



**RULE-MAKING ORDER  
(RCW 34.05.360)**

**CR-103 (7/10/97)**

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

**Agency:** Energy Facility Site Evaluation Council

(1) **Date of Adoption** December 8, 1997

(2) **Purpose**

The amendments replace all references to the Council's Executive Secretary with references to the EFSEC manager.

(3) **Citation of existing rules affected by this order:**

**Repealed:**

**Amended:** WAC 463-18-050, WAC 463-30-080, WAC 463-30-120, WAC 463-30-330, WAC 463-30-335

**Suspended:**

(4) **Statutory authority for adoption:** RCW 80.50.040(1)

**Other authority:** RCW 34.05.250

**PERMANENT RULE ONLY (including EXPEDITED ADOPTION)**

Adopted under notice filed as WSR 97-19-059 on 09/15/97 (date).

Describe any changes other than editing from proposed to adopted version:

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

(a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**EXPEDITED REPEAL ONLY**

Under Preproposal Statement of Inquiry filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).

(5.3) **Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes If Yes, explain:

No

(6) **Effective date of rule:**

**Permanent Rules**

**Expedited Rule Making**

31 days after filing

Other (specify)

**Emergency Rules**

Immediately

Later

**NAME (TYPE OR PRINT)**

C. Robert Wallis

**SIGNATURE**

**TITLE**

Acting Chair

**DATE**

12/08/97

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

DEC 12 1997

438

TIME \_\_\_\_\_

WSP 98-01-084

PLV

NOTE: If any category is left blank, it will be calculated as zero.  
No descriptive text.

The number of sections adopted in order to comply with:

Federal statute:	New	Amended	<u>0</u>	Repealed	___
Federal rules or standards:	New	Amended	<u>0</u>	Repealed	___
Recently enacted state statutes:	New	Amended	<u>0</u>	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New \_\_\_ Amended 0 Repealed \_\_\_

The number of sections adopted on the agency's own initiative:

New \_\_\_ Amended 5 Repealed \_\_\_

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New \_\_\_ Amended 0 Repealed \_\_\_

The number of sections adopted using:

Negotiated rule making:	New	Amended	<u>0</u>	Repealed	___
Pilot rule making:	New	Amended	<u>0</u>	Repealed	___
Other alternative rule making:	New	Amended	<u>0</u>	Repealed	___

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-080 Commencement of adjudicative proceedings.**

Adjudicative proceedings shall commence upon issuance of a formal notice of hearing or prehearing conference. The notice shall be served upon all parties at least twenty days in advance of the initial hearing date, unless the council finds that an emergency exists requiring the hearing or prehearing conference to be held upon less notice.

The time and place of continued hearing sessions may also be set:

(1) Upon the record without further written notice to the parties; or

(2) By letter from the (~~executive secretary of the council~~) EFSEC manager; or

(3) By letter from the presiding officer.

In such instances, twenty days' prior notice is not required.

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-120 Filing and service.** (1) Filing. Filing of any document shall be deemed complete only upon receipt by the (~~executive secretary~~) EFSEC manager or other authorized agent of the council. Receipt in the council's telefax machine, or similar device, does not constitute filing. Unless in a particular case the council specifies a different number of copies, every pleading submitted to the council shall be filed with two copies. Filing a document with the council does not constitute service upon the office of the attorney general or any other party. Likewise, service on the office of the attorney general does not constitute a filing with the council.

(a) Applications. Applications for a site certificate shall be filed in the manner prescribed by the rules governing such applications.

(b) Other pleadings. All pleadings shall be legible and a copy shall be served upon each party to the proceeding.

(2) Service.

(a) Service by parties. Service of pleadings by parties shall be made by delivering one copy to each party in person, by mail, properly addressed with postage prepaid, by commercial parcel delivery company properly tendered with fees prepaid, or by telefacsimile transmission, where originals are mailed simultaneously. Except as otherwise provided, when any party has appeared by attorney or other authorized representative, service upon such attorney or representative will be deemed valid service upon the party of all future pleadings before the council. Service

of pleadings by mail shall be complete when a true copy of the document is properly addressed and stamped and deposited in the United States mail. Service by commercial parcel delivery company shall be complete when accepted for delivery by the company.

(b) Service by the council. All notices, findings of fact, decisions, and orders required to be served by the council may be served in person, by mail, by commercial parcel delivery company, properly tendered with fees prepaid, or by telefacsimile transmission, when originals are mailed simultaneously. Service of documents shall be complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail with first class postage affixed, or accepted for delivery by the parcel delivery company.

(c) Certificate of service. There shall appear on the original of every pleading when filed with the council in accordance with this subsection, either an acknowledgment of service, or the following certificate:

"I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by authorized method of service pursuant to WAC 463-30-120 (2) (a).

Dated at . . . . . this . . . . . day of . . . . .  
(signature) . . . . .

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-330 Petition for review and replies.** (1) Any party to an adjudicative proceeding may file a petition for review of an initial order.

(2) The petition for review shall be filed with the (~~executive secretary of the council~~) EFSEC manager within twenty days of the date of service of the initial order unless a different place and time limit for filing the petition are specified in the initial order in its statement describing available procedures for administrative relief. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed.

(3) The petition for review shall specify the challenged portions of the initial order and shall refer to the evidence of record which is relied upon to support the petition.

(4) Any party may file an answer to a petition for review. The answer shall be filed with the (~~executive secretary of the council~~) EFSEC manager within fourteen days after the date of service of the petition and copies of the answer shall be served upon all other parties or their representatives at the time the answer is filed.

AMENDATORY SE LION (Amending WSR 90-05-18, filed 2/13/90,  
effective 3/16/90)

**WAC 463-30-335 Reconsideration.** A petition for  
reconsideration of a final order under RCW 34.05.470 shall be filed  
with the (~~executive secretary of the council~~) EFSEC manager.

AMENDATORY SECTION (Amending Order 105, filed 11/4/76)

**WAC 463-18-050 Special meetings.** A special meeting may be called at any time by the ((~~chairman~~)) chair or by a majority of the members of the council by delivering personally or by mail written notice to each member; and to each local newspaper of general circulation and to each local radio or television station which has on file a written request to be notified of such special meetings of or all special meetings. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the ((~~executive secretary~~)) EFSEC manager a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.