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TEXAS REGISTER



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How to Use the Texas Register

Information Available: The 11 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Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after the proposal publication date.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.

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 19 (1994) is cited as follows: 19 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 "19 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 19 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.

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. The *Official TAC* also is available on WESTLAW, West's computerized legal research service, in the TX-ADC database.

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 21, April 15, July 12, and October 11, 1994). 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
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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.

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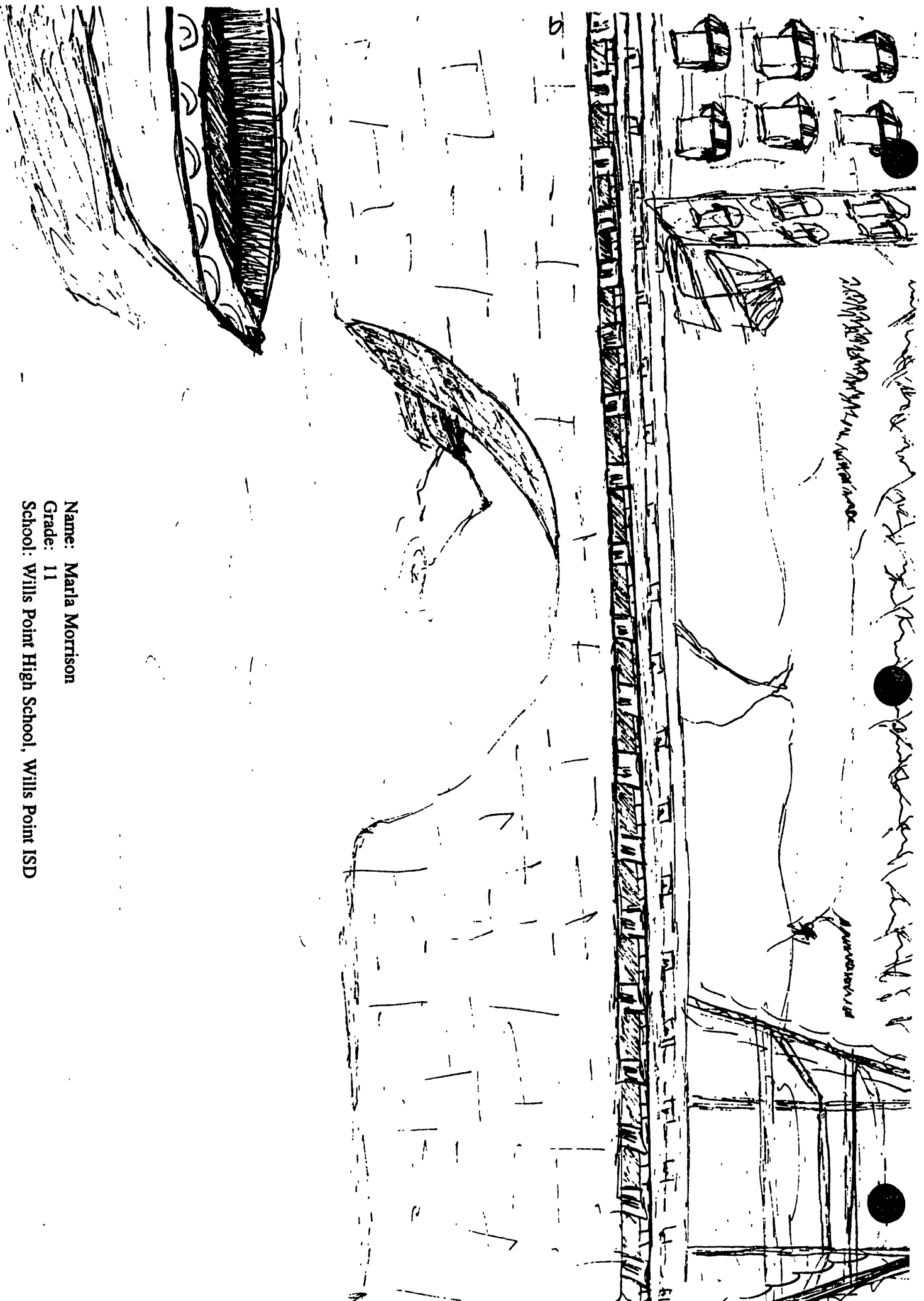
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Name: Sam Garcia
Grade: 9
School: Rising Star High School, Rising Star ISD

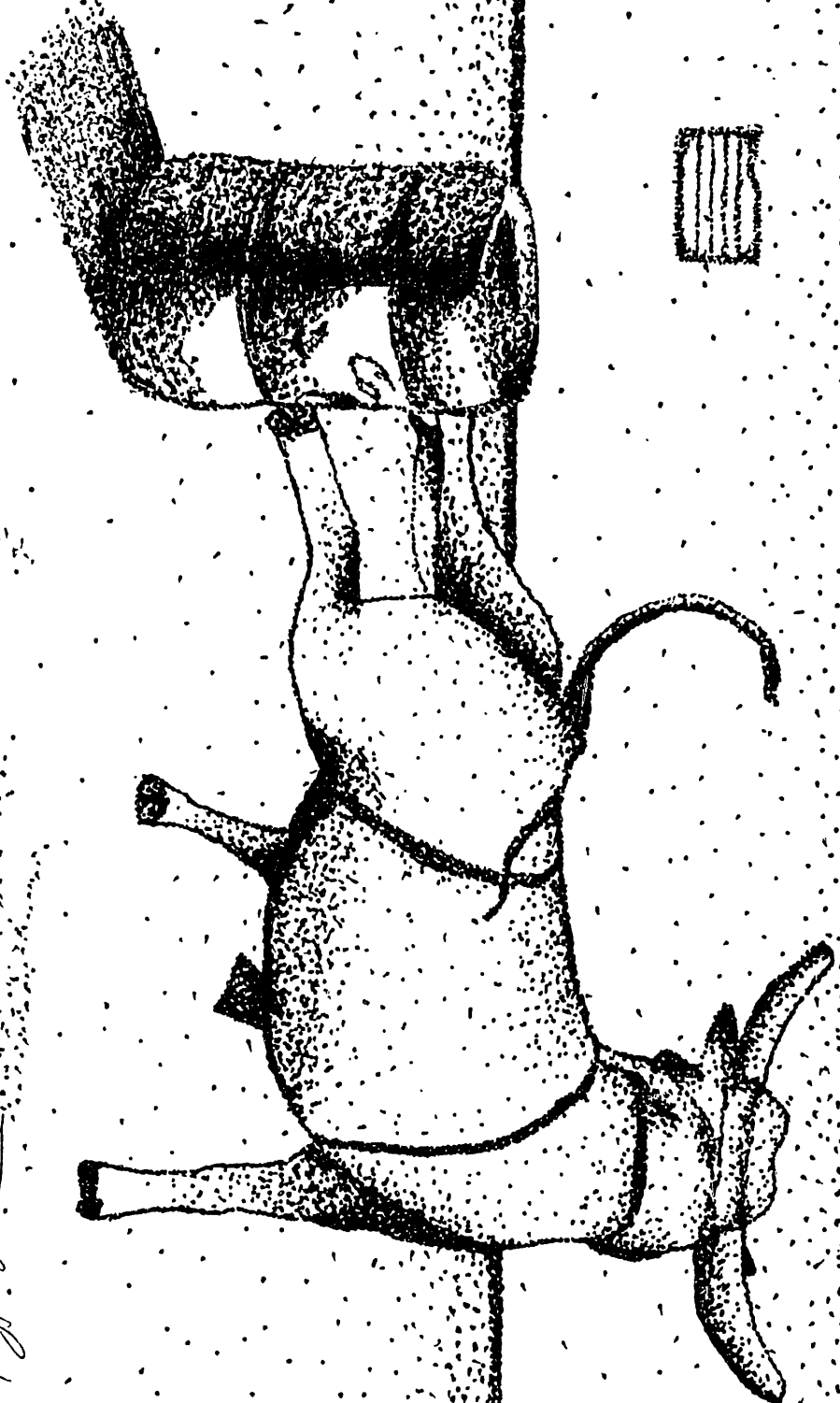




Wills Point High School

Wills Point ISD

Name: Marla Morrison
Grade: 11
School: Wills Point High School, Wills Point ISD

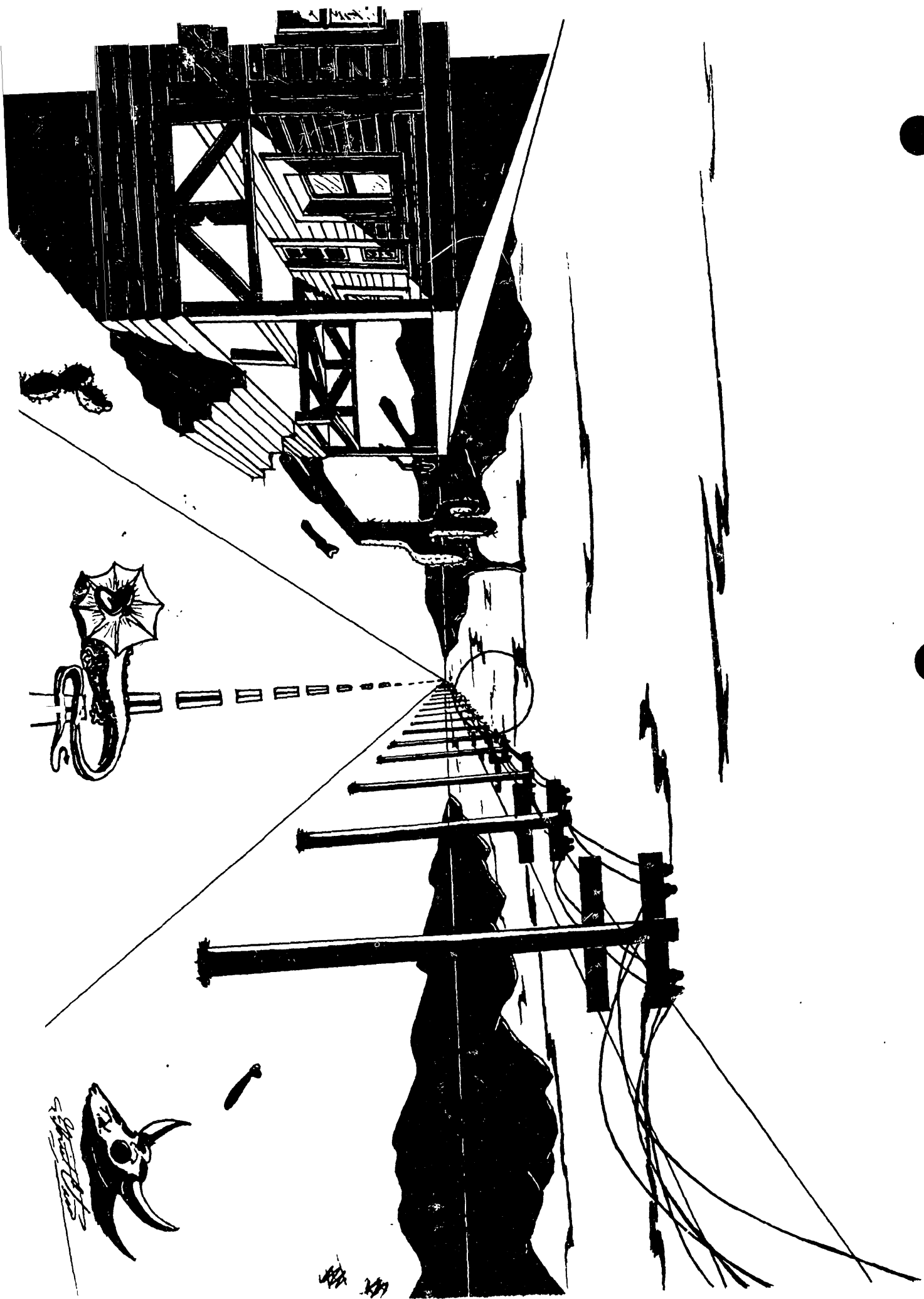


David Hughes





Robert Caro



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 7. BANKING AND SECURITIES

Part II. Banking Department of Texas

Chapter 25. Prepaid Funeral Contracts

Subchapter A. Applications for License

• 7 TAC §§25.1-25.2

(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 Banking Department of Texas or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Banking Department of Texas (the Department) proposes the repeal of §25.1 and §25.2, concerning applications for license, and the new §§25.1-25.6, concerning requirements for approval of prepaid funeral benefits contracts. The proposed repeal and new proposal will bring the existing rule requirements into conformity with legislative amendments to Texas Civil Statutes, Article 548b, effective September 1, 1993. As proposed, new §§25.1-25.6 define terms and provide that the contract forms contain specified provisions and explanations and that the seller make certain distributions of the filings. Other provisions in these sections are proposed for clarity or to achieve consistency in industry practices. Proposed new §25.2 requires, among other things, that prepaid funeral contracts contain language relating to a funeral services brochure published by the Texas Funeral Service Commission (the Commission). A recent letter opinion of that agency's general counsel confirms that distribution requirements of the Commission with respect to this brochure apply to preneed arrangements.

Stephanie Newberg, Director, Special Audits, has determined that, for the first five-year period the proposed repeal and the proposed new sections will be in effect, approximately \$2,500 of revenue will be generated for state government as a consequence of these proposals. There will be no fiscal implications on local government.

Ms. Newberg also has determined that, for each year of the first five-year period the

proposed repeal and the proposed new sections will be in effect, the public benefit anticipated as a result of the proposed actions will be that the rules of this agency will accurately reflect the law regarding the withdrawal of prepaid funeral trust funds and the protection of such funds will be enhanced. The economic effect on small businesses will be minimal, but the exact amount cannot be determined. The cost resulting from the proposed repeal and new proposal of these new sections will be minimal; however, the exact amount cannot be determined, and a comparison of the effect on large and small businesses cannot be made.

Comments on the proposed repeal and new proposal to be considered by the Banking Commissioner of Texas may be submitted in writing to Sharon Gillespie, Assistant General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705-4294.

The proposed repeal of existing sections and the proposal of new sections are authorized pursuant to the Department's rulemaking authority under Texas Civil Statutes, Article 548b, §2. In addition to specific grants of rulemaking authority, §2 permits the Department to write rules regarding any matter "incidental to the enforcement and orderly administration" of Article 548b. The following statutes are directly affected by or related to the proposed repeal and new proposal: Texas Civil Statutes, Article 548b, §2 and §5; Texas Civil Statutes, Article 5069-6.01 et seq.; and Texas Insurance Code, Article 3.42.

§25.1. Application for License.

§25.2. Contract Approval Requirements.

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

Issued in Austin, Texas, on September 7, 1994

TRD-9447664

Everette D. Jobe
General Counsel
Banking Department of
Texas

Earliest possible date of adoption: October 14, 1994

For further information, please call: (512) 475-1300

• 7 TAC §§25.1-25.6

New §§25.1-25.6 are proposed pursuant to the Department's rulemaking authority under Texas Civil Statutes, Article 548b, §2. In addition to specific grants of rulemaking authority, §2 permits the Department to write rules regarding any matter "incidental to the enforcement and orderly administration" of the Act. The following statutes are directly affected by or related to the new proposal: Texas Civil Statutes, Article 548b, §2 and §5; Texas Civil Statutes, Article 5069-6.01, et seq; and Texas Insurance Code, Article 3.42.

§25.1. Definitions.

(a) Prepaid funeral benefits contract—Any written contract or agreement, whether funded by insurance policies or annuity contracts, referred to in this section as "policies" or "insurance policies," or by trust deposits, which has for its purpose the furnishing or delivery of prepaid funeral benefits in connection with the final disposition of a human corpse at a time determinable by the death of such person.

(b) Seller or Provider—As used in this rule, refer to the seller or to the provider of an insurance-funded contract, respectively, or to the seller/provider of a trust-funded contract as well as to the successors, assigns or legal representatives of such entity.

(c) Purchaser—As used in this rule, refers to the purchaser of the prepaid funeral contract and that person's successors, assigns or legal representatives; however, if the purchaser is the person entitled to the funeral merchandise and professional services arranged by the contract and is deceased, "purchaser" means his or her beneficiaries, heirs, executors, administrators or other representatives, as the circumstances require.

§25.2. All Prepaid Funeral Contracts.

(a) Content Requirements. Each contract submitted to the Department of

Banking (the Department) for approval as required by Texas Civil Statutes, Article 548b, §2, must contain the following:

(1) contract number—a place for the contract number;

(2) seller's name, address, and signature—a place for the seller's name and address and for the signature of the seller's authorized representative;

(3) permit number—a place for the seller's permit number;

(4) purchaser's name, address, and signature—a place for the purchaser's name, address and signature;

(5) provider's name, address, and signature—a place for the provider's name and address and for the signature of the provider's authorized representative, if the provider is different from the seller. If the provider and seller are the same entity, acknowledgement of dual identity, *e.g.*, through reference to the "seller/provider," eliminates the need for duplication of information, signatures and contractual provisions in the separate capacities of provider and seller;

(6) funeral merchandise—a place that sets out the particulars of the funeral merchandise offered for sale under the contract which shall include a description of the casket and specifications of the material used in the construction of the casket as well as the specifications of the grave vault used;

(7) professional services—a place to set forth the particulars of the professional services to be performed and the funeral home facilities to be provided;

(8) terms of payment—a place to set out the terms of payment;

(9) provider's agreement—a statement that the provider agrees to furnish the described prepaid funeral benefits specified in the contract, or their equivalent in quality, for a price not to exceed the contract price for funeral merchandise and professional services, excluding any finance charges and charges for credit life insurance, at an undetermined future date dependent on the death of the person designated by the purchaser to receive the prepaid funeral benefits;

(10) default or cancellation—provisions setting out rights and obligations of the parties, including the benefits to which the purchaser is entitled, if the purchaser fails to make payments in accordance with the terms of the contract or if any party cancels the contract;

(11) outstanding payments at time of death—describe the purchaser's financial obligations, if any, and the terms thereof if the contract price is not paid in full on the death of the person designated

by the purchaser to receive the prepaid funeral benefits; such provision shall include a statement of rights of the parties if the contract is funded by an insurance policy featuring a limited death benefit period which has not matured at the time of death;

(12) change of address—a statement that each party to the contract will notify the other parties to the contract of any change in that party's address;

(13) acceptance/modification of contract; entire agreement—statements that the contract, the irrevocable waiver of right to cancel the contract, if any, and the separate finance charge agreement, if any, contain the entire agreement; that, the contract is binding when accepted by a duly authorized representative of the seller; that, except as specifically provided otherwise therein, the contract can be modified only by written supplement signed by the seller, provider and purchaser; and that the contract shall be binding upon the successors, assigns, beneficiaries, heirs, and legal representatives of all the parties;

(14) distribution of copies—a statement or notation indicating that the seller will receive the original of the executed contract with a copy to the purchaser, the provider, and, if the contract is funded by an insurance policy, the insurance company writing the policy;

(15) finance charge—a reference to any provision for the purchaser's payment of a finance charge on any amount due and owing on the contract to the seller and a statement of the terms of such provision. A contract that establishes a finance charge must be made in accordance with Texas Civil Statutes, Article 5069-6.01 et seq., and adhere to requirements for retail installment contracts established therein and in rules, if any, of the Office of Consumer Credit Commissioner as now exist or may hereafter be adopted;

(16) tax disclosure—a statement explaining potential tax implications to the purchaser, if any; and designated space for providing the social security number necessary for any tax filing;

(17) purchaser's receipt of written information—statement or statements that the purchaser has received or been offered for retention a copy of the "General Price List," that the purchaser has received or been offered inspection of the "Casket Price List" and the "Outer Burial Enclosure Price List," and, if the discussion about funeral arrangements occurs at the physical location of the provider, that the purchaser has received or been offered for retention a copy of the current publication of the Texas Funeral Service Commission explaining funeral related matters, setting out the times required by law for the delivery of all such written materials, and that the purchaser has

received a copy of the contract at the conclusion of the discussion of arrangements, if prepaid funeral merchandise or services are purchased;

(18) approved contract form—a statement that the contract form has been approved by the Department; and

(19) agency addresses—the complete mailing address and telephone number of the Texas Funeral Service Commission and of the Texas Department of Banking;

(20) other required statements—any other statements or disclosures required by law.

(b) Prohibitions. No contract submitted to the Department for approval shall designate more than one person to receive funeral benefits under that contract; however, a purchaser may change this designation in a trust-funded contract at any time during his or her lifetime and may change it in an insurance-funded contract as the insurance contract or insurer may permit.

§25.3. Insurance-Funded Contracts. In addition to the contents specified in §25.2 of this chapter (relating to all Prepaid Funeral Contracts), each prepaid funeral contract submitted for approval by the Department that is funded by a policy of insurance as provided in Texas Civil Statutes, Article 548b, §1(a), must contain the following:

(1) policy and premiums—a statement that the contract is funded with a policy of insurance; that the seller or the insurance company, as the case may be, will, on or before the 30th day after receiving any payment under the contract, use the amount received to pay the policy premiums in accordance with the terms of the policy, unless the beneficiary is denied insurance coverage; that, if the beneficiary is denied insurance coverage, the insurance company shall notify the purchaser in writing of the reason for denial within 30 days of the date the purchaser executes the contract and refund all monies paid on the contract; and, if the insurance policy is owned by the purchaser of the prepaid funeral contract, that the seller will furnish the purchaser a copy of the policy on or before the 30th day after its issuance;

(2) no partial cancellations of policy or withdrawals of proceeds—an acknowledgment that neither the purchaser nor the seller may make partial cancellations of, take a loan against, or, except for escheatment of funds, withdraw proceeds that have accrued under the policy.

§25.4. Trust Funded Contracts. In addition to the contents specified in §25.2 of this chapter, (relating to All Prepaid Funeral Contracts) each prepaid funeral contract

submitted for approval by the Department that is funded by a trust as provided in Texas Civil Statutes, Article 548b, §1(a), must contain the following:

(1) deposit of purchaser's payments—a statement that the seller/provider will deposit the funds collected from the purchaser, less retainage, if any, within thirty days of collection in a depository within this state that has been approved by the Department; and

(2) seller/provider's retention of monies received—a statement that the seller/provider plans to retain one-half of the funds collected not exceeding ten percent of the total amount of the contract, if the seller/provider intends to retain such funds; and that the purchaser who cancels the contract during the first year at a time when contract payments are current will receive 90 percent of the amounts paid in by the purchaser or the amounts deposited in trust under the contract, whichever is greater, if the seller/provider intends to retain the balance of such funds;

(3) irrevocable waiver of cancellation—a notice that the purchaser may irrevocably waive and renounce the right to cancel the contract by executing a written waiver;

(4) Plan I or II—a notation that the trust is funded with 100% (Plan I) or 90% (Plan II) of the purchaser's payments under the contract;

(5) no partial cancellations of contract—an acknowledgement that neither the purchaser nor the seller/provider may make partial cancellations of the contract; and

(6) successor provider—a disclosure that, unless the seller/provider agrees otherwise, use of a successor provider is a cancellation of the original contract by the purchaser.

§25.5. Filings and Review.

(a) All Proposed Contracts. To request approval of any prepaid funeral contract, the seller must submit a copy of the proposed contract to the Department and request its approval. All proposed contracts, together with the irrevocable waiver of cancellation and separate finance charge agreement, if any, must be submitted to the Department for approval prior to use.

(b) Insurance-Funded Contracts. If a contract will be funded by insurance, the seller must furnish a copy of the proposed contract and the seller's request for approval together with written confirmation from the Texas Department of Insurance that the policy which will fund such contract has been approved for sale in conjunction with the sale of prepaid funeral benefits

contracts. If a policy is exempt from review by the Texas Department of Insurance, the Department of Banking must be furnished written verification of this exemption from the Texas Department of Insurance.

(c) Contracts Subject to Finance Charges. If the entire retail installment agreement is not included in or a part of the proposed prepaid funeral contract, a copy of the agreement and any addenda thereto must be submitted to the Department with the proposed contract and request for approval.

