

TRANSMITTAL OF RULES ADOPTED

FROM: Energy Facility Site Evaluation Council
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
OLYMPIA 98504

The enclosed rules Permanent rules , being Order No. 103
Emergency rules

relating to (Name of rules or description of subject matter)

Agency Organization and Public Records

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 7200 ① filed with the code reviser
on 10/13/76 ② were regularly adopted as permanent rules of
(date)
this agency at Olympia, WA on 10/25/76 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order,
that the immediate adoption of these rules is necessary for the
preservation of the public health, safety, or general welfare and
that observance of the requirements of notice and opportunity to
present views on the proposed action would be contrary to the
public interest, were regularly adopted as emergency rules of this
agency at _____ on _____ and
(place) (date)
are herewith filed in the office of the code reviser pursuant to
chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter
34.04 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW have been fulfilled.

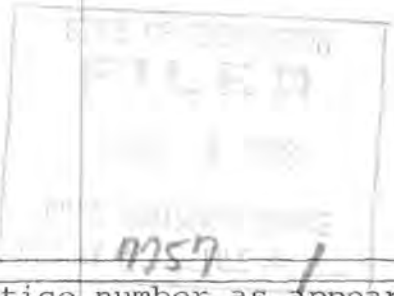
Dated this 3rd day of November 1976.

Energy Facility Site Evaluation Council
(AGENCY)

Roger Polzin

By Roger Polzin
Executive Secretary

Title



① Notice number as appears on the copy of notice returned to you by
reviser's office (if proceedings were continued, use no. of last notice)
② Stamped date as appears on the copy of notice returned to you by
reviser's office (if proceedings were continued, use date of last notice)
③ Unless a later date is specified in this order or is prescribed in
another statute, rules are effective 30 days after filing:
RCW 34.04.040. Leave this space blank except in such special cases.
[Order 9, filed 9/25/74, eff. 10/25/74] [Form CR-2: Rev. 9/21/74]

Resolution No. 103

WHEREAS, the Energy Facility Site Evaluation Council has promulgated a notice of intent to adopt, amend or repeal rules concerning Agency Organization and Public Records; and


WHEREAS, notice of such proposed adoption, amendment or repeal was contained in Notice No. 6144 filed September 8, 1976, with the Code Reviser's office and continued by Notice No. 7200 filed October 13, 1976, with the Code Reviser's office;

NOW THEREFORE BE IT RESOLVED by the Energy Facility Site Evaluation Council that WAC 463-08-015, 463-20-010, 463-20-020, 463-20-030, 463-20-040, 463-20-050, 463-20-060, 463-20-070, 463-20-080, 463-20-090, 463-20-100, 463-20-110, and 463-20-111, 463-20-120, 463-20-130 are each hereby repealed; and

BE IT FURTHER RESOLVED by the Energy Facility Site Evaluation Council that the rules listed on Exhibit "A" attached hereto, and by this reference made a part hereof, concerning Agency Organization and Public Records are hereby approved and adopted as permanent rules of the Energy Facility Site Evaluation Council;

BE IT FURTHER RESOLVED by the Energy Facility Site Evaluation Council that this resolution and annexed regulations, after first being recorded in the Order Register, of the Energy Facility Site Evaluation Council, shall be forwarded to the Code Reviser for filing pursuant to RCW 34.04.

Dated this 25th day of October 1976.

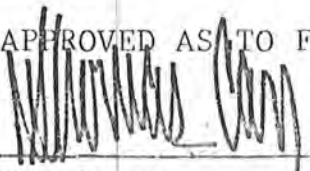


Keith Sherman, Chairman

ATTEST:



Roger Polzio
Executive Secretary

APPROVED AS TO FORM:


Tom Carr
Assistant Attorney General

GENERAL--ORGANIZATION--PUBLIC RECORDS

1
2 WAC 463 ORGANIZATION OF THIS TITLE. This title (Title 463)
3 contains the regulations by which the Energy Facility Site Evaluation
4 Council (hereafter, the Council) functions under state and federal
5 law.

6 Chapter 463-06 contains general informational provisions relating
7 to agency operation and public records handling which are required
8 by the state administrative procedure act and state laws relating to
9 public records.

10 Chapter 463-10 contains definitions of terms used throughout this
11 title.

12 Chapter 463-14 sets forth a number of significant policy and
13 interpretive provisions relating to the scope and application of ch.
14 80.50 RCW and these rules.

15 Chapter 463-18 deals with procedures for the conduct of business
16 at regular and special Council meetings.

17 Chapter 463-22 sets forth procedures to be followed when a
18 request for a potential site study is submitted under RCW 80.50.175.

