

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1110

DEADLINE FOR RECEIPT: **Wednesday, August 7, 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 tell me what "service" means as used in this Rule. Also, what does "ampacities" mean? And in (c), what does "readily accessible single strand aluminum branch circuit wiring" mean?*

*I take it your regulated public knows what these terms mean?*

*In (e)(4)(B), please confirm you intended to call them "security system detectors", which is how it is currently written.*

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: Both Rules

DEADLINE FOR RECEIPT: **Friday, August 9, 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:

*On both Submission for Permanent Rule forms, the Commission states that OSBM certified the Rules on July 16, 2013.*

*As G.S. 150B-19.1 requires certification prior to publication, I want to ensure that the Rules were certified before publication (it appears to be October 10, 2012, from the Notice of Text), and then were reviewed by OSBM after publication and re-certified. Is this correct?*

*If so, please include that date on the forms.*

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: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0530

DEADLINE FOR RECEIPT: **Friday, August 9, 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 (b), line 6, I suggest you insert commas after "Rule" and "apply."*

*In (b)(1)(A), line 18, I take it your regulated public knows what "normal source operation" means? Is it the normal operation of a "source" defined by 40 CFR 51.166(b)?*

*Further, does your regulated public know what "fugitive emissions" in (b)(1)(A)(i) is?*

*In (b)(1)(A)(iii), line 32, "Part" should be capitalized. Further, I take it you mean Part 63 in Title 40?*

*In (b)(1)(B), I believe you could break this into two sentences, ending the first after "zero", and beginning the second with "Thereafter, for all other purposes..." Further, I assume that the item referenced on line 12 is the baseline actual emissions. Is this correct?*

*In (b)(4), line 24, it might be helpful to insert "(SO<sub>2</sub>)" after sulfur dioxide and "(NO<sub>x</sub>)" after nitrogen oxides, especially since the chemical formula alone is used in Paragraph (h).*

*Further in (b)(4), line 24, should the term "precursor" be "precursors"?*

*In Paragraph (c), please insert a comma after "Class II." Please remove the "that" on line 27. I'd state, "except the following areas, which are designated as Class I:"*

*In (d), line 35, remove the comma after "Class III."*

*In (d), as I understand it, the state will be the only actor submitting the redesignation request to the EPA. Are you saying on lines 35 and 36 that the state will not submit a request if it would violate the restrictions of 40 CFR 51.166(e)?*

*In Paragraph (e), for my clarification, there are no Class III designations in this State at this time, correct?*

*In Paragraph (g), I believe the references on lines 7 and 8 should be "40 CFR 51.166(a)(7) and (i)."*

Amanda J. Reeder  
Commission Counsel

*In Paragraph (g), why do you state, “by extension”? I don’t see the references to these sections in (a)(7) or (i).*

*On page 2, line 9, please remove the space between “52.21” and “(i)(11)(i)”*

*In Paragraph (h), remove the extra space in “G.S.” on line 18.*

*In Paragraph (i), do you believe spelling out “plant wide applicability limit” is needed on line 22, as the acronym is spelled out on Page 2, line 14?*

*In Paragraph (q), line 12, I believe the “if” before “the Director” is unnecessary.*

*In Paragraph (q), you state that the variances in the table are based upon 40 CFR 51.166(p)(4). However, the May 2008 version of the regulation that I have only includes the PM<sub>10</sub>, not the PM<sub>2.5</sub>. Please clarify this usage for me. (As an aside, I see this reflected in the current version of the regulation [40 CFR 51.166(o)(4)].) Please note the same question for Paragraph (v) of this Rule.*

*In Paragraph (r), I take it the Division will notify the applicants if the application is complete?*

*In Subparagraph (t)(2), insert a comma after “area” on line 29, page 4. On Page 5, line 2 of the same Subparagraph, insert a comma after “application.”*

*On Page 5, line 1, is the sentence supposed to be “notice shall be given/made”?*

