

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. 107
Emergency rules

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

Procedures for Rule Making and Declaratory Rulings

(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.

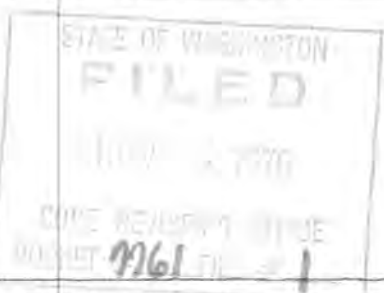
The undersigned hereby certifies that the requirements of chapter
34.04 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW have been fulfilled.

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. 107

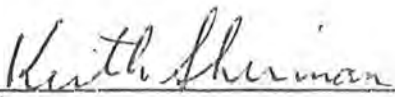
WHEREAS, the Energy Facility Site Evaluation Council has promulgated a notice of intent to adopt, amend or repeal rules concerning Procedures for Rule Making and Declaratory Rulings; and

WHEREAS notice of such proposed adoption, amendment or repeal was contained in Notice No. 6149 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 the rules listed on Exhibit "A" attached hereto, and by this reference made a part hereof, concerning Procedures for Rule Making and Declaratory Rulings, 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 Polzin
Executive Secretary

APPROVED AS TO FORM:



Tom Carr
Assistant Attorney General

1 PROCEDURE--RULE MAKING AND DECLARATORY RULINGS

2

3 WAC 463-34- PURPOSE AND SCOPE OF THIS CHAPTER. This chap-
4 ter sets forth procedures to be followed in rule-making proceedings
5 before the Council and further specifies the manner in which declara-
6 tory rulings may be sought pursuant to ch. 34.04 RCW.

7

8 WAC 463-34- SCOPE OF PETITIONS FOR RULE MAKING. Any
9 interested person may petition the Council for the promulgation,
10 amendment, or repeal of any rule.

11

12 WAC 463-34- PETITIONS FOR RULE MAKING--CONTENTS. Where the
13 petition requests amendment to or promulgation of a rule, the amended
14 or proposed rule must be set out in full. The petition must also
15 include the reasons for the request. Where the petition requests
16 repeal of an existing and identified rule, the reasons for the pro-
17 posed repeal must be set out in the petition.

18

19 WAC 463-34- RULE-MAKING PETITIONS--REQUEST FOR SPECIFIC TIME.
20 Rule-making petitions are to filed at the Council office in time to
21 allow review prior to Council action. The person submitting the peti-
22 tion should also submit a written request for Council consideration
23 of the petition at a specified regular or special meeting.

24

25 WAC 463-34- CONSIDERATION OF PETITION--FURTHER HEARING. All
26 petitions shall be considered by the Council, which may order a
27 hearing for the further consideration and discussion of the requested
28 promulgation, amendment, or repeal of the rule.

29

30 WAC 463-34- DISPOSITION TIME. The Council shall notify the
31 petitioning party within 30 days of the disposition, if any, of the
32 petition.

1 WAC 463-34- PETITIONS FOR DECLARATORY RULINGS--POSSIBLE DIS-
2 POSITION. Any interested person may petition the Council for a
3 declaratory ruling. The Council shall consider the petition and,
4 within a reasonable time:

- 5 (1) Issue a nonbinding declaratory ruling; or
6 (2) Notify the person that no declaratory ruling is to be
7 issued; or
8 (3) Set a reasonable time and place for oral hearing or submis-
9 sion of written evidence upon the matter.

10
11 WAC 463-34- ORAL HEARING. If an oral hearing is conducted on
12 a petition for declaratory ruling, the Council shall, within a reason-
13 able time thereafter:

- 14 (1) Issue a binding declaratory ruling; or
15 (2) Issue a nonbinding declaratory ruling; or
16 (3) Notify the person that no declaratory ruling is to be
17 issued.

18
19 WAC 463-34- DECLARATORY RULING--CONTENTS. Any person peti-
20 tioning for declaratory ruling shall state all legal rules or
21 statutes which may bear upon the petition and shall also state all
22 facts relied upon. If a binding declaratory ruling is sought, then
23 the petition must be subscribed and verified in the manner prescribed
24 for verification of complaints in the superior court of this state.

25
26 WAC 463-34- FORM OF PETITIONS. Petitions contemplated by
27 the provisions of this chapter may be in any legible form so long as
28 they are adequately identified as such and contain the requisite
29 contents. The name, address, and telephone number of the petitioning
30 person are to be set forth in the petition.

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32
33

NEW

WAC 463-34-010 PURPOSE AND SCOPE OF THIS CHAPTER. This chapter sets forth procedures to be followed in rule-making proceedings before the Council and further specifies the manner in which declaratory rulings may be sought pursuant to ch. 34.04 RCW.

NEW

WAC 463-34-020 SCOPE OF PETITIONS FOR RULE MAKING. Any interested person may petition the Council for the promulgation, amendment, or repeal of any rule.

NEW

WAC 463-34-030 PETITIONS FOR RULE MAKING--CONTENTS. Where the petition requests amendment to or promulgation of a rule, the amended or proposed rule must be set out in full. The petition must also include the reasons for the request. Where the petition requests repeal of an existing and identified rule, the reasons for the proposed repeal must be set out in the petition.

NEW

WAC 463-34-040 RULE-MAKING PETITIONS--REQUEST FOR SPECIFIC TIME. Rule-making petitions are to be filed at the Council office in time to allow review prior to Council action. The person submitting the petition should also submit a written request for Council consideration of the petition at a specified regular or special meeting.

NEW

WAC 463-34-050 CONSIDERATION OF PETITION--FURTHER HEARING. All petitions shall be considered by the Council, which may order a hearing for the further consideration and discussion of the requested promulgation, amendment, or repeal of the rule.

NEW

WAC 463-34-060 DISPOSITION TIME. The Council shall notify the petitioning party within 30 days of the disposition, if any, of the petition.

NEW

WAC 463-34-070 PETITIONS FOR DECLARATORY RULINGS--POSSIBLE DISPOSITION. Any interested person may petition the Council for a declaratory ruling. The Council shall consider the petition and, within a reasonable time:

- (1) Issue a nonbinding declaratory ruling; or
- (2) Notify the person that no declaratory ruling is to be issued; or
- (3) Set a reasonable time and place for oral hearing or submission of written evidence upon the matter.

NEW

WAC 463-34-080 ORAL HEARING. If an oral hearing is conducted on a petition for declaratory ruling, the Council shall, within a reasonable time thereafter:

- (1) Issue a binding declaratory ruling; or
- (2) Issue a nonbinding declaratory ruling; or
- (3) Notify the person that no declaratory ruling is to be issued.

NEW

WAC 463-34-090 DECLARATORY RULING--CONTENTS. Any person petitioning for declaratory ruling shall state all legal rules or statutes which may bear upon the petition and shall also state all facts relied upon. If a binding declaratory ruling is sought, then the petition must be subscribed and verified in the manner prescribed for verification of complaints in the superior court of this state.

NEW

WAC 463-34-100 FORM OF PETITIONS. Petitions contemplated by the provisions of this chapter may be in any legible form so long as they are adequately identified as such and contain the requisite contents. The name, address, and telephone number of the petitioning person are to be set forth in the petition.