

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 09B .0116

**DEADLINE FOR RECEIPT: Thursday, April 11, 2013**

**NOTE WELL:** *This request when viewed on computer may extend several pages. Please be sure you have reached the end of the document.*

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

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

*In (c), please confirm it is not "the ASTM International". If it is, please fix the reference in the accompanying rules, as well.*

*Fix the spacing in (e), (f), (h) and (i).*

*Also in (i), please state how much the document costs to obtain. If the document is available online at no charge, please include that statement in the rule.*

*In Paragraph (o), my search of the CFR reveals slightly different names for several of the Parts and Sections cited. For example: on page 5, line 34, the Part is "Current Good Manufacturing Practice for Type A Medicated Articles." On Page 6, in lines 29-32, none of the Parts have the "Not Subject to Certification", line 32 is "Form", not "Forms". Please confirm these and make changes as necessary.*

*You note that individuals can access the current Code of Federal Regulations in Paragraph (o) at no cost. Can they also access the CFRs cited in Paragraphs (p) through (t) through the same website? If so, that should go into the rule.*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 09F .0101

**DEADLINE FOR RECEIPT: Thursday, April 11, 2013**

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

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

*From my reading of the statute, it appears that the references in (a) and (b) to "ethylene glycol base" is correct and it is not "based". Please confirm.*

*In (b), my reading of "packaged product" is the final product that a consumer purchases. If this not correct, please define the term. Remove the reference to "respectively" in line 13, leaving the sentence "of this Section are met."*

*In (c), what is "normal passenger car service"? Please define.*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 09F .0102

**DEADLINE FOR RECEIPT: Thursday, April 11, 2013**

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

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

*Line 5, you refer to "ASTM International (formerly the American Society for Testing Materials)"; however, in Rule 09B .0116, you do not refer to the former name. Is there a reason for this inconsistency? If not, please make the rule language conform.*

*Further, I do understand that the definition rule is in a different Subchapter, and you want to make sure the regulated public understands what they are seeing in the Rule itself, but it would be easier in the opening Paragraph to reference that rule, rather than re-incorporate the reference. To that end, I'd recommend language along the lines of "chemical property requirements prescribed by ASTM International "Standards on Engine Coolants" for ethylene glycol base engine coolant concentrate, as set forth in Rule .09B .0116." In any case, please do not use "standards" twice in the same sentence and put "ATSM Standards on Engine Coolants" in quotation marks.*

*G.S. 106-579.9(7) gives some statutory requirements for the permissible use of the term "ethylene glycol". It appears that (a) and (b) are directly addressed by Rule 02 NCAC 09F .0101. I bet ASTM standards do not conflict with the remaining requirements in the statute, but I wanted to draw your attention to them to ensure there are no discrepancies between the standards and the statute.*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 09F .0103

**DEADLINE FOR RECEIPT: Thursday, April 11, 2013**

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

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

*In Line 7, you refer to "ASTM International (formerly the American Society for Testing Materials)"; however, in Rule 09B .0116, you do not refer to the former name. Is there a reason for this inconsistency? If not, please make the rule language conform.*

*On lines 7 and 8, please do not use "standards" twice in the same sentence and put "ATSM Standards on Engine Coolants" in quotation marks.*

*There is no need to reincorporate by reference the ASTM International Standard in this Rule. You can end the sentence after "coolant" on line 8.*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 09F .0201

**DEADLINE FOR RECEIPT: Thursday, April 11, 2013**

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

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

*In line (6), what does "essentially" mean? Is there a percentage within the ASTM standard that defines this term?*

*On line 9, please put "ATSM Standards on Engine Coolants" in quotation marks. Also, I believe you should rewrite the sentence on lines 8 and 9 to say, "conform to the ASTM International "Standards on Engine Coolants" for alcohol based coolant." without losing any meaning and making the sentence simpler to read.*

*There is no need to reincorporate by reference the ASTM International Standard in this Rule. End the sentence on line 9 after "coolant." If you believe individuals will be confused reading the Rule, you could insert language referring to Rule .09B .0116.*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 09F .0202

**DEADLINE FOR RECEIPT: Thursday, April 11, 2013**

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

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

*Please put "Standards on Engine Coolants" in quotation marks. Further, I do not think you need the term "standards" on line 6. I also do not think you need the former name of ASTM International on line 5.*

*There is no need to reincorporate by reference the ASTM International Standard in this Rule. End the sentence in each Rule on line 6 after "concentrate." If you believe individuals will be confused, you could insert language referring to Rule .09B .0116.*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 09F .0203

**DEADLINE FOR RECEIPT: Thursday, April 11, 2013**

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

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

*Please put "Standards on Engine Coolants" in quotation marks. Further, I do not think you need the term "standards" on line 5, or the former name of ASTM International on line 5.*

*There is no need to reincorporate by reference the ASTM International Standard in this Rule. End the sentence in each Rule on line 6 after "concentrate." If you believe individuals will be confused, you could insert language referring to Rule .09B .0116.*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 09F .0204

**DEADLINE FOR RECEIPT: Thursday, April 11, 2013**

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

*On lines 5 and 6, I would prefer you phrased the sentence "requirements are those set forth in the ASTM..."*

*There is no need to reincorporate by reference the ASTM International Standard in this Rule. End the sentence in each Rule on 6 after "coolants". Again, you can include a reference to 09B .0116 if you are concerned individuals reading the Rule will be confused.*

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

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

Amanda J. Reeder  
Commission Counsel



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 09F .0305

**DEADLINE FOR RECEIPT: Thursday, April 11, 2013**

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

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

*It appears unnecessary to include the former name for ATSM International or have the term "standards" on line 6.*

*Again, there is no need to reincorporate by reference the ASTM International Standard in this Rule. End the sentence in each Rule on 6 after "mixtures".*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Board of Agriculture

RULE CITATION: 02 NCAC 09F .0306

**DEADLINE FOR RECEIPT: Thursday, April 11, 2013**

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

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

*Please put "Standards on Engine Coolants" in quotation marks. It appears the second "standards" on line 7 is unnecessary.*

*Again, there is no need to reincorporate by reference the ASTM International Standard in this Rule. End the sentence in each Rule on 8 after "mixtures".*

*Also, it seems unnecessary to include the former name of the ASTM.*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: North Carolina Department of Commerce

RULE CITATION: All Rules

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

**NOTE WELL:** *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Please indicate in Box 6 of your Submission for Permanent Rule Forms when the Notice of Text was published in the Register. In addition, insert the link to the agency notice where indicated on the form.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: North Carolina Department of Commerce

RULE CITATION: 04 NCA 24E .0101

### **DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Delete or define "worker" on line 5.*

*Please change the citation on line 7 to "Rule .0102 of this Section."*

*It appears that the reference in the History Note to G.S. 150B-20 is unnecessary. Please remove it.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: North Carolina Department of Commerce

RULE CITATION: 04 NCA 24E .0102

### **DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a), how would an individual know what section of DES the record is in?*

*Change "will" to "shall" on line 5. Delete "to that effect".*

*Delete the "i.e." on line 7; I suggest replacing it with "providing sufficient detail".*

*Delete or define "reasonable" on line 8. Replace "should" on line 8 with "shall"*

*In (b), are you trying to say that each request must include the subject matter, the date, place and name of requester? If so, it should be rewritten to make it clearer. If not, then this language is ambiguous.*

*On line 11, delete or define "professional", as well as "reasonable" on line 12.*

*In (d), how are you designating the individual responsible for determining the records request? Further, I suggest you clarify that the individual will follow federal and state law and regulations in determining whether the request will be granted.*

*In line 17, rewrite the sentence to state "If the request is denied, the requester will be notified in writing, with a brief statement including the reasons for the denial."*

*In (e), what is a clearly unwarranted invasion of personal privacy? Give standards or define. In line 21, what details (personal? statistical?) will be deleted?*

*Paragraph (f) is very wordy and unclear. It should not be one sentence. It appears that you are allowing third parties to make a request for these records and you will fulfill them so long as the requester includes his name and address and a statement that the individuals have waived confidentiality. This statement does not have to be given by the individuals affected or provided, but simply included? This does not require a release and is not consistent with 20 CFR 603.5.*

*Paragraph (g) would be much easier to read if it were broken into subparts through line 31. Further, it appears that when DES makes the request, it will provide a form for the party to fill out. Therefore, (g) may be re-written thusly:*

*(g) When DES makes a request to an individual or employing entity to supply information about themselves, it will provide a form to that party. The form will include notice of the following:*

Amanda J. Reeder  
Commission Counsel

- (1) What the information will be used for;
- (2) Which persons outside of DES may be ...

