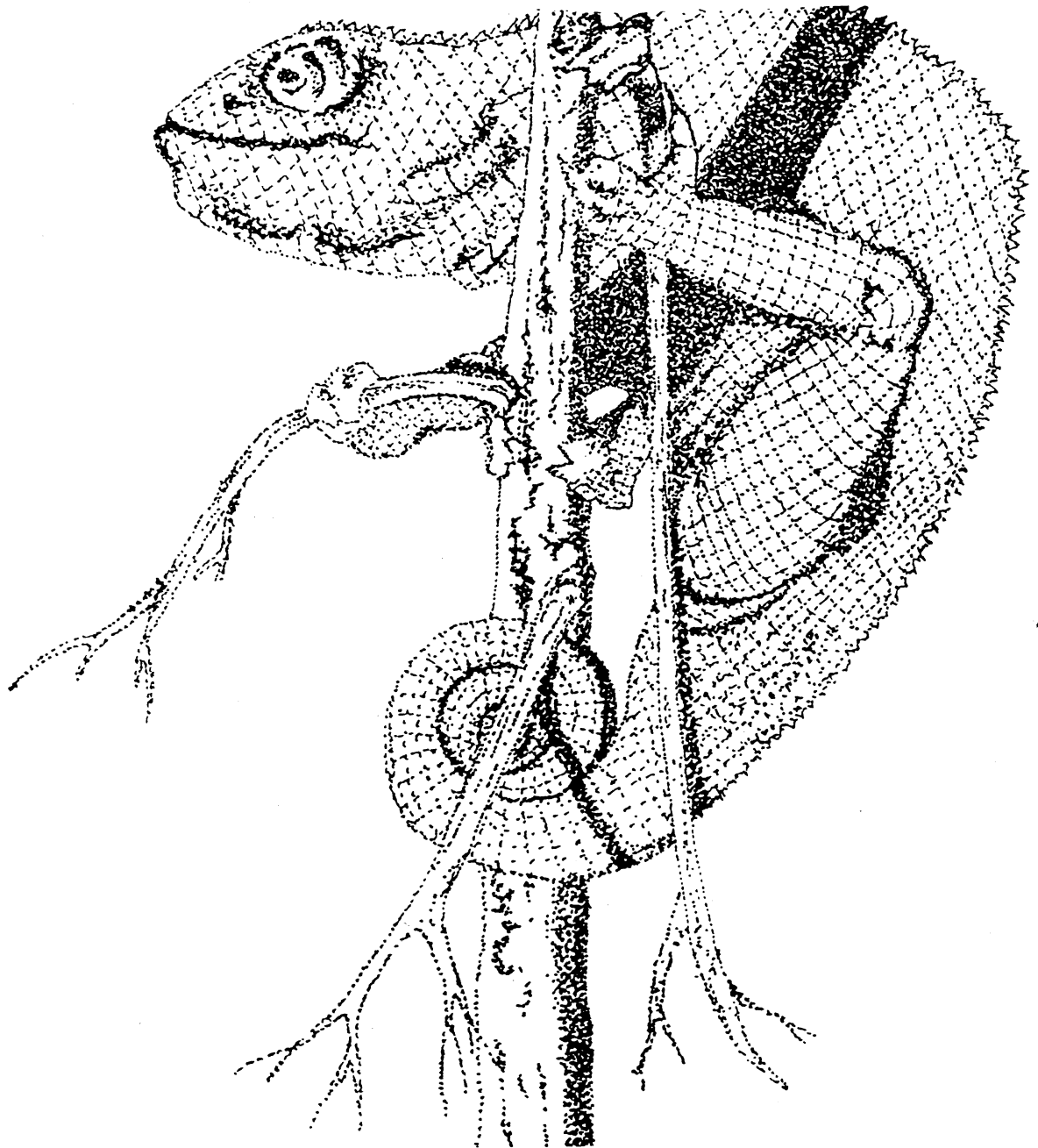

TEXAS REGISTER

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11th Grade

Northbrook Sr. High, SBISD

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OFFICE OF THE ATTORNEY GENERAL

Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042, and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure. Requests for opinions, opinions, and open records decisions are summarized for publication in the *Texas Register*. The attorney general responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the attorney general unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record. To request copies of opinions, phone (512) 462-0011. To inquire about pending requests for opinions, phone (512) 463-2110.

Letter Opinions

LO 97-018 (ID# 39153). Request from The Honorable Michael P. Fleming, Harris County Attorney, 1001 Preston, Suite 634, Houston, Texas 77002, concerning whether Harris County is authorized to install traffic fatality markers in the right-of-way of a county road located in a subdivision that has restrictive covenants limiting the display of signs, and related questions.

Summary Whether Harris County is authorized to install traffic fatality markers in the right-of-way of a county road in a particular subdivision depends upon the terms of the dedication under which the county obtained the right-of-way. Chapter 544 of the Transportation Code does not preclude the county from installing traffic fatality markers in the right-of-way of a county road.

A small Latin cross used as traffic fatality marker and installed in the county right-of-way by the county is distinguishable from the large Latin crosses located in public parks and other publicly-owned places that have been held to violate the Establishment Clause of the First Amendment to the United States Constitution. Although the use of a small Latin cross as a traffic fatality marker is less problematic, the determination whether the installation of Latin crosses or other religious symbols by a county for this purpose violates the Establishment Clause would require a factual inquiry and is therefore beyond the purview of this office.

LO 97-019 (ID# 39292). Request from The Honorable Rodney Ellis, Chair, Senate Jurisprudence Committee, Texas State Senate, P.O. Box 12068, Austin, Texas 78711-2068, concerning whether Property Code §204.010(a)(11), (12) authorizes a property owners' association to foreclose on a homestead in order to collect costs spent by the association to enforce deed restrictions.

Summary To be authorized by Property Code §204.010(11), a cost must relate to violations of the subdivision's restrictions or the property owners' association's bylaws and rules and must be reasonable. Whether a property owners' association may foreclose on a homestead to collect the costs outlined in §204.010(a)(11) will depend upon whether a lien for those costs (i) attached to the property prior to the homestead right and (ii) is the result of a restriction that runs with the land. A claim for costs arising merely by virtue of an action taken by a board of a property owners' association under §204.010(a) does not create a lien that would precede a homestead right dating from before the board's action.

LO 97-020 (ID# 39074). Request from The Honorable Carl E. Lewis, Nueces County Attorney, Nueces County Courthouse, 901 Leopard, Room 206, Corpus Christi, Texas 78401-3680, concerning whether

the reappointment of a municipal judge terminates his tenure even though no other person is appointed to the position.

Summary The rejection of a re-appointment is an "action" within the meaning of §29.005 of the Government Code, and as such, is sufficient to terminate the tenure of a municipal court judge even though a successor is not named within the ninety-one day period.

LO 97-021 (ID# 39079). Request from The Honorable Danny Buck Davidson, Panola County Criminal District Attorney, County Courthouse, 110 South Sycamore, Carthage, Texas 75633, concerning status of county road and bridge employees if a county returns to the ex officio road commissioner system pursuant to subchapter A, Chapter 252, Transportation Code.

Summary Should a county with a population of less than 200,000 decide to change its road administration system from the county road department system described in subchapter D, Chapter 252, Transportation Code to the ex officio road commissioner system of subchapter A, Chapter 252, the road department employees have no legally enforceable expectation of continued employment.

LO 97-023 (ID# 39463). Request from The Honorable Frank Madla, Chair, Senate Nominations Committee, Texas State Senate, P.O. Box 12068, Austin, Texas 78711, concerning whether a person with an ownership interest in a utilization review agent is eligible to serve on the Texas Health Care Information Council as a member under Health and Safety Code §108.003(c)(7).

Summary A person with an ownership interest in a utilization review agent is ineligible to serve on the Texas Health Care Information Council as a member under Health and Safety Code §108.003(c)(7).

LO 97-024 (ID# 39422). Request from The Honorable J. Michael Criswell, Swisher County Attorney, County Courthouse, Tulia, Texas 79088, concerning whether Education Code §45.105 authorizes an independent school district to give monetary awards to graduating seniors who have participated in a drug-testing program and who meet certain other criteria.

Summary Education Code section 45.105(c) does not authorize a school district to use local school funds to give monetary awards to students who participate in a drug-testing program because participation in a drug-testing program is not specifically listed in section 45.105(c) and does not constitute a good or service.

LO 97-025 (ID# 39149). Request from The Honorable Gonzalo Barrientos, Chair, Committee of the Whole on Legislative and Congressional Redistricting, Texas State Senate, P.O. Box 12068, Austin, Texas 78711, concerning municipal court collection of

security fee from a defendant convicted in a trial of a mis-demeanor offense.

Summary A security fee may be collected pursuant to Code of Criminal Procedure, Article 102.017 from a defendant who is "convicted" of an offense as the term "convicted" is defined by article 102.017, whether or not the defendant was convicted in a "trial." Entry of a judgment upon a written plea by mail triggers collection of the security fee from a defendant, but a defendant's appearance in open court at a pre-trial hearing, arraignment, or docket call, absent a conviction, does not.

LO 97-026 (ID# 39163). Request from The Honorable Steven C. Hilbig, Bexar County Criminal District Attorney, Bexar County Justice Center, 300 Dolorosa, Suite 5072, San Antonio, Texas 78205-3030, concerning whether a constable may require a deputy constable, who is on duty, to serve a document entitled "notice to vacate premises" and to charge a fee for serving the notice.

Summary An on-duty constable or deputy constable is without authority to serve a Property Code, section 24.005 "notice to vacate premises." A commissioners court may not authorize an on-duty constable or deputy constable to serve such a notice by purporting to establish a fee for the service under Local Government Code, §118.131.

TRD-9703887

Letter Opinions

LO 97-022 (ID# 38886). Request from The Honorable Tim Curry, Tarrant County Criminal District Attorney, 401 West Belknap, Fort Worth, Texas 76196-0201, concerning whether a member of the executive committee of the Fort Worth Transportation Authority must reside within the boundaries of a member municipality.

Summary The Commissioners Court of Tarrant County is not authorized to appoint a resident of the City of Euless to the executive committee of the Fort Worth Transportation Authority.

LO 97-027 (ID# 39098). Request from Mr. Charles Moser, President, Brazos River Authority, P.O. Box 7555, Waco, Texas 76714-7555, concerning whether an individual may simultaneously occupy the positions of assistant municipal judge and director of a river authority.

Summary A member of the board of directors of the Brazos River Authority may not serve as an assistant municipal judge unless a court finds that the holding of the second office is "of benefit to the State of Texas."

TRD-9703886

Opinions

DM-436 (RQ-927.) Request from The Honorable Gonzalo Barrientos, Chair, Committee on Legislative and Congressional Redistricting, Texas State Senate, P.O. Box 12068, Austin, Texas 78711, concerning whether state may operate an airport for the use of state aircraft and condemn land for that purpose.

Summary The Aircraft Pooling Board is authorized to own and operate an airport for the use of state aircraft. Neither the Aircraft Pooling Board nor the General Services Commission may initiate condemnation proceedings on its own authority. An appropriation for the purpose of acquiring and/or operating an airport may be made only to an agency with express or implied statutory authority to own and/or operate an airport. If the legislature appropriates funds to the Aircraft Pooling Board to acquire an airport for the use of state aircraft, the board could purchase or lease the airport itself or request the governor to purchase the land or initiate condemnation proceedings under section 2204.001 of the Government Code. The decision as to the particular land to be condemned is within the condemnor's absolute discretion, reviewable by the courts only when the condemnor has acted in bad faith or arbitrarily, capriciously, or fraudulently. The legislature probably could not authorize the owner of land proposed for state acquisition to impose a restrictive covenant on the use of the property with a reversionary clause to the owner.

Whether the state may be held liable under Article I, §17 of the Texas Constitution or under the Tort Claims Act for damages that result to private property owners as a result of operations at a state-owned facility must be determined on a case-by-case basis.

Airport property leased by the state to a private entity may be exempt from ad valorem tax if its use is in direct support of the state's operation of the airport. Whether a particular leased facility is exempt from tax depends upon the resolution of fact questions.

TRD-9703888

Request for Opinion

(ID# 39450.) Request from The Honorable Paul Sadler, Texas House of Representatives, P.O. Box 2910, Austin, Texas 78768, concerning Authority of the University Interscholastic League to regulate activities of an independent school district, and related questions.

TRD-9703889

PROPOSED RULES

Before an agency may permanently adopt a new or amended section or repeal an existing section, a proposal detailing the action must be published in the *Texas Register* at least 30 days before action is taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the section. Also, in the case of substantive action, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

Symbology in proposed amendments. New language added to an existing section is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a section.

TITLE 22. EXAMINING BOARDS

Part XXIII. Texas Real Estate Commission

Chapter 537. Professional Agreements and Standard Contracts

Standard Contract Forms

22 TAC §§537.11, 537.20, 537.28-537.32, 537.37, 537.38

The Texas Real Estate Commission proposes amendments to §§537.11, 537.20, 537.28-537.32, 537.37 and 535.38, concerning standard contract forms.

The amendment to §§537.11 would add eight revised forms to the list of standard contract forms promulgated by the commission. Three previously promulgated addendum forms would be deleted from the list, because the sections adopting those forms by reference are being proposed for repeal in connection with the adoption of the revised contract forms. The forms were developed by the Texas Real Estate Broker-Lawyer Committee, a committee of six real estate brokers appointed by the commission and six attorneys appointed by the President of the State Bar of Texas. Licensed real estate brokers and salesmen are generally required to use contract forms promulgated by the commission when negotiating the sale of real property. The eight revised forms are TREC Number 9-3, Unimproved Residential Property Contract; TREC Number 20-3, One-to-Four Family Residential Contract (Resale) All Cash, Assumption, Third-Party Conventional or Seller Financing; TREC Number 21-3, One-to-Four Family Residential Contract (Resale) FHA Insured or VA Guaranteed Financing; TREC Number 23-2, New Home Contract (Incomplete Construction); TREC Number 24-2, New Home Contract (Completed Construction); TREC Number 25-2, Farm and Ranch Contract; TREC Number 30-1, Residential Condominium Contract (Resale) All Cash, Assumption, Third-Party Conventional or Seller Financing; and TREC Number 31-1, Residential Condominium Contract (Resale) FHA In-

sured or VA Guaranteed Financing. The three forms being deleted from the list of promulgated forms are TREC Number 2-4, Property Condition Addendum, TREC Number 27-0, Addendum for Inspection with Right to Terminate, and TREC Number 35-0, Agreement for Mediation.

Provisions in the forms which have been revised include personal property included in the sale, financing terms, title insurance and survey, statutory disclosure requirements, inspections and repairs, notices to the parties, representation and brokers fees, settlement and other expenses, proration of taxes and interest, casualty repairs, dispute resolution, and attorney's fees. A number of nonsubstantive wording changes have been made to make the provisions clearer. The forms have been reprinted in a larger font which makes them easier to read and distinguishes them from the forms currently in use. These actions are necessary to update and standardize the forms used by real estate licensees in negotiating real estate sales.

The amendment to §537.20 adopts by reference form TREC Number 9-3, Unimproved Property Contract, replacing form TREC Number 9-2. The amendment to §537.28 adopts by reference form TREC Number 20-3, replacing form TREC Number 20-2. The amendment to §537.29 adopts by reference form TREC Number 21-3, replacing form TREC Number 21-2. The amendment to §537.30 adopts by reference form TREC Number 23-2, replacing form TREC Number 23-1. The amendment to §537.31 adopts by reference form TREC Number 24-2, replacing form TREC Number 24-1. The amendment to §537.32 adopts by reference form TREC Number 25-2, replacing form TREC Number 25-1. The amendment to §537.37 adopts by reference form TREC Number 30-1, replacing form TREC Number 30-0. The amendment to §537.38 adopts by reference form TREC Number 31-1, replacing form TREC Number 31-0.

Mark A. Moseley, general counsel, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections. Any revenue received by the Texas Real Estate Commission from the sale of copies of the forms would be offset by the costs of making the copies

available. There is no anticipated impact on local or state employment as a result of implementing the section.

Mr. Moseley also has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections will be the availability of standardized contract forms for use in real estate transactions. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed sections other than the cost of the forms, estimated at \$5.00 per pad of 50 copies.

Comments on the proposal may be submitted to Mark A. Moseley, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

The amendment and new sections are proposed under Texas Civil Statutes, Article 6573a, §16(e), which authorize the Texas Real Estate Commission to adopt rules requiring real estate brokers and salesmen to use contract forms which have been prepared by the Texas Real Estate Broker-Lawyer Committee and promulgated by the Texas Real Estate Commission.

The proposed sections affect Texas Civil Statutes, Article 6573a, §16.

§537.11. Use of Standard Contract Forms.

(a) [Standard Contract Form TREC No. 2-4 is promulgated for use as an addendum only to another promulgated standard contract form.] Standard Contract Form TREC No. 9-3 [9-2] is promulgated for use in the sale of unimproved property where intended use is for one to four family residences. Standard Contract Form TREC No. 10-2 is promulgated for use as an addendum concerning sale of other property by a buyer to be attached to promulgated forms of contracts. Standard Contract Form TREC No. 11-3 is promulgated for use as an addendum to be attached to promulgated forms of contracts which are second or "back-up" contracts. Standard Contract Form TREC No. 12-1 is promulgated for use as an addendum to be attached to promulgated forms of contracts where there is a Veterans Administration release of liability or restoration entitlement. Standard Contract Form TREC No. 13-1 is promulgated for use as an addendum concerning new home insulation to be attached to promulgated forms of contracts. Standard Contract Form TREC No. 15-2 is promulgated for use as a residential lease when a seller temporarily occupies property after closing. Standard Contract Form TREC No. 16-2 is promulgated for use as a residential lease when a buyer temporarily occupies property prior to closing. Standard Contract Form TREC No. 20-3 [20-2] is promulgated for use in the resale of residential real estate where there is all cash or owner financing, an assumption of an existing loan, or a conventional loan. Standard Contract Form TREC No. 21-3 [21-2] is promulgated for use in the resale of residential real estate where there is a Veterans Administration guaranteed loan or a Federal Housing Administration insured loan. Standard Contract Form TREC No. 23-2 [23-1] is promulgated for use in the sale of a new home where construction is incomplete. Standard Contract Form TREC No. 24-2 [24-1] is promulgated for use in the sale of a new home where construction is completed. Standard Contract Form TREC No. 25-2 [25-1] is promulgated for use in the sale of a farm or ranch. Standard Contract Form TREC No. 26-2 is promulgated for use as an addendum concerning seller financing. [Standard Contract Form TREC No. 27-0 is promulgated for use as an addendum to be attached to promulgated forms of contracts where there is an inspection with

a right to terminate.] Standard Contract Form TREC No. 28-0 is promulgated for use as an addendum to be attached to promulgated forms of contracts where reports are to be obtained relating to environmental assessments, threatened or endangered species, or wetlands. Standard Contract Form TREC No. 29-0 is promulgated for use as an addendum to be attached to promulgated forms of contracts where an abstract of title is to be furnished. Standard Contract Form TREC No. 30-1 [30-0] is promulgated for use in the resale of a residential condominium unit where there is all cash or seller financing, an assumption of an existing loan, or a conventional loan. Standard Contract Form TREC No. 31-1 [31-0] is promulgated for use in the resale of a residential condominium unit where there is a Veterans Administration guaranteed loan or a Federal Housing Administration insured loan. Standard Contract Form TREC No. 32-0 is promulgated for use as a condominium resale certificate. Standard Contract Form TREC No. 33-0 is promulgated for use as an addendum to be added to promulgated forms of contracts in the sale of property adjoining and sharing a common boundary with the tidally influenced submerged lands of the state. Standard Contract Form TREC Form No. 34-0 is promulgated for use as an addendum to be added to promulgated forms of contracts in the sale of property located seaward of the Gulf Intracoastal Waterway. [Standard Contract Form No. 35-0 is promulgated for use as an addendum to be added to promulgated forms of contracts as an agreement for mediation.] Standard Contract Form TREC Form No. 36-0 is promulgated for use as an addendum to be added to promulgated forms in the sale of property subject to mandatory membership in an owners' association. Standard Contract Form TREC Form No. 37-0 is promulgated for use as a resale certificate when the property is subject to mandatory membership in an owners' association.

(b)-(h) (No change.)

§537.20. Standard Contract Form TREC No. 9-3 [9-2].

The Texas Real Estate Commission adopts by reference standard contract form TREC No. 9-3 [9-2] approved by the Texas Real Estate Commission in 1997 [1993]. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

§537.28. Standard Contract Form TREC No. 20-3 [20-2].

The Texas Real Estate Commission adopts by reference standard contract form TREC No. 20-3 [20-2] approved by the Texas Real Estate Commission in 1997 [1993]. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

§537.29. Standard Contract Form TREC No. 21-3 [21-2].

The Texas Real Estate Commission adopts by reference standard contract form TREC No. 21-3 [21-2] approved by the Texas Real Estate Commission in 1997 [1993]. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

§537.30. Standard Contract Form TREC No. 23-2 [23-1].

The Texas Real Estate Commission adopts by reference standard contract form TREC No. 23-2 [23-1] approved by the Texas Real Estate Commission in 1997 [1993]. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

§537.31. Standard Contract Form TREC No. 24-2 [24-1].

The Texas Real Estate Commission adopts by reference standard contract form TREC No. 24-2 [24-1] approved by the Texas Real Estate Commission in 1997 [1993]. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

§537.32. Standard Contract Form TREC No. 25-2 [25-1].

The Texas Real Estate Commission adopts by reference standard contract form TREC No. 25-2 [25-1] approved by the Texas Real Estate Commission in 1997 [1993]. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

§537.37. Standard Contract Form TREC No. 30-1 [30-0].

The Texas Real Estate Commission adopts by reference standard contract form TREC No. 30-1 [30-0] approved by the Texas Real Estate Commission in 1997 [1994]. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

§537.38. Standard Contract Form TREC No. 31-1 [31-0].

The Texas Real Estate Commission adopts by reference standard contract form TREC No. 31-1 [31-0] approved by the Texas Real Estate Commission in 1997 [1994]. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on March 18, 1997.

TRD-9703738

Mark A. Moseley

General Counsel

Texas Real Estate Commission

Earliest possible date of adoption: April 17, 1997

For further information, please call: (512) 465-3900

◆ ◆ ◆
22 TAC §§537.13, 537.34, 537.42

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Real Estate Commission or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Real Estate Commission proposes the repeal of §§537.13, 537.34 and 537.42, concerning standard contract forms. These sections adopt by reference standard contract addendum forms which are promulgated for use by Texas real estate licensees. The repeals are proposed in connection with revisions of the other contract forms promulgated by the commission. If the revised contract forms are adopted by the commission, the addenda would no longer be necessary; because their subjects would be addressed in the revised forms.

Section 537.11 concerns the Property Condition Addendum, form TREC No. 2-4, a contract addendum providing for the inspection of a property for termites and items in need of repair. Section 537.34 concerns the Addendum for Inspection with Right to Terminate, form TREC No. 27-0, an addendum permitting the buyer to inspect the property with a right to terminate the contract within a stated period. Section 537.42

concerns the Agreement for Mediation, form TREC No. 35-0, an addendum obligating the parties to submit disputes to mediation before litigation.

Mark A. Moseley, general counsel, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals. There is no anticipated impact on local or state employment as a result of implementing the repeals.

Mr. Moseley also has determined that for each year of the first five years the repeals as proposed are in effect the public benefit anticipated as a result of enforcing the repeals will be the availability of standardized contract forms for use in real estate transactions. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed repeals.

Comments on the proposal may be submitted to Mark A. Moseley, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

The repeals are proposed under Texas Civil Statutes, Article 6573a, §16(e), which authorize the Texas Real Estate Commission to adopt rules requiring real estate brokers and salesmen to use contract forms which have been prepared by the Texas Real Estate Broker-Lawyer Committee and promulgated by the Texas Real Estate Commission.

The proposed repeals affect Texas Civil Statutes, Article 6573a, §16.

§537.13. Standard Contract Form TREC No. 2-4.

§537.34. Standard Contract Form TREC No. 27-0.

§537.42. Standard Contract Form TREC No. 35-0.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on March 18, 1997.

TRD-9703737

Mark A. Moseley

General Counsel

Texas Real Estate Commission

Earliest possible date of adoption: April 17, 1997

For further information, please call: (512) 465-3900

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part XX. Edwards Aquifer Authority

Chapter 701. Filing and Processing of Permit Applications

The Edwards Aquifer Authority (the "Authority") proposes to amend Subchapters A - H, and proposes new Subchapters I - K. The affected proposed new sections include: §§701.6-701.9, 701.148, 701.171-701.176, 701.191-701.196, and 701.211-701.221. The proposed amended sections include: §§701.1,

701.3-701.5, 701.15, 701.21, 701.34, 701.53, 701.55, 701.74, 701.75-701.77, 701.92, 701.99, 701.100, and 701.121. The Authority also proposes to repeal the following sections: §§701.16-701.18, 701.31, and 701.101.

The proposed, amended, new, and repealed sections are based on the authority found in §§1.08, 1.11, and 1.14 through 1.20 of the Edwards Aquifer Authority Act, Chapter 626, 73d Legislature, Regular Session (1993) (the "Act"). The Legislature created the Authority pursuant to the conservation amendment of the Texas Constitution, Article 16, §59, which makes the protection and conservation of underground water and all other natural resources of the State of Texas both public rights and public duties. Section 1.08(a) of the Act grants the Authority all the powers, rights and privileges necessary to manage, conserve, preserve, and protect the Edwards Aquifer (the "Aquifer"), and to increase the recharge of and prevent the waste and pollution of water in the Aquifer. The section also confers upon the Authority all the rights, powers, privileges, authority, functions and duties provided by the Conservation Amendment and the general law of the state including Chapter 36 of the Texas Water Code.

Section 1.11 of the Act provides the Authority with the authority to adopt rules necessary to carry out the Authority's powers and duties. The reasons and explanations for the proposed actions of the Authority are set forth in following paragraphs.

The Authority proposes to amend Subchapter A, concerning General Provisions, by adding new definitions to §701.1, and by moving all the definitions contained in §701.31, Additional Definitions, to §701.1. The reason is to consolidate all definitions in a single article. The Authority also proposes to repeal §701.31. The added definitions are "emergency permit", "term permit", and "well construction permit." An "emergency permit" is a permit which authorizes the withdrawal and use of Aquifer water to prevent the loss of life or to prevent severe, imminent threats to the public health or safety. This definition is based on and is consistent with §1.20 of the Act. A "term permit" is an interruptible permit which authorizes withdrawal and use of Aquifer water for any period up to ten years. This definition is based on and is consistent with §1.19 of the Act. A "well construction permit" is a permit which authorizes drilling, completing, or altering the size of a well or the size of the well pump. This definition clarifies the term set forth in §1.15(b) of the Act, and is consistent with rules pertaining to well permits under §36.113, Water Code.

The Authority proposes to amend §701.3 describing the types of permits which may be issued by the Authority by adding a new paragraph (1), describing an "initial determination permit", which is an initial regular permit issued contingent upon the final determination as to all applications for initial regular permits and the proportional reduction required by §1.16 of the Act. The existing subsections are renumbered (2) through (5).

The Authority proposes to amend §701.4, concerning the forms of the applications to make a grammatical change which substitutes the word "must" for the word "shall."

The Authority proposes to amend §701.5, Fees, by changing the name of the section to "Filing Fee"; by combining the text of the existing subsection (b) into subsection (a); and by creating a new subsection (b) providing that all permit holders

will be assessed an aquifer management fee set by the board and that permits are issued contingent upon payment of the management fee. The purpose is to incorporate the aquifer management fee authorized by §1.29(b) of the Act and to assure payment of these fees.

The Authority proposes to further amend Subchapter A, concerning General Provisions, by adding new §§701.6 - 701.9. Proposed new §701.6, relating to the preparation of applications for permits, sets forth the general information that must be included, and sets forth rules as to how substantive and non-substantive changes may be made in the application before it is filed with docket clerk of the Authority by the general manager. Proposed new §701.7 defines an applicant as an existing user, current permit holder, or a person who seeks a proposed new or modified permit. This section replaces previously adopted §701.16, under Subchapter B, relating to Declarations of Historical Use, which more narrowly defined an applicant. Section 701.16 is proposed to be repealed.

The text of the proposed new §701.8, Joint Application, and new §701.9, Application for Another, is the same as the existing text of §701.17 and §701.18, under Subchapter B, Declarations of Historical Use, which are proposed for repeal. It is more appropriate to place these sections under the general provisions.

The Authority proposes further amendments to Subchapter B, concerning Declarations of Historical Use. Section 701.15, relating to exempt wells, is proposed to be amended by changing the words "An owner of a" to read "An existing user that has a". This change is for clarity. Section 701.21, relating to the information required to be included in an application, is proposed to be amended by deleting paragraphs (1)-(4) and renumbering the remaining sections as paragraphs (1)-(9).

The Authority proposes to amend Subchapter C, concerning Filing and Notices. In addition to repealing §701.31, Additional Definitions, and moving the text of that section to §701.1, Definitions, as noted previously in this preamble, it is proposed to amend subsection 701.34(b) to change the word "shall" to the word "must" for grammatical reasons.

The Authority proposes to amend Subchapter D, concerning Administrative Review of Declarations of Historical Use, by revising §701.53 and §701.55. Section 701.53, Interim Authorization, is proposed to be amended by adding subsection (c) providing that persons withdrawing water under an interim authorization must pay the fees that would be paid if that person had been issued a permit. Subsection (c) of §701.55, Receipt and Filing of Application, is proposed to be amended by changing the word "shall" to the word "will" for grammatical reasons.

The Authority proposes to amend Subchapter E, concerning Technical Review and Initial Determinations of Historical Use, by revising §§701.74-701.77.

Subsection (b) of §701.74, concerning Technical Review, is proposed to be amended by changing the words "The general manager or his designee is" to the words "Authority employees or agents are". This is only a grammatical change.

The Authority proposes to revise subsection (d)(2)(B) of §701.74, concerning Technical Review, to reflect that the Authority rather than its general manager may proportionally

reduce the total amount of annual historical usage and that this proportional reduction cannot be made until all the contested cases hearings are completed rather than after technical review has been completed.

The Authority proposes to delete subsection (d)(2)(C) of §701.74, concerning Technical Review, which provided that the general manager would make further adjustments after the final decision resulting from the contested case hearings. The reason for this change is that the Authority proposes to make only one proportional reduction which will occur after the final decision on the application, and only to the extent that the permit withdrawal amount exceeds any applicable permit withdrawal floor.

The Authority proposes to delete subsection (d)(2)(D) of §701.74, concerning Technical Review, which provided that the general manager would issue an initial determination permit when technical review of application was completed, and to replace it with a new subsection (d)(2)(C) providing that the general manager would provide the board with a list of application summaries and that the board may issue the initial determination permits when technical review is completed. Subsection (d)(2)(E) will be renumbered as (d)(2)(D). Subsection (d)(2)(F) will be renumbered as (d)(2)(E) and revised to provide that the general manager, as well as the applicant, may file a protest and ask for a contested case hearing, and the time for filing a protest will be changed from 45 days to 90 days after the publication of notice.

The Authority proposes to amend §701.75(a) concerning the summary of initial determination permits to simplify the language, delete a reference to a section to be repealed, and to remove the requirement that the general manager will prepare the summary within 15 days after technical review is completed.

The Authority proposes to amend §701.76, concerning notice of initial determination permits by adding a new subsection (a) providing that in the consideration process the board may approve the issuance of any or all initial determination permits, to request additional information on any application, or to continue the consideration of an application until a later date. Existing subsections (a) and (b) will be renumbered accordingly, and in existing subsection (b) the word "shall" will be changed to "will". Renumbered subsection (c)(3) will be revised to change the time for filing a protest from 45 to 90 days in order to be consistent with renumbered §701.74(d)(2)(E).

The Authority proposes to amend §701.77, concerning uncontested applications submitted to the board, by making grammatical changes in subsection (b) relating to granting final permits for those seeking water withdrawal rights on the basis of the two acre foot per acre irrigation withdrawal floor, and by revising subsection (c) to clarify that as to a final permit granted on any other basis, withdrawal rights above the withdrawal floor are subject to adjustment as a result of a final decision which has been rendered in contested case hearings. The requirement in subsection (c) to state the calculation formula for the adjustment will be deleted.

The Authority proposes to amend subchapter F, concerning regular permit amounts and terms, by amending §791.92, relating to the determination of the amount of water available for permitting, by revising subsection (b), to change the time when the

board will consider whether to increase the maximum amount of permitted withdrawals from the date the staff completes technical review of the declaration to the date of the final decision on timely filed declarations.

The Authority proposes to amend subchapter F, concerning regular permit amounts and terms, by amending §791.99, which concerns establishing an irrigation floor, by adding subsection (d) to provide that an applicant's final permit withdrawal amount will not be set below the applicant's established permit withdrawal floor in order to be consistent with §1.16(e) of the Act.

The Authority proposes to amend subchapter F, concerning regular permit amounts and terms, by amending §791.100, which concerns establishing a historical average floor, by adding subsection (d) to provide that an applicant's final permit withdrawal amount will not be set below the applicant's established permit withdrawal floor to be consistent with §1.16(e) of the Act.

The Authority proposes to amend subchapter F, concerning regular permit amounts and terms, by repealing §701.101, which relates to calculation of initial determination permit withdrawal amounts. The purpose of repealing this section is to move the calculations into Subchapter H, relating to post-hearing procedures, since this is a more appropriate time to make these calculations. Subchapter H is therefore amended by adding §701.148, relating to calculation of final permit withdrawal amounts. The text of this new section is the same as the repealed §701.101, except that subsection (e), which dealt with recalculation after the final decision, is not included as unnecessary since the timing of the calculation is being moved into the post-hearing procedure.

The Authority proposes to amend Subchapter G, concerning the hearing process, by revising subsection (a) of §701.121, relating the filing of protests, to provide that the general manager, as well as any applicant, may file a protest, and to change the time for filing protests from 45 to 90 days after the publication of notice of initial determination permits in the *Texas Register*.

The Authority proposes to adopt a new Subchapter I of Chapter 701, to be entitled Term Permits, which will consist of §§701.171-701.176. The purpose of the subchapter is to implement §1.19 of the Act by requiring a permit for term use (§701.171), setting forth the conditions for term permits to include those specified in §1.19 of the Act (§701.172), setting forth the information required in an application for a term permit (§701.173), providing for considerations to be used in a technical review of a term permit application (§701.174), the required elements which must be included in a term permit issued by the Authority (§701.175), and providing that a term permit shall be issued upon proper application within 30 days after the board determines to grant the application.

The Authority proposes to adopt a new Subchapter J of Chapter 701, to be entitled Emergency Permits, which will consist of §§701.191-701.196. The purpose of the subchapter is to implement §1.20 of the Act by providing that emergency permits may be obtained only after all other permits issued by the Authority have been exhausted (§701.192), setting forth the conditions for term permits to include those specified in §1.20 of the Act (§701.192), setting forth the information required in an application for an emergency permit (§701.193), creating a public emergency permit exemption (§701.194), allowing the

general manager to issue an initial emergency permit without board action (§701.195), and establishing conditions for the renewal of an emergency permit (§701.196).

The Authority proposes to adopt a new Subchapter K of Chapter 701, to be entitled Well Construction Permits, which will consist of §§701.211-701.221. The purpose of the subchapter is to implement §1.15(b) of the Act and the powers granted to the Authority under §36.113 of the Texas Water Code by providing that a permit is required for drilling equipping, completing, or altering the size of a non-exempt well or a domestic or livestock well within a subdivision that must be platted (§701.211), providing for the registration of all new wells (§701.212), the issuance of well construction permits (§701.213), proof of authorization to withdraw water as a prerequisite for application for a permit (§701.214), authority for the general manager to grant 60-day extensions (§701.215), exempting certain wells which will produce less than 25,000 gallons per day for domestic or livestock use that is not in a subdivision required to be platted (§701.216), providing for the information required in an application (§701.217), providing for the considerations in a technical review of an application (§701.218), setting forth the required elements of a well construction permit issued by the Authority (§701.219), providing for the issuance of a permit by the Authority within 30 days after the Authority determines to grant the application (§701.220), and setting forth the submission requirements after the completion of well construction (§701.221).

While the Authority believes that the Private Real Property Preservation Act, Texas Government Code, Chapter 2007, is not applicable, it has in any event performed a Takings Impact Analysis of these proposed rules, amendments, and repeals. The Authority has determined that these rules do not impact real property interests in a manner or to an extent that constitutes a constitutional or statutory taking. These procedural rules are a valid and reasonable exercise of the Authority's statutory mandate to implement a permit system for withdrawals of underground water from the Edwards Aquifer.

Gregory M. Ellis, General Manager of the Edwards Aquifer Authority, has determined that except for the cost involved in filing declarations for historical use, applications for term permits, applications for emergency permits, and applications for well construction permits, the first five-year period the proposed rules, amendments, and repeals will be in effect there will be no fiscal implications for state or local governments or on small businesses as a result of administering or enforcing the sections proposed, amended, or repealed.

Mr. Ellis has also determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections are certainty with regard to the amount of underground water from the Edwards Aquifer a permit holder can withdraw. The public will also benefit from the preservation of spring flows and the consequent preservation of endangered species, and once the amount of water authorized in a permit for a public entity such as a municipality is known, that information will serve as a planning tool for developing and conserving water supplies in the future. These rules will not have an adverse economic impact on small businesses.

The Authority requests comments on the proposed rules, amendments, and repeals from any interested person. Questions about the proposed rules may be directed to Steve Walthour, Hydrologist III, Division of Field Operations, Edwards Aquifer Authority, at (210) 222-2204. Written comments on the proposed rules, amendments, and repeals may be submitted to Gregory M. Ellis, General Manager, Edwards Aquifer Authority, P. O. Box 15830, 1615 North St. Mary's Street, San Antonio, Texas 78212-9030, within 30 days of publication in the *Texas Register*.

Subchapter A. General Provisions

31 TAC §§701.1, 701.3 - 701.9

The Authority proposes amendments and new sections to these rules pursuant to its general and special powers under the Edwards Aquifer Authority Act (the "Act"), chapter 626, 73rd Legislature, Regular Session, 1993, as amended by chapter 621, 74th Legislature, Regular Session, 1995 (the "Act," §§1.08, 1.11, 1.14, 1.15, 1.16, 1.17, 1.26, 1.29, 1.36, 1.37, 1.38, and 1.40 of the Act); and Texas Water Code, Chapter 36.

The proposed amended sections, and proposed new sections, implement the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), §§1.08, 1.11, 1.14, 1.15, 1.16, 1.17 and 1.35.

§701.1. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

APA - The Administrative Procedures Act, Texas Government Code, Chapter 2001.

Application - A permit application along with any information, documents, and attachments timely submitted in support of the application by the applicant. The term "application" includes a timely filed declaration of historical use.

Beneficial use without waste - Use of the amount of water economically necessary for a lawful purpose, when reasonable intelligence and reasonable diligence are used in applying the water to that purpose, and the use does not constitute waste.

Contested case hearing - An evidentiary hearing governed by these rules and the APA.

Emergency permit - A permit which authorizes the withdrawal and use of Aquifer water to prevent the loss of life or to prevent severe, imminent threats to the public health or safety.

Historical period - The 21-year period from June 1, 1972 through May 31, 1993 as described in §701.13 of this title (relating to Historical Period).

Permit withdrawal floor - The amount of underground water an initial regular permit holder is assured against any required proportional reduction to meet the amount available for permitted withdrawals, because such holder either irrigated during any year of the historical period and is entitled to the "irrigation withdrawal floor" or operated a well for three or more years during the historical period and is entitled to the "historical average withdrawal floor," in accordance with the Act, §1.16(e).

Term permit - An interruptible permit which the Authority considers appropriate and authorizes withdrawal and use of Aquifer water for any period up to ten years.

Well construction permit - A permit which authorizes drilling, equipping, completing, or altering the size of a well, or the size of a well pump.

§701.3. Types of Permits.

The Authority may issue the following types of permits:

(1) **Initial Determination Permit** - An initial regular permit issued contingent upon final determination of all initial regular permits and the proportional reduction required by the Act, §1.16 (relating to Permit Required).

(2) [(1)] **Class 1 permit** - An initial regular permit as described in the Act, §1.16 (relating to Declarations of Historical Use and Initial Regular Permit).

(3) [(2)] **Class 2 permit** - An additional regular permit as described in the Act, §1.18 (relating to Additional Regular Permits).

(4) [(3)] **Class 3 permit** - A term permit as described in the Act, §1.19 (relating to Term Permits).

(5) [(4)] **Class 4 permit** - An emergency permit as described in the Act, §1.20 (relating to Emergency Permits).

§701.4. Form.

An application must [shall] be submitted on a form made available for that purpose by the Authority. Documentation in support of the application should be attached to the application or submitted together with the application.

§701.5. Fees [Filing Fee].

(a) The filing fee for an application is \$25. The filing fee must be tendered to the Authority along with the application. The filing fee may be paid by check, money order or, at the discretion of the general manager, by other form of payment.

(b) All permit holders will be assessed an aquifer management fee set by resolution of the Board. Permits are issued contingent on payment of the appropriate fee at the appropriate time.

[(b)] The filing fee may be paid by check, money order or, at the discretion of the general manager, by other form of payment.]

§701.6. Preparation of an Application.

All applications shall be typewritten or printed legibly in ink. Illegible applications will be returned to the applicant. Applicants will be notified if additional information is needed to process an application. The applicant should confer with the staff of the general manager on any questions concerning preparation of the application, especially if the application is unusual or unique. An employee of the Authority may make nonsubstantive changes in any documents submitted by the applicant, providing the applicant initials those changes. Substantive changes in an application may be made only by the applicant or the applicant's authorized representative who submitted the application, and only in the form of a written, notarized amendment to the application signed by the proper person; provided, however, that no substantive changes may be made after an application has been filed with the docket clerk of the Authority by the general manager. A permit application shall include:

(1) The name, address, and telephone number of the applicant and the authorized representative of the applicant, the relationship of the authorized representative to the applicant and evidence showing that the representative is authorized to file the application.

(2) The name, address, and telephone number of the person in whose name the permit is sought to be issued.

(3) The names of the principal owner(s) and officers of the entity, if the person in whose name the permit is sought to be issued is a corporation, partnership, or other business entity.

(4) Facts showing that the applicant is eligible to seek the class of permit.

(5) Information conforms to the requirements prescribed by this chapter.

(6) Any other information that the general manager may require.

§701.7. Applicant.

An applicant is an existing user, current permit holder, or person who seeks a proposed new or modified permit.

§701.8. Joint Application.

A joint application shall be signed by each applicant or each applicant's duly authorized agent, with written evidence of such agency to be submitted with the application. If a well is jointly owned by a husband and wife who wish to file a joint application, each shall sign the application. Joint applicants shall select one among them to act for and represent the others in pursuing the application with the Authority, with written evidence of such representation to be submitted with the application.

§701.9. Application for Another.

A person who wishes to file an application and seek an permit in behalf of another upon which the application is based, such as a lessor seeking to perfect a water right in connection with leased land or a trustee or guardian seeking to perfect a water right for a beneficiary or ward, must file a valid power of attorney or other legal documentation with the Authority along with the application that establishes legal Authority to file the application and seek the permit.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

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Gregory M. Ellis

General Manager

Edwards Aquifer Authority

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For further information, please call: (210) 222-2204

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Subchapter B. Declarations of Historical Use

31 TAC §§701.15, 701.21

The Authority proposes amendments to these rules pursuant to its general and special powers under the Edwards Aquifer Authority Act (the "Act"), chapter 626, 73rd Legislature, Regular

Session, 1993, as amended by chapter 621, 74th Legislature, Regular Session, 1995 (the "Act," §§1.08, 1.11, 1.14, 1.15, 1.16, 1.17, 1.29, 1.36, 1.37, 1.38, and 1.40 of the Act); and Texas Water Code, chapter 36.

The proposed amended sections implement the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), §§1.08, 1.11, 1.14, 1.15, 1.16, 1.17, and 1.35.

§701.15. Exempt Wells.

An existing user that has a [An owner of a] well that produces 25,000 gallons of underground water per day or less exclusively for domestic or livestock use is not required to file an application with respect to that well. Incidental de minimis use for non-exempt purposes does not void this exemption.

§701.21. Information Required in Application.

An application must contain the following information to the extent it is available:

[(1) The name, address, and telephone number of the applicant and the authorized representative of the applicant, the relationship of the authorized representative to the applicant and evidence showing that the representative is authorized to file the application.

[(2) The name, address, and telephone number of the person in whose name the permit is sought to be issued.

[(3) If the person in whose name the permit is sought to be issued is a corporation, partnership, or other business entity, the names of the principal owner(s) and officers of the entity.

[(4) Facts showing that the applicant is eligible to seek an initial regular permit.]

(1) [(5)] For those persons seeking to qualify for the historical average floor (average annual use during the historical period), the total amount of water from the Edwards Aquifer that the applicant withdrew and beneficially used without waste during each calendar year of the historical period.

(2) [(6)] For those persons seeking to qualify for the irrigation floor (two acre feet multiplied by the number of acres actually irrigated during any one calendar year of the historical period), the maximum number of acres irrigated during any one calendar year of the historical period.

(3) [(7)] The purpose(s) for which the underground water was used during each year of the historical period.

(4) [(8)] The amount of water the applicant claims as its maximum beneficial use of water without waste during any one calendar year of the historical period.

(5) [(9)] The number and location of any well the applicant claims was operated during the historical period and the amount of water withdrawn from that well during each year of the historical period.

(6) [(10)] Any facts upon which the applicant requests equitable adjustment of the permitted amount because the applicant's historic use was affected by a requirement of or participation in a federal program.

(7) [(11)] If the water is to be transported, sold, leased, or transferred, a description of how the water will be transported or handled, the name, address, and telephone number of every person

to whom the water will be transported, sold, leased, or transferred, the location to which the water will be transported, and the purpose for which the water will be used.

(8) [(12)] A separate Well Information Sheet prescribed by the Authority or a registration form from a groundwater district or other entity with the same data as the Well Information Sheet, for each of the wells related to the permit, accompanied by a photograph of the well taken approximately 100 feet from the well head.

(9) [(13)] Any other information that the general manager may require.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

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31 TAC §§701.16 - 701.18

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Edwards Aquifer Authority or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Authority proposes the repeal of these rules pursuant to its general and special powers under the Edwards Aquifer Authority Act (the "Act"), chapter 626, 73rd Legislature, Regular Session, 1993, as amended by chapter 621, 74th Legislature, Regular Session, 1995 (the "Act," §§1.08, 1.11, 1.14, 1.15, 1.16, 1.17, 1.29, 1.36, 1.37, 1.38, and 1.40 of the Act); and Texas Water Code, chapter 36.

The repealed sections implement the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), §§1.08, 1.11, 1.14, 1.15, 1.16, 1.17, and 1.35.

§701.16. Applicant.

§701.17. Joint Application.

§701.18. Application for Another.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

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General Manager

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Subchapter C. Filing and Notices

31 TAC §701.31

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Edwards Aquifer Authority or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Authority proposes the repeal of this rule pursuant to its general and special powers under the Edwards Aquifer Authority Act (the "Act"), chapter 626, 73rd Legislature, Regular Session, 1993, as amended by chapter 621, 74th Legislature, Regular Session, 1995 (the "Act," §§1.08, 1.11, 1.14, 1.15, 1.16, 1.17, 1.29, 1.36, 1.37, 1.38, and 1.40 of the Act); and Texas Water Code, chapter 36.

The repealed section implements the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), §§1.08, 1.11, 1.14, 1.15, 1.16, 1.17, and 1.35.

§701.31. Additional Definitions.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

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31 TAC §701.34

The Authority proposes an amendment to this rule under the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), as amended (the "Act"), the Authority's powers and duties under the Act to promulgate rules and to implement and enforce the Act's permitting requirements (Act §§1.08, 1.11, 1.14 - 1.17), Chapter 36 of the Texas Water Code, and the Conservation Amendment of the Texas Constitution, Article 16, §59.

The proposed amended section implements the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), §§1.08, 1.10, 1.14 - 1.17.

§701.34. Notices and Other Communications.

(a) (No change.)

(b) Notices and communications **must** [shall] be addressed as follows:

(1)-(3) (No change.)

