

Texas Register

Volume 18, Number 21, March 16, 1993

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Information Available: The ten 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 Sections - sections adopted by state agencies on an emergency basis
- Proposed Sections - sections proposed for adoption
- Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Sections - sections adopted following a 30-day public comment period
- 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 accumulative quarterly and annual indexes to aid in researching material published.

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How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which a 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 17 (1992) is cited as follows: 17 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: "17 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 17 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, Austin. Material can be found using *Texas Register* indexes, the *Texas Administration Code*, section numbers, or TRD number.

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

How to Cite: Under the TAC scheme, each agency 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 rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

Texas Register Art Project

This program is sponsored by the *Texas Register* to promote the artistic abilities of Texas students, grades K-12, and to help students gain an insight into Texas government. The artwork is used to fill otherwise blank pages in the *Texas Register*. The blank pages are a result of the production process used to create the *Texas Register*. The artwork does not add additional pages and does not increase the cost of the *Texas Register*.

Texas Register Publications



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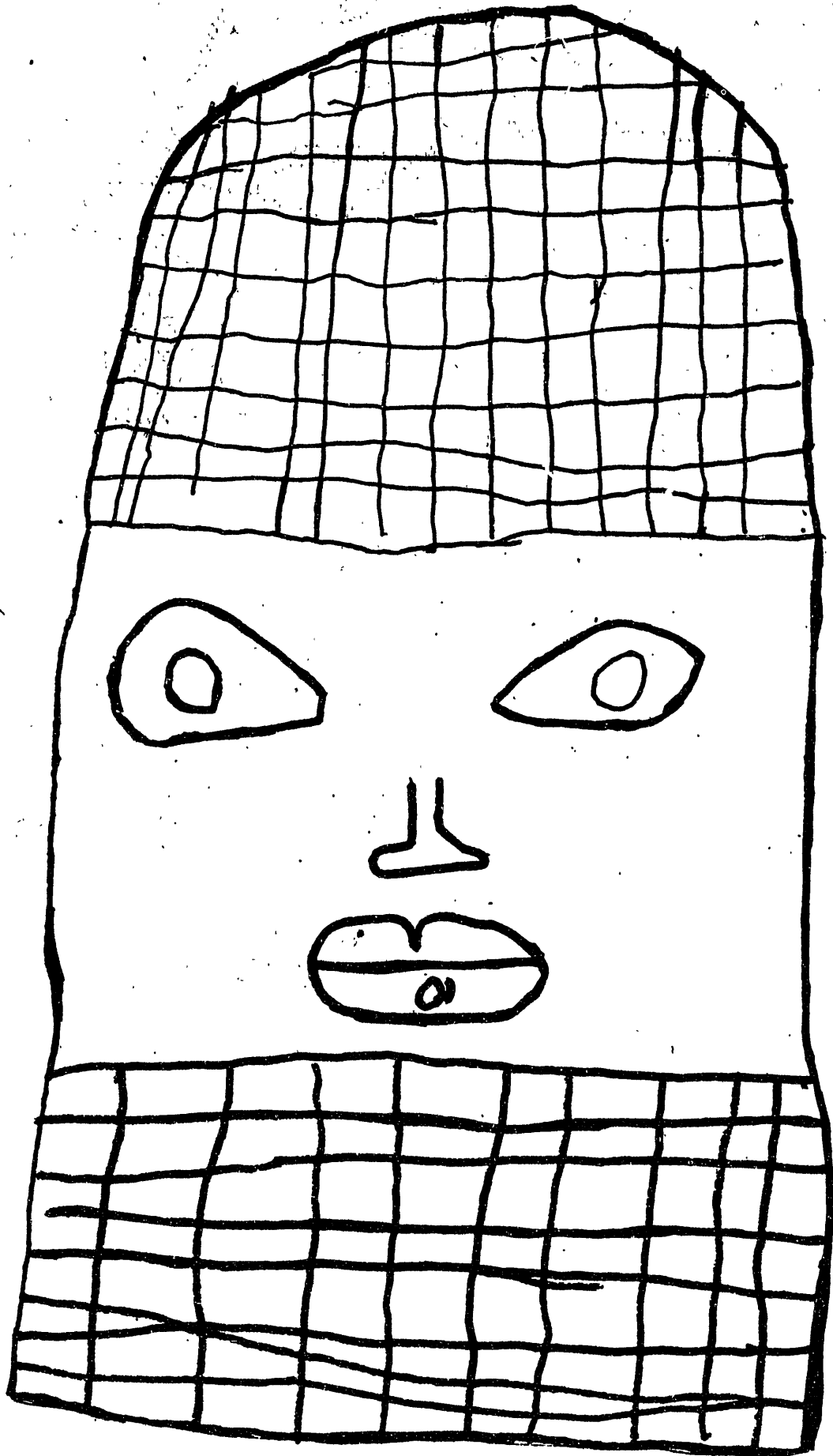
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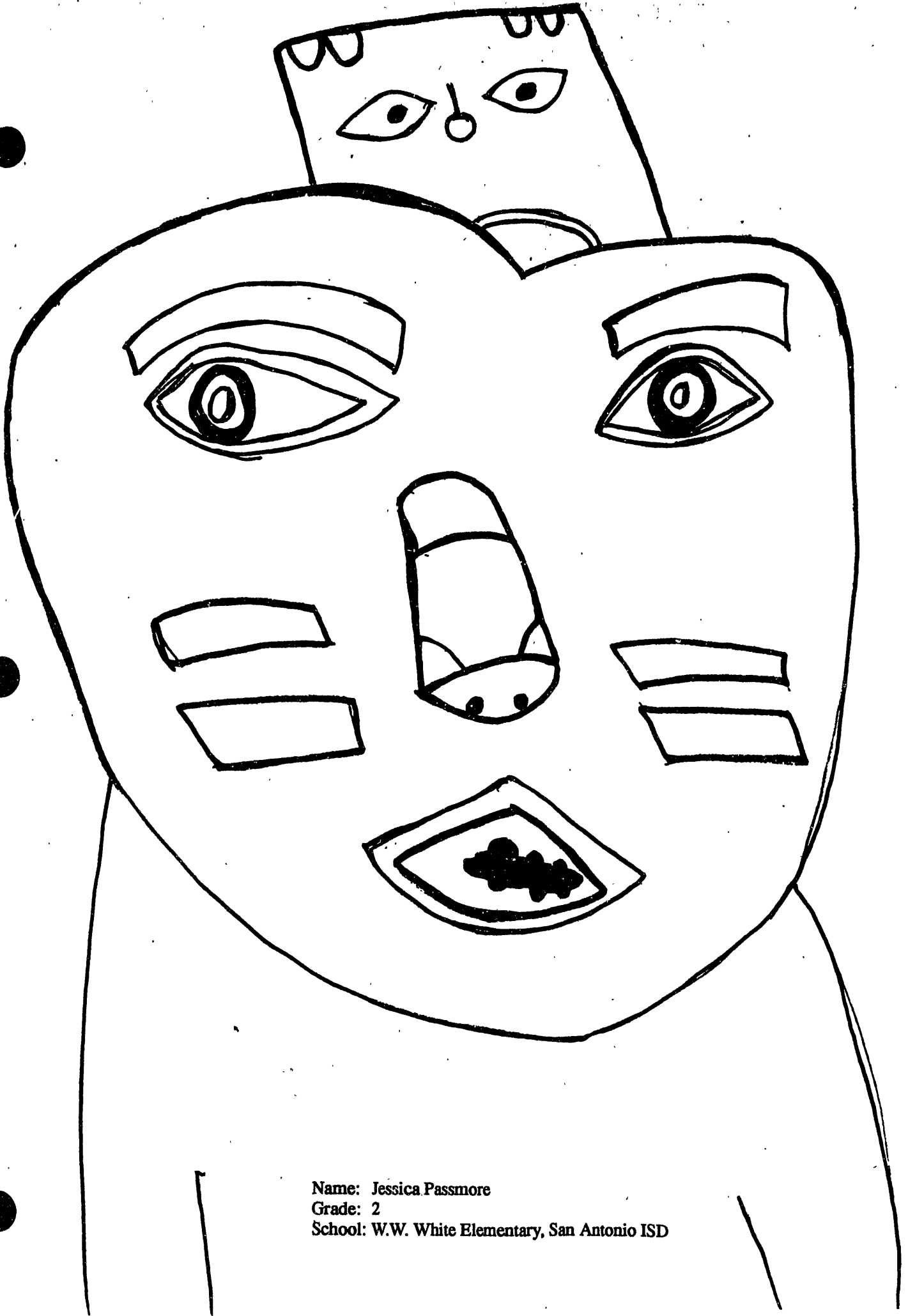
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Name: LaShonda Jones
Grade: 2
School: W.W. White Elementary. San Antonio ISD