*In (g), change "might" on line 30 to "may". When you refer to "persons" on line 30, are you referring to the specific individuals cited in the statute (the Secretary of HHS)? If so, then you may wish to say "public officials". If you are referring to other persons, then I do not see that you have the authority to do this without stating who these other people are in the Rule. (And even then, there may not be authority, depending upon who those individuals are.)*

*On 31, remove the "a" before failure.*

*Beginning on line 32, remove the "Furthermore" and re-write the sentence to state, "DES will notify the individual or employing entity that it will take all precautions to keep the information confidential and privileged pursuant to G.S. 96-4(x), but cannot ensure that confidentiality if the information is submitted via the Internet or other electronic means."*

*In Paragraph (h), line 4, capitalize Rule and change the reference to "Rule .0103 of this Section". Further, the sentence is much too long and confusing. You need to rewrite it to state in clear language what you are trying to say.*

*I do not see your authority in (h) to allow a third party to seek information for an individual without a signed release, required in 20 CFR 603.5.*

*It appears that the reference in the History Note to G.S. 150B-20 is unnecessary. Further, change your citation to Code of Federal Regulations to 20 CFR 603. [See Rule 26 NCAC 02C .0109(a)]*

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

*Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: North Carolina Department of Commerce

RULE CITATION: 04 NCA 24E .0103

### **DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a) and (b), do not use dashes at the end of the word; instead, use colons.*

*In Rule .0101 of the Section, you refer to professional staff determining whether the request can be fulfilled. This rule only charges for the work of custodial or clerical personnel. Is that your intent?*

*In (a)(3), you provide for giving an estimate to the parties. Why are you restricting the estimate to just that one Subparagraph? Further, rewrite this to be in the active voice, "DES will provide the requesting party with an estimate of the cost to produce the information."*

*It appears that (a)(4) should be its own paragraph, as it appears that the absolute floor will be \$15 for any document received. If instead it is meant to state that the search fee will be a minimum of \$15.00, then there is some question whether this fee is reasonable.*

*On line 17, replace "subpart" with "Paragraph", assuming that is what you mean.*

*In (b)(2), what is the "Standard Transcript Fee"? In (b)(4), what is the Duplicate Tape Recording Fee? What are you charging the parties receiving the copies under G.S. 96-15(f)?*

*I assume (b)(5) is the invoice fee for anything, including search fees. If that is the case, it should be its own paragraph.*

*It appears that the reference in the History Note to G.S. 150B-20 and 132-1.10 (which is what I assume you are referring to) is unnecessary.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: North Carolina Department of Commerce

RULE CITATION: 04 NCA 24E .0104

### **DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a) change the reference to "Rule .0103 of this Section." Change "will" to "shall." Change "in" to "by." Put a period after check, and begin the new sentence, "An agency." What is the "customary draft"?*

*In Paragraph (b), how will you know before the search the time for the search and the copying fee that will be involved? Further, what standards will be used to "assure to the satisfaction of the individual retrieving the information"? What is a "substantial" search?*

*In Paragraph (c), what records or documents are customarily furnished to the parties?*

*On line 10, insert a comma after "matters"*

*One line 13, delete "pursuant above". What is an "official investigation"? What documentation will be necessary to show it is an official investigation?*

*Why not just rewrite Paragraph (e) to state, "The individual fulfilling the request will send an invoice. The invoice shall instruct the requestor to submit the fee to the North Carolina Department of Commerce, Division of Employment Security, ATTN: Finance and Budget, Post Office Box 25903, Raleigh, NC 27611"?*

*Does the invoice go out with the requested documents, or is it sent before and the documents released upon payment?*

*It appears that the reference in the History Note to G.S. 150B-20 and 132-1.10 (which is what I assume you are referring to) is unnecessary. Correct your citation for the Code of Federal Regulations to 20 CFR and tell what Part or subparts you are referring to.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Child Care Commission

RULE CITATION: 10A NCAC 09 .0102

**DEADLINE FOR RECEIPT: Friday, April 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In Item (3), please re-write the final sentence to state "Other equivalent training shall be approved by the Division." or give a reference to the standards used to determine substantial equivalence.*

*In Item (5), replace the commas after (a) through (f) with semicolons.*

*In Item (7), please rewrite the sentence to state where the standards for approval of the curriculum are set forth. For example, "approved as set forth in these Rules by the NC Child Care Commission."*

*In Items where there is a cost associated (11, 13, etc.), please ensure that this is still the correct cost. If not, please amend accordingly.*

*It appears that in (18), (a) through (c), there is an extra space between the letter and the first letter of the sentence. Please remove the extra space.*

*Is the term defined in (36) impacted by Session Law 2012-160, which added the definition of "uncompensated provider" to 110-90.2(a)(5)?*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Child Care Commission

RULE CITATION: 10A NCAC 09 .0703

**DEADLINE FOR RECEIPT: Friday, April 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Please delete "or" after (d)(1) and (d)(2).*

*In (f), please insert a comma after "children" on line 35.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Child Care Commission

RULE CITATION: 10A NCAC 09 .1701

**DEADLINE FOR RECEIPT: Friday, April 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (d), insert "Chapter" on line 18 before "110."*

*Correct the citation to the statute in (f).*

*In (h), insert a comma after "asleep" on line 2. Further, in order to be consistent, please make the first letters in (h)(1) through (3) uppercase. (Or make (i)(1) through (6) lowercase.)*

*In (i), strike the semicolon after "tasks" on line 8 and instead insert a parenthesis around "including... classes", and delete the comma on line 9 after classes.*

*It appears that Paragraph (k) is now unnecessary, as it appears Paragraph (i) became effective no later than 2006. If this is the case, please delete.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Child Care Commission

RULE CITATION: 10A NCAC 09 .2806

**DEADLINE FOR RECEIPT: Friday, April 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Please insert a comma after "Chapter" on line 7.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48A .0105

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

**NOTE WELL:** *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*There is no need to underline the language in line 4, as it is not new language. However, I recommend removing the word "will".*

*Is the term "credentials" listed in Item 2 fleshed out elsewhere? If not, this term is ambiguous and needs additional information.*

*Should Item 4 say that "granting a license in this State based upon the applicant possessing an active license in another State."?*

*There is no need to reserve Item 15 (formerly Item 6). Just delete it.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48A .0106

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*The first sentence should be broken into two sentences. Place the period after "licenses" on line 5. Remove the "and" and have the second sentence begin, "All fees tendered"*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48A .0107

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Change the authority in the history note to simply G.S. 90-640.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48B .0103

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In Paragraph (a), remove the "or" on line 4. Change the reference on lines 4 and 5 to "Rule 48B .0102 of this Section". Please insert a reference to the examination in Subchapter 48D after "computer-based examination" on line 5.*

*The wording in (b) is awkward. It would read much better in the active voice. For example: "The applicant shall take the examination within one year following the Board's approval of his or her application. If the applicant does not do so, the applicant must submit his or her credentials to the Board for review before he or she can take the exam."*

*In Paragraph (c), it seems that the language on line 10, regarding applicants "not previously licensed" is not necessary as this rule presumes if an applicant is licensed, they will seek licensure by endorsement. Please insert a reference to Rule 48D .0105 of this Chapter, which sets the passing scores after "level" on line 12. Is the language in lines 12 and 13, "in effect at the time of the application" necessary?*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48C .0102

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Paragraph (c) is a bit confusing, as the first sentence refers to delegation of responsibilities to licensed PT assistants. The second sentence refers to a supervising PT determining that a student is working under supervision at all times. These two sentences do not appear to belong together in one paragraph.*

*In Paragraph (e), is the intent to state that during treatment of a patient, the PT must establish and maintain a discharge plan, with a summary following the discharge of that patient?*

*Paragraph (f)'s language in 15 and 16 is confusing. Do you intend to state that the PT must provide all therapeutic interventions that will require the PT's expertise, and may delegate to other assistive personnel the delivery of service to the patient when it is safe and effective for that patient? If not, then I do not understand the language. Either way, the language should be rewritten and the intent clarified. Is the term "assistive personnel" defined somewhere?*

*Does the reference to "status" of each patient in line 18 only apply to the healthcare status relating to physical therapy, or is it overall health?*

*In Paragraph (i), change "must" to "shall". Who will make the determination regarding the appropriate number of individuals that can be supervised?*

*On line 26, the phrase "no less frequently than" seems unnecessary.*

*Paragraph (h) states that a physical therapist assistant may supervise a physical therapist aide or student engaging in patient care and the PT must be available for the PTA to contact. Paragraph (k) requires that a PT be in the same facility if supervising a physical therapy aid or student if patient care is being provided. I take it this is because Rule 48C .0201 requires the PTA to be onsite when supervising the student or aid? If so, you may want to put in that reference in (h). I think the Rule would read better if (h) and (k) were moved so they were immediately next to each other in the rule.*

