



Office of the Attorney General
State of Texas

January 24, 1997

DAN MORALES
ATTORNEY GENERAL

Mr. Peter Gregg
TNRCC Legal Division
P.O. Box 13087
Austin, Texas 78711-3087

OR97-0157

Dear Mr. Gregg:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102526.

You state that the Texas Natural Resource Conservation Commission ("TNRCC") received a request for the air and water permits for the International Paper Company (the "company") in Domino, Texas. The requestor also asked for the codes, rules, and regulations pertaining to air emissions and water permits, and also a list of all "permitted facilities" in Bowie and Cass counties. You assert that information concerning the company is protected from disclosure pursuant to section 552.110 of the Government Code.¹ You also cite to section 552.305 of the Government Code, which provides that when a request for information could involve a person's privacy or property rights, a governmental body may decline to release the information for the purpose of requesting an attorney general's decision.

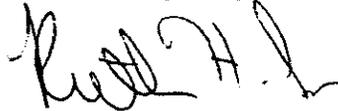
You submitted to this office for review the following documents: (1) a detailed site plan, (2) a written process description and process diagrams, (3) a material balance table, and (4) a cost estimate for a particular project. The information submitted appears to be for a site in Texarkana. As provided by section 552.305, this office provided the company the opportunity to submit reasons as to why the information at issue should be withheld from disclosure. In a letter to this office dated December 11, 1996, the attorney for the company, Mr. Eric G. Johannessen, expressed concern that since the request is for permits for the company's facility in Domino, the submitted information includes documents that are not within the scope of the request. We note that a governmental body is required to provide only information that is responsive to the request for information. Gov't Code § 552.303 ("A governmental body that requests an

¹Since you object to only portions of the request, we assume that you have provided the requestor with the remaining requested information. We note that while TNRCC is not generally required to provide a requestor with information that is commercially available, TNRCC must allow the inspection of information that is made part of, incorporated into, or referred to in a rule or policy. Gov't Code § 552.027.

attorney general decision under this subchapter shall supply to the attorney general, in accordance with Section 552.301, the specific information requested"). As the documents submitted to this office do not appear to be responsive to the request, this office is unable to determine whether any of the requested information is confidential, as the company asserts.

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# 102526

Enclosures: Marked documents

cc: Mr. Eric G. Johannessen
Associate Counsel - Environment, Health, and Safety
International Place I
6400 Poplar Avenue
Memphis, Tennessee 38197
(w/o enclosures)

Ms. Brenda Stevenson
Route 1, Box 6100
Texarkana, Arkansas 71854
(w/o enclosures)