

**G.S. 150B-21.3A Report for 02 NCAC 34, STRUCTURAL PEST CONTROL DIVISION**

Agency - Structural Pest Control Committee

Comment Period - January 16, 2018 - March 17, 2018

Date Submitted to APO - September 24, 2018

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	SECTION .0100 - INTRODUCTION AND DEFINITIONS	02 NCAC 34 .0101	GENERAL DUTIES	Amended Eff. August 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0102	DEFINITIONS	Amended Eff. February 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0200 - STRUCTURAL PEST CONTROL COMMITTEE	02 NCAC 34 .0203	ADMINISTRATION OF OATHS	Readopted Eff. November 22, 1977	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0300 - LICENSING AND CERTIFICATION	02 NCAC 34 .0301	FEES	Amended Eff. January 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0302	APPLICATION FOR LICENSES AND CARDS: EXAMINATION	Amended Eff. July 1, 1998	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 171	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Keep in Code - Update History Note
		02 NCAC 34 .0303	DATES OF EXAMINATION AND EXAMINATION REVIEW	Amended Eff. July 1, 1998	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 171	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0305	FILING FORMS	Amended Eff. January 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0306	MAILING OF RENEWAL FORMS	Amended Eff. July 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0307	LICENSEE CERTIFICATION CARD	Readopted Eff. November 22, 1977	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 171	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0308	DISPLAY OF CERTIFIED APPLICATOR'S IDENTIFICATION CARD	Amended Eff. July 1, 1998	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 171	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0309	RECERTIFICATION	Amended Eff. July 1, 1998	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 171	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 34 .0310	REGISTRATION FEE	Amended Eff. January 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0312	INFORMATION ON CERTIFIED APPLICATOR'S IDENTIFICATION CARDS	Amended Eff. July 1, 1998	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 171	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0313	REGISTERED TECHNICIAN'S IDENTIFICATION CARDS/TRAINING MATERIALS	Amended Eff. July 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0316	NOTIFICATION OF CHANGE OF BUSINESS ADDRESS	Amended Eff. August 1, 1980	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0317	LICENSE AND/OR CARD ISSUED TO ADDRESS OF HOME OFFICE	Amended Eff. January 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0318	CHANGE IN STATUS OF LICENSEE AND/OR CERTIFIED APPLICATOR	Amended Eff. August 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0320	DISPLAY OF LICENSE NUMBER ON SERVICE VEHICLE	Amended Eff. January 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0321	USE OF CERTIFICATION AND LICENSE NUMBERS IN ADVERTISING	Amended Eff. January 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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		02 NCAC 34 .0323	DISPLAY OF LICENSE AT PLACE(S) OF BUSINESS	Amended Eff. July 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0325	DUTY OF LICENSE HOLDER TO CONTROL ACTIVITIES	Amended Eff. July 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0326	INFORMATION ON LICENSE CERTIFICATE	Amended Eff. January 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0327	LICENSES AND CARDS NOT ISSUED TO PERSONS UNDER 18	Readopted Eff. November 22, 1977	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0328	RECORDS: PESTICIDES AND APPLICATION EQUIPMENT USED	Amended Eff. January 1, 2017	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 34 .0329	EXPIRATION OF LICENSES AND CARDS	Eff. August 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0330	BRANCH OFFICE	Eff. July 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0331	ANCILLARY ACTIVITIES	Eff. May 19, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	<b>SECTION .0400 - PUBLIC SAFETY</b>	02 NCAC 34 .0401	PUBLIC SAFETY: STORAGE AND HANDLING OF CONTAINERS	Amended Eff. July 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0402	LABELING PESTICIDE CONTAINERS	Amended Eff. July 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0403	FIRST AID	Amended Eff. July 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0404	NOTIFICATION	Amended Eff. April 1, 1999	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0405	FOLLOWING PESTICIDE LABEL	Amended Eff. January 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0406	SPILL CONTROL	Amended Eff. July 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0407	STORAGE REQUIREMENTS FOR PESTICIDES	Eff. August 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0408	STORAGE REQUIREMENTS FOR RESTRICTED USE PESTICIDES	Eff. August 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	<b>SECTION .0500 - WOOD-DESTROYING ORGANISMS</b>	02 NCAC 34 .0501	WOOD-DESTROYING INSECTS: EXCLUDING SUBTERRANEAN TERMITES	Amended Eff. August 1, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 34 .0502	PESTICIDES FOR SUBTERRANEAN TERMITE PREVENTION AND/OR CONTROL	Amended Eff. January 1, 2017	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 34 .0503	SUBTERRANEAN TERMITE CONTROL: BUILDINGS AFTER CONSTRUCTION	Amended Eff. January 1, 2017	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 34 .0504	REPORTING DAMAGE: INFESTATION: UNINSPECTED AREAS	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