*In Subparagraph (l)(7), there appears to be an extra space before "Equipment". Please remove it. Also, when is an individual a client, not a patient, since the rule refers to patient throughout?*

*In Subparagraph (m)(2), is this the patient's progress, the physical therapist's progress, or both?*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48D .0112

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*What do you mean by "recognized" by the Federation of the State Boards of Physical Therapy?*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48E .0101

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a), how are the credentials filed with the Executive Director? The rule language indicates the applicant will not be the one doing so, so how does this work?*

*Again, what are the credentials being referred to within the Rule?*

*How does one file the application with the Director? You don't have any rules with contact information, so how does an applicant know where to file this?*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48E .0104

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*I am not sure I understand the process set forth in this rule. Is it that the applicant will contact the Board they are licensed by and request the Board to send the examination scores to the NC Board?*

*In the Submission for Permanent Rule Form, you indicate this process will allow for electronic verification. I am not sure the use of the word "authenticate" conveys this intention. To that end, please delete or define the phrase "authenticated by the reporting Board."*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48E .0105

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Since this Rule appears to apply to applicants for licensure by endorsement, I think you should specify this in the first sentence, especially given the organization of this Subchapter. "An applicant for licensure by endorsement must submit..."*

*You are missing a word in line 4; I think you mean to insert "which" after "state." However, I think it would be better to end the sentence with "state" and begin a new sentence, "The verification must bear..."*

*I think you need to insert a "be" before "authenticated" on line 5.*

*Please define "official electronic document".*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48F .0102

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*On lines 10 and 11, "there-of" should be one word*

*The language in (c) does raise the question of what is an acceptable payment method for the items in Subparagraphs (a)(3) through (12).*

*Amend your History Note. There is no G.S. 25-3-512, so please remove the reference. I believe you meant to refer to 25-3-506. In addition, I think you should include a reference to G.S. 90-270.29, which is the explicit authority for (b).*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48G .0105

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Is the term "Position Statement" on line 18 defined somewhere? If not, please delete or define.*

*Is the final sentence in (12) intended to state that the points earned cannot be reused during subsequent reporting periods? Otherwise, this seems to conflict with Rule .0106(c), which allows points to be carried over. The language within this sentence needs clarification.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48G .0106

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*On line 9, should "activities" be inserted after "continuing competence"?*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48G .0108

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (b)(6), did you intend to exclude any providers approved or accredited by IACET?*

*In (e), I think the sentence beginning on line 31 would read better if stated, "The application shall include..." Further, I assume that the Board will use Rule .0107 of the Section to determine whether to approve the application. Is that correct?*

*In Paragraphs (e) and (f), where the Rule refers to the activity being approved if the Board does not object, you may wish to insert "deemed" in front of "approved". Further, will the Board not send affirmative notice that the application is accepted?*

*In (f), will a licensee who is seeking pre-approval of a course or activity have access to the written materials required in line 4?*

*In (g), please delete the first "assigned" on line 9 or re-write it to state "the providers shall furnish to the Board the Board assigned activity code number and a list of all licensees..."*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48G .0109

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a)(1), please break up the first sentence into two, so that it reads, "A registered attendee at course or conferences offered live, in real time by approved providers earns one point for each contact hour. The maximum number of points allowed during any reporting period is 29." Please make conforming changes throughout the rule.*

*In (a)(2), is a post-baccalaureate program (such as a graduate school) required to become an approved provider?*

*In (a)(4), where will the certificate of completion come from?*

*In (a)(5), delete or define "involved"*

*In (b), is there a reason that "Advanced Training" is capitalized? If not, please re-write with lower case letters.*

*In (b)(1), there is no need to spell out what APTA means, as it's defined in Rule .0108. However, if you wish to spell it out in this Rule, please do so in (a)(7), where the acronym is first used.*

*In (b)(4), I do not think you need to insert ("PTA"), as this is included in the general definitions for the Rules.*

*In (c) on line 27, insert a space between "earns" and "10".*

*In (d) on line 30, please make "Activities" lowercase.*

*For (d)(1) and (2), are you attempting to say that there will be no repeat credit given for completing the same course? You may wish to clarify the language by stating the same, or "Credit for completing the course shall be given only once."*

*In (d)(3), line 4, delete or define "direct supervision".*

*In (e), I believe you are saying that the licensee cannot earn points for teaching or presenting on the subject matter within the reporting period. If that is so, please re-write the sentence to clarify.*

*In (f)(3), does this mean that a Grants Reviewer cannot review several grants during a renewal period and attempt to get points for each review? (For instance, if a reviewer works in March on one grant, June on another, and December on a third, he cannot receive points for the June and December reviews, even if he only earned two points from the March review?)*

*In (f)(4) and (5), if the book or chapter must be published, I recommend inserting "published" before "book" on lines 30 and 33. Also, please be mindful that "published" can include many things, including website and self-publication. If you wish to exclude these types of publication, then I recommend defining the term.*

*In (i), I read "in-service session" to mean educational opportunities held at the office/worksite. If this is not correct, please define the term within the Rule.*

*In (j)(1) through (4), delete the language "for at least one year". This seems unnecessary, given that the points are awarded for a full year of participation.*

*In (j)(8), insert "the" before "Federation". Delete or define "item writer".*

*(j)(9) seems to be a better fit for Paragraph (f). How will the Board determine to grant less than 4 points? Those guidelines need to be in the Rule.*

*In (k), please include the Board's web address on line 19. Further, please note that the Rule language does not require passing the jurisprudence exercise, but rather, completing it. If this is not your intent, you may wish to amend the language.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48G .0110

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a), where can a licensee procure this form?*

*In (e), line 23, it appears that the request for extension shall be made to and granted by the Executive Director. Please amend the language accordingly. If that is not the case, please state in the Rule to whom should a licensee direct the request.*

*Define or give examples of "circumstances beyond the control of the licensee" and "personal hardship".*

*In line 25, is the Board or the Executive Director that will grant the additional time?*

*In (f), what will happen to a licensee who needs more than 10 points?*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48G .0111

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*The first sentence of Paragraph (b) repeats the language in 48G .0104, which expressly states that the active duty military is not subject to renewal requirements. If you feel its necessary to include here, why not just state "A member of the United States Armed Services is exempt pursuant to Rule .0104 of this Section"?*

*Throughout the Rule, whenever the Board can grant "up to" a certain additional time, please tell how the Board will grant a lesser amount. Alternatively, you may just strike "up to" and give the set amount of time.*

*Please delete or define "emergencies" on line 12.*

*Please delete or define "hardships or circumstances beyond the control of the licensee" on line 17. Further, what will the Board consider in determining whether to grant this request? How long can the exemption last?*

*Please include a reference to 93B-15 in your history note.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48G .0112

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*I think the Rule would be much better if you re-write the Paragraphs to make it clear that the Board shall or shall not assess the fees. I suggest "The Board shall not assess a cost", etc.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48G .0404

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*With the amendment in Paragraph (b), doesn't it now just repeat what is in (a)? If so, then delete all of (b) and remove the (a) from the beginning of the language on line 4.*

*In line 5, I assume the opportunity for the informal meeting upon request of the licensee. However, since it is not in the Rule, please state how this informal meeting is set up (upon request of the licensee or set up by the Board).*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48G .0504

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In (a)(1) through (3), please insert an article at the beginning of the sentence. I believe there should be "the" inserted before "Physical Therapy Practice Act" on line 5. Please insert "and" at the end of (a)(2).*

*What would be the source of confirmation of a violation of the Physical therapy Practice Act referenced in (b), line 9? Further, would the committee in (c) investigate that as well? Paragraph (d) only refers to investigation of the complaint.*

*Replace "such" with "the" on line 10.*

*In (c), lines 11 and 12, the Rule refers to "a probable cause or investigating committee". Are there two committees, or are you trying to state that the probable cause committee will do the investigation? As the rule really only speaks to what the probable cause committee will do, I am assuming there are not two committees. As such, strike "investigating" and add "to investigate the matter" or some such language at the end of the sentence on line 12.*

*Beginning on line 12, the Rule lists several individuals who may assist in the investigation. I believe the Rule would read better if broken down into subparagraphs. For example:*

*This committee may be assisted by:*

- (1) The Board's attorney;*
- (2) An investigator;*
- (3) A former member of the Board; or*
- (4) A consultant retained by the committee who possess expertise that will assist the committee in its investigation.*

