



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

December 31, 1990

Mr. Allen P. Beinke, Jr.  
Executive Director  
Texas Water Commission  
P.O. Box 13087  
Capitol Station  
Austin, Texas 78711-3087

OR90-600

Dear Mr. Beinke:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. These requests were assigned ID#s 9710, 10190, and 10268.

The Texas Water Commission received three open records requests. Each was for its file concerning a different service station owned by Texaco Refining and Marketing, Inc. [Texaco]. The underground storage tank at each station had leaked and each file consists of a site remediation report. Texaco asserts that the files are excepted from required public disclosure based on sections 3(a)(1) and 3(a)(13) of the Open Records Act, the attorney work product privilege under Rule 26(b)(3) of the Federal Rules of Civil Procedure, and the attorney work product, consulting expert, and investigative privileges under Rule 166b.3 of the Texas Rules of Civil Procedure.

The three requests present identical questions; we are, therefore, combining our responses into this one letter. We have considered the exceptions you claimed, and have reviewed the documents at issue. Previous determinations of this office, Open Records Decision Nos. 575 (1990) and 504 (1988), copies of which are enclosed, resolve your requests. For this reason, you must release the files.

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

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published open records decision. If you have questions about this ruling, please refer to OR90-600.

Yours very truly,

  
Kay H. Guajardo  
Assistant Attorney General  
Opinion Committee

KHG/le

Ref.: ID# 9710, 9711, 10268, 10190

Enclosure: Open Records Decision Nos. 575, 504