



# ENERGY FACILITY SITING COUNCIL

## 2021-2023 Rulemaking Schedule

Project ID	Subject Matter	Description	Method for Obtaining Advice <sup>1</sup>
<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.	TBD
R195	Radioactive Waste Materials Enforcement	Evaluate the current regulatory landscape and body of evidence related to the disposal of materials containing naturally occurring radioactive materials and identify potential updates to the Council’s rules under OAR 345-050.	RAC
<b>2021</b>			
R211	Application Process Review – Phase 1 (NEW)	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
R191	Trojan ISFSI Compliance	Review OAR 345-026-0300 to 345-026-0390 and other rules related to the Trojan Independent Spent Fuel Storage Installation to ensure rules are up to date and address the terms and technical specifications of PGE’s renewed Special Nuclear Materials license issued by the Nuclear Regulatory Commission in Aug. 2019.	Request for Written Advice
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

<sup>1</sup> Note that regardless of what method is used to obtain advice on proposed rules, a formal public comment period will take place after issuance of the Notice of Proposed Rulemaking.

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Project ID	Subject Matter	Description	Method for Obtaining Advice <sup>1</sup>
R215	Wildfire Prevention and Response (NEW)	Evaluate whether the Council should adopt standards or requirements related to wildfire prevention, preparedness, or response as part of the siting review process.	RAC
R185	Exemptions from Site Certificate	Evaluate potential updates to OAR 345-015-0350 to 345-015-0380 to address several outstanding policy questions regarding Council's authority to place conditions on a determination that a facility is exempt from the requirement to obtain a site certificate under ORS 469.320, including clarification of Council's authority to grant an exemption with conditions, and monitoring and reporting requirements for exempt facilities.	RAC
<b>2022</b>			
R212	Application Process Review – Phase 2 (NEW)	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
R204	2022 Amendment Rulemaking	Review OAR 345-027 and associated rules to evaluate the efficacy of permanent rules in providing opportunities for public participation and minimizing adverse economic impacts on certificate holders and address outstanding issues from 2019 rulemaking.	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.	Public Workshop
R183	General Compliance	Update OAR 345-026-0005 to 345-026-0170 and related rules to better support ongoing compliance activities.	RAC
R217	2022 Carbon Monetary Offset Rate Update (NEW)	Update the Monetary Carbon Offset Rate under OAR 345-024-0580 to be address historic increases in offset costs. The rate may be increased by up to 50% as of 7/1/2022 under ORS 469.503(2)(c)(C).	Fiscal Advisory Committee
<b>2023</b>			

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Project ID	Subject Matter	Description	Method for Obtaining Advice <sup>1</sup>
R214	Contested Cases (NEW)	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
R213	Application Process Review – Phase 3 (NEW)	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
R193	Noise Standard	Review how DEQ noise control standards apply to energy facilities and evaluate if Council should consider rule changes to improve clarity and efficiency in verifying compliance for energy facilities.	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
R216	Natural Hazards Mitigation (New)	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
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

## PENDING 5 YEAR REVIEWS

<b>Project ID</b>	<b>Project Name</b>	<b>Description</b>	<b>Due Date</b>
R183	Solar PV Rules	Complete 5-year review of OAR 345-001-0250	Complete by 6/20/2025
R207	Safe Public Meetings and Hearings	Complete 5-year review of OAR 345-015-0003	Complete by 10/23/2025