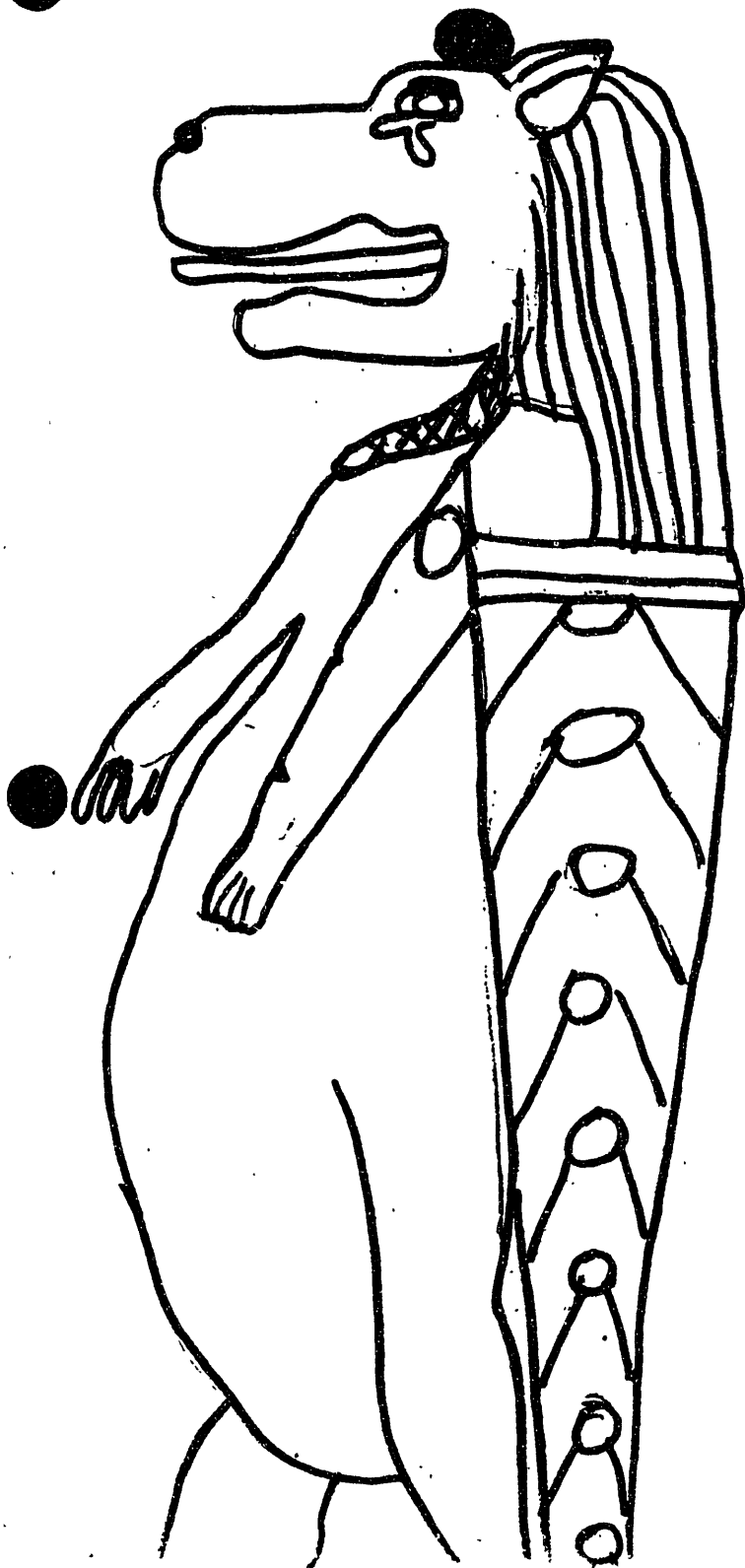




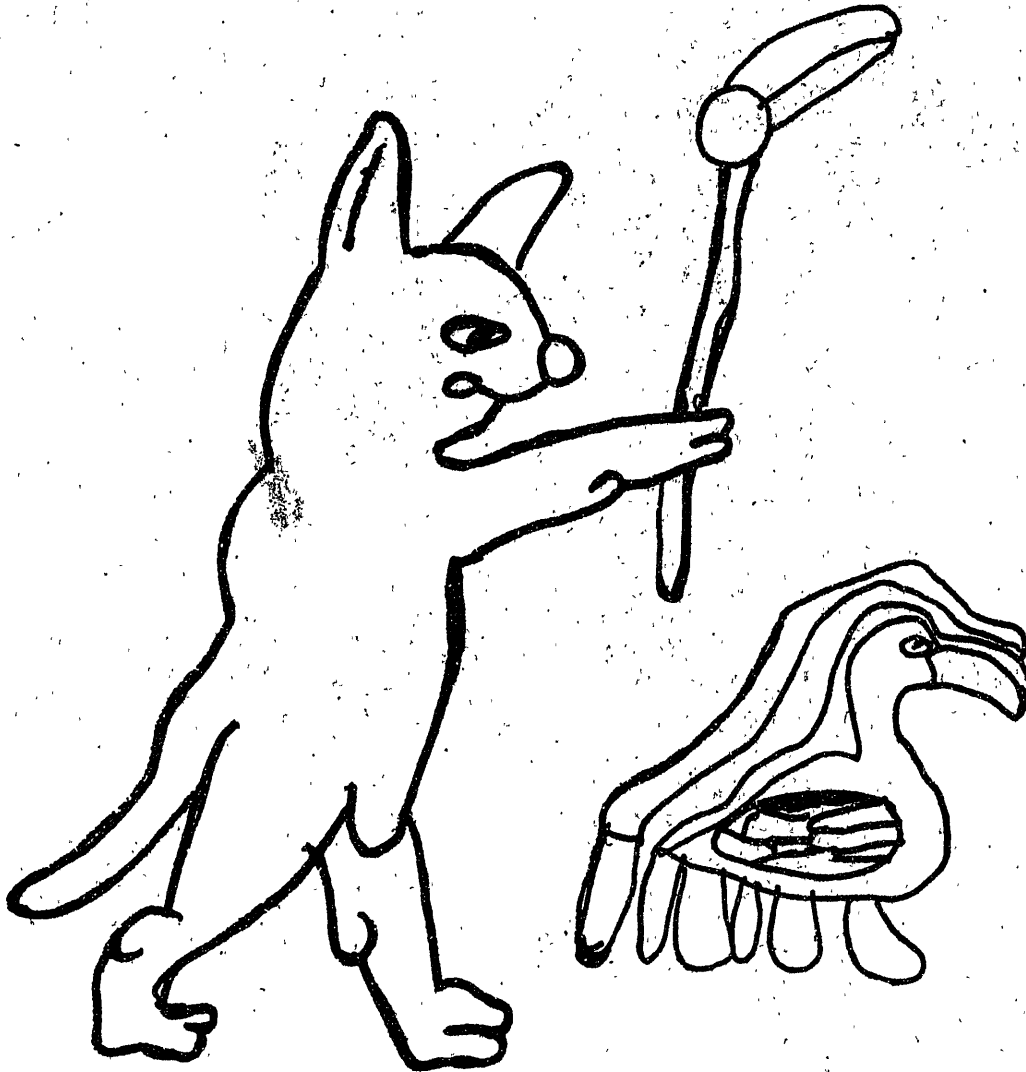
Name: Jessica Passmore
Grade: 2
School: W.W. White Elementary, San Antonio ISD



Name: Dela Cruz
Grade: 2
School: W.W. White Elementary, San Antonio ISD



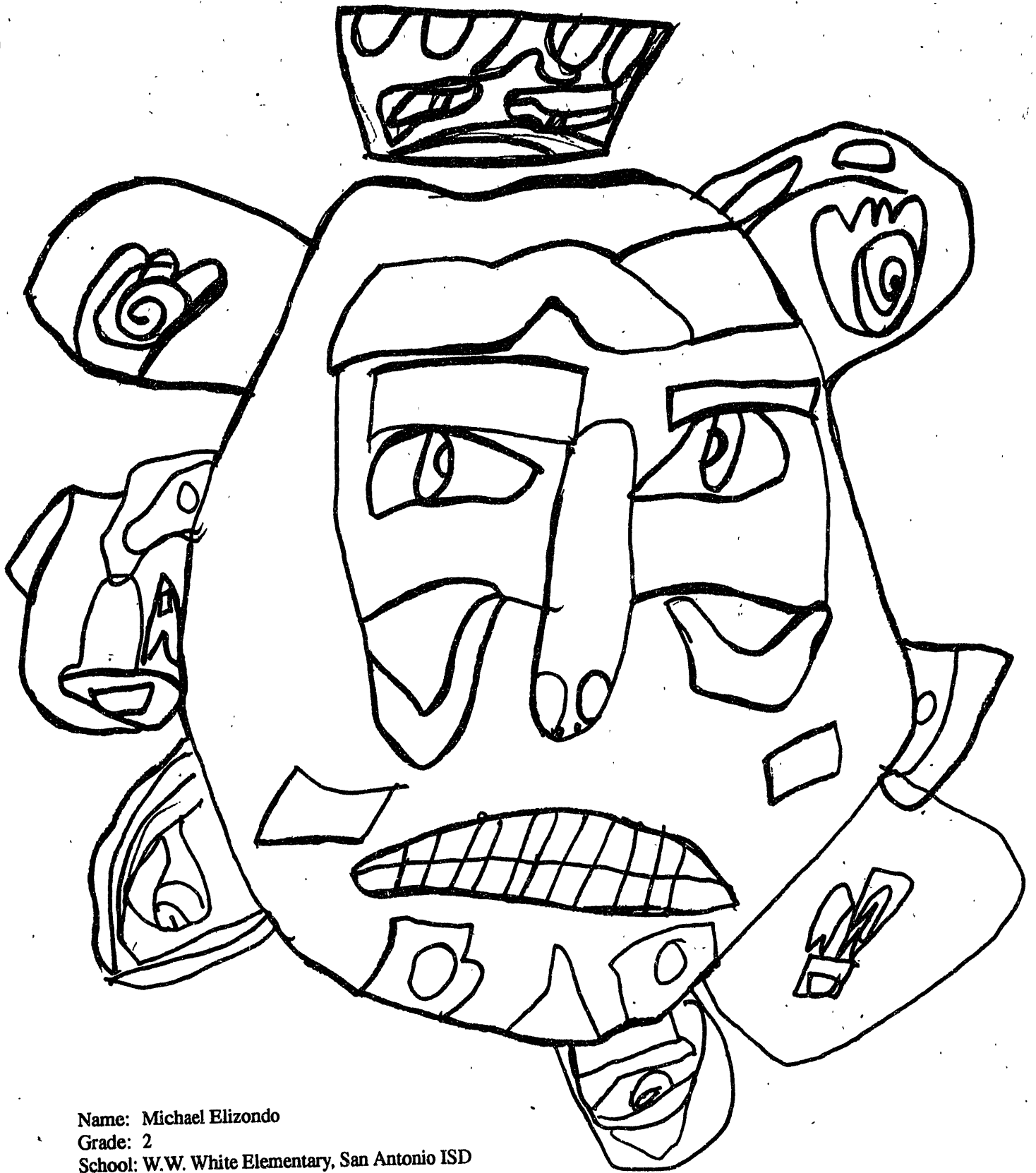
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Grade: 2
School: W.W. White Elementary, San Antonio ISD



Name: Gencie Leonard

Grade: 2

School: W.W. White Elementary, San Antonio ISD



Name: Michael Elizondo
Grade: 2
School: W.W. White Elementary, San Antonio ISD

The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in Chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

Appointments Made February 23, 1993

To be a member of the Public Counsel of the Office of Consumer Protection, State Board of Insurance for a term to expire February 1, 1995: Amy Ruth Johnson, 1310 Kenwood Avenue, Austin, Texas 78704.

Ms. Johnson is being reappointed.

To be a member of the Texas Water Development Board for a term to expire December 31, 1997: Charles W. Jenness, 1220, Augusta, Houston, Texas 77057.

Mr. Jenness is being reappointed.

Appointments Made March 2, 1993

To be a member of the Texas Employment Commission for a term to expire February 1, 1999: Jackie William St. Clair, 9609 Braeburn Glen, Austin, Texas 78729.

Mr. St. Clair will be replacing Charles E. Haddock of Dallas, who is deceased.

To be a member of the Texas Department of Housing and Community Affairs Board for a term to expire January 31, 1999: Paul R. Rodriguez, 2301 Fox Run, Mission, Texas 78572.

Mr. Rodriguez is being reappointed.

To be a member of the Texas Department of Housing and Community Affairs Board for a term to expire January 31, 1999: Richard C. Hile, 2315 Hartford Road, Austin, Texas 78703.

Mr. Hile is being reappointed.

To be a member of the Texas Tech University Board of Regents for a term to expire January 31, 1999: Bernard A. Harris, Jr. M.D., 915 Noble Springs, Houston, Texas 77062.

Dr. Harris will be replacing James L. Gulley, Jr. of Tyler, whose term expired.

To be a member of the Texas Tech University Board of Regents for a term to expire January 31, 1999: Edward E. Whitacre, Jr., 155 Bushnell, San Antonio, Texas 78212.

Mr. Whitacre will be replacing Claude C. Hobbs of Waco, whose term expired.

To be a member of the Texas Tech University Board of Regents for a term to expire January 31, 1999: Carl Edward Noe, M.D., 3948 Centenary Drive, Dallas, Texas 75225.

Dr. Noe will be replacing Rex Fuller of Lubbock, whose term expired.

To be a member of the Texas National Research Laboratory Commission for a term to expire February 1, 1999: Thomas Delano "Del" Williams, 1700 Pacific Avenue, Suite 500, Dallas, Texas 75201.

Mr. Williams is being reappointed.

To be a member of the Texas National Research Laboratory Commission for a term to expire February 1, 1999: Charles R. Delgado, 1620 Postoffice, Galveston, Texas 77550.

Mr. Delgado will be replacing Charles W. Duncan, Jr. of Houston, whose term expired.

To be a member of the Texas National Research Laboratory Commission for a term to expire February 1, 1999: Peggy Green Childress, 811 West Marvin Avenue, Waxahachie, Texas 75165.

Ms. Childress will be replacing Kenneth Allen McCrady of Ennis whose term expired.

To be a member of the Texas Department of Housing and Community Affairs Board for a term to expire January 31, 1999: Reverend Harvey Clemons, Jr., 1510 Pannell Street, Houston, Texas 77020.

Reverend Clemons is being reappointed.

Appointments Made March 3, 1993

To be a member of the Texas A&M University System Board of Regents for a term to expire February 1, 1999: T. Michael O'Connor, 702 West Goodwin, Victoria, Texas 77901.

Mr. O'Connor will be replacing Wayne Showers of McAllen, whose term expired.

To be a member of the Texas A&M University System Board of Regents for a term to expire February 1, 1999: John H. Lindsey, 3640 Willowick, Houston, Texas 77019.

Mr. Lindsey will be replacing Douglas R. DeCluitt of Waco, whose term expired.

To be a member of the Texas A&M University System Board of Regents for a term to expire February 1, 1999: M. Guadalupe Lopez Rangel, 150 Southern Street, Corpus Christi, Texas 78404.

Ms. Rangel will be replacing William A. McKenzie of Dallas, whose term expired.

Appointments Made March 8, 1993

To be a member of the Board of Pardons and Paroles for a term to expire February 1, 1999: John Escobedo, 187 Westridge Drive, Huntsville, Texas 77340.

Ms. Escobedo is being reappointed.

To be a member of the Board of Pardons and Paroles for a term to expire February 1, 1999: Bennie L. Elmore, P.O. Box 1344, Huntsville, Texas 78342-1344.

Mr. Elmore is being reappointed.

To be a member of the Board of Pardons and Paroles for a term to expire February 1, 1999: Brian J. Kelly, 2816 North Jackson Street, Palestine, Texas 75801.

Mr. Kelley will be replacing Frank Eikenburg of Dallas, whose term expired.

To be a member of the Board of Pardons and Paroles for a term to expire February 1, 1995: Iris E. Sanders Lawrence, P.O. Box 469, Amarillo, Texas 79105.

Ms. Lawrence will be filling the unexpired term of Donn Woolery of Amarillo, who is deceased.

To be a member of the Board of Pardons and Paroles for a term to expire February 1, 1999: Mary Leal, 4114 Placid Stream Court, Houston, Texas 77059.

Ms. Leal will be replacing Ron D. Givens of Lubbock, whose term expired.

To be a member of the Board of Pardons and Paroles for a term to expire February 1, 1999: Paul Joseph Prejean, 5720 Kohler, Beaumont, Texas 77706.

Mr. Prejean will be replacing Gloria Gibney of Corpus Christi, whose term expired.

