



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1998

Ms. Margaret Hoffman
Director, Environmental Law Division
Texas Natural Resource
Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

OR98-3294

Dear Ms. Hoffman:

You ask this office to reconsider our decision in Open Records Letter No. 98-2441 (1998). Your request for reconsideration was assigned ID# 121475.

Open Records Letter No. 98-2441, which concerned a request for "all materials prepared during or after July 1997 concerning the Gulf Metals state superfund site a/k/a the Makawa site, located at Makawa and Almeda-Genoa Road in Houston, Harris County, Texas," determined that the Texas Natural Resource Conservation Commission (the "TNRCC") may withhold portions of the requested information from the requestor based on sections 552.107(1) and 552.111 of the Government Code. With regard to five specific documents, which you have resubmitted to this office, you now ask that we reconsider our determination. You have provided additional arguments that the raised exceptions apply to these five documents.

The Open Records Act (the "act") requires a government body seeking to withhold requested information to submit to this office its arguments in a timely manner. Gov't Code §§ 552.301, .302, .303. We do not believe the TNRCC timely submitted its additional arguments against disclosure in this case. Thus, we affirm Open Records Letter No. 98-2441.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Kay Hastings".

Kay Hastings
Deputy Chief
Open Records Division

KHH/mjc

Ref.: ID# 121475

Enclosures: Submitted documents

cc: Mr. Thomas Boyle
Gibson, Dunn & Crutcher, L.L.P.
1717 Main Street, Suite 5400
Dallas, Texas 75201-7390
(w/o enclosures)