*In Subparagraph (t)(3), lines 6 and 8, please change “his” to “his or her.”*

*I take it the regulated public and Federal Land Manager are aware of what the Director will need from an analysis to demonstrate to the Director’s satisfaction there will be an adverse impact on visibility?*

*In (t)(3), line 8, I believe the comma after “application” is unnecessary.*

*In Paragraph (u), line 22, please insert a comma after “calculations.”*

*In Paragraph (u), line 24, it seems the “then” before “the Director” is unnecessary.*

*In Paragraph (u), line 25, change “it” to “he or she.”*

*Please capitalize “Rule” on line 26 and “Director” on line 30.*

*On page 5, line 27, please insert a comma after “modifications.”*

*On line 4 of page 6, please insert that the publication may be accessed free of charge.*

*Please fix the spacing on line 4 for the deleted language.*

*G.S. 150B-21.6 requires the agency to maintain a copy of the material incorporated by reference. As the link within the Paragraph is to the Federal Register, which explains the changes but does not contain the actual full regulation text, I trust you have the full text available for public inspection.*

*I do not believe you need the reference to G.S. 150B-21.6 in the 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: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0531

DEADLINE FOR RECEIPT: **Friday, August 9, 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), line 4, I suggest you insert commas after "Rule" and "apply."*

*In (a)(1)(A)(iii), line 30, "Part" should be capitalized. Further, I take it you mean Part 63 in Title 40?*

*In (a)(1)(A)(iv), the last sentence on Page 2, lines 1-2, seems to be incomplete. Should it read, "A different consecutive 24-month period for each regulated NSR pollutant can be used for each regulated NSR pollutant," as in Rule 02D .0531?*

*In (a)(1)(B), I believe you could break this into two sentences, ending the first after "zero", and beginning the second with "Thereafter, for all other purposes..." Further, I assume that the item referenced on line 9 is the baseline actual emissions. Is this correct?*

*In (a)(3), line 20, it might be helpful to insert "(SO<sub>2</sub>)" after sulfur dioxide and "(NO<sub>x</sub>)" after nitrogen oxides, especially since the chemical formula alone is used in Paragraph (g).*

*Further in (a)(3), line 20, should the term "precursor" be "precursors"?*

*In (f)(3), are you saying that a new major source will always be accompanied by a new minor source?*

*In (f)(3), how does the Director determine that the owner or operator will obtain the sufficient emissions reductions in lines 16-21?*

*Further in (f)(3), is there a definition of "reasonable further progress" on lines 25 and 26? If not, does your regulated public know what this means?*

*Is the source required to meet the requirement in (f)(4)? Is it something the source will need to prove, or is this something the Director will consider on his or her own accord, along with (f)(1) through (f)(3)?*

*In Paragraph (k), please move the period after "Director" into the quotation marks.*

*In (m)(2), is there a timeframe for the owner or operator to submit the analysis to the Director? (It does go to the Director, rather than the Federal Land Manager, correct?)*

*Please insert a comma after "area" in (m)(3), line 24.*

*On line 27, I think you should insert "made" or "given" after "shall be".*

*On line 28, please insert a comma after "application."*

*Is the analysis on line 28 the analysis required in (m)(2)? If so, why not state, "the analysis required by Subparagraph (m)(2)"?*

*In (m)(4), I take it the Federal Land Manager and the regulated public knows what will "fail to demonstrate the Director's satisfaction"?*

*Please change "his" on lines 32 and 34 to "his or her."*

*Please remove the comma after "application" on line 34.*

*In (m)(6), are you saying the Director can require the source to conduct the monitoring of the visibility around the source?*

*Please capitalize "Director" in (n), lines 11 and 28.*

*In (n)(5), please insert a comma after "calculations"*

*I think the "then" on Page 5, line 22 is unnecessary.*

*In (n), lines 24 and 25, I believe you should insert commas after "year" and "years" (and be consistent with Rule 02D .0530(u), which uses the same language.)*

*In Paragraph (o), please tell people where they can find the CFR and the cost to access it as required by G.S. 150B-21.6.*

