

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. 87-2

(1) Be it resolved by the Energy Facility Site Evaluation Council

acting at Lacey, Washington

(place)

- that it does adopt the annexed rules relating to: WAC 463-36-010 Council Policy
WAC 463-36-020 Termination
WAC 463-36-030 Request for Amendment
WAC 463-36-040 Amendment Review
WAC 463-36-050 Environmental Impact--Alternatives
WAC 463-36-060 Council Determinations
WAC 463-36-070 Approval by Resolution
WAC 463-36-080 Approval by Governor
WAC 463-36-090 Council Powers

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

This action is taken pursuant to Notice No. WSR 87-19-140

filed with the code reviser on September 23, 1987. These rules shall take effect:

- [X] 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 34.04.026 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.

[X] (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.

APPROVED AND ADOPTED November 9, 19 87

NOV 19 1987

By [Signature] Executive Secretary Title

STATE OF WASHINGTON CODE REVISER'S OFFICE WSR 87-24-006

Chapter 463-36 WAC

PROCEDURE--AMENDING OR TERMINATING A SITE CERTIFICATION AGREEMENT

| | |
|------------|-------------------------------------|
| WAC | |
| 463-36-010 | Council policy. |
| 463-36-020 | Termination. |
| 463-36-030 | Request for amendment. |
| 463-36-040 | Amendment review. |
| 463-36-050 | Environmental impact--Alternatives. |
| 463-36-060 | Council determinations. |
| 463-36-070 | Approval by resolution. |
| 463-36-080 | Approval by governor. |
| 463-36-090 | Council powers. |

NEW SECTION

WAC 463-36-010 COUNCIL POLICY. The council may take such action as may be necessary to protect the public health, safety, and welfare.

NEW SECTION

WAC 463-36-020 TERMINATION. Termination of a site certification agreement (SCA), except pursuant to its own terms, is an amendment of the agreement.

NEW SECTION

WAC 463-36-030 REQUEST FOR AMENDMENT. A request for amendment of an agreement shall be made in writing by a certificate holder to the council. The council will consider the request at the next feasible council meeting. The council will then refer the question to committee for recommendation, determine a schedule for action, or take action upon the request. The council may, if appropriate and required for full understanding and review of the proposal, secure the assistance of a consultant or take other action at the expense of the certificate holder. The council shall hold one or more public hearing sessions upon the request for amendment at times and places determined by the council.

NEW SECTION

WAC 463-36-040 AMENDMENT REVIEW. In reviewing any proposed amendment, the council shall consider whether the proposal is consistent with:

- (1) The intention of the original SCA;
- (2) Applicable laws and rules; and
- (3) The public health, safety, and welfare.

NEW SECTION

WAC 463-36-050 ENVIRONMENTAL IMPACT--ALTERNATIVES. In reviewing whether a proposed amendment is consistent with the public health, safety, and welfare, the council shall consider the short-term and long-term environmental impacts of the proposal. Reasonable alternative means by which the purpose of the proposal might be achieved shall be considered as shall the availability of funding to implement the proposal.

NEW SECTION

WAC 463-36-060 COUNCIL DETERMINATIONS. The council in acting upon a requested amendment may accept the amendment; reject the amendment; or reject the amendment, and state conditions or terms under which the amendment will be reconsidered.

NEW SECTION

WAC 463-36-070 APPROVAL BY RESOLUTION. An amendment which changes a technical provision or requirement within the terms of the SCA, and constitutes no substantial alteration of any provisions of the SCA, and is determined to have no detrimental effect upon the environment, shall be effective upon adoption of a council resolution.

NEW SECTION

WAC 463-36-080 APPROVAL BY GOVERNOR. An amendment which substantially alters the substance of any provision of the SCA or which is determined to have a significant detrimental effect upon the environment shall be effective upon the signed approval of the governor of Washington state.

NEW SECTION

WAC 463-36-090 COUNCIL POWERS. The council has power to initiate proceedings leading to the SCA amendment where it perceives that a certificate may be abandoned or when it deems such action to be appropriate.