



ENERGY FACILITY SITING COUNCIL

2022-2024 EFSC Rulemaking Schedule

Project ID	Subject Matter	Description	Current Status
In Progress			
R191	Trojan ISFSI Compliance	Review 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.	Proposed Rules
R218 (NEW)	HB 2064 (EFSC Quorum)	Amend quorum rule to ensure that the Council can implement the new quorum requirement established by HB 2064 when it takes effect on January 1, 2022.	Proposed Rules
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.	Draft 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.	Public Engagement RAC
R215	Wildfire Prevention and Response	Evaluate whether the Council should adopt standards or requirements related to wildfire prevention, preparedness, or response as part of the siting review process.	Public Engagement Workshops
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.	Public Engagement RAC

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Project ID	Subject Matter	Description	Stakeholder Engagement
2022			
R217 (REV)	HB 2021 & 2022 Carbon Monetary Offset Rate Update	Update Carbon Standard to implement requirements of HB 2021 (2021) and complete biennial update of the Carbon Monetary Offset Rate by 7/1/2022.	RAC
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
R185 (REV)	Exemptions & Standby Generators	Evaluate potential updates to Council rules governing site certificate exemptions under OAR 345-015-0350 to 345-015-0380. Implement HB 2063 (2021) by removing requirements for person proposing to construct a standby generator to request exemption.	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
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
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
2023			
R182	General Compliance	Update OAR 345-026-0005 to 345-026-0170 and related rules to better support ongoing compliance activities.	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	RAC

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Project ID	Subject Matter	Description	Stakeholder Engagement
		chapter 137 and the Quasi-Judicial Land Use Hearing process used by local governments.	
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
R221 (NEW)	Retirement and Financial Assurance	Evaluate issues related to the Financial Assurance and Retirement Standard under OAR 345-022-0050 and associated rules.	RAC
R222 (NEW)	Radioactive Materials Transport Fees	Evaluate whether the current fee amounts under OAR 345-060-0006 are adequate to fund the state’s programs to prevent, prepare for, and respond to accidents involving the transport of radioactive material and if updates are needed to incorporate changes to federal safety standards that have occurred since OAR 345-060 was last updated.	RAC
2024 OR LATER			
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
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
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

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PENDING 5-YEAR REVIEWS

Project ID	Project Name	Description	Due Date
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