(c)-(d) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

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Subchapter D. Administrative Review of Declarations of Historical Use

31 TAC §701.53, §701.55

The Authority proposes amendments to these rules under the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), as amended (the "Act"), the Authority's powers and duties under the Act to promulgate rules and to implement and enforce the Act's permitting requirements (Act §§1.08, 1.11, 1.14 - 1.17), Chapter 36 of the Texas Water Code, and the Conservation Amendment of the Texas Constitution, Article 16, §59.

The proposed amended sections implement the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), §§1.08, 1.10, 1.14 - 1.17.

§701.53. Interim Authorization.

(a)-(b) (No change.)

(c) Persons withdrawing water based on this authorization must pay the appropriate fees as if that person had been issued a permit.

§701.55. Receipt and Filing of Application.

(a)-(b) (No change.)

(c) As soon as practicable after receipt, the Authority shall issue a statement to each applicant setting forth the interim authorization for each timely filed application. The statement **will** [shall] provide that the applicant may continue to withdraw water during the period of processing the application provided that the amount of water withdrawn does not exceed the amount of that applicant's historical maximum withdrawal and beneficial use of water without waste, and that the use under interim authorization is subject to the rules of the Authority.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

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Subchapter E. Technical Review and Initial Determination of Declarations of Historical Use

31 TAC §§701.74 - 701.77

The Authority proposes amendments to these rules under the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), as amended (the "Act"), the Authority's

powers and duties under the Act to promulgate rules and to implement and enforce the Act's permitting requirements (Act §§1.08, 1.11, 1.14 - 1.17), Chapter 35 of the Texas Water Code, and the Conservation Amendment of the Texas Constitution, Article 16, §59.

The proposed amended sections implement the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), §§1.08, 1.10, 1.14 - 1.17.

§701.74. Technical Review.

(a) (No change.)

(b) The purpose of technical review is to determine if and to what extent the applicant convincingly establishes the applicant's claimed amount of withdrawals and beneficial use without waste of underground water from the Edwards Aquifer during the historical period entitling the applicant to an initial regular permit in accordance with the Act and this chapter. Authority employees or agents are [The general manager or his designee is] entitled to enter any public or private property at any reasonable time upon reasonable notice for the purpose of inspecting, investigating, or verifying conditions or information submitted in support of an application for a permit filed pursuant to this chapter.

(c) (No change.)

(d) Promptly following the completion of technical review, the general manager will notify the applicant that technical review of the application has been completed. The notice will contain:

(1) (No change.)

(2) A statement that:

(A) (No change.)

(B) The Authority [general manager] may proportionately reduce the total amount of annual historical usage established by convincing evidence in the application, subject to any application permit withdrawal floor, to reflect the amount of water available for permitting in accordance with §701.92 of this title (relating to Determination of Amount of Water Available for Permitting), and that this proportional reduction cannot be made until all contested case hearings on [technical review of] all timely filed applications are [has been] completed.

(C) The general manager will submit the list of application summaries to the Board. The Board may issue the Initial Determination Permits in accordance with §701.72, of this title, on all timely-filed applications when technical review is complete on all such applications, in accordance with §701.75 of this title (relating to Initial Determination Permits).

[(C) The general manager may further adjust the permit withdrawal amount after a final decision is rendered on all timely filed applications, to the extent the permit withdrawal amount exceeds any applicable permit withdrawal floor.]

[(D) The general manager will issue an initial determination permit on all timely-filed applications when technical review is complete on all such applications, in accordance with §701.75 of this title (relating to Initial Determination Permit).]

(D) [(E)] The general manager will notify the applicant of the initial determination permit and publish notice of same in

the Texas Register in accordance with §701.76 of this title (relating to Notice of Initial Determination Permits); and

(E) [(F)] The general manager or an applicant may file a protest and request for contested case hearing on or before the 90th [45th] day following the publication of notice in the Texas Register in accordance with §701.121 of this title (relating to Filing Protests), and that protests filed prior to such publication of notice will not be acted upon until after such publication.

§701.75. Summary of Initial Determination Permits.

(a) [Within 15 days after technical review on all applications has been completed, the]The general manager will determine recommended permit withdrawal amounts [in accordance with §701.101 of this title (relating to Calculation of Initial Determination Permit Withdrawal Amounts),] and prepare a summary of initial determination permits for all timely filed applications.

(b) (No change.)

§701.76. Notice of Initial Determination Permits.

(a) In considering the list of application summaries, the Board may approve the issue of an Initial Determination Permit for any or all of the applicants, may request additional information on any application, and may continue consideration of any application to a later date.

(b)[(a)] The general manager will send a copy of the application summary and approved initial determination permit to the applicant, and will publish notice of the summary of initial determination permits in the Texas Register and in newspapers of general circulation throughout the Authority.

(c)[(b)] The published notice of the summary of the initial determination permits will [shall] state:

(1) the initial determination permits on all timely filed applications have been issued by the Authority, and that a copy of each initial determination permit is available for inspection by the public;

(2) the initial determination permit will become final with respect to any application, subject to any pro rata adjustments, unless the initial determination permit is timely contested in accordance with this section;

(3) any applicant who has timely filed for an initial regular permit may contest an initial determination permit by filing with the Authority, on or before the 90th [45th] day following the publication of notice of the summary of initial determination permits in the Texas Register, a written and verified protest of an initial determination permit in accordance with §701.121 of this title (relating to Filing Protests); and

(4) until the Authority enters a final and appealable order on the application, the applicant's interim authorization to withdraw water is modified by the amount equal to that applicant's initial determination permit.

§701.77. Uncontested Applications Submitted to Board.

(a) (No change.)

(b) The Board must [shall] issue a final permit to all holders of an uncontested initial determination permit that seek a water withdrawal right based on the two acre foot per acre irrigation withdrawal floor [a final permit].

(c) With respect to a holder of an uncontested initial determination permit that seeks a water withdrawal right on any basis other than as stated in subsection (b) of this section, the board shall issue a final permit for that portion of the initial determination permit which is equal to the permit withdrawal floor and a statement [with a condition] stating that the water withdrawal right, above the permit withdrawal floor, is subject to adjustment as a result of a final decision which has been rendered in all contested case hearings [and shall state the formula for calculating that adjustment].

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

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Gregory M. Ellis

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Subchapter F. Initial Regular Permit Amounts and Terms

31 TAC §§701.92, 701.99, 701.100

The Authority proposes amendments to these rules under the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), as amended (the "Act"), the Authority's powers and duties under the Act to promulgate rules and to implement and enforce the Act's permitting requirements (Act §§1.08, 1.11, 1.14 - 1.17), Chapter 36 of the Texas Water Code, and the Conservation Amendment of the Texas Constitution, Article 16, §59.

The proposed amended sections implement the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), §§1.08, 1.10, 1.14 - 1.17.

§701.92. Determination of Amount of Water Available for Permitting.

(a) (No change.)

(b) Not later than the date the final decision on all timely filed declarations, [staff completes technical review of all timely filed declarations] the board will consider whether it should increase the maximum amount of permitted withdrawals and set a higher maximum amount of withdrawals in accordance with §1.14(d) of the Act.

§701.99. Establishing Irrigation Floor.

(a)-(c) (No change.)

(d) An applicant's final permit withdrawal amount will not be set below that applicant's established permit withdrawal floor.

§701.100. Establishing Historical Average Floor.

(a)-(c) (No change.)

(d) An applicant's final permit withdrawal amount will not be set below that applicant's established permit withdrawal floor.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

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General Manager

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31 TAC §701.101

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The Authority proposes the repeal of this rule under the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), as amended (the "Act"), the Authority's powers and duties under the Act to promulgate rules and to implement and enforce the Act's permitting requirements (Act §§1.08, 1.11, 1.14 - 1.17), Chapter 36 of the Texas Water Code, and the Conservation Amendment of the Texas Constitution, Article 16, §59.

The proposed repealed section implements the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), §§1.08, 1.10, 1.14 - 1.17.

§701.101. Calculation of Initial Determination Permit Withdrawal Amounts.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

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Subchapter G. Hearings Process

31 TAC §701.121

The Authority proposes amendments to this rule under the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), as amended (the "Act"), the Authority's powers and duties under the Act to promulgate rules and to implement and enforce the Act's permitting requirements (Act §§1.08, 1.11, 1.14 - 1.17), Chapter 36 of the Texas Water Code, and the Conservation Amendment of the Texas Constitution, Article 16, §59.

The proposed amended section implements the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), §§1.08, 1.10, 1.14 - 1.17.

§701.121. Filing Protests.

(a) The general manager or any [Any] applicant who has timely filed an application for an initial regular permit who disputes the initial determination permit on that person's or another person's application may, following the publication of notice of initial determination permits in the Texas Register, but no later than the 90th [45th] day following such publication of notice, file a written protest with the Authority, stating with reasonable specificity the grounds of the protest and a request for a contested case hearing.

(b)-(g) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

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General Manager

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Subchapter H. Post Hearing Process

31 TAC §701.148

The Authority proposes this new section under the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), as amended (the "Act"), the Authority's powers and duties under the Act to promulgate rules and to implement and enforce the Act's permitting requirements (Act §§1.08, 1.11, 1.14 - 1.17), Chapter 36 of the Texas Water Code, and the Conservation Amendment of the Texas Constitution, Article 16, §59.

The proposed new section implements the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), §§1.08, 1.10, 1.14 - 1.17.

§701.148. Calculation of Final Permit Withdrawal Amounts.

(a) In the event that the total of all declarations of historical use amounts exceed the amount of water available for permitting as defined in §701.92 of this title (relating to Determination of Amount of Water Available for Permitting), the General Manager will reduce each applicant's final permit withdrawal amount in accordance with the reduction formula described in this section.

(b) The amount of water available for permitting is 450,000 acre feet per calendar year unless the board establishes a higher amount in accordance with §701.92 of this title.

(c) An applicant's final permit withdrawal amount will not be set below that applicant's permit withdrawal floor.

(d) In the event that the total maximum historical use exceeds the amount of water available for permitting, the General Manager will proportionately reduce the maximum historical use by calculating each final permit amount (p) by using the following formula: multiply

the applicant's maximum historical use (h) by the quotient of the total amount of water available for permitting (P) divided by the aggregate amount of approved historical use claims (C): $h \times P/C = p$. Each applicant's permit withdrawal amount will then be reduced to p, or the applicable permit withdrawal floor, whichever is higher. The general manager will then calculate the resulting aggregate amount of permit withdrawal amounts (W). The general manager will continue to apply the reduction formula to each application that has not been reduced to its respective permit withdrawal floor until W equals P or until no further reductions can be accomplished to meet the amount of water available for permitting.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

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General Manager

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Subchapter I. Term Permits

31 TAC §§701.171 - 701.176

The Authority proposes these new sections pursuant to its general and special powers under the Edwards Aquifer Authority Act (the "Act"), chapter 626, 73rd Legislature, Regular Session, 1993, as amended by chapter 621, 74th Legislature., Regular Session, 1995 (the "Act," §§1.08, 1.11, 1.14, 1.15, 1.16, 1.17, 1.19, 1.26, 1.29, 1.36, 1.37, 1.38, and 1.40 of the Act); and Texas Water Code, Chapter 36.

The proposed new sections implement the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), §§1.08, 1.11, 1.14, 1.15, 1.16, 1.17, 1.19 and 1.35.

§701.171. Permit Required for Term Use.

A person may obtain a term permit from the Authority to withdraw water from the Aquifer on an interruptible basis subject to §701.172 of this title (relating to Conditions for Term Permits).

§701.172. Conditions for Term Permits.

(a) The Authority may issue an interruptible term permit for withdrawal for any period the Authority considers appropriate, but may not issue a term permit for a period of more than ten years.

(b) A holder of a term permit may not withdraw water from the San Antonio pool of the Aquifer unless the level of the Aquifer is higher than 665 feet above sea level, as measured at Well J-17, as determined by the Authority.

(c) A holder of a term permit may not withdraw water from the Uvalde pool of the Aquifer unless the level of the Aquifer is higher than 865 feet above sea level, as measured at Well J-27, as determined by the Authority.

(d) A term permit does not vest in the holder of the permit any right to the use of Aquifer water other than that is stated on the permit and shall expire and be canceled in accordance with its terms.

(e) A holder of a term permit may not transfer the permit to another person without the approval of the Authority.

(f) A holder of a term permit may modify the permit with the approval of the Authority.

§701.173. Information Required in an Application for a Term Permit.

In addition to the requirements set forth in §701.6 of this title (relating to Preparation of an Application) an application for a Term permit must contain the following information to the extent it is available:

(1) a comprehensive list of all other permits issued by the Authority and held by the applicant;

(2) convincing evidence which establishes that the applicant can beneficially use the water authorized by the term permit and the applicant is eligible to seek a term permit;

(3) the nature and purpose(s) of the proposed use and the amount of water to be used for each purpose;

(4) proposed water conservation measures to be implemented including a conservation plan;

(5) the identification and location of each existing well or proposed well and the estimated rate at which water will be withdrawn under the term permit; and

(6) a description of the proposed device for measuring total water withdrawn from the Edwards Aquifer under the term permit.

§701.174. Technical Review for a Term Permit.

In determining whether to grant a permit, the Authority shall consider whether:

(1) the application conforms to the requirements prescribed by this chapter and is accompanied by the prescribed fees;

(2) the applicant is in compliance with other permits the applicant holds which have been issued by the Authority;

(3) the proposed use of water unreasonably affects existing groundwater resources;

(4) the proposed use of water contemplates the dedication of water to beneficial use;

(5) the proposed use of water is consistent with the Authority's comprehensive management plan; and

(6) the applicant has provided evidence that reasonable diligence will be used to avoid waste and achieve water conservation.

§701.175. Required Elements of a Term Permit.

(a) A term permit issued by the Authority to an applicant shall state the terms and provisions prescribed by the Authority.

(b) The permit shall include:

(1) the name and address of the person to whom the permit is issued;

(2) the location of the well(s) to service the permit;

(3) the date the permit is to expire;

(4) a statement of the purpose for which the permit is to be used;

(5) a requirement that the water withdrawn under the permit will be put to beneficial use at all times;

(6) the location of the use of the water from the well(s);

(7) the conditions and restrictions, placed on the rate and amount of withdrawal;

(8) a requirement that the well(s) be metered and the method and accuracy of the meter prescribed by the Authority; and

(9) Any other terms and conditions as provided by §701.172 of this title relating to (Conditions for Term Permits).

§701.176. Issuance of a Term Permit.

The Authority shall issue a term permit for a well upon proper execution of a term permit application filed by the applicant with the Authority within 30 days after the board determines to grant the application.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

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Subchapter J. Emergency Permits

31 TAC §§701.191 - 701.196

The Authority proposes these new sections pursuant to its general and special powers under the Edwards Aquifer Authority Act (the "Act"), chapter 626, 73rd Legislature, Regular Session, 1993, as amended by chapter 621, 74th Legislature., Regular Session, 1995 (the "Act," §§1.08, 1.11, 1.14, 1.15, 1.16, 1.17, 1.20, 1.26, 1.29, 1.36, 1.37, 1.38, and 1.40 of the Act); and Texas Water Code, Chapter 36.

The proposed new sections implement the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), §§1.08, 1.11, 1.14, 1.15, 1.16, 1.17, 1.20, and 1.35.

§701.191. Permit Required for Emergency Use.

Only after all other permits issued by the Authority have been exhausted, may a person be required to obtain a permit from the Authority to withdraw water from the Aquifer for emergency use subject to §701.192 of this title (relating to Conditions for Emergency Permits).

§701.192. Conditions for Emergency Permits.

(a) The Authority may issue emergency permits only to prevent the loss of life or to prevent severe, imminent threats to public health and safety.

(b) The term of an emergency permit may not exceed 30 days, unless renewed.

(c) The Authority may renew an emergency permit.

(d) The holder of an emergency permit may withdraw water from the Aquifer without regard to its effect on other permit holders.

(e) An emergency permit may be granted under this section without the necessity to comply with procedures made applicable to other permits issued by the Authority.

(f) An emergency permit does not vest in the applicant any right to the use of Aquifer water and shall expire and be canceled in accordance with its terms.

(g) A holder of an emergency permit may not transfer the permit to another person without approval by the Authority.

§701.193. Information Required in Application for Emergency Permit.

In addition to the requirements of §701.6 of this title (relating to Preparation of an Application), an application must contain the following information to the extent it is available:

(1) convincing evidence which establishes that the applicant is eligible to seek an emergency permit;

(2) a list of all other permits by the Authority held by the applicant;

(3) the purpose(s) for which the underground water will be used; and

(4) convincing evidence which establishes that an emergency permit is necessary to prevent the loss of life or to prevent severe, imminent threats to the public health or safety.

§701.194. Public Emergency Permit Exemption.

County and rural community fire departments and other emergency service providers may use Aquifer water for public emergency purposes without obtaining a permit from the Authority or in consideration of whether the water is in excess of any previously issued permits by the Authority. Public emergency purposes under this rule include use of water to prevent the immediate loss of life or to prevent severe, current threats to the public health and safety including fighting fires, managing chemical spills, or other immediate emergency public welfare concerns.

§701.195. Emergency Authorization.

The general manager is authorized to issue an initial emergency permit as soon as practicable without action from the board of directors.

§701.196. Renewing an Emergency Permit.

Renewal of an emergency permit requires approval by the board of directors and a notice of intent to renew must be filed before the initial permit has expired.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on March 19, 1997.

TRD-9703778

Gregory M. Ellis

General Manager

Edwards Aquifer Authority

Earliest possible date of adoption: April 28, 1997

For further information, please call: (210) 222-2204

Subchapter K. Well Construction Permits

31 TAC §§701.211 - 701.221

The Authority proposes these new sections pursuant to its general and special powers under the Edwards Aquifer Authority Act (the "Act"), chapter 626, 73rd Legislature, Regular Session, 1993, as amended by chapter 621, 74th Legislature, Regular Session, 1995 (the "Act," §§1.08, 1.11, 1.14, 1.15, 1.16, 1.17, 1.20, 1.26, 1.29, 1.36, 1.37, 1.38, and 1.40 of the Act); and Texas Water Code, Chapter 36.

The proposed new sections implement the Edwards Aquifer Authority Act, chapter 626, 73rd Legislature, Regular Session (1993), §§1.08, 1.11, 1.14, 1.15, 1.16, 1.17, 1.20, and 1.35.

§701.211. Permit Required for Well Construction.

A person shall be required to obtain a permit from the Authority to drill, equip, complete or alter the size of a non-exempt well, or the size of a pump used in connection with a well. A well construction permit shall be required for all domestic and livestock wells that are within a subdivision which requires platting.

§701.212. Registration of New Wells.

(a) All new wells must be registered by the well owner, well operator, or water well driller prior to being drilled. Registration may be by mail or telephonic document transfer, using a form provided by the Authority. The Authority staff shall review the registration and make a preliminary determination on whether the well meets the exemptions provided in §701.216 of this title (relating to Exempt Construction) and shall inform the registrant of their determination within five business days. If the preliminary determination is that the well is exempt, the registrant may begin drilling immediately upon receiving the approved registration.

(b) It shall be a violation of these rules for a well owner, well operator, or water well driller to drill any well without the approved registration form filed with the Authority.

§701.213. Issuance of a Well Construction Permit.

The Authority shall issue a well construction permit for a well upon proper execution of a well construction permit application filed by the applicant with the Authority. Any well construction permit issued by the Authority shall be valid for 90 days.

§701.214. Proof of Authorization.

If the purpose of the well is for a non-exempt use (other than for exclusively domestic and watering livestock purposes) or if the well is within or serving a subdivision which requires platting, the applicant must show that the applicant is permitted by the Authority to withdraw water from the Edwards Aquifer.

§701.215. Extensions to a Permit.

The general manager may grant a 60 day extension to the well construction permit provided that the applicant timely files for an extension before the expiration of the original permit and shows good cause for the extension.

§701.216. Exempt Construction.

(a) A water well construction permit is not required for an existing or proposed well which produces 25,000 gallons of water a day or less for domestic or livestock use that is not in a subdivision requiring platting.

(b) An existing well which has been registered with the Authority and used exclusively for domestic and livestock purposes is exempt from these rules providing that the well construction will not permit the capacity of the well to exceed 25 thousand gallons per day; or

(c) an existing well which has been registered with the Authority and the well construction does not alter the capacity of the well more than 15%.

§701.217. Information Required in an Application for a Well Construction Permit.

In addition to the requirements of §701.6 of this title (relating to Preparation of an Application), an application must contain the following information to the extent it is available and applicable:

(1) the name and address of the land owner where the proposed well construction will be located;

(2) the exact proposed location of the well construction site as provided in the application including the county, the section, block and survey; labor and league, and exact number of feet to the two nearest non-parallel property lines (legal survey line), or other adequate legal description;

(3) a list of all permits issued by the Authority and held by the applicant that the well currently services or is proposed to service;

(4) the proposed total depth of the well and proposed depth of cemented casing;

(5) the proposed size of the pump, pumping rate, and pumping method;

(6) the current or proposed use of the well, whether municipal, industrial, irrigation, domestic, livestock, recreation, monitor, observation or other use;

(7) the approximate date well construction operations are to begin;

(8) the location of the three nearest wells within a quarter of a mile of the proposed location and the names and addresses of the owners;

(9) the location of any possible sources of contamination such as existing and proposed livestock and poultry yards, septic system absorption fields, petroleum storage tanks, etc.; and

(10) such additional data as may be required by the Authority.

§701.218. Technical Review for a Well Construction Permit.

In determining whether to grant a permit, the Authority shall consider whether:

(1) the application conforms to the requirements prescribed by this chapter and is accompanied by the prescribed fees and deposits;

(2) the applicant is in compliance with other permits the applicant holds which have been issued by the Authority;

(3) the proposed well construction unreasonably affects existing groundwater resources;

(4) the proposed well construction will not cause the applicant to exceed permitted withdrawal amounts; and

(5) the proposed well construction conforms to all State of Texas and Authority well construction standards.

§701.219. Required Elements of a Well Construction Permit.

(a) A well construction permit issued by the Authority to an applicant shall state the terms and provisions prescribed by the Authority.

(b) The permit shall include:

(1) the name and address of the person to whom the permit is issued;

(2) the location of the well construction;

(3) the date the permit is to expire if no well(s) is drilled or used;

(4) a statement of the purpose for which the well(s) is to be used;

(5) the conditions and restrictions, placed on the well construction; and

(6) any conservation-oriented methods of well operations including metering prescribed by the Authority.

§701.220. Time of Issuance of Well Construction Permit.

The Authority shall issue a well construction permit for a well upon proper execution of a well construction permit application filed by the applicant with the Authority within 30 days after the Authority determines to grant the application.

§701.221. Completion of Well Construction.

(a) The water well driller is required to furnish all water well driller's logs and other data pertaining to the well construction within 30 days of drilling a new well to the Authority that are required by Chapter 32, Water Code, to be kept and furnished to the Texas Natural Resource Conservation Commission.

(b) The well owner, well operator, or water well driller is required to furnish any additional well construction information, provided by the terms of the well construction permit, within 30 days of completing the well construction.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Issued in Austin, Texas, on March 19, 1997.

TRD-9703779

Gregory M. Ellis

General Manager

Edwards Aquifer Authority

Earliest possible date of adoption: April 28, 1997

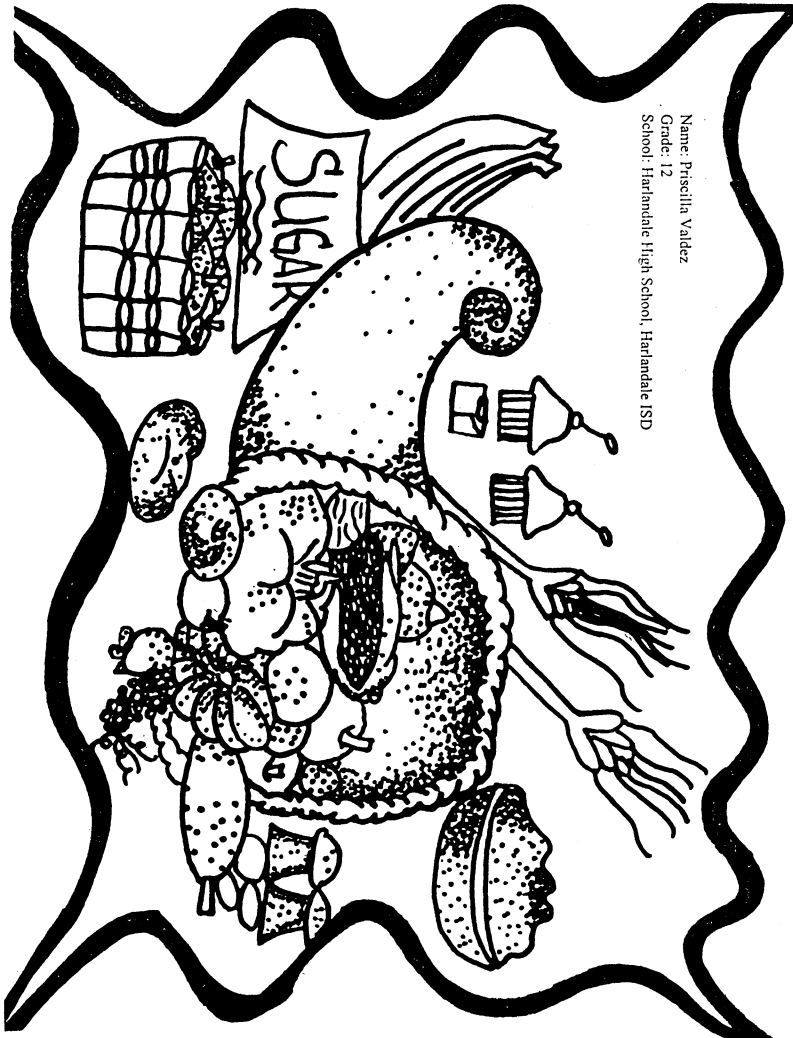
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ADOPTED RULES

An agency may take final action on a section 30 days after a proposal has been published in the *Texas Register*. The section becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the section without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the section with changes to the proposed text, the proposal will be republished with the changes.

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 11. Surface Mining and Reclamation Division

Subchapter D. Coal Mining

16 TAC §11.221

The Railroad Commission of Texas adopts the repeal of 16 TAC §11.221, relating to state program regulations, without changes to the proposed text published in the January 10, 1997, issue of the *Texas Register* (22 TexReg 428).

The Commission proposes the repeal for the sole purpose of renumbering the existing regulations (now adopted by reference) and incorporating the text into the Texas Administrative Code. No requirements are being added to or deleted from the existing coal mining and reclamation regulations.

No comments were received on the proposed repeal.

The repeal is adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 17, 1997.

TRD-9703671

Mary Ross McDonald

Deputy General Counsel, Office of General Counsel
Railroad Commission of Texas

Effective date: April 7, 1997

Proposal publication date: January 10, 1997

For further information, please call: (512) 463-7008

Chapter 12. Surface Mining and Reclamation Division

The Railroad Commission of Texas adopts new §§12.1-12.7, 12.9, 12.10, 12.12-12.19, 12.21-12.23, 12.69, 12.71-12.73,

12.75-12.85, 12.100-12.163, 12.170-12.205, 12.207-12.223, 12.225-12.234, 12.236-12.243, 12.300-12.304, 12.306, 12.307, 12.312-12.314, 12.317, 12.325-12.328, 12.330-12.360, 12.362, 12.364-12.393, 12.395-12.403, 12.500-12.528, 12.530, 12.532-12.572, 12.600, 12.610-12.613, 12.620-12.622, 12.624, 12.625, 12.650, 12.651, 12.660, 12.661, 12.670-12.675, 12.677-12.684, 12.686-12.694, 12.696-12.699, 12.700, 12.702-12.706, 12.708-12.710, and 12.800-12.817, and §§12.308-12.311, relating to regulation of coal mining and reclamation and the Texas Abandoned Mine Land Reclamation Program, without changes to the versions published in the January 10 and 21, 1997, issues of the *Texas Register* (22 TexReg 429 and 879, respectively). The text will not be republished.

The Commission adopts new §§12.363, 12.531, 12.687 and 12.707, relating to regulation of coal mining and reclamation, with only format changes to the versions published in the January 10, 1997, issue of the *Texas Register* (22 TexReg 429).

The Commission proposes the new sections for the sole purpose of renumbering the existing regulations (now adopted by reference) and incorporating the text into the Texas Administrative Code. No requirements are being added to or deleted from the existing coal mining and reclamation regulations.

No comments were received within the 30-day comment period; however, after the comment period, one commenter indicated §12.350(b)(1)(B) made more sense in the original wording than the new wording and that the new wording is unclear. The commission does not concur. The amendments to §12.350(b)(1)(B) deleted a redundant "shall" that existed in the current text of the coal mining regulations because it made the sentence grammatically incorrect. The commenter also noted without comment that §12.3 replaces 700.003 and 701.008. The commenter also remarked about formatting of a version of the proposed rules mailed to interested persons by the Railroad Commission of Texas. These comments were outside the scope of the rules as proposed in the *Texas Register*, but may be considered in future rulemakings.

The following individuals commented on these proposed rules and did not indicate either support or opposition: Northwestern Resources Co.

Subchapter A. General

16 TAC §§12.1-12.7

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Mary Ross McDonald

Deputy General Counsel, Office of General Counsel
Railroad Commission of Texas

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For further information, please call: (512) 463-7008



Permanent Regulatory Program

16 TAC §12.9

The new rule is adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 463-7008



Restriction of Financial Interests of State Employees

16 TAC §§12.10, 12.12-12.19

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Mary Ross McDonald

Deputy General Counsel, Office of General Counsel

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For further information, please call: (512) 463-7008



Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction

16 TAC §12.21, §12.22

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 463-7008



Awards of Costs and Expenses

16 TAC §12.23

The new rule is adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-9703712

Mary Ross McDonald

Deputy General Counsel, Office of General Counsel
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For further information, please call: (512) 463-7008



Subchapter F. Lands Unsuitable for Mining General

16 TAC §12.69

The new rule is adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the

authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-9703711

Mary Ross McDonald

Deputy General Counsel, Office of General Counsel
Railroad Commission of Texas

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For further information, please call: (512) 463-7008

Areas Designed by Act of Congress

16 TAC §12.71, §12.72

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Mary Ross McDonald

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For further information, please call: (512) 463-7008

Criteria for Designating Areas as Unsuitable for Surface Coal Mining Operations

16 TAC §§12.73, 12.75-12.77

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 463-7008

Process for Designating Areas as Unsuitable for Surface Coal Mining Operations

16 TAC §§12.78-12.85

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Mary Ross McDonald

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For further information, please call: (512) 463-7008

Subchapter G. Surface Coal Mining and Reclamation Operations, Permits, and Coal Exploration Procedures Systems

General Requirements for Permit and Exploration Procedure Systems Under Regulatory Programs

16 TAC §12.100, §12.102

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 463-7008

General Requirements for Permits and Permit Applications

16 TAC §§12.103-12.108

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the

authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 463-7008

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General Requirements for Coal Exploration

16 TAC §§12.109-12.115

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Mary Ross McDonald

Deputy General Counsel, Office of General Counsel
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For further information, please call: (512) 463-7008

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Surface Mining Permit Applications-Minimum Requirements for Legal, Financial, Compliance, and Related Information

16 TAC §§12.116-12.123

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 463-7008

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Surface Mining Permit Applications-Minimum Requirements for Information on Environmental Resources

16 TAC §§12.124-12.138

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-9703703

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Deputy General Counsel, Office of General Counsel
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For further information, please call: (512) 463-7008

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Surface Mining Permit Applications-Minimum Requirements for Reclamation and Operation Plan

16 TAC §§12.139-12.154

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-9703702

Mary Ross McDonald

Deputy General Counsel, Office of General Counsel
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For further information, please call: (512) 463-7008

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Surface, Mining Permit Applications-Minimum Requirements for Legal, Financial, Compliance, and Related Information

16 TAC §§12.155-12.163

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-9703701

Mary Ross McDonald

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For further information, please call: (512) 463-7008

Underground Mining Permit Applications-
Minimum Requirements for Information on
Environmental Resources

16 TAC §§12.170-12.184

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Mary Ross McDonald

Deputy General Counsel, Office of General Counsel
Railroad Commission of Texas

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For further information, please call: (512) 463-7008

Underground Mining Permit Applications-
Minimum Requirements for Reclamation and
Operation Plan

16 TAC §§12.185-12.199

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TRD-9703699

Mary Ross McDonald

Deputy General Counsel, Office of General Counsel
Railroad Commission of Texas

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Proposal publication date: January 10, 1997

For further information, please call: (512) 463-7008

Requirements for Permits for Special Categories of
Mining

16 TAC §§12.200-12.205

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 17, 1997.

TRD-9703698

Mary Ross McDonald

Deputy General Counsel, Office of General Counsel
Railroad Commission of Texas

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Proposal publication date: January 10, 1997

For further information, please call: (512) 463-7008

Review, Public Participation, and Approval of Per-
mit Applications and Permit Terms and Conditions

16 TAC §§12.207-12.221

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 17, 1997.

TRD-9703697

Mary Ross McDonald

Deputy General Counsel, Office of General Counsel
Railroad Commission of Texas

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Proposal publication date: January 10, 1997

For further information, please call: (512) 463-7008

Administrative and Judicial Review of Decisions
by the Commission on Permit Applications

16 TAC §§12.222, §12.223

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 17, 1997.

TRD-9703696

Mary Ross McDonald

Deputy General Counsel, Office of General Counsel
Railroad Commission of Texas

Effective date: April 7, 1997

Proposal publication date: January 10, 1997

For further information, please call: (512) 463-7008

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Permit Reviews, Revisions, and Renewals, and Transfers, Sale, and Assignment of Rights Granted Under Permits

16 TAC §§12.225-12.233

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 17, 1997.

TRD-9703695

Mary Ross McDonald

Deputy General Counsel, Office of General Counsel
Railroad Commission of Texas

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Proposal publication date: January 10, 1997

For further information, please call: (512) 463-7008

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Small Operator Assistance

16 TAC §§12.234, 12.236-12.243

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 17, 1997.

TRD-9703694

Mary Ross McDonald

Deputy General Counsel, Office of General Counsel
Railroad Commission of Texas

Effective date: April 7, 1997

Proposal publication date: January 10, 1997

For further information, please call: (512) 463-7008

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Subchapter J. Bond and Insurance Requirements for Surface Coal Mining and Reclamation Operations

General Requirements for Insurance and Bonding of Surface Coal Mining and Reclamation Operations Under Regulatory Program

16 TAC §§12.300-12.303

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 17, 1997.

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Mary Ross McDonald

Deputy General Counsel, Office of General Counsel
Railroad Commission of Texas

Effective date: April 7, 1997

Proposal publication date: January 10, 1997

For further information, please call: (512) 463-7008

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Amount and Duration of Performance Bond

16 TAC §§12.304, 12.306, 12.307

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This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Form, Conditions, and Terms of Performance Bond and Liability Insurance

16 TAC §§12.308-12.311

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Procedures, Criteria, and Schedule for Release of Performance Bond

16 TAC §12.312, §12.313

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Performance Bond Forfeitures Criteria and Procedures

16 TAC §12.314, §12.317

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Subchapter K. Permanent Program Performance Standards

Permanent Program Performance Standards-Coal Exploration

16 TAC §§12.325-12.328

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Permanent Program Performance Standards - Surface Mining Activities

16 TAC §§12.330-12.360, 12.362-12.393, 12.395-12.403

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

§12.363. Disposal of Excess Spoil: General Requirements.

(a) Spoil not required to achieve the approximate original contour within the area where overburden has been removed shall be hauled or conveyed to and placed in designated disposal areas within a permit area, if the disposal areas are authorized for such purposes in the approved permit application in accordance with this section and §§12.364 through 12.366 of this title (relating to Disposal of Excess Spoil: Valley Fills, Disposal of Excess Spoil: Head-of-Hollow Fills, and to Disposal of Excess Spoil: Durable Rock Fills). The spoil shall be placed in a controlled manner to ensure:

(1) that leachate and surface runoff from the fill will not degrade surface or ground waters or exceed the effluent limitations referenced in §12.340 of this title (relating to Hydrologic Balance: Water-Quality Standards and Effluent Limitations);

(2) stability of the fill; and

(3) that the land mass designated as the disposal area is suitable for reclamation and revegetation compatible with the natural surroundings.

(b) The fill shall be designed using recognized professional standards, certified by a registered professional engineer, and approved by the Commission.

(c) All vegetative and organic materials shall be removed from the disposal area and the topsoil shall be removed, segregated,

and stored or replaced under §§12.334 through 12.338 of this title (relating to Topsoil: General Requirements, to Topsoil: Removal, to Topsoil: Storage, to Topsoil: Redistribution, and to Topsoil: Nutrients and Soil Amendments). If approved by the Commission, organic material may be used as mulch or may be included in the topsoil to control erosion, promote growth of vegetation, or increase the moisture retention of the soil.

(d) Slope protection shall be provided to minimize surface erosion at the site. Diversion design shall conform with the requirements of §12.341 of this title (relating to Hydrologic Balance: Diversions and Conveyance of Overland Flow and Shallow Ground-Water Flow, and Ephemeral Streams). All disturbed areas, including diversion ditches that are not riprapped, shall be vegetated upon completion of construction.

(e) The disposal areas shall be located on the most moderately sloping and naturally stable areas available as approved by the Commission. If such placement provides additional stability and prevents mass movement, fill materials suitable for disposal shall be placed upon or above a natural terrace, bench, or berm.

(f) The spoil shall be hauled or conveyed and placed in horizontal lifts in a controlled manner, concurrently compacted as necessary to ensure mass stability and prevent mass movement, covered, and graded to allow surface and subsurface drainage to be compatible with the natural surroundings and ensure a long-term static safety factor of 1.5.

(g) The final configuration of the fill must be suitable for postmining land uses approved in accordance with §12.399 of this title (relating to Postmining Land Use), except that no depressions or impoundments shall be allowed on the completed fill.

(h) Terraces may be utilized to control erosion and enhance stability if approved by the Commission and consistent with §12.385(b) of this title (relating to Backfilling and Grading: General Grading Requirements).

(i) Where the slope in the disposal area exceeds 2.8h:1v (36%), or such lesser slope as may be designated by the Commission based on local conditions, keyway cuts (excavations to stable bedrock) or rock toe-buttresses shall be constructed to stabilize the fill. Where the toe of the spoil rests on a downslope, stability analyses shall be performed in accordance with §12.153(c) of this title (relating to Disposal of Excess Spoil) to determine the size of rock toe-buttresses and key-way cuts.

(j) The fill shall be inspected for stability by a registered professional engineer, or other qualified professional specialist under the direction of the professional engineer, experienced in the construction of earth and rockfill embankments, at least quarterly throughout construction and during the following critical construction periods:

- (1) removal of all organic material and topsoil;
- (2) placement of underdrainage systems and protective filter systems;
- (3) installation of surface drainage systems;
- (4) placement and compaction of fill materials; and
- (5) revegetation.

(k) The registered professional engineer shall provide to the Commission a certified report, within 2 weeks after each inspection,

that the fill has been constructed as specified in the design approved by the Commission. The certified report on the drainage system and protective filters shall include color photographs taken during and after construction, but before underdrains are covered with excess spoil. If the underdrain system is constructed in phases, each phase shall be certified separately. A copy of the report shall be retained at the minesite.

(l) Coal processing wastes shall not be disposed of in head-of-hollow or valley fills, and may only be disposed of in other excess spoil fills, if such waste is:

(1) placed in accordance with §12.371 of this title (relating to Coal Processing Waste Banks: General Requirements);

(2) demonstrated to be non-toxic and non-acid-forming; and

(3) demonstrated to be consistent with the design stability of the fill.

(m) If the disposal area contains springs, natural or manmade watercourses, or wet-weather seeps, an underdrain system consisting of durable rock shall be constructed from the wet areas in a manner that prevents infiltration of the water into the spoil material. The underdrain system shall be protected by an adequate filter and shall be designed and constructed using standard geotechnical engineering methods. Where excess durable rock spoil is placed in single or multiple lifts such that the underdrain system is constructed simultaneously with excess spoil placement by the natural segregation of dumped materials, color photographs shall be taken of the underdrain as the underdrain system is being formed.

(n) The foundation and abutments of the fill shall be stable under all conditions of construction and operation. Sufficient foundation investigation and laboratory testing of foundation materials shall be performed in order to determine the design requirements for stability of the foundation. Analyses of foundation conditions shall include the effect of underground mine workings, if any, upon the stability of the structure.

(o) Excess spoil may be returned to underground mine workings, but only in accordance with a disposal program approved by the Commission and MSHA upon the basis of a plan submitted under §12.193 of this title (relating to Underground Development Waste/Return of Coal Processing Waste to Abandoned Underground Workings).

(p) Excess spoil that is acid-forming or toxic-forming or combustible shall be adequately covered with non-acid, non-toxic and noncombustible material, or treated, to control the impact on surface and ground water in accordance with this chapter (relating to Coal Mining Regulations), to prevent sustained combustion and to minimize adverse effects on plant growth and the approved postmining land use.

(q) The photographs required by this section to accompany each certified report shall be taken in adequate size and number with enough terrain or other physical features of the site shown to provide a relative scale to the photographs and to specifically and clearly identify the site.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Permanent Program Performance Standards - Underground Mining Activities

16 TAC §§12.500-12.528, 12.530-12.572

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

§12.531. Disposal of Underground Development Waste and Excess Spoil: General Requirements.

(a) Underground development waste and spoil not required to achieve the approximate original contour and which is not used as backfill shall be hauled or conveyed to and placed in designated disposal areas within a permit area if the disposal areas are authorized for such purposes in the approved permit application in accordance with this section and §§12.532 through 12.534 of this title (relating to Disposal of Underground Development Waste and Excess Spoil: Valley Fills, to Disposal of Underground Development Waste and Excess Spoil: Head-of-Hollow fills, and to Disposal of Underground Development Waste and Excess Spoil: Durable Rock Fills). The material shall be placed in a controlled manner to ensure:

(1) that leachate and surface runoff from the fill will not degrade surface or ground waters or exceed the effluent limitations referenced in §12.510 of this title (relating to Hydrologic Balance: Water-Quality Standards and Effluent Limitations);

(2) stability of the fill; and

(3) that the land mass designated as the disposal area is suitable for reclamation and revegetation compatible with the natural surroundings.

(b) The fill shall be designed using recognized professional standards, certified by a registered professional engineer, and approved by the Commission.

(c) All vegetative and organic materials shall be removed from the disposal area and the topsoil shall be removed, segregated and stored or replaced in accordance with §§12.504 through 12.508 of this title (relating to Topsoil: General Requirements, to Topsoil: Removal, to Topsoil: Storage, to Topsoil: Redistribution, and to Topsoil: Nutrients and Soil Amendments). If approved by the Commission, organic material may be used as mulch or may be included in the topsoil to control erosion, promote growth of vegetation, or increase the moisture retention of the soil.

(d) Slope protection shall be provided to minimize surface erosion at the site. Diversion design shall conform with the requirements of §12.511 of this title (relating to Hydrologic Balance: Diversions and Conveyance of Overland Flow, Shallow Ground-Water Flow, and Ephemeral Streams). All disturbed areas, including

diversion ditches that are not riprapped, shall be vegetated upon completion of construction.

(e) The disposal areas shall be located on the most moderately sloping and naturally stable areas available as approved by the Commission. If such placement provides additional stability and prevents mass movement, fill materials suitable for disposal shall be placed upon or above a natural terrace, bench, or berm.

(f) The fill materials shall be hauled or conveyed and placed in horizontal lifts in a controlled manner, concurrently compacted as necessary to ensure mass stability and prevent mass movement, covered, and graded to allow surface and subsurface drainage to be compatible with the natural surroundings and ensure a long-term static safety factor of 1.5.

(g) The final configuration of the fill must be suitable for postmining land uses approved in accordance with §12.568 of this title (relating to Postmining Land Use), except that no depressions or impoundments shall be allowed on the completed fill.

(h) Terraces may be utilized to control erosion and enhance stability if approved by the Commission and consistent with §12.552(b) of this title (relating to Backfilling and Grading: General Grading Requirements).

(i) Where the slope in the disposal area exceeds 2.8h:1v (36%), or such lesser slope as may be designated by the Commission based on local conditions, keyway cuts (excavations to stable bedrock) or rock toe-buttresses shall be constructed to stabilize the fill. Where the toe of the spoil rests on a downslope, stability analyses shall be performed in accordance with §12.183 of this title (relating to Cross Sections, Maps, and Plans) to determine the size of the rock toe-buttresses or keyway cuts.

(j) The fill shall be inspected for stability by a registered professional engineer experienced in the construction of earth and rockfill embankments at least quarterly throughout construction, and during the following critical construction periods:

(1) removal of all organic material and topsoil;

(2) placement of underdrainage systems and protective filter systems;

(3) installation of surface drainage systems;

(4) placement and compaction of fill materials; and

(5) revegetation.

(k) The registered professional engineer shall provide to the Commission a certified report, within 2 weeks after each inspection that the fill has been constructed as specified in the design approved by the Commission. The certified report on the drainage system and protective filters shall include color photographs taken during and after construction, but before underdrains are covered with excess spoil. If the underdrain system is constructed in phases, each phase shall be certified separately. A copy of the report shall be retained at the minesite.

(l) Coal processing waste shall not be disposed of in valley or head-of-hollow fills and may only be disposed of with underground development waste, or in other excess spoil fills, if such waste is:

(1) placed in accordance with §12.538 of this title (relating to Coal Processing Waste Banks: Construction Requirements);

- and
- (2) demonstrated to be non-toxic and non-acid forming;
- (3) demonstrated to be consistent with the design stability of the fill.

(m) If the disposal area contains springs, natural or manmade watercourses, or wet-weather seeps, an underdrain system consisting of durable rock shall be constructed from the wet areas in a manner that prevents infiltration of the water into the spoil material. The underdrain system shall be protected by an adequate filter and shall be designed and constructed using standard geotechnical engineering methods. Where excess durable rock spoil is placed in single or multiple lifts such that the underdrain system is constructed simultaneously with excess spoil placement by the natural segregation of dumped materials, color photographs shall be taken of the underdrain as the underdrain system is being formed.

(n) The foundation and abutments of the fill shall be stable under all conditions of construction and operation. Sufficient foundation investigations and laboratory testing of foundation materials shall be performed in order to determine the design requirements for stability of the foundation. Analyses of foundation conditions shall include the effect of underground mine workings, if any, upon the stability of the structure.

(o) Underground development waste and excess spoil may be returned to underground workings only in accordance with the disposal plans submitted under §12.193 of this title (relating to Underground Development Waste/Return of Coal Processing Waste to Abandoned Underground Workings) and approved by the Commission and MSHA.

(p) Excess spoil that is acid-forming or toxic-forming or combustible shall be adequately covered with non-acid, non-toxic and noncombustible material, or treated, to control the impact on surface and ground water in accordance with this chapter (relating to Coal Mining Regulations), to prevent sustained combustion, and to minimize adverse effects on plant growth and the approved postmining land use.

(q) The photographs required by this section to accompany each certified report shall be taken in adequate size and number, with enough terrain or other physical features of the site shown, to provide a relative scale to the photographs and to specifically and clearly identify the site.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Special Permanent Program Performance Standards - Auger Mining

16 TAC §12.600

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Special Permanent Program Performance Standards - Operations in Alluvial Valley Floors

16 TAC §§12.610-12.613

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Special Permanent Program Performance Standards - Operations on Prime Farmland

16 TAC §§12.620-12.622, 12.624, 12.625

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**Special Permanent Program Performance Standards
- Coal Processing Plants and Support Facilities not
Located at or Near the Minesite or not Within the
Permit Area for a Mine**

16 TAC §§12.650, §12.651

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**Special Permanent Program Performance Standards
- In Situ Processing**

16 TAC §§12.660, §12.661

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**Subchapter L. Permanent Program Inspection
and Enforcement Procedures**

Commission Inspection and Enforcement

16 TAC §§12.670-12.675

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Enforcement

16 TAC §§12.677-12.684

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Civil Penalties

16 TAC §§12.686-12.694

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

§12.687. *Point System for Penalties.*

(a) The Commission shall use the point system described in this section to determine the amount of the penalty and, in the case of notices of violation, whether a mandatory penalty should be assessed as provided in §12.686(b) of this title (relating to When Penalty Will Be Assessed).

