		11:14 NCR 1156	
19A NCAC 03E .0512	11:01 NCR 13		11:07 NCR 416	*		Approve	10/17/96		11:16 NCR 1291	
19A NCAC 03E .0513	11:01 NCR 13		11:07 NCR 416	*		Approve	09/19/96		11:14 NCR 1156	
19A NCAC 03E .0514	11:01 NCR 13		11:07 NCR 416	*		Approve	09/19/96		11:14 NCR 1156	
19A NCAC 03E .0515	11:01 NCR 13		11:07 NCR 416	*		Approve	09/19/96		11:14 NCR 1156	
19A NCAC 03E .0518	11:01 NCR 13		11:07 NCR 416	*		Approve	09/19/96		11:14 NCR 1156	

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(April 1996 - March 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
19A NCAC 03E .0519	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96			11:14 NCR 1156	
19A NCAC 03E .0522	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03I .0100	11:19 NCR 1413									
19A NCAC 03I .0200	11:19 NCR 1413									
19A NCAC 03I .0300	11:19 NCR 1413									
19A NCAC 03I .0400	11:19 NCR 1413									
19A NCAC 03I .0500	11:19 NCR 1413									
19A NCAC 03I .0600	11:19 NCR 1413									
19A NCAC 03I .0700	11:19 NCR 1413									
19A NCAC 03I .0800	11:19 NCR 1413									
19A NCAC 03J .0101	11:11 NCR 882									
19A NCAC 03J .0102	11:11 NCR 882		11:17 NCR 1340	*						
19A NCAC 03J .0201	11:11 NCR 882									
19A NCAC 03J .0306	11:11 NCR 882		11:17 NCR 1340	*						
19A NCAC 03J .0307	11:11 NCR 882		11:17 NCR 1340	*						
19A NCAC 03J .0308	11:11 NCR 882		11:17 NCR 1340	*						
19A NCAC 03J .0601	11:11 NCR 882		11:17 NCR 1340	*						



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(April 1996 - March 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
19A NCAC 03E .0519	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96			11:14 NCR 1156	
19A NCAC 03E .0522	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03I .0100	11:19 NCR 1413									
19A NCAC 03I .0200	11:19 NCR 1413									
19A NCAC 03I .0300	11:19 NCR 1413									
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19A NCAC 03I .0500	11:19 NCR 1413									
19A NCAC 03I .0600	11:19 NCR 1413									
19A NCAC 03I .0700	11:19 NCR 1413									
19A NCAC 03I .0800	11:19 NCR 1413									
19A NCAC 03J .0101	11:11 NCR 882									
19A NCAC 03J .0102	11:11 NCR 882		11:17 NCR 1340	*						
19A NCAC 03J .0201	11:11 NCR 882									
19A NCAC 03J .0306	11:11 NCR 882		11:17 NCR 1340	*						
19A NCAC 03J .0307	11:11 NCR 882		11:17 NCR 1340	*						
19A NCAC 03J .0308	11:11 NCR 882		11:17 NCR 1340	*						
19A NCAC 03J .0601	11:11 NCR 882		11:17 NCR 1340	*						



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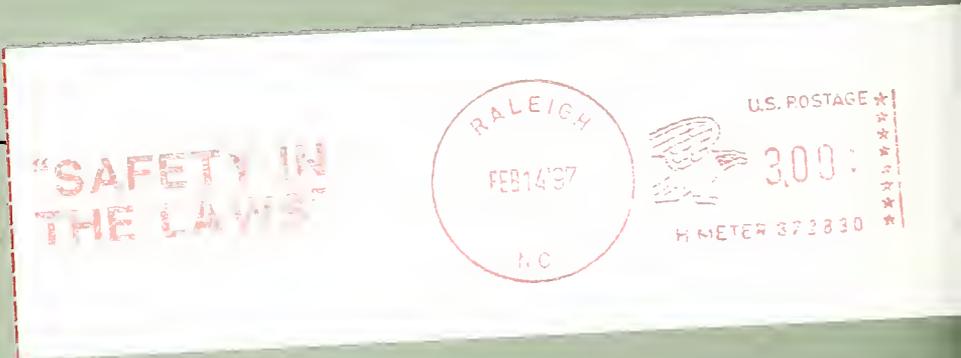
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