



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 19, 1996

Mr. Raymond Dasch  
Superfund Coordinator  
Texas Natural Resource Conservation Commission  
125 E. 11th Street  
Austin, Texas 78701-2483

OR96-2447

Dear Mr. Dasch:

You have asked this office to reconsider its ruling in Open Records Letter No. 95-1221 (1995). We have assigned your request for reconsideration ID# 37518.

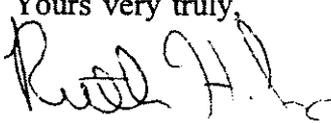
The Texas Natural Resource Conservation Commission (the "TNRCC") received a request for information concerning Voluntary Purchasing Groups, Inc. You had asserted that the information at issue was excepted from disclosure pursuant to sections 552.101, 552.103, and 552.110. We agreed that some of the information at issue could be withheld from disclosure pursuant to section 552.110. We also determined that TNRCC could not withhold the information at issue pursuant to section 552.103(a), because the other party to the litigation had already had access to the records at issue. Further, we advised you that TNRCC had not identified any statute or other law that would make the information at issue confidential under section 552.101 of the Government Code. You have asked this office to reconsider our decision. You submitted to this office for review documents that were originally submitted to this office and additional documents that are responsive to the request but which were not previously supplied to this office.

Included in the information submitted to this office is federal income tax information. This information is made confidential by federal law, *see* Open Records Decision No. 600 (1992) at 8-9, and therefore must be withheld from disclosure. Gov't Code § 552.101 ("information considered to be confidential by law" is not public).

Section 552.103(a) provides that information may be withheld from disclosure if it relates to "litigation of a civil or criminal nature or settlement negotiations" to which the state is a party, when the attorney for the governmental body has determined that the information at issue should be withheld from disclosure. You have shown that the information at issue is related to settlement negotiations. You also assert that disclosure

of the information at issue would have an adverse effect on these settlement proceedings. Thus, you may withhold the information at issue from disclosure pursuant to section 552.103(a).

If you have questions about this ruling, please contact our office.

Yours very truly,  


Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 37518

Enclosures: Submitted documents

cc: Ms. Jean M. Flores  
Guida, Slavich & Flores  
5949 Sherry Lane, Suite 1150  
Dallas, Texas 75225  
(w/o enclosures)

Mr. Robert Tuchman  
Holme, Roberts & Owen  
1700 Lincoln, Suite 4100  
Denver, Colorado 80203  
(w/o enclosures)