



# ENERGY FACILITY SITING COUNCIL

## 2023-2025 EFSC Rulemaking Schedule<sup>1</sup>

Project ID	Subject Matter	Description	Current Status
<b>In Progress</b>			
R184	Protected Areas, Recreation, & Scenic Resources	Review the Protected Areas, Scenic Resources, and Recreation standards and associated rules to ensure that the areas, designations, and resources protected by rules are up to date and that rules are clear and consistent with the Council’s review process.	Proposed Rules
R195	Radioactive Waste Materials	Evaluate rules related to the disposal of materials containing naturally occurring radioactive materials and identify potential updates to OAR 345-050.	Draft Proposed Rules
R211	Application Process Review – Phase 1	Evaluate options to better align the application requirements in OAR 345-020 and 021 with the standards in OAR 345-022 to 345-024 and improve the consistency of rules and the application process. [This is intended only to unify division 15/21.]	Scoping
R204	2022 Site Certificate Amendment Rulemaking	Review OAR 345-027 and associated rules to evaluate the efficacy of rules in providing opportunities for public participation and minimizing adverse economic impacts on certificate holders and address outstanding issues from 2019 rulemaking.	Scoping

<sup>1</sup> For more information about individual projects, please see the staff report for Agenda Item H of the December 16, 2022 Council Meeting, available from: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Council-Meetings.aspx>

## 2023-2025 EFSC Rulemaking Schedule

Project ID	Subject Matter	Description	Stakeholder Engagement
2023			
R195	Radioactive Waste Materials	Evaluate rules related to the disposal of materials containing naturally occurring radioactive materials and identify potential updates to OAR 345-050.	RAC
R223	Standby Generators	Implement HB 2063 (2021) by removing requirements for person proposing to construct a standby generator to request exemption.	
R202	Research Reactors	Update OAR 345-030 to ensure consistency with federal reporting requirements and deadlines. Clarify the process for notification of incidents or conditions relating to the safe operation of a reactor.	Request for Written Advice
R211	Application Process Review – Phase 1	Evaluate options to better align the application requirements in OAR 345-020 and 021 with the standards in OAR 345-022 to 345-024 and improve the consistency of rules and the application process. [This is intended only to unify division 15/21.]	RAC
R194	Historic, Cultural and Archaeological Resources	Evaluate options to encourage early communication between applicants and tribal governments to identify historic, cultural, and archaeological resources early in the application process.	RAC
R214	Contested Cases	Evaluate options to improve clarity in the contested case process and improve consistency with the Attorney General’s Model Rules for Contested Cases under OAR chapter 137 and the Quasi-Judicial Land Use Hearing process used by local governments.	RAC
R204	2022 Site Certificate Amendment Rulemaking	Review OAR 345-027 and associated rules to evaluate the efficacy of rules in providing opportunities for public participation and minimizing adverse economic impacts on certificate holders and address outstanding issues from 2019 rulemaking.	RAC

## 2023-2025 EFSC Rulemaking Schedule

Project ID	Subject Matter	Description	Stakeholder Engagement
<b>2024</b>			
R212	Application Process Review – Phase 2	Evaluate options to better align the application requirements in OAR 345-020 and 021 with the standards in OAR 345-022 to 345-024 and improve the consistency of rules and the application process.	RAC
R185 (REV)	Exemptions	Evaluate potential updates to Council rules governing site certificate exemptions under OAR 345-015-0350 to 345-015-0380.	
R182	General Compliance	Update OAR 345-026-0005 to 345-026-0170 and related rules to better support ongoing compliance activities.	RAC
R221	Financial Assurance and Retirement	Evaluate issues related to the Financial Assurance and Retirement Standard under OAR 345-022-0050 and associated rules.	RAC
<b>2025 OR LATER</b>			
R213	Application Process Review – Phase 3	Evaluate options to better align the application requirements in OAR 345-020 and 021 with the standards in OAR 345-022 to 345-024 and improve the consistency of rules and the application process.	RAC
R201	Geospatial Resources	Consider options to improve Council and Department’s collection and use of geospatial data and resources, including but not limited to, requiring applicants and certificate holders to submit GIS data for energy facilities. In evaluating options, the Department will consider potential costs to applicants and considerations for proprietary information or critical energy infrastructure information.	RAC
R205	Mandatory Conditions in Site Certificates	Review rules in OAR 345-025 to ensure that the mandatory conditions specified by rule are clear, complete, and necessary to be included in each site certificate. Consider allowing flexibility in language to address site specific conditions and circumstances.	RAC

## 2023-2025 EFSC Rulemaking Schedule

Project ID	Subject Matter	Description	Stakeholder Engagement
R216	Natural Hazards Mitigation	This rulemaking project would evaluate whether and how the siting review process can support the goals of the Oregon Natural Hazard Mitigation Plan and implement natural hazard mitigation strategies	RAC

### PENDING 5-YEAR REVIEWS

Project ID	Project Name	Description	Due Date
R204	Amendment of Site Certificates	Complete 5-year review of OAR 345-027-0311 to 345-027-0400	1/28/2025
R183	Solar PV Rules	Complete 5-year review of OAR 345-001-0250	6/20/2025
R207	Safe Public Meetings and Hearings	Complete 5-year review of OAR 345-015-0003	10/23/2025
R195	Radioactive Waste Materials Enforcement	Complete 5-year review of OAR 345-029-0503 to 345-029-0560.	2/26/2026