To be a member of the Board of Pardons and Paroles for a term to expire February 1, 1997: Gilbert Rodriguez, 4318 South Sixth, Abilene, Texas 79605.

Mr. Rodriguez will be filling the unexpired term of Joe Hubenak of Rosenberg, who resigned.

To be a member of the Board of Pardons and Paroles for a term to expire February 1, 1999: Terri Beard Schnorrenberg, 327 Main Street, Gatesville, Texas 76528.

Ms. Schnorrenberg will be replacing Stennett D. Posey of Gatesville, whose term expired.

Proposed Sections

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 any action may be 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 sections, 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 1. ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 81. Elections

Surplus Election Contract Funds

• 1 TAC §81.161

The Office of the Secretary of State proposes new §81.161 concerning the disbursement of surplus funds from election service contracts under the Texas Election Code, §31.003. The new section provides for the county election board to determine and approve the expenditure of surplus election service contract funds. These funds are earned by the county elections officer for conducting elections for political subdivisions within the county.

Audrey Selden, Assistant Secretary of State, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Selden also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to allow local county officials to make their own determination as to the best use of surplus contract funds while requiring that these funds be used for election supplies. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Tom Harrison, Deputy Assistant Secretary of State for Elections, Elections Division, P.O. Box 12060, Austin, Texas 78711.

The new section is proposed under the Texas Election Code, §31.003, which provides the Secretary of State with the authority to prepare written rules and instructions concerning the Election Code and election laws and distribute these materials to state and local authorities charged with administering such laws. (Texas Election Code, §31.003 (Vernon 1986)). Further, the Texas Election Code, §31.100(f), requires that the Secretary of State prescribe procedures for the use of surplus funds from election services contracts. (Texas Election Code, §31.100(f) (Vernon Supplement 1993)).

§81.161. Disbursement of Surplus Funds from Election Service Contracts Under the Texas Election Code, §31.003.

(a) The Election Code, §31.100(f), requires that a surplus in the county election services contract fund may be used only to defray expenses of the county election officer's office in connection with election-related duties or functions.

(b) The Election Code, §51.002, establishes a county election board for general elections of state and county officers. The board consists of the county judge, county clerk, voter registrar, sheriff, and county chair of each political party required to nominate candidates by primary election. If the county employs an elections administrator under the Election Code, §31.031, the administrator replaces the county clerk as a member of the county election board. If the election duties of the county clerk are transferred to the county tax assessor-collector under the Election Code, §31.071, the county clerk is not a member of the county election board.

(c) The county election board for general elections of state and county officers will determine, by majority vote, the use of any surplus in the county election services contract fund. A quorum of the county election board members must vote on each issue. Pursuant to the Election Code, §51.003, the county election board is limited to approving the procurement and allocation of election supplies. Election supplies are defined in the Code, §51.002, as the equipment, ballots, forms, list of registered voters, and other materials necessary to conduct an election. The county election board may not approve purchases which are in violation of §31.100 or any other provision of the Texas Election Code.

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 March 9, 1993.

TRD-9320048

Audrey Selden
Assistant Secretary of
State
The Office of the Secretary
of State

Earliest possible date of adoption: April 16, 1993

For further information, please call: (512) 463-5701

TITLE 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 407. Internal Facilities Management

Financial Services

• 25 TAC §407.21

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

The Texas Department of Mental Health and Mental Retardation (TXMHMR) proposes the repeal of §407.21 concerning purpose of standard operating procedures and accounting. The repeal of the section would allow for the reorganization and consolidation of sections relating to financial services under an undesignated head. Amendments to those sections were proposed in the March 12, 1993, issue of *Texas Register*.

Leilani Rose, director, Financial Services, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Ms. Rose also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal is the more uniform procedures for fiscal operations. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Linda Logan, Director, Policy Development, Texas Department Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication.

The repeal is proposed under the Texas Health and Safety Code, Title 7, §532.015, which provides the Texas Board of Mental

Health and Mental Retardation with rulemaking powers.

§407.21. Purpose.

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 March 9, 1993.

TRD-9320029

Ann Utley
Chairman
Texas Department of
Mental Health and
Mental Retardation

Earliest possible date of adoption: April 16, 1993

For further information, please call: (512) 465-4670

◆ ◆ ◆
TITLE 28. INSURANCE
Part II. Texas Workers'
Compensation
Commission

Chapter 51. Award of the Board

• 28 TAC §51.65

The executive director of the Texas Workers' Compensation Commission proposes new §51.65, concerning attorney's fees. This section is proposed to describe the requirements for authorizing an attorney fee, to establish the limits on amount of the fee, and to describe the method of resolving a dispute over representation by two or more attorneys. It applies to attorney representation in claims subject to the law in effect prior to January 1, 1991. Since the previous rules regulating the attorney fees under the law in effect prior to January 1, 1990, were repealed, there has been some question of what were appropriate fees.

Janet Chamness, chief of budget, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Chamness also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is regulation of attorney fees on claims for injuries prior to January 1, 1990. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Ken Forbes, Policy and Rules Administrator, Texas Workers' Compensation Commission, Southfield Building, 4000 South I-H 35, Austin, Texas 78704-7491.

This new section is proposed under Texas Civil Statutes, Article 8307, §4(a), which provide the Industrial Accident Board with the authority to adopt rules necessary to administer the workers' compensation laws; and §17.

12(b) of Senate Bill One, Second Called Session 1989, which delegates authority to the executive director to administer the workers' compensation laws in effect prior to the effective date of the Workers' Compensation Act.

§51.65. Attorney Fees.

(a) As used in this section, executive director means the executive director of the Texas Workers' Compensation Commission, or designee.

(b) Attorneys representing claimants will be authorized to receive fees and expenses only when a power of attorney, contract of employment, or other document signed by the claimant is filed with the executive director. The attorneys' fees for representing the claimant shall be specified in the power of attorney, contract of employment, or other signed document, and the fees shall not exceed 25% of the total recovery. All attorneys' fees for representing claimants shall be subject to the approval of the executive director as provided in Texas Civil Statutes, Article 8306, §7(c). When a dispute arises as to the representation of the claimant by two or more attorneys, the executive director will require a signed and dated power of attorney or employment contract from each attorney, and the attorney first retained will be deemed to be the attorney of record, unless the executive director determines that the claimant has effected a change of attorneys.

(c) Payment for representation of multiple beneficiaries with adverse claims for benefits is not allowed.

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 March 8, 1993.

TRD-9318973

Susan Cory
General Counsel to the
Workers' Compensation
Commission
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: April 16, 1993

For further information, please call: (512) 440-3592

◆ ◆ ◆
Chapter 55. Lump Sum Payments

• 28 TAC §55.5 §55.15

The executive director of the Texas Workers' Compensation Commission proposes amendments to §55.5 and §55.15, concerning lump sum payments and compromise settlement agreements. Amendments are proposed to eliminate use of colored envelopes when the commission responds to the parties. These proposed amendments do not

change the procedure or destination of the responses, just the color of the envelopes.

Janet Chamness, chief of budget, has determined that for the first five-year period the sections are in effect there will be fiscal implications as a result of these changes in enforcement or administration of these sections. It will save the commission the costs of special colored envelopes.

There will be no effect on state or local government as a result of amending these sections.

Since these sections were adopted, the volume of claims subject to either lump sum or compromise settlement agreement have dropped significantly so the need for special mail handling is not as important as it once was. These proposed amendments should have no effect on small or even on large businesses.

Ms. Chamness also has determined that for each year of the first years the sections are in effect the public benefit anticipated as a result of enforcing the is lower cost for the commission in providing notice for lump sum payments and for compromise settlement agreements. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Ken Forbes, Policy and Rules Administrator, Texas Workers' Compensation Commission, Southfield Building, 4000 South I-H 35, Austin, Texas 78704-7491.

The amendments are proposed under Texas Civil Statutes, Article 8307, §4(a), which provide the Industrial Accident Board with the authority to adopt rules necessary to administer the workers' compensation laws; and §17. 12(b) of Senate Bill One, Second Called Session 1989, which delegates authority to the executive director to administer the workers' compensation laws in effect prior to the effective date of the Workers' Compensation Act.

§55.5. Lump Sum Payments. No lump sum payment of fatal benefits may be made without prior board approval. No lump sum payment of fatal benefits may be made to beneficiaries, unless there exists a bona fide dispute as to the liability of the insurance carrier, and no lump sum payment of benefits for injuries enumerated in Texas Civil Statutes, Article 8306, §11a, shall be made unless there is also a bona fide dispute as to the liability of the insurance carrier (Texas Civil Statutes, Article 8306, §8(d) and §10(d)).

(1) (No change.)

(2) All lump sum payment agreements submitted to the board must be submitted in four parts—the original must be white, the second copy pink, third copy yellow, and fourth copy white. The forms must either be on NCR paper or be submitted with carbon left intact. The board will mail a [A] copy of the lump sum payment agreement [will be furnished] to the claimant, claimant's attorney if one has been

employed, and the carrier's Austin representative [parties listed below] in lieu of a separate approval notice. [:]

[(A) the pink copy will be mailed to the claimant (in an envelope of like color) by the board;

[(B) the yellow copy will be mailed to the claimant's attorney if one has been employed (in an envelope of like color); and

[(C) the final copy will be placed in the Austin board representative's box.

§55.15. Compromise Settlement Agreements. A compromise settlement agreement must contain the following information:

(1)-(5). (No change.)

(6) all compromise settlement agreements submitted to the board must be submitted in four parts—the original must be white, the second copy pink, the third copy yellow, and fourth copy white. The forms must either be on NCR paper or be submitted with carbon left intact. The board will provide a [A] copy of the compromise settlement agreement [will be furnished] to the [parties listed below] claimant, claimant's attorney if one has been employed, and the carrier's Austin representative in lieu of a separate approval notice. [:]

[(A) The pink copy will be mailed to the claimant (in an envelope of like color) by the board.

[(B) The yellow copy will be mailed to the claimant's attorney if one has

been employed (in an envelope of like color).

[(C) The final copy will be placed in the Austin representative's box.

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 March 8, 1993.

TRD-9319973

Susan Cory
General Counsel to the
Workers' Compensation
Commission
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: April 16, 1993

For further information, please call: (512) 440-3592

Texas Department of Insurance Exempt Filing

Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's Note: As required by the Insurance Code, Article 5.96 and 5.97, the Texas Register publishes notice of proposed actions by the Texas Board of Insurance. Notice of action proposed under Article 5.96 must be published in the Texas Register not later than the 30th day before the board adopts the proposal. Notice of action proposed under Article 5.97 must be published in the Texas Register not later than the 10th day before the Board of Insurance adopts the proposal. The Administrative Procedure and Texas Register Act, Article 6252-13a, Texas Civil Statutes, does not apply to board action under Articles 5.96 and 5.97.

The complete text of the proposal summarized here may be examined in the offices of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104.)

The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 1993 scheduled for 1:30 p.m. April 29, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas, will consider a proposal filed by the staff of the Workers' Compensation Division of the Texas Department of Insurance. The staff is proposing several recommendations to the workers' compensation classification system as a result of a study performed by Dr. Mark Crawshaw, consulting actuary for the firm of Wakely and Associates, Atlanta. The recommendations were proposed in a petition (Reference Number W-0393-05), filed by the staff on March 3, 1993.

According to the staff's petition, the following recommendations are being presented to the State Board of Insurance for possible adoption.

1. The number of workers' compensation classifications should be substantially reduced by consolidating into single classifications the multiple classifications that describe similar businesses and for purposes of determining classification relativities and experience rating values, by grouping classifications with similar claims experience and hazard.

2. The classification phraseology used in the Workers' Compensation Manual should be updated, modernized and simplified wherever appropriate. In addition, definitions should be expanded to include a listing of as many specific types of businesses included within a classification as possible.

3. The classification system should not at this time be territorially based or allow for differences in wage levels by employers.

4. The classifications for eight of the 22 classifications that currently include clerical workers should be revised to exclude clerical workers from the basic classification wording.

5. The classification definitions should be revised so that within a single class, drivers are treated uniformly, either as a standard exception or not.

6. The three current classifications related to mining should be consolidated into a single "a" rated classification.

7. The eleven current classifications related to explosive manufacturing should be consolidated into two "a" rated classifications.

8. The 26 current classifications related to chemical manufacturing should be consolidated into nine "a" rated classifications.

9. The four current classifications for domestic workers should be consolidated into a single "a" rated classification.

10. The following five classifications should no longer be "a" rated: Code 1748-Abrasive Wheel Manufacturing; Code 2030-Beet Sugar Manufacturing; Code 3022-Pipe or Tube Manufacturing NOC; Code 5705-Salvage Operation; Code 7425-Aircraft or Helicopter NOC Flying Crew.

11. The disease designator "d" should be dropped from all classifications, except supplemental disease classifications which should be "a" rated. Consideration should be given to establishing additional supplemental disease classifications for statistical reporting purposes.