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

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: Coastal Resources Commission

RULE CITATION: 15A NCAC 07H .0306

**DEADLINE FOR RECEIPT: Friday, August 9, 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.

*On the Submission for Permanent Rule Form, the "Local funds affected" box is not checked, but states that OSBM was given the information on October 15, 2012. Please confirm and amend the form as needed to indicate whether local funds were affected.*

*Please note, generally in a Rule when you refer to another Rule within the Subchapter, it would state, "Rule XXXX of this Subchapter." I would certainly prefer for you to make this change, but given the number of times this Rule has been reviewed recently, this is just a suggestion.*

*Is there a reason the Commission refers to itself as the "CRC" on line 5 and as the "Coastal Resources Commission" elsewhere in the Rule? I am aware that Rule .0101 of the Subchapter states the Coastal Resources Commission may also be referred to as the CRC or the Commission, so I'm not disputing your right to do so. It just makes the Rule read a bit disjointedly.*

*In Subparagraph (a)(1)(C), line 15, I believe the term is hyphenated as "load-bearing"*

*For my clarification, in lines 16 through 18, if a structure began as a screened in porch (or other structure) and is renovated to become enclosed with glass or siding, it will continue to be excluded as part of the total floor area for purposes of this Rule?*

*On page 1, lines 36 and 37, please remove the space so that "erosion" is one word.*

*On Page 2, (a)(2)(L), line 23, will the Subparagraph only apply to total floor areas greater than 5,000 feet? All other language in the Rule refers to "greater than or equal to," so did you intend for that language to apply here?*

*Please capitalize "Rule" on lines 28 and 30 on Page 2.*

*On Page 3, line 2, there appears to be an extra space between “June 1,” and “1979.” Please remove the space if it exists.*

*In (a)(4), I believe the sentence should read, “If neither a primary nor frontal dune exists in the AEC...”*

*On Page 3, line 16, I do not believe “common law” should be hyphenated.*

*On line 18, insert a comma after “public accessways”*

*In (a)(8) on Page 3, where you use “Section”, do you mean Section .0300 of Subchapter 07H? “Beach fill” is defined in Rules .0305 and .0312, so I assume that’s what you intend to encompass?*

*The sentence on lines 28 through 35 is rather lengthy. It would be benefit from being broken up into two sentences, if that is possible.*

*On line 31, Page 3, I believe it should read, “set forth in Subparagraphs (1) and (2)(A)”*

*Please insert a comma after “this Paragraph” on line 31.*

*On line 34, I recommend replacing “as well as” with “and”*

*I am confused by the language in Subparagraph (a)(8). On line 35, you state that a static line exception will allow development greater than 5000 feet. Subparagraph (a)(8)(b) on the next page states that if the request is approved, then the total floor area of the building can be no greater than 2500 square feet. What is meant by “floor area” in this context?*

*In Paragraph (b), I take it your regulated public knows what is meant by “adversely affect the integrity of the dune”?*

*In Paragraph (b), lines 23-25, I recommend breaking up the sentence into two sentences, ending the first sentence after “impracticable” on line 24. I’d begin the next sentence “Any disturbance...”*

*In Paragraph (c), the development cannot cause “irreversible” damage. But does that mean it can cause damage to the historic architectural or archaeological resources?*

*Does your regulated public know what “other sources” are referenced on line 28?*

*Please replace the commas with semicolons on Page 5, lines 1 and 2.*

*I take it that “DCM” on line 5 means “Division of Coastal Management” as set forth in Rule .0503 of the Subchapter?*

*I recommend rewriting the sentence on line 4 to state, “In order to be issued any permit for development in the ocean hazard AECs, the applicant shall send the Division written acknowledgment that the applicant is aware of the risks associated with development in this hazardous area and the limited suitability of the area for permanent structures.”*

*In Paragraph (j), line 11, does your regulated public know what “essential accessories” are?*

*In Paragraph (j), line 12, to what does “in these cases” refer to? All relocations, just those relocations made with non-public funds, or septic tanks?*