*Please change the reference on line 17 to "Rule .0512 of this Section."*

*Within the Rule, please be consistent when capitalizing "committee" and "executive director." It appears they should be in lower case throughout the Rule based upon the usage, but they are not consistently so in the language.*

*In the same vein, please capitalize "board" on line 18.*

*Please delete "such" on line 23. I believe you are missing a "to" following "shall offer" on that line, as well.*

*In (f), what guidelines will the committee use in determining that the license suspension or revocation is not warranted?*

*Does the licensee have any recourse to dispute the finding of probable cause, or just recommendations regarding licensure after the finding?*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48G .0601

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*On line 14, replace "which" with "that"*

*On line 16, delete or define "inappropriately touching"*

*In (a)(8), who will determine the device, product, etc. is "unnecessary"?*

*Delete or define "directly or indirectly" in (a)(9).*

*In (a)(23), please delete the period and insert a semicolon*

*In (b), what guidelines will the Board use to determine lesser disciplinary actions?*

*In (c), the Rule seems to be missing crucial steps within the statute that if the Board makes a finding pursuant to 150B-3(c) and incorporates the same in the order, then it may order the summary suspension. The language in this Paragraph must be rewritten to clarify that the Rule does not require this to simply be inserted into any Order issued by the Board. Without rewritten language, then I believe the Rule is not consistent with the statute.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48G .0602

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

*Is "accepting the voluntary surrender of a license" really a sanction imposed by the Board?*

*I am not sure the language on line 14 is necessary. I think the Paragraph could just begin with "The Board may also impose restrictions and conditions on a license, including scope of practice..."*

*On line 16, I interpret a licensee working "alone" meaning without supervision. However, it could also mean working in a solo practice. You should probably clarify this language.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0902

**DEADLINE FOR RECEIPT: Friday, April 12, 2013**

**NOTE WELL:** *This request when viewed on computer may extend several pages. Please be sure you have reached the end of the document.*

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

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

*In (d)(1), is the term “bench scale” defined somewhere? What about “non-production”?*

*In (d)(1)(D), please insert a comma after activities on line 20.*

*In (d)(2), how does a source apply for the exemption by the Director?*

*In (e), capitalize “rules”*

*In Paragraph (f), line 4 of page 2, does “potential to emit” mean the same thing as “potential emission” in Rule 15A NCAC 02D .0101? And is “moderate nonattainment area” defined somewhere? On line 15, I understand the “reasonably available control technology requirements” to be a federal standard, as referenced in Rule 15A NCAC 02D .0530. If that is incorrect, please state what the term means. Further, in line 16, it would make more sense for the sentence to read “shall comply with these requirements in accordance with Rule .0909...”*

*In Paragraph (g), I am assuming “attainment” and “maintenance area” are defined somewhere?*

*Paragraph (h), who will determine whether a violation of the standard has occurred? Further, while the language of the Paragraph refers to Charlotte-Gastonia-Rock Hill, it seems that the language in the paragraph isn’t confined to that area. (Line 34 states the Director shall identify whether the rules implemented are to apply in the areas listed in Paragraph (f) of the Rule.) To what areas does the language in Paragraph (h) apply? Is the reference to May 1 the time the Director has to initiate the analysis and implement it, or is it that the Director shall complete the analysis and then, by May 1, implement it? I believe it’s the latter, but it could be clearer. Also, capitalize Rule and Rules throughout this paragraph.*

*On lines 3 and 4 of page 3, I do not think you need the parenthesis. Further, insert a comma after "means" on line 3. And who shall comply according to Rule .0909?*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0903

**DEADLINE FOR RECEIPT: Friday, April 12, 2013**

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

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

*In (a)(2), create two sentences. End the first sentence after "equipment;" on line 9. Further, strike "at a minimum", since the Rule sets the minimum requirements.*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0909

**DEADLINE FOR RECEIPT: Friday, April 12, 2013**

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

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

*Do you need to retain a reference to "exceptions" in the Rule? Aren't you saying that this Rule applies to facilities covered by Paragraphs (f) and (h) of Rule .0902? Therefore, is there a need to refer to the facilities in (e) as an "exception", since they are not governed by those subparagraphs? Instead, Paragraph (a) could simply be "Applicability. This Rule applies to sources located at any facility covered by Paragraphs (f) and (h) of Rule .0902 of this Section."*

*In Paragraph (b), please insert "the" before rules (both times) on line 8. On line 9, I recommend replacing "defined in those rules" with "provisions of those Rules".*

*On line 12, I think "Paragraph (a)" is unnecessary. Shouldn't it just read "any source subject to this Rule"?*

*In Paragraph (c), for consistency's sake, capitalize the "If" in (1) and (2). Please do the same for (d)(1) and (2), as well.*

*Please strike the "and" on line 23 (and elsewhere in the Rule where the punctuation is similarly situated).*

*Should (c)(2)(B) and (d)(2)(B) end with "implements of progress:"?*

*In Paragraph (d), line 14, "Paragraph (a) of this Rule" seems unnecessary. Shouldn't it just state "subject to this Rule"? Likewise in (f)(1) and (f)(2), (g)(1) and (g)(2).*

*In Paragraph (e), what kind of test will be required? Is this referenced in rule or statute?*

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

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

Amanda J. Reeder  
Commission Counsel



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0951

**DEADLINE FOR RECEIPT: Friday, April 12, 2013**

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

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

*You should either spell out what RACT stands for or give the reference to the definition in rule or both.*

*In (c)(1), change the "defined" on line 14 to "set forth"*

*In (c)(2), how is this technology demonstrated to the Director and the US EPA to advance attainment? How would someone know that it is sufficient?*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0961

**DEADLINE FOR RECEIPT: Friday, April 12, 2013**

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

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

*In (a), the sentence would read better as "For the purposes of this Rule, the definitions listed in this Paragraph and Rules .0101 and .0902 of this Subchapter apply:"*

*In (b)(2), what is a "rolling period"?*

*Delete the "or" at the end of (c)(1) and (d)(1).*

*In (e) on line 3, insert "contain" before "no alcohol"*

*Throughout the Rule, be consistent, so that the first word in subparagraphs is either capitalized or in lowercase throughout.*

*In (f), I assume the highlighted language is new. Please underline it.*

*On line 37 of page 3 and line 7 of page 4, capitalize Rule.*

*On Page 4, line 4, delete "or"*

*Reading (f)(2)(A) and (B), it appears that the sentence is repeating itself. "Reduces volatile organic compounds emissions from each dryer by at least 90 percent volatile organic compounds emissions control efficiency..." Is "control efficiency" defined somewhere? If not, this sentence appears to be unclear.*

*On Page 4, delete the "and" on line 16*

*Who will approve the alternative methods in Subparagraphs (h)(1) and (2)? Further, in (h)(2), does the owner or operator have to conduct all three tests? If so, state "Methods 18, 25 and 25A".*

*In (i), delete the comma after "Rule". Is "flow rate" defined? In (i)(1) and (2), please insert "The" so it reads "The retention factors". I assume "negative pressure" used on line 18, page 5, is a term that is commonly known or defined somewhere?*

*On page 5, line 21, is this a complete sentence or is it supposed to read "Capture efficiency testing is not required in this situation."?*

*In Paragraph (k), are you trying to say that all cleaning materials must meet the requirements of (1) or (2), but if they do not, then they must meet the requirements of (3)? In (k)(2), should the sentence begin with "The"?*

*In Paragraph (l), remove the "and" at the end of (1) – (5).*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0962

**DEADLINE FOR RECEIPT: Friday, April 12, 2013**

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

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

*Please amend line 9 so that it reads, "Wipe cleaning" means the method of cleaning that utilizes..."*

*On line 13, should "from" be "for"?*

*For Paragraph (c), there should not be a (c)(1) without a (c)(2). I suggest combining the language into one Paragraph with no subparagraphs.*

*(d)(1) would be easier to read if it were further broken down. For example:*

*(1) Use industrial cleaning solvents that either:*

*(A) contain less than 1.67 pounds VOC per gallon; or*

*(B) have an initial boiling point greater than 120 degrees Celsius, where the initial boiling point exceeds the maximum operating temperature by at least 100 degrees Celsius.*

*The industrial solvents shall be collected and stored in closed containers.*

*You do not need the "and" at the end of (2)(a) and (b).*

*In (d)(2)(C), do people know how to store and dispose of the VOC "in a manner that will prevent evaporation into the atmosphere"? Is there a rule or law that should be referenced here?*

*In (d)(3), as "add-on control system" is not defined in (g), I assume you meant to say "as set forth". Further, is "add-on control system" defined somewhere?*