(d) Standardized Forms; Review Costs. The Department will provide copies of preapproved contract forms to sellers on request. If the Department's review of a form submitted for approval exceeds one hour, the Department will bill the seller at the rate of \$50 per hour to defray the cost of review.

(e) Disclaimer. In approving a contract as to form, including the Department's standardized contract, the Department makes no representation that the form complies with Federal Trade Commission requirements.

§25.6. Distribution of Contract Copies.

(a) By All Sellers.

(1) To Purchasers. At the conclusion of a discussion about funeral arrangements, the seller of a trust-funded or insurance-funded contract must furnish the purchaser of the prepaid funeral contract a copy of the contract, if prepaid funeral merchandise or services are purchased.

(2) To Third-Parties. On or before the 30th day after contract execution, the seller must furnish a copy of the prepaid funeral contract to a third-party funeral provider or administrator.

(b) By Sellers of Insurance-Funded Contracts.

(1) To Purchasers. On or before the 30th day after a seller's execution of the contract, the seller of an insurance-funded contract must provide a purchaser with a copy of the executed prepaid funeral contract.

(2) To Insurers. On or before the 30th day after a seller's execution of the contract, the seller of an insurance-funded contract must furnish a copy of the executed prepaid funeral contract to the insurance company issuing the policy that funds the contract.

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

Issued in Austin, Texas, on September 7, 1994

TRD-9447665

Everette D. Jobe
General Counsel
Banking Department of
Texas

Earliest possible date of adoption: October 14, 1994

For further information, please call: (512) 475-1300

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 229. Food and Drug Licensing of Wholesale Distributors of Drugs—Including Good Manufacturing Practices

• 25 TAC §§229.251-229.253

The Texas Department of Health (department) proposes amendments to §§229.251-229.253 concerning licensing of wholesale distributors of drugs including good manufacturing practices. The proposed amendments adopt by reference all applicable sections of 21 Code of Federal Regulations (CFR) concerning human and veterinary over-the-counter and prescription drugs, biologics and cosmetics. The proposed amendments also establish increased licensure fees for distributors and manufacturers of drugs.

Dennis E. Baker, acting director, Division of Food and Drugs, has determined that for the first five-year period the section will be in effect, there will be fiscal implications as a result of enforcing or administering the sections. The effect on state government will be an estimated increase in revenue of \$170,550 for each year of the first five years based on the fee rates established in §229.252. The additional costs of administering the program is expected to equal the revenue generated. There will be no effect on local government.

Mr. Baker also has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of administering and enforcing the proposed sections will be more effective regulation of noncompliant drug, biologic, and cosmetic products. The cost to small businesses and individuals who are required to comply with these sections will be the cost of the required license fee. There will be no effect on local employment.

Comments on the proposal may be submitted to Dennis E. Baker, Acting Director, Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, telephone: (512) 719-0200. Comments will be accepted for 30 days following the date of publication of this proposal in the *Texas Register*.

The amendments are proposed under the Texas Health and Safety Code, §431.241, which provides the department with the authority to adopt necessary regulations pursuant to the enforcement of Chapter 431;

and §12.001, which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health and the Commissioner of Health.

These sections affect Health and Safety Code, Chapter 431; Federal Food, Drug, and Cosmetic Act, §503(b); Title 9, Code of Federal Regulations (CFR), Part §§113.1-113.455; Title 21, CFR, Part 210, §§210.1-210.3; Part 211, §§211.1-211.208; Part 205, §§205.1-205.50; Part 205; Part 211, Subpart C; Part 201, §§201.1-201.317; Part 200, §§200.5-200.200; Part 202, §202.1; Part 250, §§250.10-250.250; Part 299, §§299.3-299.5; Part 1302, §§1302.01-1302.08; Part 606, §§606.3-606.170; Part 600, §§600.3-600.15; Part 610, §§610.1-610.65; Part 620, §§620.1-620.48; Part 630, §§630.1-630.75; Part 640, §§640.1-640.114; Part 650, §§650.1-650.15; Part 660, §§660.1-660.105; Part 680, §§680.1-680.26; Part 701, §§701.1-701.30; Part 700, §§700.3-700.25; Part 225, §§225.1-225.202; Part 226, §§226.1-226.115; Parts 300-369; and Parts 429-460.

§229.251. *Definitions.* The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

Place of business—Each location at which drugs are distributed at wholesale as defined in the Health and Safety Code, Chapter 431.

Wholesale distribution—Distribution to a person other than a consumer or patient, including, but not limited to distribution to any person by a manufacturer, repacker, own label distributor, jobber, or wholesaler.

§229.252. *Licensing Fee and Procedures.*

(a) License fee. All wholesale distributors of drugs who sell drugs in Texas shall obtain a license annually on or before September 1 with the Texas Department of Health (department) and shall pay a licensing fee for each wholesale distribution place of business operated as follows:

(1) \$250 [\$150] per distributor engaged in distribution only of compressed medical gases (no transfilling operations) having a gross annual volume of \$0-\$20,000;

(2) \$400 [\$250] per wholesale distributor having a gross annual volume of \$0-\$199,999.99 (includes medical gas transfillers);

(3) \$650 [\$500] per wholesale distributor having a gross annual volume of \$200,000-\$19,999,999.99;

(4) \$850 [\$750] per wholesale distributor having a gross annual volume greater than or equal to \$20,000,000; and

(5) (No change.)

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

§229.253. *Minimum Standards for Licensure.*

(a) (No change.)

(b) Current good manufacturing practices in manufacturing, processing, packing, or holding of drugs.

(1) The department adopts by reference Title 21, Code of Federal Regulations, Part 210, §§210.1-210.3, 1994 [as amended], titled "Current Good Manufacturing Practices in Manufacturing, Processing, Packing, or Holding of Drugs;" and Part 211, §§211.1-211.208, 1994, titled "Current Good Manufacturing Practice for Finished Pharmaceuticals".

(2) Copies are indexed and filed in the office of the Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas, 78756 and are available for inspection during normal working hours.

(c) Guidelines for licensing of wholesale prescription drug distributors.

(1) The department adopts by reference Title 21, Code of Federal Regulations, Part 205, §§205.1-205.50, 1994 [as amended], titled "Guidelines for State Licensing of Wholesale Prescription Drug Distributors".

(2) Copies are indexed and filed in the office of the Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas, 78756 and are available for inspection during normal working hours.

(3) To the extent these sections conflict with Title 21, Code of Federal Regulations, Part 205, this section shall prevail.

(4) Prescription drug means any drug, human, or veterinary, required by Federal law or regulation to be dispensed only by a prescription, including finished dosage forms and active ingredients subject to the Federal Food, Drug, and Cosmetic Act, §503(b).

(d) Buildings and facilities All manufacturing, processing, packing or holding of drugs shall take place in buildings and facilities described in Title 21, Code of Federal Regulations, Part 211, Subpart C, 1994 [as amended]. No manufacturing, processing, packing or holding of drugs shall be conducted in any personal residence

(e) Drug labeling.

(1) If a person, firm or corporation labels a drug, the label shall meet the requirements of the Texas Health and Safety Code, Chapter 431.

(2) The department adopts by reference Title 21, Code of Federal Regu-

lations, Part 201, §§201.1-201.317, 1994, titled "Labeling".

(3) Copies are indexed and filed in the office of the Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal working hours.

(f) Drugs general, drug advertising, specific requirements for special drugs, official names and established names, and labeling and packaging requirements for controlled substances.

(1) The department adopts by reference Title 21, Code of Federal Regulations:

(A) Part 200, §§200.5-200.200, 1994, titled "General";

(B) Part 202, §202.1, 1994, titled "Prescription Drug Advertising";

(C) Part 250, §§250.10-250.250, 1994, titled "Special Requirements For Specific Human Drugs";

(D) Part 299, §§299.3-299.5 1994, titled "Drugs; Official Names and Established Names"; and

(E) Part 1302, §§1302.01-1302.08, 1994, titled "Labeling and Packaging Requirements For Controlled Substances".

(2) Copies are indexed and filed in the office of the Division of Food and Drugs, Texas Department of Health, 1100 West 49th, Austin, Texas, 78756 and are available for inspection during normal working hours.

(g) Current good manufacturing practices in manufacturing, processing, packing, or holding of blood and blood components.

(1) the department adopts by reference Title 21, Code of Federal Regulations, Part 606, §§606.3-606.170, 1994, titled "Current Good Manufacturing Practice For Blood and Blood Components".

(2) Copies are indexed and filed in the office of the Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal working hours.

(h) General biological products standards, standards for bacterial products, standards for viral vaccines, standards for human blood and blood products, standards for diagnostic substances for dermal test, standards for di-

agnostic substances for laboratory test, and standards for miscellaneous biological products.

(1) The department adopts by reference Title 21 Code of Federal Regulations:

(A) Part 600, §§600.3-600.15, 1994, titled "Biological Products: General";

(B) Part 610, §§610.1-610.65, 1994, titled "General Biological Products Standards";

(C) Part 620, §§620.1-620.48, 1994, titled "Additional Standards For Bacterial Products";

(D) Part 630, §§630.1-630.75, 1994, titled "Additional Standards For Viral Vaccines";

(E) Part 640, §§640.1-640.114, 1994, titled "Additional Standards for Human Blood and Blood Products";

(F) Part 650, §§650.1-650.15, 1994, titled "Additional Standards for Diagnostic Substances for Dermal Test";

(G) Part 660, §§660.1-660.105, 1994, titled "Additional Standards for Diagnostic Substances for Laboratory Test"; and

(H) Part 680, §§680.1-680.26, 1994, titled "Additional Standards for Miscellaneous Products."

(2) Copies are indexed and filed in the office of the Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal business hours.

(i) Labeling and standard requirements for the manufacturing or processing of animal biological products.

(1) The department adopts by reference Title 9, Code of Federal Regulations, Part §§113.1-113.455, 1994, titled "Standard Requirements."

(2) Copies are indexed and filed in the office of the Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal business hours.

(j) Cosmetic labeling for a person, firm or corporation that labels a cosmetic.

(1) The department adopts by reference Title 21, Code of Federal Regulations, Part 701, §§701.1-701.30, 1994, titled "Cosmetic Labeling".

(2) Copies are indexed and filed in the office of the Division of Food and Drug, Texas Department of Health, 1100 West 49th Street, Austin, Texas, 78756 and are available for inspection during normal working hours.

(k) Cosmetics general and cosmetic product warning statement.

(1) The department adopts by reference Title 21, Code of Federal Regulations, Part 700, §§700.3-700.25, 1994, titled "General"; and Part 740, §§740.1-740.18, 1994, titled "Cosmetic Product Warning Statements".

(2) Copies are indexed and filed in the office of the Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal working hours.

(l) Current good manufacturing practices in manufacturing, processing, packing or holding of medicated feeds and Type A medicated articles.

(1) The department adopts by reference Title 21, Code of Federal Regulation:

(A) Part 225, §§225.1-225.202, 1994, titled "Current Good Manufacturing Practice For Medicated Feeds;" and

(B) Part 226, §§226.1-226.115, 1994, titled "Current Good Manufacturing Practices For Type A medicated articles."

(2) Copies are indexed and filed in the office of the Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal working hours.

(m) Over-the-counter (OTC) for human use.

(1) The department adopts by reference Title 21, Code of Federal Regulations, Part(s) 300-369, 1994, in their entirety. A manufacturer, repacker, own label distributor, jobber or wholesaler or any person distributing over-the-counter drugs shall not market, promote or advertise the drugs in a manner inconsistent with or broader than that permitted by the over-the-counter tentative final monographs or final monographs in Title 21, Code of Federal Regulations, Parts 300-369.

(2) Copies are indexed and filed in the office of the Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal working hours.

(n) Packaging, labeling, tests and methods of assays for human antibiotic drugs.

(1) The department adopts by reference Title 21, Code of Federal Regulations, Part(s) 429-460, 1994, in their entirety.

(2) Copies are indexed and filed in the office of the Division of Food and Drugs, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal working hours.

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

Issued in Austin, Texas, on September 1, 1994.

TRD-9447503

Susan K. Steeg
General Counsel, Office of
General Counsel
Texas Department of
Health

Proposed date of adoption: October 28, 1994

For further information, please call: (512) 719-0200

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part XV. Texas Low-Level Radioactive Waste Disposal Authority

Chapter 449. General Provisions

Subchapter E. Fees for Open Records Requests

• 31 TAC §§449.61-449.65

The Texas Low-Level Radioactive Waste Disposal Authority proposes new Subchapter E., Fees for Open Records Requests, to 31 TAC 449 concerning the fees to be charged for open records requests. The new subchapter sets out the charges for providing copies of the records, and defines words and terms used in the subchapter.

Tim Schaffner, Director of Finance, has determined that there will be no net fiscal implications to state government as a result of enforcing or administering the section. Although the income from producing standardized copies will be reduced, this reduction will be offset by revenue from personnel and

other charges that are authorized by law. There will be no effect on local government as a result of the proposed rules.

Mr. Schaffner has determined that for each year of the first five years the section as proposed is in effect that the public benefits anticipated as a result of enforcing the section as proposed will be clearer guidelines for providing access to, and copies of, public records and in determining the charges. There is no anticipated economic cost to persons and no additional costs of compliance for small businesses who are required to comply with the section as proposed. While some costs are reduced by the proposed rules, other additional costs will offset the reduction. These increased costs and offsets affect businesses and individuals the same.

Comments on the proposal may be submitted to Lee H. Mathews, Deputy General Manager and General Counsel, Texas Low-Level Radioactive Waste Disposal Authority, 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752.

The new section is proposed under the Health and Safety Code, §§402.054 and 402.252 which provide the Texas Low-Level Radioactive Waste Disposal Authority with the authority to adopt rules, standards, and orders necessary to properly carry out the Texas Low-Level Radioactive Waste Disposal Authority Act.

Government Code, Chapter 552, Subchapter F, is affected by these new sections.

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

Nonstandard-size copy—A copy of public information that is made available to a requester in any format other than a standard-size paper copy, such as microfiche, microfilm, diskettes, magnetic tapes, CD-ROM, and nonstandard-size paper copies.

Readily available information—Information that does not require a substantial amount of time to locate or prepare for release or inspection and:

(A) already exists in printed form, or

(B) is stored electronically and is ready to be printed or copied without requiring any programming; or

(C) already exists on microfiche or microfilm. Not readily available information—Information that requires a substantial amount of time to locate or prepare for release or inspection.

Standard-size copy—a printed impression on one side of a piece of paper that measures up to 8 1/2 by 14 inches. Each side of a piece of paper on which an impression is made is counted as a single

copy. A piece of paper that is printed on both sides is counted as two copies.

§449.62. Charges for Providing Copies of Public Information.

(a) The charges for copies of public records and documents are as follows.

(1) **Standard-size paper copy.** The charge for standard-size paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page.

(2) **Nonstandard-size copy.** The charge for nonstandard-size copies is the actual cost of reproduction.

(b) **Personnel charge.** The charge for personnel costs incurred by the Authority in processing a request for public information is \$15 per hour. Where applicable, the personnel charge should be prorated to cover the cost for personnel time spent to take requests, locate documents, and reproduce requested information. A personnel charge shall not be billed in connection with requests that are for 50 or fewer pages of readily available information. Personnel time may not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information to determine whether exceptions to disclosure are raised or to research or prepare an attorney general's opinion.

(c) **Overhead charges.** The charge for costs described in this paragraph is \$3.00 per hour. These are charges made for information that is not readily available or for information that consists of more than 50 pages of readily available information. Costs recovered by overhead charges include depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead.

(d) **Microfiche and microfilm** If the Authority has information that exists on microfiche or microfilm, the charge is the actual cost of making the copy of the fiche or film.

(e) **Remote document retrieval charge.** Charges are based on actual cost of retrieval.

(f) **Computer resource charge.**

(1) The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities. These computer resource charges are not intended to substitute for cost recovery methodologies or charges

made by the agencies for purposes other than responding to open records requests.

(2) The computer resource charge based on use of personal computers or LAN's is \$.50 per minute.

(3) The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The charge does not apply to programming or printing time.

(g) **Programming time.** The charge for programming time is \$30 per hour. Any charge for programming shall be prorated.

(h) **Miscellaneous supplies**—The charge for miscellaneous supplies, such as labels, boxes, binders, and other supplies used to produce the requested information is the actual cost of the supplies.

(i) **Postal and shipping charges.** These charges are for any postal or shipping expenses which are necessary to transmit the reproduced information to the requesting party.

(j) **Fax charge.** The charge for a fax transmitted locally is \$.10 per page. The charge for long distance transmission is \$.50 per page for a fax sent within the agency's area code, and \$1.00 per page for a fax transmitted to a different area code.

(k) **Sales tax.** Sales tax shall not be charged for reproduction of public information.

(l) **Other charges.** Any charges for items not specifically listed in this subchapter shall be based on actual cost.

§449.63 Access to Information Where Copies Are Not Requested.

(a) Access to information in standard-size form The Authority may not charge for making available for inspection information maintained in standard-size form, except that, if information is located at a remote document storage center and the agency will incur a retrieval charge in order to make the information available, the agency shall charge the requesting party the actual cost of retrieval

(b) Access to information in other than standard-size form. The charge is the actual cost of preparing and making available such information. Preparation costs may include retrieval of information from a data base, and deletion of confidential information Under this paragraph, the Authority shall recover personnel charges as set forth in §449.62(b) of this title (relating to Charges for Providing Copies of Public Information)

§449.64 Format for Copies of Public Information. To the extent possible, the Au-

thority shall attempt to accommodate a requesting party by providing information in the format requested, except that the Authority shall not be required to acquire software or programming capabilities that it does not already possess to accommodate a particular kind of request.

§449.65. Waiver of Public Information Charges. The Authority intends that its

fees shall be applied equally to all members of the public. Upon written request, the Authority shall provide copies of or access to public records without charge or at a reduced charge if the Authority determines that waiver or reduction of the fees is in the public interest.

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

Issued in Austin, Texas, on September 6, 1994.

TRD-9447660

Lee H Mathews
Deputy General Manager
and General Counsel
Texas Low-Level
Radioactive Waste
Disposal Authority

Earliest possible date of adoption: October 14, 1994

For further information, please call: (512) 451-5292

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Name: Judith Aguilar
Grade: 9
School: San Diego High, San Diego ISD

WITHDRAWN RULES

An agency may withdraw a proposed action or the remaining effectiveness of an emergency action by filing a notice of withdrawal with the **Texas Register**. The notice is effective immediately upon filing or 20 days after filing as specified by the agency withdrawing the action. If a proposal is not adopted or withdrawn within six months of the date of publication in the **Texas Register**, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the **Texas Register**.

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 7. Gas Utilities

Substantive Rules

- 16 TAC §7.91

Pursuant to Texas Government Code, §2001.027 and 1 TAC §91.24(b), the proposed new §7.91, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective September 2, 1994. The new §7.91 as proposed appeared in the March 1, 1994, issue of the *Texas Register* (19 TexReg 1430).

TRD-9447605

TITLE 19. EDUCATION

Part II. Texas Education Agency

Chapter 33. Investment Program of the Permanent School Fund

- 19 TAC §§33.30, 33.35, 33.60,
33.80

Pursuant to Texas Government Code, §2001.027 and 1 TAC §91.24(b), the proposed new §§33.30, 33.35, 33.60, and 33.80, submitted by the Texas Education Agency has been automatically withdrawn, effective September 2, 1994. The new §§33.30, 33.35, 33.60, and 33.80 as proposed appeared in the March 1, 1994, issue of the *Texas Register* (19 TexReg 1432).

TRD-9447606



Name: April Lopez

Grade: 9

School: San Diego High, San Diego ISD

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 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 1. General Administration

Subchapter A. Rules of Prac- tice and Procedure

Rule Making Procedures

• 28 TAC §§1.201-1.208

The Texas Department of Insurance adopts new §§1.201-1.208 concerning rule making procedures. Sections 1.202-1.204 and 1.207 are adopted with changes to the proposed text as published in the May 31, 1994, issue of the *Texas Register* (19 TexReg 4246). New §§1.201, 1.205, 1.206, and 1.208 are adopted without changes and will not be republished. A public hearing on the sections as published was requested June 17, 1994, but was subsequently withdrawn.

The new sections are necessary and essential for an orderly and efficient process by which the department will consider the adoption of rules under the Government Code, Chapter 2001, Subchapter B, and under the Insurance Code, Articles 5.96 and 5.97. The adopted sections will provide for the more efficient administration of the Department's rule making duties through the use of a uniform and more efficient rule making process, which will result in a more effective utilization of public resources. The adopted sections provide a publicly-known and easy-to-understand set of procedures for persons interested in participating in the rule making process of the department. Three changes are made in the adoption of §1.202. They are clarifying changes to the scope of the sections, and to the types of information notifications to be provided to interested persons petitioning the department for rule making. Three changes are made in the adoption of §1.203, which add two paragraphs to subsection (b), and clarify that if a new rule or amendment to an existing rule includes a new form or change to an existing form that is incorporated by reference, the proposal shall include either the text of the new form or proposed change to the existing form, or shall include a statement of inclusion of a new or amended form, accompanied by a description of the new form or amendment to existing

form sufficiently specific to provide substantive detail about the new form or change to the existing form. One change is made to the caption of §1.204 to make its subject matter more clear. One change is made to §1.207 to clarify that accessibility to the list of pending rule proposals to be maintained by the department is accompanied by the opportunity to inspect a copy of any petition for rule making in the Office of the Chief Clerk during normal business hours of the department.

Adopted new §1.201 provides for pre-publication procedures for staff proposals for rule making. Adopted new §1.202 provides for pre-publication procedures for public petitions for rule making. Adopted new §1.203 addresses publication and comments on proposals. Adopted new §1.204 addresses final action by the agency in instances where no hearing is requested or required concerning a published proposal. Adopted new §1.205 addresses final action by the agency in instances where a hearing is held concerning a published proposal. Adopted new §1.206 addresses post adoption procedures by the Office of the Chief Clerk. Adopted new §1.207 addresses maintenance of a list of pending rules and the opportunity to inspect copies of rule making petitions at the department. Adopted new §1.208 addresses regular commissioner public meetings.

Three sets of written comments were received. The Texas Legal Reserve Officials Association submitted written comments during the comment period and requested a public hearing on the proposed sections as published. The request for public hearing was subsequently withdrawn. In addition, the American Council of Life Insurance and the law firm of Small, Craig & Werkenthin each submitted written comments after the comment period had ended, and recommended changes to the sections as published. Oral comments were received from the Office of Public Insurance Counsel.

Some comments addressed sections which state that action on a petition or on a proposed rule is solely within the discretion of the commissioner. The comments recommended that §1.202(c) be revised to clarify that the commissioner action in that section relates to a petition and not to action on a published proposal. The comments also stated that since many rules are legislatively mandated to be adopted, it is not within the discretion of the commissioner to adopt or not adopt certain rules, even though the commissioner has discretion about the form or word-

ing of the rule, and recommended that §§1.204 and 1.205 be further clarified. The department responds that the wording in §§1.202(e), 1.204 and 1.205(3) is sufficiently clear to indicate the parameters of commissioner discretion. However, to clarify §1.202(e), the adoption includes language to emphasize that the action contemplated by its provisions relates to the petition for rule making proceedings, not to a published rule proposal. The department concludes, however, that provisions of §1.204 and §1.205(3), clearly state the intent of those sections, that the commissioner is to have sole discretion about the structure and content of the rules that are adopted. The recommendations of the staff and the public are for the commissioner's consideration, but the ultimate decision about what is included in a rule and how it is articulated rests with the commissioner. The department does not believe that the provisions of these sections in any way suggest that the commissioner is empowered with discretion not to adopt rules that are statutorily mandated. For these reasons, the adoption makes no further revisions to the sections as a result of the comments.

