RRC STAFF OPINION

*Please Note: This communication is either 1) only the recommendation of an RRC staff attorney as to action that the attorney believes the Commission should take on the cited rule at its next meeting, or 2) an opinion of that attorney as to some matter concerning that rule. The agency and members of the public are invited to submit their own comments and recommendations (according to RRC rules) to the Commission.*

AGENCY: NC CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

RULE CITATION: 12 NCAC 09E .0102

RECOMMENDED ACTION:

 Return the rule to the agency for failure to comply with the Administrative Procedure Act

 Approve, but note staff’s comment

X Object, based on:

 Lack of statutory authority

 Unclear or ambiguous

 X Unnecessary

 Failure to adopt the rule in accordance with the APA

Extend the period of review

COMMENT:

*It seems to me that this rule is entirely replicated in 09E .0105(a) and one of these is unnecessary. I would repeal this rule since there is other content in rule 09E .0105.*