Resolution No. 103

WHEREAS, the Energy Facility Site Evaluation Council has promulgated a notice of intent to adopt, amend or repeal rules concerning Agency Organization and Public Records; and

WHEREAS, notice of such proposed adoption, amendment or repeal was contained in Notice No. 6144 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 WAC 463-08-015, 463-20-010, 463-20-020, 463-20-030, 463-20-040, 463-20-050, 463-20-060, 463-20-070, 463-20-080, 463-20-090, 463-20-100, 463-20-110, and 463-20-111, 463-20-120, 463-20-130 are each hereby repealed; and

BE IT FURTHER 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 Agency Organization and Public Records 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.

[Signature]
Keith Sherman, Chairman

ATTEST:

[Signature]
Roger Polzin
Executive Secretary

APPROVED AS TO FORM:

[Signature]
Tom Carr
Assistant Attorney General
GENERAL--ORGANIZATION--PUBLIC RECORDS

WAC 463 ORGANIZATION OF THIS TITLE. This title (Title 463) contains the regulations by which the Energy Facility Site Evaluation Council (hereafter, the Council) functions under state and federal law.

Chapter 463-06 contains general informational provisions relating to agency operation and public records handling which are required by the state administrative procedure act and state laws relating to public records.

Chapter 463-10 contains definitions of terms used throughout this title.

Chapter 463-14 sets forth a number of significant policy and interpretive provisions relating to the scope and application of ch. 80.50 RCW and these rules.

Chapter 463-18 deals with procedures for the conduct of business at regular and special Council meetings.

Chapter 463-22 sets forth procedures to be followed when a request for a potential site study is submitted under RCW 80.50.175.

Chapter 463-26 sets forth procedures governing the public hearings referred to in RCW 80.50.090(1), (2), and (4).

Chapter 463-30 contains procedural provisions governing contested case hearings held pursuant to RCW 80.50.090(3).

Chapter 463-34 outlines procedures for rule-making and for obtaining declaratory rulings from the Council.

Chapter 463-38 contains procedure and guidelines relating to issuance of permits to discharge pollutants into Washington waters pursuant to federal law.

Chapter 463-42 embodies Council procedures and guidelines governing preparation of applications for energy facility site certification.

Chapter 463-46 contains guidelines relating to information which may have to be included in an application for site certification pursuant to the state environmental policy act.
Chapter 463-50 defines guidelines for the use of independent consultants pursuant to RCW 80.50.070 and RCW 80.50.175.

Chapter 463-54 sets forth procedures and guidelines for performance of surveillance monitoring by the Council pursuant to RCW 80.50.040(11).

WAC 463-06—DESCRIPTION OF ORGANIZATION. (1) The voting membership of the Council consists of the authorized representatives of the member agencies listed in RCW 80.50.030. In addition, a voting county representative and a nonvoting port district representative may sit with the Council under the circumstances described in RCW 80.50.030.

(2) The chairman of the Council is the director of the state energy office, or such deputy or assistant director as the director has designated. The chairman is nonvoting.

(3) The Council has an Executive Secretary. The Executive Secretary and all members of the Council staff are office at the Council office.

WAC 463-06—COUNCIL OFFICE—BUSINESS HOURS. The Council office is located at 820 East Fifth Avenue, Olympia, Washington. It is open each day for the transaction of business from 8:00 a.m. to 5:00 p.m., Saturdays, Sundays, and legal holidays excepted. Notices, applications, business correspondence, or other communication should be sent to the Council office.

WAC 463-06—BI-MONTHLY MEETING. Regular meetings of the Council are held on the second and fourth Mondays of each month.

WAC 463-06—GENERAL METHOD BY WHICH OPERATIONS ARE CONDUCTED. In general, the Council reaches major policy and operational decisions through formal Council action at regular and special meetings. In some circumstances, the chairman may perform
duties which are specifically authorized by the Council. Day-to-day administration is handled by the Executive Secretary and staff.

WAC 463-06-001 PUBLIC RECORDS AVAILABLE. All public records of the Council are available for public inspection and copying at the Council office pursuant to ch. 42.17 RCW and these rules, except as otherwise provided by RCW 42.17.310 or any superseding law.

WAC 463-06-002 PUBLIC RECORDS OFFICER. The Council's public records officer is the Executive Secretary. He is responsible for implementation of these and other applicable regulations regarding public records. Correspondence regarding public records is to be addressed to the public records officer.

WAC 463-06-003 CONTENTS OF REQUESTS FOR PUBLIC RECORDS. Public records may be inspected and copied by members of the public when a request is made in writing which reflects the following information:

(1) name of the person requesting the records; and
(2) the day on which the written request was prepared or submitted; and
(3) the nature of the request (to the extent that this may expedite compliance); and
(4) if the matter requested is indexed, an appropriate index reference; or
(5) if the requested matter is not identifiable by reference to the current index, an adequate description of the record requested; and
(6) a prominent statement that the request is being made pursuant to chapter 42.17 RCW and these regulations.

WAC 463-06-004 STAFF ASSISTANCE. It is the obligation of the staff to assist requestors in identifying the public record requested. Staff members who are dealing with requests will make a sincere
effort to respond to each initial request within two working days of first receipt.

WAC 463-06- RECORD OF REQUESTS MAINTAINED. A record of requests for public records shall be maintained at the Council office which shall reflect the date received and whether or not the request was granted, in addition to other information deemed relevant by the Council.

WAC 463-06- FEES FOR COPYING. No fees are charged for inspection of public records. Requestors will be charged a fee not to exceed 25 cents per page of copy for use of the Council's copy equipment in cases where no significant staff time is taken up with the request. In cases where significant staff time is taken up with the request, copying costs shall include the cost of said staff time. Charges for costs of providing records shall be submitted and paid prior to delivery of documents; provided that this advance payment requirement shall not be required of other government agencies or parties or intervenors in proceedings before this Council.

WAC 463-06- DETERMINATION OF EXEMPT STATUS. Determination whether a requested record is exempt under the provisions of RCW 42.17.310 will be made in each instance.

WAC 463-06- DELETION OF IDENTIFYING DETAILS. Identifying details will be deleted by the Council in cases where disclosure of such details would be an invasion of privacy under the laws of the State of Washington. Written justification by the Council for deletions will always accompany furnished records where deletions have been made.

WAC 463-06- WRITTEN DENIALS. All denials of requests are by written statement specifying the reasons for denial, including,
where appropriate, a reference to the specific exemption and a brief
explanation as to how the exemption applies to the record withheld.

WAC 463-06- REVIEW OF DENIALS. Any person is entitled to
review of a public record request denial if written request for
review is promptly made. The request should specifically refer to
the written statement constituting the denial. Any such written
request is to be promptly referred to the Executive Secretary of the
Council who shall either affirm or reverse the denial. The Executive
Secretary may, in his discretion, request a special meeting of the
Council to review the denial if such action is requested in writing
and is otherwise warranted.

WAC 463-06- TIME FOR COMPLETION OF REVIEW. When a written
request for review of a denied public record request is made, a
final decision will be made and written response will be given to
the requestor within two business days. If the written request for
review is submitted at the Council office substantially simultaneous
with initial denial, then review shall be completed within two busi-
ness days thereafter. If the initial request and denial are made
through the mail, then review shall be completed within two busi-
ness days after receipt of the written request for review. The
review period cited above may be extended only as necessary and for
good cause. Where a request for Council review at a regular or
special meeting is granted, review shall be complete on Council
action.

WAC 463-06- RECORDS INDEX. The Council maintains an index
of those classes of records described in RCW 42.17.260 which is
available for public inspection and copying.