A copy of the petition containing the full text of the proposed amendments is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Angie Arizpe (512) 322-4147, (refer to Reference Number W-0393-05).

On April 20, 1993, at 9 a.m., the staff of the Workers' Compensation Division will hold a briefing in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, open to the public to discuss the proposed changes to be presented at the April 29, 1993 hearing before the Board. The briefing will not be held before the three member Board.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedures and Texas Register Act.

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 March 10, 1993.

RD-9320062

Linda W. von Cunniff-Dorn
Chief Clerk
Texas Department of
Insurance

For further information please call (512)
462-6328

Adopted Sections

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 1. ADMINISTRATION

Part I. Office of the Governor

Chapter 4. Automobile Theft Prevention Authority

• 1 TAC §4.47

The Office of the Governor, Automobile Theft Prevention Authority adopts new §4.47 concerning preparation of 1992 Assessment Form, without changes to the proposed text as published in the January 8, 1993, issue of the *Texas Register* (18 TexReg 153).

The new section is necessary to provide insurers with a form and instructions. Timely and accurate payment of the assessment is necessary for funding the operations of the authority.

The new section adopts by reference a form and instructions which facilitate compliance with statutory requirements for reporting and payment of the assessment. The annual assessment is required by statute to be paid on or before February 1, 1993. For the purposes of the 1992 calendar year assessment, the Automobile Theft Prevention Authority may notify the State Board of Insurance of any insurer that fails to pay the fee by April 1, 1993. The authority has filed copies of these forms and instructions with the Secretary of State's Office, Texas Register Section. Persons desiring copies of the form and instructions can obtain copies from Tax Administration, Texas Department of Insurance, Tower 1, Room 860, 333 Guadalupe Street, Austin.

Comments were made on the Form and Instructions for Auto Theft Prevention Authority Assessment for 1992 as summarized.

Disagreement on terminology, specifically "Motor Vehicle Years of Insurance" means earned car years not written car years. The written car years would include all written auto policies and not allow for cancellations or new policies written late in the year of assessment.

Instructions contain wrong definition of "Motor Vehicle Years of Insurance."

Instructions for Assessment should contain same exclusion as rule allowing recoupment.

Instructions for rounding for fractions of months should be included in the Assessment Form and Instructions.

State Farm Insurance Companies commented on the new section.

The Automobile Theft Prevention Authority has reviewed the Assessment Form and Instructions and agree with the Tax Administration's decision that the Assessment Form and Instructions, as presented, are sufficient.

The new section is adopted under Texas Civil Statutes, Article 4413(37), §10. Texas Civil Statutes, Article 6252-13a, §4 and §5, require and authorize each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and prescribe the procedures for adoption of rules by a state administrative agency.

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 March 4, 1993.

TRD-9319999 David A. Talbot, Jr.
General Counsel
Office of the Governor

Effective date: March 30, 1993

Proposal publication date: January 8, 1993

For further information, please call: (512) 463-1940

TITLE 13. CULTURAL RESOURCES

Part II. Texas Historical Commission

Chapter 17. State Architectural Programs

• 13 TAC §17.4

The Texas Historical Commission adopts an amendment to §17.4 concerning Texas Preservation Trust Fund, without changes to the proposed text as published in the December 11, 1992, issue of the *Texas Register* (17 TexReg 8611).

The rules for the Preservation Trust Fund have been revised in order to avoid any confusion.

The section has been revised and will be printed and distributed to the public in a pamphlet form.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Government Code, Chapter 442, which provides the Texas Historical Commission with the authority to adopt rules as it considers proper for the effective administration of this chapter (§442.005(q)).

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 January 22, 1993.

TRD-9320018 Curtis Tunnell
Executive Director
Texas Historical
Commission

Effective date: March 30, 1993

Proposal publication date: December 11, 1992

For further information, please call: (512) 463-5768

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

Chapter 13. Financial Planning

Subchapter A. General Provisions

• 19 TAC §13.1

The Texas Higher Education Coordinating Board adopts an amendment to §13.1 concerning formulas, with changes to the proposed text as published in the December 25, 1992, issue of the *Texas Register* (17 TexReg 9080).

The proposed rule would authorize the commissioner to utilize a 24-month base period in cases in which enrollments during two 12-month base periods exceed the enrollment during the intervening 12-month non-base period by 5.0% or more.

The amendments will give authorization to the commissioner to utilize a two-year base period in calculating hours to be presented for formula funding in certain community/junior colleges and technical colleges.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §61.059, which provides the Coordinating Board with the authority to adopt rules regarding Formulas.

§13.1. Formulas. Each public senior college and university shall prepare its appropriation request for each biennium in accordance with the Formulas Designated by

the Coordinating Board for that biennium, and with the Definitions of the Elements of Institutional Costs designated by the Coordinating Board for that biennium. Copies are available in the Coordinating Board offices, P.O. Box 12788, Austin, Texas 78711. In the event that the average number of hours presented by a public community or technical college for formula funding in two consecutive 12-month base periods exceeds the hours for the intervening 12-month period by 5.0%, the Commissioner is authorized to use a 24-month base period in determining the Board's formula funding recommendation for that institution.

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 March 3, 1993.

TRD-9320026

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: March 30, 1993

Proposal publication date: December 25, 1992

For further information, please call: (512) 483-6160

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part IX. Texas Department on Aging

Chapter 255. State Delivery Systems

Area Agency Designation

• 40 TAC §255.38

The Texas Department on Aging adopts the new §255.38, concerning the various contract and reimbursement methodologies for area agencies on aging which may be used to procure purchase of services authorized under Title III of the Older Americans Act as amended with changes to the proposed text as published in the January 1, 1993, issue of the *Texas Register* (18 TexReg 50).

The justification for the new rule is that it establishes a single source of policies and procedures for contracting by area agencies on aging for services which will assist the network in standardizing these processes, state wide.

The rule will function to improve understanding of the processes used by the area agencies and reviewed by the Department to accomplish contracting for services.

During the public comment period, comments were received from Houston-Galveston Area Agency on Aging, Concho Valley Area Agency on Aging, Panhandle Area Agency on

Aging, Brazos Valley Area Agency on Aging and the Board and staff of the Department.

Comment: One commenter questioned if the intent of the rule was to propose that area agencies be a party to a contract with the Department.

Response: The Department does not intend to use this rule to provide a basis to substitute a contract process between area agencies and the Department for the current grants management process.

Comment: One commenter stated that "at risk" contracting, as it relates to the cost reimbursement contract process, seems to conflict with that approach to contracting.

Response: To the extent that all contractual activity poses a risk of exceeding agreed upon funding, as would be the case with cost reimbursement contracting, there is no contradiction. It is the intent of the Department to point out that area agencies have no obligation to make up cost overruns on fixed reimbursement contracts. To the extent that cost overruns may occur, the contractor is at risk to bear those overruns.

Comment: One commenter stated that they were experiencing difficulties in accounting for all units of service and that, for certain services, providing services under unit rate basis can hinder client/professional relationships.

Response: Other contracting methods are available, such as cost reimbursement and purchase of services. In situations where these can be used to alleviate problems as stated above, they should be used except for those services which must be contracted for on a unit rate basis, a specified in (d) (1) of this section pertaining to prescribed contracting methods for specific services as mandated by the legislative budget board.

One commenter stated that standard assurances for area agencies on aging are not appropriate in contracts with service providers and indicated that the standard assurances contained in this section were a restatement of assurances included in the area plan.

Response: After discussion of these comments by the operations subcommittee and the Board, it was determined that inclusion of the standard assurances in the rule would strengthen the Department's purpose of assuring compliance with Older American Act requirements.

In addition to the changes resulting from public comment, TDoA is adopting the rule with changes as a result of staff and Board review and recommendations to improve clarity.

The new section is adopted under the Human Resources Code, §101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the department.

§255.38. Contract and Reimbursement Methodology for Area Agencies on Aging.

(a) Authority to contract. The authority for area agencies to contract is based on the Older Americans Act of 1965, as

amended, and its regulations; HHS regulations on Administration of Grants; Title 45 Code of Federal Regulations (CFR), Part 74; Title 45 CFR, Part 92; Title 45 CFR, Part 1321, et seq; Title 45 CFR, Part 91; and all Texas Department on Aging Policies and Rules as published in the Texas Administrative Code (TAC) under Chapter 251 et seq (Title 40 Part IX, Texas Administrative Code); and with all state and local laws as pertains to this contract and its attachments.

(b) Types of contracts. The Texas Department on Aging has authorized the use of four contracting methodologies for the procurement of goods and services by area agencies on aging. These contracting methods are known as cost reimbursement, performance based unit rate, direct purchase of services, and sole source procurement.

(1) Cost reimbursement. In cost reimbursement contracts, the area agency pays the contractor on a reimbursable basis for services rendered. The contractor agrees to deliver specific services on an "at risk" basis; that is, the AAA will make payment of actual expenses based on a pro rata share that Title III funds represents of the total funds budgeted in the approved budget for each specific service. Adjustments to the share of expenses that Title III funds will pay will be considered only in instances where a service provider experiences significant operating losses due to events over which they have no control, or reasonably could not have anticipated or in instances where a service provider experiences excess revenues over operational costs due to unanticipated and/or unbudgeted additional resources or reductions in expenses due to a change in cost allocation methodology. "At risk" reimbursement will not be adjusted to offset poor management planning. Any adjustment to an "at risk" reimbursement rate will be judged on its own merits. It is the responsibility of the contractor requesting an increase in the share of expenses that Title III will pay to provide adequate documentation to assure the AAA that the increase is warranted due to circumstances beyond their control. It is the responsibility of the AAA requesting a decrease in the share of expenses that Title III will pay to provide adequate documentation to assure that the decrease is warranted.

(2) Unit rate performance based contract. In this contracting method, the area agency agrees to make payment to the contractor in the amounts and upon the terms, provisions and budgets as set forth in the contract as a result of negotiation of a suitable unit rate. The area agency pays the contractor on a unit rate reimbursement basis for services rendered. The contractor agrees to deliver specific services on an "at risk" basis. Adjustments will be considered only in instances where a service provider suffers operating losses due to events over which they have no control, or reasonably

could not have anticipated or instances where a service provider experiences significant excess revenues over operational costs due to unanticipated and/or unbudgeted additional resources or reductions in expenses due to a change in cost allocation methodology. "At risk" unit rates will not be adjusted to offset poor management planning. Any adjustment to an "at risk" unit rate will be judged on its own merits. It is the responsibility of the contractor requesting rate increase to provide adequate documentation to assure the AAA that the increase is warranted due to circumstances beyond their control. It is the responsibility of the AAA requesting a rate decrease to provide adequate documentation to assure that the decrease is warranted.

(3) Direct purchase of service contracts. Direct purchase of service (DPS) contracting is an alternative contracting methodology for the purchase of services. It allows for the purchase of service on a client-by-client basis instead of contracting annually by either performance based or cost reimbursement method. The area agency sets aside a sum of money, known as a direct purchase "pool," to be used by Case Managers to develop an individual's service plan. DPS provides access to OAA resources to those in greatest need and is an effective targeting tool, as it allows many more providers to participate in Title III programs and broadens access to service while providing increased flexibility for case management, permits more direct monitoring of service dollar expenditures, ties up fewer dollars in administrative costs, and presents a case manager with more control over commitment of resources to individual clientele.

(4) Sole source procurement. This method may be used only when the award of a contract is infeasible under the other procurement methods. In this event, area agencies will comply with the procedures established in 45 CFR Part 92.36(d)(4), Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, relating to procurement by noncompetitive proposals.

(c) Contracting processes. Area agencies, using the unit rate performance based or cost reimbursement methods generally follow the pattern detailed in paragraphs (10)-(5) of this subsection. Prior to the beginning of each area planning cycle, area agencies on aging shall issue RFPs. Area agencies must comply with competitive bidding procedures for any available funds in excess of \$25,000 in the aggregate. Funds in excess of \$25,000 may not be subdivided to circumvent the intent of this policy. Area agencies should require additional information on which to judge the qualification of applicants and their poten-

tial to be successful service providers. RFPs issued by area agencies include part or all of the following information:

(1) a section detailing proposal requirements which contain the purpose, eligibility requirements, contact person, contract period, format, review criteria, scope, and appeal procedures for bidders. Also included are particulars regarding the purpose of the RFP, authority of the issuing agency, submission procedures, required proposal content, proposal review criteria, appeals procedures, award process (including description of performance based unit rate contracts), and contractor responsibilities;

(2) background information which consists of the service area, target population, services, and funding for the services to be procured;

(3) contract award considerations which detail any special factors regarding the contract, how payment will be made for service delivery, and funding requirements which must be complied with by the service provider;

(4) service requirements and obligations of the successful bidders which encompasses records maintenance requirements, evaluation and assessment conditions, requirements to assure non-discrimination, drug free work place, confidentiality, contributions, reporting requirements training, coordination, and others which must be observed to assure compliance with federal and state requirements;

(5) audit requirements which conform to the requirements set forth in Standards for Audits of Governmental Organizations, Programs, Activities, and Functions, issued by the United States General Accounting Office; the Single Audit Act of 1984; and the provisions of OMB Circular A-128; Audits of State and Local Governments, or OMB Circular A-133 Audits of Institutions of Higher Education, and Other Nonprofit Organizations, as applicable.

