

1 21 NCAC 39 .0904 is adopted with changes under temporary procedures as follows:

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3 **21 NCAC 39 .0904 WAIVER OR EXTENSION**

4 The Board may waive or extend any rule in this Chapter that is not statutorily required if a certificate holder submits
5 a written request. The Board may also waive or extend any rule in 21 NCAC 39 that is not statutorily required upon
6 its own initiative. Factors the Board shall use in determining whether to grant the waiver or extension are:

- 7 (1) degree of disruption to the Board;
- 8 (2) cost to the Board;
- 9 (3) degree of benefit to the public;
- 10 (4) whether the requesting party had control over the circumstances that required the requested waiver
11 or extension;
- 12 (5) notice to and opposition by the public;
- 13 (6) need for the waiver or extension; and
- 14 (7) previous requests for waivers or extensions submitted from the requesting party.

15 (b) The Board may waive any rule in this Chapter that is not statutorily required upon its own initiative during a
16 disaster declaration by the President of the United States or the Governor, a national emergency declaration by the
17 President of the United States, or a state of emergency declaration issued under G.S. 166A-19.3(19), based on the
18 factors set forth in Paragraph (a)(1), (2), (3), (5) and (6) of this Rule. If the Board wishes to waive a rule, it shall
19 provide notice by posting a link on their website and sending out information to their interested persons mailing list.

20 (c) Any waiver granted by the Board in accordance with this Rule based upon a declared state of emergency shall
21 include a date certain upon which the waiver will expire, not to exceed twelve (12) months from the date that the
22 waiver is granted.

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24 *History Note:* Authority G.S. 90A-74; 150B-19(6);
25 Emergency Adoption Eff. May 20, ~~2020~~, 2020;
26 Temporary Adoption Eff. July 24, 2020.