19 Chapter 463-26 sets forth procedues governing the public hearings
20 referred to in RCW 80.50.090(1), (2), and (4).

21 Chapter 463-30 contains procedural provisions governing contested
22 case hearings held purusant to RCW 80.50.090(3).

23 Chapter 463-34 outlines procedures for rule-making and for
24 obtaining declaratory rulings from the Council.

25 Chapter 463-38 contains procedure and guidelines relating to
26 issuance of permits to discharge pollutants into Washington waters
27 pursuant to federal law.

28 Chapter 463-42 embodies Council procedures and guidelines gov-
29 erning preparation of applications for energy facility site certifi-
30 cation.

31 Chapter 463-46 contains guidelines relating to infromation which
32 may have to be included in an application for site certification
33 pursuant to the state environmental policy act.

1 Chapter 463-50 defines guidelines for the use of independent
2 consultants pursuant to RCW 80.50.070 and RCW 80.50.175.

3 Chapter 463-54 sets forth procedures and guidelines for perfor-
4 mance of surveillance monitoring by the Council pursuant to RCW 80-
5 .50.040(11).

6
7 WAC 463-06- DESCRIPTION OF ORGANIZATION. (1) The voting
8 membership of the Council consists of the authorized representatives
9 of the member agencies listed in RCW 80.50.030. In addition, a
10 voting county representative and a nonvoting port district represen-
11 tative may sit with the Council under the circumstances described in
12 RCW 80.50.030.

13 (2) The chairman of the Council is the director of the state
14 energy office, or such deputy or assistant director as the director
15 has designated. The chairman is nonvoting.

16 (3) The Council has an Executive Secretary. The Executive
17 Secretary and all members of the Council staff are officed at the
18 Council office.

19
20 WAC 463-06- COUNCIL OFFICE--BUSINESS HOURS. The Council
21 office is located at 820 East Fifth Avenue, Olympia, Washington. It
22 is open each day for the transaction of business from 8:00 a.m. to
23 5:00 p.m., Saturdays, Sundays, and legal holidays excepted. Notices,
24 applications, business correspondence, or other communication should
25 be sent to the Council office.

26
27 WAC 463-06- BI-MONTHLY MEETING. Regular meetings of the
28 Council are held on the second and fourth Mondays of each month.

29
30 WAC 463-06- GENERAL METHOD BY WHICH OPERATIONS ARE CON-
31 DUCTED. In general, the Council reaches major policy and opera-
32 tional decisions through formal Council action at regular and
33 special meetings. In some circumstances, the chairman may perform

1 duties which are specifically authorized by the Council. Day-to-
2 day administration is handled by the Executive Secretary and staff.

3
4 WAC 463-06- PUBLIC RECORDS AVAILABLE. All public records of
5 the Council are available for public inspection and copying at the
6 Council office pursuant to ch. 42.17 RCW and these rules, except as
7 otherwise provided by RCW 42.17.310 or any superseding law.

8
9 WAC 463-06- PUBLIC RECORDS OFFICER. The Council's public
10 records officer is the Executive Secretary. He is responsible for
11 implementation of these and other applicable regulations regarding
12 public records. Correspondence regarding public records is to be
13 addressed to the public records officer.

14
15 WAC 463-06- CONTENTS OF REQUESTS FOR PUBLIC RECORDS. Public
16 records may be inspected and copied by members of the public when a
17 request is made in writing which reflects the following information:

- 18 (1) name of the person requesting the records; and
19 (2) the day on which the written request was prepared or submit-
20 ted; and
21 (3) the nature of the request (to the extent that this may expe-
22 dite compliance); and
23 (4) if the matter requested is indexed, an appropriate index
24 reference; or
25 (5) if the requested matter is not identifiable by reference to
26 the current index, an adequate description of the record requested;
27 and
28 (6) a prominent statement that the request is being made pur-
29 suant to chapter 42.17 RCW and these regulations.

30
31 WAC 463-06- STAFF ASSISTANCE. It is the obligation of the
32 staff to assist requestors in identifying the public record requested.
33 Staff members who are dealing with requests will make a sincere

1 effort to respond to each initial request within two working days of
2 first receipt.

3
4 WAC 463-06- RECORD OF REQUESTS MAINTAINED. A record of
5 requests for public records shall be maintained at the Council
6 office which shall reflect the date received and whether or not the
7 request was granted, in addition to other information deemed rele-
8 vant by the Council.

9
10 WAC 463-06- FEES FOR COPYING. No fees are charged for
11 inspection of public records. Requestors will be charged a fee not
12 to exceed 25 cents per page of copy for use of the Council's copy
13 equipment in cases where no significant staff time is taken up with
14 the request. In cases where significant staff time is taken up
15 with the request, copying costs shall include the cost of said staff
16 time. Charges for costs of providing records shall be submitted and
17 paid prior to delivery of documents; provided that this advance pay-
18 ment requirement shall not be required of other government agencies
19 or parties or intervenors in proceedings before this Council.