(d) Prescribed contracting methods for Specific Services. The Legislature and the Texas Department on Aging have identified specific services which must be contracted either by performance based contracting or by cost reimbursement.

(1) The following services will be contracted for using the performance based unit rate methodology;

- (A) ongregate meals;
- (B) home delivered meals;
- (C) legal assistance;
- (D) homemaker;

(E) adult day care;

(F) case management;

(G) demand/response transportation; and

(H) emergency response services.

(2) Other services authorized by the Older Americans Act, as amended, may be contracted for either by performance based unit rate contracting or cost reimbursement, as determined by the area agency on aging.

(3) All services may be purchased using the direct purchase of service method when it is necessary to meet the needs of elderly clients who are participating in Case Management programs. The DPS RFP and contracting methods are detailed in §255.40 of this title (relating to Direct Purchase of Services Program for Area Agencies on Aging).

(e) Cost reimbursement and unit rate performance based contract content. Contract documents utilized by the area agencies on aging should include the following paragraphs which encompass the following subjects:

- (1) authority to contract;
- (2) contracting parties and execution date;
- (3) contract period;
- (4) contract extension provisions;
- (5) procedures to amend;
- (6) scope of services;
- (7) funding obligations;
- (8) compensation processes;
- (9) payment methodology;
- (10) reporting requirements;
- (11) match requirements;
- (12) program income;
- (13) contribution policy;
- (14) maintenance of requirements;
- (15) accessibility of records;
- (16) audit requirements;
- (17) payment suspension and contract termination;
- (18) deobligation of funding;
- (19) recapture of payments;
- (20) indemnification;

- (21) liability to third parties;
- (22) insurance coverage;
- (23) code of conduct;
- (24) governance;
- (25) assignment;
- (26) force majeure;
- (27) contract notices;
- (28) political activity;
- (29) sectarian involvement;
- (30) right to appeal;
- (31) independent contractor;
- (32) oral and written agreement;
- (33) severability;
- (34) venue; and
- (35) targeting expectations.

(f) Standard assurances. Contract documents utilized by the area agencies on aging should include the following standard assurances required by appropriate paragraphs of the Older Americans Act as follows.

(1) Information and assistance systems:

(A) 306a4—provide for establishment of I & A, with emphasis on isolated elderly, Alzheimer's victims and their caretakers;

(B) 306a5B—provide assurances that the AAA will use outreach efforts that will identify elderly, with emphasis on rural, greatest economic need (emphasis on low-income minority), greatest social need (emphasis on low-income minority), severe disabilities, limited English-speaking ability, elderly Alzheimer's and their caretakers;

(C) 306a5C—contain an assurance that AAA will ensure that each activity, including planning, advocacy, and systems development, will include a focus on the needs of low-income minority elderly;

(D) 306a6B—provide that the AAA will furnish technical assistance in a timely manner to service providers under the Area Plan and an annual evaluation of the effectiveness of outreach;

(E) 306a6C—provide that the area agency will take into account in the development and implementation of the Area Plan, the views of service recipients;

(F) 306a6D—provide that the AAA will serve as advocate and focal point

for elderly (in cooperation with agencies, organizations, and individuals participating in activities under the plan);

(G) 306a6Ei—provide that the AAA will enter into arrangements with organizations providing day care for children or adults and respite for families to provide opportunities to voluntarily care for the children;

(H) 306a6Eii—provide that the AAA will, if possible, enter into arrangements and coordinate with organizations that have a proven record of providing services to elderly that were officially designated as community action agencies or programs;

(I) 306a6G—provide that the AAA will develop and publish methods by which priority of services is determined;

(J) 306a6I—provide that the AAA will conduct efforts to facilitate coordination of community based, long-term care services; designed to include case management;

(K) 306a6L—provide that the AAA will coordinate access, in-home, and legal services with activities of community-based organizations established for the benefit of Alzheimer's victims and their families;

(L) 306a6M—as previously for mental health services;

(M) 306a6N—provide that the AAA will conduct outreach to elderly Indians if there is a significant Indian population (Dallas, Deep East, Middle Rio, and Rio);

(N) 306a6P—provide that the AAA will establish a grievance procedure for elderly who are dissatisfied with or denied services under this Title;

(O) 306a6R—provide that the AAA will list the telephone number of the agency in each telephone directory that is published under the name Area Agency on Aging.

(P) 306a18—provide assurances to coordinate Title III services with Title VI (Deep East AAA only);

(Q) 306a19—provide an assurance that the AAA will pursue activities to increase access by elderly Native Americans to all aging programs and benefits provided by the AAA including Title III,

and specify the ways in which the area agency intends to implement the activities (Dallas, Deep East, Middle Rio) ;

(R) 306a20A—provide that Title III case management services provided through the AAA will not duplicate case management services provided through other Federal and State programs;

(S) 306a20B—provide that Title III case management services provided through the AAA will be coordinated with other Federal and State programs;

(T) 306a20C—provide that Title III case management services provided through the AAA will be provided by a public agency or a non-profit private agency that does not provide, and does not have a direct or indirect ownership or controlling interest in, or a direct or indirect affiliation or relationship with, an entity that provides services other than Title III case management; or is located in a rural area and obtains a waiver of this requirement; and

(U) 306a6H—provide that the AAA will establish effective and efficient procedures for coordination between OAA providers and between OAA providers and other Federal programs, especially Low-Income Home Energy Assistance Act, Part A of Energy Conservation in Existing Buildings Act CSBC7.

(2) Homemaker services.

(A) 306a6H—The area plan will provide that the AAA will establish effective and efficient procedures for coordination between OAA providers and between OAA providers and other Federal programs especially (Title XX).

(B) 306a7—The area plan will provide that the AAA will provide assurances that any amount received under Part D will be expended in accordance with such part-In-Home Services for Frail Older Individuals.

(C) 306a10—The area plan will provide that the AAA will provide assurances that any amount received under part G will be expended in accordance with such part-Supportive Activities for Caretakers who provide In-Home Services to Frail Older Individuals.

(3) Home repair/modification. 306a6Q—The area plan will provide that the AAA will enter into voluntary arrangements with non-profit entities that provide housing (such as HUD 202) to provide leadership and coordination in development, provision, and expansion of adequate housing, supportive services, referrals, and living ar-

rangements for elderly and advance notification and non-financial assistance to older individuals who are subject to eviction.

(4) Ombudsman, adult day care, elder abuse awareness.

(A) 306a6J-The area plan will provide that the AAA will identify the public and private non-profit agencies involved in prevention, identification and treatment of abuse, neglect, and exploitation of elderly and determine the extent to which the need for services is unmet.

(B) 306a6K-The area plan will provide that the AAA will facilitate the involvement of long-term care providers in the coordination of community-based long-term care services and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities.

(5) Center operations, transportation, legal, health screening, health education, physical fitness. 306a6S-The area plan will provide that the AAA will identify the needs of elderly and describe methods to coordinate planning and delivery of transportation services to elderly, including those with special needs.

(6) Senior volunteers and employment opportunities. 306a12-The area plan will in the discretion of the AAA, provide for an area volunteer services coordinator.

(7) Congregate and home delivered meals. 306a16-The area plan will provide assurances that projects will reasonably accommodate participants with particular dietary needs arising from health requirements, religious requirements, or ethnic background.

(8) Corporate eldercare assurances.

(A) 306a13A-The area plan will describe all activities of the AAA, whether funded by public or private funds.

(B) 306a13Bi-The area plan will provide an assurance that the (AAA's) activities conform with the responsibilities of the AAA as set forth in 306a;

(C) 306a13Bii-The area plan will provide an assurance that the (AAA's) activities conform with the laws, regulations, and policies of the state;

(D) 306a14A-The area plan will provide assurance that the AAA will maintain the integrity and public purpose of

services provide in all contractual and commercial relationships.

(E) 306a14B-The area plan will provide assurance that the AAA will disclose to AoA and state the identity of each non-governmental entity with which such agency has a contract or commercial relationship relating to providing any service to elderly; and the nature of such contract or relationship.

(F) 306a14C-The area plan will provide assurance that the AAA will demonstrate that a loss or diminution in the quantity or quality of the services provided or to be provided by such agency has not resulted and will not result from such contract or relationship.

(G) 306a14D-The area plan will provide assurance that the AAA will demonstrate that the quantity or quality of the services to be provide by such agency will be enhanced as a result of such contract or such relationship.

(H) 306a14E-The area plan will provide assurance that the AAA will, on request from AoA or the State for the purpose of monitoring, disclose all sources and expenditures of funds such agency receives or expends to provide services to the elderly.

(I) 306a15-The area plan will provide assurances that Title III funds will not be used to pay any part of a cost (including admin) incurred by AAA to carryout a contract or commercial relationship that is not carried out to implement this title.

(J) 306a16-The area plan will provide assurances that preference in receiving services under Title III will not be given to particular elderly as a result of a contract or commercial relationship that is not carried out to implement this title.

(9) Administrative assurances:

(A) 306a5Aii-provide assurances that AAA will include in each contract with provider a requirement that provider will specify how to meet needs of low-income minority, and provide services to low-income minority in accordance with their need for service, and meet specific objectives established by the area agency for providing services to low-income minority individuals;

(B) 306a6A-provide that AAA will conduct periodic evaluations and

public hearings on activities carried out under the Area Plan;

(C) 306a6F-provide that the AAA will establish an advisory council consisting of elderly, clients, representatives of elderly, elected officials, veteran's health care providers, and general public; and

(D) 306a6O-provide that the AAA will compile available information on institutions of higher education and make information available to elderly at senior centers, and nutrition sites.

(10) Budget related assurances.

(A) 306a2-provide assurances that an adequate proportion of the amount allotted for part B to the planning and service area will be expended for the delivery of each of the following categories of services:

(i) services associated with access to services (outreach, information and assistance, case management, and transportation);

(ii) in-home services as specified in the Older Americans Act, §342(1)(A)-(E); and

(iii) legal assistance;

(B) 306a5Ai-set objectives for serving elderly in greatest social or economic need, include specific objectives for providing services to low-income minority individuals; and

(C) 306a11-provide assurances that the area agency will expend not less than the total amount of funds appropriated and expended by the agency in FY91 in carrying out the State Long-Term Care Ombudsman program.

(g) Performance standards. Regardless of the type of procurement processes used, the area agency must ensure that the service provider conforms to the specified service standard in providing the service. In the absence of adopted standards for any specific service, the area agency must identify the performance standards which the provider will be expected to follow until such time as service standards are issued by the state office.

(h) Cost accounting. In order to establish and track service costs accurately, each service provider must have an accounting system, which identifies all costs for each specific service being purchased, regardless of procurement method. The AAA should require, by contract stipulation, that the service provider have adequate accounting records to review and manage service costs.

(i) Reporting requirements. Service contracts must contain specific requirements for reporting, regardless of procurement method used. Area Agencies must assure that the reporting requirements include a provision for adequate reporting and documentation of units of service and unduplicated persons who received the services. It must be understood by the service providers that payments for service will be based on the service units provided and the agreed upon method for service payment.

(j) Direct services. AAAs providing direct services will be required to complete

the appropriate section of the Area Plan/amendments. The PLANS budget document will specify the unit rate identified for applicable direct services of the AAA. AAAs shall enter into a Direct Service Agreement with TDoA which states the service performance expectation during a specified period. The direct service agreement will become part of the approved area plan. All requirements regarding performance standards, cost accounting and reporting requirements will apply to area agencies in direct service provision.

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 March 9, 1993.

TRD-9320037

Mary Sapp
Executive Director
Texas Department on
Aging

Effective date: October 1, 1993

Proposal publication date: January 1, 1993

For further information, please call: (512) 444-2727

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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 prior to 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 named 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. Emergency meeting notices filed by all governmental agencies will be published.

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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

Friday, March 19, 1993, 10 a.m. The Texas Agricultural Finance Authority of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 1700 North Congress Avenue, Stephen F. Austin Building, Room 924-A, Austin. According to the agenda summary, the department will discuss and act on minutes of previous meeting; adoption of program rules; legislative issues; hear presentations by First Interstate Bank and J. P. Morgan-Walton Johnson; discuss and act on senior managing underwriter; open meetings requirements for credit review committee; loan applications; discuss guaranty portfolio; discuss and act on financial advisors contracts; and discuss other business.