(b) Points shall be assigned as follows:

(1) History of previous violations. The commission shall assign up to 30 points based on the history of previous violations. One point shall be assigned for each past violation contained in a notice of violation. Five points shall be assigned for each violation (but not a condition or practice) contained in a cessation order. The history of previous violations, for the purpose of assigning points, shall be determined and the points assigned with respect to a particular coal exploration or surface coal mining operation. Points shall be assigned as follows:

(A) a violation shall not be counted, if the notice or order is the subject of pending administrative or judicial review or if the time to request such review or to appeal any administrative or judicial decision has not expired, and thereafter it shall be counted for only one year;

(B) no violation for which the notice or order has been vacated shall be counted; and

(C) each violation shall be counted without regard to whether it led to a civil penalty assessment;

(2) Seriousness. The Commission shall assign up to 30 points based on the seriousness of the violation, as follows:

(A) Probability of occurrence. The Commission shall assign up to 15 points based on the probability of the occurrence of the event which a violated standard is designed to prevent. Points shall be assessed according to the following schedule:
Figure: 16 TAC 12.687(b)(2)(A)

(B) extent of potential or actual damage. The Commission shall assign up to 15 points, based on the extent of the potential or actual damage, in terms of area and impact on the public or environment, as follows:

(i) if the damage or impact which the violated standard is designed to prevent would remain within the coal exploration or permit area, the Commission shall assign zero to seven points, depending on the duration and extent of the damage or impact; and

(ii) if the damage or impact which the violated standard is designed to prevent would extend outside the coal exploration or permit area, the Commission shall assign eight to fifteen points, depending on the duration and extent of the damage or impact; and

(C) Alternative. In the case of a violation of an administrative requirement, such as a requirement to keep records, the Commission shall, in lieu of subparagraphs (A) and (B) of this paragraph, assign up to 15 points for seriousness, based upon the extent to which enforcement is obstructed by the violation;

(3) Negligence.

(A) The Commission shall assign up to 25 points based on the degree of fault of the person to whom the notice or order was issued in causing or failing to correct the violation, condition, or practice which led to the notice or order, either through act or omission. Points shall be assessed as follows:

(i) a violation which occurs through no negligence shall be assigned no penalty points for negligence;

(ii) a violation which is caused by negligence shall be assigned 12 points or less, depending on the degree of negligence;

(iii) a violation which occurs through a greater degree of fault than negligence shall be assigned 13 to 25 points, depending on the degree of fault;

(B) In determining the degree of negligence involved in a violation and the number of points to be assigned, the following definitions apply:

(i) No negligence- An inadvertent violation which was unavoidable by the exercise of reasonable care;

(ii) Negligence- The failure of a permittee to prevent the occurrence of any violation of his or her permit or any requirement of the Act or this chapter (relating to Coal Mining Regulations) due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or the Act due to indifference, lack of diligence, or lack of reasonable care;

(iii) A greater degree of fault than negligence- Reckless, knowing, or intentional conduct; and

(C) In calculating points to be assigned for negligence, the acts of all persons working on the coal exploration or surface coal mining and reclamation site shall be attributed to the person to whom the notice or order was issued, unless that person establishes that they were acts of deliberate sabotage; and

(4) Good faith in attempting to achieve compliance.

(A) The Commission shall add points based on the degree of good faith of the person to whom the notice or order was issued in attempting to achieve rapid compliance after notification of the violation. Points shall be assigned as follows: Figure: 16 TAC 12.687(b)(4)(A)

(B) The following definitions shall apply under subsection (b)(4)(A) of this section:

(i) Rapid compliance- That the person to whom the notice or order was issued took extraordinary measures to abate the violation in the shortest possible time and that abatement was achieved before the time set for abatement;

(ii) Normal compliance- The person to whom the notice or order was issued abated the violation within the time given for abatement; and

(C) If the consideration of this criterion is impractical because of the length of the abatement period, the assessment may be made without considering this criterion and may be reassessed after the violation has been abated.

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Individual Civil Penalties

16 TAC §§12.696-12.699

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Subchapter M. Training

Training, Examination, and Certification of Blasters

16 TAC §§12.700, 12.702-12.710

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

§12.707. Certification.

(a) The Commission shall issue a Commission Blaster Certificate to those applicants examined and found to meet the requirements of §12.700, §§12.702 through 12.706, this section, and §§12.708 through 12.710 of this title (relating to Training, Examination, and Certification of Blasters) for accepting responsibility for blasting operations in mining operations regulated by the Commission. Blaster certifications shall expire as follows:

- (1) certificate issuance- 3 years after issue date;
- (2) certificate renewal- 3 years after the expiration date of the certificate being renewed;
- (3) certificate reissuance- 3 years after issue date;
- (4) certificate replacement- Same expiration date as certificate being replaced; and
- (5) certificate issued under reciprocity- Same expiration date as that of the qualified jurisdiction certification for which reciprocity rights are granted by the Commission.

(b) The conditions for maintaining blaster certification shall include:

- (1) certified blasters shall not assign or transfer certifications;
- (2) certified blasters shall immediately exhibit certifications to any authorized representative of the Commission upon request;

(3) certified blasters shall protect certifications from loss, theft or unauthorized duplication, and immediately report any such occurrences to the Director of the Surface Mining and Reclamation Division;

(4) certified blasters shall not delegate their responsibility for surface mining blasting operations to any individual who is not a certified blaster;

(5) certified blasters shall complete a Commission-administered refresher course at least once every three years;

(6) certified blasters shall notify the Commission in writing within 30 days of any change in address; and

(7) certified blasters shall immediately surrender Commission Blaster Certificates to an authorized representative of the Commission upon notice of suspension or revocation or other good cause.

(c) The Commission, when practicable, following written notice and opportunity for a hearing, may, and upon a finding of willful conduct, shall immediately suspend or revoke the certification of any blaster or take other necessary action for any of the following reasons:

- (1) noncompliance with any order of the Commission;
- (2) unlawful use in the work place of, or current addiction to, alcohol, narcotics, or other dangerous drugs;
- (3) violation of any provision of state, federal or local explosives statutes or regulations; or
- (4) providing false information or any misrepresentation of fact to obtain blaster certifications.

(d) If advance notice and opportunity for hearing cannot be provided, an opportunity for hearing shall be provided as soon as practical following the suspension, revocation, or other adverse action.

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Mary Ross McDonald

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Railroad Commission of Texas

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For further information, please call: (512) 463-7008

Subchapter R. Texas Abandoned Mine Land Reclamation Program

16 TAC §§12.800-12.817

The new rules are adopted pursuant to §134.013 of the Texas Natural Resources Code, which provides the commission the authority to promulgate rules pertaining to surface coal mining operations.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 17, 1997.

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TITLE 22. EXAMINING BOARDS

Part XV. Texas State Board of Pharmacy

Chapter 291. Pharmacies

The Texas State Board of Pharmacy adopts amendments to §§291.31-291.34 and 291.36, concerning Definitions, Personnel, Operational Standards, Records in Community Pharmacy (Class C), and Class A Pharmacies Compounding Sterile Pharmaceuticals, and §291.72 and §291.73, concerning Definitions and Personnel in Institutional Pharmacy (Class C). Section 291.31 and §291.36 are adopted with changes to the proposed text as published in the October 1, 1996, and December 27, 1996, issues of the *Texas Register* (21 TexReg 12518 and 21 TexReg 12520). Sections 791.33, 791.34, 791.72, and 791.73 are adopted without changes to the proposed text as published in the December 27, 1996, issue of the *Texas Register* (21 TexReg 12522) and will not be republished. Section 291.32 is adopted without changes, however it will be republished for clarification.

The Board adopts these amendments with changes to the definition of "dispensing pharmacist" as contained in §291.31 and §291.36.

The adopted amendments redefine the definition of a new prescription to include any prescription transferred into a pharmacy and any drug a patient has not taken in the same strength and/or dosage form and specify that non-pharmacist personnel may not ask questions intended to limit a patient's access to a pharmacist. The amendments also specify procedures for transferring new prescriptions between pharmacies and allow pharmacists to delegate the affixing of a prescription label to a pharmacy technician or automated dispensing systems provided the pharmacist makes a final check of the prescription to verify the accuracy before delivery to the patients. The responsibility for the accuracy of the prescription remains with the pharmacist. The amendments also clearly specify that pharmacists-in-charge and dispensing or distributing pharmacists are responsible for accurate dispensing and distributing of drugs and devices, including right drug, right quantity, right strength, and right directions for use.

Numerous written comments on the proposed rules were received and oral comments on the proposed rules were received at a public hearing on November 6, 1996. All of the oral and written comments concerned the proposed amendment to the

duties of a pharmacist which would allow a pharmacist to delegate the task of affixing the label to the prescription container, provided a pharmacist performs a final check to ensure that the prescription has been dispensed accurately as prescribed. Four professional pharmacy associations (Texas Federation of Drug Stores, Texas Pharmacy Association, Texas Society of Health-System Pharmacists, and the West Texas Pharmaceutical Association) commented in favor of the amendment. In addition, the agency received comments from 162 individuals, of which 144 were against and 18 were in favor of the proposed change. Most of the persons against the proposed change stated that they believed that this change would endanger the public health because more errors could occur if pharmacists were allowed to delegate this task. The Board disagrees with these comments because of the following reasons: (1) the process of affixing a label is manipulative or mechanical and requires no judgmental skills; (2) pharmacists must be released from being required to perform nonjudgmental and manipulative duties so that they may have the time to perform more patient oriented duties such as drug use reviews, patient counseling, and medication therapy management; (3) all of the data currently available indicate that there is not a public health hazard attributable to pharmacy technicians performing technical or manipulative tasks associated with the dispensing of a prescription (including affixing the label to a prescription). In fact, all of the studies show that technicians are as accurate as pharmacists. One study (McGhan, 1983) concluded that: (a) technicians are as accurate as pharmacists in filling prescriptions (in fact the total error rate for technicians was slightly less than the error rate for pharmacists - 4.17% for technicians to 5.17% for pharmacists); and (b) pharmacists spend approximately one minute more per patient counseling when technicians performed the manipulative tasks of filling the prescription; (4) forty-four states currently allow technicians to affix the prescription label to the container if the pharmacist makes a final check before releasing the prescription.

Community Pharmacy (Class A)

22 TAC §§291.31-291.34, 291.36

The amendments are adopted under the Texas Pharmacy Act (Article 4542a-1, Texas Civil Statutes): (1) Section 16(a) which specifies that the Board shall amend and adopt rules for the proper administration and enforcement of the Act; (2) Section 17(a)(4) which specifies that the Board is responsible for enforcement of the Act, including conduct and competence of pharmacists and pharmacies; (3) Section 17(b)(3) which specifies that the Board is responsible for the specification of standards for drug delivery, dispensing in a suitable container appropriately labeled, and providing of prescription drugs and devices; and gives the Board the authority to specify minimum standards for counseling of patients and maintenance of prescription drug records; and (4) Section 17(b)(4) which gives the Board the authority to adopt rules regarding the transmission of prescription drug orders by electronic means.

The statutes affected by this rule: Texas Civil Statutes, Article 4542a-1.

§291.31. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

Accurately as prescribed—Dispensing, delivering, and/or distributing a prescription drug order:

(A) to the correct patient (or agent of the patient) for whom the drug or device was prescribed;

(B) with the correct drug in the correct strength, quantity, and dosage form ordered by the practitioner; and

(C) with correct labeling (including directions for use) as ordered by the practitioner. Provided, however, that nothing herein shall prohibit pharmacist substitution if substitution is conducted in strict accordance with applicable laws and rules, including §40 of the Texas Pharmacy Act.

Automated drug dispensing system —An automated device that measures, counts, packages, and/or labels a specified quantity of dosage units for a designated drug product.

Dispensing pharmacist —The pharmacist responsible for the final check of the dispensed prescription before delivery to the patient.

New prescription drug order —A prescription drug order that:

(A) has not been dispensed to the patient in the same strength and dosage form by this pharmacy within the last year;

(B) is transferred from another pharmacy; and/or

(C) is a discharge prescription drug order. (Note: furlough prescription drug orders are not considered new prescription drug orders.)

§291.32. Personnel.

(a) Pharmacist-in-charge.

(1) (No change.)

(2) Responsibilities. The pharmacist-in-charge shall have responsibility for, at a minimum, the following:

(A) dispensing of drugs, including:

(i) packaging, preparation, compounding, and labeling; and

(ii) ensuring that drugs are dispensed safely, and accurately as prescribed;

(B) delivery of drugs to the patient or the patient's agent, including ensuring that drugs are delivered safely, and accurately as prescribed;

(C)-(N) (No change)

(b) Pharmacists.

(1) General.

(A)-(D) (No change)

(E) A dispensing pharmacist shall ensure that the drug is dispensed and delivered safely, and accurately as prescribed.

(2) Duties. Duties which may only be performed by a pharmacist are as follows:

(A)-(C) (No change.)

(D) performing the final check of the dispensed prescription before delivery to the patient to ensure that the prescription has been dispensed accurately as prescribed;

(E)-(I) (No change.)

(3) (No change.)

(c) Supportive personnel/pharmacy technician.

(1) (No change.)

(2) Duties.

(A)-(B) (No change.)

(C) A pharmacist may not delegate the act of affixing a label to a prescription container unless the supportive person/pharmacy technician has completed the education and training requirements outlined in paragraphs (1) and (4) of this subsection.

(3)-(4) (No change.)

(5) Training program. Supportive personnel training shall be outlined in a training manual. Such training manual shall, at a minimum, contain the following:

(A) (No change.)

(B) instruction in the following areas and any additional areas appropriate to the duties of supportive personnel in the pharmacy:

(i)-(vii) (No change.)

(viii) Prescription drug order preparation:

(I)-(V) (No change.)

(VI) Affixing the prescription label;

(VII) Affixing auxiliary labels, if indicated; and

(VIII) Preparing the finished product for inspection and final check by pharmacists;

(ix)-(xii) (No change.)

(d) (No change.)

§291.36. Class A Pharmacies Compounding Sterile Pharmaceuticals.

(a) (No change.)

(b) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) ACPE—The American Council on Pharmaceutical Education.

(2) Act—The Texas Pharmacy Act, Texas Civil Statutes, Article 4542a-1, as amended

(3) Accurately as prescribed—Dispensing, delivering, and/or distributing a prescription drug order:

(A) to the correct patient (or agent of the patient) for whom the drug or device was prescribed;

(B) with the correct drug in the correct strength, quantity, and dosage form ordered by the practitioner; and

(C) with correct labeling (including directions for use) as ordered by the practitioner. Provided, however, that nothing herein shall prohibit pharmacist substitution if substitution is conducted in strict accordance with applicable laws and rules, including §40 of the Texas Pharmacy Act.

(4) Advanced practice nurse—A registered nurse approved by the Texas State Board of Nurse Examiners to practice as an advanced practice nurse on the basis of completion of an advanced education program. The term includes a nurse practitioner, a nurse midwife, a nurse anesthetist, and a clinical nurse specialist.

(5) Airborne particulate cleanliness class—The level of cleanliness specified by the maximum allowable number of particles per cubic foot of air as specified in Federal Standard 209E, et seq. For example:

(A) Class 100 is an atmospheric environment which contains less than 100 particles 0.5 microns in diameter per cubic foot of air;

(B) Class 10,000 is an atmospheric environment which contains less than 10,000 particles 0.5 microns in diameter per cubic foot of air; and

(C) Class 100,000 is an atmospheric environment which contains less than 100,000 particles 0.5 microns in diameter per cubic foot of air.

(6) Ancillary supplies—Supplies necessary for the administration of compounded sterile pharmaceuticals.

(7) Aseptic preparation—The technique involving procedures designed to preclude contamination of drugs, packaging, equipment, or supplies by microorganisms during processing.

(8) Automated compounding or drug dispensing system—An automated device that compounds, measures, counts, packages, and/or labels a specified quantity of dosage units for a designated drug product.

(9) Batch preparation compounding—Compounding of multiple sterile-product units, in a single discrete process, by the same individual(s), carried out during one limited time period. Batch preparation/compounding does not include the preparation of multiple sterile-product units pursuant to patient specific medication orders.

(10) Biological Safety Cabinet—Containment unit suitable for the preparation of low to moderate risk agents where there is a need for protection of the product, personnel, and environment, according to National Sanitation Foundation (NSF) Standard 49.

(11) Board—The Texas State Board of Pharmacy.

(12) Carrying out or signing—A prescription drug order, the completion of a prescription drug order presigned by the delegating physician, or the signing of a prescription by an advanced practice nurse or physician assistant after the person has been designated with the Texas State Board of Medical Examiners by the delegating physician as a person delegated to sign a prescription. The following information shall be provided on each prescription:

- (A) patient's name and address;
- (B) name, strength, and quantity of the drug to be dispensed;
- (C) directions for use;
- (D) the intended use of the drug, if appropriate;
- (E) the name, address, and telephone number of the physician;

(F) the name, address, telephone number, and identification number of the advanced practice nurse or physician assistant completing the prescription drug order;

(G) the date; and

(H) the number of refills permitted.

(13) Clean room—A room in which the concentration of airborne particles is controlled and there are one or more clean zones according to Federal Standard 209E, et seq.

(14) Clean zone—A defined space in which the concentration of airborne particles is controlled to meet a specified airborne particulate cleanliness class.

(15) Compounding—The preparation, mixing, assembling, packaging, or labeling of a drug or device:

(A) as the result of a practitioner's prescription drug or medication order or initiative based on the practitioner-patient pharmacist relationship in the course of professional practice;

(B) in anticipation of prescription drug or medication orders based on routine, regularly observed prescribing patterns; or

(C) for the purpose of or as an incident to research, teaching, or chemical analysis and not for sale or dispensing.

(16) Confidential record—Any health related record maintained by a pharmacy or pharmacist such as a patient medication record, prescription drug order, or medication drug order.

(17) Controlled area—A controlled area is the area designated for preparing sterile pharmaceuticals.

(18) Controlled substance—A drug, immediate precursor, or other substance listed in Schedules I-V or Penalty Groups 1-4 of the Texas Controlled Substances Act, as amended, or a drug, immediate precursor, or other substance included in Schedule I, II, III, IV, or V of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended (Public Law 91-513).

(19) Critical areas—Any area in the controlled area where products or containers are exposed to the environment.

(20) Cytotoxic—A pharmaceutical that has the capability of killing living cells.

(21) Dangerous drug—Any drug or device that is not included in Penalty Groups 1-4 of the Controlled Substances Act and that is unsafe for self-medication or any drug or device that bears or is required to bear the legend:

(A) "Caution: federal law prohibits dispensing without prescription"; or

(B) "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian."

(22) Data communication device—An electronic device that receives electronic information from one source and transmits or routes it to another (e.g., bridge, router, switch or gateway).

(23) Deliver or delivery—The actual, constructive, or attempted transfer of a prescription drug or device or controlled substance from one person to another, whether or not for a consideration.

(24) Designated agent—

(A) a licensed nurse, physician assistant, pharmacist, or other individual designated by a practitioner, and for whom the practitioner assumes legal responsibility, who communicates prescription drug orders to a pharmacist;

(B) a licensed nurse, physician assistant, or pharmacist employed in a health care facility to whom the practitioner communicates a prescription drug order; or

(C) an advanced practice nurse or physician assistant authorized by a practitioner to carry out or sign a prescription drug order for dangerous drugs under Medical Practice Act, Article 4495b, §3.06(d)(5) or (6).

(25) Device—An instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, that is required under federal or state law to be ordered or prescribed by a practitioner.

(26) Dispense—Preparing, packaging, compounding, or labeling for delivery a prescription drug or device in the course of professional practice to an ultimate user or his agent by or pursuant to the lawful order of a practitioner.

(27) Dispensing pharmacist — the pharmacist responsible for the final check of the dispensed prescription before delivery to the patient.

(28) Distribute—The delivery of a prescription drug or device other than by administering or dispensing.

(29) Downtime—Period of time during which a data processing system is not operable.

(30) Drug regimen review—An evaluation of prescription drug or medication orders and patient medication records for:

- (A) known allergies;
- (B) rational therapy—contraindications;
- (C) reasonable dose and route of administration;
- (D) reasonable directions for use;
- (E) duplication of therapy;
- (F) drug-drug interactions;
- (G) drug-food interactions;
- (H) drug-disease interactions;
- (I) adverse drug reactions; and
- (J) proper utilization, including overutilization or underutilization.

(31) Electronic prescription drug order—A prescription drug order which is transmitted by an electronic device to the receiver (pharmacy).

(32) Expiration date—The date (and time, when applicable) beyond which a product should not be used.

(33) Full-time pharmacist—A pharmacist who works in a pharmacy from 30 to 40 hours per week or if the pharmacy is open less than 60 hours per week, one-half of the time the pharmacy is open.

(34) Hard copy—A physical document that is readable without the use of a special device (i.e., cathode ray tube (CRT), microfiche reader, etc.).

(35) Medical Practice Act—The Texas Medical Practice Act, Texas Civil Statutes, Article 4495b, as amended.

(36) New prescription drug order—A prescription drug order that:

(A) has not been dispensed to the patient in the same strength and dosage form by this pharmacy within the last year;

(B) is transferred from another pharmacy; and/or

(C) is a discharge prescription drug order. (Note: furlough prescription drug orders are not considered new prescription drug orders.)

(37) Original prescription—The:

(A) original written prescription drug orders; or

(B) original verbal or electronic prescription drug orders reduced to writing either manually or electronically by the pharmacist.

(38) Part-time pharmacist—A pharmacist who works less than full-time.

(39) Patient counseling—Communication by the pharmacist of information to the patient or patient's agent, in order to improve therapy by ensuring proper use of drugs and devices.

(40) Pharmacist-in-charge—The pharmacist designated on a pharmacy license as the pharmacist who has the authority or responsibility for a pharmacy's compliance with laws and rules pertaining to the practice of pharmacy.

(41) Pharmaceutical care—The provision of drug therapy and other pharmaceutical services intended to assist in the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process.

(42) Physician assistant—A physician assistant recognized by the Texas State Board of Medical Examiners as having the specialized education and training required under the Medical Practice Act, §3.06(d), and issued an identification number by the Texas State Board of Medical Examiners.

(43) Practitioner—

(A) a physician, dentist, podiatrist, veterinarian, or other person licensed or registered to prescribe, distribute, administer, or dispense a prescription drug or device in the course of professional practice in this state;

(B) a person licensed by another state in a health field in which, under Texas law, licensees in this state may legally prescribe dangerous drugs or a person practicing in another state and licensed by another state as a physician, dentist, veterinarian, or podiatrist, having a current federal Drug Enforcement Administration registration number, and who may legally prescribe Schedule II, III, IV, or V controlled substances in such other state; or

(C) a person licensed in the Dominion of Canada or the United Mexican States in a health field in which, under the laws of this state, a licensee may legally prescribe dangerous drugs;

(D) does not include a person licensed under the Texas Pharmacy Act.

(44) Repackaging—The act of repackaging and relabeling quantities of drug products from a manufacturer's original commercial container into a prescription container for dispensing by a pharmacist to the ultimate consumer.

(45) Prescription drug—

(A) a substance for which federal or state law requires a prescription before it may be legally dispensed to the public;

(B) a drug or device that under federal law is required, prior to being dispensed or delivered, to be labeled with either of the following statements:

(i) "Caution: federal law prohibits dispensing without prescription"; or

(ii) "Caution: federal law restricts this drug to use by or on order of a licensed veterinarian"; or

(C) a drug or device that is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by a practitioner only.

(46) Prescription drug order—

(A) an order from a practitioner or a practitioner's designated agent to a pharmacist for a drug or device to be dispensed; or

(B) an order pursuant to the Medical Practice Act, §3.06(d)(5) or (6).

(47) Process validation—Documented evidence providing a high degree of assurance that a specific process will consistently produce a product meeting its predetermined specifications and quality attributes.

(48) Quality assurance—The set of activities used to assure that the process used in the preparation of sterile drug products lead to products that meet predetermined standards of quality.

(49) Quality control—The set of testing activities used to determine that the ingredients, components (e.g., containers), and final sterile pharmaceuticals prepared meet predetermined requirements with respect to identity, purity, non-pyrogenicity, and sterility.

(50) Sample—A prescription drug which is not intended to be sold and is intended to promote the sale of the drug.

(51) Sterile pharmaceutical—A dosage form free from living micro-organisms.

(52) Supportive personnel/Pharmacy technician—Those individuals utilized in pharmacies whose responsibility it shall be to provide technical services that do not require professional judgment concerned with the preparation and distribution of drugs under the direct supervision of and responsible to a pharmacist.

(53) Texas Controlled Substances Act—The Texas Controlled Substances Act, Health and Safety Code, Chapter 481, as amended.

(54) Unit-dose packaging—The ordered amount of drug in a dosage form ready for administration to a particular patient, by the prescribed route at the prescribed time, and properly labeled with name, strength, and expiration date of the drug.

(55) Unusable drugs—Drugs or devices that are unusable for reasons such as they are adulterated, misbranded, expired, defective, or recalled.

(56) Written protocol—A physician's order, standing medical order, standing delegation order, or other order or protocol as defined by rule of the Texas State Board of Medical Examiners under the Texas Medical Practice Act, (Texas Civil Statutes, Article 4495b)

(c) Personnel.

(1) Pharmacist-in-charge.

(A) (No change)

(B) Responsibilities. The pharmacist-in-charge shall have the responsibility for, at a minimum, the following:

(i) ensuring that drugs and/or devices are dispensed and delivered safely and accurately as prescribed;

(ii)-(xvi) (No change.)

(2) Pharmacists.

(A) General.

(i)-(v) (No change.)

(vi) A dispensing pharmacist shall ensure that the drug is dispensed and delivered safely, and accurately as prescribed.

(B) Duties. Duties which may only be performed by a pharmacist are as follows:

(i)-(iv) (No change.)

(v) performing the final check of the dispensed prescription before delivery to the patient to ensure that the prescription has been dispensed accurately as prescribed;

(vi)-(ix) (No change.)

(3) Supportive personnel/pharmacy technicians.

(A) (No change.)

(B) Duties.

(i)-(ii) (No change.)

(iii) A pharmacist may not delegate the act of affixing a label to a prescription container unless the supportive person/pharmacy technician has completed the education and training requirements outlined in subparagraphs (A) and (D) of this paragraph.

(C) -(D) (No change.)

(E) Training program. Supportive personnel training shall be outlined in a training manual. Such training manual shall, at a minimum contain the following:

(i) (No change.)

(ii) instruction in the following areas and any additional areas appropriate to the duties of supportive personnel in the pharmacy:

(I)-(VII) (No change.)

(VIII) Prescription drug order preparation:

(-a)-(-e-) (No change.)

(-f-) Affixing the prescription label;

and
(-g-) Affixing auxiliary labels, if indicated;
(-h-) Preparing the finished product for inspection and final check by pharmacists;

(IX)-(XII) (No change.)

(4)-(5) (No change.)

(d) Operational standards.

(1)-(2) (No change.)

(3) Prescription dispensing and delivery.

(A) Patient counseling and provision of drug information.

(i) (No change.)

(ii) Such communication:

(I)-(III) (No change.)

(IV) Beginning September 1, 1993, the communication shall be reinforced with written information. The following is applicable concerning this written information.

(-a-)-(-c-) (No change.)

(iii) Only a pharmacist may verbally provide drug information to a patient or patient's agent and answer questions concerning prescription drugs. Non-pharmacist personnel may not ask questions of a patient or patient's agent which are intended to screen and/or limit interaction with the pharmacist.

(iv) Nothing in this subparagraph shall be construed as requiring a pharmacist to provide consultation when a patient or patient's agent refuses such consultation. The pharmacist shall document such refusal for consultation.

(v) In addition to the requirements of clauses (i)-(iv) of this subparagraph, if a prescription drug order is delivered to the patient at the pharmacy, the following is applicable.

(I) So that a patient will have access to information concerning his or her prescription, a prescription may not be delivered to a patient unless a pharmacist is in the pharmacy, except as provided in subclause (II) of this clause.

(II) An agent of the pharmacist may deliver a prescription drug order to the patient or his or her agent during short periods of time when a pharmacist is absent from the pharmacy, provided the short periods of time do not exceed two hours, and provided a record of the delivery is maintained containing the following information:

(-a-) date of the delivery;

(-b-) unique identification number of the prescription drug order;

(-c-) patient's name;

(-d-) patient's phone number or the phone number of the person picking up the prescription; and

(-e-) signature of the person picking up the prescription.

(III) Any prescription delivered to a patient when a pharmacist is not in the pharmacy must meet the requirements described in clause (vi) of this subparagraph.

(IV) A Class A pharmacy compounding sterile pharmaceuticals that delivers prescriptions to patients or their agents on-site shall make available for use by the public a current or updated edition of the United States Pharmacopeia Dispensing Information, Volume II (Advice to the Patient), or another source of such information, such as patient information leaflets.

(vi) In addition to the requirements of clauses (i)-(iv) of this subparagraph, if a prescription drug order is delivered to the patient or his or her agent at the patient's residence or other designated location, the following is applicable.

(I) The information specified in clause (i) of this subparagraph shall be delivered with the dispensed prescription in writing.

(II) If prescriptions are routinely delivered outside the area covered by the pharmacy's local telephone service, the pharmacy shall provide a toll-free telephone line which is answered during normal business hours to enable communication between the patient and a pharmacist.

(III) The pharmacist shall place on the prescription container or on a separate sheet delivered with the prescription container in both English and Spanish the local and if applicable, toll-free telephone number of the pharmacy and the statement: "Written information about this prescription has been provided for you. Please read this information before you take the medication. If you have questions concerning this prescription, a pharmacist is available during normal business hours to answer these questions."

(IV) The pharmacist-in-charge shall assure that:

(-a-) adequate storage or shipment containers and shipping processes are used to ensure drug stability and potency; and

(-b-) the pharmacy utilizes a delivery system which is designed to assure that the drugs are delivered to the appropriate patient.

(vii) The provisions of this subparagraph do not apply to patients in facilities where drugs are administered to patients by a person authorized to do so by the laws of the state (i.e., nursing homes).

(B)-(C) (No change.)

(4)-(9) (No change.)

(e) Records.

(1)-(2) (No change.)

(3) Prescription drug order records maintained in a manual system.

(A)-(C) (No change.)

(D) Transfer of prescription drug order information. For the purpose of refill or initial dispensing, the transfer of original prescription drug order information is permissible between pharmacies, subject to the following requirements.

(i)-(v) (No change.)

(vi) The pharmacist or pharmacist intern receiving the transferred prescription drug order information shall:

(I) (No change.)

(II) record on the transferred prescription drug order the following information:

(-a-) original date of issuance and date of dispensing or receipt, if different from date of issuance;

(-b-) (No change.)

(-c-) number of valid refills remaining and the date of last refill, if applicable;

(-d-)-(-e-) (No change.)

(E) (No change.)

(4) Prescription drug order records maintained in a data processing system.

(A) -(C) (No change.)

(D) Transfer of prescription drug order information. For the purpose of refill or initial dispensing, the transfer of original prescription drug order information is permissible between pharmacies, subject to the following requirements.

(i)-(v) (No change.)

(vi) The pharmacist or pharmacist intern receiving the transferred prescription drug order information shall:

(I) (No change.)

(II) record on the transferred prescription drug order the following information:

(-a-) original date of issuance and date of dispensing or receipt, if different from date of issuance;

(-b-) (No change.)

(-c-) number of valid refills remaining and the date of last refill, if applicable;

(-d-)-(-e-) (No change.)

(vii)-(x) (No change.)

(E)-(F) (No change.)

(5)-(11) (No change.)

(f) (No change.)

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Fred S. Brinkley, Jr., R.Ph., M.B.A.

Executive Director/Secretary

Texas State Board of Pharmacy

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For further information, please call: (512) 305-8027

Institutional Pharmacy (Class C)

22 TAC §291.72, §291.73

The amendments are adopted under the Texas Pharmacy Act (Article 4542a-1, Texas Civil Statutes): (1) Section 16(a) which specifies that the Board shall amend and adopt rules for the proper administration and enforcement of the Act; (2) Section 17(a)(4) which specifies that the Board is responsible for en-

forcement of the Act, including conduct and competence of pharmacists and pharmacies; (3) Section 17(b)(3) which specifies that the Board is responsible for the specification of standards for drug delivery, dispensing in a suitable container appropriately labeled, and providing of prescription drugs and devices; and gives the Board the authority to specify minimum standards for counseling of patients and maintenance of prescription drug records; and (4) Section 17(b)(4) which gives the Board the authority to adopt rules regarding the transmission of prescription drug orders by electronic means,

The statutes affected by this rule: Texas Civil Statutes, Article 4542a-1.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Executive Director/Secretary

Texas State Board of Pharmacy

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For further information, please call: (512) 305-8027

Chapter 295. Pharmacists

22 TAC §295.13

The Texas State Board of Pharmacy adopts new §295.13, concerning Drug Therapy Management by a Pharmacist under Written Protocol of a Physician, without changes to the proposed text as published in the December 27, 1996, of the *Texas Register*. The new rule specifies requirements for the maintenance of records of a pharmacist engaged in the provision of drug therapy management as authorized by the Medical Practices Act, §3.06.

The agency received one comment from the Pharmaceutical Research and Manufacturers of America (PhRMA) which suggested that §295.13(d)(6) regarding physician supervision be amended by deleting the current language and adding "has determined that the pharmacist to whom the physician is delegating drug therapy management has established a relationship with the patient. The pharmacist shall notify the physician of any change in the maintenance of the pharmacist-patient relationship." The Board did not agree with this suggestion because the language in the proposed §295.13(d)(6) is almost identical to the suggested language in that it requires the pharmacist to establish and continue a relationship with the patient. In addition, the current paragraph (4) in this same subsection requires the pharmacist to make periodic status reports to the physician. These two paragraphs seem to address the concerns; therefore, no change was necessary in the rules.

PhRMA also suggested that the Board add a new subparagraph (E) to §295.13(a)(4) that would read as follows: "generically equivalent drug selection if the physician's signature does not clearly indicate that the prescription must be dispensed as written with the exception of Narrow Therapeutic Index

Drugs which shall require specific written authorization by the prescribing physician for interchange of this class of drugs. For purposes of this section, Narrow Therapeutic Index Drugs shall include digoxin, phenytoin, warfarin sodium, theophyllin, levothyroxine, carbamazepine, valproic acid, and lithium; or"

The Board did not include this suggested amendment because §40 of the Texas Pharmacy Act addresses the issue of pharmacist substitution of generically equivalent drug product selection. The suggested language (regarding Narrow Therapeutic Index Drugs) is arguably inconsistent with §40 of the Texas Pharmacy Act.

The new rule is adopted under the Texas Pharmacy Act (Article 4542a-1, Texas Civil Statutes): Section 4, which specifies that the purpose of the Act is to protect the public through the effective control and regulation of the practice of pharmacy; Section 16(a), which gives the Board the authority to adopt and amend rules for the proper administration and enforcement of the Act; and §17(x), which specifies the Board shall adopt rules regarding records to be maintained by a pharmacist performing a specific act under written protocol.

The statutes affected by this rule: Texas Civil Statutes, Article 4542a-1.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 17, 1997.

TRD-9703652

Fred S. Brinkley, Jr., R.Ph., M.B.A.

Executive Director/Secretary

Texas State Board of Pharmacy

Effective date: April 7, 1997

Proposal publication date: December 27, 1996

For further information, please call: (512) 305-8027

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 18. Driver Education

Parent or Legal Guardian Taught Driver Education

37 TAC §§18.21-18.24

The Texas Department of Public Safety adopts new §§18.21-18.24, concerning parent or legal guardian-taught driver education. Section 18.21 and §18.23 are adopted with changes to the proposed text as published in the September 27, 1996, issue of the *Texas Register* (21 TexReg 9229). Section 18.22 and §18.24 are adopted without changes and will not be republished.

The justification for these sections is to implement Texas Civil Statutes, Article 6687b, §7A, which states that the department by rule shall provide for parent or legal guardian-taught driver education.

The new sections set standards for parent or legal guardian-taught driver education, requests for information packets, classroom instruction, behind-the-wheel instruction, student requirements, and verification of course completion by minors.

The changes to the proposed text are summarized as follows: Language in §18.21(b) was modified to correct a typographical error in the title of a form designated as DE-964. In §18.23(c) the requirement for persons having been taught driver education by a parent or legal guardian to take a driving test was deleted to be consistent with Texas Civil Statutes, Article 6687b, §7A(d), which provides that completion of a driver training course approved under this section has the same effect under that Act as completion of a driver training course approved by the Central Education Agency.

The department received written comments generally in favor of the rules as proposed, with some of the comments suggesting changes from: Paula and Dan Darby, James B. Link, Brett I. Holcomb, Gary and Nadine Jackson, Karen Miller, Eric B. Neuman III, Ruth Pifer, and Lynn Tapp. Written comments in opposition to the rules were received from: Val David Eckles, Martha Gilley of AAA Security Driving Academy, Elizabeth Henrise of Quad-Cities Driver Training School, Verna Lee Kirchmeier, Marina T. Pothén of Quad-Cities Driver Training School, Benney Raley of Region VI Service Center, Carlos E. Reyna of Driving School Association of Texas, Carlos E. Reyna of Reyna Driving Systems, Marsha Rodsky of Spring Valley Driving School, and Charles Taylor of Advanced Traffic Technologies, Inc.

A public hearing was requested on the proposed new rules and held November 1, 1996 to receive comments from interested persons. Testimony was presented by thirty-three persons. Comments generally in favor of the rules as proposed, with some of the comments suggesting changes were received from: Representative Jim Horn, James Link, Joshua Link, Patti Leestma, Paul Powell of the Office of Representative Charlie Howard, Donna Harp, Tim Lambert, Charles Taylor, Miriam Link, Gene Walker, John Davis, Jody Ripma, Sharon Wood, Dianne Hensley, and Amariah Harp.

Persons who attended the public hearing and noted their position in favor of the proposed rules, but did not testify were: Sarah Link, Trey Blocker, DaTonya Vaughn, Sharon Aldridge, Deborah Stanton, Donna Kile, and Brannen Temple.

Persons who testified in opposition to the proposed rules were: B. J. Amos, Pat Linthicum, Don Appelt, Martha Gilley, Don Archer, Don Ashley, David Eckles, Marina Pothén, Charles Green, Carolyn Campbell, Lucian Jalufka, Darrell Thorley, Marsha Rodsky, Carrol Fuller, Shelia Wagner, Glenn Field, Carey Willingham, and Cheryl Welsh.

Persons who attended the public hearing and noted their opposition to the proposed rules, but did not testify, were: Michael Hamilton, JoLeen Eiklenberg, Suzanne Reyna, Larry Ormes, Allen and Verna Lee Kirchmeier, Bob Downing, Elizabeth Henrise, Carlos Reyna, Phil Ward, Norm Rodsky, T.D. Reed, Andrea Swann, Joe Gonzales, Mark Powhatan, Athe Swann, Clarence Francis, Franklin Huebner, and Scott Wilson.

A summary of the written comments, comments made at the hearing, and the department response follow:

COMMENT: Regarding §18.23(a), the rule should require liability insurance in the amount of \$300,000 for vehicles used in behind-the-wheel instruction, and such vehicles should be required to have dual brakes and a second rear-view mirror for use of the instructor.

RESPONSE: The department disagrees with the comment because the statute under which these rules are adopted (Texas Civil Statutes, Article 6687b, §7A) specifies that the department may not require that the vehicle used for the behind-the-wheel instruction have equipment other than the equipment otherwise required by law for operation of the vehicle on a highway while the vehicle is not being used for driver training. That statute does not provide for the department to set a requirement for an amount of liability insurance which is higher than the minimum amount already required for vehicles operated on the highways of this state.

COMMENT: §18.23(b) should require the department to periodically monitor the parent or guardian classroom activity to make sure the classroom portion of the training is presented properly, as approved by the Texas Education Agency for driver education.

RESPONSE: The department disagrees with the comment because the statute which requires the department to adopt the rules for parent and legal guardian-taught driver training does not authorize the department to conduct monitoring of such driver training. The department believes that its requirement to have the parent or legal guardian submit a sworn statement regarding the training meets the statutory requirement that the rules must provide a method by which approval of a course is obtained, and that an applicant submit proof of completion of the course. Since the statute does not provide for monitoring of the courses taught by parents or legal guardians, the department has concluded that the rules should not include that procedure.

COMMENT: The department should charge a fee to the persons giving instruction under these sections that would cover the cost of monitoring or policing the at-home teaching of driver education.

RESPONSE: There is no statutory authority for the department to charge any fee other than those specifically set out for application fees and costs of documents obtained from the department.

COMMENT: Regarding §18.22(e)(7), the department should not require a social security number as a prerequisite for participating in the program.

RESPONSE: The department is authorized by law, both state and federal, to obtain a social security number for use in the driver licensing process.

COMMENT: The rules should require the vehicle to have a "student driver" sign and an additional brake.

RESPONSE: For the reasons stated above, relating to a specific statutory prohibition, the rules may not require an additional brake on a vehicle used for driver training by parents or legal guardians. Likewise, the requirement of a sign designating the vehicle as a "student driver" vehicle is prohibited by the statute, as this would be an additional item of vehicle

equipment not required by law for operation of a vehicle on a highway while the vehicle is not being used for driver training.

COMMENT: The rules do not require the same standards for course materials as those required in a course approved by the Central Education Agency. Specifically, the rules should include a requirement that approval of a parent to teach driver education may be denied, suspended, or revoked for any one of the following: (1) signing the driver education certificate when the parent did not personally instruct the student during the course described on the certificate; (2) accumulating a personal driving record that does not meet the driver record evaluation standards established for Texas school bus drivers; (3) falsifying any records; or (4) permitting an unlicensed student to practice behind-the-wheel driving lessons on a public roadway, any other violation of a law, or the standards of the driver education program that, in the opinion of the director of the department, warrants suspension or revocation. The comment also proposes a period of suspension shall be at least 180 days.

RESPONSE: The department disagrees with the comment because the statute does not require that all aspects of the parent or legal guardian-taught driver education program mirror those of the Texas Education Agency. The statute requires that course materials must be at least equal to those required in a course approved by the Central Education Agency but does not require that all other aspects of the program be the same. The proposal in the comment would require the department to go beyond the authority set out in the law (Texas Civil Statutes, Article 6687b, §7A) as to the eligibility for a parent or legal guardian to teach driver education. However, the rules do provide for denial of the student's driver's license application if all requirements set out in the rules are not met. Among the reasons for denial of an application is evidence of a false statement in the application.

COMMENT: The rule does not address when a parent's driving record will be scrutinized.

RESPONSE: The department agrees that the rule does not specify a particular time at which the parent or legal guardian's driving record will be reviewed. The department does not agree that this subject must be addressed in the rule. The department's operating procedures will contain provisions directing its personnel to review the driving record of the parent prior to any permit or license being issued to the student. Further, the materials provided by the department to parents and legal guardians will contain a notice of the statutory requirement that the parent or guardian must not have been convicted of criminally negligent homicide or driving while intoxicated.

COMMENT: The rule does not address how the department will assess whether a parent or legal guardian is disabled because of mental illness.

RESPONSE: The department disagrees with the comment since the rule requires a certification from the parent or legal guardian that the person meets all the requirements of the statute and rule, including a sworn statement that the person is not disabled because of mental illness. Further, since a parent or legal guardian who proposes to teach driver training must be a licensed driver, the statutory requirements for issuance and retention of that license must be met by the parent or legal

guardian. The department believes that the existing statutory provisions relating to driver licenses and mental illness provide sufficient methods of dealing with persons who are disabled because of mental illness. Those provisions are contained in Texas Transportation Code, §§521.163, 521.201, 521.294, and 521.312.

COMMENT: The rule does not address who will absorb the cost of a driving record review or background investigation.

RESPONSE: The department agrees that the issue of the cost of a driving review is not addressed by the rule, but this is because the department intends to review the driving record of the individual and any other records which must be reviewed, at the department's cost.

COMMENT: The rules should require proof of vehicle registration, proof of insurance, and vehicle inspection by department representatives prior to commencement of behind-the-wheel instruction, and in-car training should be restricted to approved vehicles only.

RESPONSE: The department disagrees with the comment because the statute authorizing parent and legal guardian-taught driver education does not provide for the department to require, as a prerequisite to allowing a parent or legal guardian to teach driver education, that the parent or legal guardian submit proof of registration, proof of insurance, or have the vehicle inspected and approved by the department. The rule does require that proof of insurance be available in the vehicle while it is being operated, as is any other vehicle. Further, when the vehicle is being operated on the highway, it is subject to the statutes requiring proof of registration and vehicle inspections.

COMMENT: The rules should require some form of parent refresher driver education prior to the training of the student. Many of the parents may not have adequate knowledge of current traffic laws, alcohol awareness, or safe driving procedures. The rules should require completion of a driving safety course within the last year; completion of an alcohol awareness program within the last year; and retaking and passing the Department of Public Safety's rules and signs exam.

RESPONSE: The department disagrees with the comment because the statute authorizing parent and legal guardian-taught driver education does not provide for such additional requirements on the parent or legal guardian. The department interprets the statute as not authorizing the additional requirements.

COMMENT: The rules should include a minimum qualifying standard for parents and legal guardians to the effect that they must have graduated from high school, have been a licensed driver for at least five (5) years, possess a Texas driver's license (valid for the type of vehicle used for the instruction), and meet the driving record evaluation standards established for Texas school bus drivers.

RESPONSE: The department disagrees with the comment because the statute authorizing parent and legal guardian-taught driver education does not provide for such additional requirements on the parent or legal guardian. The department interprets the statute as not authorizing the additional requirements.

COMMENT: There are no guidelines to enforce appropriate standards for parent and legal guardian-taught driver education.

RESPONSE: The department disagrees with the comment. The rules, as adopted, do contain adequate procedures to follow the standards set out by the statute relating to qualifications of the instructors, the minimum standards for an approved course curriculum, and the completion of the training.

COMMENT: The department should not require an applicant who has received driver education from a parent or legal guardian to take a driving test. The statute says that completion of a course taught by a parent or legal guardian has the same effect as a course taught by a commercial or training school.

RESPONSE: The department agrees that the statute, Texas Civil Statutes, Article 6687(b), §7A, prohibits it from requiring a driving test for the person taught the driver training by a parent or legal guardian. The department has changed the rule, as originally proposed, to delete the driving test requirement for those persons. This provision will be consistent with 37 TAC, §15.55, (relating to Waiver of Knowledge and Skills Test).

COMMENT: The department should check court documents to determine whether a person is the legal guardian of an individual.

RESPONSE: An individual will be required to provide a sworn statement of status as a parent or legal guardian. Criminal penalties exist for persons proved to have made a false statement regarding the driver license application process. The department does not intend, at this time, to require other documentation of legal guardianship.

COMMENT: The process should require the department to check the driving records of parents, require proof of automobile insurance, inspect for vehicle licensing, adequate brakes, document all course work, and document all in-car training.

RESPONSE: For the reasons stated in response to previous comments, the department disagrees with the comment, except as to the documentation requirements relating to course work and in-car training, which are contained in the rules.

COMMENT: A parent should be required to take a ticket dismissal course, an alcohol safety course, and the student should be required to take the driving test, and the department should charge a reasonable fee for students to take the course that would pay the salaries of employees to monitor and guarantee that the guidelines are followed.

RESPONSE: For the reasons stated in response to previous comments, the department disagrees with this comment.

COMMENT: The rules should require that the car have a "student driver" sign.

RESPONSE: For the reasons stated in response to previous comments, the department disagrees with this comment.

COMMENT: Every parent or legal guardian who would teach driver education should be required to have a refresher course. Further, the opportunity for fraud exists.

RESPONSE: For the reasons stated in response to a previous comment, the department does not have the authority to require a refresher course. The requirement of certifying under oath that the requirements have been met, meets the statutory requirements.

COMMENT: The department should require a driving test for all applicants for a driver license, not just those taught by a parent or legal guardian.

RESPONSE: For the reasons stated in response to a previous comment, the department disagrees with this comment. Texas law, Transportation Code, §521.165, authorizes the department to waive the driving test in certain circumstances, which it has previously done by rule for persons who have completed a course of driver education.