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		02 NCAC 34 .0505	SUBTERRANEAN TERMITE PREVENTION/RES BLDGS UNDER CONST	Amended Eff. January 1, 2017	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 34 .0506	MIN REQUIRE/SUBTERRANEAN TERMITE PREV/COMMERCIAL BLDGS UNDER CONST	Amended Eff. January 1, 2017	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 34 .0507	APPLICATION EQUIPMENT	Eff. July 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0508	WOOD-DECAY FUNGI	Eff. July 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0509	PHYSICAL BARRIERS FOR TERMITE CONTROL	Eff. July 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	<b>SECTION .0600 - WOOD-DESTROYING ORGANISMS AGREEMENTS</b>	02 NCAC 34 .0601	AGREEMENTS	Amended Eff. August 1, 2002	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0602	WOOD-DESTROYING INSECT AND OTHER ORGANISM REPORTS	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
		02 NCAC 34 .0603	WAIVERS	Amended Eff. November 2, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0604	WOOD-DESTROYING ORGANISMS RECORDS	Amended Eff. July 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0605	CONTRACTUAL AGREEMENTS FOR WOOD-DESTROYING ORGANISMS	Amended Eff. August 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	<b>SECTION .0700 - HOUSEHOLD PESTICIDES</b>	02 NCAC 34 .0701	PRECAUTIONS	Amended Eff. July 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0702	HOUSEHOLD PEST CONTROL	Amended Eff. January 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0703	WRITTEN RECORDS OF HOUSEHOLD PEST CONTROL	Amended Eff. August 1, 2002	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	<b>SECTION .0800 - FUMIGATION</b>	02 NCAC 34 .0801	SPOT FUMIGATION REQUIREMENTS	Amended Eff. August 1, 1980	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0802	DECLARING STRUCTURE SAFE FOR REOCCUPANCY	Amended Eff. August 1, 1980	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0803	WRITTEN RECORDS OF FUMIGATION	Amended Eff. August 1, 2002	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0804	GENERAL FUMIGATION REQUIREMENTS	Amended Eff. August 1, 1980	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0805	FUMIGATION REQUIREMENTS: SAFETY AND SAFETY EQUIPMENT	Amended Eff. August 1, 2002	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0806	FUMIGATION REQUIREMENTS FOR FUMIGATION CREW	Amended Eff. August 1, 2002	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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		02 NCAC 34 .0807	FUMIGATION NOTICES	Amended Eff. August 20, 1980	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0808	FUMIGATION APPLICATION	Amended Eff. August 1, 1980	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0810	PRE-INSPECTIONS: WARNING NOTICES AND GUARDS	Amended Eff. August 1, 1980	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0811	FINAL CLEARANCE INSPECTION	Amended Eff. August 1, 1980	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0812	FUMIGATION REQUIREMENTS FOR VAULTS: TANKS: CHAMBERS: ETC.	Amended Eff. August 1, 1980	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	<b>SECTION .0900 - DUTIES AND RESPONSIBILITIES OF LICENSEE</b>	02 NCAC 34 .0901	BONDS	Readopted Eff. November 22, 1977	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0902	FINANCIAL RESPONSIBILITY	Amended Eff. July 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0903	DUTIES AND RESPONSIBILITIES OF LICENSEE	Readopted Eff. November 22, 1977	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .0904	PROHIBITED ACTS	Amended Eff. August 1, 2002	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	<b>SECTION .1000 - TIME FOR FILING COMPLAINTS</b>	02 NCAC 34 .1001	TIME FOR FILING COMPLAINTS	Amended Eff. August 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .1002	JURISDICTION	Readopted Eff. November 22, 1977	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .1004	PROHIBITION AGAINST ASSOCIATION OF SUSPENDED OPERATOR	Amended Eff. January 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	<b>SECTION .1100 - INSPECTION FEES</b>	02 NCAC 34 .1101	RIGHTS OF ENFORCEMENT	Amended Eff. July 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .1102	DESIGNATION OF DEVIATIONS	Amended Eff. January 1, 1991, Paragraphs (c) and (d) were recodified from Rule .1103(d) and (e) effective February 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .1103	RE-INSPECTIONS	Amended Eff. February 1, 2011, Paragraphs (d) and (e) were recodified to Rule .1102(c) and (d) effective February 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	<b>SECTION .1200 - ADMINISTRATIVE HEARINGS: CONTESTED CASES</b>	02 NCAC 34 .1201	NOTICE OF HEARING; ANSWER	Amended Eff. August 3, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .1202	RIGHT TO HEARING	Eff. May 1, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .1203	LOCATION OF HEARING	Eff. May 1, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		02 NCAC 34 .1204	DISCOVERY; INTERVENTION; SUBPOENAS	Eff. May 1, 1992	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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