

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL
State of Washington

Energy Facility Site Evaluation Council
(name of governing body)

Energy Facility Site Evaluation Council
(agency name, if applicable)

Resolution No. _____

Administrative Order No. 82-1

(1) Be it resolved by the Energy Facility Site Evaluation Council
acting at Olympia, Washington
(place)

that it does promulgate and adopt the annexed rules relating to:

- WAC 463-30-020 Hearings examiners and panels
- WAC 463-30-030 Use of the term "Council"
- WAC 463-30-040 Hearing examiner designation
- WAC 463-30-320 Proposed Council order or recommendation

(2) **ALTERNATIVE A. Use only for Adoption of Permanent Rules.**

This action is taken pursuant to Notice No. _____ filed with the code reviser on _____. Such rules shall take effect:

- pursuant to RCW 34.04.040(2).
- at a later date, such date being _____.

(2) **ALTERNATIVE B. Use only for Adoption of Emergency Rules.**

We, the Energy Facility Site Evaluation Council, find that an emergency exists and that the foregoing order 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 public interest. A statement of the facts constituting such emergency is: The Council is now in receipt of a new application for site certification of a major energy facility which requires commencing-contested case proceedings within a 60-day period thus necessitating immediate clarification of and consistency in terminology surrounding the Council's legal officers who assist with conduct of these contested case hearings. Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026¹ that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

- (a) This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute.
- (b) This rule is promulgated pursuant to RCW 80.50.040 (1) which directs that the

Energy Facility Site Evaluation Council
(agency)

has authority to implement the provisions of Chapter 80.50 RCW
(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the _____
(agency)
as authorized in RCW _____

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED, January 28, 1982

STATE OF WASHINGTON
FILED

JAN 28 1982

By William L. Fitch
William L. Fitch
Executive Secretary
Title

CODE REVISER'S OFFICE
WSR 80-04-030

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-30-020 ((Hearing examiners)) Council legal officer and panels. The Council may appoint ((a single hearing examiner or)) council legal officers to assist with the conduct of contested case hearings or may appoint a multimember panel of Council members to conduct contested case hearings. Panels may consist of Council members or ((hearing examiners)) council legal officers or both. This shall not preclude the full participation of any other Council member.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-30-030 Use of the term "Council." The term "Council," for purpose of this chapter, shall mean the Council, hearing panel, or (~~hearing examiner~~) council legal officer whichever is appropriate in context.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-30-040 ((Hearing examiner)) Council legal officer designation. An attorney appointed to ((~~fulfill the function of hearing examiner~~)) assist the council under these rules shall be designated ((~~"Administrative Law Judge."~~)) "council legal officer."

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-30-320 Proposed Council order or recommendation. In any case where a contested case proceeding is conducted before a hearing panel or a (~~hearing examiner~~) council legal officer, there shall be prepared a proposed Council order, supported by written findings of fact and conclusions of law, copies of which shall be served upon all parties. The proposed order, findings and conclusions shall be transmitted to the Council. In a site certification proceeding, the proposed Council order shall be designated a Proposed Council Recommendation and shall be styled accordingly.