A comment stated the proposed rules do not clarify whether the commissioner's actions in determining whether to grant a petition to publish a proposal for rule making and/or in determining whether a rule should be promulgated are to take place in a public meeting after notice in the *Texas Register*. The comment reflected the commenter's desire for such a forum. The department makes no change to the adopted sections as a result of this comment, because it believes that the rules as proposed and published are clear with respect both to the action contemplated to be taken by the commissioner and the circumstances under which that action will be in a public forum. The sections provide that any person may request a public hearing on a published rule proposal, which widens the opportunity for public hearings on rules beyond that which currently is afforded under the statutes addressing the same subject matter. The sections properly balance the public's right to address the commissioner with the allocation of limited state resources, because they require a hearing if any member of the public desires one but eliminate the need for a hearing if no member of the public desires a hearing. The department also points out that with respect to the matter of public forum, the sections properly balance the competing needs of the public to have access to the commissioner in matters over

which the commissioner has jurisdiction with the need of the commissioner to effectively, efficiently and economically use time resources in the performance of the duties and responsibilities of public office. For example, the sections provide in §1.208(b) that the first item on the agenda of each public meeting every first and third Monday of any month is an open forum in which any member of the public may appear before the commissioner and speak on any issue under the jurisdiction of the commissioner with the exception of pending contested cases. Certainly any pending petitions for rule making are included in the issues under the commissioner's jurisdiction, as are published rule proposals for which final action has not yet been taken.

Comments Relating to §1.202. A comment suggested a petitioner should be provided more than the ten business days in proposed §1.202(d) to respond to a recommended proposal, on the basis that a trade association petition with revisions could not, in most cases, be reviewed, acted upon and returned to the Office of the Chief Clerk in ten business days. The department disagrees. Ten business days will always provide a minimum of 12 calendar days for a response, and in some instances will provide 15 calendar days for response. The department believes this is a sufficient amount of time to prepare a response. Moreover, and equally important, the trade associations will have another 30 calendar days to submit comments on any proposal authorized for publication after it is published. The department believes that extension of the preliminary comment period for the petitioner in proposed §1.202(d) by an additional ten business days would unnecessarily delay the rule making process. For these reasons, no change is made as a result of this comment.

A comment stated that §1.202 does not clarify how the sections will facilitate making petitions for rule making available for public inspection in a meaningful way. The department responds that provisions relating to pending proposals are addressed in §1.207, and that the adoption includes a clarifying change to both the caption for this section and to the text. The textual change details that a copy of each petition for rule making, under the Government Code, §2001, or under the Insurance Code, Article 5.96 or 5.97, will be marked with the date received by the Office of the Chief Clerk and made available for public inspection during normal business hours in the Office of the Chief Clerk. With respect to any differences between the statutory requirements of Articles 5.96 and 5.97 and these rules as proposed, §1.202 clearly states that the proposed rules apply to rule making under those articles only to the extent that such articles do not specifically provide otherwise. In addition, the adoption contains a clarifying change with respect to the scope of the sections.

A comment stated that §1.202(a) should expressly apply to all types of rule making by the Department. The department agrees and the adoption makes such a change to the subsection.

A comment stated that §1.202(b)(2) should be changed to remove the word "conforming"

The department agrees and the adoption makes such a change to the paragraph.

A comment stated that §1.202(b)(3) should be changed to include notification of the address of the staff member and the reference number of the rule petition. The department agrees and the adoption makes such a change to the paragraph.

A comment stated that in §1.202(e) the order of the last two sentences should be changed to provide greater clarity. The comment also suggested requiring both an order of denial and notice of proposed rule to account for those instances when a rule making petition has been denied in part. The department agrees and the adoption makes such a change to the subsection. The adoption also includes editorial changes to paragraphs (1)-(3) for greater clarity.

Comments Relating to §1.203. A comment suggested that §1.203(b), relating to incorporation by reference of adopted forms, needs to be changed so that notice of the changes to a particular new form to be adopted or existing form to be amended are printed in the *Texas Register*. Another comment suggested actually reproducing the forms or amendments to forms in the Register, but acknowledged that sometimes such reproduction might be unduly burdensome. The department agrees that it is essential that persons who are expected to comply with a particular rule by completion of a form or forms associated with a particular regulation need to have detailed and specific information about the nature, purpose and essential elements of the form. For that reason, it has been agency practice to identify forms that are being adopted by reference and to provide a description of the new form or amendment to existing form in the published notice of proposal and the notice of adoption. In addition, it has been, and will continue to be, the practice of the agency to identify in the published notice that copies of the forms are filed with the Secretary of State, and available from that office through the *Texas Register* division. Finally, the practice also has included the name and mailing address of the person to contact at the department in order to obtain copies of the proposed or adopted forms or revised forms. With respect to §1.203, the department includes in the adoption a clarifying amendment to make it clear that the notice of a proposed amendment to an existing rule or proposed new rule under the Government Code, Chapter 2001, which includes a new form or a change to an existing form will either include the text of the new form or proposed change to the existing form, or will state that the proposal includes a new form or change to an existing form, accompanied by a description of the new form or change to the existing form sufficiently specific to provide the substantive detail about the new form or change to the existing form. The adoption also makes minor editorial changes to the caption.

A comment raised the question about why the proposal in §1.203(d) would allow a hearing to be requested by "any person" rather than "any interested person", as provided in Article 5.96 and 5.97, or alternatively by "at least 25 persons" as provided in the Government Code, §2001.029. The comment suggested

that the "any person" standard is inconsistent with the current statutory standard. The department disagrees that the "any person" standard is inconsistent with the current statutory standards to which it was compared. To be inconsistent with such standards it would have to provide a more narrow and restrictive window of opportunity to obtain a public hearing on rule making matters. Instead, the opposite is true. The standard in the sections provides a greater opportunity, is more generous than the statutory standards, and in no way diminishes rights and opportunities afforded by them. For these reasons it is not inconsistent with such standards. In addition such a standard affords greater accessibility to the commissioner, consistent with the provisions of Article 1.04(C)(b), which provides the commissioner develop and implement policies that provide the public with a reasonable opportunity to appear before the commissioner and speak on any issue under the jurisdiction of the commissioner. For that reason the adoption does not include any change with respect to this comment.

A comment stated that §1.203(c) should be changed to require a second copy of comments when "requested". The department agrees and the adoption makes such a change to the subsection.

Comments Relating to §1.204. One commenter stated that the drafting of §1.204 was confusing because the text stated that the commissioner need not have a hearing where there is no request for a hearing and no hearing is required by statute, while the caption for the section stated that it relates to final action where no hearing is requested or required. The department fails to see how any confusion could arise based on the manner in which either the caption or the text is drafted. Each clearly indicates that if a statute requires a hearing, regardless of whether one is requested, a hearing will be had. Each also clearly indicates that if any person requests a hearing on a published rule proposal, a hearing will be had, even if not statutorily required. Though each of these outcomes is conversely indicated in §1.204, they are nonetheless clearly indicated. However, in order to reduce the perceived confusion, the adoption includes a change to the caption to make its intent and meaning even more clear.

Comments Relating to §1.205. A commenter stated that §1.205(3) is confusing, in its limiting reference to the commissioner being able to take under advisement at the conclusion of a hearing only rules which are adopted under the Government Code, Chapter 2001, and requested clarification. The department points out that the reason such limiting language is present is because the proposed sections relate not only to rules subject to the Government Code, Chapter 2001, but also to rule making proceedings under the Insurance Code, Article 5.96. Article 5.96(c) provides that, at the time of either the meeting or hearing pursuant to which a proposal is considered, action is to be taken on the rule, rating plan, classification plan, statistical plan, etc., for which notice has been provided under the article. The statute thereby contemplates that action is to be taken at the meetings or hearings scheduled for such items, including rules, rather than for the mat-

ter to simply be taken under advisement at the conclusion of the meeting or hearing and acted upon at some later date.

The new sections are adopted pursuant to the Insurance Code, Article 1.03A and Article 1.04C. Article 1.03A authorizes the commissioner of insurance to promulgate and adopt rules and regulations for the conduct and execution of the duties and functions of the department. Article 1.04C requires the commissioner to develop and implement policies that provide the public with a reasonable opportunity to appear before the commissioner and to speak on any issue under the jurisdiction of the commissioner.

The adopted new sections affect regulation pursuant to the following statutes: Articles 5.96 and 5.97.

§1.202. Public Proposals or Petitions for Rule Making.

(a) **Scope of Sections.** The procedures for public petitions for all rule making, including rule making under Government Code, §2001.021, and the Insurance Code, Articles 5.96(b) and 5.97(b), shall be governed by the provisions of these sections to the extent not governed by statute.

(b) **Filing of Petition and Duties of Chief Clerk.** Petitions for rule making from interested persons shall be submitted to the Office of the Chief Clerk. Once the petition has been submitted, the Office of the Chief Clerk will take the actions described in paragraphs (1)-(3) of this subsection, as follows:

(1) assign a reference number to the petition and add it to the list of rule proposals pending before the department;

(2) provide a copy to the appropriate department staff for review and response; and

(3) notify the petitioner of the name, address and telephone number of the staff person reviewing the proposal and designated as contact person for inquiries, as well as the reference number assigned to the petition.

(c) **Staff Response.** The Department staff shall provide its analysis and recommendation on the proposal, through the appropriate associate commissioner, to the commissioner in *Texas Register* form.

(d) **Action by Office of the Chief Clerk.** Unless staff's recommendation is substantively identical to the petitioner's recommendation or the petitioner has agreed to staff's changes, the Chief Clerk's Office shall complete items in paragraphs (1) and (2) of this subsection, as follows:

(1) provide a copy of the recommended proposal in *Texas Register* form to the petitioner, and provide the peti-

tioner ten business days to file a written response to the recommended proposal; and

(2) after the petitioner files a response or the time for filing has expired, provide the commissioner with the original petition, the department staff's proposal in *Texas Register* form, the petitioner's response (if any), and any additional written comments from the public addressing the proposal.

(e) **Commissioner Action.** Action on the petition seeking to initiate a rule making proceeding is in the sole discretion of the commissioner; staff's recommendations are not binding on the commissioner. The commissioner may act on the petition without a hearing. After review and consideration the commissioner shall take one of the actions set out in paragraphs (1)-(3) of this subsection. In all cases, the Office of the Chief Clerk shall provide to the petitioner a copy of the commissioner's order and/or notice of proposed rule filed with the *Texas Register*.

(1) Instruct the Office of the Chief Clerk to submit the proposed rule as recommended by the petitioner to the *Texas Register* for publication.

(2) Instruct the Office of the Chief Clerk to submit the commissioner's proposed rule to the *Texas Register* for publication and issue an order stating the reasons the petition was denied in part if the published version of the rule is substantially different from the petitioner's recommendation.

(3) Issue an order disapproving the petition and stating the reasons for denial. The Office of the Chief Clerk shall inform the petitioner of the right to request that the commissioner reconsider the decision and that the petitioner's request may either be in writing or at the open forum portion of a regularly scheduled commissioner meeting.

§1.203. Publication and Comments on Proposals for Rule Making.

(a) **Submission.** Publication of proposed rules shall request that written comments be filed with the Office of the Chief Clerk, including proposed rules under the Insurance Code, Articles 5.96 and 5.97.

(b) **Incorporation Of Forms By Reference.** Notice of a proposed new rule or amendment to an existing rule under Government Code, Chapter 2001, which includes a new form or a change to an existing form incorporated by reference in the new or existing rule shall:

(1) include the text of the new form or proposed change to the existing form; or

(2) state that the proposal in-

cludes a new form or change to the existing form, accompanied by a description of the new form or change to the existing form sufficiently specific to provide the substantive detail about the new form or change to the existing form.

(c) **Public Comment.** Comments on each published proposal shall be filed with the Office of the Chief Clerk, with an additional copy to the division contact person in the department for the proposal if requested in the *Texas Register* notice.

(d) **Request for Hearing.** Any person may request a hearing on a published rule proposal. Unless the request is withdrawn, the commissioner shall grant the request and hold a hearing.

§1.204. Final Action for Rule Proposals Where a Hearing is Neither Requested nor Required. When there is no request for a hearing and no hearing is required by statute, the commissioner may take final action on a proposed rule by signing an order of adoption without a hearing. Action on the proposed rule is solely within the discretion of the commissioner.

§1.207. List and Copies of Pending Petitions for Rule Proposals. The Office of the Chief Clerk shall maintain a list of public petitions to initiate rule making before the department which have not yet been published for public comment or denied by commissioner's order. The list will be posted in the lobby of the offices of the Texas Department of Insurance in a place accessible to the public. The list of pending rule proposals shall be updated weekly. A copy of each petition for rule making, regardless of whether it relates to rule making under the Government Code, Chapter 2001, or under the Insurance Code, Articles 5.96 or 5.97, shall be marked with the date it was received by the Office of the Chief Clerk, and made available for public inspection during normal business hours in the Office of the Chief Clerk.

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

Issued in Austin, Texas, on September 6, 1994.

TRD-9447648

D. J. Powers
General Counsel and Chief
Clerk
Texas Department of
Insurance

Effective date: September 27, 1994

Proposal publication date: May 31, 1994

For further information, please call: (512) 463-6327

TITLE 30. ENVIRONMENTAL QUALITY

Part I. Texas Natural Resource Conservation Commission

Chapter 312. Sewage Sludge Use, Disposal and Transportation

Subchapter G. Transporters and Temporary Storage Provisions

• 30 TAC §§312.141-312.150

The Texas Natural Resource Conservation Commission adopts new §§312.141, 312.142, 312.144, 312.145, 312.147, and 312.148, with changes and §§312.143, 312.146, and 312.149-312.150, without changes to the proposed text as published in the May 10, 1994, issue of the *Texas Register* (19 TexReg 3558) concerning Sewage Sludge Use and Disposal.

Public comment was solicited and received until June 10, 1994. A public hearing on these rules was held in Harlingen on June 8, 1994.

Over 20 different groups and individuals submitted comments on the proposed rules. These commenters reflected a broad range of interests, representing cities, agriculture, industry, business, water and wastewater treatment operators, and various interest groups. All suggested changes to the proposed rules have been considered and have been incorporated into the rules where appropriate.

Commenters included: Scientific Consulting Laboratories, Inc., Exxon Company, U.S.A.G., American WasteWater Ltd., Texas Chemical Council, Browning-Ferris Industries, CHM Hill, Brown McCarroll & Oak Hartline, Oppenheimer Environmental Company, Bio-Gro System, Texas Municipal League, Tyler Water Utilities, Fort Worth Water Department, El Paso Water Utilities Public Service Board, City of Houston, City of Houston, Gulf Coast Waste Disposal Authority, City of Wichita Falls, Dallas Water Utilities San Antonio Water System, Harris County Pollution Control Department, City of Abilene, City of Amarillo, San Patricio Municipal Water District, Texas Association of Metropolitan Sewerage Agencies, TNRC staff and other interested citizens.

One person commented on §312.141(a) requesting deletion of the word "generating" from the first sentence of this provision. The commenter stated that this subchapter is not applicable to the generator of waste. The commission strongly disagrees as the generator of waste is responsible for the proper disposal of the waste and this includes the transportation of the waste.

One person commented on §312.141(b) requesting the addition of "Class I Industrial Waste" to the second sentence of this provision between "hazardous waste" and "as defined in Chapter 335." The commission agrees with the commenter and the sentence has been changed.

One person commented on §312.141(d) questioned "What sludges are approved for marketing and distribution?". Under Subchapter B of this Chapter, the commission can authorize a permittee to market and distribute sewage sludge to the public. The commission does not want to require a person who receives this sludge to register as a transporter of waste. The sentence has been modified to clarify where the marketing and distribution requirements are located.

One person commented on §312.141 requesting clarification on whether transportation registration will be required when sludge is disposed on-site or on property under the control of the treatment plant operator. The Commission is not requiring a person to register as a transporter if the waste does not leave the property where the waste is generated.

Several individuals commented on §312.142(d) on the term "bi-annually" stating that the commission should use "biennially." The commission agrees with the commenters and the term has been changed.

One person commented on §312.142(f) suggesting the commission change the first sentence in this provision to the following "... within 15 days of the following changes of their operation." The commission agrees with this change and the sentence has been modified.

Several individuals commented on §312.142(j) regarding the authorization stickers. One person suggested that the authorization sticker should not be required to be placed on all containers. The commission agrees with this commenter and has modified this provision and other provisions within this subchapter. The commission will only issue authorization stickers to registered motor transport vehicles. If a vehicle is pulling a trailer or hauling receptacle(s) with waste that is authorized by this subchapter those vehicles will need to be registered with the commission and will be required to have an authorization sticker.

Another person stated that the sticker program should not be required in a city that already has a liquid waste program. The commission strongly disagrees with this commenter, because transporters do not operate only within the city limits of a city.

Another person questioned why the commission is requiring authorization stickers because they were not required in the past transporter rules. The commission is requiring the authorization stickers because in the past a person could register as a transporter and get a registration number and would not register again and continue using the number. By requiring the authorization sticker, the commission staff, the generator of waste, the facility that receives the waste, and other transporters will know that vehicle is authorized to transport the waste.

The commission is also changing the date that it will start issuing the stickers from September 1, 1994 to February 1, 1995 in order to give the transporters time to apply for the stickers.

One person questioned §312.144(a) as to why a city would be required to put a telephone number on the transport vehicle. The purpose of the telephone number is so the public will have a number to contact the transporter.

One person commented on §312.144(a)(4)(A), regarding the requirement of requiring the registration number to be a minimum of three inches in height more stringent than necessary. The commission agrees and has modified the provision to read, "The registration number shall be a minimum of two inches in height, in block numbers permanently affixed. The registration number must be clearly visible at a distance of 50 feet."

One person suggested that the commission modify §312.144(c) to include "and/or products" to the mixing of incompatible waste. The commenter stated "it has occurred on several occasions that a transporter has hauled a product and then hauled wastes in the same vehicle without proper cleaning thinking that the container does not need to be cleaned since the next load is going to be a waste." The commission believes this is already addressed in §312.144(c).

Several comments were received on §312.144(d), regarding the requirement of installing site gauges on all closed vehicles. Commenters stated that site gauges do not work properly when the transporters haul grease and oil. The commission agrees with the commenters and has added a sentence to this provision which states "An alternate method to measure actual volumes may be utilized with prior written approval from the Executive Director."

One person commented on §312.145(a), stated that the requirements for the trip tickets are clearly defined within this section and getting approval from the executive director is unnecessary. The commission agrees with this commenter, but the executive director approval is intended for the transporter who hauls the same waste from the same facility to the same disposal facility every day. This subsection has been clarified to indicate that only similar documentation needs written approval from the executive director.

Another person also questions, "Will a city transporting sludge to a beneficial use site be required to issue a trip ticket from every load?" Yes, but as stated above, the city could request approval from the executive director for a different form of documentation.

One person commented on §312.145(a)(2) that the commission should require the signature of the generator of the waste. The commission agrees with this commenter and the signature of the generator has been added to the subsection.

Several individuals commented on the §312.145(b) regarding the order of the trip tickets. The commission is not concerned with what order the five part trip tickets are in, as long as all parties get a copy and the copies clearly show the required information. The commission has modified this subsection taking out the order of each part of the trip ticket.

Several individuals commented that the volume of the grease or grit trap and the volume of the septic tank should be included on the trip ticket. The commission agrees with this comment and has added §312.145(a)(8) which will require the volume of the grease or grit trap and the volume of the septic tank to be added to the trip ticket.

One person commented on §312.145(b)(1)(E) wanting to know the meaning of "within 15 days." The commission reviewed this and has clarified the subsection to read "within 15 days after the waste is received at the disposal or processing facility."

Two individuals commented on §312.145(b)(4), regarding the submission of the annual summary report to the commission, by June 15 of each year. One is requesting that the report be on the same reporting period as the annual sludge report in the wastewater discharge permit. The commission disagrees with this because the sludge report period in wastewater permits are not the same in all permits.

The other commenter wanted to move the reporting due date to June 30 stating that 15 days is not enough time to get the report filed with the commission. The commission agrees that 15 days is a short period of time to report the information to the commission if the transporter has not maintained adequate records. The commission believes that if records are adequately maintained that 15 days is sufficient time to submit the report.

Several individuals commented on §312.145(c) regarding discrepancies on the trip tickets. The commenters believe responsibilities of the discrepancies should not be placed on the facility which receives the waste. The commission agrees with the commenters that the total burden should not fall on the owner/operator and the subsection has been modified to put most of the responsibility on the transporter to reconcile any discrepancies.

Two individuals commented on modifying §312.145(d) to allow the receiving facility to turn back a load with improperly prepared trip tickets or from an unregistered transporter. The commission rules do not require a facility to take waste from an unregistered transporter or improperly documented trip tickets, but does encourage the facility to take this waste if it can be properly treated or disposed of at the facility.

Two individuals commented on deleting §312.147(b)(2), the subsection on prohibiting the use of lagoon and/or in-ground storage tanks. The commenters stated that during bad weather they should be able to store the waste in lagoons. The commission totally disagrees with these commenters. The use of a lagoon on a temporary basis could cause odor problems, may contaminate groundwater if the liner is not properly maintained, and the commission believes that a permit should be required for this type of unit and not a transporter registration.

One person commented on §312.147(b), that the fixed temporary storage facility guideline should include some minimum protective

mechanisms to control routine minor and potential major spillage. The commission agrees with this commenter that protective mechanisms should be at all temporary storage sites and this will be an essential part of all agency reviews for temporary storage.

One person commented on §312.148 recommending that the language be modified slightly to tighten the definition of registered or permitted to specify TNRCC registered or permitted as a Type V transfer station. The commission agrees with this comment and has changed the section.

The new sections are adopted under the Texas Water Code (Vernon 1992), §5.103, which provides the TNRCC with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state.

Additionally, these sections are adopted pursuant to the Texas Solid Waste Disposal Act (the Act), Texas Health and Safety Code, Chapter 361 (Vernon 1992), §361.011 and §361.024, which provide the TNRCC with the authority to regulate municipal solid waste and adopt rules consistent with the general intent and purposes of the Act.

§312.141. Transporters—Applicability and Responsibility.

(a) Rules contained in this subchapter establish standards applicable to persons, including municipalities, state and federal agencies, collecting, generating and/or transporting sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste. This chapter also establishes standards applicable to persons and facilities who receive waste from transporters regulated under this subchapter. Methods of transportation shall include measures utilizing roadway, rail, and water

(b) Transporters of waste subject to control under this subchapter shall only transport the waste types specified in subsection (a) of this section. Each transporter shall take reasonable precautions to ensure that waste handled in accordance with rules contained in this subchapter is not hazardous waste, as defined in Chapter 335 of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste).

(c) The processing of wastes is not authorized under this subchapter, except for domestic septage under §312.144(e) of this title (relating to Transporters—Vehicle and Equipment).

(d) These rules are not applicable to persons transporting sewage sludge that meets the metal concentration limits in §312.43(b)(3), (Table 3) of this title (relating to Metal Limits), the requirements in §312.82(a) of this title (relating to Pathogen Reduction), and one of the requirements in §312.83(b)(1)-(8) of this title (relating to Vector Attraction Reduction) and has been

approved for marketing and distribution as authorized in Subchapter B of this chapter (relating to Land Application for the Beneficial Use).

§312.142. Transporter Registration.

(a) Persons who plan to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste regulated under this subchapter shall apply for registration with the commission on forms furnished by the executive director and receive a registration from the executive director prior to commencing operations.

(b) Failure to submit a complete and accurate application or other information requested by the executive director will result in the return of the application to the applicant. Applications for transportation registrations shall include:

(1) a complete application form(s), signed and notarized, and appropriate copies provided,

(2) the verified legal status of the applicant(s);

(3) the signature of the applicant(s), checked against agency requirements, in accordance with §305.44 of this title (relating to Signatories to Applications),

(4) the attachment of technical reports and supporting data required by the application; and

(5) any other information as the executive director or the commission may reasonably require.

(c) Persons who apply to the commission for registration and receive a registration shall maintain a copy of the registration authorization, as annotated by the executive director with an assigned registration number, at their designated place of business and in each vehicle operated under that registration. This registration shall be produced and shown to the operator of the facility receiving the waste at the time of delivery

(d) The expiration date of the registration shall be August 31 of the year in which it expires. Registrations are required to be renewed biennially prior to the expiration date. Application for renewal shall be submitted by June 15 of the year in which the registration expires. Any registrant shall notify the executive director in writing within 15 days of cessation of operation and request that the registration be cancelled, and request all forms and reports needed to report waste hauled during the period of registration.