20
21 WAC 463-06- DETERMINATION OF EXEMPT STATUS. Determination
22 whether a requested record is exempt under the provisions of RCW
23 42.17.310 will be made in each instance.

24
25 WAC 463-06- DELETION OF IDENTIFYING DETAILS. Identifying
26 details will be deleted by the Council in cases where disclosure of
27 such details would be an invasion of privacy under the laws of the
28 State of Washington. Written justification by the Council for
29 deletions will always accompany furnished records where deletions
30 have been made.

31
32 WAC 463-06- WRITTEN DENIALS. All denials of requests are
33 by written statement specifying the reasons for denial, including,

1 where appropriate, a reference to the specific exemption and a brief
2 explanation as to how the exemption applies to the record withheld.

3
4 WAC 463-06- REVIEW OF DENIALS. Any person is entitled to
5 review of a public record request denial if written request for
6 review is promptly made. The request should specifically refer to
7 the written statement constituting the denial. Any such written
8 request is to be promptly referred to the Executive Secretary of the
9 Council who shall either affirm or reverse the denial. The Executive
10 Secretary may, in his discretion, request a special meeting of the
11 Council to review the denial if such action is requested in writing
12 and is otherwise warranted.

13
14 WAC 463-06- TIME FOR COMPLETION OF REVIEW. When a written
15 request for review of a denied public record request is made, a
16 final decision will be made and written response will be given to
17 the requestor within two business days. If the written request for
18 review is submitted at the Council office substantially simultaneous
19 with initial denial, then review shall be completed within two busi-
20 ness days thereafter. If the initial request and denial are made
21 through the mail, then review shall be completed within two busi-
22 ness days after receipt of the written request for review. The
23 review period cited above may be extended only as necessary and for
24 good cause. Where a request for Council review at a regular or
25 special meeting is granted, review shall be complete on Council
26 action.

27
28 WAC 463-06- RECORDS INDEX. The Council maintains an index
29 of those classes of records described in RCW 42.17.260 which is
30 available for public inspection and copying.

NEW

WAC 463-06-010 ORGANIZATION OF THIS TITLE. This title (Title 463) contains the regulations by which the Energy Facility Site Evaluation Council (hereafter, the Council) functions under state and federal law.

Chapter 463-06 contains general informational provisions relating to agency operation and public records handling which are required by the state administrative procedure act and state laws relating to public records.

Chapter 463-10 contains definitions of terms used throughout this title.

Chapter 463-14 sets forth a number of significant policy and interpretive provisions relating to the scope and application of ch. 80.50 RCW and these rules.

Chapter 463-18 deals with procedures for the conduct of business at regular and special Council meetings.

Chapter 463-22 sets forth procedures to be followed when a request for a potential site study is submitted under RCW 80.50.175.

Chapter 463-26 sets forth procedues governing the public hearings referred to in RCW 80.50.090(1), (2), and (4).

Chapter 463-30 contains procedural provisions governing contested case hearings held pursuant to RCW 80.50.090(3).

Chapter 463-34 outlines procedures for rule-making and for obtaining declaratory rulings from the Council.

Chapter 463-38 contains procedure and guidelines relating to issuance of permits to discharge pollutants into Washington waters pursuant to federal law.

Chapter 463-42 embodies Council procedures and guidelines governing preparation of applications for energy facility site certification.

Chapter 463-46 contains guidelines relating to information which may have to be included in an application for site certification pursuant to the state environmental policy act.

Chapter 463-50 defines guidelines for the use of independent consultants pursuant to RCW 80.50.070 and RCW 80.50.175.

Chapter 463-54 sets forth procedures and guidelines for performance of surveillance monitoring by the Council pursuant to RCW 80.50.040(11).

NEW

WAC 463-06-020 DESCRIPTION OF ORGANIZATION. (1) The voting membership of the Council consists of the authorized representatives of the member agencies listed in RCW 80.50.030. In addition, a voting county representative and a nonvoting port district representative may sit with the Council under the circumstances described in RCW 80.50.030.

(2) The chairman of the Council is the director of the state energy office, or such deputy or assistant director as the director has designated. The chairman is nonvoting.

(3) The Council has an Executive Secretary. The Executive Secretary and all members of the Council staff are officed at the Council office.

NEW

WAC 463-06-030 COUNCIL OFFICE--BUSINESS HOURS. The Council office is located at 820 East Fifth Avenue, Olympia, Washington. It is open each day for the transaction of business from 8:00 a.m. to 5:00 p.m., Saturdays, Sundays, and legal holidays excepted. Notices, applications, business correspon-

dence, or other communication should be sent to the Council office.