COMMENT: The rules should require proof of affiliation with a "home" school.

RESPONSE: The statute does not require that the parent or legal guardian who teaches driver education be involved in the "home" school education of the student.

COMMENT: The rule should require that a parent or guardian must present a current copy of that person's driving record, obtained within the previous thirty days. Approval to do at-home driver education will be denied if the parent has a record that demonstrates unsafe driving practices or recorded DWI convictions.

RESPONSE: As stated in response to previously addressed comments, the department will review a parent's or legal guardian's driving record at the time the student appears for licensing. If the record of the parent or legal guardian shows that the person has been convicted of criminally negligent homicide or driving while intoxicated the application will be rejected. There is no statutory authority for a rule which would disqualify a parent or guardian whose record otherwise demonstrates unsafe driving practices.

COMMENT: The rules should require proof of purchase or rental of state adopted textbook, student workbook, and teacher's edition.

RESPONSE: The department disagrees with the comment. The parent or guardian will be required to certify that all requirements have been met, but those requirements do not include those suggested by the commenter. The rules merely require that a textbook approved by the Texas Education Agency for driver education is a required resource. This requirement meets the minimum standard set out in the Texas Education Agency curriculum, and is, therefore, consistent with the statutory requirement. Proof of purchase or rental of the textbook is not required, nor will there be a requirement relating to use of a workbook or teacher's edition, as those are not within the curriculum requirements.

COMMENT: The parent instructor should be required to pass the written and driving portions of the Department of Public Safety's driving test.

RESPONSE: The department disagrees with the comment because it would place additional requirements on the parent or legal guardian which are beyond those set out in the statute. One of the requirements for a parent or guardian to teach driver education is that the person be a licensed driver, which does establish that the person has met the requirements for obtaining a license.

COMMENT: After proof of completion of six (6) classroom hours, by signed affidavit, the parent and student will return to the Department of Public Safety's office for the permit test.

RESPONSE: The department agrees with the comment because this procedure is provided for when the concurrent program is used.

COMMENT: After completion of the remaining twenty-six (26) hours of classroom instruction and fifty (50) hours of supervised driving, by signed affidavit, and having reached the age of 16, the student may return to the Department of Public Safety for a driving test to be administered by the Department of Public Safety's officer.

RESPONSE: The department disagrees with the comment as to the proposal to require fifty (50) hours of supervised driving. The curriculum, as mentioned in response to previous comments, must contain a minimum of seven (7) hours of behind-the-wheel instruction and seven (7) hours of supervised instruction. The driving test will not be required, as previously discussed.

COMMENT: The parent instructor should be responsible for all fees or costs that are applicable, including the cost of obtaining a driving record, the cost of the driving safety class, the packet cost, textbook costs, other materials, and testing fees for parent and student, both written and driving portions of the test.

RESPONSE: The department agrees that the cost of the packet of materials provided by the department and textbooks and other materials, as well as all statutory fees for issuance of a permit or license, will be the responsibility of the parent, or of the student. As previously mentioned, the department will check the driving record of the parent or guardian at its expense. The department disagrees with the comment regarding costs associated with a driving safety class for the parent and testing fees for the parent. Since there will be no requirements for the parent, no fee would be applicable.

Additional comments were received which duplicated the previous comments. Further, some comments merely stated the commenter's position of being against or in favor of the law or rule.

The new sections are adopted under Texas Civil Statutes, Article 6687b, §7A, which provides the department with rule-making powers regarding this subject.

§18.21. Obtaining Materials For Parent Taught Course.

(a) Request for a Driver Education Packet. Prior to teaching a department approved course, a parent or legal guardian must send a completed Request for Driver Education Packet form with a non-refundable fee which is set by the department to satisfy the cost of preparing the materials, shipping, and applicable taxes. The request will be sent to the General Services Bureau of the Texas Department of Public Safety. Upon receipt of the request, a Driver Education Packet will be mailed to the address given on the request form. This packet will contain the following:

- (1) instructions and procedures;
- (2) a Texas Driver License application (DL-14A);
- (3) two Parental Driver Education Affidavits;
- (4) a Student Instruction Record;

- (5) a Texas Drivers Handbook;
- (6) a model curriculum guide;
- (7) a resource list; and
- (8) a list of department approved programs.

(b) The applicant will be instructed to designate the local Driver License office where tests will be administered. A numbered Texas Driver Education Certificate, form DE-964, will be forwarded to that office and will be available for the parent/instructor to complete the required sections upon completion of each phase of the training.

(c) THE PACKET SPECIFIED IN SUBSECTION (a) OF THIS SECTION DOES NOT CONTAIN ALL REQUIRED MATERIALS (i.e., TEXTBOOKS) NECESSARY TO PROVIDE THE DRIVER TRAINING COURSE. IT IS THE RESPONSIBILITY OF THE PARENT OR LEGAL GUARDIAN TO OBTAIN THESE ITEMS AS NECESSARY. POSSIBLE SOURCES WILL INCLUDE SOMEONE ON THE RESOURCE LIST, AN EDUCATION SERVICE CENTER, OR A PUBLIC LIBRARY. ANY COSTS FOR THESE ADDITIONAL MATERIALS ARE THE RESPONSIBILITY OF THE PARENT OR LEGAL GUARDIAN.

§18.23. Behind-the-Wheel Instruction.

(a) In-car instruction may be taught in any motor vehicle which may be legally operated with a Class C driver's license in Texas. The vehicle must have valid registration, have a currently valid motor vehicle inspection certificate, and be properly insured with proof of such liability insurance available in the vehicle. The vehicle is not required to have dual brakes but it is recommended that the vehicle have a second rear-view mirror for use of the instructor.

(b) After a student has received an instruction permit, a parent may begin in-car instruction. The curriculum must be followed and all required instruction given. Upon completion of all course material, classroom and behind-the-wheel, the parent/instructor should apply to the same Driver License office where the DE-964 form is filed. To obtain an unrestricted driver's license the student must have reached his sixteenth birthday and must provide the following at a Driver License office:

- (1) instruction permit or learner's license;
- (2) parental driver education affidavit;
- (3) complete student instruction record; and
- (4) TEA certificate of enrollment or equivalent.

(c) Upon acceptance of the above documentation, Driver License Service personnel will provide the form DE-964 for completion by the parent/instructor indicating successful completion of the course. The department copy and the TEA copy of the form will be surrendered to the department. The school copy and the insurance copy of the form will be given to the applicant. Once this is completed the "B" restriction will be removed.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 18, 1997.

TRD-9703754

Dudley M. Thomas
Director

Texas Department of Public Safety

Effective date: April 7, 1997

Proposal publication date: September 27, 1996

For further information, please call: (512) 424-2890

Department Approved Driver Education Courses 37 TAC §§18.31-18.33

The Texas Department of Public Safety adopts new §§18.31-18.33, concerning department-approved driver education courses, without changes to the proposed text as published in the September 27, 1996, issue of the *Texas Register* (21 TexReg 9232).

Changes have been made to the DRIVER EDUCATION INSTRUCTION CURRICULUM MODEL FOR PARENTS AND LEGAL GUARDIANS which the department adopted by reference. Changes to page L and page 173 of the curriculum include changing the language to read "permitting two periods of 30 minutes of behind-the-wheel driving in one day, so long as the two periods are separated by at least 30 minutes of non driving time." Changes to the forms section include adding a second Parental Driver Education Affidavit which was inadvertently left out and adding a parental certification to the instruction record.

The justification for these sections is to implement Texas Civil Statutes, Article 6687b, §7A, which states that the department by rule shall provide for approval of a driver training course given by the parent or legal guardian of a person who is required to successfully complete a driver training course to obtain a Class C license.

The new sections promulgate the standards for course approval, course evaluation, and appeal procedures.

The department received written comments generally in favor of the rules as proposed, with some of the comments suggesting changes, from: Paula and Dan Darby, James B. Link, Brett I. Holcomb, Gary and Nadine Jackson, Karen Miller, Eric B. Neuman III, Ruth Pifer, and Lynn Tapp. Written comments in opposition to the rules were received from: Val David Eckles, Martha Gilley of AAA Security Driving Academy, Elizabeth Henrise of Quad-Cities Driver Training School, Verna Lee Kirchmeier, Marina T. Pothen of Quad-Cities Driver Training School, Benney Raley of Region VI Service Center, Carlos E. Reyna of Driving School Association of Texas, Carlos E. Reyna of Reyna Driving Systems, Marsha Rodsky of Spring Valley Driving School, and Charles Taylor of Advanced Traffic Technologies Inc.

A public hearing was requested on the proposed new rules and held November 1, 1996 to receive comments from interested persons. Testimony was presented by thirty-three persons. Comments generally in favor of the rules as proposed, with some of the comments suggesting changes, were received from: Representative Jim Horn, James Link, Joshua Link, Patti Leestma, Paul Powell of the Office of Representative Charlie Howard, Donna Harp, Tim Lambert, Charles Taylor, Miriam Link, Gene Walker, John Davis, Jody Ripma, Sharon Wood, Dianne Hensley, and Amariah Harp.

Persons who attended the public hearing and noted their position in favor of the proposed rules, but did not testify, were: Sarah Link, Trey Blocker, DaTonya Vaughn, Sharon Aldridge, Deborah Stanton, Donna Kile, and Brannen Temple.

Persons who testified in opposition to the proposed rules were: B. J. Amos, Pat Linthicum, Don Appelt, Martha Gilley, Don Archer, Don Ashley, David Eckles, Marina Pothén, Charles Green, Carolyn Campbell, Lucian Jalufka, Darrell Thorley, Marsha Rodsky, Carrol Fuller, Shelia Wagner, Glenn Field, Carey Willingham, and Cheryl Welsh.

Persons who attended the public hearing and noted their opposition to the proposed rules, but did not testify, were: Michael Hamilton, JoLeen Eiklenberg, Suzanne Reyna, Larry Ormes, Allen and Verna Lee Kirchmeier, Bob Downing, Elizabeth Henrise, Carlos Reyna, Phil Ward, Norm Rodsky, T.D. Reed, Andrea Swann, Joe Gonzales, Mark Powhatan, Athe Swann, Clarence Francis, Franklin Huebner, and Scott Wilson.

A summary of the written comments, comments made at the hearing, and the department response follow:

COMMENT: The rules should contain a provision that the department may determine that evidence of a violation of the standards exists that may establish the course as inadequate or provide cause for suspension or revocation of the parent(s) approval.

RESPONSE: The rules do provide for an evaluation of the proposed curriculum and a method for notification and appeal of disapprovals. Failure to meet the standards set out for the parent or legal guardian will result in denial of the driver license application.

COMMENT: The commenter proposed that a specific rule be adopted which would state that the department will not accept a student for a driver license examination when there is conclusive evidence of any violation of standards that may establish the course in which the student was enrolled as inadequate, with examples of an inadequate course. The comment also proposes a rule which would allow the department to not issue a license if, after accepting an application, the department receives conclusive evidence the course was inadequate. The comment also proposes such a rule which would authorize revocation of a license.

RESPONSE: Implicit within the rules adopted by the department is the requirement that all standards set forth in the rules be met prior to licensing. Existing law authorizes denial, suspension, revocation, and cancellation, in appropriate circumstances, for persons who are ineligible to be licensed.

COMMENT: The rules do not address the issue of mastery of the essential elements for driver education. The mastery level currently set in the course approved by the Texas Education Agency (TEA) is a prerequisite to the award of a grade of 70 or above. The proposed rules or suggested forms (student records) do not allow or require scores to reflect mastery levels. The rules do not require or request any proof of mastery in the content of the course, except in the passing of the written exam over the rules of the road and a road test. The training process should be verified by department representatives. **§RESPONSE:** The "Driver Education Instruction Curriculum Model For Parents and Legal Guardians," which was

adopted by reference as the standard upon which each program will be evaluated, contains requirements relating to mastery of the curriculum. The adoption of that standard is contained in §18.31 (relating to Requirements for Approval of Course). That curriculum standard states that an instructor must establish a procedure to ensure that the student demonstrates an acceptable level of mastery of the essential elements of driver education and driver safety education. The standard also provides that mastery is a prerequisite to the award of a Texas Driver Education Certificate and a moral responsibility that the student is a competent driver. An acceptable level of mastery shall be set to ensure that the student is challenged for maximum performance. The curriculum standard also provides for performance outcomes in each topic to be taught which set out these student achievement standards. Therefore, appropriate mastery levels are set in the proposed rules. Inherent in the forms to be submitted by the parent or legal guardian is the requirement that the instructed student has met the mastery levels. There is no statutory authority, beyond those set out in the rules, for verification of the training process by department representatives.

COMMENT: The model curriculum should be reviewed by the Texas Education Agency, Division of Curriculum Development, prior to final adoption.

RESPONSE: Members of the department consulted with members of the Texas Education Agency during the development of the curriculum being adopted.

COMMENT: There are no guidelines to enforce appropriate standards for parent and legal guardian-taught driver education.

RESPONSE: The rules, as adopted, do contain adequate procedures for ensuring the qualifications of the instructors, as set out by law, the approval of the curriculum, and the minimum standards for an approved course curriculum.

COMMENT: In summary, the comment is that the curriculum guide established by the department contained information which was useless and over-kill, and the method used in the curriculum guide is faulty. The comment also asserts that the commenter should have been consulted for assistance in creating the curriculum.

RESPONSE: The curriculum standard adopted by the department was adapted from the curriculum guide prepared by the Texas Education Agency. The department believes that the course materials are at least equal to those required in a course approved by the Central Education Agency, as required by the statute. The department was not required to consult with third parties to comply with the statute which required it to develop its course materials using the Central Education Agency course as a baseline standard. The department did consult with that agency in developing the curriculum.

COMMENT: The curriculum guide adopted by the department is unnecessarily technical and exhaustive.

RESPONSE: The curriculum guide adopted by the department meets the statutory requirements, but is not mandated to be utilized verbatim. Any course which is approved by the department, having materials which are at least equal to those required in the curriculum guide, may be used.

COMMENT: The curriculum guide adopted by the department provides little information to parents on how to instruct.

RESPONSE: The curriculum standard adopted by the department meets the statutory requirements.

COMMENT: Seven hours of behind-the-wheel instruction is insufficient.

RESPONSE: The department has adopted a standard which is at least equal to that required by the Texas Education Agency. This follows the statutory requirement.

COMMENT: The rules should not limit driving to 30 minutes per day.

RESPONSE: The department agrees that the rule should not limit behind-the-wheel instruction to 30 minutes per day. The curriculum has been modified to make it clear that two periods of behind-the-wheel driving in one day are permitted, so long as the two periods are separated by at least 30 minutes of non driving time.

COMMENT: The department should not require that a parent or legal guardian use a textbook approved by the Texas Education Agency.

RESPONSE: A textbook approved by the Texas Education Agency is a requirement which meets the minimum standard set out in the Texas Education Agency curriculum, and is, therefore, consistent with the statutory requirement.

COMMENT: The rules should not place a limit of two hours of videotaped instructional materials.

RESPONSE: The two hour limitation is one which is contained in the Texas Education Agency curriculum. There is no prohibition on using additional videotapes, so long as they are not counted toward the minimum number of hours required to be taught.

COMMENT: The rules should not require that all of the classroom instruction be conducted before the in-car training.

RESPONSE: The department-approved curriculum does authorize a method of teaching classroom and in-car training concurrently. Six hours of driver education must be completed prior to beginning the behind-the-wheel instruction. A procedure for obtaining an instruction permit as a prerequisite of the behind-the-wheel driving is also included in the rules.

COMMENT: The legislature did not intend for the department to develop a curriculum, only to approve a curriculum submitted to the department.

RESPONSE: The department has set a standard upon which each proposed program will be evaluated. The standard, which is the Driver Education Instruction Curriculum Model For Parents and Legal Guardians, may be utilized as a curriculum. Since the standard contains sufficient information to be utilized as a curriculum, it is appropriate for parents and legal guardians to use it if they so desire. Parents and legal guardians are not prohibited from using another approved curriculum obtained from other sources.

COMMENT: The limit on two hours of video materials in the 32 hour instruction period is too low.

RESPONSE: For the reasons addressed above, the department disagrees with this comment.

COMMENT: The rule should require more than seven hours of behind-the-wheel training.

RESPONSE: For the reasons stated in response to previous comments, the department disagrees with this comment.

Additional comments were received which duplicated the previous comments. Further, some comments merely stated the commenter's position of being against or in favor of the law or rule.

The new sections are adopted under Texas Civil Statutes, Article 6687b, §7A, which provides the department with rule-making powers regarding this subject.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 18, 1997.

TRD-9703753

Dudley M. Thomas

Director

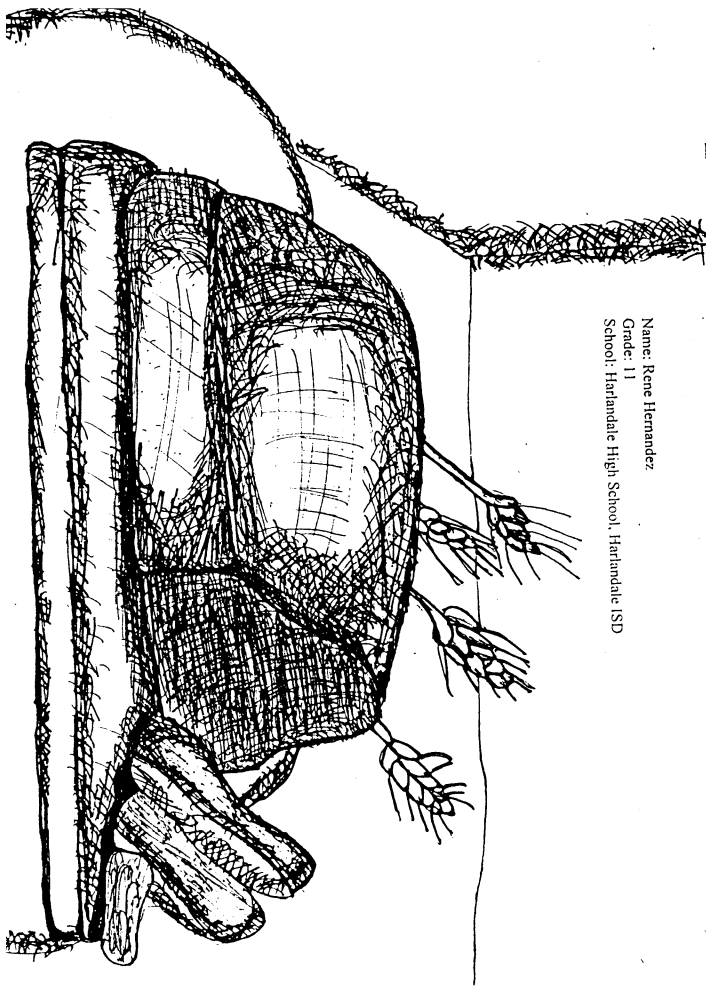
Texas Department of Public Safety

Effective date: April 7, 1997

Proposal publication date: September 27, 1996

For further information, please call: (512) 424-2890

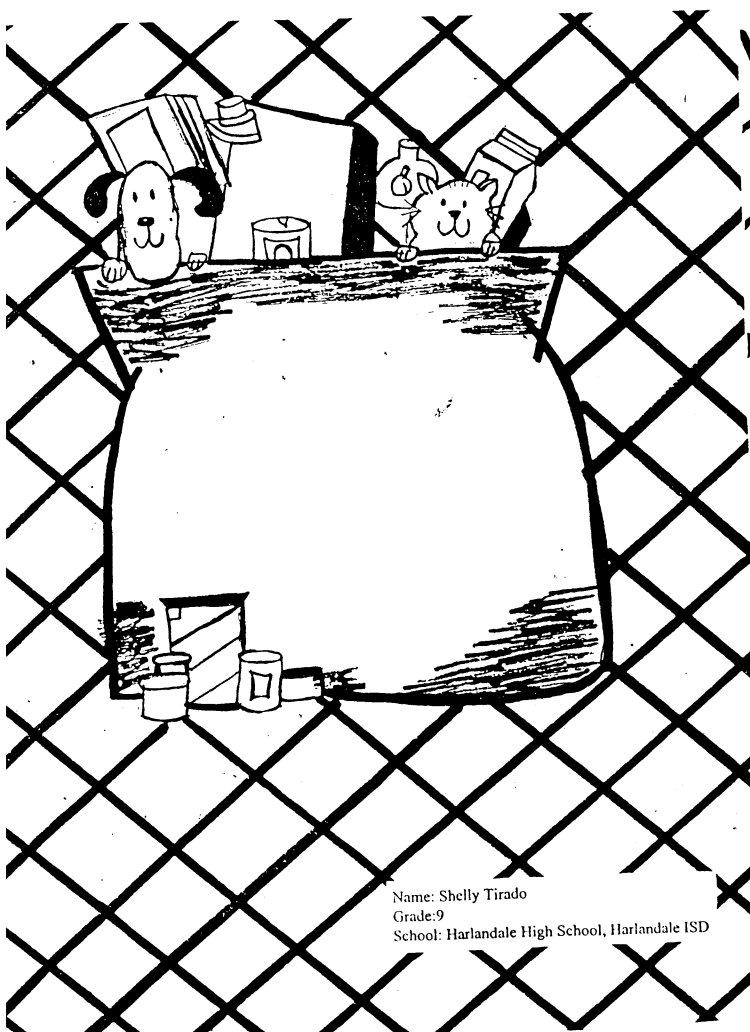
◆ ◆ ◆



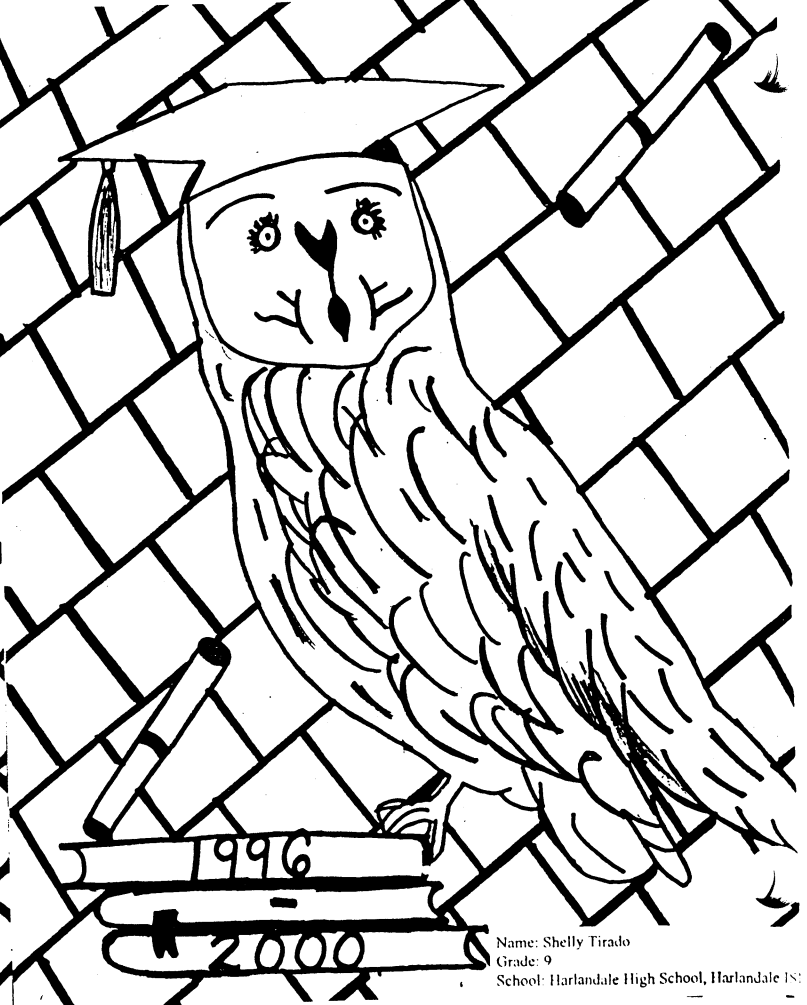
Name: Rene Hernandez
Grade: 11
School: Harlandale High School, Harlandale ISD



Name: Felisia Flores
Grade: 11
School: Harlandale High School, Harlandale ISD



Name: Shelly Tirado
Grade: 9
School: Harlandale High School, Harlandale ISD



Name: Shelly Tirado
Grade: 9
School: Harlandale High School, Harlandale ISD

TABLES & GRAPHICS

Graphic material from the emergency, proposed, and adopted sections is published separately in this tables and graphics section. Graphic material is arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

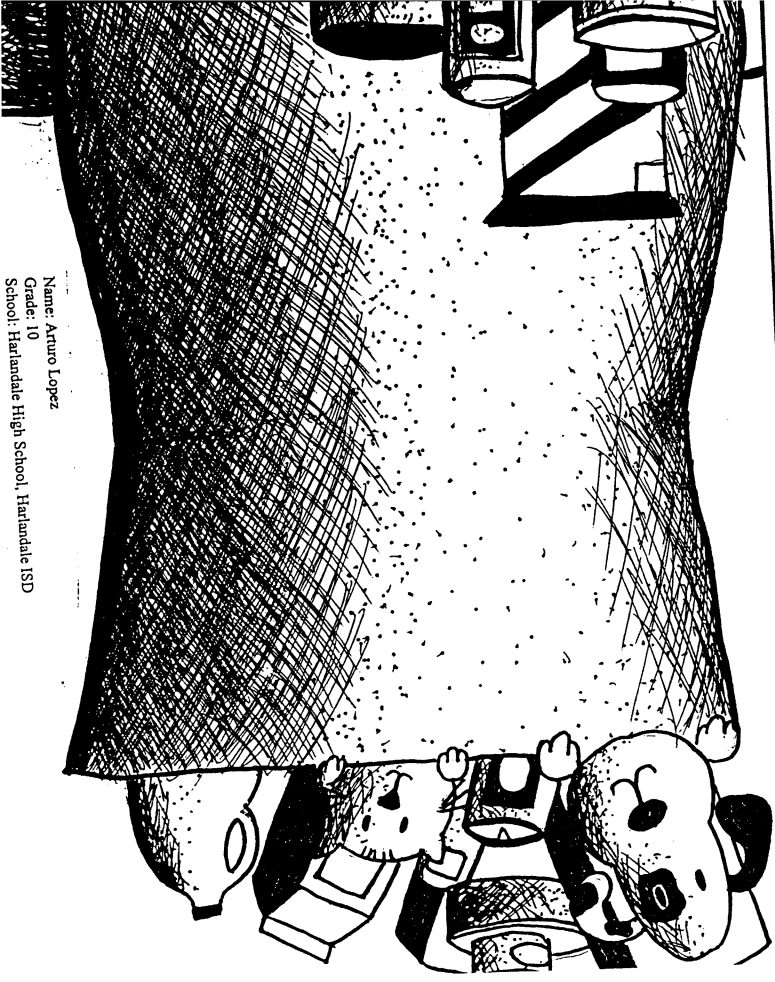
Graphic material is indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on. Multiple graphics in a rule are designated as "Figure 1" followed by the TAC citation, "Figure 2" followed by the TAC citation.

FIGURE: 16 TAC 12.687(b) (2) (A)

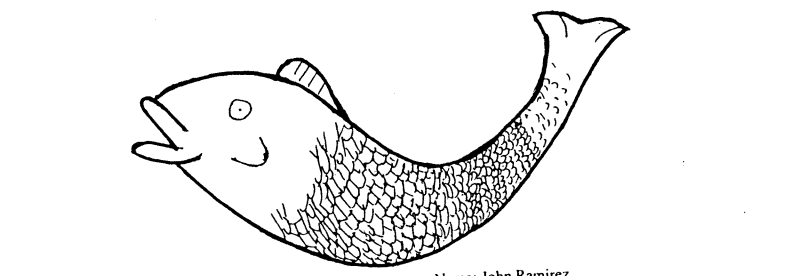
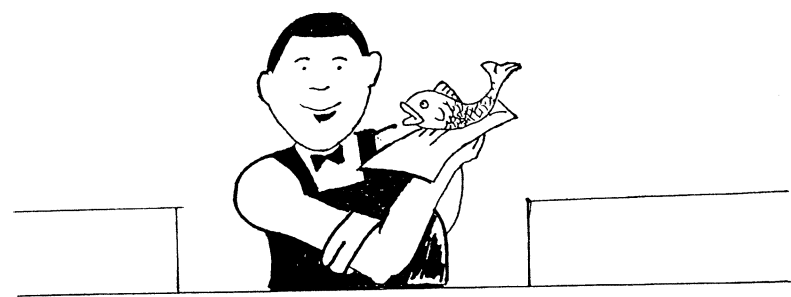
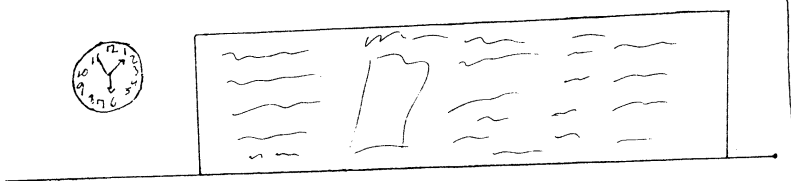
<u>Probability of occurrence</u>	<u>Points</u>
None	0
Insignificant	1-4
Unlikely	5-9
Likely	10-14
Occurred	15

FIGURE: 16 TAC 12.687(b) (4) (A)

<u>Degree of good faith</u>	<u>Points</u>
Rapid compliance	-1 to -10
Normal compliance	0



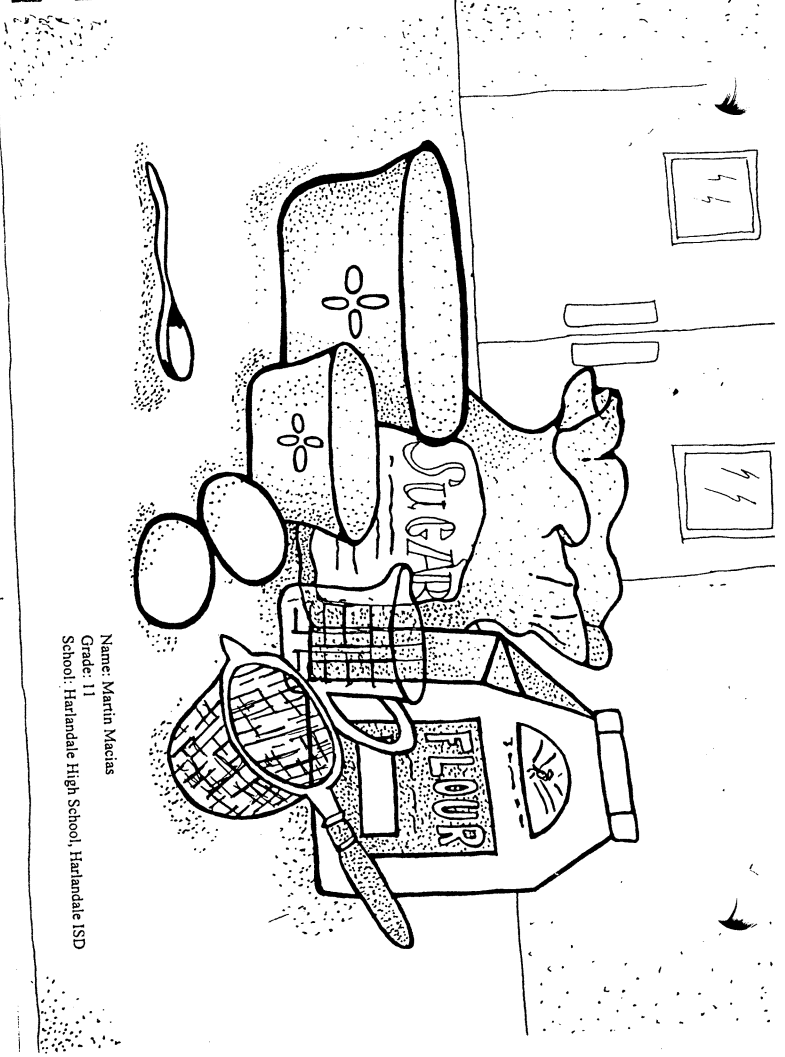
Name: Arturo Lopez
Grade: 10
School: Harlandale High School, Harlandale ISD



Name: John Ramirez
Grade: 11
School: Harlandale High School, Harlandale ISD



Name: Rudy Gonzales
Grade: 12
School: Harlandale High School, Harlandale ISD



Name: Martin Macias
Grade: 11
School: Harlandale High School, Harlandale ISD

OPEN MEETINGS

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours before a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Texas Register*.

Emergency meetings and agendas. Any of the governmental entities listed above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. All emergency meeting notices filed by governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board at the main office of the Secretary of State in the lobby of the James Earl Rudder Building, 1019 Brazos, Austin. These notices may contain a more detailed agenda than what is published in the *Texas Register*.

Meeting Accessibility. Under the Americans with Disabilities Act, an individual with a disability must have equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

Texas Department of Agriculture

Wednesday, April 9, 1997, 10:00 a.m.

Texas Department of Agriculture, 1700 North Congress, Room 911
Austin

AGENDA:

Administrative hearing to review alleged violation of Texas Agriculture Code Annotated §§103.001-015 (Vernon Supplement 1997) by Houston Fruitland, Incorporated, as petitioned by Chaparral Fruit Sales, Incorporated.

Contact: Joyce Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: March 21, 1997, 10:46 a.m.

TRD-9703936

Wednesday, April 9, 1997, 1:30 p.m.

Texas Department of Agriculture, Stephen F. Austin Building, 1700 North Congress, Room 911

Austin

AGENDA:

Administrative hearing to review alleged violation of Texas Agriculture Code Annotated §§103.001-015 (Vernon Supplement 1997) by Houston Fruitland, Incorporated, as petitioned by Sun Valley Produce, Incorporated.

Contact: Joyce Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: March 21, 1997, 10:47 a.m.

TRD-9703937

Wednesday, April 16, 1997, 10:30 a.m.

Texas Department of Agriculture, 900B East Expressway 83

San Juan

AGENDA:

Administrative hearing to review alleged violation of Texas Agriculture Code Annotated §§103.001-015 (Vernon Supplement 1997) by Allred Produce Company as petitioned by Sharyland L.P. d/b/a Plantation Produce Company.

Contact: Joyce Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: March 20, 1997, 10:52 a.m.

TRD-9703866

Wednesday, April 16, 1997, 1:30 p.m.

Texas Department of Agriculture, 900B East Expressway 83

San Juan

AGENDA:

Administrative hearing to review alleged violation of Texas Agriculture Code Annotated §§103.001-015 (Vernon Supplement 1997) by The Produce Cellar, Inc. as petitioned by C&E Farms.

Contact: Joyce Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: March 20, 1997, 10:52 a.m.

TRD-9703865

Thursday, April 24, 1997, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

State Office of Administrative Hearings

AGENDA:

Administrative hearing before the State Office of Administrative Hearings to review SOAH Docket Number 551-97-0326 regarding alleged violation of Texas Pesticide Laws and Regulations by Steve Forehand.

Contact: Dolores Alvarado, Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: March 21, 1997, 10:47 a.m.

TRD-9703938

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Texas Commission on Alcohol and Drug Abuse (TCADA)

Tuesday, April 8, 1997, 10:00 a.m.

401 East Illinois, Fourth Floor Conference Room

Midland

Regional Advisory Consortium (RAC) Region 9

AGENDA:

Call to order; welcome and introductions of new members and guests; approval of minutes; resource prevention center coordinator-Region 9; TCADA update and comments; old business; new business; public comment; and adjourn.

Contact: Heather Harris, 9001 North IH35, Suite 105, Austin, Texas 78753, (512) 349-6669.

Filed: March 19, 1997, 3:59 p.m.

TRD-9703836

◆ ◆ ◆
Tuesday, April 15, 1997, 12:00 noon.

6451 Boering Street, Texas Department of Human Services

El Paso

Regional Advisory Consortium (RAC) Region 10

AGENDA:

Call to order; welcome and introductions of new members and guests; approval of minutes; TCADA update and comments; update and comments; update on Behavioral Health Organizational; old business; public comment; and adjournment.

Contact: Heather Harris, 9001 North IH35, Suite 105, Austin, Texas 78753, (512) 349-6669.

Filed: March 19, 1997, 4:00 p.m.

TRD-9703837

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Texas Board of Chiropractic Examiners

Thursday, April 3, 1997, 9:30 a.m.

8008 Cedars Springs and Mockingbird

Dallas

Enforcement Committee

AGENDA:

The Enforcement Committee of the Texas Board of Chiropractic Examiners will meet on Thursday, April 3, 1997 at 10:00 a.m. to consider, discuss, and take any appropriate action on: 1) Informal conferences, cases 94-64, 95-191, 97-70, 97-75, 97-81, and 97-90; 2) Cases which are pending and may be considered, discussed and any appropriate action taken are cases, 95-05, 95-06, 95-08, 95-09, 95-10, 95-11, 95-70, 95-81, 95-191, 95-195, 95-324, 96-01, 96-140, 96-161, 96-206, 96-212, 96-217, 96-238, 97-09, 97-20, 97-27, 97-35, 97-38, 97-39, 97-40, 97-41, 97-42, 97-43, 97-44, 97-45, 97-52, 97-53, 97-54, 97-57, 97-66, 97-69, 97-74, 97-79, 97-81, 97-84, 97-86, 97-89, 97-90, 97-93, and 97-94 through 97-123.

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700.

Filed: March 20, 1997, 11:06 a.m.

TRD-9703868

◆ ◆ ◆
Coastal Coordination Council (CCC)

Wednesday, April 2, 1997, 1:30 p.m.

Stephen F. Austin Building, 1700 North Congress, Room 118

Austin

Executive Committee

AGENDA:

I. Call to order

II. Coastal Management Program (CMP) updates

a. Consistency review report, including Coastal Coordination Council and U.S. Army Corps of Engineers Memorandum of Understanding

b. NOAA Cooperative Agreement/CMP grants program

c. State Coastal Nonpoint Pollution Control Program

d. Permitting Assistance Program

III. Action Item: Agreement to expedite consistency determination for Houston Ship Channel and tributaries

IV. Action Item: Recommendation to Council of general concurrence for Minerals Management Service Outer Continental Shelf Plans

V. Action Item: Review and approval of dredging guidance document

VI. Public Comments

VII. Adjourn

Contact: Janet Fatheree, 1700 North Congress Avenue, Room 617, Austin, Texas 78701, (512) 463-5385.

Filed: March 24, 1997, 8:28 a.m.

TRD-9704032

◆ ◆ ◆
Texas Commission for the Deaf and Hard of Hearing

Saturday, April 5, 1997, 8:00 a.m.

Holiday Inn Emerald Beach, 1102 Shoreline Boulevard

Corpus Christi

Board

AGENDA:

Call to Order, Approval of Minutes of January 25, 1997 Meeting; Public Comment; Chairperson's Report; Vice Chair Report; Secretary Report; Staff Report; TSID Representative Report; Executive Session: Discuss Reinstatement of an Interpreter, Test Validation, Level I Written Test; Unfinished Business: Board Retreat, Policies and Procedures; New Business: Certification, Revocation, Recertification, Reinstatement; Approval of Calendar; New Evaluator; Announcements; Adjourn.

Contact: Margaret Susman, 4800 North Lamar, #310, Austin, Texas 78756, (512) 451-8494.

Filed: March 20, 1997, 8:11 a.m.

TRD-9703852

State Board of Dental Examiners

Friday, April 4, 1997, 9:30 a.m.

SBDE Offices, Conference Room, 333 Guadalupe, tower 3, Suite 800 Austin

Dental Hygiene Advisory Committee

AGENDA:

I. Call to Order

II. Roll Call

III. Review and Approval of Past Minutes

IV. Discuss and Consider Proposing a Rule to Place Medicaments, Sub-Gingivally, Including but Not Limited to Tetracycline Fibers.

V. Election of Chairperson

VI. Announcements

VII. Adjourn

Contact: Mei Ling Clendennen, SBDE, 333 Guadalupe, Tower 3, Suite 800, Austin, Texas 78701

Filed: March 24, 1997, 9:06 a.m.

TRD-9704036

State Board for Educator Certification

Friday, April 4, 1997, 9:00 a.m.

1001 Trinity, TRS Building, Board Room, Fifth Floor

Austin

AGENDA:

1. Call to Order; 2. Approve February Minutes; 3. Elect a New Vice-Chairman; 4. Executive Director's Update-a. Budget report; b. Planning update; c. Staff report; d. Update on the 75th Legislature; e. Advisory committee update; f. Update on investigations; g. Other; 5. Overview of Certificate Issuance Procedures; 6. Discuss the Framework for the Health ExCET; 7. Propose Creation of the Mathematics Advisory Committee; 8. Propose Creation of the English/Language Arts Certification Advisory

Committee; 9. Approval of a Resolution on Teaching Permits and Other Certification Exemptions; 10. Adopt Amendments to 19 TAC, Chapter 230; 11. Adopt New 19 TAC, Chapter 240 Relating to Rules for the American Sign Language (ASL) Certificate; 12. Approve All Educator Preparation Programs; 13. Work Session on the Framework for Educator Certification and Preparation.

Contact: State Board for Educator Certification, Austin, Texas (512) 469-3005.

Filed: March 19, 1997, 4:01 p.m.

TRD-9703842

State Employee Charitable Campaign

Wednesday, March 26, 1997, 11:00 a.m.

701 West 51st Street

Austin

Local Employee Committee

AGENDA:

Welcome and Introductions

Eligibility Overview

1997 Campaign Plan

Adjourn

Contact: Anne Murphy, 2000 East MLK Jr. Boulevard, Austin, Texas 78702, (512) 472-6267, fax: (512) 482-8309.

Filed: March 20, 1997, 10:59 a.m.

TRD-9703871

Wednesday, March 26, 1997, noon

1212 North Velasco

Angleton

Local Employee Committee, Brazoria County, Texas

EMERGENCY MEETING AGENDA:

I. Update of Final Campaign Numbers

II. Overview of the SECC for new members

III. LAC Responsibilities

IV. Selection of the LCM

REASON FOR EMERGENCY: Had to reschedule because meeting was cancelled on March 12, 1997 due to flooding in the area. Selection of Local Campaign Manager has to be made by March 28, 1997

Contact: Esther Bernard, P.O. Box 1959, Angleton, Texas 77516-1959, (409) 849-9402, fax: (409) 848-0259.

Filed: March 24, 1997, 8:28 a.m.

TRD-9704031

Wednesday, March 26, 1997, 4:30 p.m.

Midwestern State University, Hardin Building, Board Room, 3410
Taft Boulevard

Wichita Falls

Local Employee Committee, Red River Area

EMERGENCY MEETING AGENDA:

1. Call to Order
2. Review/Approval of Local Campaign Manager Application
3. Role of the LEC in the SECC
4. Campaign Calendar
5. Review/Approve Campaign Budget
6. Set Next Meeting Date
7. Adjourn

REASON FOR EMERGENCY: In order to meet state deadlines and run the campaign.

Contact: Juliyl Divine, 624 Indiana, Suite 304, Wichita Falls, Texas 76301, (817) 322-8638.

Filed: March 24, 1997, 9:48 a.m.

TRD-9704044

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Wednesday, April 16, 1997, 9:30 a.m.

700 South Alamo

San Antonio

Local Employee Committee, San Antonio

AGENDA:

- I. Discuss 1997 Campaign Plans
- II. Local Agency Eligibility Determination
- III. Adjourn

Contact: Jerry Swinarsky, 700 South Alamo, San Antonio, Texas 76301, (210) 352-7023.

Filed: March 20, 1997, 3:32 p.m.

TRD-9703896

◆ ◆ ◆

Friday, April 18, 1997, 4:30 p.m.

Midwestern State University, Hardin Building, Board Room, 3410
Taft Boulevard

Wichita Falls

Local Employee Committee, Red River Area

AGENDA:

1. Call to Order
2. Review/Approval of Local Agency Applications
3. Campaign Plans
4. Loaned Executive Recruitment
5. Set Next Meeting Date

6. Adjourn.

Contact: Juliyl Divine, 624 Indiana, Suite 304, Wichita Falls, Texas 76301, (817) 322-8638.

Filed: March 20, 1997, 8:11 a.m.

TRD-9703854

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General Land Office

Friday, April 4, 1997, 2:30 p.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Room 831

Austin

Veterans Land Board

AGENDA:

Approval of previous board meeting minutes; consideration of forfeiture action on Veterans Land Board delinquent land loans; consideration of forfeiture action on Veterans Land Board land loans with tax suits; staff reports.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Austin, Texas 78701, Room 836, (512) 463-5016.

Filed: March 19, 1997, 4:56 p.m.

TRD-9703848

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Texas Growth Fund

Tuesday, April 1, 1997, 11:30 a.m.

1000 Red River

Austin

Board of Trustees

AGENDA:

1. Review and approve minutes of the Special Meeting of the Board of Trustees held on January 30, 1997.
2. Review and approve valuation of investments as of December 31, 1996.
3. Review and approve Audit Reports for the period Ended December 31, 1996.
4. Review and approve invoice from Vinson and Elkins L.L.P.
5. Receive an activity report from TGF Management Corp.
6. Review and approve proposed investment(s).
7. Such other matters as may come before the Board of Trustees.

Contact: Janet Waldeier, 100 Congress Avenue, Suite 980, Austin, Texas 78701, (512) 322-3100.

Filed: March 21, 1997, 11:34 a.m.

TRD-9703959

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Texas Department of Health

Thursday, March 27, 1997, 8:30 a.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Family Planning Advisory Council, Regional Coordinating Committee Chairpersons

REVISED AGENDA:

The committee will discuss and possibly act on; approval of minutes of the December 12, 1996 meeting; program updates; election of officers; and public comments.

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Carol Pavlica, 1100 West 49th Street, Austin, Texas, 78756, (512) 458-7444.

Filed: March 19, 1997, 1:25 p.m.

TRD-9703827

Thursday, March 27, 1997, 10:00 a.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Family Planning Advisory Council

REVISED AGENDA:

The Council will discuss and possibly act on; approval of minutes of the December 12, 1996 meeting; report from the representative of the Regional Coordinating Committee Chairpersons; Family Planning Futures Committee recommendations status report; legislative and funding updates; Human Immunodeficiency Virus (HIV) funding and priorities; Medicaid Managed Care update; adolescent pregnancy prevention; Title V Block Grant application; election of officers; council future meeting dates; announcements; and public comments.

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Carol Pavlica, 1100 West 49th Street, Austin, Texas, 78756, (512) 458-7444.

Filed: March 19, 1997, 1:25 p.m.

TRD-9703828

Monday, March 31, 1997, 8:15 a.m.

Moreton Building, Room T-707, Texas Department of Health, 1100 West 49th Street

Austin

Scientific Advisory Committee on Birth Defects

AGENDA:

The committee will discuss and possibly act on; election of new officers; update on the Scientific and Community Forum on Neural Tube

Defects scheduled for April 8-9, 1997 in Brownsville, Texas; public comments; and announcements and other business not requiring action.

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Sandy Wicker, 1100 West 49th Street, Austin, Texas, 78756, (512) 458-7232.

Filed: March 21, 1997, 2:45 p.m.

TRD-9703965

Texas Health Care Information Council

Monday, March 31, 1997, 8:30 a.m.

Texas Department of Health Board Room, M-739, 1100 West 49th Street

Austin

Hospital Discharge Data Committee

AGENDA:

The Texas Health Care Information Council Hospital Discharge Data committee will convene in open session, deliberate, and possibly take formal action on the following items: review of public comments received on proposed hospital discharge data rule, development of educational seminar relating to implementation of proposed rule, report on status of Request for Pricing, report on risk and severity adjustment methodology project, and development of data warehouse and reporting systems.

Contact: Jim Loyd, 4900 North Lamar, OOL-3407, Austin, Texas, 78751, (512) 424-6490, fax: (512) 424-6491.

Filed: March 21, 1997, 10:50 a.m.

TRD-9703950

Monday, March 31, 1997, 8:30 a.m.

Room T-607, Texas Department of Health, 1100 West 49th Street

Austin

Consumer Education Committee

AGENDA:

The Texas Health Care Information Council Consumer Education Committee will convene in open session, deliberate and possibly take formal action on the following items: work plan for Council's education program, including seminars relating directly to implementation of rules and planning of public education efforts relating to health care data.