Contact: Robert Kennedy, P.O. Box 12847, Austin, Texas 78711, (512) 463-6534.

Filed: March 10, 1993, 4:35 p.m.

TRD-9320115

Tuesday, March 23, 1993, 1 p.m. The Texas Department of Agriculture will meet at the Briscoe County Courthouse, Commissioners Courtroom, Silvertown. According to the complete agenda, the department will hold a public hearing to receive public comments regarding proposed special exemptions under Texas Herbicide Law for Briscoe County.

Contact: Lynn Howard, P.O. Box 12847, Austin, Texas 78711, (512) 475-1677.

Filed: March 10, 1993, 4:35 p.m.

TRD-9320116

Thursday, March 25, 1993, 1:30 p.m. The Texas Department of Agriculture will meet at the Texas A and I Citrus Center, 312

North International, Weslaco. According to the complete agenda, the department will hold a public hearing to consider request for certification to conduct citrus referendum under the Texas Commodity Referendum Law as submitted by Texas Citrus Mutual.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: March 10, 1993, 4:35 p.m.

TRD-9320117

Tuesday, April 6, 1993, 10 a.m. The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 2626 South Loop West, Suite 130, Houston. According to the complete agenda, the administrative hearing will review alleged violation of Texas Agriculture Code Annotated §103.001 et seq. (Vernon 1982) by Sun Sprouts of Texas, Inc. as petitioned by Donald Kieschnick.

Contact: Joyce C. Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: March 10, 1993, 9:22 a.m.

TRD-9320054

Tuesday, April 6, 1993, 1:30 p.m. The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 2626 South Loop West, Suite 130, Houston. According to the complete agenda, the administrative hearing will review alleged violation of Texas Agriculture Code Annotated §103.001 et seq. (Vernon 1982) by the Commissary as petitioned by El Tule Farms.

Contact: Joyce C. Arnold, P.O. Box 12847, Austin, Texas 78711, (512) 475-1668.

Filed: March 10, 1993, 9:22 a.m.

TRD-9320055

Texas Air Control Board

Thursday, March 18, 1993, 1:15 p.m. The Hearings Oversight Committee of the Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the complete agenda, the committee will consider and act on approval to adopt amendments to the procedural rules concerning contested case hearings and alternative dispute resolution; staff procedures regarding the processing of requests for contested case hearings; and procedures for the appeal to the board of an executive director's decision on a request for a contested case hearing.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: March 9, 1993, 10:26 a.m.

TRD-9320010

Thursday, March 18, 1993, 2 p.m. The Regulation Development Committee of the Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the complete agenda, the committee will consider and act on approval to adopt amendments to the procedural rules concerning contested case hearings and alternative dispute resolution; approval for public hearings on proposed revisions to the State Implementation Plan for lead in Collin County; review of executive director's decision to grant rulemaking petition submitted by the Texas Chemical Council regarding proposed revisions to §115.127; and development of ni-

trogen oxide reasonably available control technology requirements.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: March 9, 1993, 10:27 a.m.

TRD-9320014

Thursday, March 18, 1993, 3 p.m. The Permits Oversight Committee of the Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the complete agenda, the committee will consider and act on best available control technology report regarding small business cotton gins; development of a strategic plan to streamline permit requirements and procedures; modeling and effects evaluation guidelines for permit review; and a report on roundtable meeting for federal operating permit implementation.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: March 9, 1993, 10:27 a.m.

TRD-9320013

Friday, March 19, 1993, 8:15 a.m. The Community Involvement Committee of the Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the complete agenda, the committee will consider and act on information and education outreach efforts.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: March 9, 1993, 10:27 a.m.

TRD-9320012

Friday, March 19, 1993, 8:30 a.m. The Budget and Finance Committee of the Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the complete agenda, the committee will consider and act on approval of contracts; and on the purchase of a replacement fume hood for laboratory acid digestion procedures for soil analyses.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: March 9, 1993, 10:27 a.m.

TRD-9320011

Friday, March 19, 1993, 9 a.m. The Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the agenda summary, the board will call the meeting to order; consider and act on approval of the minutes; public testimony;

enforcement report, on agreed enforcement orders; best available control technology report regarding small business cotton gins; development of strategic plan; modeling and effects evaluation guidelines for permit review; contested case hearing process; approval of contracts; purchase of a replacement fume hood; approval for public hearing on revisions to SIP lead in Collin County; executive director's decision to grant rulemaking submitted by TCC on revisions to Rule 115.127; development of a system to evaluate VOC controls for ozone SIP; hear report on status of field and emissions inventory studies; staff proposal for administration of stage II vapor recovery; development of NO_x reasonably available control technology; developments in Texas Legislature; proposal for addressing concerns of county tax assessors/collectors regarding funding; committee meeting reports; new business; and adjourn.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: March 9, 1993, 10:27 a.m.

TRD-9320015

Texas Commission on Alcohol and Drug Abuse

Thursday, March 18, 1993, 12:30 p.m. The Criminal Justice Issues Committee of the Texas Commission on Alcohol and Drug Abuse will meet at the Wyndham Warwick Hotel, 5701 Main Street, Houston. According to the complete agenda, the committee will call the meeting to order; discuss approval of minutes; update on in-prison therapeutic communities; update on 12,000 bed substance abuse facilities; aftercare; legislative update; prior pending business; new business; and adjourn.

Contact: Ted Sellers, 720 Brazos, Suite 403, Austin, Texas 78701, (512) 867-8132.

Filed: March 9, 1993, 4:26 p.m.

TRD-9320042

Texas Commission on the Arts

Wednesday, March 24, 1993, 8 a.m. The Media-Peer Review Panel of the Texas Commission on the Arts will meet at the E. O. Thompson Building, 920 Colorado, 10th Floor Conference Room, Austin. According to the complete agenda, the commission will make introductions; discuss grants deliberations and voting; and review policy.

Contact: Connie Ree Green, Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: March 10, 1993, 2:07 p.m.

TRD-9320078

Thursday, March 25, 1993, 3 p.m. The Dance-Peer Review Panel of the Texas Commission on the Arts will meet at the E. O. Thompson Building, 920 Colorado, 10th Floor Conference Room, Austin. According to the complete agenda, the commission will make introductions; discuss grants deliberations and voting; and review policy.

Contact: Connie Ree Green, Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: March 10, 1993, 2:07 p.m.

TRD-9320079

Friday, March 26, 1993, 8 a.m. The Dance-Peer Review Panel of the Texas Commission on the Arts will meet at the E. O. Thompson Building, 920 Colorado, 10th Floor Conference Room, Austin. According to the complete agenda, the commission will make introductions; discuss grants deliberations and voting; and review policy.

Contact: Connie Ree Green, Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: March 10, 1993, 2:07 p.m.

TRD-9320080

Monday, March 29, 1993, 3 p.m. The Education-Peer Review Panel of the Texas Commission on the Arts will meet at the E. O. Thompson Building, 920 Colorado, 10th Floor Conference Room, Austin. According to the complete agenda, the commission will make introductions; discuss grants deliberations and voting; and review policy.

Contact: Connie Ree Green, Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: March 10, 1993, 2:08 p.m.

TRD-9320081

Tuesday, March 30, 1993, 8 a.m. The Education-Peer Review Panel of the Texas Commission on the Arts will meet at the E. O. Thompson Building, 920 Colorado, 10th Floor Conference Room, Austin. According to the complete agenda, the commission will make introductions; discuss grants deliberations and voting; and review policy.

Contact: Connie Ree Green, Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: March 10, 1993, 2:08 p.m.

TRD-9320082

Thursday, April 1, 1993, 8 a.m. The Community Arts-Peer Review Panel of the Texas Commission on the Arts will meet at the E. O. Thompson Building, 920 Colorado, 10th Floor Conference Room, Austin. According to the complete agenda, the commission will make introductions; discuss grants deliberations and voting; and review policy.

Contact: Connie Ree Green, Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: March 10, 1993, 2:08 p.m.

TRD-9320083

Friday, April 2, 1993, 8 a.m. The Community Arts-Peer Review Panel of the Texas Commission on the Arts will meet at the E. O. Thompson Building, 920 Colorado, 10th Floor Conference Room, Austin. According to the complete agenda, the commission will make introductions; discuss grants deliberations and voting; and review policy.

Contact: Connie Ree Green, Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: March 10, 1993, 2:08 p.m.

TRD-9320084

Tuesday, April 6, 1993, 8 a.m. The Literature-Peer Review Panel of the Texas Commission on the Arts will meet at the E. O. Thompson Building, 920 Colorado, 10th Floor Conference Room, Austin. According to the complete agenda, the commission will make introductions; discuss grants deliberations and voting; and review policy.

Contact: Connie Ree Green, Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: March 10, 1993, 2:09 p.m.

TRD-9320087

Wednesday, April 7, 1993, 3 p.m. The Theatre-Peer Review Panel of the Texas Commission on the Arts will meet at the E. O. Thompson Building, 920 Colorado, 10th Floor Conference Room, Austin. According to the complete agenda, the commission will make introductions; discuss grants deliberations and voting; and review policy.

Contact: Connie Ree Green, Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: March 10, 1993, 2:09 p.m.

TRD-9320085

Thursday, April 8, 1993, 8 a.m. The Theatre-Peer Review Panel of the Texas Commission on the Arts will meet at the E. O. Thompson Building, 920 Colorado, 10th Floor Conference Room, Austin. According to the complete agenda, the commission will make introductions; discuss grants deliberations and voting; and review policy.

Contact: Connie Ree Green, Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: March 10, 1993, 2:09 p.m.

TRD-9320086

Tuesday, April 13, 1993, 8 a.m. The Perf Arts Touring-Peer Review Panel of the Texas Commission on the Arts will meet at the E. O. Thompson Building, 920 Colorado, 10th Floor Conference Room, Austin. According to the complete agenda, the commission will make introductions; discuss

grants deliberations and voting; and review policy.

Contact: Connie Ree Green, Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: March 10, 1993, 2:09 p.m.

TRD-9320088

Wednesday, April 14, 1993, 8 a.m. The Perf Arts Touring-Peer Review Panel of the Texas Commission on the Arts will meet at the E. O. Thompson Building, 920 Colorado, 10th Floor Conference Room, Austin. According to the complete agenda, the commission will make introductions; discuss grants deliberations and voting; and review policy.

Contact: Connie Ree Green, Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: March 10, 1993, 2:09 p.m.

TRD-9320089

Thursday, April 15, 1993, 3 p.m. The Music-Peer Review Panel of the Texas Commission on the Arts will meet at the E. O. Thompson Building, 920 Colorado, 10th Floor Conference Room, Austin. According to the complete agenda, the commission will make introductions; discuss grants deliberations and voting; and review policy.

Contact: Connie Ree Green, Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: March 10, 1993, 2:10 p.m.

TRD-9320092

Friday, April 16, 1993, 8 a.m. The Music-Peer Review Panel of the Texas Commission on the Arts will meet at the E. O. Thompson Building, 920 Colorado, 10th Floor Conference Room, Austin. According to the complete agenda, the commission will make introductions; discuss grants deliberations and voting; and review policy.

Contact: Connie Ree Green, Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: March 10, 1993, 2:10 p.m.

TRD-9320093

Wednesday, April 21, 1993, 8 a.m. The Visual Arts-Peer Review Panel of the Texas Commission on the Arts will meet at the E. O. Thompson Building, 920 Colorado, 10th Floor Conference Room, Austin. According to the complete agenda, the commission will make introductions; discuss grants deliberations and voting; and review policy.

Contact: Connie Ree Green, Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: March 10, 1993, 2:10 p.m.

TRD-9320090

Thursday, April 22, 1993, 8 a.m. The Visual Arts-Peer Review Panel of the Texas Commission on the Arts will meet at the E. O. Thompson Building, 920 Colorado, 10th

Floor Conference Room, Austin. According to the complete agenda, the commission will make introductions; discuss grants deliberations and voting; and review policy.

Contact: Connie Ree Green, Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: March 10, 1993, 2:10 p.m.

TRD-9320091

The State Bar of Texas

Thursday, March 18, 1993, 1:30 p.m. The Executive Committee of the State Bar of Texas will meet at the Texas Law Center, 1414 Colorado, Room 206/207, Austin. According to the agenda summary, the committee will call the meeting to order; take roll call; hear reports by the Chair of the Board, President, Executive Director, Texas Young Lawyers Association President, President-elect, Legislative Policy Committee, Office of General Counsel, Immediate Past President, Commission for Lawyer Discipline and the Supreme Court Liaison; and adjourn.

Contact: Pat Hiller, 1414 Colorado, Austin, Texas 78701, (512) 463-1451.

Filed: March 10, 1993, 3:20 p.m.

TRD-9320099

Texas Bond Review Board

Thursday, March 18, 1993, 10 a.m. The Texas Bond Review Board will meet at the Committee Room Number Three, Fifth Floor, Clements Building, 300 West 15th Street, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of the minutes; consider proposed issues; discuss other business; and adjourn.

