

**Chapter 335-06 WAC
PUBLIC RECORDS**

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WAC

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WAC 335-06-010 Purpose. The purpose of this chapter is to implement the requirements of sections 25 through 32, chapter 1, Laws of 1973 (RCW 42.17.250 - 42.17.320) relating to public records.

[Statutory Authority: RCW 43.200.070. WSR 84-14-001 (Order 84-2, Resolution No. 84-12), § 335-06-010, filed 6/22/84.]

WAC 335-06-020 Definitions. (1) The terms "person," "public record," and "writing" shall have the meanings as stated in RCW 42.17.020.

- (2) "Board" means the nuclear waste board.
- (3) "Department" means the department of ecology.
- (4) "Director" means the director of the department.
- (5) "Office" means the office of high-level nuclear waste management, a division of the department to which the administration of the board has been delegated.
- (6) "Program director" means the director of the office.
- (7) "Public records officer" means the records manager of the office.
- (8) "Designee" means the employee of the department designated by the program director or the public records officer to serve as the public records officer at the office in the absence of the officer.

[Statutory Authority: RCW 43.200.070. WSR 84-14-001 (Order 84-2, Resolution No. 84-12), § 335-06-020, filed 6/22/84.]

WAC 335-06-030 Description of organization. (1) The office of the board and the program director is located at 5826 Pacific Avenue, Lacey, Washington. The mailing address is:

Office of High-Level Nuclear
Waste Management
Department of Ecology
PV-11
Olympia, Washington 98504

(2) The administrative duties of the board have been delegated to the department, to be conducted through the department's office of high-level nuclear waste management managed by the program director in a memorandum of understanding between the board and the department.

(3) The board functions through regular and special meetings held in accordance with chapter 42.30 RCW and pursuant to bylaws of the board.

[Statutory Authority: RCW 43.200.070. WSR 84-14-001 (Order 84-2, Resolution No. 84-12), § 335-06-030, filed 6/22/84.]

WAC 335-06-040 Public records available. (1) All public records of the board are available for public inspection and copying pursuant to these rules subject to subsections (2), (3), and (4) of this section.

(2) Availability of public records is subject to the exemptions and requirements of RCW 42.17.310.

(3) When a public record includes information the disclosure of which would lead to an unreasonable invasion of personal privacy, and the board becomes aware of this fact, the board shall delete such information before making the record available and shall provide the justification for the deletion in writing.

(4) The board shall, upon request for identifiable public records, make them promptly available to any person. Public records requested may not be readily available for immediate inspection. If the requested records are not readily available, the board shall notify the requester when and where such records will be available.

[Statutory Authority: RCW 43.200.070. WSR 84-14-001 (Order 84-2, Resolution No. 84-12), § 335-06-040, filed 6/22/84.]

WAC 335-06-050 Records index. The indexes developed by the office shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection and shall be available in the library at the office.

[Statutory Authority: RCW 43.200.070. WSR 84-14-001 (Order 84-2, Resolution No. 84-12), § 335-06-050, filed 6/22/84.]

WAC 335-06-060 Requests for public records. (1) All requests for inspection or copying made in person at the office shall be made on a form substantially as follows:

REQUEST FOR PUBLIC RECORDS

Date..... Time.....

Name.....

Address.....

Description of Records:
.....
.....

I certify that lists of names obtained through this request for public records will not be used for commercial purposes.

.....
Signature

Number of copies

Number of pages

Per page charge \$

REQUEST FOR PUBLIC RECORDS

Total charge \$

(2) All requests made in person may be made at the office between the hours of 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

(3) A request for inspection or copying of public records may be made by mail in a letter containing the following information:

(a) The name and address of the person making the request;

(b) The time of day and calendar date on which the person wishes to inspect the public records;

(c) A description of the public records requested;

(d) A statement whether access to copying equipment is desired;

(e) A phone number where the person can be reached in case the public records officer or designee needs to contact the person for further description of the material or any other reason.

(f) A statement that the record will not be used for commercial purposes.

(4) All requests by mail should be received by the office at least three business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting inspection.

(5) The office may in its discretion fill requests made by telephone.

[Statutory Authority: RCW 43.200.070. WSR 84-14-001 (Order 84-2, Resolution No. 84-12), § 335-06-060, filed 6/22/84.]

WAC 335-06-070 Fees. No fee shall be charged for the inspection of public records. For printed, typed, and written material of a maximum size of 8 1/2" by 14", the office shall charge a reasonable fee, determined from time to time by the board, for providing copies of public records and for use of the office's copy equipment, payable at the time copies are furnished. This charge is the amount necessary to reimburse the office for its actual costs incident to such copying and shall not exceed 20 cents per copy. For copies from microfilm, the charge shall not exceed 40 cents per copy. Copies of maps, photos, reports, and other nonstandard items shall be furnished at the regular price established by the board. When other special copy work for nonstandard items is requested, the fee charged will reflect the actual costs incident to such copying.

[Statutory Authority: RCW 43.200.070. WSR 84-14-001 (Order 84-2, Resolution No. 84-12), § 335-06-070, filed 6/22/84.]

WAC 335-06-080 Statement of reason for denial of public records request. When the office refuses, in whole or part, a written request for inspection of any public record, it shall include a statement of the specific exemption authorizing the refusal and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 43.200.070. WSR 84-14-001 (Order 84-2, Resolution No. 84-12), § 335-06-080, filed 6/22/84.]

WAC 335-06-090 Reviews of denial of public records request.

Upon denial of a request for inspection of a public record, in whole or in part, the public records officer or other staff member denying the request shall refer the denial to the program director or his designee for review. The program director or designee shall immediately review the denial and either affirm or reverse the denial. Such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purposes of review. The final decision shall be sent to the person requesting inspection promptly following the decision.

[Statutory Authority: RCW 43.200.070. WSR 84-14-001 (Order 84-2, Resolution No. 84-12), § 335-06-090, filed 6/22/84.]

WAC 335-06-100 Protection of public records. In order to adequately protect the public records of the board, the following guidelines shall be adhered to by any person inspecting such public records:

(1) No public records shall be removed from the office's premises.

(2) Inspection of any public record shall be conducted in the presence of a designated office employee.

(3) No public records may be marked or defaced in any manner during inspection.

(4) Public records, which are maintained in a file or jacket, or chronological order, may not be dismantled except for purposes of copying and then only by the public records officer or designee.

(5) Access to file cabinets, shelves, vaults, and other storage areas is restricted to office personnel, unless other arrangements are made with the public records officer or designee.

[Statutory Authority: RCW 43.200.070. WSR 84-14-001 (Order 84-2, Resolution No. 84-12), § 335-06-100, filed 6/22/84.]