*In (d)(4), it refers to organic solvents not defined in (d)(1). As (d)(1) refers to industrial solvents, this is confusing. Are the industrial solvents in (d)(1) also considered organic?*

*Please make the language within the parenthesis a sentence and remove the parenthesis.*

*In (f), please insert a space on line 13 between 40 and CFR.*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0102

**DEADLINE FOR RECEIPT: Friday, April 12, 2013**

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

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

*It seems to me that the first sentence in (a) is not necessary. I recommend deleting the first sentence and "only" on line 5, unless this is a source of confusion for the regulated public.*

*Is "source" defined somewhere?*

*Would it be fair to say that if the source is subject to the Rules cited in (b)(1) through (7) then the source is not exempted from permit requirements and this Rule does not apply to them? If so, I recommend deleting "and the exemptions in Paragraph (c) of" on line 7.*

*In (b), you are stating that if the source is subject to rules, then the exemption does not apply, so it sounds like it should be followed by a list. However, (b)(1) through (7) sound like verbs. I think it would read better if you inserted articles, like "the new source performance standards."*

*Everywhere in the rule where you specifically cite a rule (i.e. 15A NCAC), please insert "Rule" before it.*

*I am not going to ask you to refer to rules in 2D as "Rule XXXX of Subchapter 2D of this Chapter", because I think it would be confusing and long-winded. However, I do want you to cite in (b)(7) to Rule .0702 of this Subchapter" to ensure individuals understand you are referring to a rule within the Subchapter they are looking at, and thus, it is part of the permitting procedure.*

*In (b)(7), please change your reference to "Section .1100" if that is what you mean, or cite to the specific rule(s).*

*In Paragraph (c), please change "need" to "require". Please create two sentences, ending the first one after "Subchapter." I do not know if you need to retain "however".*

*(c)(1) references activities, but several of the subparagraphs list things that are not activities (i.e. “storage tanks”). It might be clearer if it was called “categories of exempted activities” or something like that. The same can be said for (c)(2).*

*In (c)(1)(D)(iv), what constitutes “temporary” containment? Is this defined somewhere with a time limit?*

*In (c)(1)(E)(iii), is “process water” defined?*

*In (c)(1)(F), is this exemption because without applicable requirements, there is no way to permit them in the first place?*

*To be consistent, please change the first letter in (c)(1)(I), lines 18 and 21, to lowercase.*

*In (c)(1)(K), put a period after landfills on line 31. Strike the parenthesis and delete “Part” I think you should revise your reference to read “Section .0300 of this Subchapter”*

*Please make conforming changes to (L)(ii), (viii), (ix), (xi) and (xiii).*

*On page 5, lines 2 and 5, is the term “true vapor pressure” a term of art? Is it defined somewhere, or generally known in the regulated public?*

*I do not think you need parenthesis on page 5, lines 16 and 17. And please amend the reference to the rules cited as set forth above [pertaining to (c)(1)(K)]. Please do the same for lines 20 through 22 of this page.*

*To be consistent within the rule, please change the first letter in the sentences in (B)(iii)(I) through (III) to lowercase.*

*On page 5, on line 32, change the comma to a semicolon.*

*On page 6, lines 16 and 17, remove the parenthesis. Further, put a period after “operation.”*

*On line 18, is the term “peak shaving generator” defined anywhere? Insert a comma after the 12-month period of line 19.*

*I appreciate that you inform the reader in (c)(2)(D)(i) that some of the terms are defined in Rule .0803 of the section; it does lead to the question, is “paint spray booths” defined somewhere? Also, it seems the language would be easier to read if it said “As defined in Rule .0803 of this Subchapter, graphic arts operations, coating operations.. and solvent cleaning ...” and left off the language in lines 29 and 30.*

*On page 6, insert a comma after “year” on line 31 and “systems” on line 36.*

*On page 7, line 3 refers to “potential emissions”. If they are potential, then shouldn’t line 5 state “would each be” instead of “are”? The same applies in line 6 and 29.*

*Also on page 7, lines 5 and 28, change “i.e.” to “such as” or “for example.” On lines 8 through 16, replace the comma with a semicolon. Strike the parenthesis on lines 22 and 25. Add an “or” after line 35.*

*On page 8, line 5, should the language to be modified "is exempted from being required to have or modify a permit"? It might be easier to rewrite the first sentence to state, "An activity that is exempt from the permit or permit modification process is not exempted from other applicable requirements. The owner or operator of the source is not exempt from demonstrating compliance with any applicable requirement." Also, I take it "applicable requirement" means the requirements for that particular source set in rule and statute. Is that a correct interpretation? If not, then this language is rather broad and needs to be narrowed.*

*On line 9, please insert "Section" before .1100 and .0700.*

*Please insert "Subchapter" before 02D on line 14*

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

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

Amanda J. Reeder  
Commission Counsel



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06A and 06B – ALL RULES SUBMITTED

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In the history note, in the authority line, please correct the citation to G.S. 147-33.76(b)(1) to G.S. 147-33.76(b1).*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06A .0101

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

**NOTE WELL:** *This request when viewed on computer may extend several pages. Please be sure you have reached the end of the document.*

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

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

*At the beginning of the rule, line 8, please add "In these rules" or otherwise make it clear that it is the rules that will establish the contents of "forms, terms and conditions and advertisement requirements."*

*In line 8 please add "the contents of" before "forms" (or other language) to show that the contents or requirements of or contained in forms will be set out in the rules.*

*In the history note, in the authority line, please correct the citation to G.S. 147-33.76(b)(1) to G.S. 147-33.76(b1).*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06A .0102

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*Please place the defined terms within quotation marks.*

*In (2) please make "Value Procurement" lowercase.*

*In (6) I do not believe that either of the commas in lines 33 and 34 are necessary. At any rate I am certain that the comma in line 34 should be deleted since it serves the same function as the conjunction "and" immediately following it.*

*In (8) page 2 line 1 please make "Situations" lowercase.*

*In (9) page 2 line 4 please make "Delegation" lowercase.*

*In (9) there is a reference to "IT goods and services." I believe most people would probably understand "IT" to mean "information technology." While this should be spelled out to remove any chance of misunderstanding it seems to me that you need a definition for "information technology" itself, which is where there might be more misunderstanding.*

*In (11) line 11 counsel is unclear as to what "respective" offers are referred to. If it simply means any of the offers that are received, then the adjective is unnecessary and may be confusing. If that is the case it could be deleted without changing the meaning.*

*In (11) line 14 it is unclear what the term "evaluation credit" means or what constitutes, counts for or makes up "evaluation credit."*

*In (12) line 20 make "Solution-based Solicitations" and "Government-Vendor Partnerships" lowercase.*

*In (13) line 23 either define "significant" or delete "in significant quantities."*

*In (14) line 25 please delete the comma following "including,".*

*In (19) and (20), page 3 lines 1 and 3, you have switched from the wording "is defined as" to "means." Personally I think "means" sounds better, but it seems you should be consistent in your style and use one or the other for all your definitions unless there is some particular reason for the alteration.*

*In (19) and (20) please rework the definitions to show that the terms include the variants of those terms and that "offeror" and "offer" are both included in the definitions.*

*In (19) it is unclear what "in good faith" at the end of line 2 modifies. Typically it would modify some verb or action word and not a noun such as "solicitation."*

*In (20) line 3 it seems to me that "substantially" is unnecessary and should be deleted. It seems to me that "in all material respects" is what "substantially" is intended to mean and is a clearer term.*

*In (22), page 3 line 12 delete the colon following "includes:". In line 13 change the semicolons to commas.*

*In (24) line 20 either delete or define "ITS approved." In the alternative you could add "as set out in these rules" (or similar language) or refer to where the approval standards are found.*

*In (24) line 21 delete "to" in "to request" to maintain parallel construction.*

*In (26) line 26 make "Office" lowercase.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06A .0103

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (a) please add a term to describe what the "benchmark" is benchmarking. Also it seems as if the rule makes the benchmark – which is the way the benchmark would have to be established – and not the State CIO. Please rewrite to make this clear.*

*In (c) line 9 delete "established."*

*In (d)(2) add "and as permitted by these rules" or similar language at the end.*

*In (e) line 15 change "recommended approval" to "recommendation." If that is not the meaning of the rule, then the rule is unclear.*

*For purposes of parallel construction and ease of reading I would suggest rewriting (f) lines 18– 20 as follows (and please note the change in order and punctuation): "exemption by statute ...; exemption where one agency is in the Department of Administration; or exemption where one agency is buying from another agency or from state or federal surplus property."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0101