Contact: Jim Thomassen, 300 West 15th Street, Suite 409, Austin, Texas 78701, (512) 463-1741.

Filed: March 10, 1993, 3:49 p.m.

TRD-9320104

Texas Child Care Development Board

Wednesday, March 24, 1993, 2 p.m. The Texas Child Care Development Board will meet at the Sam Houston State Office Building, 201 East 14th Street, Room 710, Austin. According to the complete agenda, the board will welcome and make introductory remarks; hear reports from Department of Transportation, Board of Insurance, and Creative World; discuss election of secre-

tary; outreach possibilities; new business; and adjourn.

Contact: Judith Dale, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5130.

Filed: March 10, 1993, 4:15 p.m.

TRD-9320114

Texas Department of Criminal Justice

Wednesday, March 17, 1993, 1 p.m. The Board of Criminal Justice, Subcommittee on Construction of the Texas Department of Criminal Justice will meet at the Wyndham Warwick Hotel, 5701 Main Street, Houston. According to the agenda summary, the board will convene in regular session; discuss current project status, 2250 Man Units; Stiles Unit-Beaumont, Terrell Unit-Livingston, Karnes City; 1000 Man Units; Cuero, Colorado City; Psychiatric Unit; Jester-Sugarland; Construction Program; review construction projects for board approval; set date, location, and format of next meeting; discuss other items; jail backlog detention facilities; and meet in executive session to discuss *Alberti v. TDCJ* (closed in accordance with Texas Civil Statutes, Article 6252-17, §2(e)).

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

Filed: March 9, 1993, 4:10 p.m.

TRD-9320040

Wednesday, March 17, 1993, 3 p.m. The Board of Criminal Justice, Subcommittee on Site Selection of the Texas Department of Criminal Justice will meet at the Wyndham Warwick Hotel, 5701 Main Street, Houston. According to the complete agenda, the board will convene the meeting; review and discuss TDCJ staff's analysis of private bed RFP responses; discuss recommendations for full board consideration; and adjourn.

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

Filed: March 9, 1993, 4:10 p.m.

TRD-9320039

Thursday, March 18, 1993, 8 a.m. The Board of Criminal Justice, Subcommittee on Windham School System of the Texas Department of Criminal Justice will meet at the Wyndham Warwick Hotel, 5701 Main Street, Houston. According to the complete agenda, the board will convene the meeting; discuss computerization of records; personnel changes; class size; recidivism as a measure of educational program success; and adjourn.

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

Filed: March 10, 1993, 4:13 p.m.

TRD-9320111

Thursday, March 18, 1993, 9 a.m. The Board of Criminal Justice, Subcommittee on County Relations of the Texas Department of Criminal Justice will meet at the Wyndham Warwick Hotel, 5701 Main Street, Houston. According to the complete agenda, the board will convene the meeting; discuss House Bill 93 compliance; site determination for state jails; prisons and other facilities; construction schedule for state jails, prisons, and other facilities; transportation of felony inmates; parole violators in county jails and other parole issues; status of Ruiz beds; status of TDCJ appropriations; TDCJ-CJAD funding for local programs; allocation formula; and adjourn.

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

Filed: March 10, 1993, 4:13 p.m.

TRD-9320110

Thursday, March 18, 1993, 11 a.m. The Board of Criminal Justice, Subcommittee on Parole Issues of the Texas Department of Criminal Justice will meet at the Wyndham Warwick Hotel, 5701 Main Street, Houston. According to the complete agenda, the board will convene the meeting; hear presentation on Community Corrections Institute, Red River County by Jesse Oliver and Judge L. D. Williamson; report on parole division activities by Bob Owens, division director; and adjourn.

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

Filed: March 10, 1993, 4:13 p.m.

TRD-9320109

Thursday, March 18, 1993, 12:30 p.m. The Board of Criminal Justice, Subcommittee on Substance Abuse of the Texas Department of Criminal Justice will meet at the Wyndham Warwick Hotel, 5701 Main Street, Houston. According to the complete agenda, the board will call the meeting to order; discuss approval of the minutes; update on in-prison therapeutic communities: female facility-Gatesville, male facilities-Kyle and Amarillo, and client process; update on 12,000 bed substance abuse facilities: female facility-Gatesville, male facilities-Jester I, Central and Ramsey, and client selection process; aftercare; sanctions and PPD/case manager relationships; legislative update; prior pending business; update on TCADA legislation for counselors licensure; update on program evaluation;

TDCJ outpatient audit; drug testing employees; new business; and adjourn.

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

Filed: March 10, 1993, 4:12 p.m.

TRD-9320108

Thursday, March 18, 1993, 2 p.m. The Board of the Texas Department of Criminal Justice will meet at the Wyndham Warwick Hotel, 5701 Main Street, Houston. According to the complete agenda, the board will call the meeting to order; will convene the meeting in regular session: Department of Criminal Justice audit; Community Justice Assistance Division; hear presentation on community correction; discuss subcommittee on training; meet in executive session; discuss with board attorneys concerning Ruiz, Alberti, Harris, Lamar, Guajardo, Moore, Gaines, Johnson, Crowson, McDaniel, Thebeau, Argee, McLennan County, and Angelina County litigation; Windham School System; contract nonrenewal of non-probationary employee(s); and employee grievance.

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

Filed: March 10, 1993, 4:12 p.m.

TRD-9320107

Texas Education Agency

Friday-Saturday, April 2-3, 1993, 1:30 p.m. and 8:30 a.m. (Respectively). The State Parent Advisory Council for Migrant Education of the Texas Education Agency will meet at the Howard Johnson Plaza-North, 7800 North IH-35, Austin. According to the complete agenda, the agency will welcome; discuss approval of the minutes; Texas Assessment of Academic Skills (TAAS); alternate test dates and out-of-state testing sites; Migrant Student Record Transfer System (MSRTS) and alternate methods for exchange of student information; evaluation of the Migrant Education Program; statistics information discussion regarding TAAS, dropouts, overagedness, and the Public Education Information Management System (PEIMS); update on state plan for Migrant education; Migrant Education Summer Program; recruitment of Migrant students; and recommend agenda items for next meeting.

Contact: Frank Contreras, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9067.

Filed: March 11, 1993, 9:44 a.m.

TRD-9320129

Texas Commission on Fire Protection

Wednesday-Friday, March 24, 1993, 10 a.m. and March 25-26, 1993, 8:30 a.m. (Respectively). The Fire Protection Personnel Advisory Committee of the Texas Commission on Fire Protection will meet at 3006B Longhorn Drive, Austin. According to the agenda summary, the committee will discuss approval of the previous minutes; election of officers; overview and brief on agenda items; consider and/or discuss matters from members, public, and staff; report of testing committee; discuss and/or possibly act on proposed rules and amendments to 37 TAC Chapters 421, 423, 425, 427, 435, 437, 439, and 443; public comments concerning rules pending before or adopted by the Texas Commission on Fire Protection relating to paid fire protection personnel and local fire departments regulated under Government Code, Chapter 419, Subchapter B; discuss with Volunteer Fire Fighter Advisory Committee on areas of mutual concern; and discuss and/or possibly act on future meeting dates, times, and agenda items.

Contact: Jack Woods, 3006B Longhorn Boulevard, Austin, Texas 78759-6735.

Filed: March 11, 1993, 9:45 a.m.

TRD-9320130

Friday-Saturday, March 26-27, 1993, 9 a.m. The Volunteer Fire Fighter Advisory Committee of the Texas Commission on Fire Protection will meet at 3006B Longhorn Drive, Austin. According to the agenda summary, the committee will discuss approval of the previous minutes; consider and/or discuss matters from members and the public; discuss with Fire Protection Personnel Advisory Committee on areas of mutual concern; discuss and/or possibly act on special subcommittee recommendations concerning SFFMA training program; on proposed rules and changes to 37 TAC Chapters 471, 473, 475, 477, 479, 481, 483, 485, 487, and 489 regarding public comments concerning rules pending before the Texas Commission relating to volunteer fire fighters and volunteer fire departments regulated under Government Code, Chapter 419, Subchapter D; on designation of committee representative(s) for presentation of committee report to the commission; and discuss future meeting dates, times, and agenda items.

Contact: Jack Woods, 3006B Longhorn Boulevard, Austin, Texas 78759-6735.

Filed: March 11, 1993, 9:53 a.m.

TRD-9320131

Texas Department of Health

Tuesday-Wednesday, March 23-24, 1993, 1:30 p.m. and 9 a.m. (Respectively). The HIV Education Prevention and Risk Education Advisory Committee of the Texas Department of Health will meet in Room T-607, Texas Department of Health, 1100 West 49th Street, Austin. According to the complete agenda, the committee will introduce new members; discuss approval of the minutes of previous meetings; and discuss and possibly act on status of vacant membership categories; subcommittee status reports and assignment of new members; duties of advisory committee officers; elect new officers (chairperson, vice-chairperson, secretary, and parliamentarian); HIV Education/Counseling, Testing, Referral and Partner Notification Program update; minority taskforce; role of the Bureau of HIV and STD Control; organizational structure; public health promotion update; hear presentation by the Tuberculosis Elimination Program; HIV Prevention Program; needs assessment survey; scheduling of meetings; and subcommittee meetings.

Contact: Anne Williamson, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7209. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D., (512) 458-7708 at least two days prior to the meeting.

Filed: March 10, 1993, 4:01 p.m.

TRD-9320106

Friday, March 26, 1993, 9:30 a.m. The Chronically Ill and Disabled Children's Health Service Systems Advisory Committee of the Texas Department of Health will meet in Room T-607, Texas Department of Health, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss and possibly act on chronically ill and disabled children's (CIDC) program update; preadmission, screening, and annual resident review (PASARR) for children with special health care needs (CSHCN) for nursing home placement; PASARR; case management services; budget; Title V update; and agenda items for the next committee meeting.

Contact: John Evans, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7355. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D. D., (512) 458-7708 at least two days prior to the meeting.

Filed: March 10, 1993, 4 p.m.

TRD-9320105

The Statewide Health Coordinating Council

Friday, March 19, 1993, 8:30 a.m. The Legislative Committee of the Statewide Health Coordinating Council will meet in Room M-652, Texas Department of Health, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the February 24, 1993, meeting; and discuss and possibly act on legislation affecting SHCC; report on legislative visits; and prioritization of additional legislation for tracking.

Contact: Don R. Kretsinger, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. For ADA assistance, call Richard Butler, (512) 458-7488 or T.D.D., (512) 458-7708 at least two days prior to the meeting.

Filed: March 10, 1993, 4:13 p.m.

TRD-9320112

Texas Department of Human Services

Friday, March 19, 1993, 10 a.m. The Texas Board of Human Services of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the complete agenda, the board will consider acting on approval of the January 22, 1993, minutes; hear chairman's comments and announcements; family violence advisory committee report; coordinated care pilot project; reimbursement to disproportionate share hospitals; medicare payment of services performed by advance nurse practitioners; proposed dispensing expense for the vendor drug program; rate for diagnostic services for persons with potential of mental retardation; rates for case management for individuals with mental retardation or related condition, persons with chronic mental illness, high-risk pregnant women and high-risk infants, and infants and toddlers with developmental disabilities; rates for rehabilitative services for persons with mental illness; amendments to ICF-MR standards for participation regarding personal finances and funds; amendments to PASARR; amendments to reimbursement methodology and supplemental payment rate for ventilator dependent residents in nursing facilities; amendments to rules regarding activities and social services in nursing facilities; client eligibility criteria, provider payment standards, and provider reimbursement method-

ology for nursing facility, waiver program; proposal to immunize children in AFDC program; social work certification rules revision; amendments to policies and procedures; Fiscal Year 1992 and 1993 budget adjustment; and commissioner's report.

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

Filed: March 11, 1993, 9:29 a.m.

TRD-9320128

Texas Incentive and Productivity Commission

Thursday, March 25, 1993, 10 a.m. The Texas Incentive and Productivity Commission will meet at the One Capitol Square, 15th and Lavaca Streets, Fifth Floor, Room 5, Austin. According to the agenda summary, the commission will call the meeting to order; take roll call; discuss approval of the minutes of previous meeting; consider employee suggestions for approval; 1993 productivity plans; agency applications for Productivity Bonus Program awards; report on administrative matters; and adjourn.

Contact: M. Elaine Powell, P.O. Box 12482, Austin, Texas 78711, (512) 475-2399.

Filed: March 11, 1993, 9:57 a.m.

TRD-9320132

Texas Department of Insurance

Thursday, March 18, 1993, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the commissioner's hearing section will conduct a public hearing to consider the proposed plan of merger of Anthem Life Insurance Company of Florida, Jacksonville, Florida, into Anthem Life Insurance Company, Dallas, Texas with Anthem Life Insurance Company being the survivor.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: March 9, 1993, 1:45 p.m.