*I believe you could rewrite the sentence in Paragraph (k), lines 15 through 17 as, “Any such structure shall be relocated or dismantled within two years of the time it becomes imminently threatened, collapses or subsides.”*

*On line 18, when you state recovery or renourishment “takes place”, does this mean is completed or agreed to? Or is there no real time difference between the two in practice?*

*On line 19, I take it “this condition” means being imminently threatened?*

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 .0312

**DEADLINE FOR RECEIPT: Friday, August 9, 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.

*On the Submission for Permanent Rule Form, please verify the date of certification by OSBM. The Notice of Text stated March 2, 2013, but it appears the certification was issued March 1. Please also check the box "Local funds affected"*

*On line 4, is there a technical reason for using "emplacement" rather than "placement"? Is this the term generally used by your regulated public?*

*Given other language within the Rule, I think "beach fill" on line 4 should be in quotation marks to be consistent with other terms. [See Sub-Item (1)(h), line 19]*

*Beginning in Sub-Item (a)(1)(a), you are now referring to "maintained" navigation channels. Since this will no longer be just the federal or state government doing the maintenance, who will be doing this? I take it your regulated public knows, but I do not, so I wanted to ask.*

*I take it your regulated public knows what the "active nearshore, beach or inlet shore system" is? (Lines 10-11)*

*Throughout the Rule, you state "number (#)." (For example, see line 17, which states "five (5)") Generally, Rules do not state numbers twice like that. Is there a reason that your agency feels it is important to state the same number twice? (Please note, this comment does not apply to stating units of measurement as feet and meters in parenthesis.)*

*On Page 1, line 23, I believe "on" should be "of", so the reference reads "North American Vertical Datum of 1988"*

*In (1)(d), as I understand it, the applicant must take at least one sample from nine sites (where present): 1) frontal dune; 2) frontal dune toe; 3) mid berm; 4) mean high water; 5) mid tide; 6) mean low water; 7) trough; 8) bar crest; and 9) EITHER even depth increments from 6 feet to 20 feet OR 2400 feet seaward of mean low water, whichever is*

*in a more landward position. Is this correct? I think this would be easier to read if it was further subdivided, but that is just a suggestion.*

*In (1)(e), is there any sediment that will be equal to or greater than 76 millimeters? Is this what is contemplated in Sub-Item (1)(h)? If so, does (1)(h) need to be amended on line 14 to state “greater than or equal to three...”*

*I am not a mathematician, so I have a very basic question about the determination of the grand mean in (1)(g). In (1)(f), the grand mean is determining by summing the mean for each transect and dividing by the total number of transects. In (1)(g), the grand mean is calculated by summing the percentage by weight for each transect and dividing by the total number of transects. Given that my entire knowledge of “grand mean” comes from the Internet, I thought it was the “mean of the mean of several subsamples.” I am sure that your formula makes sense to regulated folks, but I would appreciate a quick explanation of this.*

*In Sub-Item (1)(g) and elsewhere where you discuss beaches with fill activities undertaken before the effective date of the Rule, I assume you need to keep this language in the Rule for determining appropriate action for future fill projects. Is this correct?*

*Remove the “have” on line 20, Sub-Item (1)(i).*

*In Sub-Item (2)(b), will the characterization be provided by the Division upon request? How does the applicant get it?*

*On Page 3, Sub-Item (2)(c), I’m a bit confused by the language in the sentence on lines 2 through 4. Do you mean the component shall also provide 100 percent of the US Army Corps of Engineers standards? Is “provide” the correct verb here, or should it be “follow” or something similar?*

*I recommend breaking the sentence on page 3, lines 4 – 9, into two sentences. Put a period at the end of “Management.” Begin the next sentence “Seafloor imaging...”*

*Under what circumstances will the Division decide to not require the imaging, as set forth in Sub-Items (2)(c) and (d)? Is it when the imaging cannot be done at all for practical reasons?*