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*It seems to me that this rule should be (a) and add the next rule, 06B .0102, as (b).*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0102

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*As mentioned in the previous request, it seems to me that this rule would be better rendered as (b) of the previous rule.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0103

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (b) line 14 please delete or define "complete." Also delete "certain" in "certain vendors" or make specific reference to where or how the "certain" vendors are determined.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0201

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (b) line 10 either change "other" to "another" or make "location" plural. Also either delete "designated" or change it to "other locations [another location] designated as set out in these rules ... " or similar language.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0204

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*It seems to me that in lines 8 and 9 the rule as originally published was correct. I believe it is best to end (4) line 8 with a comma and begin the next line with a lowercase "consideration."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0301

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*In (b) line 13 "Section" rather than "Subchapter" is correct.*

*It seems to me that in (b) line 14 "a" in "a ~~waiver~~" should be deleted as well.*

*There needs to be consistency in the use of punctuation in (b)(1), (2) and (3). It seems to me that the easiest, and my preferred choice, would be to make the punctuation at the end of the sub- and sub-sub-paragraphs all semicolons until the end of the last sub-(sub-) paragraph is reached where there would be a period before the beginning of the next paragraph. This would eliminate the current mix of colons, semicolons and periods. At any rate be consistent and make them all the same within a paragraph, within a rule, and within a section.*

*Note that a colon, such as at the end of (b)(2)(A) line 33, should generally be used only before further sub-levels.*

*In (b)(2)(B) line 37 change "Subchapter" to "Section."*

*At the end of (b)(2)(B), page 2 line 1, either delete the "prior ... approval" language or refer to where the approval standards are found or what they are.*

*In (b)(2)(C), page 2 line 3, make "Agency" lowercase. It also seems to me that a comma after "from ITS," would make the sentence more readable.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0302

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*Please change the period at the end of line 5 to a colon.*

*There is inconsistent formatting and punctuating in this rule within the four items. I would suggest making the end of each item (1) – (4) end with a period. I would have each sub- and sub-sub-item within an item end with a semicolon until the end of the item was reached and the next item was begun. The style chosen should also be consistent with the style chosen for rule 6B .0301.*

*In (1)(a) line 9 please change “subpart” to “Subitems” (or “Sub-items”).*

*In (1)(b)(iii) delete or define “very limited” in line 19 and “easily defined” in line 20.*

*In line 20 delete “approved” or specify where approval standards are found.*

*In (1)(f) page 2 line 12 delete the comma following “factors,”.*

*In (1)(f)(i) page 2 line 21 delete the comma following “lifetime,” and the colon following “include:”.*

*In (1)(f)(ii) line 24 delete the commas in “offer, including, ....” In that same unit, line 27 I would change the comma following “integration,” to a semicolon. At the end of line 28 I would also add the word “and” after “schedules,” and before “guarantees” on the next line.*

*In (1)(f)(iii), page 2 line 33, delete the colon following “offeror’s:”.*

*In (1)(i) page 3 line 18, why is “or highest qualified technically acceptable method” not added at the end of the line?*

*In (2)(c) page 4 line 20, I believe that your example would read better if you deleted the word “normally.”*

*In (3)(a), page 4 lines 27 and 34, I believe that “priced or highest qualified” and “price or most highly qualified” respectively should be “priced of the highest qualified” and “price of the most highly qualified.” If that is not the case then I don’t understand the difference between methods (2) and (3). You should also use the same language for each one if they are the same thing. If not then you need other terms to make the terms distinguishable from each other.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0303

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*Please specify the approval standards in line 10 or delete the approval requirement.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0305

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*Please make the beginning of line 18 paragraph (a) and the succeeding (a) and (b), (b) and (c) respectively.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0306

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*I believe the rule would be even stronger if there were a period after "considered" and the remainder of the rule were deleted. At any rate if you are going to keep the existing language either delete the semicolon following "considered;" or change it to a comma.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0307

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In line 7 delete or define "entirely."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0309

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*In (d) line 20 delete or define "complete."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0313

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*It seems to me that in line 4 "[co]mmodities and services" should be "[co]mmodities or services."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0314

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*In (a)(3) page 2 lines 18 and 19 please make "Notice of Award" lowercase. In line 19 add either "a" or "the" before "notice."*

*Lines 20 – 23 of (a)(4) on page 2 should ultimately read as an introduction to sub-paragraphs (A) – (F). Based on that "... Requirement to Advertise and Notify ... requirement" should all be lowercase. It also seems that "[r]equirement in lines 20 and 23 should be "requirements" or else it should be rewritten in the singular form: "A waiver of a requirement to advertise or notify ...."*

*This rule is another one that requires consistency in the punctuation of sub- and sub- sub-paragraphs. I would use semicolons rather than periods, but you need to be consistent. The style chosen should also be consistent with the style chosen for rule 6B .0301.*

*In (b)(1)(C), page 3 line 9 please make "Advertisement" lowercase.*

*In (b)(1)(D) line 18, "Procurement" should be lowercase.*

*Please eliminate the duplicate requirements contained in (b)(2)(F) and (b)(4). Perhaps the former should read "Site visit information as set out below" or similar language.*

*Why isn't (b)(3) another sub-paragraph of (b)(2), since it seems to be another item that must be included in the "required advertisement information" in (b)(2) line 23?*

*In (b)(3) line 36 please delete the comma in "offer terms, and conditions."*

*The punctuation in (b)(3) needs to be corrected. The comma at the end of line 36 after "time," and the comma after "etc," page 4 line 2 need to be semicolons. Also add the word "and" on page 4 line 2 after the rewritten "etc.," and before "an address."*

*In (b)(4) page 4 the semicolons in lines 4 – 6 actually could (and should?) be commas. Also in lines 4 and 5 "time; and location" should be either "time and location," or "time, location,".*

*In (b)(6)(A) line 17 please change "individual Notice of Award" to "an individual notice of award." In line 18 change "Notice of Award" to "the notice of award."*

*In (b)(6)(B) page 4 line 20 it seems to me that the comma after "information," should be deleted. In the next lines the semicolons in lines 21 and 22 should be commas.*

*In (b)(7)(A) page 4 line 25 please change "his/her" to "its" and in line 26 change "he/she" to "the agency" or "the purchasing agency."*

*In (b)(7)(A) page 4 line 26 please change "to not publish" to "not to publish."*

*In (b)(7)(B) page 4 line 29 please delete the comma after "include," and delete "etc." at the end of line 30. Be sure to use proper formatting to show the change in punctuation at the end of the line.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0315

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*In (b) line 12 please refer to the rule(s) governing a "procurement [that] may be handled as a waiver permitted by rule."*

*In (d) the last sentence, line 18, is a legal conclusion. The agency has no authority to assert or impose legal conclusions by or in its rules. Please delete the last sentence.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0316

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (a) at the end of line 6 add "as set out in rule(s) .0000," "as set out in these rules" or similar language.*

*In (d)(4) line 24 either specify what standards ITS will use to determine what "other documentation" it may require or delete the requirement.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0401

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*In (a) line 6 it seems to me that "Basis" should be "Bases."*

*In that same line please add "of an offer" or similar language after "rejection."*

*In (c) line 18 it seems to me that the comma after "timely," should be deleted.*

*In that same line delete or define "directly."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0405

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*The use of periods and semicolons at the end of sub-levels in this rule is inconsistent. Please make them consistent in this rule and the style chosen should also be consistent with the style chosen for rule 6B .0301 and the other rules.*

*In (a) line 4 please make "Post-Award Debriefings" lowercase.*

*In (b) line 8 it seems to me that "inspection," should be "inspection or."*

*There needs to be consistency in the use of punctuation in (c)(1), (3), (4) and (5). It seems to me that the easiest, and my preferred choice, would be to make the punctuation at the end of the sub- and sub-sub-paragraphs all semicolons rather than the current mix of colons, semicolons and periods. At any rate be consistent and make them all the same.*

*Note that there is no punctuation at all at the end of (c)(4)(A) line 33.*

*In (c)(1)(C) line 17 delete the comma following "grant," and in line 18 delete "by that requesting offeror."*

*It appears to me that (c)(1)(D) is not a part of (c)(1); it certainly does not maintain parallel structure with the remained of (c)(1). It should be a separate numbered sub-paragraph.*

*Is there any difference in the type of debriefing in (c)(3)(B) and (C)? If not it seems that (C) would be sufficient and (B) is not necessary. If there is a difference could (should) they not be combined such as: "request a post-award ... in lieu of ... debriefing or a post-award debriefing by delivering a request ...."*