(e) A new registration application is required to be submitted within 15 days of

the following, whereupon the old registration number will be voided and the old registration cancelled:

(1) change in ownership of the operating entity; or

(2) determination by the executive director that operations or management methods are no longer adequately described by the existing registration; or

(3) failure of the registrant to submit an annual summary report.

(f) Transporters shall notify the executive director, by letter, within 15 days of the following changes of their operation:

(1) the office or place of business is moved or its address or telephone number changes;

(2) the name of the operating entity is changed; or

(3) a transporter plans to handle a waste not included in the existing registration.

(g) The commission may revoke or void a registration for cause as provided in §312.150 of this title (relating to Penalties). An opportunity for a formal hearing on the revocation may be requested by the registrant within 20 days after a Notice of Revocation has been sent from the executive director to the last known address of the registrant. If the registration is revoked or voided, a transporter shall not continue to transport the wastes regulated under this subchapter.

(h) An applicant owing delinquent fees or an applicant who has failed to submit required reports will not be eligible to renew their registration to transport waste until all fees and reports are submitted and accepted by the executive director.

(i) A registrant failing to submit the annual summary report by the date due is subject to payment of the maximum fees specified in §312.9(c) of this title (relating to Sludge Fee Program)

(j) The commission will issue, beginning February 1, 1995, authorization stickers for all registered motor transport vehicles. The commission will charge a fee of ten dollars per motor transport vehicle

§312.144 *Transporters-Vehicle and Equipment*

(a) Marking and identification Owners or operators of specially equipped vacuum pump trucks, tanks, or containers used for the collection and/or over-the-road transportation of wastes regulated under this subchapter shall prominently mark such trucks, tanks, or containers to show the following:

(1) company name,

(2) telephone number;

(3) authorization stickers (motor vehicles only); and

(4) the commission assigned registration number on both sides of the vehicles or receptacle.

(A) The registration number shall be a minimum of two inches in height, in block numbers permanently affixed. The registration number must be clearly visible at a distance of 50 feet.

(B) The company name and phone number, authorization stickers, and the registration number shall be removed from the trucks, tanks, or containers, by the registrant, when it is no longer authorized by the commission or leaves the control of the person(s) holding the registration.

(b) Sanitation standards. All vehicles and equipment used for the collection and transportation of the wastes regulated under this subchapter shall be constructed, operated, and maintained to prevent loss of liquid or solid waste materials and to prevent health nuisance and safety hazards to operating personnel and the public. Collection vehicles and equipment shall be maintained in a sanitary condition to preclude nuisance conditions such as odors and insect breeding

(c) Mixing of incompatible wastes. Mixing of incompatible wastes within the same container is prohibited. Transporters shall not use the same container or pumping equipment to collect or transport incompatible waste without first emptying and cleaning the container and equipment of all previously handled wastes. For purposes of this subsection, incompatible waste are wastes which have different processing, storage, or disposal requirements. However, transporters may mix wastes with different characteristics provided the facility to which the waste is being transported is authorized to store, process, or dispose of such mixed wastes

(d) Site gauges All closed vehicles, tanks, or containers used to transport liquid wastes regulated by this subchapter shall have sight gauges maintained in a manner which can be used to determine whether or not a vehicle is loaded and the approximate capacity. Gauges are not required to read in gallons or liters, but shall show what percentage of the tank capacity is filled. An alternate method to measure actual volumes may be utilized with prior written approval from the Executive Director

(e) Septage transport If the vehicles, tanks, or containers are used to transport domestic septage to a beneficial use site, the registrant shall keep records showing how the domestic septage met the

pathogen and vector attraction reduction requirements listed in §312.82(c) of this title (relating to Pathogen Reduction) and §312.83 of this title (relating to Vector Attraction Reduction). Copies of records pertaining to the pathogen and vector attraction reduction requirements shall be maintained on the vehicles for a minimum of one month and at the beneficial use site and transporter office for a minimum of five years.

(f) Discharge valves. All closed vehicles, tanks, or containers used to transport liquid wastes regulated by this subchapter shall prominently mark all discharge valves and ports. All discharge ports shall be visible and readily accessible.

(g) Inspection. All transport vehicles shall include, but are not limited to, trucks, portable tanks, trailers, barges, or similar transport vehicles/receptacles and are subject to inspection by commission staff authorized by the executive director. If a transport vehicle fails the inspection, the authorization sticker and the commission assigned registration number are to be removed from the vehicle and that vehicle is not authorized to transport waste until the vehicle is reinspected and passes.

§312.145. *Transporters-Record Keeping.*

(a) Trip tickets. Persons who collect and transport waste subject to control under this subchapter shall maintain a record of each individual collection and deposit. Such records shall be in the form of a trip ticket. Similar documentation may be used with written approval by the executive director. The trip ticket shall include:

(1) name, address, telephone, and commission registration number of transporter,

(2) name, signature, address, and phone number of the person who generated the waste and the date collected;

(3) type and amount(s) of waste collected or transported,

(4) name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;

(5) date and place where the waste was deposited,

(6) identification (permit or site registration number, location, and operator) of the facility where the waste was deposited, and

(7) name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received,

(8) the volume of the grease and grit trap or the septic tank

(b) Maintenance of records and reporting.

(1) Trip tickets. Trip tickets shall be divided into five parts and records of trip tickets shall be maintained as follows.

(A) One part of the trip ticket shall have the generator and transporter information completed and be given to the generator at the time of waste pickup.

(B) The remaining four parts of the trip ticket shall have all required information completely filled out and signed by the appropriate party before distribution of the trip ticket.

(C) One part of the trip ticket shall go to the receiving facility.

(D) One part shall go to the transporter, who shall retain a copy of all trip tickets showing the collection and disposition of waste.

(E) One copy of the trip ticket shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.

(F) One part of the trip ticket shall go to the local authority, if needed.

(2) Copies. Copies of trip tickets shall be retained for five years and be readily available for review by commission's staff or be submitted to the executive director upon request.

(3) Rail or barge transport. Persons who transport waste via rail, or barge may use an alternate record keeping system if approved by the executive director.

(4) Submission of reports. By June 15th, transporters shall submit to the executive director an annual summary of their activities for the previous period of June 1 through May 31, showing the following:

(A) amounts and types of waste collected;

(B) disposition of such wastes; and

(C) amounts and types of waste delivered to each facility.

(c) Discrepancies. A facility which receives waste must note any significant discrepancies on each copy of the trip ticket.

(1) Trip ticket discrepancies are differences between the quantity or type of waste designated on the trip ticket, and the quantity or type of waste a facility actually received. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis. Significant discrepancies in quantity are:

(A) for bulk weight, variations greater than 10% in weight; and

(B) for liquid waste, any variation greater than 15% in gallons.

(2) Upon discovering a significant discrepancy, the transporter must attempt to reconcile the discrepancy with the waste generator or owner or operator of the receiving facility (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after delivering the waste, the transporter must immediately submit to the executive director a letter describing the discrepancy and attempts to reconcile it, and a copy of the trip ticket.

(d) Notification. A facility which receives waste from a transporter who cannot produce a registration acknowledgement pursuant to §312.142(c) of this title (relating to Transporter Registration) shall notify the appropriate Regional Office of the TNRCC within three days of the waste receipt of the transporters failure to produce a current registration authorization.

(e) Local ordinances. Where local ordinances require controls and records substantially equivalent to or more stringent than the requirements of subsection (a) of this section, transporters may use such controls and records to satisfy the commission's requirement under this section.

§312.147. Temporary Storage.

(a) Transporters who store waste in a mobile closed container (container on wheels), shall not store the waste for more than four days.

(b) Transporters who temporarily store waste at a fixed or permanent site shall obtain approval in writing from the executive director prior to engaging in such activities. The storage site shall comply with the following standards.

(1) The temporary storage of waste shall not exceed 30 days.

(2) The use of lagoons and/or in-ground storage tanks are not authorized under the provision of this section

(3) If the waste is not stored in a closed vessel, the location of the storage site shall meet the buffer zone requirement in §312.44(d) of this title (relating to Management Practices).

(4) The storage of waste shall not cause or contribute to the harm of a threatened or endangered species of plant, fish, or wildlife or result in the destruction or adverse modification of the critical habitat of a threatened or endangered species.

(5) The waste shall be stored by a method and under conditions that prevent runoff and protect the quality of the surface water and groundwater.

(6) The storage site shall not be located on land within a designated base flood zone (100-year floodplain).

(7) A storage site location shall be selected and the site operated in a manner to prevent public health nuisances. Where nuisance conditions exist, the operator shall take necessary action to abate such nuisances.

§312.148. Secondary Transportation of Waste. Persons who engage in the secondary transportation of waste (meaning receiving waste from other transporters and transporting the waste to a disposal, beneficial use, or processing site) shall transfer the waste at a commission's registered or permitted Type V transfer stations only.

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

Issued in Austin, Texas, on September 6, 1994.

TRD-9447689

Mary Ruth Holder
Director, Legal Division
Texas Natural Resource
Conservation
Commission

Effective date: September 28, 1994

Proposal publication date: May 10, 1994

For further information, please call: (512) 463-8069

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 29. Purchased Health Services

The Texas Department of Human Services (DHS) adopts the repeal of §§29 201-29.207, and the repeal of §§29 2301-29 2306 without changes to the proposed text as published in the July 15, 1994, issue of the *Texas Register* (19 TexReg 5457)

The justification for the repeals is for the department to have a rulebase free of obsolete rules

The repeals will function by deleting rules from DHS's rulebase, because the sections are now administered by the Texas Department of Mental Health and Mental Retardation. Also in this issue of the Texas Register, DHS is adopting similar repeals in Chapter 31, Case Management Services, concerning case management for individuals with mental retardation or related condition and for persons with chronic mental illness, and in Chapter 48, Community Care for Aged and Disabled, concerning home and community-based services and 1915(c) Medicaid home and community-based waiver services for persons with mental retardation and/or related conditions requiring alternatives to nursing facility placement.

Subchapter C. Rehabilitative Services for Persons with Mental Illness

• 40 TAC §§29.201-29.207

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413(502), §16, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement §§22.001-22.024 and 32.001-32.040 of the Human Resources Code.

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

Issued in Austin, Texas, on September 2, 1994.

TRD-9447565 Nancy Murphy
Section Manager, Media
and Policy Services
Texas Department of
Human Services

Effective date: September 23, 1994

Proposal publication date: July 15, 1994

For further information, please call: (512) 450-3765

Subchapter X. Diagnostic Services for Persons with Potential of Mental Retardation

• 40 TAC §§29.2301-29.2306

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

The repeals implement §§22.001-22.024 and 32.001-32.040 of the Human Resources Code.

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

Issued in Austin, Texas, on September 2, 1994.

TRD-9447564 Nancy Murphy
Section Manager, Media
and Policy Services
Texas Department of
Human Services

Effective date: September 23, 1994

Proposal publication date: July 15, 1994

For further information, please call: (512) 450-3765

Chapter 31. Case Management Services

The Texas Department of Human Services (DHS) adopts the repeal of §§31. 1, 31.3, 31.5, 31.7, 31.9, 31.11, and 31.13, and the repeal of §§31.201-31. 205, without changes to the proposed text as published in the July 15, 1994, issue of the *Texas Register* (19 TexReg 5458).

The justification for the repeals is for the department to have a rulebase free of obsolete rules.

The repeals will function by deleting rules from DHS's rulebase, because the sections are now administered by the Texas Department of Mental Health and Mental Retardation. Also in this issue of the *Texas Register*, DHS is adopting similar repeals in Chapter 29, Purchased Health Services, concerning rehabilitative services for persons with mental illness and diagnostic services for persons with potential of mental retardation, and in Chapter 48, Community Care for Aged and Disabled, concerning home and community-based services and 1915(c) Medicaid home and community-based waiver services for persons with mental retardation and/or related conditions requiring alternatives to nursing facility placement.

Subchapter A. Program Requirements

• 40 TAC §§31.1, 31.3, 31.5, 31.7, 31.9, 31.11, 31.13

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement §§22.001-22.024 and 32.001-32.040 of the Human Resources Code.

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

Issued in Austin, Texas, on September 2, 1994.

TRD-9447563 Nancy Murphy
Section Manager, Media
and Policy Services
Texas Department of
Human Services

Effective date: September 23, 1994

Proposal publication date: July 15, 1994

For further information, please call: (512) 450-3765

Subchapter C. Case Management for Persons with Chronic Mental Illness

• 40 TAC §§31.201-31.205

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

The repeals implement §§22.001-22.024 and 32.001-32.040 of the Human Resources Code.

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

Issued in Austin, Texas, on September 2, 1994.

TRD-9447562 Nancy Murphy
Section Manager, Media
and Policy Services
Texas Department of
Human Services

Effective date: September 23, 1994

Proposal publication date: July 15, 1994

For further information, please call: (512) 450-3765

Chapter 48. Community Care for Aged and Disabled

The Texas Department of Human Services (DHS) adopts the repeal of §§48. 2201-48.2217, the repeal of §§48.2401-48.2416, and the repeal of §48.9802 without changes to the proposed text as published in the July 15, 1994, issue of the *Texas Register* (19 TexReg 5458).

The justification for the repeals is for the department to have a rulebase free of obsolete rules.

The repeals will function by deleting rules from DHS's rulebase, because the sections are now administered by the Texas Department of Mental Health and Mental Retardation. Also in this issue of the *Texas Register*, DHS is adopting similar repeals in Chapter 29, Purchased Health Services, concerning rehabilitative services for persons with mental illness and diagnostic services for persons with potential of mental retardation, and in Chapter 31, Case Management Services, concerning case management for individuals with mental retardation or related condition and case management for persons with chronic mental illness.

Home and Community-based Services

• 40 TAC §§48.2201-48.2217

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and

32, which authorizes the department to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement §§22.001-22.024 and 32.001-32.040 of the Human Resources Code.

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

Issued in Austin, Texas, on September 2, 1994.

TRD-9447561 Nancy Murphy
Section Manager, Media
and Policy Services
Texas Department of
Human Services

Effective date: September 23, 1994

Proposal publication date: July 15, 1994

For further information, please call: (512) 450-3765



1915(c) Medicaid Home and Community-based Waiver Services for Persons with Mental Retardation and/or Related Conditions Requiring Alternatives to Nursing Facility Placement

• 40 TAC §§48.2401-48.2416

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeals implement §§22.001-22.024 and 32.001-32.040 of the Human Resources Code.

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

Issued in Austin, Texas, on September 2, 1994.

TRD-9447560 Nancy Murphy
Section Manager, Media
and Policy Services
Texas Department of
Human Services

Effective date: September 23, 1994

Proposal publication date: July 15, 1994

For further information, please call: (512) 450-3765



Support Documents

• 40 TAC §48.9802

The repeal is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The repeal implements §§22.001-22.024 and 32.001-32.040 of the Human Resources Code.

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

Issued in Austin, Texas, on September 2, 1994.


TRD-9447559 Nancy Murphy
Section Manager, Media
and Policy Services
Texas Department of
Human Services

Effective date: September 23, 1994

Proposal publication date: July 15, 1994

For further information, please call: (512) 450-3765





Name: Yadira Mendoza
Grade: 11
School: San Diego High, San Diego 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 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 an 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

Thursday, September 15, 1994, 7:00 p.m.

210 South Rusk

Wharton

Upper Coastal Bend Cotton Pest Management Committee

AGENDA:

Report of 1993 program; policy and regulation changes for 1994; progress of 1994 Destruction Program; committee member area reports; Committee recommendations for Destruction Program, closing comments. All above is in reference to the Cotton Stalk Destruction Program of the Texas Department of Agriculture.

Contact: Rick Smathers, 1700 Congress Avenue, Ninth Floor, Austin, Texas 78701, (512) 305-8946

Filed: September 7, 1994, 9:30 a.m.

TRD-9447679

Texas Commission on Alcohol and Drug Abuse

Thursday, September 15, 1994, 9:00 a.m.

1610 Avenue H, Sam Houston State University, Criminal Justice Center, Texas Room

Huntsville

Criminal Justice Issues Committee

AGENDA:

Call to order, approval of minutes, client selection; update on In-Prison Therapeutic Community; brief synopsis of new facilities; utilization of 1,000 bed substance abuse felony punishment facilities; Management Information System; client status update, Criminal Justice Peer Intern; annual report issues, Level 4 status; new business, and adjourn.

Contact: Ted Sellers, 710 Brazos, Suite 609, Austin, Texas 78701, (512) 867-8132.

Filed: September 7, 1994, 2:57 p.m.

TRD-9447731

Texas Department of Banking

Thursday, September 15, 1994, 1:30 p.m.

2601 North Lamar Boulevard

Austin

Prepaid Funeral Guaranty Fund Advisory Council

AGENDA:

I Review and approval of minutes of previous meeting

II Review and discussion of claim paid against the Fund

III Discussion and possible vote to transfer the Fund from the State Treasury

IV Discussion and review of the status of the Fund

V Discussion of recent seizures and bid proposal process

VI Discussion of candidates for 1995-1996 industry member

Contact: Stephanie Newberg, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1280.

Filed: September 6, 1994, 2:36 p.m.

TRD-9447639

Texas Child Care Development Board

Thursday, September 15, 1994, 10:00 a.m.

Sam Houston State Office Building, Room 710, 201 East 14th Street

Austin

AGENDA:

Welcome and introductory remarks Approval of minutes Discussion of enrollment policy for children of non-state employees. Draft letter for Center parents from CCDB Discussion of interagency contract with the Office of the Attorney General. Report on state child care initiatives Report on Capitol Complex Center Adjourn

Contact: Alice Embree, P.O. Box 12017, Austin, Texas 78711-2017, (512) 463-2181

Filed: September 7, 1994, 1:29 p.m.

TRD-9447714

Texas Commission on Children and Youth

Thursday, September 8, 1994, 7:30 p.m.

1400 Congress Avenue, Capitol Extension, Room E2.018

Austin

Juvenile Justice Work Group Meeting

Emergency Meeting

AGENDA:

Work group meeting.

Reason for emergency: Unexpected need to meet to discuss recommendations prior to the full Commission meeting on Friday, September 9.

Contact: Paul Donnelly, P.O. Box 13106, Austin, Texas 78711, (512) 305-9056.

Filed: September 6, 1994, 2:36 p.m.

TRD-9447641

Coastal Coordination Council

Friday, September 16, 1994, 10:00 a.m.

State Capitol, Senate Chambers, 11th Street at Congress Avenue

Austin

AGENDA:

- I. Call to order and opening remarks
- II. Approval of minutes of the June 28, 1994, meeting
- III. Adoption of Council CMP Rules
- IV. Council discussion of post-adoption schedule (establish Council work group on rule certification thresholds and set schedule)
- V. Approval of memorandum of agreement with the United States Army Corps of Engineers
- VI. Proposed amendment to CMP Boundary Rule Chapter 503, deletion of Liberty County from the CMP Boundary as a non-coastal county
- VII. Status report on GLO contract with Texas A&M for additional agricultural cost-benefit information
- VIII. Status report on brown tide
- IX. Public comment period
- X. Adjournment

Contact: Susan Slocum, 1700 North Congress Avenue, Room 617, Austin, Texas 78701, (512) 463-5385.

Filed: September 8, 1994, 9:40 a.m.

TRD-9447762

Texas Department of Commerce

Thursday, September 15, 1994, 2:00 p.m.

Stephen F. Austin Building, 1700 Congress Avenue, Room 1131

Austin

Texas Mexico Authority and International Trade Commission

AGENDA:

2:00 p.m.—Call to order; adoption of the minutes from the joint meeting of the Texas Mexico Authority and the International Trade Commission on June 6, 1994; report on Intermodal System Transportation Efficiency Act enhancement program; update on sister-state relationship with Shandong Province; report on foreign office operations; discussion of International Trade Commission legislative report; and adjourn.

Contact: Richard Hall, 1700 Congress Avenue, Austin, Texas 78701, (512) 936-0190.

Filed: September 7, 1994, 4:30 p.m.

TRD-9447752

Texas Department of Criminal Justice

Wednesday, September 14, 1994, 3:00 p.m.

Sam Houston State University, Texas Room, Criminal Justice Center

Huntsville

Board of Criminal Justice, Parole Committee

AGENDA:

I. Parole division reorganization; II. Summary of division activities.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: September 6, 1994, 2:34 p.m.

TRD-9447636

Wednesday, September 14, 1994, 3:30 p.m.

Sam Houston State University, Room A1-111, Criminal Justice Center

Huntsville

Board of Criminal Justice, Prison Names Subcommittee

AGENDA:

Consideration and formulation of recommendations for facility names.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: September 6, 1994, 2:35 p.m.

TRD-9447637

Wednesday, September 14, 1994, 4:00 p.m.

Sam Houston State University, Room A1-111, Criminal Justice Center

Huntsville

Board of Criminal Justice, Administration Committee

AGENDA:

Review of agency audits.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: September 6, 1994, 2:34 p.m.

TRD-9446834

Wednesday, September 14, 1994, 4:00 p.m.

Sam Houston State University, Texas Room, Criminal Justice Center

Huntsville

Board of Criminal Justice, Facilities Committee

AGENDA:

I. Authorization for construction/remodeling: a. construction industry building—Wallace Unit, b. renovate meat processing plant—Michael Unit, c. additional parking lot for Transportation—Wynne Unit; II. State Jail Program.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: September 6, 1994, 2:34 p.m.

TRD-9447635

Thursday, September 15, 1994, 8:00 a.m.

Sam Houston State University, Texas Room, Criminal Justice Center

Board of Criminal Justice, Minority Relations Committee

AGENDA:

Huntsville

I. Promotion and hiring procedures, II. Institutional Division, III. Parole Division, IV. Agency purchasing procedures, V. Construction and architect/engineer selection procedures, VI. Other items

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: September 7, 1994, 2:16 p.m.

TRD-9447727 <om>Thursday, September 15, 1994, 9:00 a.m.

Sam Houston State University, Texas
Room, Criminal Justice Center

Huntsville

Board of Criminal Justice, Substance Abuse
Committee

AGENDA:

I. Call to order, II. Approval of minutes, III. Client selection: FI-5 and FI-6 update, IV. Update on in-prison therapeutic community special needs, V. Brief synopsis on new facilities, VI. Management Information System, VII. Criminal Justice peer intern, VIII. Annual report issues, IX. Level 4 status, X. New business, XI. Adjourn.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: September 7, 1994, 2:16 p.m.

TRD-9447726

Thursday, September 15, 1994, 10:00
a.m.

Sam Houston State University, Criminal
Justice Center

Huntsville

AGENDA:

Board of Criminal Justice, Task Force on
Recidivism, Steering Committee

I. Opening comments; II. Division directors
working groups activities report; III. As-
sessment/evaluation report to the Steering
Committee

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: September 7, 1994, 3:15 p.m.

TRD-9447732

Thursday, September 15, 1994, 1:00 p.m.

Sam Houston State University, Lower Au-
ditorium, Criminal Justice Center

Huntsville

Board of Criminal Justice, Windham School
Committee

AGENDA:

I. Introduction of new staff, II. Update of
WSS Performance Review, III. Discussion
of Windham recommendations for Recidi-
vism Task Force, IV. Discussion of WSS
Advisory Committee, V. Windham State
Jail Plan, VI. Administrative update.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: September 7, 1994, 2:16 p.m.

TRD-9447725

Thursday, September 15, 1994, 2:00 p.m.

Sam Houston State University, Lower Au-
ditorium, Criminal Justice Center

Huntsville

Board of Criminal Justice, Windham Board
of Trustees

AGENDA:

A. Introduction of staff; B. Consent items

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: September 7, 1994, 2:56 p.m.

TRD-9447730

Thursday, September 15, 1994, 2:30 p.m.