Contact: Jim Loyd, 4900 North Lamar, OOL-3407, Austin, Texas, 78751, (512) 424-6490, fax: (512) 424-6491.

Filed: March 21, 1997, 10:50 a.m.

TRD-9703949

Monday, March 31, 1997, 10:30 a.m.

Room M-739, Texas Department of Health Board Room, 1100 West 49th Street

Austin

Texas Health Care Information Council

AGENDA:

The Texas Health Care Information Council Committee will convene in open session, deliberate and possibly take formal action on the following items: Committee Reports, Memorandum of Understanding with TDH, report on State Health Care Information Plan, risk and severity adjustment project, technical advisory committee activities, staff report, and Al Barber vs. Texas Department of Health and Texas Health Care Information Council (in Executive Session).

Contact: Jim Loyd, 4900 North Lamar, OOL-3407, Austin, Texas, 78751, (512) 424-6490, fax: (512) 424-6491.

Filed: March 21, 1997, 10:50 a.m.

TRD-9703948

Texas Department of Insurance

Tuesday, April 8, 1997, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

To consider the Application of BERNARD K. MOLLMAN, Houston, Texas, for a non-resident property and casualty agent's license to be issued by the Texas Department of Insurance. Agenda # 454-97-0515C.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: March 24, 1997, 10:02

TRD-9704054

Tuesday, April 8, 1997, 9:00 a.m.

William P. Hobby Building, 333 Guadalupe, Room 100

Austin

AGENDA:

In the matter of Automobile Insurance written through the Texas Automobile Insurance Plan Association. Agenda # 454-96-1640G.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: March 24, 1997, 10:02

TRD-9704053

Tuesday, April 8, 1997, 1:30 p.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

Prehearing conferences in the Matters of ALLSTATE INDEMNITY COMPANY and ALLSTATE INSURANCE COMPANY (immediately following Allstate Indemnity Company,) pertaining to private passenger automobile rate filings. Agendas # 454-97-0543.F and 454-97-0544.F

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: March 24, 1997, 10:02

TRD-9704055

Wednesday, April 9, 1997, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

To consider the Application of JACK RANSOM RIDGE, Austin, Texas, for a Group I, Legal Reserve Life Insurance Agent's License to be issued by the Texas Department of Insurance. (continued from February 11, 1997). Agenda #454-96-1678.C.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: March 24, 1997, 10:02

TRD-9704056

Wednesday, April 9, 1997, 1:00 p.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

In the Matter of IGNZCIO INOCENCIO.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: March 24, 1997, 10:02

TRD-9704057

Thursday, April 10, 1997, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

To consider the Application of FRANCIS ALLAN CLARK, Houston, Texas, for a prepaid legal services license to be issued by the Texas Department of Insurance. Agenda # 454-97-0516.C.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: March 24, 1997, 10:02

TRD-9704058

Friday, April 11, 1997, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

To consider whether disciplinary action should be taken against ROBERT F. DOVIK, II, Dallas, Texas, who holds a Group I, Legal Reserve Life Insurance Agent's License issued by the Texas Department of Insurance (continued from March 3, 1997). Agenda # 454-96-2457.C.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: March 24, 1997, 10:03

TRD-9704059

Friday, April 11, 1997, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

To consider whether disciplinary action should be taken against MARY A. CABELLO, Houston, Texas, who holds a Local Recording Agent's License issued by the Texas Department of Insurance (continued from March 24, 1997). Agenda # 454-96-1677.C.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: March 24, 1997, 10:03

TRD-9704060

Board for Lease of State-owned lands

Tuesday, April 1, 1997, 2:00 p.m.

General Land Office, Stephen F Austin Building, 1700 North Congress Avenue, Room 831

Austin

Board for Lease of Texas Department of Criminal Justice

AGENDA:

Approval of previous board meeting minutes; consideration of bids received for the April 1, 1997 oil, gas and other minerals lease sale; Executive Session- pending or contemplated litigation, including consideration of ratification of settlement agreement with Lindenmuth and Associates, Brazoria County; Open Session- consideration of ratification of settlement agreement with Lindenmuth and Associates, Brazoria County.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Austin, Texas 78701, Room 836, (512) 463-5016.

Filed: March 19, 1997, 4:40 p.m.

TRD-9703845

Tuesday, April 1, 1997, 2:30 p.m.

General Land Office, Stephen F Austin Building, 1700 North Congress Avenue, Room 831

Austin

Board for Lease of Texas Parks and Wildlife Department

AGENDA:

Approval of previous board meeting minutes; consideration and approval of revisions to Board for Lease easement form; consideration and approval of easement amendment, Richland Creek Wildlife Management Area, Freestone County.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Austin, Texas 78701, Room 836, (512) 463-5016.

Filed: March 19, 1997, 4:40 p.m.

TRD-9703846

Texas Department of Licensing and Regulation

Wednesday, March 26, 1996, 1:15 p.m., Rescheduled from March 25, 1997; 1:15 p.m.

Kemper National Insurance Companies, 14550 Torrey Chase Boulevard, Fifth Floor,

Houston

Board of Boiler Rules Task Force on Controls and Safety Devices for Automatically Fired Boilers

EMERGENCY MEETING AGENDA:

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Discussion
5. Next Meeting
6. Adjourn

All facilities are accessible to persons with disabilities. Under the Americans with Disabilities Act, persons who plan to attend this meeting and require ADA assistance are requested to contact Barbara Stoll at (512) 475-2858 at least two working days prior to the meeting so that appropriate arrangements can be made.

REASON FOR EMERGENCY: Submitted as Emergency Rescheduled Meeting to comply with posting requirements. Previously filed, TRD-9702901. Chairman schedule conflict-Attendance required at Legislative Committee Hearing. Rescheduled from March 25, 1997, 1:15 p.m. to March 26, 1997 at 1:15 p.m. No change in previously submitted agenda.

Contact: George Bynog, 920 Colorado, Austin, Texas 78711, (512) 463-7365.

Filed: March 21, 1997, 9:10 a.m.

TRD-9703923

Wednesday April 2, 1996, 9:00 a.m.

920 Colorado, E.O. Thompson Building, First Floor Conference Room 108

Austin

Enforcement Division, Air Conditioning

AGENDA:

According to the complete agenda, the Department will hold an Administrative Hearing to consider the possible revocation or suspension of the Respondent's license and assessment of administrative penalties against the Respondent, Gary Mattison Stum, for violations of the 16 TEX.ADMIN.CODE (TAC) §75.40(e), §75.70(e), and §75.70(k) and the TEX.REV. CIV. STAT. ANN. art 8861 (the Act) §5(a) and §7, pursuant to the Act and TEX. REV. CIV. STAT. ANN. art 9100, the TEX. GOV'T.CODE, chapter 2001 (APA), and 16 TAC chapters 60 and 75.

Contact: Paula Hamje, 920 Colorado, Austin, Texas 78701, (512) 463-3192.

Filed: March 21, 1997, 3:11 p.m.

TRD-9704001

Thursday, April 3, 1996, 9:00 a.m.

920 Colorado, E.O. Thompson Building, First Floor Conference Room 108

Austin

Enforcement Division, Property Tax Consultants

AGENDA:

According to the complete agenda, the Department will hold an Administrative Hearing to consider the possible assessment of administrative penalties against the Respondent, William K. Ellington d/b/a. Alamo Assessments, for performing property tax consulting without being registered as a property tax consultant or as a senior property tax consultant (1,311 counts), in violation of the Texas Revised Civ. Statutes Annotated Article 8886, §2(a) and 16 Texas Administrative Code, §66.20(a), pursuant to the Act and Texas Revised Civil Statutes Annotated article 9100, TEX. GOVT.CODE, chapter 2001 (APA); and 16 Tex. Admin. Code Ch. 60 and 66.

Contact: Paula Hamje, 920 Colorado, Austin, Texas 78701, (512) 463-3192.

Filed: March 21, 1997, 3:20 p.m.

TRD-9704006

Friday, April 4, 1996, 9:00 a.m.

920 Colorado, E.O. Thompson Building, First Floor Conference Room 108

Austin

Enforcement Division, Air Conditioning

AGENDA:

According to the complete agenda, the Department will hold an Administrative Hearing to consider the possible denial of the application for air conditioning and refrigeration contractors license by the

Applicant, David E. Berko, in accordance with the Texas Revised Civil Statutes Annotated Article 8861 (the Act), the TEX. REV. CIV. STAT. ANN. art. 9100; the TEX. GOV'T CODE Chapter 2001, (APA); and 16 TEX ADMIN. CODE Chapter 75.

Contact: Paula Hamje, 920 Colorado, Austin, Texas 78701, (512) 463-3192.

Filed: March 21, 1997, 3:19 p.m.

TRD-9704005

Texas Lottery Commission

Monday, March 31, 1997, 10:00 a.m.

6937 North IH35, American Founders Building, First Floor Auditorium

Austin

Bingo Advisory Committee

AGENDA:

According to the complete agenda, the Bingo Advisory Committee Chair will call the meeting to order;

1. Consideration and possible approval of the minutes of the March 17, 1997 Committee Meeting;

2. Report from legal staff regarding ability of Bingo Advisory Committee to receive public comments on items not noticed on the posted agenda and ability of Bingo Advisory Committee to respond to those public comments.

3. Consideration, public comment and possible action on adopted rule 402.567 regarding Bingo Advisory Committee;

4. Consideration, public comment, and possible action on reformulating the current 35% Charitable Distribution formula based on the adjusted gross income;

5. Consideration, public comment, and possible action on any and all recommendations proposed by the House Interim Committee regarding Charitable Bingo;

6. Consideration, public comment and possible action on proposed Bingo-related legislation order;

7. Consideration of and public comment regarding the needs and concerns of the state's charitable bingo industry, including but not limited to current rules and statutes;

8. Review agenda items for future Bingo Advisory Committee meetings; and

9. Adjourn

For ADA assistance, call Worlanda Neal at 371-4713 at least two days prior to meeting.

Contact: Kimberly L. Kiplin, P.O. Box 16630, Austin, Texas 78761, (512) 323-3791.

Filed: March 21, 1997, 2:56 p.m.

TRD-9703994

Texas Natural Resource Conservation Commission

Wednesday, April 2, 1997, 9:30 a.m. and 1:00 p.m.

Room 201S, Building E, 12100 Park 35 Circle

Austin

AGENDA:

The Commission will consider approving the following matters on the attached agenda: Class 3 Modification; Authorization to construct; Temporary Order; Air Enforcement Agreed Order; Air Enforcement Default Order; Petroleum Tank Storage Enforcement Agreed Orders; Public Water Supply Enforcement Default Order; Municipal Waste Discharge Enforcement Agreed Orders; Motion for Reconsideration; Water Well Drillers Enforcement Agreed Order; Industrial Waste Discharge Enforcement Agreed Order; Rules; Executive Session; the Commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the Commission may take various actions, including but not limited to rescheduling an item in its entirety or for particular action at a future date or time. (REGISTRATION FOR 9:30 AGENDA STARTS 8:45 UNTIL 9:25).

The Commission will consider approving the following matters on the 1:00 p.m. agenda; Request for Review of CAFO Permit.

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, Telephone (512) 239-3317.

Filed: March 21, 1997, 11:41 a.m.

TRD-9703958

Monday, April 21, 1997, 1:00 p.m.

Texas Tech Law School, Courtroom, 1802 Hartford

Lubbock

AGENDA:

The Texas Natural Resource Conservation Commission has referred the application to construct and operate a trench burner by O'HAIR SHUTTERS, INC. to the State Office of Administrative Hearings (SOAH). O'Hair Shuttters, Inc. has applied to the Texas Natural Resource Conservation Commission (TNRCC) for Proposed Permit Number 32202 to authorize the construction and operation of a trench burner at a site at 1401 North Loop 289 in the City of Lubbock, Lubbock County, Texas. This matter has been assigned SOAH Docket Number 582-97-2077.

Contact: Pablo Carrasquillo, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 475-3445.

Filed: March 24, 1997, 9:45 a.m.

TRD-9704041

Board of Nurse Examiners

Friday, April 11, 1997, 10:00 a.m.

BNE, Hobby Building, 333 Guadalupe, Tower II, Suite 2.225

Austin

Advisory Committee on Advanced Practice Nursing

AGENDA:

9:30 a.m. — Call to Order, Roll Call, Approval of Minutes, Approval of Agenda

9:45 a.m. — Announcements

10:00 a.m. — Membership

10:45 a.m. — Break

11:00 a.m. — Informational Updates: Status of Negotiations Between the National Council of State boards of Nursing and the APN Certifying Organizations.

11:30 a.m. — Working Lunch

12:30 p.m. — Charge From the Board: Continued Discussion of the Master's Degree Requirement for Advanced Practice.

1:30 p.m. — Old Business: Guidelines for Refresher Course or Extensive Orientation After Lapse in Practice of 4 years or More.

2:30 p.m. — Scheduling Next Meeting

3:00 p.m. — Adjourn.

Contact: Mitchell Diaz, Box 140466, Austin, Texas 78714, (512) 305-6844.

Filed: March 24, 1997, 8:58 a.m.

TRD-9704034

Executive Council of Physical Therapy and Occupational Therapy Examiners

Monday, March 31, 1997, 9:30 a.m.

333 Guadalupe, Suite 2-510

Austin

AGENDA:

I. Call to order.

II. Public Comment

III. Approval of minutes of December 17, 1996 Executive Council meeting.

IV. Executive Session pursuant to §551.071 of the Government Code, Consultation with Attorney Regarding Pending or Contemplated Litigation.

V. Discussion and possible action on implementing the provisions of §12. Review Functions of Executive Council, Article 4512e, TEX. REV. CIV. STAT. ANN.

VI. Discussion and possible action concerning a planning retreat.

VII. Discussion and possible action concerning legislative actions which may impact the Executive Council, The Texas Board of Physical Therapy Examiners, and Texas Board of Occupational Therapy Examiners.

VIII. Executive Director's Report

IX. Presiding Officer's Report

X. Executive Session under §551.074, Texas Government Code, for the discussion of personnel matters; the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the Executive Director.

XI. Open Session for further discussion and possible action involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the Executive Director.

XII. Discussion and possible action on scheduling changes to future Executive Council meeting dates, and items for future consideration.

XIII. Adjourn

Contact: Nina Hurter, 333 Guadalupe, Suite 2-510, Austin, Texas 78701, (512) 305-6900.

Filed: March 21, 1997, 10:49 a.m.

TRD-9703947

Texas State Board of Podiatric Medical Examiners

Friday, April 4, 1997, 8:00 a.m.

333 Guadalupe, Tower II, Room 400A

Austin

AGENDA:

Friday, April 4, 1997, 8:00 a.m. subcommittee on Telemedicine/Teleconferencing will meet to draw up rules to present to the Board for proposal and possible publication in the *Texas Register* regarding Telemedicine/Teleconferencing.

10:00 a.m.- Reading and possible approval of the minutes; President's, Vice-President's, Executive Director's, and Treasurer's Reports; public comments; discussion and possible proposal for publication in the *Texas Register*, rule changes regarding §382.1, registration of radiologic technologists; discussion and possible proposal for publication in the *Texas Register*, new rules regarding Telemedicine/Teleconferencing; discussion and possible proposal for publication in the *Texas Register* rule changes regarding §371.3(e) qualification of applicants; discussion and possible proposal for publication in the *Texas Register*, rule changes regarding §379.1 fees; discussion and possible adoption of rules that were published in the March 25, 1997 *Texas Register* -§§371.1, 371.2, 375.1 and 375.11; request from Dr. Darrigan to amend board order; report from Dr. Churchwell regarding physician assistants; report from Dr. Valenza regarding examinations; discussion and possible adoption of new contract for James Zukowski, Ed.D.; discussion and possible approval of Nitrous Oxide application for David Wolf, D.P.M.; discussion and possible action regarding Sandy Kohler and the possibility of receiving a waiver to allow the taking of our exam before we receive her PMLexis results; discussion and review of Newsletter, discussion of Customer Satisfaction Survey; Complaint Status Report; and set time, place and date for next scheduled meeting. NOTE: Items may be taken out of order.

Contact: Janie Alonzo, P.O. Box 12216, Austin, Texas 78711-2216, (512) 305-7000.

Filed: March 21, 1997, 8:23 a.m.

TRD-9703952

Texas Board of Private Investigators and Private Security Agencies

Monday, March 31, 1997, 1:00 p.m.

Sam Houston State Office, Room 175, 14th and San Jacinto

Austin

Board

AGENDA:

I. Discuss and possibly act on designation of individual Board members to oversee staff functions.

II. Discuss and possibly act on designation of committee to commence evaluation of various employees including the executive director.

III. Executive session to consider the employment, evaluation, reassignment, duties or discipline of the executive director and other employees pursuant to §551.074, Texas Government Code.

IV. Return to open session for further discussion and possible action involving the employment, evaluation, reassignment, duties or discipline of the executive director and other employees pursuant to security 551.074, Texas Government Code.

Contact: Clema D. Sanders, 4930 South Congress Avenue, Suite C305, Austin, Texas 78745, (512) 463-5545.

Filed: March 21, 1997, 3:20 p.m.

TRD-9704007

Public Utility Commission of Texas

Wednesday, April 2, 1997, 9:30 a.m.

1701 North Congress Avenue

Austin

Legal Administration

AGENDA:

A prehearing conference has been scheduled in Docket Number 16917-Application of GTE Southwest, Inc. to Withdraw Video Connect Service Tariff.

Contact: Paula Mueller, 1701 North Congress Avenue, Austin, Texas 78711, (512) 936-7145.

Filed: March 20, 1997, 3:30 p.m.

TRD-9703893

Monday, April 7, 1997, 9:00 a.m.

1701 North Congress Avenue

Austin

AGENDA:

A Hearing on the Merits will be held by the State Office of Administrative Hearings in Docket Number 17215-Application of Matrix Telecom, Inc. for a Service Provider Certificate of Operating Authority (SPCOA). Applicant intends to provide on a resale basis, monthly recurring, flat-rate local exchange service including extended area service, toll restriction, call control options, tone dialing, custom

calling services, caller ID and any other services which are available on a resale basis from the underlying incumbent exchange carrier or other certificated carrier within the service area of Matrix Telecom, Inc. Applicant's requested SPCOA geographic area follows the Public Utility Commission's certificated boundaries of the existing service areas of the local exchange carriers, including but not limited to Southwestern Bell, General Telephone of the Southwest (GTE), Centel (Sprint), United Telephone (Sprint), Lufkin-Conroe Telephone, Alltel/Sugarland Telephone and Texas Alltel. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings of comments to the commission by April 2, 1997.

Contact: Paula Mueller, 1701 North Congress Avenue, Austin, Texas 78701, (512) 936-7152.

Filed: March 19, 1997, 3:59 p.m.

TRD-9703835

Monday, April 7, 1997, 9:00 a.m.

1701 North Congress Avenue

Austin

AGENDA:

A Hearing on the Merits will be held by the State Office of Administrative Hearings in Docket Number 17224--Application of NHS Communications Group, Inc. d/b/a NHS Network Services for a Service Provider Certificate of Operating Authority (SPCOA). Applicant intends to provide resale exchange service, including tone dialing, custom calling, caller ID, toll restriction, bill number screening and any other services which are available on a resale basis from the underlying incumbent exchange carrier or other certificated carrier within the Applicant's service area. Applicant's requested SPCOA geographic area includes the entire State of Texas. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings of comments to the commission by April 2, 1997.

Contact: Paula Mueller, 1701 North Congress Avenue, Austin, Texas 78701, (512) 936-7152.

Filed: March 21, 1997, 10:50 a.m.

TRD-9703951

Monday, April 7, 1997, 9:00 a.m.

1701 North Congress Avenue

Austin

AGENDA:

A Hearing on the Merits will be held by the State Office of Administrative Hearings in Docket Number 17218--Application of HotelCom Communications Corporation for a Service Provider Certificate of Operating Authority (SPCOA). Applicant intends to provide resale of local telephone services. Applicant's requested SPCOA geographic area includes the entire State of Texas within Southwestern Bell's region. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings of comments to the commission by April 2, 1997.

Contact: Paula Mueller, 1701 North Congress Avenue, Austin, Texas 78701, (512) 936-7152.

Filed: March 20, 1997, 9:57 a.m.

TRD-9703860

Monday, April 7, 1997, 9:00 a.m.

1701 North Congress Avenue

Austin

AGENDA:

A Hearing on the Merits will be held by the State Office of Administrative Hearings in Docket Number 17220--Application of Page One Communications for a Service Provider Certificate of Operating Authority (SPCOA). Applicant intends to provide resale of local telephone services to residential and business customers. Applicant's requested SPCOA geographic area includes all of the area services by Southwestern Bell and GTE. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings of comments to the commission by April 2, 1997.

Contact: Paula Mueller, 1701 North Congress Avenue, Austin, Texas 78701, (512) 936-7152.

Filed: March 20, 1997, 9:57 a.m.

TRD-9703859

Monday, April 7, 1997, 9:00 a.m.

1701 North Congress Avenue

Austin

AGENDA:

A Hearing on the Merits will be held by the State Office of Administrative Hearings in Docket Number 17219--Application of Direct Communications, Inc. d/b/a Online Communications for a Service Provider Certificate of Operating Authority (SPCOA). Applicant intends to provide, on a basis, monthly recurring, flat-rate local exchange service, including extended area service, toll restriction, call control options, tone dialing, custom calling services, caller ID and any other services that are available on a resale basis from the underlying incumbent local exchange carrier or other certificated carrier within the service area of Applicant. Applicant's requested geographic area follows the Public Utility Commission's certificated boundaries of the existing service areas of the local exchange carriers, including but not limited to Southwestern Bell, General Telephone of the Southwest (GTE), Centel (Sprint), United Telephone (Sprint), Alltel Sugarland Telephone, Texas Alltel, Inc., Lufkin-Conroe telephone, Eastex Telephone Cooperative, Livingston Telephone Company, and Fort Bend Telephone Company throughout the State of Texas. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the commission by April 2, 1997.

Contact: Paula Mueller, 1701 North Congress Avenue, Austin, Texas 78701, (512) 936-7152.

Filed: March 20, 1997, 9:56 a.m.

TRD-9703858

Railroad Commission of Texas

Tuesday, April 1, 1997, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room, 1-111
Austin

AGENDA:

According to the complete agenda, the Railroad Commission of Texas will consider various applications and other matters within the jurisdiction of the agency including oral arguments at the time specified on the attached agenda, filed with the Texas Register. Railroad Commission of Texas may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received.

The Commission may meet in Executive Session on any items listed above as authorized by the Open Meetings Act.

Contact: Lindil C. Fowler, Jr. P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7033.

Filed: March 21, 1997, 2:42 p.m.

TRD-9703960

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Texas Southern University

Thursday, April 3, 1997, 9:00 a.m.

3100 Cleburne/Law School Conference Room 221, Second Floor
Houston

Litigation Committee

AGENDA:

Meeting to Consider: A review of cases filed and pending against the University. Executive Session

Contact: Janet Lightfoot, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: March 20, 1997, 2:48 p.m.

TRD-9703884

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Thursday, April 3, 1997, 10:30 a.m.

3100 Cleburne/Hannah Hall, Room 111

Houston

Development Committee

AGENDA:

Meeting to Consider: Reports from the Administration on University Fund-Raising efforts.

Contact: Janet Lightfoot, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: March 20, 1997, 2:46 p.m.

TRD-9703878

◆ ◆ ◆

Thursday, April 3, 1997, 11:30 a.m.

3100 Cleburne/Hannah Hall, Room 111

Houston

Academic Affairs Committee

AGENDA:

Meeting to Consider: Progress reports of academic activities and programs. Executive Session.

Contact: Janet Lightfoot, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: March 20, 1997, 2:48 p.m.

TRD-9703883

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Thursday, April 3, 1997, 12:30 p.m.

3100 Cleburne/Hannah Hall, Room 111

Houston

Personnel Committee

AGENDA:

Meeting to Consider: Ratification of appointments of instructional personnel, academic personnel changes. Executive Session.

Contact: Janet Lightfoot, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: March 20, 1997, 2:48 p.m.

TRD-9703882

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Thursday, April 3, 1997, 1:30 p.m.

3100 Cleburne/Hannah Hall, Room 111

Houston

Student Services Committee

AGENDA:

Meeting to Consider: Meeting to receive informational items only.

Contact: Janet Lightfoot, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: March 20, 1997, 2:48 p.m.

TRD-9703881

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Thursday, April 3, 1997, 2:30 p.m.

3100 Cleburne/Hannah Hall, Room 111

Houston

Finance and Building and Grounds Committee

AGENDA:

Meeting to Consider: Matters relating to financial reporting systems, and budgets; fiscal reports from the administration; investments, contract awards; and informational items. Executive Session.

Contact: Janet Lightfoot, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: March 20, 1997, 2:47 p.m.

TRD-9703880

Friday, April 4, 1997, 8:30 a.m.

3100 Cleburne/Robert J. Terry Library, Fifth Floor

Houston

Board of Regents

AGENDA:

Meeting to Consider: Minutes; Report of the President; Report from committees; Executive Session.

Contact: Janet Lightfoot, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: March 20, 1997, 2:46 p.m.

TRD-9703879

State Board of Examiners for Speech-Language Pathology and Audiology

Wednesday, April 2, 1997, 8:00 a.m.

William P. Hobby Building, Health Professions Council, 333 Guadalupe Street, Room 225

Austin

Complaints Committee

AGENDA:

The committee will meet to discuss and possibly act on: complaints (96-SA-0004; 96-SA-0007; 96-SA-0020; 97-SA-0001; 97-SA-0002; 97-SA-0004; 97-SA-0005; 97-SA-0006; 97-SA-0007; 97-SA-0008; 97-SA-0009; 97-SA-0010; 97-SA-0011; 97-SA-0012; 97-SA-0013); reply received from L.W. concerning previously closed complaints; preparation of a schedule of sanctions; procedures for late renewal of a license and possible disciplinary action and prepare draft of proposed amendments to rules (22 Texas Administrative Code (TAC), Chapter 741), if required; violations of the Act, Article 4512j, V.T.C.S. or board rules (22 TAC, Chapter 741 and prepare draft of proposed amendments to rules, if required. This information will be presented at the full board meeting at 11:00 a.m. on April 2, 1997.

To request an accommodation under the ADA, please contact Suzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Dorothy Cawthon, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6627.

Filed: March 24, 1997, 10:02 a.m.

TRD-9704048

Wednesday, April 2, 1997, 9:00 a.m.

William P. Hobby Building, Health Professions Council, 333 Guadalupe Street, Room 225

Austin

Audiology Scope of Practice Committee

AGENDA:

The committee will meet to discuss and possibly act on: drafting of proposed rules (22 Texas Administrative Code, Chapter 741), if required, concerning (screening of infants' hearing; auditory brainstem response; rental of hearing instruments; hearing instruments contract; 30-day evaluation, trial period and refund of hearing instruments; whether a licensed audiologist may employ trainees if the audiologist is not licensed by the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments; calibration of sound level meters; use of support groups for the hearing impaired; doctorate degrees (earned entitlement) not earned at accredited universities/colleges; misleading representation, and a report from Jo Ann Duda concerning hearing instruments offered by mail order); and Dawn Booth will address the committee with information for consumers on telecoils (listening devices used primarily in telephones for the hearing impaired). This information will be presented at the full board meeting at 11:00 a.m. and April 2, 1997.

To request an accommodation under the ADA, please contact Suzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Dorothy Cawthon, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6627.

Filed: March 24, 1997, 10:01 a.m.

TRD-9704047

Wednesday, April 2, 1997, 9:00 a.m.

William P. Hobby Building, Health Professions Council, 333 Guadalupe Street, Room 225

Austin

Speech-Language Pathology Scope of Practice Committee

AGENDA:

The committee will meet to discuss and possibly act on: drafting of proposed rules (22 Texas Administrative Code, Chapter 741), if required, concerning (forms to be used by supervisors to document supervision and tasks assigned to assistants; procedures and documentation required for audit of records; guidelines for caseload limits; the role of the speech-language pathologist in modified barium swallow; oral pharyngeal function; and supervision of interns and assistants). This information will be presented at the full board meeting at 11:00 a.m. on April 2, 1997.

To request an accommodation under the ADA, please contact Suzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Dorothy Cawthon, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6627.

Filed: March 24, 1997, 10:01 a.m.

TRD-9704049

Wednesday, April 2, 1997, 11:00 a.m.

William P. Hobby Building, Health Professions Council, 333 Guadalupe Street, Room 225

Austin

AGENDA:

The board will meet to discuss and possibly act on: approval of the minutes of meetings (Speech-Language Pathology Scope of Practice Committee meeting held January 9, 1997; Audiology Scope of Practice Committee meeting held January 9, 1997; Rules Changes Committee meeting held January 9, 1997; Complaints Committee meeting held January 9, 1997; regular board meeting held January 10, 1997; and Complaints Committee meeting held February 28, 1997); consideration of the reprimands of D.S., L.M.M., and D.F.; and the order related to the proposed probation of R.H.; committee reports (Complaint (information and actions taken at the meetings held February 28, 1997, and April 2, 1997); Speech-Language Pathology Scope of Practice information and actions taken at the meeting held April 2, 1997); Audiology Scope of Practice (formation and action taken at meeting held April 2, 1997; Legislative (update on new legislation to be addressed by the 75th Texas Legislature; and telemedicine)); proposed amendments to board rules 22 Texas Administrative Code, Chapter 741; budget (membership fee to Council on Licensure, Enforcement and Regulation (CLEAR); travel expenses to National Council of State Boards of Examiners for Speech-Language Pathology and Audiology and Council on Law Enforcement and Regulation; and a bid for editor of two issues of the board's newsletter); application and renewal of license/registration (inclusion of college/university degree on licenses and certificates issued by the board; and American Speech-Language-Hearing Association policy on proficiency of the clinician); continuing education (events in computer, administration and supervision; the processing of continuing education hours; and approved sponsors); interns and assistants (supervision of interns and assistants; and the American Speech-Language-Hearing Association support personnel standards); public relations (nomination of a board member to the National Council of State boards of examiners for Speech-Language Pathology and Audiology Board of Directors; merit increase or upgrade for office staff; presentation by Terese Finitzo, Ph.D., concerning the screening of infants' hearing; division director's report; chairman's report; executive secretary's report; items for future consideration; and setting of next meeting date.

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Dorothy Cawthon, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6627.

Filed: March 24, 1997, 10:01 a.m.

TRD-9704050

Friday, April 4, 1997, 8:00 a.m.

Texas Speech-Language Hearing Association 1997 Convention, Austin Convention Center, 505 East Cesar Chavez Drive

Austin

Licensing Issues Forum

AGENDA:

The board will meet with students enrolled in communication disorders programs to discuss licensing issues. The information will be presented to the full board at the next scheduled meeting.

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Dorothy Cawthon, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6627.

Filed: March 24, 1997, 10:02 a.m.

TRD-9704051

Friday, April 4, 1997, 2:00 p.m.

Texas Speech-Language Hearing Association 1997 Convention, Austin Convention Center, 505 East Cesar Chavez Drive

Austin

Question and Answer Forum

AGENDA:

The board will hold a question and answer session concerning licensing and regulations of speech-language pathologists and audiologists. The information will be presented to the full board at the next scheduled meeting.

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Dorothy Cawthon, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6627.

Filed: March 24, 1997, 10:02 a.m.

TRD-9704052

Teacher Retirement System of Texas

Thursday, March 27, 1997, 8:30 a.m.

1000 Red River, Room 229E

Austin

Board of Trustees Audit Committee

AGENDA:

1. Approval of Official Minutes of the December 19, 1996 Audit Committee Meeting — Williamson
2. Consideration of Internal Audit Charter — Williamson
3. Review Internal Audit Department Reports:
 - a. Disaster Recovery — Pieratt
 - b. Inactive Accounts — Oaks
 - c. Contract Administration — Bose
 - d. Annuity Payroll Death Match — Bozzelli
 - e. Investment and Investment Accounting Follow-up Review — Henry
 - f. TRS-Care Retention — Bozzelli
 - g. Administrative Expenses — Oaks

h. Investment Corporate Actions — Morris

4. Quarterly Report of Internal Audit Department — Henry

5. Report of Benefits Division — Koontz

6. Review of 1996 Comprehensive Annual Financial Report — Galaviz

7. Discussion of 1997 Internal Audit Peer Review — Henry

For ADA assistance, contact John R. Mercer (512) 397-6400 or TDD (512) 397-6444 or (800) 841-4497 at least two days prior to the meeting.

Contact: John R. Mercer, 1000 Red River, Austin, Texas, 78701-2698, (512) 397-6400.

Filed: March 19, 1997, 4:00 p.m.

TRD-9703838

Thursday, March 27, 1997, 10:00 a.m.

1000 Red River, Room 514E

Austin

Board of Trustees Policy Committee

AGENDA:

1. Approval of Minutes of the February 27, 1997 Meeting
2. Consideration of TRS Ethics Policy and Code of Ethics for Consultants and Agents

For ADA assistance, contact John R. Mercer (512) 397-6400 or TDD (512) 397-6444 or (800) 841-4497 at least two days prior to the meeting.

Contact: John R. Mercer, 1000 Red River, Austin, Texas, 78701-2698, (512) 397-6400.

Filed: March 19, 1997, 4:00 p.m.

TRD-9703839

Thursday, March 27, 1997, 12:00 noon

1000 Red River, Fifth Floor Board Room

Austin

Board of Trustees Investment Committee

AGENDA:

1. Approval of Official Minutes of the December 19, 1996 Meeting
 2. Discussion of Investment Activities- Mr. Cooper
 3. Review and Discussion of Mortgage Securities Portfolio- Mr. Fernandes
 4. Consideration of, and Report by, Real Estate Consultant- Ms. Susan Hudson Wilson
 5. Consideration of the Equity Approved Universe- Mr. Carl
 6. Consideration of Recommended Allocation of Cash Flow for Current Quarter — Mr. Cooper
- a. Cash Flow Analysis

b. Staff Recommendation for Cash Flow

7. Review of Investments — Staff

a. Total Portfolio

b. Fixed Income Portfolio

c. Equity Portfolio

d. Real Estate Portfolio

e. Alternative Assets Portfolio

8. Review of Portfolio Performance — Mr. Record, Wellington Management

9. Review of Investment Outlook and Market Conditions- Mr. Record, Wellington Management

For ADA assistance, contact John R. Mercer (512) 397-6400 or TDD (512) 397-6444 or (800) 841-4497 at least two days prior to the meeting.

Contact: John R. Mercer, 1000 Red River, Austin, Texas, 78701-2698, (512) 397-6400.

Filed: March 19, 1997, 4:00 p.m.

TRD-9703840

Friday, March 28, 1997, 8:30 a.m.

1000 Red River, Room 229E

Austin

Board of Trustees Benefits Committee

AGENDA:

1. Approval of Minutes of the February 27, 1997 Meeting
 2. Consideration of Report of the Texas Public School Employees Group Insurance Program to Finalize Plan Design Changes — Mr. Otto
- a. Setting the Retail Prescription Drug Copay Amounts and Mandatory Generic Drug Substitution
 - b. Lowering of the Co-Insurance Limit
 - c. Maintaining Current rates for September 1, 1997 to August 31, 1998
3. Discussion of Health Care Coverage Bid Process and Calendar for Coming Year — Mr. Otto
 4. Discussion of MERIT Benefit Systems Project to include consideration of Authority of Benefits System Development Contract — Mrs. Koontz
 5. Consideration of Benefits Committee Charter — Mr. Whittenburg

For ADA assistance, contact John R. Mercer (512) 397-6418 or TDD (512) 397-6444 or (800) 841-4497 at least two days prior to the meeting.

Contact: John R. Mercer, 1000 Red River, Austin, Texas, 78701-2698, (512) 397-6418.

Filed: March 21, 1997, 8:22 a.m.

TRD-9703910

Friday, March 28, 1997, 9:30 a.m.

1000 Red River, Fifth Floor Boardroom

Austin

Board of Trustees

AGENDA:

1. Roll Call of Board Members
 2. Public Comments
 3. Approval of Minutes of February 28, 1997 Meeting
 4. Consideration of Board Member's Absence from February 28, 1997 Meeting
 5. Legislative Update — Mrs. Featherston
 6. Report of the Audit Committee — Dr. Williamson
 7. Report of Investments for the Year Ending December 1996— Mr. Cooper
 8. Report of Investment Committee — Mr. Steinhart
 9. Report of Real Estate Committee — Dr. Youngblood
 10. Consideration of Trustees to Serve as Corporate Directors — Dr. Youngblood
 11. Consideration of Procedure for Evaluation of Actuary — Mr. Dunlap
 12. Report on Security and Leasing of TRS Headquarters Building — Mr. Jung
 13. Report on Progress in Implementation of PAM — Mr. Jung
 14. Report of Benefits Division — Mrs. Koontz
 15. Update and Discussion of MERIT Benefit Systems Project to include consideration of Authority with Respect to Administration and Amendment to Benefits System Development Contract — Mrs. Koontz
 16. Consideration of Report of the Texas Public School Employees Group Insurance Program to Finalize Plan Design Changes — Mr. Whittenburg and Mr. Otto
 17. Consideration of Termination of Relationship with Fiduciary Counsel — Dr. Youngblood
 18. Consideration of Selection of New Fiduciary Counsel
 19. Report of Executive Director — Mr. Dunlap
 20. Comments by Board Members
 21. Report of General Counsel on Litigation — Mr. Baker
- For ADA assistance, contact John R. Mercer (512) 397-6400 or TDD (512) 397-6444 or (800) 841-4497 at least two days prior to the meeting.

Contact: John R. Mercer, 1000 Red River, Austin, Texas, 78701-2698, (512) 397-6400.

Filed: March 21, 1997, 8:22 a.m.

TRD-9703909

Friday, March 28, 1997, 1:00 p.m.

1000 Red River, Room 229E

Austin

Board of Trustees Budget Committee

AGENDA:

1. Overview of Expenditures for Fiscal Years 1990 through 1996
 2. Report on Current Year Expenditures through February 1997
 3. Consideration of Budget Plans and Timing for 1997-1998 Budget
- For ADA assistance, contact John R. Mercer (512) 397-6400 or TDD (512) 397-6444 or (800) 841-4497 at least two days prior to the meeting.

Contact: John R. Mercer, 1000 Red River, Austin, Texas, 78701-2698, (512) 397-6400.

Filed: March 21, 1997, 8:22 a.m.

TRD-9703911

◆ ◆ ◆
Telecommunications Infrastructure Fund Board

Friday, March 28, 1997, 9:30 a.m.

1000 Red River, Room E250, East Building

Austin

Finance and Audit Committee

EMERGENCY MEETING AGENDA:

The Finance and Audit Committee of the Telecommunications Infrastructure Fund Board will convene in open session to deliberate and possibly take formal action on the following items:

- I. Call Committee Meeting to Order — Open Meeting/Quorum Call — Chairman Roger Benavides
- II. Minutes from Prior Meeting
- III. Review the Agency Budget
- IV. Future Agenda Items
- V. Adjourn Committee Meeting

REASON FOR EMERGENCY: The public necessity to complete the review of the agency budget in conjunction with the timeline of the Senate Finance Committee and the House Appropriations Committee Hearings, and the uncertainty of obtaining a Committee quorum for the two week period following March 28, 1997.

Contact: Dawn Efaw, 1000 Red River, Suite E208, Austin, Texas 78701, (512) 469-3070.

Filed: March 21, 1997, 8:22 a.m.

TRD-9703912

◆ ◆ ◆
The Texas A&M University System

March 26, 1997, 10:30 a.m. or upon recess of the Board Meeting

MSC Room 292, Joe Routt Boulevard

College Station

Board of Regents

AGENDA:

Consider, Act, & Vote on the Following Matters for the Components of TAMUS: Actions on Bids; Approve POR, Appropriate for Design & Select Project A&E; Gifts, Grants, Loans & Bequests; New, Increased & Decreased Fees; Resolutions ; Mission Statements & Tables of Programs; Centers; Degrees; Reciprocal Agreements with Bordering States; Appointments & Promotions; Emeritus Titles; Academic Tenure; Faculty Development Leave; Honorary Doctorate Degrees; Minutes; Naming of Facilities; Election of Officers; Appointment of Committees & Chairmen of Committees; Closed Session Discussion: Consult with System Attorneys on Pending & Proposed Litigation & Matters Recognized as Attorney-Client Confidential & Privileged; Matters Involving the Appointment, Employ, Evaluation, Reassignment, Duties, Discipline or Dismissal or to Hear Complaints or Charges Against an Officer or Employee; Closed Session Conferences with System Employees to Receive Information; Update on System Activities.

Contact: Vicki Burt, Texas A&M University System, College Station, Texas, 77843, (409) 845-9600.

Filed: March 21, 1997, 2:48 p.m.

TRD-9703984

March 26, 1997, 11:10 a.m., or upon recess of the Board Meeting

MSC Room 292, Roe Rountt Boulevard

College Station

Facilities Planning and Building Committee

AGENDA:

Consider, Act and Vote on the Following Construction Matters for the various Components of The Texas A&M University System: Actions on Bids for the Renovation of Nierman Hall at TAMU-K and Olsen Road Completion at TAMU; Approval of the POR, Appropriation for Design and Selection of Project A/E for the Child Care Center at TAMU; Status of System Construction Projects Authorized by the BOR, Status of Projects Under Construction.

Contact: Vicki Burt, Texas A&M University System, College Station, Texas, 77843, (409) 845-9600.

Filed: March 21, 1997, 2:47 p.m.

TRD-9703979

March 26, 1997, 11:40 a.m., or upon recess or adjournment of Facilities Planning and Building Committee meeting.

MSC Room 292, Roe Rountt Boulevard

College Station

Finance and Audit Committee

AGENDA:

Consider, Act and Vote on the Following Matters for the Components of TAMUS: Gifts, Grants, Loans and Bequests; Approval of New, Increased and Decreased Fees; Effective Fall 1997 at the Academic

Institutions; Comments from students regarding increase of fees at TSU.

Contact: Vicki Burt, Texas A&M University System, College Station, Texas, 77843, (409) 845-9600.

Filed: March 21, 1997, 2:47 p.m.

TRD-9703980

March 26, 1997, 1:30 p.m., or upon adjournment or recess of meeting of Finance and Audit Committee

MSC Room 292, Roe Rountt Boulevard

College Station

Committee for Service Units

AGENDA:

Adoption of Resolution Recognizing the 25th Anniversary of the Establishment of the TAMU Agricultural Research and Extension Center at San Angelo, TAES.

Contact: Vicki Burt, Texas A&M University System, College Station, Texas, 77843, (409) 845-9600.

Filed: March 21, 1997, 2:48 p.m.

TRD-9703981

March 26, 1997, 1:35 p.m., or upon recess or adjournment of Committee for Service Units meeting

MSC Room 292, Roe Rountt Boulevard

College Station

Committee for Academic Campuses

AGENDA:

Consider, Act and Vote on the Following Matters for the Various Components of the A & M University System: Mission Statements and Table of Programs for BCD, TAMU-C, TAMU-T; World Food Distribution Training Center of Excellence, PVAMU; B.S. Degree in Renewable Natural Resources, TAMU; B.A. in Maritime Studies at TAMUG, TAMU; Approval of TAMUG to Enter into Reciprocal Agreements with Bordering States to Waive Nonresident Tuition, TAMU; M.S. Degree in Ed Tech, TAMU-CC; M.E. Degree in Instructional Tech, WTAMU; B.A. or B.S. Degree in Sports and Exercise Sciences, WTAMU.

Contact: Vicki Burt, Texas A&M University System, College Station, Texas, 77843, (409) 845-9600.

Filed: March 21, 1997, 2:48 p.m.

TRD-9703982

March 27, 1997, 9:30 a.m., or upon recess or adjournment of Committee for Service Units meeting

MSC Room 292, Roe Rountt Boulevard

College Station

Executive Committee

AGENDA:

Consider, Act and Vote on the Following Matters for the Components of the Texas A& M University System: Resolutions for William M. Lyle and Carl S. Menzies; Appointment and Promotions; Emeritus Titles; Academic Tenure; Faculty Development Leave; Honorary Doctor of Science Degree to Elias James Corey, TAMU; Approve Minutes; Naming of System Facilities; Honorary Doctor of Science Degree to Melvyn N. Klein, TAMU-CC; Report on A&M Community Development Database; Legislative Update; Update on Organization of TAMUS Statewide Health Science Center.

Contact: Vicki Burt, Texas A&M University System, College Station, Texas, 77843, (409) 845-9600.

Filed: March 21, 1997, 2:48 p.m.

TRD-9703983

University of Texas M.D. Anderson Cancer Center

Tuesday, March 25, 1997, 9:00 a.m.

1515 Holcombe Boulevard, Room B8.4344

Houston

Institutional Animal Care and Use Committee

AGENDA:

Review of Protocol for Animal Care and Use and Modifications thereof.

Contact: Anthony Mastromarino, Ph.D., 1515 Holcombe Boulevard, Box 101, Houston, Texas 77030, (713) 792-3220.

Filed: March 19, 1997, 1:35 p.m.

TRD-9703829

University of Texas Health Science Center at San Antonio

Wednesday, March 26, 1997, 3:00 p.m.

7703 Floyd Curl Drive, Room 422A

San Antonio

Institutional Animal Care and Use Committee

AGENDA:

1. Approval of Minutes
2. Protocols for Review
3. Subcommittee Reports
4. Other Business

Contact: Molly Greene, 7703 Floyd Curl Drive, San Antonio, Texas 7828407822, (210) 567-3717.

Filed: March 19, 1997, 2:17 p.m.

TRD-9703831

The University of Texas Health Center at Tyler

Thursday, April 3, 1997, noon

Highway 271 at Highway 155, Room 113

Tyler

Animal Research Committee

AGENDA:

Approval of Minutes

Chairman Report

Veterinarian Report

Old Business

New Business

Adjourn

Contact: Lea Alegre, P.O. Box 2003, Tyler, Texas 75710, (903) 877-7661.

Filed: March 20, 1997, 2:17 p.m.

TRD-9703870

Thursday, April 3, 1997, noon

Highway 271 at Highway 155, Room 113

Tyler

Animal Research Committee

REVISED AGENDA:

Approval of Minutes

Chairman Report

Veterinarian Report

Old Business

New Business- Added item

Adjourn

Contact: Lea Alegre, P.O. Box 2003, Tyler, Texas 75710, (903) 877-7661.

Filed: March 21, 1997, 2:48 p.m.

TRD-9703985

Regional Meetings

Meetings filed March 19, 1997

Blanco County Appraisal District, Agricultural Advisory Committee, met at 200 North Avenue G, Johnson City, March 25, 1997 at 9:00 a.m. Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (210) 868-4013. TRD-9703821.

Canyon Regional Water Authority, Policy Committee, will meet at Guadalupe Fire Training Facility, 320 Fire Field Road, New Braunfels, March 31, 1997 at 6:30 p.m. Information may be obtained from Gloria Kaufman, 850 Lakeside Pass, New Braunfels, Texas 78130-9579, (210) 609-0543. TRD-9703822.

Central Plains Center for MHMR and SA, Board of Trustees, met at 208 South Columbia, Plainview, March 27, 1997 at 6:00 p.m. Information may be obtained from Ron Trusler, 2700 Yonkers, Plainview, Texas 79072, (806) 293-2636. TRD-9703841.

Gray County Appraisal District, Board of Directors, met at 815 North Sumner, Pampa, March 24, 1997 at 7:30 a.m. Information may be obtained from Jennifer Read, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791. TRD-9703832.

24th Judicial District Community Supervision and Corrections Department, Victoria Area Board of District Judges, met at the Probation Department, 108 East Forrest Street, Victoria, March 26, 1997 at 5:00 p.m. Information may be obtained from Janet S. Duge, P.O. Box 165, Victoria, Texas 77902, (512) 575-0201. TRD-9703834.

Leon County Central Appraisal District, Board of Directors, met at 103 North Commerce-Corner of Highway 7 and 75, Gresham Building, Centerville, March 24, 1997, at 7:00 p.m. Information may be obtained from Jeff Beshears, P.O. Box 536, Centerville, Texas 75833-0536, (903) 536-2252. TRD-9703843.

Liberty County Central Appraisal District, Board of Directors, met at 315 Main Street, Liberty, March 26, 1997 at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9703849.

