



RULE-MAKING ORDER

CR-103 (Implements RCW 34.05.360)

Agency: Energy Facility Site Evaluation Council

- Permanent Rule**
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

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

- Yes No If Yes, explain:

Purpose: Update and reorganize EFSEC's rules for energy facilities (Title 463) and adopt siting standards. Updates incorporate changes to the APA and SEPA since Title 463 was last updated and incorporation of EFSEC's current procedures and operations. Title 463 was reorganized for ease of use and understanding. Adoption of new siting standards to streamline siting process.

Citation of existing rules affected by this order:

Repealed: 463-06-130, 140, 160; 463-18-030, 040, 060, 070,080; 463-26-040, 070, 080, 120, 130; 463-28-090; 463-36-010; 463-38-020, 030, 040, 050, 060; 463-42-382, 385, 435, 525, 625, 645, 655, 665, 675, 680, 685, 690; 463-47-040; 463-50-020.
 Amended: Chapters: 463-06, 463-10, 463-14, 463-18, 463-22, 463-26, 463-28, 463-30, 463-34, 463-36, 463-38, 463-40, 463-42, 463-43, 463-47, 463-50, 463-54, 463-58.
 Suspended:

Statutory authority for adoption: RCW 80.50.040 (1) and (12)

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 04-13-154 on June 23, 2004 (date).
 Describe any changes other than editing from proposed to adopted version: A sentence was added to WAC 463-62-010, 463-68-010, and 463-72-010 to clarify statement and intent.
 If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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EMERGENCY RULE ONLY

- Under RCW 34.05.350 the agency for good cause finds:
- 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.
 - 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:

Date adopted: October 11, 2004

NAME (TYPE OR PRINT)
James O. Luce

SIGNATURE
/s/

TITLE
EFSEC Chair

CODE REVISER USE ONLY

Code Reviser's Office
 State of Washington
 Filed

October 11, 2004

Time: 3.22 pm
 WSR: 04-21-013

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

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

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

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

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

	New	<u>61</u>	Amended	<u>139</u>	Repealed	<u>43</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>61</u>	Amended	<u>139</u>	Repealed	<u>43</u>
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The number of sections adopted using:

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