Attachment A

Process Charts for EFSC Amendment Review Processes
**Existing Standard Process**

**Request for Amendment (RFA)**

**Optional Draft Request for Amendment (dRFA)**

**Request for Amendment (RFA)**

**Dept. Determines:**
- Standard Review, or
- Extended Review

**Comment Period**

**Optional Public Meetings**

**Proposed Order (PO)**

**Applicable to:**
- Later-adopted laws
- Extending construction deadlines
- Adding area to site boundary
- Design, construct or operate differently than site certificate if...
  - “the 3 coulds…”

**Steps:**

0. **Optional Change Request**
   - Yes → **Optional Draft Request for Amendment (dRFA)**
   - No → **STOP**

1. **Request for Amendment (RFA)**

2. **Dept. Determines:**
   - Standard Review, or
   - Extended Review

3. **Comment Period**

4. **Optional Public Meetings**

5. **Proposed Order (PO)**

6. **Comments & Requests for Contested Case**
   - Limited to prior commenters and their prior issues raised.

7a. **Council Considers Contested Case Requests**

8a. **Final Order**
   - Council reviews the record and PO and issues a final order approving or denying the amendment.

8b. **Contested Case**
   - Issuance of Hearing Officer’s Proposed Contested Case Order (PCCO)

9. **Final Order**
   - Council reviews the record and PCCO and issues a final order approving or denying the amendment.
**Version 1 Rules – New Standard Process**

**Applicable to:**
- Later-adopted laws
- Extending construction deadlines
- Adding area to site boundary
- Design, construct or operate differently than site certificate if…
  - “the 3 coulds…”

**Optional Amendment Determination Request (ADR)**

0 → **Yes**

0. **Optional Pre-Amendment Conference (PAC)**
   Req’d for adding area

1 → **1. Preliminary Request for Amendment (pRFA)**

2 → **2. Determination of Completeness (DOC)**

3 → **3. Draft Proposed Order (DPO)**

4 → **Comment Period**
   Public Hearing
   Before Council
   “Raise it or Waive it”

5 → **Proposed Order (PO)**

6 → **Requests for Contested Case**
   Limited to prior commenters and their prior issues raised.

If no CC Requests

7a → **Council Considers Contested Case Requests**

8a or 7b → **8a or 7b**
   **Final Order**
   Council reviews the record and PO and issues a final order approving or denying the amendment.

8b → **Contested Case**
   Issuance of Hearing Officer’s Proposed Contested Case Order (PCCO)

9 → **Final Order**
   Council reviews the record and PCCO and issues a final order approving or denying the amendment.
Applicable to:
- Later-adopted laws
- Extending construction deadlines
- Adding area to site boundary

**Version 2 Rules – New Type II Process**

0. Optional Amendment Determination Request (ADR)
   - Yes
     - Optional Pre-Amendment Conference (PAC)
       - Req’d for adding area
   - No
     - STOP

1. Preliminary Request for Amendment (pRFA)

2. Determination of Completeness (DOC)

3. Draft Proposed Order (DPO)

4. Comment Period
   - Public Hearing
     - Before Council
   - “Raise it or Waive it”

5. Proposed Order (PO)

6. Requests for Contested Case
   - Limited to prior commenters and their prior issues raised.

7a. Council Considers Contested Case Requests

8a or 7b. Final Order
   - Council reviews the record and PO and issues a final order approving or denying the amendment.

8b. Contested Case
   - Issuance of Hearing Officer’s Proposed Contested Case Order (PCCO)

9. Final Order
   - Council reviews the record and PCCO and issues a final order approving or denying the amendment.
Applicable to:
Design, construct or operate differently than site certificate if...
- Could result in a significant adverse impact not addressed...
- Could impair the certificate holder’s ability to comply w/ a condition
- Could require a new condition

Version 2 Rules – New Type I Process

1. Preliminary Request for Amendment (pRFA)
2. Determination of Completeness (DOC)
3. Draft Proposed Order (DPO)
4. Comment Period
   - Public Hearing
   - Before Council
   - “Raise it or Waive it”
5. Proposed Order (PO)
6. Final Order
   - Council reviews the record and PO and issues a final order approving or denying the amendment.
Existing Transfer Process
(No recommended process changes)

2. Request for Transfer Amendment
3. Written Comment Period
4. Proposed Order (PO)
5. Informational Hearing Before Council
6. Final Order

Approval if Council finds:
• compliance with
  • 345-22-0010,
  • 345-22-0050, and
  • If applicable, 345-024-0710(1);
• transferee is or will be lawfully entitled to possession or control of the site or facility

Emergency Request for Transfer
If special circumstances justify emergency, the Council chair may, upon written request from transferee showing the requirements of Step 6, issue a temporary amended site certificate. Expires as Council orders or upon issuance of a standard transfer order through the standard transfer process.

Applicable to:
• Transfer of ownership of the facility or the site certificate holder

Certificate Holder Notifies Dept.
Request for Transfer Amendment
Written Comment Period
Proposed Order (PO)
Informational Hearing Before Council
Final Order

No rule describing this
No issuance or notice of PO ahead of info. hearing

Certificate Holder Notifies Dept.