San Antonio-Bexar County Metropolitan Planning Organization, Transportation Steering Committee, met at the International Conference Center of the Convention Center Complex, San Antonio, March 24, 1997, 9:00 a.m. Information may be obtained from Joe Coleman, 603 Navarro, Suite 904, San Antonio, Texas 78205, (210) 227-8651. TRD-9703824.

Texas Association of Regional Councils, Quarterly Board meeting, met at Austin Marriott at the Capitol, 701 East 11th Street, Austin, March 27, 1997 at 2:30 p.m. Information may be obtained from Sheila Jennings or Jim Ray, 1305 San Antonio Street, Austin, Texas 78701, (512) 478-4715, fax: (512) 478-1049. TRD-9703833.

West Central Texas Council of Governments, Executive Committee, (Revised Agenda), 1025 E.N. 10th Street, Abilene, March 26, 1997 at 12:45 p.m. Information may be obtained from Brad Helbert, 1025 E.N. 10th Street, Abilene, Texas 79601, (915) 672-8544. TRD-9703820.

Meetings filed March 20, 1997

Ark-Tex Council of Governments, (ATCOG), Board, met at Paris Junior College, Paris, March 27, 1997 at 5:30 p.m. Information may be obtained from Sandie Brown, P.O. Box 5307, Texarkana, Texas 75505, (903) 832-8636. TRD-9703885.

Bosque County Central Appraisal District, Board of Directors, met at 202 South Highway Six, Meridian, March 27, 1997 at 7:00 p.m. Information may be obtained from Janice Henry, P.O. Box 393, Meridian, Texas 76665-0393, (817) 435-2304. TRD-9703874.

Brazos Valley Development Council, Regional 911 Advisory Committee, met at 1706 East 29th Street, Suite F, BVDC Housing Conference Room, Bryan, March 25, 1997 at 10:00 a.m. Information may be obtained from Anita Pitt, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD-9703872.

Education Service Center, Region VIII, Board of Directors, met at the Alps Restaurant, 106 E. Burton Road, Mount Pleasant, March 27, 1997, at 6:30 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mount Pleasant, Texas 75456-1894, (903) 572-8551. TRD-9703856.

Golden Crescent Regional Planning Commission, Board of Directors, met at 568 Big Bend Drive, Victoria, March 26, 1997 at 2:00 p.m.

Information may be obtained from Rhonda G. Stastny, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587. TRD-9703864.

Heart of Texas Region MHMR Center, Board of Trustees, met at 110 South 12th Street, Waco, March 25, 1997 at 11:45 a.m. Information may be obtained from Helen Jasso, P.O. Box 890, Waco, Texas 76703, (817) 752-3451, ext. 290. TRD-9703890.

Mason County Appraisal District, Board of Directors, met at 210 Westmoreland, Mason, March 26, 1997 at noon. Information may be obtained from Deborah Geistweidt, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989. TRD-9703857.

MHMR Authority of Brazos Valley, Personnel Committee, met at 1504 South Texas Avenue, Bryan, March 27, 1997 at 12:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467. TRD-9703895.

MHMR Authority of Brazos Valley, Board of Trustees, met at 1504 South Texas Avenue, Bryan, March 27, 1997 at 1:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467. TRD-9703894.

Panhandle Regional Planning Commission, Board of Directors, met at 415 West Eighth Avenue, Amarillo, March 27, 1997, at 1:30 p.m. Information may be obtained from Rebecca Rusk, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381. TRD-9703877.

Riceland Regional Mental Health Authority, Program of Services Committee of the Board of Trustees, met at 4910 Airport, Rosenberg, March 27, 1997 at 8:30 a.m. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9703862.

Riceland Regional Mental Health Authority, Finance/Human Resources Committee of the Board of Trustees, met at 4910 Airport, Rosenberg, March 27, 1997 at 9:00 a.m. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9703863.

San Jacinto River Authority, Board of Directors, met at 2301 North Millbend Drive, Woodlands, March 26, 1997 at 12:30 p.m. Information may be obtained from James R. Adams or Ruby Shiver, P.O. Box 329, Conroe, Texas, 77305, (409) 588-1111. TRD-9703892.

Sharon Water Supply Corporation, Board of Directors, met at the Office of Sharon Water Supply Corporation, Route 5, Winnsboro, March 24, 1997 at 7:00 p.m. Information may be obtained from Gerald Brewer, Route 5, Box 50361, Winnsboro, Texas 75494, (903) 342-3525. TRD-9703873.

Texas Panhandle Mental Health Authority, Board of Trustees, met at 7201 I-40 West, Second Floor, Amarillo, March 27, 1997 at 9:30 a.m. Information may be obtained from Shirley Hollis, P.O. Box 3250, Amarillo, Texas 79116-3250; (806) 353-3699, ext. 29, fax: (806) 353-9537. TRD-9703891.

Meetings filed March 21, 1997

Alamo Area Council of Governments, Alamo Area Housing Finance Corporation, met at 118 Broadway, Suite 400, San Antonio, March 26, 1997 at 10:00 a.m. Information may be obtained from Al J. Notzon, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9703939.

Alamo Area Council of Governments, Area Judges, met at 118 Broadway, Suite 400, San Antonio, March 26, 1997 at 11:00 a.m. Information may be obtained from Al J. Notzon, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9703940.

Alamo Area Council of Governments, Alamo Area Development Corporation, met at 118 Broadway, Suite 400, San Antonio, March 26, 1997 at noon. Information may be obtained from Al J. Notzon, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9703941.

Alamo Area Council of Governments, Board of Directors, met at 118 Broadway, Suite 400, San Antonio, March 26, 1997 at 1:00 p.m. Information may be obtained from Al J. Notzon, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9703942.

Alamo Area Council of Governments, Community Affairs Committee, met at 118 Broadway, Suite 400, San Antonio, March 26, 1997 at 3:00 p.m. Information may be obtained from Al J. Notzon, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9703943.

Andrews Center, Board of Trustees, met at 2323 West Front Street, Room 208, Tyler, March 27, 1997 at 3:00 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (903) 535-7338. TRD-9703956.

Austin-Travis County MHMR Center, Finance and Control Committee, met at 1430 Collier Street, Board Room, March 25, 1997, at noon. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 440-4031. TRD-9703957.

Austin-Travis County MHMR Center, Finance and Control Committee, met in an emergency revised meeting at 1430 Collier Street, Board Room, Austin, at Noon. Reason for emergency meeting: agenda item was deleted due to unavailability of information. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 440-4031. TRD-9704003.

Bexar Appraisal District, Board of Directors, met at 535 South Main Street, San Antonio, March 25, 1997 at 3:00 p.m. Information may be obtained from Beverly M. Houston, P.O. Box 830248, San Antonio, Texas 78283-0248, (210) 224-8511. TRD-9703903.

Brazos Valley Development Council, Solid Waste Advisory Committee, met at 1905 South Texas Avenue, Bryan, March 25, 1997, at 9:30 a.m. Information may be obtained from Linda McGill, P.O. Drawer 4128, Bryan, 77805-4128, (409) 775-4244. TRD-9703972.

Central Texas Council of Governments, Work Force Development Board of Central Texas, met at 302 North Penelope, Belton, March 27, 1997 at 10:00 a.m. Information may be obtained from Susan Kamas, P.O. Box 729, Belton, Texas 76513, (817) 939-3771. TRD-9703954.

Dallas Area Rapid Transit, Audit, met in the Conference Room "B", First Floor, 1401 Pacific Avenue, Dallas, March 25, 1997, at 11:00 a.m. Information may be obtained from Paula J. Bailey, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256. TRD-9703986.

Dallas Area Rapid Transit, Committee-of-the Whole, met in the Conference Room "C", First Floor, 1401 Pacific Avenue, Dallas, March 25, 1997, at 1:00 p.m. Information may be obtained from Paula J. Bailey, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256. TRD-9703987.

Dallas Area Rapid Transit, Board of Directors, met in the Board Room, First Floor, 1401 Pacific Avenue, Dallas, March 25, 1997, at 6:30 p.m. Information may be obtained from Paula J. Bailey, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3371. TRD-9703988.

Edwards Aquifer Authority, Research and Technology Committee, met at 263 Main Plaza, New Braunfels, March 25, 1997 at 10:30 a.m. Information may be obtained from Sally Tamez-Salas, 1615 North St. Mary's Street, San Antonio, Texas 78212, (210) 222-2204. TRD-9703916.

Edwards Aquifer Authority, Administrative Committee, met at 1615 North St. Mary's Street, San Antonio, March 25, 1997 at 3:00 p.m. Information may be obtained from Sally Tamez-Salas, 1615 North St. Mary's Street, San Antonio, Texas 78212, (210) 222-2204. TRD-9703915.

Edwards Aquifer Authority, Legal Committee, met at 1615 North St. Mary's Street, San Antonio, March 25, 1997 at 5:00 p.m. Information may be obtained from Sally Tamez-Salas, 1615 North St. Mary's Street, San Antonio, Texas 78212, (210) 222-2204. TRD-9703914.

Edwards Aquifer Authority, Finance Committee, met at 1615 North St. Mary's Street, San Antonio, March 26, 1997 at noon. Information may be obtained from Sally Tamez-Salas, 1615 North St. Mary's Street, San Antonio, Texas 78212, (210) 222-2204. TRD-9703913.

Edwards Aquifer Authority, Research & Technology, met at 1615 North St. Mary's Street, San Antonio, March 26, 1997 at 4:00 p.m. Information may be obtained from Sally Tamez-Salas, 1615 North St. Mary's Street, San Antonio, Texas 78212, (210) 222-2204. TRD-9704028.

Edwards Aquifer Authority, Aquifer Management Planning Committee, met at 1615 North St. Mary's Street, San Antonio, March 26, 1997 at 2:00 p.m. Information may be obtained from Sally Tamez-Salas, 1615 North St. Mary's Street, San Antonio, Texas 78212, (210) 222-2204. TRD-9703908.

Edwards Aquifer Authority, Special Board Meeting, met at 1615 North St. Mary's Street, San Antonio, March 27, 1997 at 5:00 p.m. Information may be obtained from Sally Tamez-Salas, 1615 North St. Mary's Street, San Antonio, Texas 78212, (210) 222-2204. TRD-9703907.

Edwards Aquifer Authority, Special Board Meeting, revised agenda, met at 1615 North St. Mary's Street, San Antonio, March 27, 1997 at 5:00 p.m. Information may be obtained from Sally Tamez-Salas, 1615 North St. Mary's Street, San Antonio, Texas 78212, (210) 222-2204. TRD-9704027.

Golden Crescent Private Industry Council, met at 2401 Houston Highway, Victoria, March 26, 1997, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9704011.

High Plains Underground Water Conservation District Number One, Board, met at 2930 Avenue Q, Board Room, Lubbock, March 27, 1997 at 10:00 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9703924.

Kendall Appraisal District, Board of Directors, AG Advisory Committee, will meet at 121 South Main Street, Boerne, April 9, 1997 at 8:30 a.m. Information may be obtained from Leta Schlinke or Helen

Tamayo, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, fax: 210-249-3975. TRD-9704012.

Lower Colorado River Authority, Planning and Public Policy Committee, met at 1405 Willow Street, Bastrop, March 26, 1997, reconvening if necessary, March 27, 1997 at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3304. TRD-9704016.

Lower Colorado River Authority, Energy Operations Committee, met at 1405 Willow Street, Bastrop, March 26, 1997, reconvening if necessary, March 27, 1997 at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3304. TRD-9704017.

Lower Colorado River Authority, Land and Water Operations Committee, met at 1405 Willow Street, Bastrop, March 26, 1997, reconvening if necessary, March 27, 1997 at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3304. TRD-9704018.

Lower Colorado River Authority, Finance and Administration Committee, met at 1405 Willow Street, Bastrop, March 26, 1997, reconvening if necessary, March 27, 1997 at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3304. TRD-9704019.

Lower Colorado River Authority, Audit Committee, met at 1405 Willow Street, Bastrop, March 26, 1997, reconvening if necessary, March 27, 1997 at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3304. TRD-9704020.

Lower Colorado River Authority, Regional Development Committee, met at 1405 Willow Street, Bastrop, March 26, 1997, reconvening if necessary, March 27, 1997 at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3304. TRD-9704021.

Lower Colorado River Authority, Emerging Issues Committee, met at 1405 Willow Street, Bastrop, March 26, 1997, reconvening if necessary, March 27, 1997 at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3304. TRD-9704022.

Lubbock Regional MHMR Center, Board of Trustees, Program Committee, met at 1602 10th Street, Board Room, Lubbock, March 26, 1997 at noon. Information may be obtained from Gene Menefee, P.O. Box 2828, 1602 10th Street, Lubbock, Texas 79408, (806) 766-0202. TRD-9703966.

Lubbock Regional MHMR Center, Board of Trustees, met at 1602 10th Street, Board Room, Lubbock, March 27, 1997 at 4:00 p.m. Information may be obtained from Gene Menefee, P.O. Box 2828, 1602 10th Street, Lubbock, Texas 79408, (806) 766-0202. TRD-9703967.

Lubbock Regional MHMR Center, Board of Trustees, Resource Committee, met at 1602 10th Street, Conference Room, Lubbock,

March 31, 1997 at 11:00 a.m. Information may be obtained from Gene Menefee, P.O. Box 2828, 1602 10th Street, Lubbock, Texas 79408, (806) 766-0202. TRD-9703968.

Lubbock Regional MHMR Center, Board of Trustees, met at 1602 10th Street, Conference Room, Lubbock, March 31, 1997 at noon. Information may be obtained from Gene Menefee, P.O. Box 2828, 1602 10th Street, Lubbock, Texas 79408, (806) 766-0202. TRD-9703969.

Montague County Tax Appraisal District, Agricultural Advisory Committee, met at 312 Rusk Street, Montague, March 27, 1997 at 8:30 a.m. Information may be obtained from Wanda Russell, 312 Rusk Street, Montague, Texas 76251, (817) 894-6011. TRD-9703993.

Rockwall County, Central Appraisal District, Appraisal Review Board, met at 106 North San Jacinto, Rockwall, March 27, 1997, at 8:30 a.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (972) 771-2034. TRD-9703995.

South Texas Workforce Development Board, met at 901 Kennedy Street, Zapata, March 27, 1997 at 4:00 p.m. Information may be obtained from Mrs. Myrna Herbst, P.O. Box 1757, Laredo, Texas 78044-1757, (210) 722-0546. TRD-9703953.

Upper Leon River Municipal Water District, Board of Directors, met at General Office, located off FM 2861, Lake Proctor Dam, Comanche, March 25, 1997 at 6:30 p.m. Information may be obtained from Gary D. Lacy, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258. TRD-9704004.

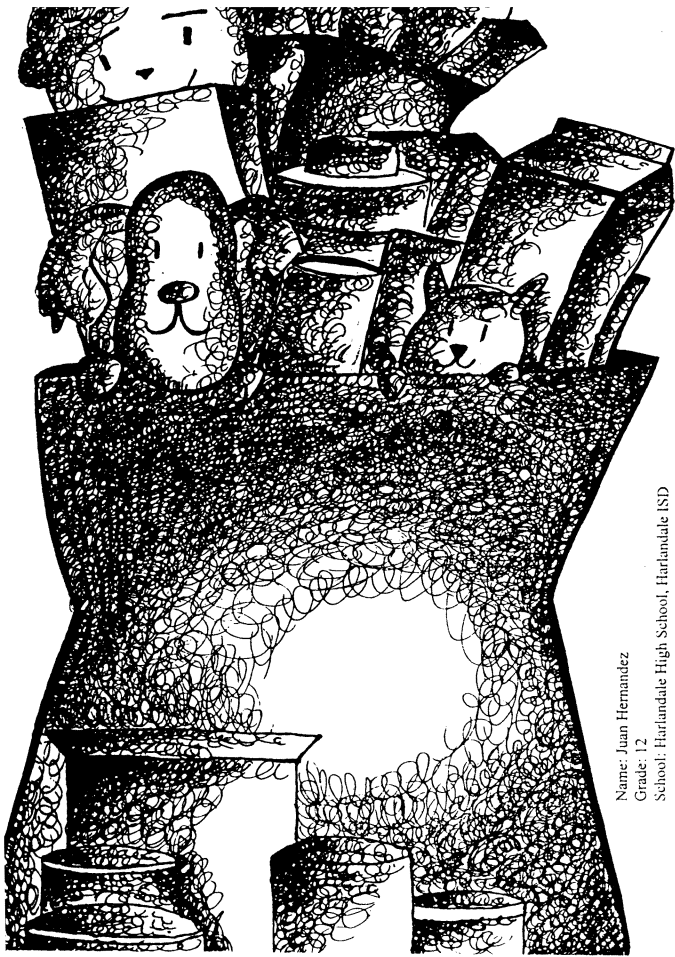
West Central Texas Council of Governments/Career Stop, Career Stop Advisory Committee, met at 809 North Judge Ely Boulevard, Abilene, March 26, 1997 at 10:00 a.m. Information may be obtained from Cheryl Halliburton, 809 N. Judge Ely Boulevard, Abilene, Texas 79601, (915) 672-5633. TRD-9703902.

West Central Texas Municipal Water District, met at 410 Hickory, Abilene, March 27, 1997 at 1:30 p.m. Information may be obtained from Davis E. Bell, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254. TRD-9704026.

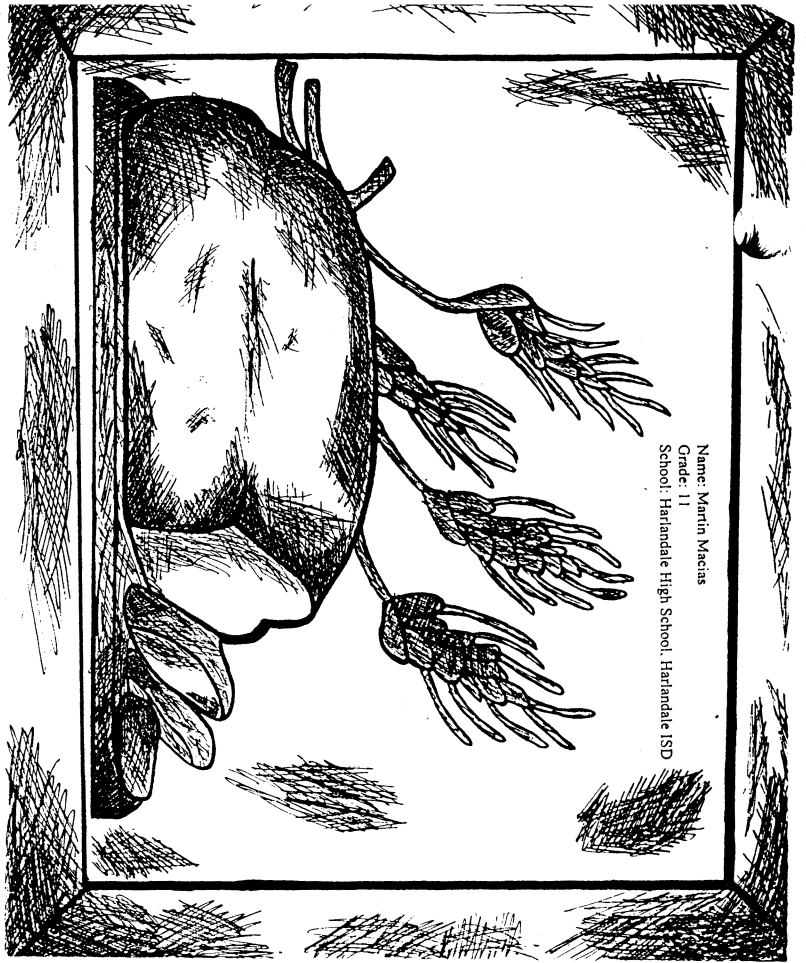
Meetings filed March 24, 1997

Brazos River Authority, Emergency Revised Agenda, Board of Directors, met at the Marriott Hotel at the Capitol, 701 East 11th Street, Austin, March 24, 1997 at 11:00 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555 Waco, Texas 76714-7555, (817) 776-1441. TRD-9704030.

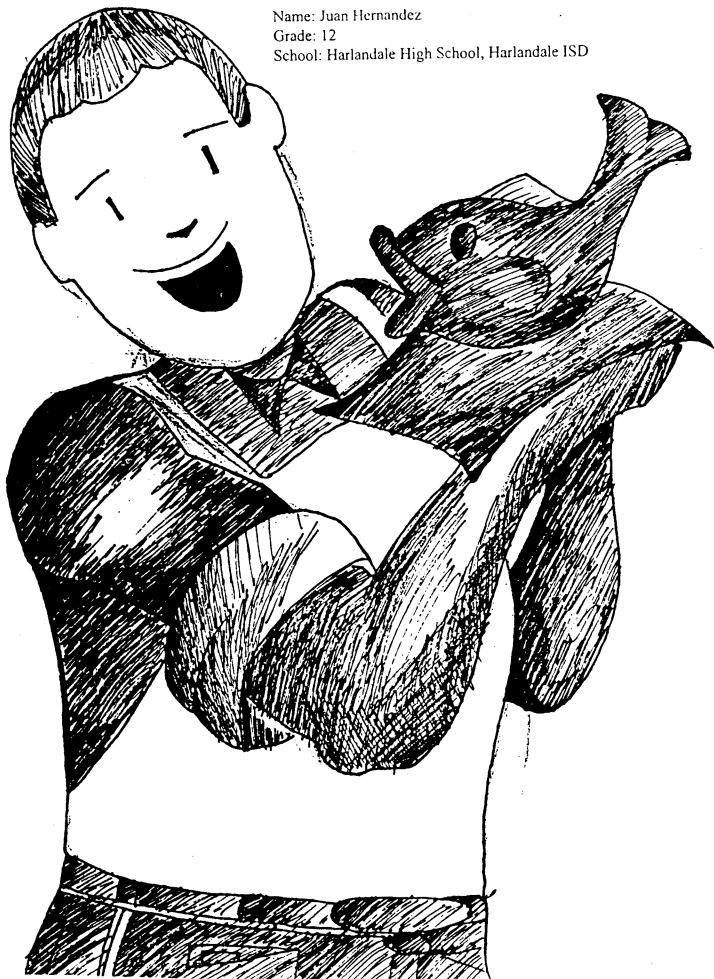
Gillespie Central Appraisal District, Board of Directors, met at the Gillespie County Courthouse, 101 West Main, Basement Suite 104C, Fredericksburg, April 1, 1997 at 9:00 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (210) 997-9807. TRD-9704043.



Name: Juan Hernandez
Grade: 12
School: Harlandale High School, Harlandale ISD



Name: Martin Macias
Grade: 11
School: Harlandale High School, Harlandale ISD



Name: Juan Hernandez
Grade: 12
School: Harlandale High School, Harlandale ISD



Name: Alicia M. Perez
Grade: 9
School: Harlandale High School, Harlandale ISD



IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

State Auditor's Office

Notice of Request for Proposals

Nature of Request: The State Auditor's Office (SAO) is requesting proposals from independent Certified Public Accountants (the Auditor) to perform an opinion audit of the Supplementary Bond Schedules for inclusion in the State of Texas' Comprehensive Annual Financial Report for the fiscal year ending August 31, 1997. In addition, the Auditor will perform the following procedures:

1. For each issue, determine compliance with significant bond covenants;
2. Review the bond related note in the Notes to the Financial Statements and determine if the notes are in compliance with the Comptroller's reporting requirements;
3. Reconcile bonds payable to the annual financial reports;
4. Determine compliance with Internal Revenue Service Arbitrage Rebate requirements; and
5. Determine compliance with Securities and Exchange Commission reporting requirements.

The SAO conducts audits of departments of state government, including institutions of higher education, in accordance with Chapter 321 of the Texas Government Code. The SAO audits the general purpose financial statements of the State of Texas in preparation of the State's Comprehensive Annual Financial Report (CAFR). The financial statements are the responsibility of the Texas Comptroller of Public Accounts. The SAO expresses an opinion on the financial statements in accordance with generally accepted auditing standards and Government Auditing Standards issued by the U.S. General Accounting Office. The SAO also audits and expresses an opinion on the Supplementary Bond Schedules (the Schedules) that accompany the CAFR.

The Auditor selected to perform the audit of the Supplementary Bond Schedules and Notes to the Financial Statements for fiscal year 1997 will be awarded an initial one year contract, with the SAO having the option of extending the contract period for an additional year.

Proposed Time Line: The proposed time line for the project is as follows:

June 13, 1997- Anticipated contract award date;

August 15, 1997-Methodology for performance and cost analysis completed; presentation of methodology to Auditors;

September 1, 1997-Interim work may begin;

November 29, 1997-Annual Financial Reports are released;

December 12, 1997-Mid-point check. A status report and review of the work performed up to that date;

January 2, 1998-All audits completed and audit adjustments to the Supplementary Bond Schedules for each entity, including adjustments to the Supplementary Bond Schedules and primary financial statements, turned in to the SAO;

February 13, 1998-Opinion on Supplementary Bond Schedules issued;

February 27, 1998-Management letters sent to each entity. Copies of all management letters, material findings, and management responses to material findings submitted to the SAO; and

March 13, 1998-All working papers turned in to the SAO.

Evaluation Criteria: Proposals may be evaluated by SAO staff members and/or external parties who have knowledge of government auditing. Auditors must meet the mandatory criteria to have their proposals evaluated and scored for both technical qualifications and price. The following represent the selection criteria which will be considered during the evaluation process:

Mandatory Elements

1. The Auditor is independent and licensed to practice in Texas. All other considerations being equal, the SAO will give preference to a respondent whose principal place of business is in Texas or who will manage the contracted project from its Office within the State.
2. The Auditor's professional personnel have received adequate continuing professional education within the preceding two years.

3. The firm has no conflict of interest with regard to any other work performed by the Auditor for the State.
4. The Auditor submits a copy of its most recent external quality control review report, and the Auditor has a record of quality audit work.
5. The Auditor adheres to the instructions in this request for proposals on preparing and submitting the proposal and submits a complete response.
6. The Auditor's proposed timetable is acceptable to the SAO.

Technical Qualifications

1. Expertise and Experience

- a. Extent and quality of experience auditing bond schedules, based on information provided by the Auditor as well as references of former and present clients;
- b. The Auditor's ability and willingness to meet the requirements and needs of the SAO with respect to the audit as set out in this request for proposal and demonstrated in the Auditor's response;
- c. The quality of the Auditor's professional personnel to be assigned to the engagement and the quality of the Auditor's management support personnel to be available for technical consultation; and
- d. Whether the Auditor is a HUB or proposes the use of HUB subcontractors.

2. Audit Approach

- a. Acceptability of proposed segmentation of the engagement;
- b. Adequacy of proposed staffing plan for various segments of the engagement;
- c. Adequacy of proposed audit test work; and
- d. Adequacy of analytical procedures to be used.

Price

Reasonableness of proposed cost as evidenced by billing rates and hours budgeted for each type of position will be a significant factor; however, fees charged may not be the dominant factor. The SAO will prepare its own estimated cost to perform the audit, which will be a factor used in evaluating reasonableness of proposed cost. The SAO anticipates that it will perform the audit unless a lower cost proposal is received.

Oral Presentations: At the discretion of the SAO, the Auditors submitting proposals may be requested to make an oral presentation as part of the evaluation process. Oral presentations will be scheduled from April 28, 1997 through June 12, 1997.

Release of Responses and Proprietary Information: In accordance with the Texas Open Records Act, Texas Government Code, Chapter 552, responses to requests for proposals are generally considered to be public information after a contract is awarded. If an Auditor wishes to maintain that any of the information contained in its proposal should not be publicly disclosed, the Auditor is responsible for identifying proprietary information in the proposal at the time of submission and setting forth with specificity reasons why the information should not be disclosed. A final determination regarding whether or not proprietary information identified must be disclosed is subject to a decision of the Attorney General of Texas, in accordance with the Act.

Right to Reject Proposals, Costs Incurred: The SAO reserves the right to accept or reject any or all proposals submitted. The information contained in this notice of request for proposals is intended to serve only as a general description of the services desired. Additional terms and conditions relating to this proposal request will be provided in the proposal preparation instructions. The SAO intends to use responses to this notice as a basis for further negotiation of specific project details with respondents. Issuance of this notice of request for proposals creates no obligation to award a contract or to pay any costs incurred in the preparation of a proposal. Direct or indirect costs incurred in responding to the request for proposals are the sole responsibility of the respondents. Proposals and accompanying documents will become the property of the SAO and will not be returned to the proposers.

Pre-Proposal Conference: A pre-proposal conference will be held on Monday, April 7, 1997, from 9:00 a.m. to 11:00 a.m., C.S.T., at Two Commodore Plaza, 206 East Ninth Street, Suite 1900, Austin, Texas 78701.

Contact Person, Deadline for Submissions: The complete request for proposals may be obtained by contacting Robin Abbott at the State Auditor's Office at (512) 479-4700. The deadline for submission of proposals is 5:00 p.m., C.S.T., Monday, April 28, 1997.

Issued in Austin, Texas, on March 21, 1997.

TRD-9704023

Lawrence F. Alwin, CPA

State Auditor

State Auditor's Office

Filed: March 21, 1997

Coastal Coordination Council

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 Federal Register pp. 1439-1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC 501. Requests for federal consistency review were received for the following project(s) during the period of March 18, 1997, through March 20, 1997:

FEDERAL AGENCY ACTIONS:

Applicant: TEPCO, Inc.; **Location:** L.T. Yowell Survey, A-215 and Daniel Buckley Survey, A-29, Galveston County, Texas. Located 5.8 miles south of Hitchcock, Texas in the southeast corner of the Department of Interior "Hitchcock" Quadrangle; **Project Number:** 97-0054-F1; **Description of Proposed Action:** The applicant requests an extension of time and amendment to drill four additional wells; **Type of Application:** Amendment to U.S.C.O.E. permit application #18801 under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403), and §404 of the Clean Water Act (33 S.C.A. §§125-1387).

Applicant: Chevron U.S.A. Products Company; **Location:** Joint Outfall Canal, (Taylor Bayou Outfall Canal), mile 2.4, at the intersection of the Gulf Intracoastal Waterway at mile 290.3 west of Harvey Lock, Port Arthur, Texas; **Project Number:** 97-0058-F1; **Description of Proposed Action:** The applicant proposes to construct

a new temporary, floating bridge over the Joint Outfall Canal. The bridge will be constructed on a new alignment. The overall length of the project is approximately 325 feet. From abutment to abutment, the bridge itself will be 285 feet in length. It will consist of two sheet pile abutments, two 30-foot by 122-foot spudded deck barges and one 30-foot by 40-foot center barge which will be removable to pass navigation. The removable span will be moved by an attendant tug. The bridge is expected to remain in place for about one year, after which it will be removed. The abutments will remain for future use; Type of Application: U.S.C.O.E. permit application under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403).

Applicant: U.S. Coast Guard; Location: Port Isabel Turning Basin, along Port Isabel Channel, Cameron County, Texas; Project Number: 97-0060-F1; Description of Proposed Action: The applicant proposes to construct a 250 foot long by 9 foot wide by 5 foot high wooden pier to provide a mooring structure for U.S. Coast Guard patrol boats; Type of Application: U.S.C.O.E. permit application #20941 under §10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. 403), and §404 of the Clean Water Act (33 U.S.C.A. §§125-1387).

Pursuant to §306(d)(14) of the Coastal Zone Management Act of 1972 (16 U.S.C.A. §§1451-1464), as amended, interested parties are invited to submit comments on whether a proposed action should be

referred to the Coastal Coordination Council for review and whether the action is or is not consistent with the Texas Coastal Management Program goals and policies. All comments must be received within 30 days of publication of this notice and addressed to Ms. Janet Fatheree, Council Secretary, 1700 North Congress Avenue, Room 617, Austin, Texas 78701-1495.

Issued in Austin, Texas, on March 21, 1997.

TRD-9704029

Garry Mauro

Chairman

Coastal Coordination Council

Filed: March 21, 1997

Office of the Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Title 79, Texas Civil Statutes, Articles 1.04, and 1.05, as amended (Texas Civil Statutes, Articles 5069-1.04 and 1.05).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer ⁽¹⁾/Agricultural/ Commercial ⁽²⁾ thru \$250,000</u>	<u>Commercial ⁽²⁾ over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	03/24/97-03/30/97	18.00%	18.00%
Judgment Rate - Art. 1.05, Section 2	04/01/97-04/30/97	10.00%	10.00%

⁽¹⁾Credit for personal, family or household use. ⁽²⁾Credit for business, commercial, investment or other similar purpose.

[graphic]

Issued in Austin, Texas, on March 21, 1997.

TRD-9703955

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: March 21, 1997

Texas Education Agency

Correction of Error

The Texas Education Agency proposed amendments to §§66.27, 66.60, 66.66, and 66.131, concerning state adoption and distribution of instructional materials. The amendments appeared in the February

25, 1997, issue of the *Texas Register* (22 TexReg 1938). Due to error by the *Texas Register* on page 1939, in §66.66, the section title "Public Comment on Instructional Materials" should read "Consideration and Adoption of Instructional Materials by the State Board of Education."

The TEA proposed the repeal of 19 TAC §§137.1-137.6, 137.31, 137.61, 137.91, 137.121, 137.151-137.161, 137.191-137.200, 137.231, 137.261-137.271, 137.301-137.319, 137.361, 137.391, 137.411-137.414, 137.431-137.438, 137.461-137.463, 137.481-137.484, 137.501-137.512, 137.531, 137.532, and 137.551-137.560, concerning professional educator preparation and certification. The repeals appeared in the February 25, 1997, issue of the *Texas Register* (22 TexReg 1941).

Due to error by the *Texas Register* on page 1941, the title for Subchapter A of Chapter 137, "Educator Preparation and Certification" should read "Educator Preparation Accountability System."

Due to error by the *Texas Register* on page 1942, in the title for Subchapter D of Chapter 137, the word "Center" should read "Centers."

Due to error by the *Texas Register* on page 1946, two errors appeared in the subchapter titles for the proposed repeal of Chapter 137. In the title for Subchapter O of Chapter 137, the word "other" should be capitalized. In the title for Subchapter P of Chapter 137, the word "of" in the phrase "Specialized Assignments of Programs" should be replaced with the word "or" and read "Specialized Assignments or Programs."

The TEA proposed new 19 TAC §§150.1001-150.1010, 150.1021, and 150.1022, concerning educator and administrator appraisal systems. The rule appeared in the February 25, 1997, issue of the *Texas Register* (22 TexReg 1950).

Due to error by the TEA on page 1950, two errors appeared in §150.1001. In §150.1001(a), the two words at the end of the subsection "teacher" and "appraisal" should be hyphenated and read "teacher-appraisal." In §150.1001(c), the phrase "each school district or campus(es) wanting" should read "each school district or campus wanting."

Due to error by the TEA on page 1951 several errors appeared. In §150.1002(d), the phrase "shall be evaluated on Domains I-VIII using" should read "shall be evaluated on Domains I through VIII using." In §150.1003(b)(1), a comma is missing between the words "section" and "with" in the phrase "subsection (g) of this section with additional." In §150.1003(b)(2), the phrase "a written summary of each observation that shall be given to teachers within ten working days" should read "a written summary of each observation, which shall be given to teachers within 10 working days." In this same paragraph, the phrase "completion of an observation with a pre- and post-observation" is missing comma between the words "observation" and "with." In §150.1003(f), a period is missing at the end of the sentence. In §150.1004(a), the phrase "will be designated teacher in need of assistance" should read "will be designated as a teacher in need of assistance." In §150.1004(b), the phrase when a teacher is designated teacher in need of assistance" should read "when a teacher is designated as a teacher in need of assistance." In §150.1004(b)(1), the phrase "domain(s) that designate a teacher in need of assistance" should read "domain(s) that designate a teacher as a teacher in need of assistance."

Due to error by the TEA on page 1952, several errors appeared. In §150.1004(b)(6), the phrase "specific timeline for successful completion" should read "specific time line for successful completion." In §150.1004(f), the phrase "produce an evaluation of below expectations or unsatisfactory" should "produce an evaluation of "below expectations" or "unsatisfactory." In §150.1005(b) the number "ten" should be spelled out in the phrase "must be submitted within 10 working days." This error also appeared in §150.1005(d) in the phrase "requested within ten working days" and should read "requested within 10 working days." In §150.1005(e), the semicolon in the phrase "date or time of a second appraisal; but advance notice" should be replaced with a comma. In §150.1005(f), the phrase "to evaluate Domain I-V" should read "to evaluate Domain I through V." Following this language, the phrase "to evaluate Domain VI-VIII" should read "to evaluate Domain VI through VIII." In §150.1006(c), the phrase

"school campus at which the appraiser teachers" should read "school campus at which the appraiser teaches." In §150.1006(d), the title "instructional leadership training (ILT)" preceding the acronym should be capitalized and read "Instructional Leadership Training (ILT)." In §150.1006(d)(1), the phrase "appraisers for the Texas Teacher Appraisal System (TTAS) before January 1997 shall" is missing a comma between the year "1997" and the word "shall". The phrase should read "appraisers for the Texas Teacher Appraisal System (TTAS) before January 1997, shall". In §150.1007(a)(2), the first word "teachers" in the phrase "teachers new to the district" should be replaced with "a teacher" and read "a teacher new to the district." In §150.1007(b) the first word "Teachers" in the sentence "Teachers orientation shall include materials" should read "Teachers' orientation shall include materials."

Due to error by the TEA on page 1953, two errors appeared in §150.1009(a). The first sentence "Beginning with the 1997-98 school year" should read "Beginning with the 1997-1998 school year." Also, in this same sentence the words "teacher appraisal system" should include a hyphen between the words "teacher" and "appraisal" and read "teacher-appraisal system."

Due to error by the TEA on page 1953, the following seven errors appeared in §150.1009 with the word "decision making" not hyphenated.

In §150.1009(a)(1), the language "district-level planning and decision making committee" should read "district-level planning and decision-making committee." In §150.1009(a)(1)(C), the phrase "the campus planning and decision making committee" should read "the campus planning and decision-making committee." In §150.1009(a)(3), the first sentence "school district-level planning and decision making committee" should read "school district-level planning and decision-making committee." In §150.1009(b)(1), the phrase "campus planning and decision making committee" should read "campus planning and decision-making committee." In §150.1009(b)(1)(C), the phrase "to the district-level planning and decision making committee" should read "to the district-level planning and decision-making committee." In §150.1009(b)(3), the language "school district-level planning and decision making committee" should read "school district-level planning and decision-making committee." The same error appeared in §150.1009(b)(4) where the language "school district-level planning and decision making committee" should read "school district-level planning and decision-making committee."

Due to error by the TEA on page 1953, two errors appeared in §150.1009. In §150.1009(a)(2)(B), the comma in the phrase "a conference between the teacher and the appraiser, that is diagnostic" should be removed and read "a conference between the teacher and the appraiser that is diagnostic." The same error appeared in §150.1009(b)(2)(B). The comma in the phrase "a conference between the teacher and the appraiser, that is diagnostic" should be removed.

The Texas Education Agency (TEA) proposed new 19 TAC §§117.1-117.19, 117.31-117.40, and 117.51- 117.67, concerning essential knowledge and skills for fine arts. The rules appeared in the February 28, 1997, issue of the *Texas Register* (22 TexReg 2030).

Due to error by the TEA on page 2044, in §117.35(c)(4)(A), the phrase "analyze and compare relationships such as function and meaning in personal" should read "analyze and compare relationships, such as function and meaning, in personal."

Due to error by the TEA on page 2046, in §117.38(c)(4)(A), the phrase "analyze with the teacher or peers personal artworks in progress, using critical attributes and participates" should read "analyze with the teacher or peers personal artworks in progress, using critical attributes, and participate."

Due to error by the TEA on page 2048, in §117.40(c)(4)(B), the word "describes" in the phrase "and conventions and describes the roles" should be "describe" and read "and conventions and describe the roles."

Due to error by the TEA on page 2049, in §117.53(a), the course "Ceramic II" in the group of courses "Drawing II, Painting II, Printmaking II, Fibers II, Ceramic II" should be plural and read "Drawing II, Painting II, Printmaking II, Fibers II, Ceramics II."

Due to error by the TEA on page 2050, in §117.55(c)(2)(A), the word "demonstrate" in the phrase "variety of sources and demonstrate sustained" should be plural and read "variety of sources and demonstrates sustained."

Due to error by the TEA on pages 2051 and 2052, three errors appeared involving a missing comma. In §117.56(b)(2), the phrase "heritage and traditions thus helping them" is missing a comma between the words "traditions" and "thus" and should read "heritage and traditions, thus helping them." This error is repeated in the same phrases in §117.57(b)(2) and §117.58(b)(2).

Due to error by the TEA on page 2053, two error appeared. In §117.58(c)(4)(B), the phrase "choreograph a dance based on an historical" should read "choreograph a dance based on a historical." In §117.59(c)(5)(C), the word "the" in the phrase "professions of dance and the other fine arts" should be deleted and the phrase should read "professions of dance and other fine arts."

Due to error by the TEA on page 2056, two errors appeared. In §117.62(c)(6)(A), the phrase "comparing them to similar or exemplary models and offer constructive suggestions for improvement" should read "comparing them to similar or exemplary models and offering constructive suggestions for improvement." This error also appeared with the same phrase in §117.63(c)(6)(A).

Due to error by the TEA on page 2057, in §117.64(c)(4)(B), the phrase "relate historical and cultural influences on theatre and analyzes the roles" should read "relate historical and cultural influences on theatre and analyze the roles."

The TEA proposed new 19 TAC §§119.1-119.3, 119.11-119.13, 119.21-119.28, 119.41-119.69, 119.81- 119.88, 119.101, and 119.102, concerning essential knowledge and skills for agricultural science and technology education. The rules appeared in the February 18, 1997, issue of the *Texas Register* (22 TexReg 2060).

Due to error by the TEA on page 2066, in §119.23(c)(4)(E), the phrase "work with and disposes of water" should read "work with and dispose of water."

Due to error by the TEA on page 2079, in §119.57(c)(5)(B), the comma in the phrase "install, framing, doors, windows, and roofing" should be removed and read "install framing, doors, windows, and roofing."

Due to error by the TEA on page 2082, in §119.62(c)(5)(A), the phrase "list the role of bacteria, fungi, viruses, genetics, and nutrition is disease" should read "list the role of bacteria, fungi, viruses, genetics, and nutrition in disease."

Due to error by the TEA on page 2085, in §119.67(c)(3)(D), the phrase "denitrify current insect pest management practices" should read "identify current insect pest management practices."

Due to error by the TEA on page 2087, two errors appeared in §119.83. In §119.83(c)(2), a the phrase "resources in relation to land water, and air management" is missing a comma between the words "land" and "water" and should read "resources in relation to land, water, and air management." In §119.83(c)(2)(B), the phrase "develop long-range land water, and air quality management plans" should read "develop long-range land, water, and air quality management plans."

Due to error by the TEA on page 2088, in §119.84(c)(4)(C), the phrase "describe hazard analysis - critical control point implementation issue" should read "describe hazard analysis - critical control point implementation issues."

The TEA proposed new 19 TAC §§120.1-120.5, 120.21-120.27, 120.41-120.49, 120.61-120.66, 120.81, and 120.82, concerning essential knowledge and skills for business education. The rules appeared in the February 28, 1997, issue of the *Texas Register* (22 TexReg 2091).

Due to error by the TEA on page 2091, two errors appeared in the first paragraph of the common preamble for 19 TAC Chapter 120 titled "Texas Essential Knowledge and Skills for Business Education". The numbers "10" and "23" in the second sentence "for business education that include 33 courses plus 10 additional experimental courses that were synthesized and combined into 23 courses" should be corrected as "11" and "24" and read "for business education that include 33 courses plus 11 additional experimental courses that were synthesized and combined into 24 courses."

Due to error by the TEA on page 2095, in §120.5(c)(5)(F) the entire subparagraph (F) was incorrectly inserted in this section and should be removed.

Due to error by the TEA on page 2101, in §120.27(c)(1)(G) the phrase consider an annual percentage rate (APR) table and computes" should read "consider an annual percentage rate (APR) table and compute."

Due to error by the TEA on page 2108, two errors appeared in §120.48. In §120.48(c)(3)(F), the phrase "list common networking protocols and describes their functions" should read "list common networking protocols and describe their functions." In §120.48(c)(4)(D), the phrase "identify the types of communication hardware and explains" should read "identify the types of communication hardware and explain."

Due to error by the TEA on page 2110, in §120.62(a)(2) the phrase "Business Computer Information Systems" should read "Business Computer Information Systems I."

The TEA proposed new 19 TAC §§121.1-121.5, 121.11-121.15, 121.21-121.26, 121.31, and 121.32, concerning essential knowledge and skills for health science technology education. The rules appeared in the February 28, 1997, issue of the *Texas Register* (22 TexReg 2119).

Due to error by the TEA on page 2122, in §121.3(c)(10), the language "the student uses standard precautions used to" should read "the student uses standard precautions to."

Due to error by the TEA on page 2129, two error appeared. In §121.14(c)(1)(A) the phrase "while complying with the standards of Universal Precautions" should read "while complying with standard

precautions." In §121.15(a) the word "science" in the phrase "shall be awarded one-half credit in science" should be capitalized and read "shall be awarded one-half credit in Science."

Due to error by the TEA on page 2134, in §121.25(c)(3)(B) the word "to" in the phrase "describe the effects of unethical practices to consumers" should be replaced with the word "on" and read "describe the effects of unethical practices on consumers."

The TEA proposed new 19 TAC §§122.1, 122.2, 122.11-122.14, 122.21-122.24, 122.31-122.34, 122.41- 122.43, 122.51-122.54, 122.61-122.63, 122.71-122.74, 122.81-122.84, 122.91, 122.92, and 122.101- 122.103, concerning essential knowledge and skills for home economics education. The rules appeared in the February 28, 1997, issue of the *Texas Register* (22 TexReg 2136).

Due to error by the TEA on pages 2140-2180 several errors appeared using the word "wage earner". In all cases when the word "wage earner" was used, it preceded a noun "roles", thereby modifying the noun and requiring hyphenation. The following is a list of references where "wage earner" should be hyphenated and read "wage-earner": §122.12(d)(2)(F); §122.13(c)(2)(G); §122.14(c)(1); and §122.14(d)(3)(C); §122.22(f)(3); §122.23(f)(1)(E); §122.24(f)(4); §122.24(f)(4)(A); §122.33(g)(2)(D); §122.34(f)(4); §122.34(f)(4)(A); §122.42(g)(2)(A); §122.43(g)(2)(A); §122.52(e)(4); §122.52(e)(4)(A); §122.53(g)(3); §122.53(g)(3)(A); §122.54(f)(4); §122.54(f)(4)(A); §122.62(e)(1)(D)-(F); §122.62(e)(2); §122.62(e)(2)(B); §122.62(e)(3); §122.62(e)(3)(D); §122.63(f)(2)(C); §122.72(e)(2)(B); §122.73(f)(1)(A); §122.74(g)(4); §122.74(g)(4)(A); §122.82(c)(1)(E); §122.82(e)(2)(A); §122.83(e)(2)(D); §122.84(h)(4); and §122.84(h)(4)(A).

Due to error by the TEA on page 2140, in §122.12(f)(1)(A) the phrase "describe factors influencing apparel selections" should read "describe factors influencing apparel selection."

Due to error by the TEA on page 2145, in §122.14(d)(4) the word "health related" in the phrase "the student analyzes health related issues affecting employees in the workplace" should be hyphenated and read "the student analyzes health-related issues affecting employees in the workplace."

Due to error by the TEA on page 2151, in §122.32(c)(3) the phrase "the student analyzes the impact of physical and emotional changes on the family that occur during pregnancy" should read "the student analyzes the impact on the family of physical and emotional changes that occur during pregnancy."

Due to error by the TEA on page 2157, in §122.42(d) the word "nutritionally-balanced" in the cache line "nutritionally-balanced diets" should not be hyphenated and read "nutritionally balanced diets." In §122.42(f)(1)(A), the word "food buying" in the phrase "describe a variety of consumer food buying strategies" should be hyphenated and read "describe a variety of consumer food-buying strategies."

Due to error by the TEA on page 2158, in §122.43(e)(2)(A) the word "food handling" in the phrase "outline sanitation and food handling practices that can help prevent" should read "outline sanitation and food-handling practices that can help prevent."