Sam Houston State University, Texas
Room, Criminal Justice Center

Huntsville

Board of Criminal Justice

AGENDA:

Executive session: A. Discussion with attor-
neys concerning agency litigation; B. Dis-
cussion of the impact of Dillard v. Harris
County, prevailing wage litigation, em-
ployee First Amendment Rights and other
matters made confidential under State Bar
Disciplinary Rules of Professional Conduct.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: September 7, 1994, 2:56 p.m.

TRD-9447729

◆ ◆ ◆
**Texas State Board of Exam-
iners of Dietitians**

Friday, September 16, 1994, 10:00 a.m.

Wyndham Warwick, 5701 Main Street

Houston

Finance Committee

AGENDA:

The committee will discuss and possibly act
on: fiscal year 1995 budget; remittance pro-
cessing problems; and telephone service
problems.

Contact: Becky Berryhill, 1100 West 49th
Street, Austin, Texas 78756, (512) 834-6601. For ADA assistance, contact
Richard Butler at (512) 458-6410 or T.D.D.
(512) 458-7708 at least two days prior to
the meeting.

Filed: September 7, 1994, 10:57 a.m.

TRD-9447706

◆ ◆ ◆
Texas Education Agency

Thursday, September 15, 1994, 9:00 a.m.

Room 2.122, Joe C. Thompson Center, 26th
and Red River

Austin

Public Committee on Public Education

AGENDA:

1. Call to order

2. Old business

Review of minutes from May meeting

Information Task Force (ITF) recommenda-
tions to the Policy Committee

Proposals for new collections-personnel in-
formation

Staff date of birth

Staff last legal name

Policy Committee discussion and recom-
mendations

3. New business

Open forum

Report on ITF activities: issues and recom-
mendations concerning agency information
collections

Policy Committee discussion and recom-
mendations

Update on agency information initia-
tives/activities

Contact: Criss Cloudt, 1701 North Con-
gress Avenue, Austin, Texas 78701, (512)
463-9701.

Filed: September 6, 1994, 4:25 p.m.

TRD-9447663

Thursday-Friday, September 15-16, 1994,
9:00 a.m. and 8:30 a.m. respectively.

William B. Travis Building, Room 1-110,
1701 North Congress Avenue

Austin

Commission on Standards for the Teaching
Profession

AGENDA:

Thursday, September 15, 1994, 9:00
a.m.-opening activities: roll call, adoption
of agenda, approval of minutes for July 28,
1994 meeting, introductions. 9:15 a.m.-Dis-
cussion items: Council of Deans' Entity
Rating Proposal, Educator Excellence Indi-
cator System, Administrator Assessment
Proposal. 12:00 p.m.-Lunch break. 1:00
p.m.-Group sessions: Teacher Education
Conference Planning Group, Program Re-
view/Requests Group, Certification Reengi-
neering Group, Accountability System
Group. 2:30 p.m. -Action items: Recom-
mendations from groups. 5:00 p.m.-Sum-
mary, suggestions for follow-up (items for
October 27 agenda) and adjourn. Friday,
September 16, 1994, 8:30 a.m.-Tenet ori-
entation. 9:00 a.m.-Information update: SBOE
report. 10:00 a.m.-Strategic planning: EEIS
Prototype, Certification Reengineering,
agenda for October 27 meeting. 2:30
p.m.-Summary and adjourn.

Contact: Delia Quintanilla, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337

Filed: September 6, 1994, 4:11 p.m.

TRD-9447659

Monday-Tuesday, September 19-20, 1994, 8:30 a.m. and 8:00 a.m. respectively.

The Radisson Hotel on Town Lake, Trinity Room, 111 Cesar Chaves Street

Austin

Committee on Teacher Appraisal

AGENDA:

The Advisory Committee on Teacher Appraisal will meet in closed session to consider contract proposals regarding the development of an appraisal system for Texas teachers. These proposals contain proprietary information. The committee will review and discuss the proposals submitted and make a recommendation to the commissioner of education on a contract award.

Contact: Dr. Nolan Wood, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525

Filed: September 6, 1994, 4:10 p.m.

TRD-9447658

◆ ◆ ◆
Finance Commission of Texas

Friday, September 16, 1994, 8:30 a.m.

Finance Commission Building, 2601 North Lamar Boulevard, Third Floor

Austin

Review Committee

AGENDA:

I. Review and discussion of current structure and organization of Finance Commission agencies, of previous studies, and of any other information deemed necessary to making a recommendation to the full Finance Commission on consolidation of Finance Commission agencies.

II. Discussion and possible vote of recommendation to the full Finance Commission regarding the consolidation of the Finance Commission agencies.

Contact: Everette D. Jobe, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1300

Filed: September 6, 1994, 2:36 p.m.

TRD-9447640

Texas Department of Health

Friday, September 16, 1994, 1:30 p.m.

Room G-107, 1100 West 49th Street

Austin

Hospital Data Advisory Committee

AGENDA:

The committee will discuss approval of the minutes from the previous meeting and discuss and possibly act on: annual statement of community benefits reporting form and accompanying worksheets; collection of chemical dependency data; and next meeting date.

Contact: Ann Henry, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. For ADA assistance, call Richard Butler (512) 458-6410 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: September 7, 1994, 10:58 a.m.

TRD-9447707

Monday, September 19, 1994, 10:00 a.m.

Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

HIV/AIDS Interagency Coordinating Council

AGENDA:

The council will discuss approval of the minutes from the July 25 meeting, and discuss and possibly act on: overview of council meeting format; and recommendations to be included in the annual report to the governor and legislature.

Contact: Linda Moore, 1100 West 49th Street, Austin, Texas 78756, (512) 458-6403. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: September 7, 1994, 10:57 a.m.

TRD-9447704

Tuesday, September 20, 1994, 9:00 a.m.

Room M-739, 1100 West 49th Street

Austin

Trauma Technical Advisory Committee

AGENDA:

The committee will discuss approval of the minutes from the previous meeting; and discuss and possibly act on: recognitions; Texas Department of Health report; Trauma Program report; Trauma Registry report; Trauma Technical Advisory Committee Liaison reports; regional advisory council reports; proposed trauma rule amendment comments (discussion); and recommendation

of adoption to the Board of Health; and open forum report (discussion; public comment; and recommendations/resolutions).

Contact: Kathy Perkins, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6700. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: September 7, 1994, 4:33 p.m.

TRD-9447756

Monday, September 26, 1994, 10:00 a.m.

Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Hospital Licensing Advisory Council

AGENDA:

The council will discuss approval of the minutes from the previous meetings, and discuss and possibly act on proposed hospital licensing rules.

Contact: Nance Stearman, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6650. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: September 7, 1994, 10:57 a.m.

TRD-9447705

◆ ◆ ◆
Texas Department of Human Services

Thursday, September 15, 1994, 9:00 a.m.

8407 Wall Street, Room N-301

Austin

Advisory Committee for Personal Care Facilities Sub-Committee

AGENDA:

According to the agenda, the Sub-Committee Advisory Committee for Personal Care Facilities will hear possible alternatives to the construction requirements; and announce the next sub-committee meeting.

Contact: Barbara Crenwelge, Mail Code Y-976, P.O. Box 149030, Austin, Texas 78714-9030, (512) 834-6697

Filed: September 7, 1994, 9:32 a.m.

TRD-9447681

Friday, September 16, 1994, 11:00 a.m.

701 West 51st, Public Hearing Room

Austin

Texas Board of Human Services

AGENDA:

According to the agenda, the Texas Board of Human Services will consider approval of minutes of August 19, 1994, meeting; chair's comments and announcements; adoption of revisions to the child care services rule base; additions to child care services rule base concerning CCMS contractor performance; reimbursement for family care services; proposed licensing requirement rules for PHC, client-managed attendant services, and special services to persons with disabilities-24-hour attendant care programs; unit reimbursements and administrative expense fee for the CLASS waiver program, adoption of amendment to licensure application rules regarding criteria for denying a license or renewal of a license; adoption of rule changes regarding UAR in the LTC/NFR for licensure and Medicaid certification, revision of nursing facility licensure and certification rules in the nursing facility requirements; amendments to policies and procedures and commissioner's report.

Contact: Sherron Heinemann, P O Box 149030, Austin, Texas 78714-9030, (512) 450-3048

Filed: September 8, 1994, 9:50 a.m

TRD-9447764

Texas Commission on Jail Standards

Wednesday, September 21, 1994, 8:30 a.m.

Radisson Hotel, 815 Main Street

Fort Worth

AGENDA.

Tour of Tarrant County Jail

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505

Filed: September 7, 1994, 8 23 p m

TRD-9447671

Thursday, September 22, 1994, 8:30 p.m.

JFK Pavilion, Convention Center, 1111 Houston Street

Fort Worth

AGENDA

Internal audit committee report Request for proposal

Contact: Jack E. Crump, P O Box 12985, Austin, Texas 78711, (512) 463-5505

Filed: September 7, 1994, 8 23 a m

TRD-9447670

Thursday, September 22, 1994, 9:00 a.m.

JFK Pavilion, Convention Center, 1111 Houston Street

Fort Worth

AGENDA:

Call to order. Roll call of members. Reading and approval of minutes of last meeting of July 27-28, 1994. Introduction/welcome by Tarrant County/Fort Worth hosts. Executive session. Old business Angelina County, Brewster County, Chambers County, Gregg County, Wharton County, status of felony backlog/payment to counties/jail population report, completed jail projects, active remedial orders/cancel/changes, Emergency Housing Program, change to standards (comments), changes to standards (proposed), payment for TB testing, Internal Audit Committee report. New business: Discussion of Tarrant County Jail Facilities, change to standards, training agreement with TCLEOSE, status of State Jail Program, effect of American Disabilities Act on jails, Attorney General Opinion L-94-062 Payment for Boot Camp Inmates and Substance Abuse Inmates, fulfilling allocations to TDCJ, interagency contract for legal services, Dallas County, Nacogdoches County, Juvenile Justice and Delinquency Prevention Act, contracts for privately developed facilities, Marion County Applications for variances Cooke County, El Paso County, Jefferson County Directors report Other business Adjourn

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

Filed: September 7, 1994, 8 23 a.m.

TRD-9447669

Texas Juvenile Probation Commission

Thursday, September 15, 1994, 5:00 p.m.

2015 South IH-35

Austin

Basic and Special Services Committee

AGENDA:

Call to order, excused absences, public comments, set allocation formula for reduction in commitments to TYC for fiscal year 1995, and adjourn

Contact: Bernard Licarione, Ph D., P O Box 13547, Austin, Texas 78711, (512) 443-2001

Filed: September 7, 1994, 3 16 p m

TRD-9447734

Friday, September 16, 1994, 8:00 a.m.

2015 South IH-35

Austin

Budget Committee

AGENDA

Call to order; excused absences; approval of year end adjustments to fiscal year 1994 administrative budget; report from staff on availability of funds to continue Innovative and Creative Grants partially funded for fiscal year 1995; and adjourn.

Contact: Bernard Licarione, Ph.D., P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: September 7, 1994, 10:04 a.m.

TRD-9447691

Friday, September 16, 1994, 8:00 a.m.

2015 South IH-35

Austin

Revised Agenda

Budget Committee

AGENDA.

V. Further discussion of \$10.6 million emergency funding

Contact: Bernard Licarione, Ph.D., P.O. Box 13547, Austin, Texas 78711, (512) 443-2001

Filed: September 7, 1994, 2:36 p.m.

TRD-9447728

Friday, September 16, 1994, 8:30 a.m.

2015 South IH-35

Austin

Program Committee

AGENDA.

I. Call to order

II Excused absences

III Basic and Special Services Committee Report on reduction in commitments to TYC for fiscal year 1995

IV Adoption to the amendment of the Community Corrections Rule

V Public comments

VI Adjourn

Contact: Bernard Licarione, Ph D., P O Box 13547, Austin, Texas 78711, (512) 443-2001

Filed: September 7, 1994, 3 25 p.m.

TRD-9447737

Friday, September 16, 1994, 8:30 a.m.

2015 South IH-35

Austin

Revised agenda

Program Committee

AGENDA

IV Community corrections contract for fiscal year 1995 emergency funding

Contact: Bernard Licarione, Ph.D., 2015 South IH-35, Austin, Texas 78741, (512) 443-2001.

Filed: September 8, 1994, 10:05 a.m.

TRD-9447765

◆ ◆ ◆
Texas Commission on Law Enforcement Officer Standards and Education

Monday, September 19, 1994, 10:00 a.m.

Texas Commission on Law Enforcement Headquarters, 1033 LaPosada

Austin

Texas Peace Officers' Memorial Advisory Committee

AGENDA:

Call to order and roll call of members; recognition of visitors; introduction of the executive director, Texas Commission on Law Enforcement and comments; introduction of regional directors present; approval of minutes of the March 7, 1994 and the May 23, 1994 committee meetings; discussion of the Memorial Project—including procedures, rules, budget, fund raising, employment of a professional fund raiser, Committee and TCLEOSE roles, financial status and reporting, and other related topics and take action as necessary; receive reports from the committee members, regional directors and the director; receive public comments on any subject without discussion; and adjourn.

Contact: Edward T. Laine, 1033 LaPosada, Suite 175, Austin, Texas 78752, (512) 450-0188.

Filed: September 8, 1994, 9:34 a.m.

TRD-9447763

◆ ◆ ◆
Texas Natural Resource Conservation Commission

Wednesday, September 21, 1994, 10:00 a.m.

12118 North IH-35, Park 35 Complex, Building A, Room 310-A

Austin

Petroleum Storage Tank Advisory Committee

AGENDA:

(Wednesday) September 21, 1994 at 10:00 a.m.

Call to order. Approval of previous meeting minutes.

Listen to report from TNRCC on PST enforcement and collection of fees.

Discuss PST contractor administrative penalties.

Discuss items tabled from previous meetings.

Develop recommendations pertaining to the above topics.

Schedule future meetings.

Contact: Dwight C. Russell, P.E., 7801 North Lamar Boulevard, Suite D-77, Austin, Texas 78752, (512) 452-8834.

Filed: September 7, 1994, 4:35 p.m.

TRD-9447757

◆ ◆ ◆
Texas Parks and Wildlife Department

Thursday, September 22, 1994, 1:30 p.m.

Commission Hearing Room, 4200 Smith School Road

Austin

Policy and Planning Committee

AGENDA:

Commissioners work session will be to consider the proposed classification of public lands as directed by Senate Bill 179, 73rd Legislature and review and possibly modify the proposal for classification and guidelines as published in the *Texas Register* (19 TexReg 5608).

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4433.

Filed: September 7, 1994, 10:10 a.m.

TRD-9447692

◆ ◆ ◆
Texas State Board of Examiners of Perfusionists

Thursday, September 15, 1994, 9:30 a.m.

Room N-218, the Exchange Building, 8407 Wall Street

Austin

AGENDA:

The board will conduct board member training and discuss and possibly act on organization of the board (election of officers; and committees); proposed and emergency rules; and set next meeting date.

Contact: Jo Whittenberg, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6751. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: September 7, 1994, 4:33 p.m.

TRD-9947755

◆ ◆ ◆
Texas State Board of Plumbing Examiners

Monday, September 19, 1994, 9:00 a.m.

929 East 41st Street

Austin

Board

AGENDA:

Roll call; recognize visitors; minutes of July, 1994 Board meeting; committee reports: a. Continuing Education; b. Examination; c. Field; d. Legislative; e. Medical Gas; f. Personnel; g. Plumbing Inspector; h. Water Supply Protection Specialist; Assistant Attorney General, a. Action on rules (1) Rules to be adopted: (A) §363.1(c)(2); (B) §363.1(e)(2); (C) §363.11(a)(1); (D) §365.4; (2) Rules to be published: (A) §361.1; (B) §363.1(f); (C) §365.14; (D) Chapter §366; b. Enforcement Committee (1) Acceptance or rejection of agreed settlement; (A) Tommy T. Blankenship M-8781; (B) Roy McCryer M-7529; (C) Vernon Flood unlicensed, Kevin Coffey unlicensed, and Roto Rooter Service Co.; (2) State Office of Administrative Hearings: (A) David Lee Lasiter M-8331; (B) Marvin G. Atwood M-11293; (3) Citations; request of Stuart Hersh, Inspections Service Manager, City of Austin, to discuss qualifications for plumbing inspectors; request of City of Azle for opinion re variance from the Uniform Plumbing Code re §615-Combination Waste and Vent System; discussion re required listing of master license number in Yellow Page ads; financial report; administrator's report; Examination report; Field Department report; request for staff travel; hardship cases: a. Request of Gary W. Gilliland (J-14286 expired August 31, 1988) to renew expired Journeyman license on the basis of his employment with City of Grand Prairie at the time he first failed to renew; b. Request of Kevin N. Scholl, J-28909 (J Examination Date April 13, 1993) to be allowed to take the Master Examination without fulfilling the required two-year training period; c. Request of Robert M. Belhasen, Sr., J-29510 (J Examination Date May 17, 1994) to be allowed to take the Master Examination without fulfilling the required two-year training period.

Contact: Mary Lou Lane, 929 East 41st Street, Austin, Texas 78751, (512) 458-2145

Filed: September 7, 1994, 3:25 p.m.

TRD-9447738

Texas Department of Public Safety

Tuesday, September 20, 1994, 10:00 a.m.

PS Headquarters, 5805 North Lamar Boulevard, Building E, CIS Conference Room
Austin

Public Safety Commission

AGENDA:

Approval of minutes

Budget matters

Internal audit report

Personnel matters

Pending and contemplated litigation

Real estate matters

Public comment

Miscellaneous and other unfinished business

Discharge appeal hearing on employee
Janice Brown

Contact: James Wilson, 5805 North Lamar Boulevard, Austin, Texas 78752, (512) 465-2000, Ext. 3700.

Filed: September 7, 1994, 10:58 a.m.

TRD-9447708

Public Utility Commission of Texas

Monday, September 19, 1994, 10:30 a.m.
(Rescheduled From: Monday, September 19, 1994, at 9:00 a.m.)

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A prehearing conference has been scheduled for the above date and time in Docket Number 13376—complaint of SMR Systems, Inc. against Lufkin-Conroe Telephone Company.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Contact: September 6, 1994, 3:11 p.m.

TRD-9447653

Tuesday, September 20, 1994, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A prehearing conference has been sched-

uled in Docket Number 13210—application of Southwestern Bell Telephone Company to restructure Plexar I and Plexar II tariffs.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 7, 1994, 3:55 p.m.

TRD-9447745

Thursday, September 22, 1994, 1:30 p.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A prehearing conference will be held on the above date and time in Docket Number 13386—application of South Plains Electric Cooperative, Inc. for one time change in the meter reading schedule for Cotton Gin Service.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 8, 1994, 9:50 a.m.

TRD-9447760

Tuesday, September 27, 1994, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A prehearing conference has been scheduled for the above date and time in Docket Number 13354—complaint of Mark A. Evans against Southwestern Bell Telephone Company.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 6, 1994, 3:12 p.m.

TRD-9447654

Friday, October 14, 1994, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A hearing on the merits has been scheduled for the above date and time in Docket Number 12404—petition of City of Dekalb exchange for expanded local calling service to the new Boston and Texarkana exchanges.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 7, 1994, 3:56 p.m.

TRD-9447746

Tuesday, November 29, 1994, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A hearing on the merits will be held at the above date and time in Docket Number 11565—joint petition of Contel of Texas, Inc. to provide optional local calling plans from the Quinlan exchange to the Dallas Metropolitan, Royce City, and Rockwall exchanges.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 7, 1994, 1:30 p.m.

TRD-9447718

Wednesday, November 30, 1994, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A hearing on the merits has been scheduled in Docket Number 12677—application of the City of College Station to amend certificated service area boundaries within Brazos County.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 6, 1994, 4:10 p.m.

TRD-9447657

Texas Senate

Monday, September 12, 1994, 10:00 a.m.

1100 Congress Avenue, Senate Chamber,
State Capitol

Austin

Joint Senate and House Natural Resources
Committee

AGENDA:

I. Call to order

II. Opening remarks

III. Closing remarks

IV. Adjournment

Contact: Carol McGarragh, P.O. Box 12068,
Austin, Texas 78711, (512) 463-0390.

Filed: September 7, 1994, 3:21 p.m.

TRD-9447736

Tuesday, September 13, 1994, 9:30 a.m.

1100 Congress Avenue, Lieutenant Governor's Committee Room, Capitol Building
Austin

Joint Interim Committee to Select Texas State Poet Laureate

AGENDA:

- I. Call to order
- II. Discussion of reappointment
- III. Other business
- IV. Adjournment

Contact: Linda Mueller, P.O. Box 12068, Austin, Texas 78711, (512) 463-0118.

Filed: September 7, 1994, 1:29 p.m.

TRD-9447715

Monday, September 26, 1994, 10:00 a.m.

1100 Congress Avenue, Lieutenant Governor's Committee Room, Capitol Building
Austin

Senate Interim Committee on Public School Finance

AGENDA:

- I. Call to order
- II. Adoption of minutes of July 28, 1994 meeting
- III. Public testimony
- IV. Adoption of recommendations and committee report
- V. Adjournment

Contact: Lisa Ivie, P.O. Box 12068, Austin, Texas 78711, (512) 463-0131.

Filed: September 7, 1994, 1:30 p.m.

TRD-9447716

◆ ◆ ◆
**State Board of Examiners
for Speech-Language Pa-
thology and Audiology**

Thursday, September 15, 1994, 9:00 a.m.

Room S-400, 8407 Wall Street, Exchange Building

Austin

Audiology Scope of Practice and Speech-Language Scope of Practice Committees

AGENDA.

The speech-language pathology scope of practice and the audiology scope of practice committees will meet to discuss and possibly act on: CPT codes; Medicaid reimbursement; services provided by a communication helper; level of license that may file on insurance claim; facilitated communications, hearing screening, calibration of audiometric equipment; stationary enclosures,

testing outside a stationary acoustic enclosure; 30-day trial period; routine therapy; and to prepare draft listings of procedures/tests that licensees may perform. This information will be presented to the full board on September 16, 1994.

Contact: Dorothy Cawthon, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6627. For ADA assistance, call Richard Butler (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: September 7, 1994, 4:32 p.m.

TRD-9447754

Friday, September 16, 1994, 9:00 a.m.

Room S-400, 8407 Wall Street, Exchange Building

Austin

AGENDA:

The board will meet to discuss approval of the minutes of the April 22, 1994 meetings; and discuss and possibly act on: complaints (all active; and update on closed complaints); Joy O'Neal's presentation on hearing screening; committee reports (rules changes; speech-language pathology scope of practice; audiology scope of practice; and ethics); reports (fees/budgets; applications/renewal; continuing education; exemptions to Act; scope of practice-speech-language pathology; scope of practice-audiology; supervision of support personnel; public relations; Health Professions Council; and Fitting and Dispensing of Hearing Instruments); Gil Hanks and Kathy Formichella of the American Speech-Language-Hearing Association Task Force on Support Personnel, will address the board on utilization of support personnel for consideration of a rule change; Jim Degelia of the Texas Department of Health will address the board on automated data processing conversion; setting of the next meeting date; election of officers; and other matters relating to licensing and regulation of speech-language pathologists and audiologists not requiring board action.

Contact: Dorothy Cawthon, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6627. For ADA assistance, call Richard Butler (512) 458-6410 or T.D.D. (512) 458-7708 at least two days prior to the meeting

Filed: September 7, 1994, 4:32 p.m.

TRD-9447753

◆ ◆ ◆
**Texas Guaranteed Student
Loan Corporation**

Wednesday, September 14, 1994, 4:00 p.m.

610 University Drive, Room 1014

San Marcos

Nominating Committee

AGENDA:

1. Call to order
2. Executive session: Discussion on nomination of officers of the Board for fiscal year 1995.
3. Action on nomination of officers of the Board for fiscal year 1995.
4. Adjourn

Contact: Peggy Irby, 13809 North Highway 183, Austin, Texas 78750-1240, (512) 219-5700.

Filed: September 6, 1994, 4:12 p.m.

TRD-9447661

Thursday, September 15, 1994, 9:45 a.m.

