

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. 82-4

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

that it does adopt the annexed rules relating to:

- WAC 463-30-260 Definition of Issues before Hearing
- WAC 463-30-280 Attendance by Council Members at Prehearing Conferences
- WAC 463-30-295 Orders Regarding Procedures Scheduling and Substantive Issues

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

This action is taken pursuant to Notice No. 82-22-039
filed with the code reviser on 10-29-82. These rules shall take effect:
 thirty days after they are filed with the code reviser 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, _____, find that
an emergency exists and that this 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 the emergency is:

These 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 the agency has complied with the provisions of the Open Public
Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register
Act (chapter 34.08 RCW) in the adoption of these rules.

(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.

STATE OF WASHINGTON
APPROVED AND ADOPTED _____ December 13, 1982

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

DEC 22 1982

CODE REVISER'S OFFICE
WSR 83-01-126

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

WAC 463-30-260 **Definition of issues before hearing.** In all contested case proceedings the issues to be ~~((decided))~~ heard shall be made as precise as possible so that the council may ~~((promptly))~~ expeditiously conduct the hearing on relevant ~~((and))~~ material ~~((matters only))~~ and contested matters. It is the intent of this section and a purpose of prehearing conferences to foster agreement by the parties ~~((to the))~~ regarding issues to be ~~((decided))~~ heard. ~~((In the event of failure of the parties to agree to definition and refinement of the issues for hearing the council may require submission of statements and briefs by the parties defining the principal issues. In any event the council shall define the issues for hearing and may limit the scope of hearing to these predetermined issues.))~~ The council may define specific issues to be heard based upon its own expertise and issues raised by parties in a proposed prehearing order. The proposed prehearing order shall be noted for hearing at which time parties objecting to the limitations of issues shall set forth additional issues and the facts upon which they are based. After a hearing on the prehearing order the council shall issue an order defining the issues for hearing and shall limit the scope of the hearing to those issues. Such order may be modified only by the council on its own initiative or upon motion by a party with good cause shown.

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

WAC 463-30-280 **Attendance by council members at prehearing conferences.** Individual council members may be present ~~((but not))~~ and participate in prehearing conferences.

NEW SECTION

WAC 463-30-295 Orders regarding procedure, scheduling and substantive issues. The council may enter prehearing orders regarding procedure, scheduling and substantive issues which shall control the subsequent course of the proceedings unless modified by subsequent council action on its own motion or motion by a party upon good cause shown.