Due to error by the TEA on page 2160, in §122.52(c)(1)(D) the phrase "analyze the impact of technology innovations on the food production and service industry" should read "analyze the impact of technological innovations on the food production and service industry."

Due to error by the TEA on page 2161 and page 2166 two errors appeared using the word "work simplification." In 122.52(d)(1)(H), the word "work simplification" in the phrase "implement appropriate work simplification procedures" should be hyphenated and read "implement appropriate work-simplification procedures." This same error appeared again in §122.54(e)(3)(A) in the phrase "exhibit work simplification techniques" and should read "exhibit work-simplification techniques."

Due to error by the TEA on page 2164, in §122.53(e)(5)(F) the phrase "apply available technology innovations to operations" should read "apply available technology innovations to operations."

Due to error by the TEA on page 2169, in §122.63(d)(3)(A) the phrase "discuss the economic impact of legislation dealing with issues such as global markets, welfare, crime, and immigration on consumers; and" should read "discuss the economic impact on consumers of legislation dealing with issues such as global markets, welfare, crime, and immigration; and."

Due to error by the TEA on page 2173, in §122.74(d)(2)(D) the phrase "utilize effective safety work habits, procedures, and time schedules for completing prescribed tasks" should read "utilize safe and effective work habits, procedures, and time schedules for completing prescribed tasks."

Due to error by the TEA on page 2174, appeared in §122.74(e)(2)(A) the phrase "define terms commonly used in commercial care of textile and apparel care" should read "define terms commonly used in commercial textile and apparel care."

The TEA proposed new 19 TAC §§123.1, 123.2, 123.11-123.16, 123.31-123.33, 123.41-123.47, 123.61- 123.68, 123.81-123.83, and 123.91-123.93, concerning essential knowledge and skills for technology education/industrial technology education. The rules appeared in the February 28, 1997, issue of the *Texas Register* (22 TexReg 2186).

Due to error by the TEA on page 2197, in §123.16(c)(8)(A), the apostrophe in the word "manufacturer's" should appear after the "s" to read "manufacturers'."

Due to error by the TEA on page 2199, in §123.32(c)(8)(B), the phrase "manufacturersO maintenance procedures" should read "manufacturers' maintenance procedures." This error also appeared on page 2204 in §123.42(c)(8)(B) and on page 2211 in §123.46(c)(8)(B).

Due to error by the TEA on page 2216, in §123.63(c)(1)(D), the word "analyzes" in the phrase "visualize objects and conduct analyzes" should be replaced with the word "analyses" and read "visualize objects and conduct analyses."

The TEA proposed new 19 TAC §§124.1, 124.2, 124.11-124.14, 124.21-124.25, 124.31-124.33, 124.41- 124.47, 124.61, and 124.62, concerning essential knowledge and skills for marketing education. The rules appeared in the February 28, 1997, issue of the *Texas Register* (22 TexReg 2230).

Due to error by the TEA on pages 2231, 2232, 2237, 2243, 2249, and 2259, the words "High School" need to be added at the end of the section title for §§124.1, 124.11, 124.21, 124.31, 124.41, and 124.61.

Due to error by the TEA on page 2245, in §124.32(c)(13)(C), the word "cites" in the phrase "explain the concept of utility and cites examples" should be replaced with the word "cite" and read "explain the concept of utility and cite examples."

Due to error by the TEA on page 2248, in §124.33(c)(22)(A), a hyphen needs to be added between the word "cost" and the word "effectiveness" in the phrase "the cost effectiveness of media."

Due to error by the TEA on page 2252, in §124.43(c)(12)(B) and (C), the word "proposes" in the phrase "proposes solutions" should be replaced with the word "propose" and read "propose solutions."

Due to error by the TEA on page 2255, in §124.45(c)(14)(D), a hyphen needs to be added between the word "cost" and the word "effectiveness" in the phrase "the cost effectiveness of media."

The TEA proposed new 19 TAC §§125.1-125.7, 125.21-125.30, 125.41-125.47, 125.61-125.65, 125.71-125.80, 125.91-125.99, 125.111-125.115, 125.121, and 125.122, concerning essential knowledge and skills for trade and industrial education. The rules appeared in the February 28, 1997, issue of the *Texas Register* (22 TexReg 2260).

Due to error by the TEA on pages 2260, 2265, 2273, 2279, 2282, 2290, 2297, and 2301, the words "High School" need to be added at the end of the section title for §§125.1, 125.21, 125.41, 125.61, 125.71, 125.91, 125.111, and 125.121.

Due to error by the TEA, the same error appeared on pages 2260-2300 in subsection (c)(1)(A) of the following sections where a comma is missing between the word "entrepreneurship" and the word "and" in the phrase "opportunities, including entrepreneurship and preparation requirements:" §§125.2, 125.3, 125.4, 125.5, 125.6, 125.7, 125.22, 125.23, 125.24, 125.25, 125.26, 125.27, 125.28, 125.29, 125.42, 125.43, 125.44, 125.45, 125.46, 125.47, 125.62, 125.63, 125.64, 125.65, 125.72, 125.73, 125.74, 125.75, 125.76, 125.77, 125.78, 125.79, 125.80, 125.92, 125.93, 125.94, 125.95, 125.96, 125.97, 125.98, 125.99, 125.112, 125.113, 125.114, and 125.115.

Due to error by the TEA on page 2260, in §125.2(c)(1)(D), the word "interpersonal" in the phrase "information, interpersonal, systems," should be removed and read "information, systems."

Due to error by the TEA, the same error appeared on pages 2261-2300 in subsection (c)(1)(D) of the following sections where a comma is missing between the word "information" and the word "systems" in the phrase "resources, information systems:" §§125.3, 125.4, 125.5, 125.6, 125.7, 125.22, 125.23, 125.24, 125.25, 125.26, 125.27, 125.28, 125.29, 125.30, 125.42, 125.43, 125.44, 125.45, 125.46, 125.47, 125.62, 125.63, 125.64, 125.65, 125.72, 125.73, 125.74, 125.75, 125.76, 125.77, 125.78, 125.79, 125.80, 125.92, 125.93, 125.94, 125.95, 125.96, 125.97, 125.98, 125.99, 125.112, 125.113, 125.114, and 125.115.

Due to error by the TEA on page 2262, in §125.4(c)(5), the word "simulations" in the phrase "skills of the trade to simulations and actual work situations" should be replaced with the word "simulated" and read "skills of the trade to simulated and actual work situations."

Due to error by the TEA on page 2263, in §125.5(c)(3), the word "or" in the phrase "the core or knowledge of automotive services" should be replaced with the word "of" and read "the core of knowledge of automotive services."

Due to error by the TEA on page 2265, in §125.7(c)(5)(a), the word "replaces" in the phrase "and replaces any body units" should be replaced with the word "replace" and read "and replace any body units."

Due to error by the TEA on page 2266, in §125.22(c)(5), the word "simulation" in the phrase "skills of the trade to simulation and actual work situations" should be replaced with the word "simulated" and read "skills of the trade to simulated and actual work situations." This error also occurs on page 2267, in §125.23(c)(5).

Due to error by the TEA on page 2267, in §125.24(c)(2)(C), the phrase "supplies, materials and labor costs" is missing a comma between the word "materials" and the word "and."

Due to error by the TEA on page 2269, in §125.26(c)(5)(C), the phrase "a residential service entrances, a power panels" should read "a residential service entrance, power panels."

Due to error by the TEA on page 2271, in §125.28(c)(4), the phrase "materials used painting and decorating" is missing the word "in" between the word "used" and the word "painting" and should read "materials used in painting and decorating."

Due to error by the TEA on pages 2271 and 2272, in subsection (c)(2)(B) of §125.29 and §125.30, the phrase "successfully completes repair and installation work orders" should read "successfully complete repair and installation work orders."

Due to error by the TEA on page 2272, in §125.30(c)(4)(B), the phrase "commonly employed building maintenance" is missing the word "in" between the word "employed" and the word "building" and should read "commonly employed in building maintenance." Also, the period at the end of this phrase should be replaced with a semicolon.

Due to error by the TEA on page 2273, in §125.30(c)(5)(F), the word "applies" in the phrase "install glass and applies glazing compound" should be replaced with the word "apply" and read "install glass and apply glazing compound."

Due to error by the TEA on page 2276, in §125.45(c)(4), the phrase "materials used industrial electronics" should read "materials used in industrial electronics."

Due to error by the TEA on page 2277, in §125.46(c)(1)(D), the phrase "apply competencies" should read "apply the competencies."

Due to error by the TEA, the same error appeared on pages 2280-2300 in subsection (c)(1)(D) of the following sections where the word "compentencies" in the phrase "apply the compentencies" is misspelled and should read "apply the competencies:" §§125.63, 125.64, 125.65, 125.72, 125.73, 125.74, 125.75, 125.76, 125.77, 125.78, 125.79, 125.80, 125.92, 125.93, 125.94, 125.95, 125.96, 125.97, 125.98, 125.99, 125.112, 125.113, 125.114, and 125.115.

Due to error by the TEA on page 2281, in §125.64(c)(5)(C), the word "constructs" in the phrase "properly constructs transitions" should be replaced with the word "construct" and read "properly construct transitions." Also, in §125.64(c)(5)(D), the word "utilizes" in the phrase "properly utilizes the tungsten arc-welding process" should be replaced with the word "utilize" and read "properly utilize the tungsten arc-welding process."

Due to error by the TEA on page 2284, in §125.73(c)(2)(B), the phrase "prepares reports" should read "prepare reports." Also, in §125.73(c)(3)(D), the phrase "demonstrate knowledge of process chemistry" should read "demonstrate knowledge of processes of chemistry."

Due to error by the TEA on page 2286, in §125.76(c)(2)(C), the phrase "create a simple plan, sketches, and calculates" should read "create a simple plan, sketch, and calculate." Also, in §125.76(c)(5),

the phrase "simulated and actual situations" is missing the word "work" between the word "actual" and the word "situations" and should read "simulated and actual work situations." This error is repeated in §125.77(c)(5) on page 2287.

Due to error by the TEA on page 2294, in §125.96(c)(5)(D), the word "TV" in the phrase "TV switching" should be replaced with the word "television" and read "television switching."

Due to error by the TEA on page 2298, in §125.112(c)(4)(A), a semicolon is missing at the end of the phrase "in the field of cosmetology services."

Due to error by the TEA on page 2300, in §125.115(c)(2)(B), the word "makes" in the phrase "makes appropriate referrals" should be replaced with the word "make" and read "make appropriate referrals."

The TEA proposed new 19 TAC §§126.1-126.3, 126.11, 126.12, and 126.21-126.29, concerning essential knowledge and skills for technology applications. The rules appeared in the February 28, 1997, issue of the *Texas Register* (22 TexReg 2302).

Due to error by the TEA on page 2302, two errors appeared. In the first paragraph of the preamble for proposed new Chapter 126, Texas Essential Knowledge and Skills for Technology Applications, the word "communication" in the phrase "utilizing, communication, and publishing" should be replaced with the word "communicating" and read "utilizing, communicating, and publishing." In the section title for §126.1, the word "the" in the phrase "Implementation of the Texas Essential Knowledge and Skills" should be removed and read "Implementation of Texas Essential Knowledge and Skills." This error also occurs on page 2305 in the section title for §126.11.

Due to error by the TEA on page 2305, in §126.3(b)(12)(C), the phrase "and/or proceeds to the next stage of study" that appeared at the end of subparagraph (C) should be removed.

Due to error by the TEA on page 2322, in §126.29(c)(12)(D), the word "proceeds" in the phrase "make necessary revisions and/or proceeds" should be replaced with the word "proceed" and read "make necessary revisions and/or proceed."

Texas Department of Health

Designation of Sites Serving Medically Underserved Populations

The Department of Health is required under Texas Civil Statutes, Article 4495b, §3.06, to designate sites serving medically underserved populations. In addition, the department is required to publish notice of its designations in the *Texas Register* and to provide an opportunity for public comment on the designations.

Accordingly, the department has designated the following as sites serving medically underserved populations: The Texas Tech Managed Care-Sanchez State Jail, located at 3901 State Jail Road, El Paso, Texas (El Paso County). Designation is based on proven eligibility as a site serving a disproportionate number of clients eligible for federal, state or locally funded health care programs.

Oral and written comments on this designation may be directed to Demetria Montgomery, M.D., Chief Director, Health Professions Resource Center, Bureau of Community Oriented Primary Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756; (512) 458-7771. Comments will be accepted for a period of 30 days after the publication of this notice in the *Texas Register*.

Issued in Austin, Texas, on March 21, 1997.

TRD-9704042

Susan K. Steeg

General Counsel

Texas Department of Health

Filed: March 24, 1997

Licensing Action for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Arlington	HEALTH IMAGES OF ARLINGTON	L05033	ARLINGTON	0	02/25/97

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Abilene	ABILENE CARDIOLOGY CONSULTANTS, P.A.	L04315	ABILENE	14	02/25/97
Abilene	ABILENE CARDIOLOGY CONSULTANTS, P.A.	L04315	ABILENE	15	02/18/97
Amarillo	AMARILLO HEART GROUP PA	L04697	AMARILLO	8	02/19/97
Arlington	METROPLEX HEMATOLOGY ONCOLOGY ASSOCIATES	L03211	ARLINGTON	43	02/25/97
Austin	SYNCOR INTERNATIONAL CORPORATION	L02117	AUSTIN	58	02/20/97
Austin	Motorola	L04952	Austin	1	02/19/97
Austin	International Isotopes Incorporated	L04994	Austin	2	02/28/97
Baytown	San Jacinto Methodist Hospital	L02388	Baytown	27	02/24/97
Baytown	Exxon Chemical Company	L03335	Baytown	17	02/25/97
Brownwood	3M/Health Physics Services	L00918	Brownwood	27	02/24/97
Brownwood	BROWNWOOD REGIONAL MEDICAL CENTER	L02322	BROWNWOOD	35	02/19/97
College station	BCS HEART	L04890	COLLEGE STATION	4	02/25/97
Conroe	CONROE HOSPITAL CORPORATION	L01769	CONROE	39	02/26/97
Corpus christi	DOCTORS REGIONAL MEDICAL CENTER	L02816	CORPUS CHRISTI	38	02/21/97
Corsicana	Guardian Industries Corporation	L02874	Corsicana	6	02/25/97
Cuero	CUERO COMMUNITY HOSPITAL	L02448	CUERO	12	02/25/97
Dallas	Vencor Hospital - Dallas	L03503	Dallas	10	02/19/97
Dallas	DALLAS CARDIOLOGY ASSOCIATES PA	L04607	DALLAS	12	02/25/97
Dallas	TEXAS ONCOLOGY PA-SAMMONS CANCER CENTER	L04878	DALLAS	5	02/20/97
Denton	DENTON HOSPITAL INC	L04003	DENTON	19	02/18/97
El Paso	Allegiance Healthcare Corporation Convertors	L02407	El Paso	18	02/28/97
Fort worth	HARRIS METHODIST FORT WORTH	L01837	FORT WORTH	64	02/28/97
Fort worth	SYNCOR INTERNATIONAL CORPORATION	L02905	FORT WORTH	42	02/19/97
Granbury	Hood General Hospital	L02903	Granbury	15	02/24/97
Houston	MALLINCKRODT MEDICAL INC	L03008	HOUSTON	43	02/21/97
Houston	COLUMBIA EAST HOUSTON MEDICAL CENTER	L03306	HOUSTON	17	02/19/97
Houston	Texas Biotechnology Corporation	L04568	Houston	6	02/28/97

CONTINUED AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Houston	Proportional Technologies, Inc.	L04747	Houston	2	02/19/97
Houston	GULF COAST VETERINARY SPECIALISTS	L04803	HOUSTON	1	02/19/97

Houston	West Houston Heart Center	L04882	Houston	2	02/24/97
Irving	METWEST INC	L01253	IRVING	18	02/28/97
Irving	BAYLOR MEDICAL CENTER AT IRVING	L02444	IRVING	25	02/21/97
Kaufman	PRESBYTERIAN HOSPITAL OF KAUFMAN	L03337	KAUFMAN	11	02/20/97
Killeen	METROPLEX HOSPITAL	L03185	KILLEEN	13	02/21/97
Laredo	MERCY REGIONAL MEDICAL CENTER	L01306	LAREDO	38	02/19/97
Laredo	MERCY REGIONAL MEDICAL CENTER	L01306	LAREDO	39	02/25/97
Longview	LONGVIEW REGIONAL HOSPITAL	L02882	LONGVIEW	18	02/25/97
Longview	LONGVIEW CANCER CENTER	L05017	LONGVIEW	1	02/26/97
Lubbock	TEXAS TECH UNIVERSITY	L01869	LUBBOCK	57	02/19/97
Midland	MEMORIAL HOSPITAL AND MEDICAL CENTER	L00728	MIDLAND	54	02/21/97
Odessa	Rexene Corporation	L00547	Odessa	31	02/17/97
Pasadena	PASADENA BAYSHORE MEDICAL CENTER	L00153	Pasadena	54	02/25/97
Refugio	REFUGIO COUNTY MEMORIAL HOSPITAL	L04858	REFUGIO	1	02/25/97
San Antonio	SOUTH TEXAS RADIOLOGY GROUP	L00325	SNA ANTONIO	78	02/25/97
San Antonio	NORTHWEST IMAGING CENTER	L03518	SAN ANTONIO	9	02/25/97
San antonio	ST LUKES BAPTIST HOSPITAL	L03309	SAN ANTONIO	34	02/19/97
Texas City	Marathon Oil Company	L04431	Texas City	8	02/25/97
Throughout Texas	Texas Department of Transportation	L00197	Austin	80	02/28/97
Throughout Texas	Professional Service Industries, Inc.	L00203	Houston	95	02/19/97
Throughout Texas	Longview Inspection	L01774	La Porte	121	02/28/97
Throughout Texas	GCT Inspection, Inc.	L02378	South Houston	50	02/28/97
Throughout Texas	METCO	L03018	Houston	64	02/18/97
Throughout Texas	Applied Standards Inspection, Inc.	L03072	Beaumont	52	02/26/97
Throughout Texas	Goolsby Testing Laboratories Inc.	L03115	Humble	55	02/28/97
Throughout Texas	Eagle X-Ray	L03246	Mont Belvieu	55	02/28/97
Throughout Texas	Agra Earth & Environmental, Inc.	L03622	El Paso	10	02/18/97
Throughout Texas	Independent Testing Laboratories	L03795	Houston	27	02/25/97
Throughout Texas	Wilson Inspection X-Ray Services, Inc.	L04469	Corpus Christi	30	02/19/97
Throughout Texas	Granite Construction Company	L04923	Rowlett	1	02/21/97
Tyler	THE UNIVERSITY OF TEXAS HEALTH CENTER AT TYLER	L04117	TYLER	14	02/19/97
Wichita Falls	WICHITA FALLS/MEDICAL & SURGICAL CLINIC LLP	L00523	WICHITA FALLS	27	02/20/97

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Alvin	Instrument Control Service, Inc.	L04561	Alvin	2	02/25/97
Deer Park	The GEON Company	L03200	Deer Park	8	02/28/97
Fort worth	TEXAS CHRISTIAN UNIVERSITY	L01096	FORT WORTH	29	02/19/97
Greenville	E-Systems, Inc.	L00856	Greenville	21	02/26/97
Houston	Harris County - Office of the Medical Examiner	L04544	Houston	2	02/25/97
Nacogdoches	MEMORIAL HOSPITAL	L01071	NACOGDOCHES	27	02/28/97
Stafford	Texas Instruments, Inc.	L00714	Houston	35	02/28/97
Throughout Texas	Sonic Surveys, Inc.	L02622	Mont Belvieu	11	02/19/97
Throughout Texas	Raytheon Engineers & Contractors, Inc.	L02662	Friendswood	62	02/25/97

CONTINUED RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Weatherford	City of Weatherford	L04571	Weatherford	4	02/25/97



TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation

Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with Texas Regulations for Control

of Radiation in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the Texas Regulations for Control of Radiation.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by Agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, Exchange Building, 8407 Wall Street, Austin, Texas, from 8:00 a.m. to 5:00 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on March 21, 1997.

TRD-9703926

Susan K. Steeg

General Counsel

Texas Department of Health

Filed: March 21, 1997

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Baytown	BAYTOWN CARDIOLOGY ASSOCIATES	L05040	BAYTOWN	0	03/11/97
Throughout Texas	Site Concrete, Inc.	L05025	Irving	0	03/07/97
Throughout Texas	M Hanna Construction Co., Inc.	L05032	Sulphur Springs	0	03/07/97
Tyler	The University of Texas Health Center at Tyler	L01796	Tyler	45	03/07/97

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Amarillo	ST ANTHONYS HOSPITAL	L01242	AMARILLO	51	03/07/97
Abilene	NC-SCHI INC DBA ABILENE REGIONAL MEDICAL CENTER	L02434	ABILENE	46	03/12/97
Alpine	SUL ROSS STATE UNIVERSITY	L02856	ALPINE	7	03/12/97
Amarillo	BAPTIST ST ANTHONYS HEALTH SYSTEM	L01259	AMARILLO	49	03/07/97
Amarillo	PANHANDLE NUCLEAR RX LTD	L04683	AMARILLO	6	03/06/97
Austin	Abbott Laboratories, Inc.	L03340	Austin	10	03/07/97
Beaumont	LAMAR UNIVERSITY	L04047	BEAUMONT	8	03/12/97
Channelview	Via NDT Engineering and Testing	L04322	Channelview	37	03/04/97
Commerce	Sherwood Medical	L03314	Commerce	13	03/11/97
Corpus Christi	RIVERSIDE HOSPITAL INC DBA COLUMBIA NORTHWEST HOSPITA	L02977	CORPUS CHRISTI	17	03/12/97
Dallas	TRI-CITY HEALTH CENTER INC	L02263	DALLAS	19	03/05/97
Dallas	PRESBYTERIAN HOSPITAL	L04288	DALLAS	8	03/05/97
Deer Park	Quantum Chemical Corporation	L00204	Deer Park	49	03/04/97
Denton	UNIVERSITY OF NORTH TEXAS	L00101	DENTON	56	03/12/97
Fort Worth	ALL SAINTS EPISCOPAL HOSPITAL	L02212	FORT WORTH	42	03/06/97
Fort Worth	TRANS-AMERICA INTERNATIONAL INC	L04634	FORT WORTH	14	03/05/97
Grapevine	NUMED IMAGING CENTERS INC	L05016	GRAPEVINE	2	03/06/97
Houston	RICE UNIVERSITY	L03050	HOUSTON	9	03/04/97
Houston	CYPRESS FAIRBANKS CARDIOLOGY ASSOCIATES	L04353	HOUSTON	9	03/06/97
Houston	WOMANS HOSPITAL OF TEXAS INC	L04834	HOUSTON	3	03/10/97
Houston	IMAGING INSTITUTE OF TEXAS, INC.	L04893	HOUSTON	4	03/11/97
Houston	CARDIO-CARE ASSOCIATES LTD	L05011	HOUSTON	1	03/12/97
Killeen	METROPLEX HOSPITAL	L03185	KILLEEN	14	03/10/97
Pasadena	FINA OIL & Chemical Company	L04640	La Porte	4	03/12/97
Pasadena	MEDICAL DIAGNOSIS IMAGING CENTERS	L04998	PASADENA	2	03/05/97
Rockwall	TEXAS CARDIOLOGY CONSULTANTS	L04997	ROCKWALL	2	03/05/97
San Angelo	SHANNON MEDICAL CENTER	L02343	SAN ANGELO	23	03/12/97
San Antonio	METHODIST HEALTHCARE SYSTEM OF SAN ANTONIO LTD	L02266	SAN ANTONIO	58	03/12/97
San Antonio	NORTHWEST IMAGING CENTER	L03518	SAN ANTONIO	10	03/12/97

CONTINUED AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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San Antonio	ADVANCED MEDICAL IMAGING	L04305	SAN ANTONIO	14	03/12/97

San Antonio	K O Steel Company
The Woodlands	Houston Advanced Research Center
Throughout Texas	Bix Testing Laboratories
Throughout Texas	Component Sales and Service, Inc.
Throughout Texas	The Housing Authority of the City El Paso
Throughout Texas	Diamond Wireline Services, Inc.
Throughout Texas	Computalog Wireline Services, Inc.
Throughout Texas	ENCON International, Inc.
Throughout Texas	Glenn Fuqua, Inc.
Throughout Texas	Paradigm Consultants, Inc.
Tyler	EAST TEXAS MEDICAL CENTER
Tyler	THE UNIVERSITY OF TEXAS AT TYLER
Tyler	NUTECH INC
Waco	PROVIDENCE HEALTH CENTER
Wichita Falls	BETHANIA REGIONAL HEALTH CARE CENTER

L04480	San Antonio	8	03/13/97
L04706	The Woodlands	2	03/11/97
L02143	Baytown	79	03/12/97
L02243	Houston	16	03/10/97
L04115	El Paso	4	03/07/97
L04158	Corpus Christi	6	03/12/97
L04286	Fort Worth	27	03/13/97
L04528	El Paso	6	03/12/97
L04736	Navasota	1	03/07/97
L04875	Houston	1	03/07/97
L00977	TYLER	69	03/04/97
L02785	TYLER	7	03/05/97
L04274	TYLER	19	03/05/97
L01638	WACO	38	03/11/97
L01844	WICHITA FALLS	47	03/05/97

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Beaumont	COLUMBIA BEAUMONT MEDICAL CENTER	L02102	BEAUMONT	38	03/05/97
Corpus Christi	Central Power and Light Company	L03043	Corpus Christi	6	03/13/97
Dallas	METHODIST HOSPITALS OF DALLAS	L00659	DALLAS	34	03/12/97
Fort Worth	COOK-FORT WORTH CHILDRENS MEDICAL CENTER	L04518	FORT WORTH	7	03/05/97
Houston	TEXAS CHILDRENS HOSPITAL	L04612	HOUSTON	16	03/06/97
Kingwood	K P H CONSOLIDATION INC DBA COLUMBIA KINGWOOD PLAZA	L04482	KINGWOOD	12	03/11/97
Mansfield	VENCOR HOSPITAL - FORT WORTH	L03490	MANSFIELD	13	03/05/97
Mission	VALLEY NUCLEAR INCORPORATED	L04521	MISSION	9	03/05/97
Odessa	WEST TEXAS IMAGING CENTER	L04562	ODESSA	3	03/12/97
Plano	TEXAS REGIONAL HEART CENTER	L03704	PLANO	16	03/05/97
San Angelo	Ethicon, Inc.	L00720	San Angelo	43	03/11/97
San Angelo	Shannon Medical Center	L02174	San Angelo	29	03/06/97
San Antonio	SOUTHWEST GENETICS	L04490	SAN ANTONIO	3	03/05/97
San Antonio	Lipitek, Inc.	L04547	San Antonio	3	03/13/97
San antonio	SNIP AND FERENCE PA	L00106	SAN ANTONIO	17	03/07/97
Throughout Texas	Gulf Coast Testing Laboratory, Inc.	L01474	Corpus Christi	22	03/12/97
Throughout Texas	Pre-Test Laboratory	L02524	Georgetown	9	03/10/97
Throughout Texas	Quality Assurance Services, Inc.	L04601	Grand Prairie	11	03/11/97

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Waco	BRAZOS KIDNEY DISEASE CENTER NMC INC	L04189	WACO	5	03/06/97

AMENDMENTS TO EXISTING LICENSES DENIED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Tyler	CARDIOVASCULAR ASSOCIATES OF EAST TEXAS PA	L04800	TYLER	0	03/10/97

RENEWALS OF EXISTING LICENSES DENIED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Houston	ALLEN HERBERT C JR MD	L00498	HOUSTON	0	03/13/97

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation

Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with Texas Regulations for Control

of Radiation in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the Texas Regulations for Control of Radiation.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by Agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, Exchange Building, 8407 Wall Street, Austin, Texas, from 8:00 a.m. to 5:00 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on March 21, 1997.

TRD-9703925

Susan K. Steeg

General Counsel

Texas Department of Health

Filed: March 21, 1997

Notice of Emergency Cease and Desist Order

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Downtown Plaza Imaging (registrant-R18815) of Houston to cease and desist using the Philips x-ray unit (Model Number 9803-402-42007; Serial Number 05115) until the health-related violations found during a recent inspection of the facility are corrected. The bureau determined that continued radiation exposure to patients in excess of that required to produce a diagnostic image constitutes an immediate threat to public health and safety, and the existence of an emergency. The registrant is further required to provide evidence satisfactory to the bureau regarding the actions taken to correct the violations and the methods used to prevent their recurrence.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Texas 78756, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on March 20, 1997.

TRD-9703906

Susan K. Steeg

General Counsel

Texas Department of Health

Filed: March 21, 1997

Notice of Rescission of Order - Registration Number R08329

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following order: Emergency Cease and Desist Order issued March 11, 1992, to Billy S. Bennett, D.D.S., 200 West Main Street, Brenham, Texas, 77833, holder of Certificate of Registration Number R08329.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Texas 78756, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on March 20, 1997.

TRD-9703904

Susan K. Steeg

General Counsel

Texas Department of Health

Filed: March 21, 1997

Notice of Rescission of Order - Registration Number R10754

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following order: Emergency Cease and Desist Order issued April 28, 1994, to Mark H. Walters, D.D.S., 3630 Almazan Drive, Dallas, Texas 75220, holder of Certificate of Registration Number R10754.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Texas 78756, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on March 20, 1997.

TRD-9703905

Susan K. Steeg

General Counsel

Texas Department of Health

Filed: March 21, 1997

Texas Department of Housing and Community Affairs

Correction of Errors

The Texas Department of Housing and Community Affairs submitted a Notice of Administrative Hearing. The notice appeared in the March 14, 1997, issue of the *Texas Register* (22 TexReg 2811).

On page 2811, the title read "Notice of Administrative Hearing (MHD1996001810-M)" it should read "Notice of Administrative Hearing (MHD1996000615-0)"

Notice of Administrative Hearing (MHD1996001377-D)

Manufactured Housing Division

Tuesday, April 8, 1997, 1:00 p.m.

State Office of Administrative Hearing, 300 West 15th Street, Suite 502

Austin, Texas

AGENDA

Administrative Hearing before an administrative law judge of the State Office of Administrative Hearings in the matter of Texas Department of Housing and Community Affairs vs. Western Housing, Inc., Conroe, Texas to hear alleged violations that the Respondent violated the Federal Truth In Lending Regulations, 12 C.F.R., §226.24 (1996) and the Act, §§6(j) and 7(k)(1) by placing an advertisement listing a home for a monthly payment of \$225.00. The advertisement did not disclose Annual Percentage Rate, and the number of payments or the period of repayment; the Respondent also placed an advertisement listing a home for a down payment of \$1,000.00. The advertisement did not disclose the Annual Percentage rate, the amount of monthly payments, and the number of payments or the period of repayment. SOAH 332-97-0592. Department MHD1996001377-D.

Contact: Jerry Schroeder, P.O. Box 12489, Austin, Texas 78711-2489, (512) 475-3589.

Issued in Austin, Texas, on March 24, 1997.

TRD-9704038

Larry Paul Manley

Executive Director

Texas Department of Housing and Community Affairs

Filed: March 24, 1997

Notice of Administrative Hearing (MHD1996001378-D)

Manufactured Housing Division

Tuesday, April 8, 1997, 1:00 p.m.

State Office of Administrative Hearing, 300 West 15th Street, Suite 502

Austin, Texas

AGENDA

Administrative Hearing before an administrative law judge of the State Office of Administrative Hearings in the matter of Texas Department of Housing and Community Affairs vs. Western Housing, Inc. to hear alleged violations that the Respondent violated the Federal Truth In Lending Regulations, 12 C.F.R., §226.24 (1996) and the Act, §§6(j) and 7(k)(1) by placing an advertisement listing homes for "\$925 down". The advertisement did not disclose Annual Percentage Rate, the amount of monthly payments, and the number of payments or the period of repayment. SOAH 332-97-0591. Department MHD1996001378-D.

Contact: Jerry Schroeder, P.O. Box 12489, Austin, Texas 78711-2489, (512) 475-3589.

Issued in Austin, Texas, on March 24, 1997.

TRD-9704039

Larry Paul Manley

Executive Director

Texas Department of Housing and Community Affairs

Filed: March 24, 1997

Notice of Administrative Hearing (MHD1996001797-M)

Manufactured Housing Division

Wednesday, April 16, 1997, 9:00 a.m.

State Office of Administrative Hearing, 300 West 15th Street, Suite 502

Austin, Texas

AGENDA

Administrative Hearing before an administrative law judge of the State Office of Administrative Hearings in the matter of Texas Department of Housing and Community Affairs vs. Hugo Herrera dba Herrera's Mobile Home Transporting to hear alleged violations that the Respondent violated the Act, §7(k)(6) and the Rules, §80.28(a) by not properly submitting Monthly Installation Summary Reports showing the number of homes installed. SOAH 332-97-0593. Department MHD1996001797-M.

Contact: Jerry Schroeder, P.O. Box 12489, Austin, Texas 78711-2489, (512) 475-3589.

Issued in Austin, Texas, on March 24, 1997.

TRD-9704037

Larry Paul Manley

Executive Director

Texas Department of Housing and Community Affairs

Filed: March 24, 1997

Notice of Public Hearing for the Texas Department of Housing and Community Affairs Multifamily Housing Revenue Bonds (Canyon Crest Apartments Project) Series 1997

Notice is hereby given of a public hearing to be held by the Texas Department of Housing and Community Affairs in Room 434, located at 507 Sabine, Austin, Texas, at 10:00 a.m. on Friday, April 11, 1997 with respect to an issue of multi-family residential rental project revenue bonds (the "Bonds") to be issued in one or more series in the aggregate principal amount not to exceed \$5,200,000, by the Texas Department of Housing and Community Affairs (the "Issuer") and the proceeds of which will be loaned to Kerrville Canyon Crest Apartments, L. P. (the "Borrower"), to finance the construction of one multi-family housing project (the "Project") described as follows: 160 unit multi-family residential rental development to be constructed on 11.85 acres accessible by the proposed extension of Singing Wind Drive, which will connect the existing Singing Wind Drive to State Route 534. The property located on the northeast corner at the intersection of the existing Singing Wind Drive and Meadow View Lane in Kerrville, Texas. It is also described as follows: approximately 11.85 acres out of 83.70 acres of Samuel Wallace Survey Number 113, Abstract Number 347, Survey in Kerr County, Texas. The Project will be operated and managed by Encino Property Management.

All interested parties are invited to attend such public hearing to express their views with respect to the Project and the issuance of the Bonds. Questions or requests for additional information may be directed to Terri Anderson at the Texas Department of Housing and Community Affairs, 507 Sabine, Austin, Texas 78701; (512) 475-4573.

Persons who intended to appear at the hearing and express their views are invited to contact Terri Anderson in writing in advance of the hearing. Any interested persons unable to attend the hearing may submit their views in writing to Terri Anderson prior to the date scheduled for the hearing.

This notice is published and the previously-described hearing is to be held in satisfaction of the requirements of the Internal Revenue Code of 1986, §147(f) as amended, regarding the public approval prerequisite to the exclusion from gross income of the owners thereof of the interest on the Bonds, other than the taxable bonds, for federal income tax purposes.

Individuals who require auxiliary aids in order to attend this meeting should contact Aurora Carvajal, ADA Responsible Employee, at (512) 475-3822, or Relay Texas at 1-800-735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Issued in Austin, Texas, on March 24, 1997.

TRD-9704046

Larry Paul Manley

Executive Director

Texas Department of Housing and Community Affairs

Filed: March 24, 1997

Texas Department of Insurance

Insurer Services

The following applications have been filed with the Texas Department of Insurance and are under consideration:

Application for admission in Texas for Southland National Insurance Corporation, a foreign life, accident and health company. The home office is in Tuscaloosa, Alabama.

Application for admission in Texas for General Security Insurance Company of New York, a foreign fire and casualty company. The home office is in New York, New York.

Application for a name reservation in Texas for INROADS Behavioral Health Services, Inc., a domestic health maintenance organization. The home office is in Dallas, Texas.

Any objections must be filed within 20 days after this notice was filed with the Texas Department of Insurance, addressed to the attention of Cindy Thurman, 333 Guadalupe Street, M/C 305-2C, Austin, Texas 78701.

Issued in Austin, Texas, on March 21, 1997.

TRD-9703996

Robert R. Carter, Jr.

Deputy Chief Clerk

Texas Department of Insurance

Filed: March 21, 1997

Third Party Administrator Applications

The following third party administrator (TPA) applications have been filed with the Texas Department of Insurance and are under consideration.

Application for incorporation in Texas of Riata Financial Services, Inc., a domestic third party administrator. The home office is New Braunfels, Texas.

Application for incorporation in Texas of Providence Risk & Insurance Services, Inc., a domestic third party administrator. The home office is San Antonio, Texas.

Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Charles M. Waits, MC 107-5A, 333 Guadalupe, Austin, Texas 78714-9104.

Issued in Austin, Texas, on March 21, 1997.

TRD-9703997

Robert R. Carter, Jr.

Deputy Chief Clerk

Texas Department of Insurance

Filed: March 21, 1997

The following third party administrator (TPA) applications have been filed with the Texas Department of Insurance and are under consideration.

Application for incorporation in Texas of HealthGroup of South Texas, a domestic third party administrator. The home office is Corpus Christi, Texas.

Application for incorporation in Texas of Porque No, Inc., a domestic third party administrator. The home office is Austin, Texas.

Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Charles M. Waits, MC 107-5A, 333 Guadalupe, Austin, Texas 78714-9104.

Issued in Austin, Texas, on March 24, 1997.

TRD-9704045

Bernice Ross

Deputy Chief Clerk

Texas Department of Insurance

Filed: March 24, 1997

Texas Lottery Commission

Invitation for Bids for Uniformed Security Officers for Security Control Station

The Texas Lottery Commission is soliciting bids to obtain physical security services for the Texas Lottery Commission headquarters and uniformed security officers to staff the security courtesy station as provided in the Invitation for Bid.

Objectives.

The Texas Lottery requires uniformed security officers to perform security control functions at the Lottery Headquarters Facility. Security systems at Headquarters and 23 outlying claim centers will be monitored and controlled from the security control station at the Lottery Headquarters. Security systems include building access, card access, interior and exterior cameras, time lapse records,

intrusion devices, and annunciation panels. Most of these systems are integrated and controlled by a personal computer.

Schedule.

Event-IFB Issued; Date-April 1, 1997

Bid Due Date-April 10, 1997, 11:00 a.m. CT

Term. Prices quoted must be in effect for the term of this contract which is the date of execution through August 31, 1998. At its sole option, the Texas Lottery Commission may extend this contract for two one-year periods following the primary term (August 31, 1998).

For a copy of the complete Invitation for Bids please contact:

Joanne Severn,

Purchasing Supervisor, Texas Lottery Commission,

512-323-3662.

Issued in Austin, Texas, on March 20, 1997.

TRD-9703867

Ridgely C. Bennett

Staff Attorney

Texas Lottery Commission

Filed: March 20, 1997

Notice Of Application To Appropriate Public Waters of the State Of Texas

The following notices of application for permits to appropriate Public Waters of the State of Texas were issued during the period February 19, 1997, through March 3, 1997.

ANNIE LEE ANSLEY; Application Number 5573 for a water right permit to divert and use not to exceed 1,289 acre-feet of water per annum from West Bernard Creek, tributary of the San Bernard River, Brazos-Colorado Coastal Basin at a maximum rate of 2,500 gallons per minute (5.57 cubic feet per second). Diverted water will be used to irrigate a maximum of 425 acres located approximately 10 miles northeast of Wharton in Wharton County, Texas. Water which is diverted but not beneficially used will be returned to the West Bernard Creek.

ALBERT R. AND NORMA GAGE; Application Number 5575 for a permit to divert and use not to exceed 12.0 acre-feet of water per year from Marler Creek and the Sabinal River, Nueces River Basin. Water would be diverted at a rate of 100 gallons per minute (0.223 cubic feet per second) to irrigate six acres of land in Bandera County, located approximately 3.2 miles north-northwest of Vanderpool, and approximately 9.0 miles north-northwest of Utopia, Uvalde County, Texas.

LIPAR GROUP INC; Application Number 5576 for a permit for authorization to construct and maintain an on-channel reservoir on an unnamed tributary of Dry Creek, tributary of Spring Creek, tributary of the West Fork San Jacinto River, tributary of the San Jacinto River, San Jacinto River Basin. The on-channel reservoir will be used for in-place recreational purposes and located in Montgomery County approximately 15.6 miles southwest of Conroe, Texas. The reservoir will have a surface area of 95.2 acres and a capacity of 345 acre-feet at a normal maximum operating elevation of 192 feet msl.

LONE STAR GROWERS CO., A Texas General Partnership; Application Number 5211A to amend Water Use Permit Number 5211 which currently includes authorization for diversion and use of not to exceed 100 acre-feet of water per annum from a specific point on the Medina River, tributary of the San Antonio River, San Antonio River Basin, to irrigate 200 acres out of a 403.87-acre tract of land in Bexar County, approximately 16 miles west of San Antonio, Texas. The permit includes: 1) a maximum diversion rate of 1.8 cubic feet per second (800 gallons per minute), 2) a time priority of January 3, 1989, 3) a restriction to only divert water from the Medina River when the remaining flow of the river, at a reference device immediately below their diversion point, equals or exceeds 10 cfs, 4) a term for the permit to expire on December 31, 1999, or until impoundment begins in the proposed Applewhite Reservoir, whichever comes first, unless the owner applies for an extension of the permit. The water right which authorized construction of Applewhite Reservoir has been cancelled by the Commission. Lone Star Growers Co. seeks to amend Water Use Permit Number 5211 to add authorization to divert and use an additional 3,900 acre-feet of water per annum from the authorized diversion point on the Medina River, and to increase the maximum diversion rate to 11.2 cfs (5,000 gallons per minute). The applicant requests that the 100 acre-feet of water per annum already authorized for irrigation use be changed to industrial use, and that the term of the permit be deleted. The additional 3,900 acre-feet of water being requested is also for industrial use in Bexar County. The water is and will continue to be used in the wholesale production of containerized nursery plants. Applicant also requests authorization to maintain two existing off-channel impoundments (Pond Nos. 1 and 2) which are part of the diversion operation. Water will be diverted from the Medina River to these ponds for subsequent use. Pond Number 1 has a surface area of 16.1 acres and impounds 290 acre-feet of water. Pond Number 2 has a surface area of 9.3 acres and impounds 168 acre-feet of water. Applicant is requesting authorization to divert the additional water requested from the Medina River only when the remaining flow downstream of their diversion point is at least 20 cubic feet per second. Lone Star Growers, Co. presently withdraws approximately 4,000 acre-feet of water per annum from water wells in the Edwards Aquifer for the production of nursery plants. Applicant is requesting this additional use of surface water to meet future production needs of the facility so they will not need to depend on the aquifer for additional water.

LSF DEVELOPMENT CORPORATION, Application Number 5574 for a permit for authorization to construct an off-channel reservoir and to divert not to exceed 116.5 acre-feet of water per annum from Dickinson Bayou, San Jacinto-Brazos Coastal Basin. Diverted water will be used to maintain the elevation of the reservoir, which will be used for water skiing and other recreational activities approximately 18 miles north-northwest of Galveston and approximately 3 miles north of Santa Fe in Galveston County, Texas. The reservoir will have a capacity of 198 acre feet and a surface area of 47 acres. Water will be diverted at a maximum rate of 200 gallons per minute.

ROBERT L. G. WATSON, Application Number 5577 for a permit to divert not to exceed 420 acre-feet of water per annum from the San Antonio River, San Antonio River Basin, into an existing excavated off-channel reservoir, with a surface area of 20 acres and a capacity of 420 acre-feet. Diverted water will be used for subsequent irrigation of 210 acres of land located approximately 15 miles south-southeast of the Bexar County Courthouse in San Antonio, Bexar County, Texas. Water will be diverted from the San Antonio River into the off-channel reservoir at a maximum rate of 1500 gpm (3.3 cfs).

This permit may include limits to diversions to protect senior and superior water rights and instream needs. In addition, the applicant has indicated that his diversions would be from a pond created by an overflow dam owned by the City of San Antonio Public Service. To assure diversions of water will not be from the City's storage, diversions will only be authorized when there is a flow over the dam.

The Executive Director may approve these applications unless a written hearing request is filed in the Chief Clerk's Office of the TNRCC within 30 days after newspaper publication of the notice of application. To request a hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the applicant and the application number; (3) the statement "I/we request a public hearing;" (4) a brief description of how you would be adversely affected by the granting of the application in a way not common to the general public; and (5) the location of your property relative to the applicant's operations.

If a hearing request is filed, the Executive Director will not approve the application and will forward the application and hearing request to the TNRCC Commissioners for their consideration at a scheduled Commission meeting. If a hearing is held, it will be a legal proceeding similar to civil trials in state district court.

If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing must be submitted in writing to the Chief Clerk's Office, MC 105, TNRCC, P.O. Box 13087, Austin, Texas 78711-3087. Individual members of the public who wish to inquire about the information contained in this notice, or to inquire about other agency permit applications or permitting processes, should call the TNRCC Office of Public Assistance, Toll Free, at 1-800-687-4040.

Issued in Austin, Texas, on March 21, 1997.

TRD-9703998

Eugenia K. Brumm, Ph.D.

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: March 21, 1997

Notice of Application for Waste Disposal Permits

Attached are Notices of Applications for waste disposal permits issued during the period of March 19, 1997 through March 20, 1997.

The Executive Director will issue these permits unless one or more persons file written protests and/or a request for a hearing within 30 days after newspaper publication of this notice.

To request a hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the applicant and the permit number; (3) the statement "I/we request a public hearing;" (4) a brief description of how you would be adversely affected by the granting of the application in a way not common to the general public; (5) the location of your property relative to the applicant's operations; and (6) your proposed adjustments to the application/permit which would satisfy

your concerns and cause you to withdraw your request for hearing. If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TNRCC Commissioners for their consideration at a scheduled Commission meeting. If a hearing is held, it will be a legal proceeding similar to civil trials in state district court. If no protests or requests for hearing are filed, the Executive Director will sign the permit 30 days after newspaper publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Information concerning any aspect of these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, Chief Clerk's Office-MC105, P.O. Box 13087, Austin, Texas 78711. Individual members of the public who wish to inquire about the information contained in this notice, or to inquire about other agency permit applications or permitting processes, should call the TNRCC Office of Public Assistance, Toll Free, at 1-800-687-4040.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number and type of application-new permit, amendment, or renewal.

DIANA WATER SUPPLY CORPORATION, P.O. Box 74, Diana, Texas 75640-0074, The wastewater treatment facilities are approximately 1/4 mile east of the intersection of U.S. Highway 259 and Farm-to-Market Road 3245 on the north side of Farm-to-Market Road 3245 in Upshur County, Texas, renewal, 11199-01.

MONSANTO COMPANY, Chocolate Bayou Facility, P.O. Box 711, Alvin, Texas 77512- 9888, waste disposal well, The Chocolate Bayou Facility lies between the Chocolate Bayou and FM 2917, approximately 1.5 miles west of the intersection of FM 2004 and FM 2917 near Alvin, Brazoria County, Texas, renewal & amendment, WDW- 013, 45-day notice.

Issued in Austin, Texas, on March 21, 1997.

TRD-9703999

Eugenia K. Brumm, Ph.D.

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: March 21, 1997

Texas Natural Resource Conservation Commission

Enforcement Orders

An agreed enforcement order was entered regarding CITY OF BRADY, Docket Number 96-1637-IHW-E (SWR Number 23296) on March 12, 1997, assessing \$28,800 in administrative penalties with \$8,664 deferred.

Information concerning any aspect of this order may be obtained by contacting Vic McWhorter, Staff Attorney at (512) 239-0579 or Ravi Rao, Enforcement Coordinator at (512) 239-1291, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding U.S. DEPARTMENT OF THE ARMY, LONE STAR ARMY AMMUNITION PLANT, Docket Number 94-0028-IHW-E (SWR Number 30991) on March 12, 1997, assessing \$22,320 in administrative penalties with \$14,160 deferred.

