

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

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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.

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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.

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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.

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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.

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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.

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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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