*In (c)(3)(B) and (C), lines 26 and 28 change "request" to "a request."*

*In (c)(4)(E), page 2 line 1 please add "from the vendor" (or similar language) after "relevant questions."*

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

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

Joseph J DeLuca

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0501

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*In line 8 change "a contract" to "the contract."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0502

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*In line 4 delete or define "periodically."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0503

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*In line 5 delete or define "designated." There is no authority for ITS to designate any facilities outside standards set out in the rules although agencies may designate them without going through rulemaking.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0504

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*In line 6 change "contract value" to "contract's value."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0505

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*I believe "goods or services delivered" in line 4 would read and sound better as "delivered goods or services."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0603

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In line 4 delete or define "promptly."*

*Please rewrite the second sentence in the active voice and specify who must report the matter to ITS.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0701

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*There needs to be consistency in the use of punctuation in (a), (b) and (c), sub-paragraphs (1), (2) and (3). Paragraphs (a) and (b) use periods at the end of sub-levels while semicolons are used in (c). It seems to me that the easiest, and my preferred choice, would be to make the punctuation at the end of the sub- and sub-sub-paragraphs all semicolons until the end of the last sub-(sub-)paragraph is reached, where there would be a period before the beginning of the next paragraph. This would eliminate the current mix of colons, semicolons and periods. At any rate be consistent and make them all the same within a paragraph, within a rule, and within a section.*

*In (a)(1) line 9 it seems to me that "certain" should be "IT" to parallel "IT" in line 12.*

*In (a)(2) line 10 "Statewide" should be lowercase.*

*In (a)(3) line 17 it seems to me that "may issue" should be "shall issue." If that is not correct then please change "may issue and shall award" to "may issue solicitations and award" or "may award."*

*In (c)(1), lines 4 and 5, make "Services," "Value Added Resellers" and "Original Equipment Manufacturers" lowercase.*

*In (c)(2) line 6 make "Services" lowercase.*

*In (d) lines 9 and 10 change "served, if such" to "served and if such."*

*In (e) line 9 make "Vendor" lowercase.*

*Paragraph (f) is a bit confusing at first. Please rewrite as follows: "In addition to ITS' standard terms and conditions, additional terms and conditions [relating to?] [in specific type(s) of contracts?] may be negotiated" or similar language. Note the possessive apostrophe after "ITS'."*

*In (g) it would seem to me that there would have to be provision for re-setting a term for the contract after the initial "time certain." That could be done by rewriting lines 13 and 14 as follows: "... after which a review could establish re-pricing and a new time certain" or similar language. Otherwise it's terminable at the will of either party at any time and isn't much of a contract.*

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

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

Joseph J. DeLuca, Jr.



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0702

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (b) line 8 the rule would read and sound better if you change the comma after "contracts," to a semicolon and delete "it shall consider" or rewrite in a similar fashion dropping the repetitive verb "shall consider."*

*In (b) line 9 please change "product" to "good."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0703

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In line 6 it seems to me there should be some provision that both the agency and the vendor must agree to the extension with "a change in the prices ...."*

*In line 6 change "contract value" to "contract's value."*

*Set out at the end of line 7 where the approval standards are found.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0801

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (b) line 8 delete or define "reasonably."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0901

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*In (b)(6) I believe there is probably a better term than "predicates." "Specifies," "requires" "dictates" all seem better and clearer choices.*

*At the end of (b)(13) you should add "unless otherwise prohibited by law" or some other similar language to make it clear that this is not authorizing any purchase that might in itself become unlawful because of the activity mentioned in this rule.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .0902

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In line 4 should you include "limited or" before "waived" to be consistent with the language in this rule, Rule .0901 and the other rules?*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1001

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (a) it appears there are actually two requirements. The first is "citing the applicable statute on which the claim of confidentiality is made." It seems that there is a second one hidden in lines 8 and 9 and that is to provide documentation justifying the claim and meeting any statutory requirement for that documentation. Please remove the parentheses surrounding lines 8 – 10 and rewrite this as a sentence to show the actual requirement(s) that is implied.*

*In (a) line 12 is there any way for the party responding to the solicitation to seek confidentiality for the prices? If there is, it would be quite helpful to refer the responder to that, e.g., "Prices presented in response to a solicitation shall not be deemed confidential, although the responder may seek price [or any other contract provision?] confidentiality as set out in xxxxxxxx."*

*In (b) line 15 "may" should be "shall."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1002

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In line 4 make "Contracts" lowercase.*

*I am not sure what it means for a contract to "carry written prior approval of the ... agency head." Please rewrite to express in more easily understood contractual language what the requirement is.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1003

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*Please rewrite the first sentence in the active voice along the lines: "A vendor shall not assign a state contract without prior written approval of the State" or similar language.*

*In line 5 please delete the comma following "contract,".*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1004

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*Please delete the first sentence. In the second sentence change "doing business with such personnel" to "an agency does business with the agency's own employees" or similar language.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1005

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*In (c) there is no parallel construction in (c)(1) – (3). Please rewrite to maintain parallel construction. One suggestion is as follows, although you may rewrite as you desire:*

*In (c)(1) change “Rejection of the ...” to “Rejecting the ...;”*

*In (c)(2) change “Award of bid ...” to “Awarding a bid ...;” and*

*In (c)(3) change “Recommend to ITS suspension of an offeror ...” to “Recommending that ITS suspend an offeror ....”*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1101

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In line 6 it seems to me that you should add "or the State CIO" after "ITS."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1102

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (c)(2) lines 25 and 26 delete or define "or as soon as possible thereafter."*

*In (d) and (e), page 2 lines 1 and 16, change "wants to protest" to "protests" to maintain parallel construction with (c) line 9.*

*In (d)(2) and (e)(2) page 2 lines 12 and 29 delete or define "or as soon as possible thereafter."*

*In (f) page 2 line 33 change "30" to "60" or cite specific authority for a 30-day statute of limitation for requesting a contested case hearing rather than the 60 days set out in G.S. 150B-23(f).*

*In (f) page 2 line 35 change "involves" to "of" or similar language.*

*In (g) page 3 line 1 it seems to me that "on a request for a protest" should actually be simply "a protest."*

*In (g) page 3 lines 7 – 9 there is a provision allowing the State CIO to impose a one year bar on certain persons "from participation in any IT solicitation or award." Please cite specific authority to impose such a bar.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1103

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*In (a) line 4 change "Subchapter" back to "Section."*

*I don't understand the addresses in (b). The first one given contains a P.O Box address. This would seem to be for mail sent through the "United States Mail." But then the second address given is for mail "if sent by United States Mail" and contains a street address. So it is unclear which address is to be used for U.S. Mail, (also known as the U.S. Postal Service or U.S.P.S.).*

*The final clause states "if sent by certified mail, return receipt requested." It is unclear what that requires or allows. If it happens to mean that you must request a return receipt if you use certified mail, that is not at all clear. It's even less clear why the agency would impose the return receipt requirement when it does not impose the certified mail requirement.*

*Also the next rule in definition (3) seems to expand the methods of delivery beyond what is permitted or required by this rule while at the same restricting the meaning of filing to include requiring acceptance of the delivery. Please clarify.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1104

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In the introduction to this list please verify that the definitions apply through Subchapter 6B and not just in Section .1100. If they apply to the rules in this section only, then change "Subchapter" back to "Section."*

*In (1) line 7 change "her/him" to "her or him."*

*In (3) this rule seems to expand the service or filing requirements of the previous rule. Please clarify.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1105

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (6) lines 20 and 21 add at the beginning or end, "except as set out in Article 3A of Chapter 150B" or similar language.*

*It seems to me you should delete item (9). I would think the hearing officer could request assistance from any advisor if so desired without having a rule to allow it. If you do keep it, then you need to clarify who or what an "administrative law counsel" is.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1106

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (8) delete or define "special."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1107

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (a)(7) line 17 please change "Subchapter" to "Section."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1109

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*In (e) line 23 please change "Subchapter" to "Section."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1110

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (a) line 6 delete the comma after "agreements," and change "facts" to "as to the facts" or similar language.*

*In (b) line 14 please change "Subchapter" to "Section."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1111

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*In (g) line 28 please change "Subchapter" to "Section."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1112

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (a) lines 5 and 6 I would change "proceedings" to "hearings" if they are, in fact referring to "hearings" which is the way it seems to me.*

*In (b) line 9 delete "as herein required" since it is unnecessary.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1115

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (a), or somewhere else in this rule, it seems to me that you need to specify that if these rules provide some other requirement, outcome or allowance (or however you prefer to word it) than the NC RCP, then these rules control.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1117