*Beginning on Page 3, lines 10 and 11, you’ve already abbreviated the North American Vertical Datum of 1988 and 1983 [in Sub-Item(1)(c)]. Do you believe you need to repeat the full name here and later in the Rule to avoid confusion of the regulated public?*

*Your new language on lines 18 and 19 of Page 3 state “nearshore, beach, or inlet shoal...” In other places, such as Page 4, lines 1 and 5, state, “nearshore, beach or inlet shoal...” I’d like to have this language be consistent throughout the Rule. Please change the language to be consistent. I’d prefer the latter (without the comma after “beach”), but my understanding of serial commas is that either will do.*

*On Page 4, line 7, capitalize “Rule.”*

*On Page 4, line 10, please insert a comma after “(3 meters)”*

*In Sub-Item (2)(e), Page 3, line 14, I take it the applicant will know the expected dredge or excavation depths for the pending permit applications?*

*Sub-Items (3)(b) and (c) seem out of place in this part of the Rule. Item (3) sets forth the criteria for determining compatibility, and (3)(b) and (c) state that certain uses of sediment are not even considered beach fill projects. It seems that this language would be better suited to stand alone as its own Item.*

*In (3)(e), line 17, please remove the "<" before "less than 4.76 millimeters."*

*In Sub-Item (3)(f), should the weight of gravel be "greater than or equal to 4.76 millimeters and less than 76 millimeters." to be consistent with Sub-Item (1)(e), or is that not the intended use of the term "gravel" here?*

*In Item (3), I take it you intended to amend the determinations of sediment type set forth in Sub-Item (1)(e)? What is the reason those determinations are combined here?*

*In Sub-Item (3)(h), will the Division evaluate these techniques on one-on-one basis to ensure that the beach fill project is consistent with state policy per G.S. 113A-102? To make sure the technique will make the soil compatible? What is the purpose of this evaluation?*

*In Sub-Item (4)(d), are you saying that after a beach fill project is completed with this material, the Division may determine that material is incompatible? Please clarify.*

*In your History Note, it appears you inadvertently changed a citation to 113A-229 from 113-229. There is no 113A-229; please change it back to the correct citation.*

*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: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0303

**DEADLINE FOR RECEIPT: Friday, August 9, 2013**

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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.

*On the Submission for Permanent Rule Form, you checked that state funds were affected. However, this is not reflected in the Notice of Text nor the fiscal note. I believe this was an errant check, but please confirm no state funds are affected and amend the form as needed.*

*Please insert spaces after the comma and the western coordinate on line 9 (both places).*

*Please remove the period after "35.40834 N," on line 16.*

*I believe you need to change the reference on line 18 to "76.96702 W" by removing the comma in the coordinates and inserting a period.*

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: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0355

**DEADLINE FOR RECEIPT: Friday, August 9, 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 insert "and" at the end of line 6.*

*I realize the "new" language in (a)(3)(D) is existing language moved from (a)(2)(B). However, I wanted to make sure that your regulated public knows what the "appropriate markers" on line 28 are and that they are not moved without rulemaking to set the zone.*

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: N.C. STATE HEARING AID DEALERS AND FITTERS BOARDS

RULE CITATION: 21 NCAC 22A .0401

**DEADLINE FOR RECEIPT: FRIDAY, AUGUST 9, 2013**

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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 am curious. Why didn't you put this new "definitions and interpretations" rule as the next number in existing section .0300 rather than in a new section .0400?*

*In (b) line 8 please change "adopted" to "incorporated" to be consistent with the language in G.S. 150B-21.6.*

*In that same line and the next line please change "in accordance with G.S. 150B-14(b)," to "and does not include subsequent amendments or editions of the referenced materials." You will also need to specify the date for the CFR part you are incorporating.*

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: N.C. STATE HEARING AID DEALERS AND FITTERS BOARDS

RULE CITATION: 21 NCAC 22A .0501

### **DEADLINE FOR RECEIPT: FRIDAY, AUGUST 9, 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 (4) please delete "by examination" since there is no other license application method or fee listed.*

