



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

October 11, 1990

Mr. Art Pertile, III
Assistant City Attorney
City of Waco
Legal Services Department
P.O. Box 2570
Waco, Texas 76702-2570

OR90-489

Dear Mr. Pertile:

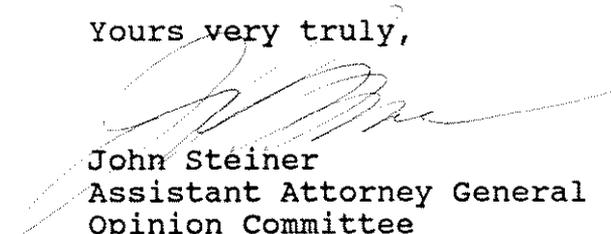
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 8467.

The City of Waco received a request for copies of certain discharge and pre-treatment permits issued by the city to Marathon Battery Co., and for any documents referring to those permits, including discharge monitoring reports, periodic reports, copies of any notices, and formal or informal actions taken against the company or any other related documents. The city claims no exceptions to disclosure of the requested information, however, the city informed Marathon Battery Co. of the request in order to enable the company to raise any objections it might have to release of the information. Marathon Battery Co. claims that certain information is excepted from disclosure under section 3(a)(10) of the act.

A previous determination of this office, Open Records Decision No. 552 (1990), a copy of which is enclosed, resolves your request. As Marathon has asserted a prima facie case that that certain information submitted for our inspection is within the trade secret exception, you may withhold that information. The balance of the requested information must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-489.

Yours very truly,



John Steiner
Assistant Attorney General
Opinion Committee

JS/le

Ref.: ID# 8467, 8606

Enclosure: Open Records Decision No. 552

cc: Julie A. Byers
Legal Assistant
Holme Roberts & Owen
1700 Lincoln, Suite 4100
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