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*It seems to me that logically paragraphs (c) – (e) should come before (a) and (b). If you agreed with this, or wished to suggest yet a different order, you can rearrange the order by striking through the old paragraph labels “(a),” “(b),” “(c)” etc, relettering them with their new letters, and rearranging them in their new alphabetical order. You would not need to do any strikethrough or underlining of any text other than the labels.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1118

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (g) line 24 change "any party" to "parties."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .11120

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (a) line 5 please change "Subchapter" to "Section" unless there are rules not in this section but are elsewhere in this subchapter that govern presentation of evidence in a contested case.*

*It seems to me that the last sentence of (f) lines 28 – 30 is essentially part of what is contained in (g). Please delete the last sentence of (f) unless it contains something that is not in (g).*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1121

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (b) line 7 the meaning of "reasonable times" is unclear and should be deleted or changed to "during business hours" or some similar language. In line 8 delete or define "reasonable" in "reasonable supervision."*

*In (e) and (g) lines 12 and 16 delete or define "professional."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1201

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (c) line 14 make "Standard" lowercase.*

*In (d) line 17 please change "comply with statutory requirements, ITS rules, or departmental policy" to "comply with statutory requirements or ITS rules, or the application [or 'applicability'] of departmental policy" or similar language.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1202

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (a) please add "for a declaratory ruling" after "Requests."*

*In (a) change "writing and dated and verified" to "writing, dated and verified."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1203

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (b) lines 21 and 25 change "60<sup>th</sup>" to "30<sup>th</sup>" or cite authority for setting a different deadline than set in G.S. 150B-4(a1)(1).*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1204

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (1) delete "altered" along with the comma after the preceding "amended." It seems to me that "altering" a statute is what happens when it is amended.*

*In (2) delete or define "for good reasons."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1205

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In line 5 change "regular" to "public" or delete "regular."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1207

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In line 4 delete or define "faithful." It would also be acceptable to change "faithful" to "contract."*

*At the end of (3) line 11 please add the word "and."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1302

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (b) line 15 delete or define "if time permits."*

*In lines 15 and 16 delete "whether or not such prior approval was possible" as unnecessary.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1303

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

*In (b) line 11 make "delegations" singular to match the "delegation" in (a).*

*In (c) delete or define "periodically" in line 12.*

*In (c) line 13 please be specific about who the "they" in "their continued suitability" is.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1304

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In line 4 it seems to me the rule is referring to "a [or 'any'] purchasing agency" rather than a specific one as indicated by the definite article "the."*

*In lines 4 and 5 it seems "shall be not more than" should be "is" or "shall be."*

*It also seems this rule actually has three components. The first in lines 4 and 5 sets the general purchasing delegation. The second in lines 5 – 9 allows the State CIO to raise or lower that amount. The final one is an instruction to an agency how to request an increase in the amount. Please make these paragraphs (a), (b) and (c).*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1305

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*Please cite specific authority to enter another agency's premises and conduct a compliance review as set out in (b) and (a) respectively.*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC OFFICE OF INFORMATION TECHNOLOGY SERVICES

RULE CITATION: 09 NCAC 06B .1402

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*In (a) line 5 delete or define "readily."*

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

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

Joseph J. DeLuca, Jr.  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07H .0308

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

**NOTE WELL:** *This request when viewed on computer may extend several pages. Please be sure you have reached the end of the document.*

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

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

*I assume that "erosion response" is defined somewhere or understood by the regulated public?*

*In (a)(1), line 7, please insert Section before .0200. Please do the same on page 3, line 6.*

*In (a)(1)(H), who will make the finding to grant the permit? Likewise for (a)(1)(I) and (J).*

*When you refer to "subchapter" in (a)(1)(H)(i) and (I)(i), do you mean "Rule"? If not, please indicate what rule within the subchapter you are referring to.*

*In (a)(1)(I), delete the "and" at the end of 3 and 5. Do likewise in (a)(1)(J) on lines 17, 19 and 21.*

*In (a)(1)(I) and (J), when you refer to the public benefits outweighing the long or short range adverse affects, do you mean just one or the other, or both?*

*My reading of this Rule is that only property owners will create temporary barriers. If this is not correct, there this leads to several questions regarding the removal of these barriers.*

*In (a)(2)(E), what will the Director or their designee use in determining the location of the temporary erosion controls?*

*On page 4, line 10, delete the "or" after nourishment.*

*On Page 4, delete the "or" at the end of lines 12 and 16. Delete the comma and insert a semicolon before the "or" on line 17.*

*I believe that (a)(2)(G)(iv) would sound better if the passive voice ("that has been" and "has been" on lines 18 and 20, respectively) were deleted.*

*I take it "wave action" is defined somewhere or is known to the regulated public?*

*I think you should include a reference in your History Note to G.S. 113A-115.1, since the language in (a)(1)(K) is based on that.*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07H .1705

**DEADLINE FOR RECEIPT: FRIDAY, APRIL 12, 2013**

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

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

*Is "erosion scarp" defined somewhere?*

*In (a)(2), who will find that buildings and roads are imminently threatened?*

*In (a)(5) and (c)(1)(B), what factors will be used by the Director to determine the location of the erosion control structures?*

*On page 2, delete the "or" at the end of lines 8, 12 and 13. Replace the comma at the end of line 8 with a semicolon.*

*In (a)(7)(D), the language would sound better if the passive voice ("that has been" and "has been" on lines 14 and 16, respectively) were deleted.*

*In (b)(1) through (3), capitalize the first letter of the initial sentence.*

*Again, I think you should include a reference to 113A-115.1 in the History Note.*

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

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

Amanda J. Reeder  
Commission Counsel



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03I .0114

**DEADLINE FOR RECEIPT: Friday, April 12, 2013**

**NOTE WELL:** *This request when viewed on computer may extend several pages. Please be sure you have reached the end of the document.*

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

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

*In (a)(1), who will determine if the mandatory items are "legible"? What standards are typically applied? (I am assuming it's not smudged or obscured, but legible can be different for different people.)*

*In (a)(4), please state who will inform the dealer via certified mail of their designation.*

*In (a)(4), the Rule states that the dealer, once designated as filing electronically, must continue to do so until the dealer no longer has a license for finfish or consolidated categories. What if the dealer drops below 50,000 pounds annually? In addition, I assume that the regulated public understands "finfish or consolidated categories" means?*

*In (a)(5), the Rule refers to Division authorized software or web-based utilities. Are you referring to the NC Trip Ticket software defined in Rule .0101(5)(i) of the Section? If not, then what standards will the Division use to authorize the software or web-based utilities?*

*In (b)(2), please include a reference to the law or rules setting forth "other information required by the Division."*

*In (e) on line 2, who will conduct the inspection?*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0209

**DEADLINE FOR RECEIPT: Friday, April 12, 2013**

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

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

*It seems to me that the opening words in (c), "Effective January 1, 2001" are no longer necessary to the Rule. I would begin the Paragraph "It is unlawful"*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03M .0202

**DEADLINE FOR RECEIPT: Friday, April 12, 2013**

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

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

*I assume that the prohibition against possession of striped bass in (b) is contained in a Rule promulgated by the Wildlife Resources Commission?*

*In (c)(1) through (5), please change the commas to semicolons.*

*In (c)(6), who may the Director require to submit statistical and biological data?*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03Q .0202

**DEADLINE FOR RECEIPT: Friday, April 12, 2013**

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

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

*In (1)(a), it appears you need a space between the hyphen and Tar River.*

*In (2)(a)(3), please confirm the amended language "north and east" and "south and west" is what you want. I point this out because so many of the other descriptors are "southwest" or "northeast", so it's a bit odd to see here.*

*On Page 9, line 35, insert a space between the hyphen and "Inland Waters"*

*On Page 12, line 23, insert a space between the hyphen and "Inland Waters"*

*On Page 13, (b)(6) is a bit confusing, as it refers to tributaries, and then goes on to list 2 tributaries under it. Why is the reference to tributaries in (b)(6) (line 21)?*

*On Page 26, line 12, I take it "IWW" is Intracoastal Waterway? If not, please spell out what the term means.*

*On Page 27, line 34, capitalize "Waters" after "Coastal"*

*On Page 38, insert a period after "W" on line 36.*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03R .0112

**DEADLINE FOR RECEIPT: Friday, April 12, 2013**

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

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

*I believe "highrise" on lines 21 and 24 should be hyphenated (per Merriam Webster).*

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

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

Amanda J. Reeder  
Commission Counsel

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03R .0201

**DEADLINE FOR RECEIPT: Friday, April 12, 2013**

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

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

*I do not believe you need the comma after "coastal" on line 11.*

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

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

Amanda J. Reeder  
Commission Counsel