

26 NCAC 05 .0112 WAIVER

- (a) The Commission in open session may waive any rule for which no specific waiver provision is set out.
- (b) Any person or agency requesting a waiver shall do so in writing and shall set out the specific rule for which a waiver is requested and the reasons justifying such a waiver.
- (c) Any person desiring a waiver of the Commission's rules shall submit a copy of the request to the rulemaking coordinator for the agency proposing a rule at the same time and in the same manner as the submission to the RRC.
- (d) The factors to be used in deciding whether to waive a rule are:
 - (1) the necessity for a waiver;
 - (2) the amount of notice given to the Commission and its staff, the agency proposing the rule, and interested parties;
 - (3) the applicant's responsibility for the conditions creating the need for a waiver;
 - (4) the applicant's previous requests for a waiver;
 - (5) the applicant's knowledge of or experience with the rulemaking process;
 - (6) the precedential value of such a waiver;
 - (7) the harm to the applicant if a waiver is not granted;
 - (8) the harm to the agency if a waiver is granted when the agency is not the applicant.

History Note: Authority G.S. 143B-30.1;
Eff. August 1, 2008.