

26 NCAC 05 .0107 WITHDRAWAL OR AMENDMENT OF RULES AFTER FILING WITH RRC

- (a) An agency shall not withdraw a rule after filing with the RRC and before review by the RRC when:
- (1) the rule is a readoption; or
 - (2) the staff recommendation to object to the rule applies to existing language.
- (b) An agency shall make no changes to any rule after filing with the RRC and before review by the RRC except:
- (1) in response to a request for technical changes from the RRC or from the RRC staff; or
 - (2) after notifying RRC staff of the changes in writing, identifying each change, and providing an explanation for each change.
- (c) Following the posting of a staff recommendation to object to a rule on the OAH website, the agency shall submit no further changes to the rule before review by the RRC, except:
- (1) where staff has not recommended objection pursuant to G.S. 150B-21.9(a)(1) or G.S. 150B-21.9(a)(4);
 - (2) the agency's rulemaking coordinator makes a written representation to RRC staff that any changes made are intended to remedy identified ambiguities or eliminate language that repeats the content of a law, another rule, or a federal regulation; and
 - (3) the agency submits the changes no later than 5:00 p.m. Eastern Time on the Monday immediately preceding the RRC meeting at which the rules subject to the staff recommendation are to be reviewed.

*History Note: Authority G.S. 143B-30.1;
Eff. August 1, 2008;
Amended Eff. June 1, 2023.*