

79.08.277 and 79.08.279. 84-21-038 (Order 435), § 332-52-069, filed 10/11/84.]

**Chapter 332-140 WAC**  
**FOREST PRODUCTS INDUSTRY RECOVERY ACT**  
**OF 1982**

WAC  
332-140-300 Initial deposit rate.

**WAC 332-140-300 Initial deposit rate.** (1) The rate for the initial deposit specified in RCW 79.01.132 and 79.01.204 shall be ten percent of the actual purchase price for lump sum sales and ten percent of the projected purchase price for scale sales, except as follows:

(a) In the case of lump sum sales over five thousand dollars, the initial deposit shall not be less than five thousand dollars.

(b) When the purchaser is a defaulter, the initial deposit shall be twenty-five percent of the purchase price for lump sum sales and twenty-five percent of the projected purchase price for scale sales, subject to subsection (1)(a).

(c) When a sale is assigned to a defaulter, the initial deposit shall be increased to twenty-five percent of the purchase price for lump sum sales and twenty-five percent of the projected purchase price for scale sales, subject to subsection (1)(a).

(2)(a) The purchaser shall certify to the department on the day of the sale in the form prescribed by the department whether the purchaser is a defaulter.

(b) When a sale is assigned, the assignee shall certify to the department in the form prescribed by the department whether the assignee is a defaulter. If the assignee is a defaulter, the assignee shall deposit the additional amount before the assignment is approved by the department.

(3)(a) The increased initial deposit for a defaulter shall remain in effect throughout the term of the sale, except as provided in subsections (3)(b) and (c).

(b) The initial deposit for a defaulter may be reduced to ten percent only if the defaulter has resolved all sales which were offered for bid after January 1, 1982, and were defaulted after September 19, 1984.

(c) The initial deposit may be reduced to ten percent if the defaulter assigns the sale to an assignee who is not a defaulter, but only if the condition in (3)(b) is met by the original purchaser.

(d) If the initial deposit is reduced pursuant to subsection (3)(b) or (c), the excess deposit shall be credited to stumpage or installment payments under the timber sales contract on which the increased deposit was required.

(4) The following definitions apply to this section.

(a) "Assign" means to transfer the rights and duties of a purchaser of a sale to another pursuant to the provisions of the timber sale contract.

(b) "Default" means, in reference to a sale, that the purchaser's operating authority on such sale has expired

without completion of performance or full payment of amounts due, or the department has terminated the sale prior to expiration of the operating period for a breach of contract.

(c) "Defaulter" means a purchaser who (i) defaults on a sale after September 19, 1984, which sale was offered for bid after January 1, 1982, and (ii) has not resolved the defaulted sale.

(d) "Department" means the department of natural resources of state of Washington.

(e) The "operating authority" on a sale refers to the dates stated in the contract during which the purchaser is required to remove the forest products which are the subject of the sale.

(f) "Purchaser" means the purchaser of a sale and any affiliate, subsidiary or parent company thereof. "Affiliate" means a person, corporation or other business entity which is allied with or closely connected to another in a practical business sense, or is controlled or has the power to control the other or where both are controlled directly or indirectly by a third person, corporation or other business entity. "Affiliate" includes a joint venture. "Parent company" shall mean a corporation which owns a controlling interest in another corporation. The corporation whose shares are so owned is a "subsidiary" of the parent company.

Purchasers shall be required, upon request of the department, to produce satisfactory written documentation of the relationship between any two or more persons, corporations or other business entities which they or the department claim should be treated as one purchaser.

(g) "Resolved" in reference to a sale in default means full compliance with the terms of (i) an agreement by the department and the defaulter of all disputed matters arising from the sale or (ii) final disposition by a court including termination of judicial review.

(h) "Timber sale contract," "sale contract," "contract," "timber sale," "sale of timber," and "sale" all mean the sale of and the contract to remove and pay for forest products which have been or are being sold by the department at auction by voice or sealed bid and which had, at time of auction, a minimum appraised value of over twenty thousand dollars. All of the foregoing terms are considered to be synonymous as referred to in these regulations.

(5) The provisions of WAC 332-140-300 shall be deemed to be incorporated into the terms of all timber sales purchased after the effective date of these rules. A violation of these rules shall be deemed a breach of the provisions of the applicable timber sale. [Statutory Authority: RCW 43.30.150 (2) and (6) and 43.30.070. 85-01-066 (Order 438), § 332-140-300, filed 12/18/84.]

**Title 335 WAC**  
**NUCLEAR WASTE BOARD**

**Chapter**  
**335-06**      **Public records.**

Chapter 335-06 WAC
PUBLIC RECORDS

Table with 2 columns: WAC number and Purpose. Includes entries for 335-06-010 through 335-06-100.

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.

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...
(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...

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. 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. 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. 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 \$-----  
 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. 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. 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. 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. 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. 84-14-001 (Order 84-2, Resolution No. 84-12), § 335-06-100, filed 6/22/84.]

## Title 344 WAC OIL AND GAS CONSERVATION COMMITTEE

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