26 NCAC 02C.0111  WAIVER

OAH may waive any rule in this Subchapter that is not statutorily required if an agency submits a written request. Factors OAH shall use in determining whether to grant the waiver are:

(1) degree of disruption to OAH publication and work schedule;
(2) cost to OAH;
(3) degree of benefit to the public;
(4) whether the agency had control over the circumstances that required the requested waiver;
(5) notice to and opposition by the public;
(6) need for the waiver; and
(7) previous requests for waivers submitted from the agency.

History Note:  Authority G.S. 150B-19(6); 150B-21.19;
Eff. April 1, 1997;