13809 North Highway 183, Suite 1017

Austin

Executive Committee Meeting

AGENDA:

Approval of minutes of June 24, 1994

Executive session:

- Discussion of evaluation of president
 - Discussion of evaluation with president
- Adjourn

Contact: Peggy Irby, 13809 North Highway 183, Austin, Texas 78750-1240, (512) 219-5700.

Filed: September 7, 1994, 1:49 p.m.

TRD-9447719

◆ ◆ ◆
**Texas Sustainable Energy
Development Council**

Friday, September 16, 1994, 8:30 a.m.

1000 Red River, Teacher Retirement System Cafeteria

Austin

AGENDA:

- I Call to order
- II Discuss administrative matters
- III Discuss strategic planning
- IV. Adjourn

This is being filed due to a location and time change only!

Contact: Charlotte Banks, 1700 North Congress Avenue, Room 850, Austin, Texas 78701, (512) 463-1745.

Filed: September 6, 1994, 2:37 p.m.

TRD-9447644

Friday, September 23, 1994, 8:00 a.m.
1700 North Congress Avenue, Stephen F. Austin Building, Room 513 F

Austin

Revised Agenda

AGENDA:

IV. Texas Natural Resources geographic information system demonstration.

Contact: Charlotte Banks, 1700 North Congress Avenue, Room 850, Austin, Texas 78701, (512) 463-1745.

Filed: September 6, 1994, 2:36 p.m.

TRD-9447643

◆ ◆ ◆
Texas Water Development Board

Wednesday, September 14, 1994, 3:00 p.m.

Stephen F. Austin Building, Room 513-F, 1700 North Congress Avenue

Austin

Audit Committee

AGENDA:

1. The Committee will consider for approval of the minutes of the June 15, 1994 meeting.

2. The Committee will be briefed on external audit activities of the Development Fund Audit Section.

3. The Committee will be briefed on completed and in-progress internal audit projects.

4. The Committee will be updated on the activities of the State Auditor's Office.

5. The Committee will consider for approval the audit work plan for Fiscal Year 1995.

6. The Committee may discuss items on the agenda of the September 15, 1995 Board meeting.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: September 6, 1994, 2:28 p.m.

TRD-9447630

Wednesday, September 14, 1994, 4:00 p.m.

Stephen F. Austin Building, Room 513-F, 1700 North Congress Avenue

Austin

1. Consider approval of the minutes of the meeting of July 20, 1994.

2. Consider program guidelines and lending rate policy for the Agricultural Water Con-

servation Bond Program (AWCBP) with regard to the Texas Water Development Board, Agricultural Water Conservation Bonds, Series 1994-B.

3. Briefing and discussion on the potential change to repurchase price of the Board's ownership interest in the Sabine River Authority, Toledo Bend Project.

4. Briefing and discussion of possible TWDB actions related to preserving the Allens Creek reservoir site for future reservoir construction.

5. Briefing and discussion on status of the Trans-Texas Water Program.

6. Briefing and discussion of requests from loan applicants to use project funds for the removal of contaminated soils and materials discovered at project construction sites.

7. Consider a \$13,375,672 grant/loan to the City of Pharr (Hidalgo County) for the construction of water and wastewater system improvements.

8. Presentation of Beaumont Wetlands and Houston tunnel videos and status report on programs.

9. Briefing on present and future EDAP projects.

10. May consider items on the agenda of the September 15, 1994 Board meeting.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: September 6, 1994, 2:28 p.m.

TRD-9447631

Thursday, September 15, 1994, 9:00 a.m.

Stephen F. Austin Building, Room 118, 1700 North Congress Avenue

Austin

Texas Water Development Board

AGENDA:

The Board will consider: minutes; executive, financial and committee reports; extension of loan commitments for Panhandle Ground Water Conservation District (GWCD) #3 and Evergreen Underground Water Conservation District (UWCD); financial assistance for Cities of Dayton, Van, Bryan, Pharr, Vernon, and Copperas Cove, Walnut Creek Special Utility District, South Plains UWCD, Evergreen UWCD, High Plains UWCD #1, Panhandle GWCD #3, Sandy Land UWCD, Fort Bend County Municipal Utility District #13, Greater Texoma Utility Authority, Travis County Water Control and Improvement District (WCID) #14, and Travis County WCID #17; exchange of agricultural and irrigable land for nonagricultural and nonirrigable land in the Zavala-Dimmitt Counties Water Improvement District; technical correction

on the City of Edinburg's Resolution Number 94-37; transfer of proceeds from Water Quality Enhancement Account to the SRF; authorizing executive administrator to contract with UT School of Law-Center for Public Policy Dispute Resolution, U.S. Army Corps of Engineers, U.S. Geological Survey, Texas Department of Health, North Central Texas Council of Governments, Educational Development Specialists and for research contracts and transfers of funds; 1995 Intended Use Plan for SKF; authorizing issuance, sale, delivery, and necessary actions for \$7,000,000 State of Texas Agricultural Water Conservation Bonds; lending rate policy for the Agricultural Water Conservation Bond Program; authorizing actions for sale of \$50,000,000 TWDB bonds and selection of underwriters; and repurchase price of Board ownership in the Toledo Bend Project.

Contact: Craig D. Pedersen, P.O. 13231, Austin, Texas 78711, (512) 463-7847.

Filed: September 7, 1994, 9:30 a.m.

TRD-9447680

Thursday, September 15, 1994, 9:00 a.m.

Stephen F. Austin Building, Room 118, 1700 North Congress Avenue

Austin

Revised Agenda

AGENDA:

These two items (Numbers 29 and 30) were posted as:

29. Consider authorizing the executive administrator and development fund director to take all necessary actions for the sale and delivery of the Texas Water Development Board bonds in an amount not to exceed \$50,000,000.

30. Consider selection of underwriter(s) for negotiation of the \$50,000,000 Texas Water Development Board General Obligation Bonds, Series 1994.

Should be:

29. Consider authorizing the executive administrator and development fund director to take all necessary actions for the sale and delivery of the Texas Water Development Board bonds in an amount not to exceed \$65,000,000.

30. Consider selection of underwriter(s) for negotiation of the \$65,000,000 Texas Water Development Board General Obligation Bonds, Series 1994.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: September 7, 1994, 4:28 p.m.

TRD-9447749

Texas Youth Commission

Friday, September 9, 1994, 10:00 a.m.

Brown Healy Building, 4900 North Lamar Boulevard, Public Hearing Room, Rooms 1420-1430

Austin

Emergency Revised Agenda

Board Meeting

AGENDA:

Construction change order and design modification of Golden Triangle Facility

Executive session (under authority of Title 5, Chapter 551, Government Code, §551.071) consult with agency attorney(s) on issues, progress, and/or offers of settlement, if any, pertaining to the pending litigation of William A. Dame v Steve Robinson and Ron Jackson

Reason for emergency: An October 9, 1994 trial date has been set which was reasonably unforeseeable and creates an emergency that the board consult with attorneys prior to that date

Contact: Steve Robinson, 4900 North Lamar Boulevard, Austin, Texas, (512) 483-5001

Filed: September 6, 1994, 2 37 p m

TRD-9447647

Regional Meetings

Meetings Filed September 6, 1994

The Canyon Regional Water Authority (Regular Meeting.) Board met at the Guadalupe Fire Training Facility, 850 Lakeside Pass Drive, New Braunfels, September 12, 1994, at 7:00 p.m. Information may be obtained from Gloria Kaufman, Route 2 Box 654 W, New Braunfels, Texas 78130-9579, (210) 609-0543 TRD-9447656.

The Colorado County Appraisal District Board of Directors will meet in the County Courtroom, 400 Spring Street, Columbus, September 13, 1994, at 1:30 p.m. Information may be obtained from Billy Youens, P.O. Box 10, Columbus, Texas 78934, (409) 732-8222. TRD-9447638.

The Deep East Texas Private Industry Council, Inc. will meet in Room 102, Lufkin City Hall, Corner of Shepherd and Third Streets, Lufkin, September 13, 1994, at 2:30 p.m. Information may be obtained from Charlene Meadows, P.O. Box 1423, Lufkin, Texas 75901, (409) 634-4432 TRD-9447642

The Hansford Appraisal District (Regular Meeting.) Board will meet at 709 West Seventh Street, Spearman, September 14,

1994, at 9:00 a.m. Information may be obtained from Alice Peddy, P.O. Box 519, Spearman, Texas 79081-0519, (806) 659-5575. TRD-9447633.

The Kempner Water Supply Corporation Board of Directors met at Highway 190, Kempner, September 9, 1994, at 7 00 p.m. Information may be obtained from Donald W. Guthrie, P.O. Box 103, Kempner, Texas 76539, (512) 932-3701. TRD-9447645.

The Lee County Appraisal District Appraisal Review Board will meet at 218 East Richmond Street, Giddings, September 14, 1994, at 9:00 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542 9618. TRD-9447632.

The Nolan County Central Appraisal District Board of Directors will meet in the Bluebonnet Room, Holiday Inn, 500 West Interstate 20, Sweetwater, September 13, 1994, at 7:00 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421 TRD-9447655

The Panhandle Quality Work Force Planning Committee will meet at 815 South Taylor, Amarillo, September 14, 1994, at 3 00 p.m. Information may be obtained from Deborah Pickering, Plaza II, Suite 1020, Lobby Box 221, Amarillo, Texas 79101, (806) 371-7577 TRD-9447668

The Tarrant Appraisal District (Revised Agenda) Tarrant Appraisal Review Board will meet at 2329 Gravel Road, Fort Worth, September 12-15, 19-22, and 26-29, 1994, at 8:00 a.m. Information may be obtained from Linda Smith, 2329 Gravel Road, Fort Worth, Texas 76118-6984, (817) 284-8884 TRD-9447628

The Texas Regional Planning Commissions' Employee Benefit Plan Agency Board of Trustees will meet in Suite 1000E, 5001 Spring Valley Road, Health Economics Corporation, Dallas, September 15, 1994, at 10:00 a.m. Information may be obtained from Gary Pitner, P.O. Box 9257, Amarillo, Texas 79101, (806) 372-3381 TRD-9447646.

The West Central Texas Council of Governments Sub-Region IV will meet at 2800 East I-20, Harry Jordan's Restaurant, Eastland, September 13, 1994, at Noon. Information may be obtained from Teresa Haas, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544 TRD-9447652

The West Central Texas Council of Governments Sub-Region III will meet at U.S. 283 North, Throckmorton Senior Center, Throckmorton, September 14, 1994, at Noon. Information may be obtained from Teresa Haas, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544 TRD-9447651

The West Central Texas Council of Governments Sub-Region II will meet at U.S. 84 Bypass, Snyder Country Club, Snyder, September 16, 1994, at Noon. Information may be obtained from Teresa Haas, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-9447650.

The West Central Texas Council of Governments Sub-Region I will meet at U.S. 277 North, Cliff House Restaurant, Stamford, September 19, 1994, at Noon. Information may be obtained from Teresa Haas, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544 TRD-9447649

The Wood County Appraisal District Board of Directors will meet at 217 North Main, Quitman, September 15, 1994, at 1 30 p.m. Information may be obtained from W. Carson Wages or Lou Brooke, 217 North Main, Quitman, Texas 75783, (903) 763-4891 TRD-9447629

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Meetings Filed September 7, 1994

The Austin Transportation Study Policy Advisory Committee met in Room 1110, Joe C. Thompson Conference Center, 26th and Red River, Austin, September 12, 1994, at 6 00 p.m. Information may be obtained from Michael R. Aulick, P.O. Box 1088, Austin, Texas 78701, (512) 499-2275 or Fax (512) 499-2269 TRD-9447717.

The Blanco County Appraisal District 1994 Board of Directors will meet at Avenue G and Seventh Street, Johnson City, September 13, 1994, at 5 00 p.m. Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (210) 868-4013 TRD-9447711

The Brown County Appraisal District Board of Directors met at 403 Fisk Avenue, Brownwood, September 12, 1994, at Noon. Information may be obtained from Doran E. Lemke, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676 TRD-9447683

The Cass County Appraisal District Board of Directors met at 502 North Main Street, Linden, September 12, 1994, at 7 00 p.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (903) 756-7545 TRD-9447735

The Concho Valley Council of Governments Executive Committee will meet at 5014 Knickerbocker Road, San Angelo, September 14, 1994, at 7 00 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666 TRD-9447724

The Deep East Texas Council of Governments Grants Application Review Commit-

tee will meet at the Woodville Inn, 201 North Magnolia Street, Woodville, September 15, 1994, at 11:00 a.m. Information may be obtained from Rusty Phillips, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9447703.

The Denton Central Appraisal District Appraisal Review Board will meet at 3911 Morse Street, Denton, September 21, 1994, at 9:00 a.m. Information may be obtained from Kathy Pierson, P.O. Box 2816, Denton, Texas 76202-2816, (817) 566-0904 TRD-9447733.

The East Texas Council of Governments Board of Directors will meet at Panola College, Gym, 1109 West Panola, Carthage, September 15, 1994, at 7:45 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9447690

The Erath County Appraisal District Board of Directors will meet at 1390 Harbin Drive, Stephenville, Texas 76401, September 13, 1994, at 7:00 a.m. Information may be obtained from Vicky Greenough, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434, Fax (817) 965-5633 TRD-9447672.

The Garza Central Appraisal District Board of Directors will meet at 124 East Main Street, Post, September 21, 1994, at 9:00 a.m. Information may be obtained from Billie Y Windham, P.O. Drawer F, Post, Texas 70356, (806) 495-3518 TRD-9447713.

The High Plains Underground Water Conservation District Number One Board will meet in the Board Room, 2930 Avenue Q, Lubbock, September 13, 1994, at 10:00 a.m. Information may be obtained from A Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181 TRD-9447720

The Johnson County Central Appraisal District Board of Directors will meet at 109 North Main, Suite 201, Room 202, Cleburne, September 15, 1994, at 4:30 p.m.

Information may be obtained from Priscilla A. Bunch, 109 North Main, Cleburne, Texas 76031, (817) 558-8100. TRD-9447740.

The Liberty County Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, September 15, 1994, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9447743.

The Mills County Appraisal District Board of Directors will meet in the Jury Room, Mills County Courthouse, Fisher Street, Goldthwaite, September 15, 1994, at 6:30 p.m. Information may be obtained from Cynthia Partin, P.O. Box 565, Goldthwaite, Texas 76844-0565, (915) 648-2253 TRD-9447702

The North Central Texas Council of Governments Executive Board will meet at Centerpoint Two, 616 Six Flags Drive, Second Floor, Arlington, September 15, 1994, at 12:45 p.m. Information may be obtained from Edwina J Shires, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 640-3300 TRD-9447722

The North Plains Groundwater Conservation District Number Two Board of Directors will meet at the District Office, 603 East First Street, Dumas, September 13, 1994, at 10:00 a.m. Information may be obtained from Orval E Allen, P.O. Box 935, Dumas, Texas 79029, (806) 935-6401 TRD-9447744

The Nueces-Jim Wells-Kleberg-Kenedy Soil and Water Conservation District Board of Directors will meet at the SCS Office, Suite B, 548 South Highway 77, Robstown, September 20, 1994, at 2:00 p.m. Information may be obtained from Denise Lawhon, 548 South Highway 77, Suite B, Robstown, Texas 78380, (512) 668-8363. TRD-9447723

The San Antonio-Bexar County Metropolitan Planning Organization Technical Advisory Committee will meet in the Met-

ropolitan Planning Organization Conference Room, 434 South Main, Suite 205, San Antonio, September 13, 1994, at 9:00 a.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204, (210) 227-8651. TRD-9447750.

The South Franklin Water Supply Corporation Board of Directors will meet at the Office of South Franklin Water Supply Corporation, Highway 115, South of Mount Vernon, September 13, 1994, at 7:00 p.m. Information may be obtained from Richard Zachary, P.O. Box 591, Mount Vernon, Texas 75457, (903) 860-3400. TRD-9447739

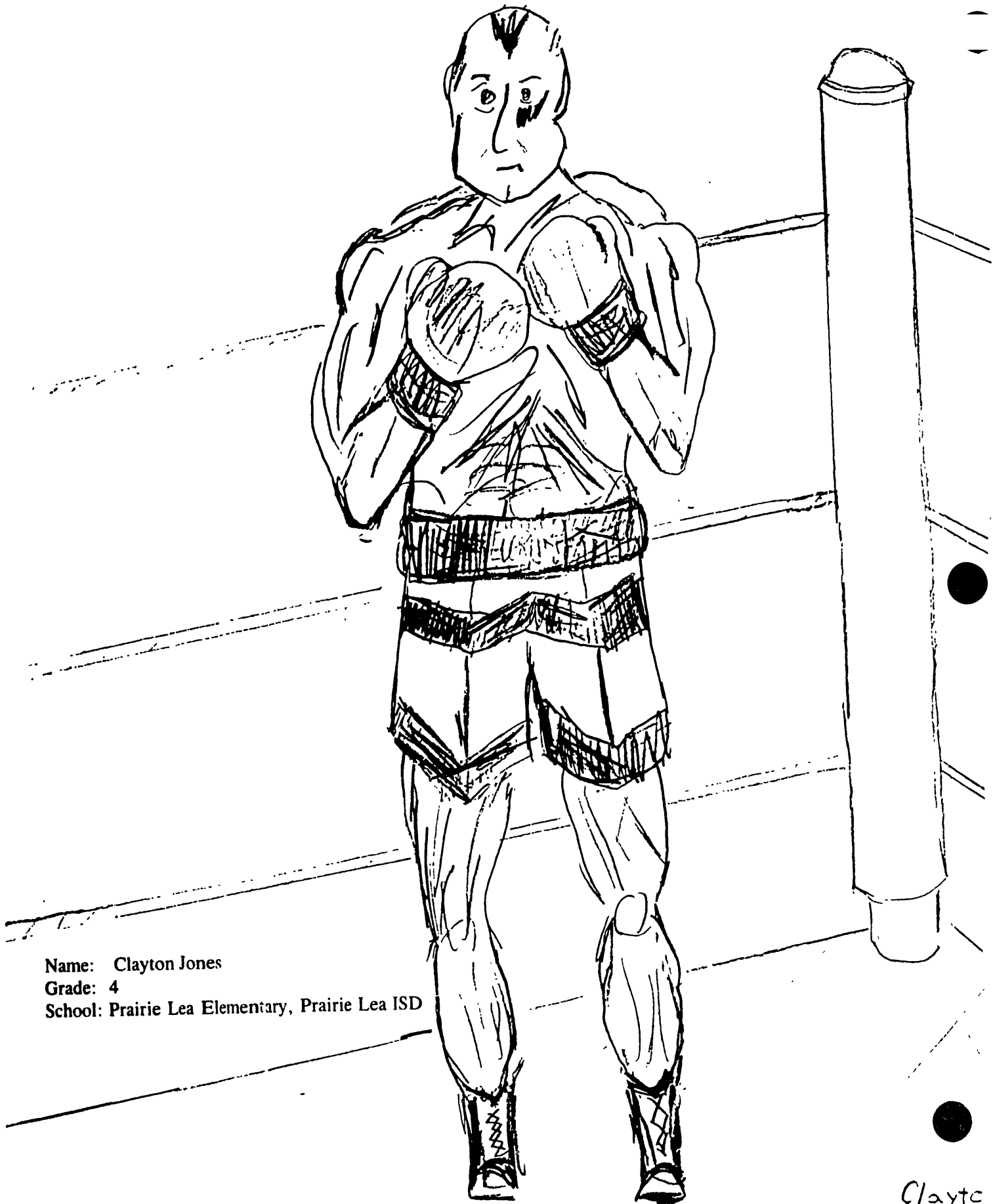
The STED Corporation Board of Trustees will meet in the Commissioners Courtroom, Courthouse Annex, Zapata, September 15, 1994, at 9:30 a.m. Information may be obtained from Robert Mendiola, Commissioners Courtroom, Courthouse Annex, Zapata, Texas 78041, (210) 722-3995 TRD-9447741

The South Texas Development Council Board of Directors will meet in the Commissioners Courtroom, Courthouse Annex, Zapata, September 15, 1994, at 11:00 a.m. Information may be obtained from Julie Saldana, Commissioners Courtroom, Courthouse Annex, Zapata, Texas 78041, (210) 722-3995 TRD-9447742

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Meetings Filed September 8,
1994

The Lower Rio Grande Valley Tech Prep/Associate Degree Consortium (also known as Tech Prep of the Rio Grande Valley, Inc.) Board of Directors will meet in the Board Room, Conference Center, Texas State Technical College, Corner of Loop 499 and Oak Street, Harlingen, September 14, 1994, at 2:30 p.m. Information may be obtained from Pat Bubb, Conference Center, TSTC, Harlingen, Texas 78550, (210) 425-0729 TRD-9447761

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Name: Clayton Jones
Grade: 4
School: Prairie Lea Elementary, Prairie Lea ISD

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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.

Texas Department of Health El Paso and Houston Community Household Surveys on Breast and Cervical Cancer Request for Proposal

Purpose. In 1990, the National Cancer Institute funded a five year project to develop, implement and evaluate a cervical and breast cancer awareness and screening program in El Paso. In the first year, pre-intervention household surveys were conducted in El Paso and the comparison community of Houston among Mexican American women 40 years of age and older. Three years of community intervention activity, designed to increase Pap smear and mammogram screening, have been accomplished in El Paso. This year, which is the fifth and final year, will include process, impact, and outcome evaluations with program data and a post-intervention survey.

The Texas Department of Health (department) invites applications from governmental, public and private entities to conduct post-intervention surveys of knowledge, attitudes and practice of breast and cervical cancer screening and use of medical care services among older, low income women residing in selected census tracts in the intervention community of El Paso and the comparison community of Houston. The department will give preference to applicants demonstrating previous experience with health surveys. In awarding funds for this community survey, the department will give special consideration to organizations sensitive to the culture and language preference of the target communities.

Applicants may propose to conduct an El Paso or Houston survey or both. The household surveys, to be conducted by January 30, 1995, in Houston and April 30, 1995, in El Paso will assess the following topics: (1) health behaviors related to the frequency of pap smears, clinical breast examinations, breast self-examinations and mammography; (2) beliefs, knowledge and attitudes about breast and cervical cancer; (3) health service utilization, insurance coverage, frequency of screening, usual sources of care, satisfaction with care, and barriers to care; and (4) program awareness and recognition.

The department will award a maximum of \$57,500 for each of the two surveys, for a total of \$115,000. The contractor will be required to complete 450 face-to-face interviews in each community, with a random sample of Mexican-American women 40 years of age or older in predetermined census tracts. The department will develop the survey instrument. Data analysis is not required. The data in diskette format with documentation and a report describing the procedures and methodologies used are due in the department by March 1, 1995, for Houston and June

1, 1995, for El Paso. The budget should allow a nominal fee (\$10-\$30) for each completed interview. The department expects that each interview will not exceed an hour in length.

Proposal Format. Interested parties should submit proposals with the following information: (1) description of services to be performed; (2) description of the method of operation that will be used to accomplish objectives of selection and training of interviewers; household selection including enumeration, random selection, and pre-screening techniques; quality control procedures during interview process; procedures to accurately assess response rates, data entry and edit procedures; and access to survey communities; (3) qualifications and experience of survey team members which include knowledge of survey methodologies and techniques; experience in designing, implementing and conducting household surveys in the community; experience working in Hispanic communities; curriculum vitae; and submission of previous reports; (4) work schedule with milestones; and (5) budget and accompanying justification consistent with the objectives and availability of funds.

Selection Criteria. A review committee composed of department staff and external reviewers will evaluate proposals and select one or two for funding, based on the following criteria: (1) evidence of the applicant's knowledge and experience in conducting community based survey-40%; (2) evidence of the applicant's knowledge and experience in managing data including quality control-20%; (3) evidence of the applicant's ability to achieve a response rate of 80% and to verify 100 percent of interviews through call-backs by supervisor-20%; (4) workplan-10%; (5) extent to which the budget is reasonable in relation to the services provided-5.0%; and (6) ability to conduct surveys in more than one community-5.0%.