*In (8)(a) line 15 please change "within 60 days" to "60 days or fewer." I also believe it would look and read better if you inserted a dash, colon or some other separation between "late fee" and "60 days . . . ."*

*It seems to me that in (11), (12) and (13) the language "not to exceed xx days" is unnecessary since that is statutorily mandated.*

*Since you are deleting former item (8) it seems that G.S. 93D-6 is no longer needed as authority.*

*Please correct the history note to show the recodification from Subchapter 22B.*

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: N.C. STATE HEARING AID DEALERS AND FITTERS BOARDS

RULE CITATION: 21 NCAC 22A .0503

**DEADLINE FOR RECEIPT: FRIDAY, AUGUST 9, 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 review 26 NCAC 02C .0108(9), the OAH rule concerning the formatting of numbers, and make the following corrections:*

*In (b) line 28 change "ten" to "10"*

*In (b) line 30 change "tenth" to "10<sup>th</sup>" and "ten" to "10"*

*In (d) line 36 change "ten (10)" to "10"*

*In (e) page 2 line 40 change "twenty (20)" to "20"*

*In (b) line 29 delete the comma following "days."*

*In (b) line 30 change "will" to "shall."*

*In (b) there is no mention of any obligation on the part of the board to specify that the board will inform the applicant of how an application is incomplete. It seems to me that this should be done and I'm going to recommend an objection on the basis of ambiguity. At the least you need to provide the starting or ending time for the 10 days and make it clear whether that 10 days is in addition to the 10 days after the board receives the application and marks it "deny" rather than "abandoned by the applicant." When you read my staff opinion you should understand that I believe the problem with this portion of the rule is that it is not sufficiently detailed about the procedures surrounding the application process.*

*In (c) is there any other way that the board could receive the application 45 days prior to the examination date that are not "45 consecutive days?" Unless there is please delete "consecutive."*

*In (c) line 35 the rule states that a late or untimely application is "grounds" for denying admission to an examination. That implies that each late application is judged individually about whether to admit the applicant to the examination. However, if the practice of the board is to deny admission in all cases and the board does not make any exceptions to that policy then please rewrite that sentence and make it clear that a late application shall result in a denial to sit for the next scheduled examination.*

*The line numbers are supposed to start over again on each new page.*

*In (d) line 37 either change “calendar” to “consecutive” or delete the term.*

*In (d), page 2 line 38, please delete the comma following “examination.” And I don’t think the comma after “rule,” at the end of that line is necessary either.*

*In (e) page 2 line 40 delete “calendar.” Generally speaking a “day” means any day of the week. If you wished to eliminate weekends and holidays from the count you would specify “business days.”*

*In (e) line 41 I believe it would be better to delete the commas following “apprentice,” and “examination.” I believe the comma following “certificate,” in line 42 is unnecessary as well.*

*In (f) reference is made to the “application deadline.” What is the application deadline and where is it found? Is this the same deadline as in (c) that could result in denying an applicant admission to the exam? If so then it seems to me that you should put both of the possible outcomes together, either in the same paragraph or as one paragraph following the 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: N.C. STATE HEARING AID DEALERS AND FITTERS BOARDS

RULE CITATION: 21 NCAC 22F .0107

### **DEADLINE FOR RECEIPT: FRIDAY, AUGUST 9, 2013**

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*The submission form states that this rule establishes or increases a fee in block 7. I do not see any fee in this rule. Please correct the form.*

*In (a) line 5 the rule states that the exam results will be mailed to the applicant's "physical" address. Should that not be "mailing" address just as it is for the Registered Sponsor in (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: N.C. BUILDING CODE COUNCIL

RULE CITATION: 2012 NC FIRE CODE – 503.2.1 DIMENSIONS. FIRE APPARATUS  
ACCESS (121210 Item B-5)

**DEADLINE FOR RECEIPT: FRIDAY, AUGUST 9, 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 the "Exception" please change "and/or" to "or."*

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