Information concerning any aspect of this order may be obtained by contacting Barbara Lazard, Staff Attorney at (512) 239-0674 or Kelly Beck, Enforcement Coordinator at (512) 239-1753, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding PRAIRIE GROVE WATER SUPPLY CORPORATION, Docket Number 96-1104-PWS-E (PWS Number 0030027) on March 12, 1997, assessing \$930. in administrative penalties with \$279. deferred.

Information concerning any aspect of this order may be obtained by contacting Katharine Wheatley, Enforcement Coordinator at (512) 239-4466, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding CENTRAL TEXAS UTILITIES, INCORPORATED, Docket Number 96-1622-PWS-E (PWS Nos. 1840107, 1840037, 1840012, 1840021, 0610163, 1840011 & 1840085) on March 12, 1997, assessing \$52,690 in administrative penalties with \$15,807 deferred.

Information concerning any aspect of this order may be obtained by contacting Tom Napier, Enforcement Coordinator at (512) 239-6063, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding JAY PATEL DBA SUPER 8 MOTEL, Docket Number 96-1447-PWS-E (PWS Number 1840066) on March 12, 1997, assessing \$4,690 in administrative penalties with \$4,690 deferred.

Information concerning any aspect of this order may be obtained by contacting Terry Thompson, Enforcement Coordinator at (512) 239-6095, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding Y.O. RANCH ADVENTURE CAMP, Docket Number 96-1767-PWS-E (PWS Number 1330116) on March 12, 1997, assessing \$1,080 in administrative penalties with \$324. deferred.

Information concerning any aspect of this order may be obtained by contacting Nolan Ward, Staff Attorney at (512) 239-5803 or Katharine Wheatley, Enforcement Coordinator at (512) 239-4757, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding CITY OF RIO VISTA, Docket Number 95-1012-PWS-E (PWS Number 1260022) on March 12, 1997, assessing \$1,530 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Patricia Capps, Staff Attorney at (512) 239-0682 or Katharine Wheatley, Enforcement Coordinator at (512) 239-4757, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding ROGELIO IBARRA DBA A-1 MOBILE HOME PARK, Docket Number 95-

1499-PWS-E (PWS Number 0150204) on March 12, 1997, assessing \$1,180 in administrative penalties with \$354. deferred.

Information concerning any aspect of this order may be obtained by contacting Patricia Capps, Staff Attorney at (512) 239-0682 or Katharine Wheatley, Enforcement Coordinator at (512) 239-4757, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding ALTOGA WATER SUPPLY CORPORATION, Docket Number 96-1098-PWS-E (PWS Number 0430026) on March 12, 1997, assessing \$930. in administrative penalties with \$279. deferred.

Information concerning any aspect of this order may be obtained by contacting Katharine Wheatley, Enforcement Coordinator at (512) 239-4466, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding J.V. MEACHEN, SR., DBA MEACHEN MEADOWS SUBDIVISION, Docket Number 96-1674-PWS-E (PWS Number 1700183) on March 12, 1997, assessing \$630. in administrative penalties with \$189. deferred.

Information concerning any aspect of this order may be obtained by contacting Katharine Wheatley, Enforcement Coordinator at (512) 239-4466, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding CUMMINS SOUTHWEST, INCORPORATED, Docket Number 96-1613-PWS-E (PWS Number 0710164) on March 12, 1997, assessing \$630. in administrative penalties with \$189. deferred.

Information concerning any aspect of this order may be obtained by contacting Katharine Wheatley, Enforcement Coordinator at (512) 239-4466, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding FAITH UNITED METHODIST CHURCH, Docket Number 96-1851-PWS-E (PWS Number 0790322) on March 12, 1997, assessing \$930. in administrative penalties with \$279. deferred.

Information concerning any aspect of this order may be obtained by contacting Katharine Wheatley, Enforcement Coordinator at (512) 239-4466, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding OLSEN ESTATES WATER SYSTEM, Docket Number 96-1850-PWS-E (PWS Number 0360065) on March 12, 1997, assessing \$1,080 in administrative penalties with \$324. deferred.

Information concerning any aspect of this order may be obtained by contacting Katharine Wheatley, Enforcement Coordinator at (512) 239-4466, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding QUALITY PRODUCT FINISHING, INCORPORATED, Docket Number 96-1626-IWD-E (Permit Number 03223) on March 12, 1997, assessing \$15,680 in administrative penalties with \$4,704 deferred.

Information concerning any aspect of this order may be obtained by contacting Gilbert Angelle, Enforcement Coordinator at (512) 239-

4489, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding PILOT INDUSTRIES OF TEXAS, INCORPORATED, Docket Number 96-1604-IWD-E (Permit Number 01899) on March 12, 1997, assessing \$30,880 in administrative penalties with \$9,264 deferred.

Information concerning any aspect of this order may be obtained by contacting Merrilee Mears, Enforcement Coordinator at (512) 239-4490, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding STEWART AND STEVENSON SERVICES, INCORPORATED, Docket Number 96-1407-IWD-E (Permit Number 02462) on March 12, 1997, assessing \$8,400 in administrative penalties with \$2,520 deferred.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney at (512) 239-6259 or Michael Meyer, Enforcement Coordinator at (512) 239-4492, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding CITY OF COOPER, Docket Number 96-1758-MWD-E (Permit Number 10449-001) on March 12, 1997, assessing \$11,840 in administrative penalties with \$3,552 deferred.

Information concerning any aspect of this order may be obtained by contacting Pamela Campbell, Enforcement Coordinator at (512) 239-4493, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding NORTH TEXAS MUNICIPAL WATER DISTRICT, Docket Number 96-1502-MWD-E (Permit Numbers 11894-001, 10384-001, 11783-001 & 10683-001) on March 12, 1997, assessing \$69,680 in administrative penalties with \$7,000 deferred.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney at (512) 239-6259 or Roxanne Cook, Enforcement Coordinator at (512) 239-4496, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding CITY OF SEAGOVILLE, Docket Number 96-1760-MWD-E (Permit Number 10370-001) on March 12, 1997, assessing \$14,240 in administrative penalties with \$4,272 deferred.

Information concerning any aspect of this order may be obtained by contacting Michael Meyer, Enforcement Coordinator at (512) 239-4492, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding CITY OF TRINITY, Docket Number 96-1789-MWD-E (Permit Number 10617-001) on March 12, 1997, assessing \$14,240 in administrative penalties with \$4,272 deferred.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney at (512) 239-6259 or Laurie Eaves, Enforcement Coordinator at (512) 239-4495, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding CITY OF MOULTON, Docket Number 96-1853-MWD-E (Permit Number 10227-001) on March 12, 1997, assessing \$13,520 in administrative penalties with \$4,056 deferred.

Information concerning any aspect of this order may be obtained by contacting Roxanne Cook, Enforcement Coordinator at (512) 239-4496, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding BOBBY FREDRICKSON, Docket Number 96-1748-EAQ-E (NO PERMIT) on March 12, 1997, assessing \$1,080 in administrative penalties with \$324 deferred.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney at (512) 239-6259 or Laurie Evans, Enforcement Coordinator at (512) 239-4495, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding DON W. HINTON, Docket Number 96-1294-AGR-E (Permit Number 02521) on March 12, 1997, assessing \$8,320 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney at (512) 239-0678 or Claudia Chaffin, Enforcement Coordinator at (512) 239-4717, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding GENE HECTOR, Docket Number 96-0985-OSI-E (Certificate Number 4588) on March 12, 1997, assessing \$960 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney at (512) 239-0477 or Steve Wiley, Enforcement Coordinator at (512) 239-0537, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding MR. KAMAL KHORRAMI, Docket Number 96-1287-PST-E (Facility Number 54846, Enforcement ID Number E11519) on March 12, 1997, assessing \$26,400 in administrative penalties with \$5,000 deferred.

Information concerning any aspect of this order may be obtained by contacting Lisa Newcombe, Staff Attorney at (512) 239-2269 or Connie Wong, Enforcement Coordinator at (512) 239-2567, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding PHELPS DODGE REFINING CORPORATION, Docket Number 96-1635-MLM-E (Permit Number 0000461, SWR Number 30104) on March 12, 1997, assessing \$34,400 in administrative penalties with \$10,320 deferred.

Information concerning any aspect of this order may be obtained by contacting Patricia Welton, Staff Attorney at (512) 239-0682 or Sabelyn Pussman, Enforcement Coordinator at (512) 239-6061, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

Issued in Austin, Texas, on March 21, 1997.

TRD-9704000

Eugenia K. Brumm, Ph.D.
Chief Clerk
Texas Natural Resource Conservation Commission
Filed: March 21, 1997

Texas Natural Resource Conservation Commission

Notice of Public Hearing (Chapters 3 and 101)

NOTICE OF PUBLIC HEARINGS BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION ON PROPOSED REVISIONS TO 30 TAC CHAPTERS 3 AND 101, AND TO THE STATE IMPLEMENTATION PLAN

Notice is hereby given that pursuant to the requirements of the Texas Health and Safety Code Annotated, §382.017 (Vernon's 1992); Texas Government Code Annotated, Subchapter B, Chapter 2001 (Vernon's 1993); and 40 Code of Federal Regulations, §51.102, of the United States Environmental Protection Agency regulations concerning State Implementation Plans (SIP), the Texas Natural Resource Conservation Commission (commission) will conduct a public hearing to receive testimony regarding revisions to §3.2 and §101.1, concerning Definitions; to §101.30, concerning Conformity of General Federal and State Actions to SIPs, and to the SIP.

In §101.1, the definition for "maintenance area" is added and the term "nonattainment area" is expanded to include a listing of the current nonattainment areas in the state. Section 101.30 is being amended by changing the title of the section and by deleting three portions of the section which are considered by the U.S. Environmental Protection Agency (EPA) to be more stringent than the federal General Conformity rules. Section 3.2 is being amended by adding several definitions which are used in multiple chapters by the various agency offices.

A public hearing on this proposal will be held in Austin on April 24, 1997, at 11:00 a.m. in Building F, Room 5108 at the Texas Natural Resource Conservation Commission complex, located at 12100 North IH-35, Park 35 Technology Center, Austin. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments may be mailed to Heather Evans, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rule Log Number 96167-101-AI. Comments must be received by 5:00 p.m., May 1, 1997. For further information, please contact Alan J. Henderson, Air Policy and Regulations Division, (512) 239-1510.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on March 19, 1997.

TRD-9703826
Kevin McCalla

Director, Legal Division
Texas Natural Resource Conservation Commission
Filed: March 19, 1997

Notice of Public Hearing (Chapter 112)

NOTICE OF PUBLIC HEARING BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION CONCERNING REVISIONS TO 30 TAC CHAPTER 112

Notice is hereby given that pursuant to the requirements of the Texas Health and Safety Code Annotated, §382.017 (Vernon's 1992) and Texas Government Code Annotated, Subchapter B, Chapter 2001 (Vernon's 1993), the Texas Natural Resource Conservation Commission (commission) will conduct a public hearing to receive testimony regarding Allowable Emission Rates From Solid Fossil Fuel-Fired Steam Generators.

In September 1992, the Texas Air Control Board (TACB) amended §112.8 to require owners of solid fossil fuel-fired steam generators of greater than 1,500 million British thermal units (MMBtu) heat input per hour to conduct a study of the sulfur dioxide (SO₂) emissions from these units and the effect on winter haze in the Dallas/Fort Worth area. The purpose of the study was to determine if reductions in SO₂ emissions from these units would result in a significant reduction in the winter haze. The TACB or its successor was to make a finding on the study by October 31, 1996. The study has been submitted and the finding of the commission was that SO₂ reductions from the affected units would not significantly affect visibility in Dallas/Fort Worth. Because of this finding, the units will not be required to meet the emission standard of 1.2 pounds of SO₂ per MMBtu heat input by July 31, 2000 contained in §112.8(c). Instead, the emission standard will remain at 3.0 pounds per MMBtu. Therefore, §112.8(c) has no further application and the commission proposes that it be rescinded.

A public hearing on this proposal will be held in Austin on April 24, 1997, at 10:00 a.m. in Building F, Room 5108 at the Texas Natural Resource Conservation Commission complex, located at 12100 North IH-35, Park 35 Technology Center, Austin. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments may be mailed to Heather Evans, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rule Log Number 96179-112-AI. Comments must be received by 5:00 p.m., May 1, 1997. For further information, please contact Alan J. Henderson, Air Policy and Regulations Division, (512) 239-1510.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on March 19, 1997.

TRD-9703825
Kevin McCalla
Director, Legal Division

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Notice of Public Hearing (Chapters 106 and 116)

Notice is hereby given that under the requirements of Texas Health and Safety Code, §382.017 and Texas Government Code, Subchapter B, Chapter 2001, the Texas Natural Resource Conservation Commission (TNRCC or commission) will conduct a public hearing to receive testimony concerning revisions to Chapters 106 and 116.

The commission proposes new §106.183, concerning Boilers, Heaters, and Other Combustion Devices and the repeal of §116.213, concerning Registration of Emissions. The repeal of §116.213 would eliminate a duplication of requirements in Chapter 106. The new §106.183 would establish conditions under which boilers, heaters, drying and curing ovens, and other combustion devices may be exempted from air permitting requirements. It would incorporate, without substantial changes, the requirements of Standard Exemption 7, concerning Boilers, Heaters, and Other Combustion Devices that previously existed in §116.211, concerning Standard Exemption List.

A public hearing on the proposal will be held May 1, 1997, at 3:30 p.m. in Room 2210 of TNRCC Building F, located at 12100 Park 35 Circle, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and answer questions before and after the hearing.

Written comments may be mailed to Lisa Martin, TNRCC Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rule Log Number 97122-106-AI. Comments must be received by 5:00 p.m., May 1, 1997. For further information, please contact Beecher Cameron, (512) 239-1495.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on March 19, 1997.

TRD-9703946

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: March 21, 1997

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Provisionally-Issued Temporary Permits to Appropriate State Water

The following permit was issued March 20, 1997.

Application Number TA-7784 by Daniel J. Holderman for diversion of 10 acre-feet in a twelve month period for industrial purposes. Water may be diverted at a maximum rate of 2.67 cfs (1,200 gpm) from the Red River, Red River Basin at a location approximately 2,000 feet east of the State Highway 37 crossing and approximately 17 miles north of Clarksville, Red River County, Texas.

The Executive Director of the TNRCC has reviewed each application for the permits listed and determined that sufficient water is available at the proposed point of diversion to satisfy the requirements of the application as well as all existing water rights. Any person or persons who own water rights or who are lawful users of water on a stream affected by the temporary permits listed above and who believe that the diversion of water under the temporary permit will impair their rights may file a complaint with the TNRCC. The complaint can be filed at any point after the application has been filed with the TNRCC and the time the permit expires. The Executive Director shall make an immediate investigation to determine whether there is a reasonable basis for such a complaint. If a preliminary investigation determines that diversion under the temporary permit will cause injury to the complainant the commission shall notify the holder that the permit shall be cancelled without notice and hearing. No further diversions may be made pending a full hearing as provided in §295.174. Complaints should be addressed to Water Rights Permitting Section, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, Telephone (512) 239-4433. Information concerning these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78731, Telephone (512) 239-3300.

Issued in Austin, Texas, on March 21, 1997.

TRD-9703989

Eugenia K. Brumm, Ph.D.

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: March 21, 1997

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Texas Department of Protective and Regulatory Services

Correction of Errors

The Texas Department of Protective and Regulatory Services proposed amendment, new, and repeal to 40 TAC §§715.412, 715.417, and 715.421. The rules appeared in the March 14, 1997, issue of the *Texas Register* (22 TexReg 2735 and 2737).

On page 2737, at the end of the documents, the "Earliest possible date of adoption" was stated as September 1, 1997, and should be May 9, 1997.

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Texas State Board of Examiners of Psychologists

Correction of Errors

The Texas State Board of Examiners of Psychologists adopted new 22 TAC §463.7. The rule appeared in the March 11, 1997, issue of the *Texas Register* (22 TexReg 2560).

On page 2561, §463.7(b)(1)(C), line 2, the words "four hundred 50" should be "four hundred fifty"

◆ ◆ ◆
Public Utility Commission of Texas

Notices of Application to Amend Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on March 12, 1997, to amend a certificate of convenience and necessity pursuant to §§1.101, 3.051(b), 3.251, 3.253, and 3.254 of the Public Utility Regulatory Act of 1995 (PURA95), Texas Revised Civil Statutes Annotated article 1446c-0 (Vernon Supplement 1997). A summary of the application follows.

Docket Title and Number. Application of Community Telephone Company, Inc. to Amend Certificate of Convenience and Necessity Within Archer County. Docket Number 17198.

The Application. In Docket Number 17198, Community Telephone Company, Inc. seeks approval to amend the exchange area boundary between Brazos Telecommunications, Inc.'s Archer City exchange and Community Telephone Company, Inc.'s Lake Kickapoo exchange to provide telephone service to a single customer currently without service.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, P. O. Box 13326, Austin, Texas 78711-3326, or you may call the commission's Office of Consumer Affairs at (512) 936- 7120. Hearing-and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 on or before April 25, 1997.

Issued in Austin, Texas, on March 21, 1997.

TRD-9703970

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: March 21, 1997

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on March 10, 1997, for a certificate of convenience and necessity pursuant to §§1.101(a), 2.201, 2.101(e), 2.252, and 2.255, of the Public Utility Regulatory Act of 1995, Texas Revised Civil Statutes Annotated article 1446c-0 (Vernon Supplement 1997). A summary of the application follows.

Docket Title and Number: Application of Southwestern Public Service Company for a Amend Certificate of Convenience and Necessity for Proposed Transmission Line in Gray County, Docket Number 17178 before the Public Utility Commission of Texas.

The Application: In Docket Number 17178, Southwestern Public Service Company requests approval to construct approximately 11.8 miles of 115-kV transmission line on wood H-frame poles and a new switching station.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Office of Consumer Affairs at (512) 936-7120 within 15 days of this notice. Hearing- and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on March 21, 1997.

TRD-9703971

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: March 21, 1997

Notices of Application for Temporary Waiver of Enforcement of Public Utility Commission Substantive Rule 23.103 for IntraLATA Equal Access Implementation

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on February 18, 1997, for temporary waiver of PUBLIC UTILITY COMMISSION SUBSTANTIVE RULE 23.103 relating to the implementation of equal access and the filing of an equal access implementation plan. A summary of the application follows.

Project Title and Number: Application of Texas Alltel, Inc. and Sugar Land Telephone Company for Temporary Waiver of Enforcement of PUBLIC UTILITY COMMISSION SUBSTANTIVE RULE 23.103 for IntraLATA Equal Access Implementation, Project Number 17082.

The Application: In Project Number 17082, Texas Alltel, Inc. and Sugar Land Telephone Company request waiver of the requirements of PUBLIC UTILITY COMMISSION SUBSTANTIVE RULE 23.103 implementation of intraLATA equal access until the date certain for implementation of the state Universal Service Fund.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at P.O. Box 13326, Austin, Texas 78711-3326, or call the Commission's Office of Consumer Affairs at (512) 936-7120 on or before April 7, 1997. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on March 20, 1997.

TRD-9703900

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: March 20, 1997

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on February 10, 1997, for temporary waiver of Public Utility Commission SUBSTANTIVE RULE 23.103 relating to the implementation of equal access and the filing of an equal access implementation plan. A summary of the application follows.

Project Title and Number: Application of Lufkin-Conroe Telephone Exchange, Inc. for Temporary Waiver of Enforcement of PUBLIC UTILITY COMMISSION SUBSTANTIVE RULE 23.103 for IntraLATA Equal Access Implementation, Project Number 17053.

The Application: In Project Number 17053, Lufkin-Conroe Telephone Exchange, Inc. requests waiver of the requirements of PUBLIC UTILITY COMMISSION SUBSTANTIVE RULE 23.103 implementation of intraLATA equal access until the date certain for implementation of the state Universal Service Fund.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at P.O. Box 13326, Austin, Texas 78711-3326, or call the Commission's Office of Consumer

Affairs at (512)936-7120 on or before April 7, 1997. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on March 20, 1997.

TRD-9703899

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: March 20, 1997

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on February 20, 1997, for temporary waiver of PUBLIC UTILITY COMMISSION SUBSTANTIVE RULE 23.103 relating to the implementation of equal access and the filing of an equal access implementation plan. A summary of the application follows.

Project Title and Number: Application of Century Telephone of Lake Dallas, Inc., Century Telephone of San Marcos, Inc., and Century Telephone of Port Aransas, Inc. for Temporary Waiver of Enforcement of PUBLIC UTILITY COMMISSION SUBSTANTIVE RULE 23.103 for IntraLATA Equal Access Implementation, Project Number 17105.

The Application: In Project Number 17105, Century Telephone of Lake Dallas, Inc., Century Telephone of San Marcos, Inc., and Century Telephone of Port Aransas, Inc. request waiver of the requirements of PUBLIC UTILITY COMMISSION SUBSTANTIVE RULE 23.103 implementation of intraLATA equal access until the date certain for implementation of the state universal Service Fund.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at P.O. Box 13326, Austin, Texas 78711-3326, or call the Commission's Office of Consumer Affairs at (512) 936-7120 on or before April 7, 1997. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on March 20, 1997.

TRD-9703901

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: March 20, 1997

Public Notice of Interconnection Agreement

On March 14, 1997, Southwestern Bell Telephone Company (SWB) and GTE Southwest Incorporated (GTE) collectively referred to as Applicants filed a joint application for approval of an interconnection agreement under the Federal Telecommunications Act of 1996 (FTA) (Public Law Number 104-104, 110 Statute 56 (1996), (to be codified at 47 United States Code §§151 et seq) and the Public Utility Regulatory Act of 1995 (PURA95) (Texas Revised Civil Statutes Annotated article 1446c-0 Vernon Supplement 1997). The joint application has been designated Docket Number 17210. The joint application and the underlying interconnection agreement are available for public inspection at the commission's offices in Austin, Texas.

The FTA authorizes the commission to review and approve any interconnection agreement adopted by negotiation of the parties. Pursuant to FTA §252(e)(2) the commission may reject any agreement

if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement, or any portion thereof, is not consistent with the public interest, convenience, and necessity. Additionally, under FTA §252(e)(3), the commission may establish or enforce other requirements of state law in its review of the agreement, including requiring compliance with intrastate telecommunications service quality standards or requirements. The commission must act to approve the agreement within 90 days after it is submitted by the parties.

The commission finds that additional public comment should be allowed before the commission issues a final decision approving or rejecting the interconnection agreement. Any interested person may file written comments on the joint application by filing 18 copies of the comments with the commission's filing clerk. Additionally, a copy of the comments should be served on each of the Applicants. The comments should specifically refer to Docket Number 17210. As a part of the comments, an interested person may request that a public hearing be conducted. The comments, including any request for public hearing, shall be filed by April 17, 1997, and shall include:

- 1) a detailed statement of the person's interests in the agreement, including a description of how approval of the agreement may adversely affect those interests;
- 2) specific allegations that the agreement, or some portion thereof:
 - a) discriminates against a telecommunications carrier that is not a party to the agreement; or
 - b) is not consistent with the public interest, convenience, and necessity; or
 - c) is not consistent with other requirements of state law; and
- 3) the specific facts upon which the allegations are based.

After reviewing any comments, an Administrative Law Judge (ALJ) of the commission will determine whether to conduct further proceedings concerning the joint application. The ALJ shall have the authority given to a presiding officer pursuant to Public Utility Commission Procedural Rule §22.202. The ALJ may identify issues raised by the joint application and comments and establish a schedule for addressing those issues, including the submission of evidence by the Applicants, if necessary, and briefing and oral argument. The ALJ may conduct a public hearing. Interested persons who file comments are not entitled to participate as intervenors in the public hearing.

Persons with questions about this docket or who wish to comment on the application should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Consumer Affairs at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 17210.

Issued in Austin, Texas, on March 20, 1997.

TRD-9703898

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: March 20, 1997

On April 9, 1997, Lone Star Net, Inc. is expected to file a proposed interconnection agreement with Southwestern Bell Telephone

Company (SWB), seeking commission approval of the interconnection agreement under the Federal Telecommunications Act of 1996 (FTA96) (Public law Number 104-104, 110 Statute 56 (1996), (to be codified at 47 United States Code §§151 et seq), and the Public Utility Regulatory Act of 1995 (PURA95) (Texas Revised Civil Statute Annotated, Article 1446c-0 Vernon Supplement 1997). The interconnection agreement will be filed in compliance with the Arbitration Award issued by the commission's FTA96 §252 Arbitration Panel in Docket Number 16630. The interconnection agreement will be available for public inspection at the commission's offices in Austin, Texas.

FTA96 authorizes the commission to review and approve any interconnection agreement adopted pursuant to arbitration. Pursuant to FTA96 §252(e)(2) the commission may reject any agreement only in the particular circumstances set forth in the statute. Under FTA96 §252(e)(3), the commission may establish or enforce other requirements of state law in its review of the agreement, including requiring compliance with intrastate telecommunications service quality standards or requirements. The commission must act to approve the agreement within 30 days after it is submitted by the parties.

The commission finds that additional public comment should be allowed before the commission issues a final decision approving or rejecting the interconnection agreement. Any interested person may file written comments on the interconnection agreement by filing 18 copies of the comments with the commission's filing clerk. A copy of the comments should be served on Lone Star Net, Inc. and SWB. The comments should specifically refer to Docket Number 16630. The comments shall be filed no later than April 21, 1997, and shall include:

- (1) a detailed statement of the person's interest in the agreement including a description of how approval of the agreement may adversely affect those interests;
- (2) specific allegations that the agreement, or some portion thereof:
 - (A) does not meet the requirements of FTA96 §251, including any applicable FCC regulations implementing §251; or
 - (B) is not consistent with the standards established in FTA96 §252(d); or
 - (C) is not consistent with other requirements of state law; and
- (3) the specific facts upon which the allegations are based.

After reviewing any comments, the commission will determine whether to conduct further proceedings concerning the filed agreement.

Persons with questions about this docket or who wish to comment on the proposed interconnection agreement should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326. You may call the Public Utility Commission Office of Consumer Affairs at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 16630.

Issued in Austin, Texas, on March 20, 1997.

TRD-9703897

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: March 20, 1997

Texas Department of Transportation

Requests for Proposals

Notice of Invitation: The Bryan District Office of the Texas Department of Transportation (TxDOT) intends to enter two contracts with professional engineers, pursuant to Texas Government Code, Chapter 2254, Subchapter A, and 43 TAC §§9.30-9.40, to provide the following services. TxDOT will negotiate and enter a separate contract with each of the two prime providers selected. To qualify for contract award a selected engineer must perform a minimum of 305 of the actual contract work.

RFP Number 17-7RFP0001: The work will be for Materials Testing and Inspection to include, but not limited to the following: hot mix (HMAC) plant inspection and testing, concrete (PCC) plant inspection and testing and soils and aggregate testing.

Deadline: A letter of interest notifying TxDOT of the provider's intent to submit a proposal will be accepted by fax at (409) 778-9703, or by hand/mail delivery to TxDOT, Bryan District Office, Attention: Craig Hogan, P.E., 1300 North Texas Avenue, Bryan, Texas 77803-2760. Letters of interest will be received until 5:00 p.m. on Tuesday, April 15, 1997. The letter of interest must include the engineer's firm name, address, telephone number, fax number, name of engineer's contact person and refer to RFP Number 17-7RFP0001. Upon receipt of the letter of interest Request for Proposal packet will be issued. (Note: Written requests, either by mail/hand delivery or fax, will be required to receive a Request for Proposal packet. TxDOT will not issue a Request for Proposal packet without receipt of letter of interest.)

Proposal Submittal Deadline: Proposals for RFP Number 17-7RFP0001 will be accepted until 5:00 p.m. on Tuesday, May 6, 1997, at the previously mentioned TxDOT, Bryan District Office address.

Agency Contact: Requests for additional information regarding this notice of invitation should be addressed to Craig Hogan, P.E. at (409) 778-9753 or fax (409) 778-9703.

Issued in Austin, Texas, on March 21, 1997.

TRD-9703918

Robert E. Shaddock

General Counsel

Texas Department of Transportation

Filed: March 21, 1997

Notice of Invitation: The Austin District Office of the Texas Department of Transportation (TxDOT) intends to engage an engineer, pursuant to Texas Government Code, Chapter 2254, Subchapter A, and 43 TAC §§9.30-9.40, to provide the following services. The engineer selected must perform a minimum of 30% of the actual contract work to qualify for contract award.

Contract Number 14-745P5009: The scope of work is to update the schematic and prepare plans, specifications and estimates for the US 290 (SH 71) at IH 35 interchange. Work tasks will include, but not be limited to: multi-level interchange schematic development, freeway interchange and direct connector roadway design, multi-level interchange bridge design, signing pavement

marking and channelization, illumination, signalization, ITS control systems analysis, design and implementation, highway-rail grade crossings, basic hydraulic design, soil exploration, geotechnical testing, transportation foundation studies, design surveys, landscape architecture, and pavement design.

Deadline: A letter of interest notifying TxDOT of the provider's intent to submit a proposal will be accepted by fax at (512) 832-7080, or by hand delivery to TxDOT, Austin District Office, Attention: Robert B. Daigh, P.E., 7901 North IH 35, Austin, Texas, or by mail addressed to P.O. Drawer 15426, Austin, Texas 78761-5426. Letters of interest will be received until 5:00 p.m. on Friday, April 25, 1997. The letter of interest must include the engineer's firm name, address, telephone number, fax number, name of engineer's contact person and refer to Contract Number 14-745P5009. Upon receipt of the letter of interest a Request for Proposal packet will be issued. (Note: Written requests, either by mail/hand delivery or fax, will be required to receive Request for Proposal packet. TxDOT will not issue Request for Proposal packet without receipt of letter of interest.)

Proposal Submittal Deadline: Proposals for Contract Number 14-745P5009 will be accepted until 5:00 p.m. on Friday, May 23, 1997, at the previously mentioned TxDOT, Austin District Office addresses.

Agency Contact: Requests for additional information regarding this notice of invitation should be addressed to Robert B. Daigh, P.E. at (512) 832-7086 or fax (512) 832-7080.

Issued in Austin, Texas, on March 21, 1997.

TRD-9703919

Robert E. Shaddock

General Counsel

Texas Department of Transportation

Filed: March 21, 1997

Notice of Invitation: The Houston District Office of the Texas Department of Transportation (TxDOT) intends to engage an engineer, pursuant to Texas Government Code, Chapter 2254, Subchapter A, and 43 TAC §§9.30-9.40, to provide the following services. The engineer selected must perform a minimum of 30% of the actual contract work to qualify for contract award.

Contract Number 12-745P5011: The scope of services will be to prepare a Comprehensive Aesthetic and Landscape Plan that will provide standards and priorities for aesthetic and landscape development to be used in the Houston District.

Deadline: A letter of interest notifying TxDOT of the provider's intent to submit a proposal will be accepted by fax at (713) 802-5550, or hand delivery to TxDOT, Houston District Office, Attention: J. R. Salinas, P.E., 7721 Washington Avenue, Houston, Texas or by mail addressed to P.O. Box 1386, Houston, Texas 77251-1386. Letters of interest will be received until 5:00 p.m. on Wednesday, April 9, 1997. The letter of interest must include the engineer's firm name, address, telephone number, name of engineer's contact person and refer to Contract Number 12-745P5011. Upon receipt of the letter of interest a Request for Proposal packet will be issued. (Note: Written requests, either by mail/hand delivery or fax, will be required to receive Request for Proposal packet. TxDOT will not issue Request for Proposal packet without receipt of letter of interest.)

Proposal Submittal Deadline: Proposals for Contract Number 12-745P5011 will be accepted until 5:00 p.m. on Friday, May 9, 1997, at the TxDOT, Houston District Office mentioned addresses.

Agency Contact: Requests for additional information regarding this notice of invitation should be addressed to Mr. Dana Cote at (713) 802-5569 or fax (713) 802-5550.

Issued in Austin, Texas, on March 21, 1997.

TRD-9703920

Robert E. Shaddock

General Counsel

Texas Department of Transportation

Filed: March 21, 1997

Notice of Invitation: The Materials & Tests Division of the Texas Department of Transportation (TxDOT) intends to engage an engineer, pursuant to Texas Government Code, Chapter 2254, Subchapter A, and 43 TAC §§9.30-9.40, to provide the following services. To qualify for contract award a selected engineer must perform a minimum of 30% of the actual contract work.

Contract Number 49-8XXP0001: Inspection of precast concrete median barrier at the Champagne/Webber Precast Concrete Plant in Palmer, Texas.

Deadline: A letter of interest notifying TxDOT of the provider's intent to submit a proposal will be accepted by fax at (512) 465-7616, or by hand delivery to TxDOT, Materials & Tests Division, Attention: Tom Ritter, 3800 Jackson Avenue, Building 5, Austin Texas 78731 or by mail addressed to 125 East 11th Street, Austin, Texas 78701-2483. Letters of interest will be received until 5:00 p.m. on Tuesday, April 15, 1997. The letter of interest must include the engineer's firm name, address, telephone number, fax number, name of engineer's contact person and refer to Contract Number 49-8XXP0001. Upon receipt of the letter of interest a Request for Proposal packet will be issued. (Note: The letters of interest, either by mail/hand delivery or fax, will be required to receive the Request for Proposal packet. The letter of interest is required in order to receive a request for proposal packet and in order for a prime provider to submit a proposal.)

Proposal Submittal Deadline: Proposals for Contract Number 49-8XXP0001 will be accepted until 5:00 p.m. on Monday, May 5, 1997, at the previously mentioned TxDOT, Materials & Tests Division addresses.

Agency Contact: Requests for additional information regarding this notice of invitation should be addressed to Tom Ritter at (512) 465-7301 or fax (512) 465-7616.

Issued in Austin, Texas, on March 21, 1997.

TRD-9703921

Robert E. Shaddock

General Counsel

Texas Department of Transportation

Filed: March 21, 1997

Research and Oversight Council on Workers' Compensation

Request for Proposals

The Research and Oversight Council on Workers' Compensation invites proposals from qualified and experienced firms and institutions for the purpose of administering a survey which provides data on the experiences of injured workers in the Texas workers' compensation dispute resolution process. This notice constitutes the entire Request for Proposal and contains all requirements necessary for an appropriate response.

Description of Services. Under this request the Research and Oversight Council plans to procure the services of a qualified firm or institution to perform the following duties: 1) the administration and completion of 1,200 telephone surveys of injured workers; 2) the completion of those surveys using five "call-backs" when necessary; 3) the drafting of a brief (maximum of five pages) report which describes the general methodology used and any major problems encountered in the administration of the survey, along with any caveats or other observations about the use of the data gathered from the survey.

Descriptions of Provisions. The Research and Oversight Council will provide a sample of injured workers, stratified by injury year and ombudsman assistance or attorney representation, drawn from the population of all injured workers involved in disputes at the contested case hearing level in 1996. It should be noted that past experience has shown that approximately 15 to 20 percent of injured workers' phone numbers may be missing and/or out of service. Thus, a methodology for locating such policyholders when needed should be included in the proposal.

The Research and Oversight Council will also provide a pre-tested survey instrument consisting of approximately 45-50 questions which will be used in the administration of the survey described in this proposal. No single respondent to this survey, however, will have to answer all 45-50 of those questions.

Specification for Deliverables. The Research and Oversight Council will have review and approval authority over all deliverables. All information generated will become the property of the Research and Oversight Council. To protect the state's interest, all deliverables as well as databases, become the property of the Research and Oversight Council. The proposal submitted must demonstrate that the applicant is capable of performing, and willing to provide, all deliverables.

Project deliverables, at a minimum, will include:

- a) Data generated from the completed surveys delivered on computer disk;
- b) Response frequencies on all questionnaire items;
- c) A brief (maximum of five pages) technical report detailing the methodology used and any major problems encountered in the administration of the survey. This might include any caveats or other relevant observations about the reliability of the data gathered from the survey.

All project deliverables are due on or before the end of the contract period.

Proposal Requirements. Respondents must submit a typewritten proposal on 8 1/2 by 11 inch plain white paper. All proposals and their accompanying attachments become the property of the Research and Oversight Council upon submission. Materials submitted will not be returned. Only attachments essential to the proposal should be

submitted. To be considered, the following items must be included in the proposal:

- a) an identification page listing the full legal name, the mailing and street address if different, title, and telephone number for the representative authorized to sign the contract and the same for the contact person;
- b) a summary (maximum of seven pages) describing how the contractor proposes to provide the services described and requested in the previous sections of this proposal request entitled "Description of Services" and "Specification of Deliverables," including who will be responsible for carrying out each part of the project, the proposed approach (describing the methodology, activities and/or procedures to be used in administering the survey, including a brief description of any survey administration software used, automatic dialing capacity, number of interviewing stations, number of interviewers, survey lab hours, bilingual capacity, and interviewer training guidelines, if any), and the general timelines within which the proposed project will be accomplished;
- c) a detailed budget of all costs;
- d) a description of the services, if any, that the contractor may require from the Research and Oversight Council and other state agencies;
- e) the names of key staff to be used in this contract, their function and a complete resume; and
- f) references, including client contact information from similar contracts and copies of similar work products, if available, that demonstrate experience and knowledge with project management and data collection.

Closing Date. The written proposal must be received by the Research and Oversight Council by 2:00 p.m. on April 18, 1997. Send proposals to June Karp, Executive Director, Research and Oversight Council on Workers' Compensation, 105 West Riverside Drive, Suite 100, Austin, Texas 78704. Proposals can be sent facsimile to (512) 469-7481. Hand-delivered proposals will be accepted daily between 8:00 a.m. and 5:00 p.m. except Saturdays, Sundays, and holidays at the same address. Proposals received after the deadline will not be eligible for consideration. Proposers may be requested to make oral presentations of their proposals at their own expense.

Terms and Amount. The following terms and conditions must be accepted by all respondents. The Research and Oversight Council reserves the right to reject any and all proposals, or portions of proposals, and to cancel this request for proposal if it is deemed in the best interest of the Research and Oversight Council. All information generated is the exclusive property of the Research and Oversight Council. At the conclusion of the project, an itemized expenditure report is due.

The Research and Oversight Council reserves the right to negotiate with one or more respondents. The Research and Oversight Council reserves the right to reasonably modify and reschedule proposed activities throughout the life of the contract.

Issuance of this request for proposal creates no obligation to award a contract or to pay any costs incurred in the preparation of a proposal.

It is anticipated that the contract period will be from April 28, 1997 through May 23, 1997. The amount award will be commensurate with services provided.

April - December 1997 Publication Schedule

The following is the April-December 1997 Publication Schedule for the *Texas Register*. Listed below are the deadline dates for these issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. No issues will be published on May 30, November 14, December 2, and December 30. An asterisk beside a publication date indicates that the deadlines are early due to state holidays.

FOR ISSUE PUBLISHED ON:	DEADLINES FOR RULES BY 10 A.M.	DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.	DEADLINES FOR OPEN MEETINGS BY 10 A.M.
25 Tuesday, April 1	Monday, March 24	Wednesday, March 26	Wednesday, March 26
26 Friday, April 4	Wednesday, March 26	Monday, March 31	Monday, March 31
Tuesday, April 8	<i>First Quarterly Index</i>		
27 Friday, April 11	Wednesday, April 2	Monday, April 7	Monday, April 7
28 Tuesday, April 15	Monday, April 7	Wednesday, April 9	Wednesday, April 9
29 Friday, April 18	Wednesday, April 9	Monday, April 14	Monday, April 14
30 Tuesday, April 22	Monday, April 14	Wednesday, April 16	Wednesday, April 16
31 Friday, April 25	Wednesday, April 16	Monday, April 21	Monday, April 21
32 Tuesday, April 29	Monday, April 21	Wednesday, April 23	Wednesday, April 23
33 Friday, May 2	Wednesday, April 23	Monday, April 28	Monday, April 28
34 Tuesday, May 6	Monday, April 28	Wednesday, April 30	Wednesday, April 30
35 Friday, May 9	Wednesday, April 30	Monday, May 5	Monday, May 5
36 Tuesday, May 13	Monday, May 5	Wednesday, May 7	Wednesday, May 7
37 Friday, May 16	Wednesday, May 7	Monday, May 12	Monday, May 12
38 Tuesday, May 20	Monday, May 12	Wednesday, May 14	Wednesday, May 14
39 Friday, May 23	Wednesday, May 14	Monday, May 19	Monday, May 19

FOR ISSUE PUBLISHED ON:	DEADLINES FOR RULES BY 10 A.M.	DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.	DEADLINES FOR OPEN MEETINGS BY 10 A.M.
40 Tuesday, May 27	Monday, May 19	Wednesday, May 21	Wednesday, May 21
Friday, May 30	<i>No Issue Published</i>		
41 Tuesday, June 3	*Friday, May 23	Wednesday, May 28	Wednesday, May 28
42 Friday, June 6	Wednesday, May 28	Monday, June 2	Monday, June 2
43 Tuesday, June 10	Monday, June 2	Wednesday, June 4	Wednesday, June 4
44 Friday, June 13	Wednesday, June 4	Monday, June 9	Monday, June 9
45 Tuesday, June 17	Monday, June 9	Wednesday, June 11	Wednesday, June 11
46 Friday, June 20	Wednesday, June 11	Monday, June 16	Monday, June 16
47 Tuesday, June 24	Monday, June 16	Wednesday, June 18	Wednesday, June 18
48 Friday, June 27	Wednesday, June 18	Monday, June 23	Monday, June 23
49 Tuesday, July 1	Monday, June 23	Wednesday, June 25	Wednesday, June 25
50 Friday, July 4	Wednesday, June 25	Monday, June 30	Monday, June 30
51 Tuesday, July 8	Monday, June 30	Wednesday, July 2	Wednesday, July 2
Friday, July 11	<i>Second Quarterly Index</i>		
52 Tuesday, July 15	Monday, July 7	Wednesday, July 9	Wednesday, July 9
53 Friday, July 18	Wednesday, July 9	Monday, July 14	Monday, July 14
54 Tuesday, July 22	Monday, July 14	Wednesday, July 16	Wednesday, July 16
55 Friday, July 25	Wednesday, July 16	Monday, July 21	Monday, July 21
56 Tuesday, July 29	Monday, July 21	Wednesday, July 23	Wednesday, July 23
57 Friday, August 1	Wednesday, July 23	Monday, July 28	Monday, July 28
58 Tuesday, August 5	Monday, July 28	Wednesday, July 30	Wednesday, July 30
59 Friday, August 8	Wednesday, July 30	Monday, August 4	Monday, August 4
60 Tuesday, August 12	Monday, August 4	Wednesday, August 6	Wednesday, August 6
61 Friday, August 15	Wednesday, August 6	Monday, August 11	Monday, August 11

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62 Tuesday, August 19	Monday, August 11	Wednesday, August 13	Wednesday, August 13
63 Friday, August 22	Wednesday, August 13	Monday, August 18	Monday, August 18
64 Tuesday, August 26	Monday, August 18	Wednesday, August 20	Wednesday, August 20
65 Friday, August 29	Wednesday, August 20	Monday, August 25	Monday, August 25
66 Tuesday, September 2	Monday, August 25	Wednesday, August 27	Wednesday, August 27
67 Friday, September 5	Wednesday, August 27	*Friday, August 29	*Friday, August 29
68 Tuesday, September 9	*Friday, August 29	Wednesday, September 3	Wednesday, September 3
69 Friday, September 12	Wednesday, September 3	Monday, September 8	Monday, September 8
70 Tuesday, September 16	Monday, September 8	Wednesday, September 10	Wednesday, September 10
71 Friday, September 19	Wednesday, September 10	Monday, September 15	Monday, September 15
72 Tuesday, September 23	Monday, September 15	Wednesday, September 17	Wednesday, September 17
73 Friday, September 26	Wednesday, September 17	Monday, September 22	Monday, September 22
74 Tuesday, September 30	Monday, September 22	Wednesday, September 24	Wednesday, September 24
75 Friday, October 3	Wednesday, September 24	Monday, September 29	Monday, September 29
Tuesday, October 7	<i>Third Quarterly Index</i>		
76 Friday, October 10	Wednesday, October 1	Monday, October 6	Monday, October 6
77 Tuesday, October 14	Monday, October 6	Wednesday, October 8	Wednesday, October 8
78 Friday, October 17	Wednesday, October 8	Monday, October 13	Monday, October 13
79 Tuesday, October 21	Monday, October 13	Wednesday, October 15	Wednesday, October 15
80 Friday, October 24	Wednesday, October 15	Monday, October 20	Monday, October 20
81 Tuesday, October 28	Monday, October 20	Wednesday, October 22	Wednesday, October 22
82 Friday, October 31	Wednesday, October 22	Monday, October 27	Monday, October 27
83 Tuesday, November 4	Monday, October 27	Wednesday, October 29	Wednesday, October 29
84 Friday, November 7	Wednesday, October 29	Monday, November 3	Monday, November 3

FOR ISSUE PUBLISHED ON:	DEADLINES FOR RULES BY 10 A.M.	DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.	DEADLINES FOR OPEN MEETINGS BY 10 A.M.
85 Tuesday, November 11	Monday, November 3	Wednesday, November 5	Wednesday, November 5
Friday, November 14	<i>No Issue Published</i>		
86 Tuesday, November 18	Monday, November 10	Wednesday, November 12	Wednesday, November 12
87 Friday, November 21	Wednesday, November 12	Monday, November 17	Monday, November 17
88 Tuesday, November 25	Monday, November 17	Wednesday, November 19	Wednesday, November 19
89 Friday, November 28	Wednesday, November 19	Monday, November 24	Monday, November 24
Tuesday, December 2	<i>No Issue Published</i>		
90 Friday, December 5	Wednesday, November 26	Monday, December 1	Monday, December 1
91 Tuesday, December 9	Monday, December 1	Wednesday, December 3	Wednesday, December 3
92 Friday, December 12	Wednesday, December 3	Monday, December 8	Monday, December 8
93 Tuesday, December 16	Monday, December 8	Wednesday, December 10	Wednesday, December 10
94 Friday, December 19	Wednesday, December 10	Monday, December 15	Monday, December 15
95 Tuesday, December 23	Monday, December 15	Wednesday, December 17	Wednesday, December 17
96 Friday, December 26	Wednesday, December 17	Monday, December 22	Monday, December 22
Tuesday, December 30	<i>No Issue Published</i>		

How to Use the Texas Register

Information Available: The 13 sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Secretary of State - opinions based on the election laws.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following a 30-day public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Texas Department of Banking - opinions and exempt rules filed by the Texas Department of Banking.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Open Meetings - notices of open meetings.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 22 (1997) is cited as follows: 22 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "22 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 22 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, Room 245, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online through the Internet. The address is: <http://www.sos.state.tx.us>. The *Register* is available in a plain text version as well as a .pdf (portable document format) version through the Internet. In addition to the Internet version, the *Texas Register* is available online through a dialup bulletin board and as ASCII files on diskette. For subscription information, see the back cover or call the Texas Register at (800) 226-7199.

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the official

compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the TAC. West Publishing Company, the official publisher of the TAC, publishes on an annual basis.

The TAC volumes are arranged into Titles (using Arabic numerals) and Parts (using Roman numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

To purchase printed volumes of the TAC or to inquire about WESTLAW access to the TAC call West: 1-800-328-9352.

The Titles of the TAC, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the TAC scheme, each section is designated by a TAC number. For example in the citation 1 TAC §27.15:

1 indicates the title under which the agency appears in the *Texas Administrative Code*; TAC stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Table of TAC Titles Affected*. The table is published cumulatively in the blue-cover quarterly indexes to the *Texas Register* (January 28, April 8, July 11, and October 7, 1997). In its second issue each month the *Texas Register* contains a cumulative *Table of TAC Titles Affected* for the preceding month. If a rule has changed during the time period covered by the table, the rule's TAC number will be printed with one or more *Texas Register* page numbers, as shown in the following example.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

40 TAC §3.704.....950, 1820

The *Table of TAC Titles Affected* is cumulative for each volume of the *Texas Register* (calendar year).

Update by FAX: An up-to-date *Table of TAC Titles Affected* is available by FAX upon request. Please specify the state agency and the TAC number(s) you wish to update. This service is free to *Texas Register* subscribers. Please have your subscription number ready when you make your request. For non-subscribers there will be a fee of \$2.00 per page (VISA, MasterCard). (512) 463-5561 or (800) 226-7199.

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