Closing Date. Each applicant shall submit six copies of its proposal to Donna Nichols, Director of Programs, Cancer Prevention Research Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Ms. Nichols may be contacted for additional information at (512) 458-7534. Proposals must postmarked no later than September 30, 1994. Proposals submitted after that date will not be considered.

Issued in Austin, Texas, on September 6, 1994.

TRD-9447676

Susan K. Steag
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: September 6, 1994

Licensing Actions 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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Abilene	National Central Pharmacy	L04781	Abilene	0	08/22/94
Beaumont	Exell, Inc.	L04782	Beaumont	0	08/15/94
Brownwood	Brownwood Regional Medical Center	L04765	Brownwood	0	08/25/94
Houston	SENNES Drug Inovations, Inc.	L04804	Houston	0	08/23/94
Smithville	Genetic Analyses, Inc.	L04811	Smithville	0	08/18/94
Throughout Texas	RW Environmental Services, Inc.	L04814	San Antonio	0	08/30/94

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Abilene	National Central Pharmacy	L04781	Abilene	1	08/23/94
Abilene	National Central Pharmacy	L04781	Abilene	2	08/26/94
Alvin	NOTAMI Hospitals of Texas, Inc.	L02474	Alvin	16	07/13/94
Amarillo	Amarillo Diagnostic Clinic	L04085	Amarillo	7	08/22/94
Amarillo	St. Anthony's Hospital	L01242	Amarillo	46	08/29/94
Austin	Texas Instruments, Inc.	L03838	Austin	6	08/19/94
Austin	The University of Texas at Austin	L00485	Austin	54	08/04/94
Austin	Seton Medical Center	L02896	Austin	32	08/26/94
Austin	AMBION, Inc.	L04307	Austin	5	08/29/94
Beaumont	North Star Steel Texas	L02122	Beaumont	18	08/29/94
Bedford	Northeast Community Hospital	L03455	Bedford	16	08/25/94
Cheek	Metalforms Inc.	L02261	Beaumont	21	08/19/94
Commerce	Sherwood Medical	L03314	Commerce	9	08/15/94
Dallas	Dallas Water Utilities	L01685	Dallas	10	08/12/94
Dallas	National Health Laboratories, Inc.	L01716	Dallas	18	08/11/94
Dallas	Kaiser Foundation Health Plan of Texas	L03755	Dallas	18	08/17/94
Dallas	Dallas Diagnostic Imaging Center	L03989	Dallas	9	08/26/94
Dallas	Medical City Hospital Dallas	L01976	Dallas	83	08/29/94
Denton	Denton Community Hospital	L04403	Denton	11	08/24/94
El Paso	Columbia Diagnostic Center	L03395	El Paso	21	08/11/94
El Paso	Guillermo A. Pinzon, M.D., P.A.	L04277	El Paso	2	08/04/94
Fort Worth	University of North Texas Health Science Center	L02518	Fort Worth	19	08/02/94

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

				Amend-	Date of
Fort Worth	Osteopathic Medical Center of Texas	L00730	Fort Worth	40	08/29/94
Freeport	BASF Corporation	L01021	Freeport	43	08/25/94
Georgetown	Southwestern University	L00372	Georgetown	14	08/18/94
Georgetown	Southwestern University	L00372	Georgetown	15	08/25/94
Grand Prairie	Loral Vought Systems Corporation	L02670	Dallas	19	08/26/94
Houston	GENEMEDICINE, Inc.	L04746	Houston	2	08/18/94
Houston	Crown Central Petroleum Corporation	L01344	Houston	16	08/16/94
Houston	Hermann Hospital	L04655	Houston	4	07/06/94
Houston	Rice University	L00311	Houston	36	08/15/94
Houston	GENEMEDICINE, Inc.	L04746	Houston	1	06/28/94
Houston	Pro Diagnostics, Inc.	L04484	Houston	3	06/30/94
Houston	Cypress Fairbanks Medical Center, Inc.	L03424	Houston	21	08/18/94
Houston	St. Joseph Hospital	L02279	Houston	33	08/23/94
Houston	Houston Department of Health and Human Services	L00149	Houston	52	08/29/94
Irving	Damon/MetWest Clinical Laboratories	L01253	Irving	12	08/15/94
Jacksboro	Faith Community Hospital	L03231	Jacksboro	10	08/18/94
Lewisville	Lewisville Memorial Hospital	L02739	Lewisville	16	08/18/94
Lubbock	Cardiology Associates of Lubbock, P.A.	L04468	Lubbock	6	08/04/94
Lufkin	Texas Foundries, Inc.	L00357	Lufkin	24	08/18/94
Midland	Physicians & Surgeons Hospital	L03386	Midland	17	08/15/94
New Branufels	The McKenna Memorial Hospital	L02429	New Branufels	18	08/26/94
New Braunfels	Lafarge Corporation	L02809	New Braunfels	15	08/12/94
Palestine	Memorial Hospital Foundation Palestine, Inc.	L02723	Palestine	21	08/15/94
Pampa	Mundy Contract Maintenance, Inc.	L04360	Pampa	9	08/25/94
Paris	McCouston Regional Medical Center	L02457	Paris	10	08/08/94
Pasadena	Southmore Medical Center	L03501	Pasadena	12	08/04/94
Pasadena	San Jacinto College	L02675	Pasadena	16	08/24/94
Pasadena	HIMONT, U.S.A., Inc.	L01854	Pasadena	24	08/29/94
Plainview	Methodist Hospital - Plainview	L02493	Plainview	13	07/25/94
Point Comfort	Formosa Plastics Corporation Texas	L03893	Point Comfort	9	08/15/94
Port Arthur	St. Mary Hospital	L04054	Port Arthur	7	08/18/94
Port Arthur	Quantum Chemical Corporation USI Division	L00804	Port Arthur	34	08/19/94
Port Arthur	Fina Oil and Chemical Company	L03498	Port Arthur	11	08/29/94
Richmond	Polly Ryon Hospital Authority	L02406	Richmond	17	08/19/94
San Antonio	Biotrax International	L03574	San Antonio	23	08/15/94
San Antonio	St. Luke's Lutheran Hospital	L03309	San Antonio	27	08/19/94
San Antonio	Norman, Brannan, Riley, Works, Stewart and Associates	L00325	San Antonio	70	08/17/94
San Antonio	Santa Rosa Northwest Hospital	L03983	San Antonio	18	08/18/94
Seguin	Structural Metals, Inc.	L02188	Seguin	13	08/19/94
Sugar Land	Stillmeadow, Inc.	L04497	Sugar Land	4	08/26/94
The Woodlands	Energy BioSystems Corporation	L04773	The Woodlands	1	08/18/94
Throughout Texas	TN Technologies, Inc.	L01105	Round Rock	40	08/18/94
Throughout Texas	TN Technologies, Inc.	L03524	Round Rock	34	08/18/94
Throughout Texas	East Texas Asphalt Company	L04710	Lufkin	2	08/12/94
Throughout Texas	Professional Service Industries, Inc.	L00931	Lombard, Illinois	101	08/16/94
Throughout Texas	Professional Service Industries, Inc.	L00203	Longview	70	08/16/94
Throughout Texas	HMA Environmental Services, Inc.	L04779	Houston	0	08/15/94
Throughout Texas	Pro-Technics II, Inc.	L03835	Houston	22	08/15/94
Throughout Texas	Fugro-McClelland (Southwest), Inc.	L03461	Dallas	14	08/15/94
Throughout Texas	Aluminum Company of America	L04316	Rockdale	8	08/19/94
Throughout Texas	Petroleum Industry Inspectors	L04081	Houston	36	08/19/94
Throughout Texas	El Paso Natural Gas Company	L00308	El Paso	27	08/19/94

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

				Amend-	Date of
Throughout Texas	Centrax International Corp.	L02067	Houston	27	08/19/94
Throughout Texas	Texas Association of School Boards, Inc.	L04763	Austin	2	08/18/94
Throughout Texas	B & W Equipment Sales and Mfg., Inc.	L04762	Odessa	1	08/18/94
Throughout Texas	Kooney X-Ray Inc.	L01074	Barker	70	08/16/94
Throughout Texas	International Radiography & Inspection Services	L04769	Wichita Falls	1	08/16/94
Throughout Texas	Service and Compliance Consultants	L03873	Coldspring	9	08/18/94
Throughout Texas	Winn Environmental Services	L04142	Longview	6	08/01/94
Throughout Texas	Halliburton Energy Services	L00442	Houston	77	07/25/94
Throughout Texas	AGRA Earth & Environmental, Inc.	L03622	El Paso	6	08/12/94
Throughout Texas	Terra Engineers Inc.	L02464	Lubbock	22	08/19/94
Throughout Texas	Applied Standards Inspection, Inc.	L03072	Beaumont	42	08/19/94
Throughout Texas	ATSER Corporation	L04741	Houston	1	08/18/94
Throughout Texas	Brown & Root, Inc.	L03176	Houston	19	08/08/94
Throughout Texas	SiTECH, Inc.	L04073	Port Neches	28	08/22/94
Throughout Texas	Eagle X-Ray	L03246	Mont Belvieu	46	08/23/94
Throughout Texas	Hensel Phelps Construction Company	L04011	Austin	8	08/22/94
Throughout Texas	Guardian MDT Services, Inc.	L04099	Corpus Christi	30	08/24/94
Throughout Texas	Koch Engineering Company Inc.	L03913	La Porte	40	08/25/94
Throughout Texas	Corpus Christi Inspection & Engineering, Inc.	L04379	Corpus Christi	33	08/25/94
Throughout Texas	Petroleum Industry Inspectors	L04081	Houston	37	08/25/94
Throughout Texas	Soiltech Engineering and Testing Inc.	L04670	Fort Worth	1	08/25/94
Throughout Texas	Gulf Coast Testing Laboratory, Inc.	L01474	Corpus Christi	20	08/24/94
Throughout Texas	X-Cel Group, Inc.	L03548	Odessa	32	08/24/94
Throughout Texas	Pro Inspection Inc.	L03906	Odessa	10	08/26/94
Throughout Texas	Technical Welding Laboratory, Inc.	L02187	Pasadena	92	08/26/94
Throughout Texas	Young Contractors, Inc.	L04095	Waco	8	08/26/94
Throughout Texas	Kenneth E. Tard and Associates, Inc.	L03129	Houston	9	08/26/94
Throughout Texas	Professional Service Industries, Inc.	L00203	Longview	71	08/26/94
Throughout Texas	Solus Schall, U.S.A.	L04463	Houston	7	08/25/94
Throughout Texas	Applied Standards Inspection, Inc.	L03072	Beaumont	43	08/29/94
Throughout Texas	Halliburton Energy Services	L00442	Houston	78	08/29/94
Throughout Texas	Aluminum Company of America	L04316	Rockdale	9	08/26/94
Throughout Texas	TERRA-MAR, INC.	L03157	Houston	21	08/26/94
Throughout Texas	Tru-Tag Systems, Inc.	L03783	Houston	19	08/30/94
Throughout Texas	Southwestern Laboratories Inc.	L00299	Houston	86	08/30/94
Tyler	Tyler Cancer Center	L04788	Tyler	1	08/19/94
Webster	Clear Lake Regional Medical Center	L01680	Webster	34	08/25/94
Wharton	Gulf Coast Medical Center	L01390	Wharton	16	08/18/94

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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El Paso	Isomedix, Inc.	L04268	El Paso	7	08/18/94
Graham	Graham General Hospital	L03271	Graham	12	08/25/94
Houston	M. W. Kellogg Company	L03660	Houston	4	08/24/94
Houston	Atomic Energy Industrial	L01067	Houston	16	08/25/94
Pasadena	Medical Diagnosis Imaging Centers	L04346	Pasadena	7	08/19/94
Pasadena	Pasadena Radiation Therapy Center	L03634	Pasadena	6	08/26/94

RENEWALS OF EXISTING LICENSES ISSUED CONTINUED:

Sherman	Medical Plaza Hospital, Inc.	L02372	Sherman	11	08/23/94
Throughout Texas	Cummings Wireline Service, Inc.	L03604	Somerset	9	08/12/94
Throughout Texas	Dresser Industries, Inc.	L04328	Pearland	3	08/19/94

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend-ment #	Date of Action
Corpus Christi	Permian Non-Destructive Testing	L03683	Corpus Christi	25	08/19/94
Corpus Christi	Radiology Associates	L04169	Corpus Christi	11	08/24/94
Houston	Southern Petroleum Laboratories, Inc.	L04276	Houston	4	08/25/94
Throughout Texas	Trinity Testing and Inspection Co.	L03628	Victoria	13	08/16/94

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 August 31, 1994.

TRD-9447574 Susan K. Steeg
General Counsel, Office of General Counsel
Texas Department of Health

Filed: September 2, 1994

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Notices of Emergency Cease and Desist Orders

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Balbir Singh, M.D. (registrant-R20295) of New Boston to cease and desist using the Hodges x-ray unit (Model Number 325, Serial Number 310220) located in the x-ray room to perform chest x-ray procedures until all 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 these 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, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on September 6, 1994.

TRD-9447674 Susan K. Steeg
General Counsel, Office of General Counsel
Texas Department of Health

Filed: September 6, 1994

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Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Scotty G. Word, D.D.S., Inc. (registrant-R08393) of Grand Prairie to cease and desist using the Weber dental x-ray unit (Model Number 6C, Serial Number 6CW158) located in room 5 and the Weber dental x-ray unit located in Room 3 to perform dental

intraoral x-ray procedures until all 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 these 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, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on September 6, 1994.

TRD-9447675 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: September 6, 1994

Notice of Rescission of Orders

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following orders: Emergency Cease and Desist Order and Notice of Violation issued June 29, 1994, to William A. Stellenwerf, D.D.S., 1110 Kingwood Drive, Suite 105, Kingwood, Texas 77339, holder of Certificate of Registration Number R16326; and Emergency Cease and Desist Order and Notice of Violation issued May 20, 1994, to Daniel C. Bush, D. D.S., 906 West Abram, Arlington, Texas 76013, holder of Certificate of Registration Number R14144.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on September 6, 1994.

TRD-9447673 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: September 6, 1994

Notice of Revocation of Certificates of Registration

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 Texas Administrative Code, §289.112), has revoked the following certificates of registration: Peter B. Pedersen, D.C., Pasadena, R13647, August 29, 1994; Railhead Animal Hospital, Fort Worth, R14171, August 29, 1994; Don Quillen, M.D., Vidor, R18751, August 29, 1994.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on September 6, 1994.

TRD-9447678 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: September 6, 1994

Notice of Revocation of Radioactive Material Licenses

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 Texas Administrative Code, §289.112), has revoked the following radioactive material licenses: Chief Inspection, Inc., Huffman, L03381, August 29, 1994; Osteoporosis Diagnostic Ctr. of Houston, Houston, L03728, August 29, 1994; Cotton's Inspection of Houston, Inc., Houston, L03797, August 29, 1994; BDC Electronics, Inc., Midland, L03865, August 29, 1994; Exoxemis, Inc., San Antonio, L04479, August 29, 1994.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on September 6, 1994.

TRD-9447677 Susan K. Steeg
General Counsel, Office of General
Counsel
Texas Department of Health

Filed: September 6, 1994

Texas Historical Commission Request for Bid

Notice is given to the public of the intent to file Request for Bids from qualified contractors for the Renovation of the Elrose Apartments, located at 108 West 16th Street, Austin, Texas. All potential general contractors will be required to complete a Qualifications Form provided by the Texas Historical Commission which may be submitted prior to or included with the bid. This information will be used to document a General Contractor's qualification requirements to receive a contract award for the project. Historically Underutilized Businesses are encouraged to submit a Bid Proposal.

Bid Documents will also be available at the following locations:

ABC (Associated Builders & Contractors), 1033 La Posada, #145, Austin, Texas 78752, (512) 442-7887;

AGC (Associated General Contractors), 609 South Lamar Boulevard, Austin, Texas 78704, (512) 442-7887;

Dodge Reports (F. W. Dodge Corporation), 505 East Huntland, Suite 310, Austin, Texas 78752, (512) 458-5692;

Austin Black Contractors Association, 924 East 11th Street, Austin, Texas 78702, (512) 474-5328;

Austin Minority Purchasing Council, 221 East Ninth Street, Suite 203, Austin, Texas 78701, (512) 476-7502;

Builder's Exchange, 121 Interpark, Suite 104, San Antonio, Texas 78216, (210) 491-6900.

Bid proposals will be evaluated on cost proposal, contractor's background and experience, and technical proposals.

Bid Documents will be available for public inspection at the Texas Historical Commission, Division of Architecture beginning at 2:00 p.m. Central Standard Time on September 6, 1994. The Division of Architecture is located on the second floor of the Elrose Building, located at 108 West 16th Street, Austin, Texas 78701. Copies of complete Bid Documents may be obtained upon deposit of \$100 per set. Checks should be made out to the "Texas Historical Commission." Deposits will be refunded upon return of all documents in good condition within ten days after the bid opening.

Sealed bids will be received at the office of Betty Bedford, in the Carrington-Covert House located at 1511 Colorado Street, Austin, Texas 78701, on September 27, 1994, until 2:00 p.m., Central Daylight Savings Time. At that time they will be publicly opened and read aloud. Any Bid received after the above closing time will be returned unopened.

A Bid Bond in the amount of 5.0% of the total base bid will be required. Performance and Payment Bonds are required in the amount of 100% of the awarded contract amount.

Payments will be made for completed work by check in progressive payments with the State retaining 10% of each payment until final acceptance of the project.

A Pre-Bid Conference will be conducted at the Elrose Building, 108 West 16th Street, Austin, Texas 78701 at 2:00 p.m. on Friday, September 16, 1994. Potential bidders are encouraged to attend. Questions pertaining to this project should be addressed to Hugo Gardea located at the address listed above, or (512) 463-6094.

Issued in Austin, Texas, on August 22, 1994.

TRD-9447625 Curtis Tunnel
Executive Director
Texas Historical Commission

Filed: September 6, 1994

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Texas Department of Housing and Community Affairs

Public Notice

The Texas Department of Housing and Community Affairs announces that its annual Performance and Evaluation Report for Fiscal Year 1994 State Community Development Block Grant Program is available for review at the Texas Community Development Program, 811 Barton Springs Road, Suite 700, Austin, Texas, during regular business hours. The report includes the department's use of Community Development Block Grant funds for the year ending June 30, 1994; the nature of and reasons for changes in the program's objectives; indications of how the department would change its programs as a result of its experiences; and an evaluation of the extent to which its funds were used for activities that benefited low and moderate income persons.

Written comments may be submitted through September 27, 1994, to Ruth Cedillo, Director, Texas Community Development Program, Texas Department of Housing and

Community Affairs, P.O. Box 13941, Austin, Texas 78711-3941.

Issued in Austin, Texas, on September 2, 1994.

TRD-9447617 Henry Flores
Executive Director
Texas Department of Housing and
Community Affairs

Filed: September 6, 1994

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Texas Department of Human Services

Notice of Consultant Contract Amendment

In accordance with Chapter 2254, Subchapter B, of the Texas Government Code, the Texas Department of Human Services (TDHS) publishes this notice of consultant contract amendment. The notice of the initial contract award was published in the August 25, 1992, issue of the *Texas Register* (17 TexReg 5812). Notice of a prior contract extension was published in the September 10, 1993, issue of the *Texas Register* (18 TexReg 6130). TDHS gives this notice that the contract has been extended for one year.

The Texas Department of Human Services awarded the consulting contract to Lewin-VHI (formerly named Lewin-ICF), 9300 Lee Highway Suite 400, Fairfax, VA 22031-1207. The total dollar amount of the contract was \$200,000, with a subsequent amendment to add \$50,000, for a revised total not to exceed \$250,000. The contract was initially effective from August 13, 1992, through August 31, 1993, with an extension through August 31, 1994. The Department has extended the contract through August 31, 1995.

The contract provides that the Department can receive consulting in regard to restructuring Medicaid reimbursement for the nursing facility (NF) and intermediate care facility for the mentally retarded (ICF-MR) programs. The contractor will provide professional advice to the department on technical design features and general policy implications of optional reimbursement methodologies for nursing facilities, ICFs-MR, and community-based care settings. The due date for any reports due as a result of the amendment will be no later than August 31, 1995.

Issued in Austin, Texas, on September 6, 1994.

TRD-9447662 Nancy Murphy
Section Manager, Media and Policy
Services
Texas Department of Human Services

Filed: September 6, 1994

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Texas Department of Insurance

Company License Applications

The following applications have been filed with the Texas Department of Insurance and are under consideration:

Application for admission in Texas for Trans Pacific Insurance Company, a foreign fire and casualty company. The home office is in New York City, New York.

Application for name change by Employers Casualty Company, a domestic fire and casualty company. The proposed new name is A & E Insurance Company. The home office is in Hurst, Texas.

Application for name change by Lawyers Surety Corporation, a foreign fire and casualty company. The proposed new name is Century American Casualty Company. The home office is in Durham, North Carolina.

Application for name change by Pinnacle Property and Casualty Insurance Corporation, a foreign fire and casualty company. The proposed new name is Underwriters Insurance Company. The home office is in Woodland Hills, California.

Application for incorporation in Texas for Funeral Security Life Insurance Company, Inc., a domestic life, accident and health company. The home office is in Beaumont, Texas.

Application for a name reservation in Texas for The Wellness Plan of Texas, Inc., a domestic health maintenance organization. The home office is in Austin, 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 September 2, 1994.

TRD-9447588
D. J. Powers
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: September 2, 1994

Notice of Public Hearing

The Commissioner of Insurance will hold a public hearing under Docket Number 2113, on September 29, 1994, from 2:00-6:00 p.m. at the Dallas Independent School District Auditorium, 3700 Ross Avenue, Dallas, Texas. The hearing will be held to discuss problems faced by residents and small businesses in the inner city in trying to purchase insurance.

Issued in Austin, Texas, September 7, 1994.

TRD-9447688
D. J. Powers
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: September 2, 1994

Notice of Statement Regarding the Acquisition of Coastal Bend Health Plan by Principal Health Care, Inc., Applicant

Notice is given to the public of the filing of a Form A (HMO), Statement Regarding the Acquisition of Coastal Bend Health Plan, Corpus Christi, Texas, by Principal Health Care, Inc., Rockville, Maryland, Applicant, with the Commissioner of Insurance pursuant to Texas Insurance Code, Article 20A.05(d) and 28 TAC §§11.1201-11.1206. The Statement is subject to public inspection at the offices of the Commissioner of Insurance, HMO Unit, 333 Guadalupe, Hobby Tower I, Sixth Floor, Austin, Texas.

According to the Statement filed, Principal Health Care of Texas, Inc., a wholly owned subsidiary of Principal Health Care, Inc. will be merged into Coastal Bend Health Plan and Principal Health Care, Inc. will be the sole owner of

the surviving company, Coastal Bend Health Plan. Coastal Bend Health Plan will then change its name to Principal Health Care of Texas, Inc. Principal Health Care of Texas, Inc. will retain the directors and officers of Principal Health Care of Texas, Inc. serving prior to the merger.

If you wish to object to the acquisition of Coastal Bend Health Plan by Principal Health Care, Inc., applicant, you must submit a written objection to Leah Rummel, Director of the HMO Unit, Mail Code 106-3A, Texas Department of Insurance, 333 Guadalupe, P.O. Box 149104, Austin, Texas 78714-9104, no later than 20 days after the date of publication of this notice.

If no objections are filed, the Commissioner may approve the acquisition of control without a public hearing.

Issued in Austin, Texas, on September 7, 1994.

TRD-9447687
D. J. Powers
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: September 7, 1994

Texas State Library and Archives Commission

Nominations for Vacancy on Local Government Records Committee

Notice is hereby given, pursuant to the Texas Government Code, §441.163, for the purpose of accepting nominations for appointment to the Local Government Records Committee.