NEW WAC 463-06-040 BI-MONTHLY MEETING. Regular meetings of Council are held on the second and fourth Mondays of each month.

NEW WAC 463-06-050 GENERAL METHOD BY WHICH OPERATIONS ARE CONDUCTED. In general, the Council reaches major policy and operational decisions through formal Council action at regular and special meetings. In some circumstances, the chairman may perform duties which are specifically authorized by the Council. Day-to-day administration is handled by the Executive Secretary and staff.

NEW WAC 463-06-060 PUBLIC RECORDS AVAILABLE. All public records of the Council are available for public inspection and copying at the Council office pursuant to ch. 42.17 RCW and these rules, except as otherwise provided by RCW 42.17.310 or any superseding law.

NEW WAC 463-06-070 PUBLIC RECORDS OFFICER. The Council's public records officer is the Executive Secretary. He is responsible for implementation of these and other applicable regulations regarding public records. Correspondence regarding public records is to be addressed to the public records officer.

NEW WAC 463-06-080 CONTENTS OF REQUESTS FOR PUBLIC RECORDS. Public records may be inspected and copied by members of the public when a request is made in writing which reflects the following information:

- (1) name of the person requesting the records; and
- (2) the day on which the written request was prepared or submitted; and
- (3) the nature of the request (to the extent that this may expedite compliance); and
- (4) if the matter requested is indexed, an appropriate index reference; or
- (5) if the requested matter is not identifiable by reference to the current index, an adequate description of the record requested; and
- (6) a prominent statement that the request is being made pursuant to chapter 42.17 RCW and these regulations.

NEW WAC 463-06-090 STAFF ASSISTANCE. It is the obligation of the staff to assist requestors in identifying the public record

requested. Staff members who are dealing with requests will make a sincere effort to respond to each initial request within two working days of first receipt.

NEW WAC 463-06-100 RECORD OF REQUESTS MAINTAINED. A record of requests for public records shall be maintained at the Council office which shall reflect the date received and whether or not the request was granted, in addition to other information deemed relevant by the Council.

NEW WAC 463-06-110 FEES FOR COPYING. No fees are charged for inspection of public records. Requestors will be charged a fee not to exceed 25 cents per page of copy for use of the Council's copy equipment in cases where no significant staff time is taken up with the request. In cases where significant staff time is taken up with the request, copying costs shall include the cost of said staff time. Charges for costs of providing records shall be submitted and paid prior to delivery of documents; provided that this advance payment requirement shall not be required of other government agencies or parties or intervenors in proceedings before this Council.

NEW WAC 463-06-120 DETERMINATION OF EXEMPT STATUS. Determination whether a requested record is exempt under the provisions of RCW 42.17.310 will be made in each instance.

NEW WAC 463-06-130 DELETION OF IDENTIFYING DETAILS. Identifying details will be deleted by the Council in cases where disclosure of such details would be an invasion of privacy under the laws of the State of Washington. Written justification by the Council for deletions will always accompany furnished records where deletions have been made.

NEW WAC 463-06-140 WRITTEN DENIALS. All denials of requests are by written statement specifying the reasons for denial, including, where appropriate, a reference to the specific exemption and a brief explanation as to how the exemption applies to the record withheld.

NEW WAC 463-06-150 REVIEW OF DENIALS. Any person is entitled to review of a public record request denial if written request for review is promptly made. The request should specifically refer to the written statement constituting the denial. Any such written request is to be promptly referred to the Executive Secretary of the Council who shall either affirm or

reverse the denial. The Executive Secretary may, in his discretion, request a special meeting of the Council to review the denial if such action is requested in writing and is otherwise warranted.

NEW

WAC 463-06-160 TIME FOR COMPLETION OF REVIEW. When a written request for review of a denied public record request is made, a final decision will be made and written response will be given to the requestor within two business days. If the written request for review is submitted at the Council office substantially simultaneous with initial denial, then review shall be completed within two business days thereafter. If the initial request and denial are made through the mail, then review shall be completed within two business days after receipt of the written request for review. The review period cited above may be extended only as necessary and for good cause. Where a request for Council review at a regular or special meeting is granted, review shall be complete on Council action.

NEW

WAC 463-06-170 RECORDS INDEX. The Council maintains an index of those classes of records described in RCW 42.17.260 which is available for public inspection and copying.

REP

WAC 463-08-015, 463-20,010, 463-20-020, 463-20-030, 463-20-040, 463-20-050, 463-20-060, 463-20-070, 463-20-080, 463-20-090, 463-20-100, 463-20-110, 463-20-111, 463-20-120, and 463-20-130 are each hereby repealed.