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(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;