Nominations will be accepted through October 13, 1994, for the following officers: a county judge or commissioner; a county clerk; a district clerk; a county auditor; a county attorney; a district attorney; a county sheriff; a county tax assessor-collector; a county treasurer; a justice of the peace or municipal court judge; a mayor or other member of the governing body of a municipality; a city manager; three municipal clerks or secretaries, one from a municipality with a population of less than 5,000, one from a municipality with a population of 5,000 to 49,999, and one from a municipality with a population of 50,000 or more; a municipal attorney; a municipal finance officer; a municipal personnel officer; three police chiefs, one from a municipality with a population of less than 5,000, one from a municipality with a population of 5,000 to 49,999, and one from a municipality with a population of 50,000 or more; a fire chief; a municipal tax collector; a director or superintendent of a municipal public works program, a municipal utility, or a municipal building inspection department; an executive director of a hospital district or a health district or authority; two executive directors of water districts; two chief appraisers of appraisal districts; three public school representatives, one of whom must represent school districts with an average daily attendance of less than 1,000; one of whom must represent school districts with an average daily attendance of 1,000 to 9,999; and one of whom must represent school districts with an average daily attendance of 10,000 or more; and two local government records management officers other than elected county officers.

A nomination for appointment may be made by an organization representing officers of the type to be appointed that has as members at least 50 of those officers. In choosing between two or more nominees, the director and librarian

will give preference to a nomination or nominations received from organizations whose membership consists primarily of the type of officer to be nominated.

All appointments to the committee will be for terms ending February 1, 1997. To remain eligible to serve on the committee, a person must continue to hold the office or position the person was appointed to represent.

Nominations should be sent to William D. Gooch, Director and Librarian, Texas State Library, P.O. Box 12927, Austin, Texas 78711.

Issued in Austin, Texas, on September 2, 1994.

TRD-9447557

Raymond Hitt
Assistant State Librarian
Texas State Library and Archives
Commission

Filed: September 2, 1994

Texas Natural Resource Conservation Commission

Request for Proposals

The Corpus Christi Bay National Estuary Program (CCBNEP) invites interested parties to submit proposals for a study of the "Current status and historical trends of estuarine circulation within the Corpus Christi Bay National Estuary Program Study Area" to be conducted during the fiscal year 1995 (Starting date: November 15, 1994). This is a re-advertisement of a request for proposals previously published on June 17, 1994.

The CCBNEP is funded through a Cooperative Agreement between the Texas Natural Resource Conservation Commission (TNRCC) of the State of Texas and the U.S. Environmental Protection Agency (EPA). The EPA provides for 75% of the Program's funding and requires a 25% match of non-Federal funds. All contracts will be with the TNRCC. Contractors are encouraged, but not required, to provide cost sharing. The CCBNEP and TNRCC anticipate receiving funds totalling \$30,000 for the project.

Potential contractors must submit 40 copies of a Proposal Work Plan. The Proposal Work Plan should describe the potential contractor's approach to the project and should be submitted to the CCBNEP Program Office by no later than 5:00 p.m., October 24, 1994. It is the responsibility of the potential contractor to verify that the Proposal Work Plan has been received by the Program Office by the deadline. Faxed Proposal Work Plans will not be accepted.

Appropriate Management Conference Committees will review the Proposal Work Plans and forward initial recommendations to the Management Committee for award. The Management Committee will then require verbal summary presentations of Proposal Work Plans which meet the minimum requirements as described in the "Scope of Services and Schedule of Deliverables" and the Guidelines for Proposal Work Plans. Presentations to the Management Committee are scheduled to occur during their November 1994 meeting.

Copies of the Scope of Services and Schedule of Deliverables, Guidelines for Proposal Work Plans, and Guidelines for Verbal Presentations may be obtained by contacting the Program Office. Any and all expenses incurred during the development and/or presentation of Proposal Work Plans shall be the responsibility of the potential contractor.

Contract execution is contingent upon funding appropriation to the granting agency.

Send copies of Proposal Work Plan by 5:00 p.m., October 24, 1994 to Corpus Christi Bay National Estuary Program, TAMU-CC, Campus Box 290, 6800 Ocean Drive, Corpus Christi, Texas 78412, ATTENTION: Proposal Work Plan (FY 1995).

Any questions regarding these projects or the review process should be directed to Richard Volk, CCBNEP Program Director, at (512) 985-6767.

Issued in Austin, Texas, on September 7, 1994

TRD-9447686

Mary Ruth Holder
Director, Legal Division
Texas Natural Resource Conservation
Commission

Filed: September 7, 1994

The Corpus Christi Bay National Estuary Program (CCBNEP) invites interested parties to submit proposals for a study of the "Current status and historical trends of marine/bay debris within the Corpus Christi Bay National Estuary Program Study Area" to be conducted during the fiscal year 1995 (Starting date: November 15, 1994). This is a re-advertisement of a request for proposals previously published in June 17, 1994, issue of the *Texas Register* (19 TexReg 4776).

The CCBNEP is funded through a Cooperative Agreement between the Texas Natural Resource Conservation Commission (TNRCC) of the State of Texas and the U.S. Environmental Protection Agency (EPA). The EPA provides for 75% of the Program's funding and requires a 25% match of non-Federal funds. All contracts will be with the TNRCC. Contractors are encouraged, but not required, to provide cost sharing. The CCBNEP and TNRCC anticipate receiving funds totalling \$20,000 for the project.

Potential contractors must submit 40 copies of a Proposal Work Plan. The Proposal Work Plan should describe the potential contractor's approach to the project and should be submitted to the CCBNEP Program Office by no later than 5:00 p.m., October 24, 1994. It is the responsibility of the potential contractor to verify that the Proposal Work Plan has been received by the Program Office by the deadline. Faxed Proposal Work Plans will not be accepted.

Appropriate Management Conference Committees will review the Proposal Work Plans and forward initial recommendations to the Management Committee for award. The Management Committee will then require verbal summary presentations of Proposal Work Plans which meet the minimum requirements as described in the "Scope of Services and Schedule of Deliverables" and the Guidelines for Proposal Work Plans. Presentations to the Management Committee are scheduled to occur during their November 1994 meeting.

Copies of the Scope of Services and Schedule of Deliverables, Guidelines for Proposal Work Plans, and Guidelines for Verbal Presentations may be obtained by contacting the Program Office. Any and all expenses incurred during the development and/or presentation of Proposal Work Plans shall be the responsibility of the potential contractor. Contract execution is contingent upon funding appropriation to the granting agency.

Send copies of Proposal Work Plan by 5:00 p.m., October 24, 1994 to Corpus Christi Bay National Estuary Program, TAMU-CC, Campus Box 290, 6800 Ocean Drive, Corpus Christi, Texas 78412, ATTENTION: Proposal Work Plan (FY 1995).

Any questions regarding these projects or the review process should be directed to Richard Volk, CCBNEP Program Director, at (512) 985-6767.

Issued in Austin, Texas, on September 7, 1994.

TRD-9447685 Mary Ruth Holder
Director, Legal Division
Texas Natural Resource Conservation
Commission

Filed: September 7, 1994

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The Corpus Christi Bay National Estuary Program (CCBNEP) soliciting proposals for a project or projects to demonstrate technologies or management approaches which should be included in the Comprehensive Conservation and Management Plan (CCMP). These projects are known as "Action Plan Demonstration Projects" (APDP) and are to begin implementation during Fiscal Year 1995 (Starting date: November 15, 1994).

The CCBNEP is funded through a Cooperative Agreement between the Texas Natural Resource Conservation Commission (TNRCC) of the State of Texas and the U.S. Environmental Protection Agency (EPA). The EPA provides for 75% of the Program's funding and requires a 25% match of non-Federal funds. All contracts will be with the TNRCC. Contractors are encouraged, but not required, to provide cost sharing. The CCBNEP and TNRCC anticipate receiving funds totalling \$75,000 that will fund one or more Action Plan Demonstration Projects for FY 1995. Contractors are strongly encouraged, but not required to provide cost sharing. However, provision of cost sharing will be an evaluation factor. Proposal Work Plans will be considered which request CCBNEP funds ranging up to, but not exceeding, \$75,000.

To be eligible for funding, projects must meet the following requirements. The project must address at least one of the CCBNEP Priority Problems and must be implemented in the study area. The project must involve the demonstration of specific management strategies; APDP funding cannot be applied toward project planning or assessment activities. Results of the project must be available in time to be factored into the final CCMP; the project's Final Report must be delivered no later than July 1996.

Potential contractors must submit 40 copies of a Proposal Work Plan. The Proposal Work Plan should describe the potential contractor's approach to the project and should be submitted to the CCBNEP Program Office by no later than 5:00 p.m., October 24, 1994. It is the responsibility of the potential contractor to verify that the Proposal Work Plan has been received by the Program Office by the deadline. Faxed Proposal Work Plans will not be accepted.

Appropriate Management Conference Committees will review the Proposal Work Plans and forward initial recommendations to the Management Committee for award. The Management Committee will then require verbal summary presentations of Proposal Work Plans which meet the minimum requirements as described in the "Contract For

Consulting Services" and the Guidelines for Proposal Work Plans. Presentations to the Management Committee are scheduled to occur during their November 1994 meeting.

Copies of the Contract For Consulting Services, Guidelines for Proposal Work Plans, and Guidelines for Verbal Presentations may be obtained by contacting the Program Office. Any and all expenses incurred during the development and/or presentation of Proposal Work Plans shall be the responsibility of the potential contractor. Contract execution is contingent upon funding appropriation to the granting agency.

Send copies of Proposal Work Plan by 5:00 p.m., October 24, 1994 to Corpus Christi Bay National Estuary Program, TAMU-CC, Campus Box 290, 6300 Ocean Drive, Corpus Christi, Texas 78412, ATTENTION: Proposal Work Plan (FY 1995).

Any questions regarding these projects or the review process should be directed to Richard Volk, CCBNEP Program Director, at (512) 985-6767.

Issued in Austin, Texas, on September 7, 1994.

TRD-9447684 Mary Ruth Holder
Director, Legal Division
Texas Natural Resource Conservation
Commission

Filed: September 7, 1994

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Texas Department of Protective and Regulatory Services

Notice of Award

The Texas Department of Protective and Regulatory Services (PRS) announces this notice of service contract award. Notice of a Request for Proposal was published in the June 10, 1994, issue of the *Texas Register* (19 TexReg 4586).

Description of Services: Upon request from PRS, contractor will make determinations of medical necessity and issue service authorizations for residential placement of children, as well as review these children in care per specified time frames. The contractor will review approximately 110 private residential facility programs for compliance with level of care standards and maintain an information system relative to service delivery.

Name of Contractor: The contractor selected to provide these services is Youth for Tomorrow Foundation located at 624 Six Flags Drive #126, Arlington, Texas 76011.

Terms and Amount: The contract period is September 1, 1994, through August 31, 1995. The contract amount is not to exceed \$900,000.

Limitations: Payment is on a cost reimbursement basis and subject to available appropriations.

Due Date of Reports: Monthly reports are due at the end of each month. The final monthly report is due, along with an annual report on September 30, 1995.

Credentials: The selected contractor has demonstrated knowledge, competence, and qualifications in developing and implementing similar statewide systems, including knowledge and experience with health and human services.

Issued in Austin, Texas, on September 2, 1994.

TRD-9447568 Nancy Murphy
Section Manager, Media and Policy
Services
Texas Department of Human Services

Filed: September 2, 1994

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Public Utility Commission of Texas
Notice of Application for Good Cause
Exception to Procedure Rule 22.80

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application for a good cause exception to Public Utility Commission Substantive Rule 22.80, which requires public utilities to conform substantially to all Commission prescribed forms.

Docket Title and Number. Application of Rio Grande Electric Cooperative for Good Cause Exception to Procedure Rule 22.80. Docket Number 13141.

The Application. Rio Grande Electric Cooperative requests an exception from preparing its annual earnings report on a Texas jurisdictional basis.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0388, or (512) 458-0221 for teletypewriter for the deaf on or before September 27, 1994.

Issued in Austin, Texas, on September 6, 1994.

TRD-9447621 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: September 6, 1994

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Notice of Intent to File Pursuant to
Public Utility Commission Substantive
Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR- Custom Service for Methodist Hospital, Houston, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of an Addition to the Existing Plexar-Custom Service for Methodist Hospital pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 13389.

The Application. Southwestern Bell Telephone Company is requesting approval of an addition to the existing Plexar-Custom Service for Methodist Hospital. The geographic service market for this specific service is the Houston, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0388, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on September 6, 1994.

TRD-9447623 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: September 6, 1994

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Texas Department of Transportation
Request for Proposals

The Texas Department of Transportation, Aviation Division, publishes the following requests for qualifications for providing professional engineering services which are filed under the provisions of Texas Civil Statutes, Article 664-4. The Aviation Division will solicit and receive qualifications for professional services for the design and construction administrative phases for each of the following individual projects:

TxDOT Project Number: 95-25-013. Airport Sponsor: County of Live Oak. Project Scope: At Live Oak County Airport, the design and construction phases for improvements to the runway, taxiway, apron and turnaround pavements including: rehabilitate and mark runway 13-31, taxiway, apron, and turnaround; and associated appurtenances. Estimated total cost of the project is: \$157,000. Project Manager: John Wepryk.

TxDOT Project Number: 95-33-033. Airport Sponsor: City of Pineland. Project Scope: At Pineland Municipal Airport, the design and construction phases for improvements to the runway, taxiway, apron, turnaround and entrance road pavements including: rehabilitate and mark runway 17-35, taxiway, turnaround; repair and rehabilitate apron and entrance road; construct turnaround RW 35; grade runway edges and improve drainage; replace low intensity runway lights with medium intensity taxiway lights; develop airport layout plan; and associated appurtenances. Estimated total cost of the project is: \$290,000. Project Manager: John Wepryk.

TxDOT Project Number: 95-28-043. Airport Sponsor: County of Newton. Project Scope: At Newton Municipal Airport, the design and construction phases for improvements to the runway, taxiway, apron, and turnaround pavements including: extend runway 14-32 and low intensity runway lights; construct turnaround; rehabilitate and mark runway 14-32, taxiway, turnaround, and apron; install fencing, and erosion and sedimentation controls; clear and remove trees; develop airport layout plan; and associated appurtenances. Estimated total cost of the project is: \$340,000. Project Manager: John Wepryk.

TxDOT Project Number: 95-35-053. Airport Sponsor: County of San Saba. Project Scope: At the San Saba Municipal Airport, the design and construction phases including: rehabilitate, stripe and mark Runway 13-31, turnarounds, stub taxiway; reconstruct partial parallel taxiway, terminal apron and T hangar apron; replace low intensity with medium intensity runway lights on runway 13-31; pave entrance road; install erosion and sedimentation controls; and associated appurtenances. Estimated total cost of the project is: \$561,000. Project Manager: Ed Oshinski.

TxDOT Project Number: 95-41-013. Airport Sponsor: City of Palacios. Project Scope: At the Palacios Municipal Airport, the design and construction phases including: to replace medium intensity runway lights on runway 13-31; and rehabilitate the rotating beacon and associated

appurtenances. Estimated total cost of the project is \$160,000. Project Manager: Ed Oshinski.

TxDOT Project Number: 95-31-043. Airport Sponsor: City of Gonzales. Project Scope: At the Gonzales Municipal Airport, conduct geotechnical study; repair runway section and associated appurtenances. Estimated total cost of the project is \$50,000. Project Manager Ed Oshinski.

TxDOT Project Number: 95-22-073. Airport Sponsor: City of Caldwell. Project Scope: At the Caldwell Municipal Airport, the design and construction phases including: to resurface and or overlay, stripe & mark runway 15-33 turnarounds, partial parallel taxiway, apron, and stub taxiway; reconstruct hangar access taxiways; install pulsed light approach slope indicator on runway 15; replace segmented circle; and associated appurtenances. Estimated total cost of the project is \$209,000. Project Manager: Ed Oshinski.

TxDOT Project Number: 95-29-033. Airport Sponsor: City of Sonora. Project Scope: At the Sonora Municipal Airport, the design and construction phases for improvements to the airport including: rehabilitate stripe and mark runway 18-36, turnarounds, the north and south parallel and stub taxiways, and apron; install taxiway centerline reflectors; install pulsed light approach slope indicator and runway end identifier lights on runway 18-36; and associated appurtenances. Estimated total cost of the project is \$287,000. Project Manager: Ed Oshinski.

TxDOT Project Number: 95-26-043. Airport Sponsor: City of Hamlin. Project Scope: At the Hamlin Municipal Airport, the design and construction phases to: rehabilitate and mark runway and taxiway; reconstruct apron; reconstruct and enlarge turnaround; replace lower intensity runway lights with medium intensity runway lights; install fencing; improve drainage; install erosion and sedimentation controls; and associated appurtenances. Estimated total cost for the project is \$321,000. Project Manager: Alan Schmidt.

TxDOT Project Number: 95-24-043. Airport Sponsor: Crosbyton. Project Scope: At the Crosbyton Municipal Airport, the design and construction phases including: construct hangar access taxiway; reconstruct and widen stub taxiway; rehabilitate runway, runway turnarounds, and apron; stripe and mark runway; and rehabilitate rotating beacon; and associated appurtenances. Estimated total cost of the project is \$228,000. Project Manager: Ronnie Moore.

TxDOT Project Number: 95-23-023. Airport Sponsor: County of Crane. Project Scope: At the Crane County Municipal Airport, the design and construction phases for improvements to rehabilitate runway, apron, and taxiway; construct runway turnaround; stripe and mark runway; and replace the segmented circle; and associated appurtenances. Estimated total cost of the project is \$146,000. Project Manager: Ronnie Moore.

Those interested consulting engineers should submit for each project two unfolded copies of pages 1-3 of TxDOT, Aviation Division Form 439 (dated August, 1993) to the: Texas Department of Transportation, Aviation Division, Attention: Grant Administration, (Mailing Address) P.O. Box 12607-2607, Austin, Texas 78711; (Hand delivery address) 410 East Fifth Street, Austin, Texas 78701, (512) 476-9262; 1-800-68-PILOT.

Those firms which do not already have a copy of Form 439 (dated August 1993) should request one from the above address. Qualifications will not be accepted in any other format. Two completed unfolded copies of Form 439 (dated August 1993) for each individual project must be received by 4:00 p.m. (CDT), September 30, 1994, in the offices of the Aviation Division. The three pages of instructions should not be forwarded with the completed questionnaires. Electronic facsimiles will not be accepted.

The airport sponsor(s) duly appointed committee will review all professional qualifications and select three to five engineering firms for proposals. Those firms selected will be required to provide more detailed, project-specific proposals which address the project team, technical approach, Disadvantaged Business Enterprise (DBE) participation, design schedule, and other matters, prior to the final selection process. The final consultant selection by the sponsor's committee will be made following the completion of the review of proposals and/or interviews. Procedures for award will be in accordance with FAA Advisory Circular AC 150/5100-14C.

The airport sponsor reserves the right to reject any or all statements of qualifications, and to conduct new consulting engineer selection procedures for future projects.

If there are any questions, please contact Karon Wiedemann, Director, Grant Administration, Aviation Division, Texas Department of Transportation, or the Aviation Division project manager designated for each project at (512) 476-9262 or 1-800-68-PILOT.

Issued in Austin, Texas, on September 6, 1994.

TRD-9447667 Diane L. Northam
Legal Executive Assistant
Texas Department of Transportation

Filed: September 6, 1994

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The University of Houston
University of Houston Downtown Project
Manager

In accordance with Texas Government Code, §2254, Subchapter B, the University of Houston System announces award of a consultant contract. The consultant request for proposal was published in the June 24, 1994, issue of the *Texas Register* (19 TexReg 4998).

The project Manager will coordinate and control, on behalf of the University of Houston-Downtown, all phases of the development process including:

1. Schematic Design
2. Design Development Phase
3. Construction Phase
4. Bidding and Bid Analysis Phase
5. Construction Administration Phase

The Project Manager will be Gilbane Building Company, 1331 Lamar Avenue, Suite 1170, Houston, Texas 77010.

The contract amount is \$710,178.

The work is to begin on September 1, 1994, and be completed in May, 1997.

Issued in Austin, Texas, on September 2, 1994.

TRD-9447628

James F. Berry
Associate Vice Chancellor
The University of Houston

Filed: September 6, 1994

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Texas Water Development Board
Applications Received

Pursuant to the Texas Water Code, §6.195, the Texas Water Development Board provides notice of the following applications received by the Board:

Walnut Creek Special Utility District, P.O. Box 657, Springtown, Texas, 76086, received August 19, 1994, application for an increase in financial assistance in the amount of \$400,000 from the Water Supply Account of the Texas Water Development Fund.

City of Dayton, 111 North Church Street, Dayton, Texas, 77535, received August 16, 1994, application for an increase in financial assistance in the amount of \$75,000 from the State Water Pollution Control Revolving Fund and the Water Supply Account of the Texas Water Development Fund.

City of Van, P.O. Box 487, Van, Texas, 75790-0487, received August 16, 1994, application for an increase in financial assistance in the amount of \$275,000 from the State Water Pollution Control Revolving Fund.

City of Pharr, P.O. Box "B", Pharr, Texas, 78577, received March 4, 1994, application for financial assistance in the amount \$13,375,672 from the Economically Distressed Areas Account, the Water Quality Enhancement Account and the Water Supply Account of the Water Development Fund and the State Water Pollution Control Revolving Fund.

City of Bryan, 300 South Texas Avenue, Bryan, Texas, 77803, received August 1, 1994, application for financial assistance in the amount of \$5 million from the State Water Pollution Control Revolving Fund.

City of Vernon, P.O. Box 1423, Vernon, Texas, 76384, received July 28, 1994, application for financial assistance in the amount of \$6,140,000 from the State Water Pollution Control Revolving Fund.

South Plains Underground Water Conservation District, HCR 4 Box 79, Brownfield, Texas, 79316, received July 28, 1994, application for financial assistance in the amount of \$1 million from the Agricultural Water Conservation Bond Program.

Evergreen Underground Water Conservation District, P.O. Box 155, Jourdanton, Texas, 78026, received August 16, 1994, application for financial assistance in the amount of \$600,000 from the Agricultural Water Conservation Bond Program.

High Plains Underground Water Conservation District Number 1, 2930 Avenue Q, Lubbock, Texas, 79405, received August 15, 1994, application for financial assistance in the amount of \$4 million from the Agricultural Water Conservation Bond Program.

Panhandle Ground Water Conservation District Number 3, P.O. Box 637, White Deer, Texas, 79097, received August 11, 1994, application for financial assistance in the amount of \$500,000 from the Agricultural Water Conservation Bond Program.

Sandy Land Underground Water Conservation District, P.O. Box 130, Plains, Texas, 79355-0130, received August 24, 1993, application for financial assistance in the amount of \$500,000 from the Agricultural Water Conservation Bond Program.

Fort Bend County Municipal Utility District Number 13, 9888 Bissonnet, Suite 200, Houston, Texas, 77036, received May 17, 1994, application for financial assistance in the amount of \$6,950,000 from the State Water Pollution Control Revolving Fund.

Travis County Water Control and Improvement District Number 17, 3800 Hudson Bend Road, Suite 202, Austin, Texas, 78734, received April 29, 1994, application for financial assistance in the amount of \$1,020,000 from the Water Supply Account of the Texas Water Development Fund.

Greater Texoma Utility Authority, 5100 Airport Drive, Denison, Texas, 75020, received June 27, 1994, application for financial assistance in the amount of \$440,000 from the Water Supply Account of the Texas Water Development Fund.

Travis County Water Control and Improvement District Number 14, P.O. Box 90487, Austin, Texas, 78709-0487, received June 21, 1994, application for financial assistance in the amount of \$2,020,000 from the Water Supply Account of the Texas Water Development Fund.

City of Copperas Cove, 507 South Main Street, Copperas Cove, Texas, 76522, received June 1, 1994, application for financial assistance in the amount of \$4,450,000 from the State Water Pollution Control Revolving Fund.

Additional information concerning this matter may be obtained from Craig D. Pedersen, Executive Administrator, P.O. Box 13231, Austin, Texas, 78711.

Issued in Austin, Texas, on September 7, 1994.

TRD-9447682

Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Filed: September 6, 1994

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