TRD-9320022

Friday, March 19, 1993, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the commissioner's hearing section will conduct a public hearing to consider the application of Emile Degree, Houston,

Texas, for a Group I, Legal Reserve Life Insurance Agent's license.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: March 9, 1993, 1:45 p.m.

TRD-9320021

Monday, March 22, 1993, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the commissioner's hearing section will conduct a public hearing to consider the application for amendment of the articles of incorporation of Old Surety Life Insurance Company of Texas, Dallas, Texas, increasing the authorized capital stock.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: March 9, 1993, 1:45 p.m.

TRD-9320020

Tuesday, March 23, 1993, 9:30 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at 333 Guadalupe Street, William P. Hobby Building, Room 100, Austin. According to the complete agenda, the board will hold a hearing under Docket Number 1947: supplemental notice of hearing on residential and commercial property insurance rates concerning the Texas Catastrophe Property Insurance Association. Pursuant to Article 21.49 §8D(c), Texas Insurance Code, the board will consider the adjustment of the liability limits for inflation, including the limits set by Subsection (a) of Article 21.49 §8(D), at a rate that reflects any change in the BOECK Index or other index that may accurately reflect changes in the cost of construction or residential values in the catastrophe area. The indexing of the limits of liability shall apply as determined by the board on or after January 1, 1993.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: March 10, 1993, 9:54 a.m.

TRD-9320066

Thursday, April 29, 1993, 1:30 p.m. The State Board of Insurance of the Texas Department of Insurance will meet at 333 Guadalupe Street, William P. Hobby Building, Room 100, Austin. According to the complete agenda, the board will hold a public hearing under Docket Number 1983 to consider a proposal filed by staff of the Workers Compensation Division of the Texas Department of Insurance proposing several recommendations to the workers' compensation classification system as a result of a

study performed by the agency's consulting actuary.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: March 10, 1993

TRD-9320097

Thursday, April 29, 1993, 1:30 p.m. The State Board of Insurance of the Texas Department of Insurance will meet at 333 Guadalupe Street, William P. Hobby Building, Room 100, Austin. According to the complete agenda, the board will consider and possibly adopt revised workers compensation classification relativities for the voluntary market pursuant to Article 5.60.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: March 10, 1993, 3:11 p.m.

TRD-9320098

Texas Department of Licensing and Regulation

Thursday, April 8, 1993, 9 a.m. The Inspections and Investigations; Boxing of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E. O. Thompson Building, Third Floor Conference Room, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the application of John Garner for a Texas Boxing License in accordance with the Texas Civil Statutes, Articles 8501-1 and 9100.

Contact: Paula Hamje, 920 Colorado, Austin, Texas 78701, (512) 463-3192.

Filed: March 10, 1993, 12:03 p.m.

TRD-9320072

Texas Board of Licensure for Nursing Home Administrators

Friday, March 19, 1993, 1:30 p.m. The Texas Board of Licensure for Nursing Home Administrators will meet at the Criss Cole Building, Staff Training Room, 4800 North Lamar Boulevard, Austin. According to the agenda summary, the board will meet to call the meeting to order; take roll call; discuss approval of the minutes; appearance of previous employee; hear and possibly act on education committee report; hear and possibly take action on advisory committee report; hear financial report; report from Texas Department of Health; report from the Board of Pharmacy; enter into executive session under Texas Civil Statutes, Article

6252-17, §2(g) and §2(e); set next meeting date; and adjourn.

Contact: Janet Lacy, 4800 North Lamar Boulevard, Suite 310, Austin, Texas 78756, (512) 458-1955.

Filed: March 10, 1993, 4:36 p.m.

TRD-9320118

Texas Board of Pardons and Paroles

Wednesday, March 17, 1993, 9 a.m. The Texas Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will convene in open meeting to act and discuss the following items: approval of minutes of November 10, 1992 and February 9, 1993; introduction of new board members; update/IPTC; report by Laurie Shanblum; discussion of region designation and advance committee; discussion of Article 42.18; discussion/hearing office training; discussion/future training session; region panel reports; SCR 26 report; special needs parole report; ISF/PPT/HH Program report; and SAFPP report.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: March 9, 1993, 4:09 p.m.

TRD-9320038

Texas State Board of Physical Therapy Examiners

Monday, March 29, 1993, 8 a.m. The Rules Committee of the Texas State Board of Physical Therapy Examiners will meet at 3001 South Lamar Boulevard, Suite 101, Austin. According to the complete agenda, the committee will discuss additions to and changes in board rules; development of additions to and changes in board rules to be proposed to the full board at its next meeting; and adjourn.

Contact: Sherry L. Lee, 3001 South Lamar Boulevard, Suite 101, Austin, Texas 78704, (512) 443-8202.

Filed: March 10, 1993, 9:22 a.m.

TRD-9320053

Public Utility Commission of Texas

Friday, March 19, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the divi-

sion will hold a prehearing conference in Docket Number 11568-application of GTE Southwest, Inc. for approval of new service, switched data service, pursuant to Substantive Rule 23.26.

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

Filed: March 9, 1993, 3:20 p.m.

TRD-9320031

Monday, March 29, 1993, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 11831-notice of intent and petition of Guadalupe Valley Electric Cooperative, Inc. to implement a load control device credit.

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

Filed: March 10, 1993, 3:37 p.m.

TRD-9320100

Tuesday, April 6, 1993, 10 a.m. (Rescheduled From Tuesday, March 23, 1993, at 10 a.m.). The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 11513-petition of Dickens Electric Cooperative, Inc. for modification of load retention rate.

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

Filed: March 10, 1993, 3:37 p.m.

TRD-9320101

Monday, April 26, 1993, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 11823-complaint of Raye E. Stiles against GTE Southwest, Inc.

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

Filed: March 10, 1993, 3:38 p.m.

TRD-9320103

Monday, June 7, 1993, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the commission will hold a hearing on the merits in Docket Number 11768-petition of AT&T Communications of the Southwest,

Inc., for waiver of requirements of Substantive Rule 23.11(h).

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

Filed: March 10, 1993, 3:37 p.m.

TRD-9320102

Railroad Commission of Texas

Wednesday, March 17, 1993, 11:45 a.m. The Railroad Commission of Texas will meet at the Petroleum Club, 501 West Wall, Midland. According to the complete agenda, the commission will meet with area citizens and may discuss matters relating to the commission. No deliberation will be held and no decisions will be taken by the commission on any pending cases or regular business.

Contact: Brenda Loudermilk, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-7149.

Filed: March 9, 1993, 1:34 p.m.

TRD-9320017

University of Houston

Monday, March 15, 1993, 2 p.m. The Animal Care Committee of the University of Houston met at 4800 Calhoun Boulevard, University of Houston, S and R II, Room 201, Houston. According to the agenda summary, the committee discussed and/or acted upon the following: approval of February minutes; renewal protocols; policies and procedures manual printing cost; security system update; pound dog issues update; and Occupational Health Program.

Contact: Julie T. Norris, 4800 Calhoun Boulevard, Houston, Texas 77204, (713) 743-9222.

Filed: March 9, 1993, 1:57 p.m.

TRD-9320027

University of Texas System, M. D. Anderson Cancer Center

Tuesday, March 16, 1993, at 9 a.m. The Institutional Animal Care and Use Committee of the University of Texas System, M. D. Anderson Cancer Center will meet at the M. D. Anderson Cancer Center, 1515 Holcombe Boulevard, Conference Room AW7.707, Seventh Floor, Houston. According to the agenda summary, the committee will review protocols for animal care and use and modifications thereof.

Contact: Anthony Mastromarino, Ph.D.,
1515 Holcombe Boulevard, Houston, Texas
77030, (713) 792-3220.

Filed: March 10, 1993, 1:09 p.m.

TRD-9320073

Texas Water Development Board

Wednesday, March 17, 1993, 3 p.m. The Policy and Finance Committee of the Texas Water Development Board will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 513-F, Austin. According to the agenda summary, the committee will consider approval of the minutes of the February 24, 1993, meeting; briefing and discussion on TWDB refundings; discuss future financing of City of Houston sewer service rehabilitation projects and Consumers Water Supply Corporation; status of asset sale and financial advisor fee; timing of policy and finance committee consideration of economically distressed area financial assistance applications; briefing and discussion of present and future EDAP projects; on issues related to current board rules and policy concerning the CPLP; on the status of Trans-Texas Water Program and its relationship to the Water Assistance fund; and items on the agenda of the March 18, 1993, board meeting. Additional non-committee board members may be present to deliberate but will not vote in the committee meeting.

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

Filed: March 9, 1993, 4:26 p.m.

TRD-9320043

Wednesday, March 17, 1993, 3 p.m. The Audit Committee of the Texas Water Development Board will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 513-F, Austin. According to the complete agenda, the committee will consider approval of the minutes of the January 20, 1993, meeting; brief on current projects in progress; on the State Auditor's Office project concerning the Colonias and the Financial Audit Exit Conference; and may discuss items on the agenda of the March 18, 1993, board meeting. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Donna Darling at (512) 463-8422 two work days prior to the meeting so that appropriate arrangements can be made. Additional non-committee board members may be present to deliberate but will not vote in the committee meeting.

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

Filed: March 9, 1993, 4:26 p.m.

TRD-9320044

Thursday, March 18, 1993, 9 a.m. The Texas Water Development Board will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the board will consider approval of the minutes; financial; executive and committee reports; extensions to Austin, Hull Fresh Water Supply District, Diana Water Supply Corporation, Galveston Park Board of Trustees, and Northwest Grayson County Control and Improvement District Number One; financial assistance to Sandy Land Underground Water Conservation District, Lone Star, La Joya Water Supply Corporation, Zavala County, Temple, El Paso County; transfer of funds from the Water Quality Enhancement Account to the SRF; timing of committee consideration of Economically Distressed Areas applications; and Colonia Plumbing Loan Program rules and policy.

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

Filed: March 10, 1993, 3:03 p.m.

TRD-9320094

Texas Water Resources Finance Authority

Thursday, March 18, 1993, 9 a.m. The Texas Water Resources Finance Authority will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the complete agenda, the authority will consider approval of the minutes of the meetings of February 25, 1993 and March 5, 1993; and consider a request from Greater Texoma Utility Authority (City of Howe) to waive the call provision to allow the authority to prepay its outstanding Greater Texoma (City of Howe) Contract Revenue Bonds, Series 1988-B held in the Texas Water Resources Finance Authority's portfolio. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Donna Darling at (512) 463-8422 two work days prior to the meeting so that appropriate arrangements can be made.

Contact: Craig D. Pedersen, P.O. Box
13231, Austin, Texas 78701, (512)
463-7847.

Filed: March 10, 1993, 3:03 p.m.

TRD-9320095

Regional Meetings

Meetings Filed March 9, 1993

The Capital Area Planning Council Executive Committee will meet at 2520 IH-35 South, Suite 100, Austin, March 17, 1993, at 1:30 p.m. Information may be obtained from Richard G. Bean, 2520 IH-35 South, Suite 100, Austin, Texas 78704, (512) 443-7653. TRD-9320023.

The Concho Valley Council of Governments Executive Committee will meet at 5014 Knickerbocker Road, San Angelo, March 17, 1993, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666. TRD-9320025.

The Deep East Texas Council of Governments Nominating Committee will meet at the JTPA Office, 118 South First Street, Lufkin, March 16, 1993, at 10 a.m. Information may be obtained from Walter G. Diggles, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704. TRD-9320028.

The Denton Central Appraisal District Appraisal Review Board will meet at 3911 Morse Street, Denton, March 17, 1993, at 9 a.m. Information may be obtained from John Brown, 3911 Morse Street, Denton, Texas 76208, (817) 566-0904. TRD-9320024.

The Hood County Appraisal District Board of Directors will meet at 1902 West Pearl, District Office, Granbury, March 16, 1993, at 7:30 p.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471.

The Johnson County Rural Water Supply Corporation Board met at the JCRWSC Office, Highway 171 South, Cleburne, March 15, 1993, at 7 p.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9320019.

The Liberty County Central Appraisal District Board of Directors will meet at 315 Main Street, Liberty, March 17, 1993, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9320016.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, March 18, 1993, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9320009.

The Rio Grande Council of Governments Board of Directors will meet at 1014 North Stanton, Main Conference Room, El Paso, March 19, 1993, at 9:30 a.m. (MST). Information may be obtained from Cecile C. Gamez, 1014 North Stanton, Suite 100, El

Paso, Texas 79902, (915) 533-0998. TRD-9320041.

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**Meetings Filed March 10,
1993**

The Central Texas Council of Governments Central Texas Private Industry Council, Inc. will meet at 302 East Central, Belton, March 25, 1993, at 10 a.m. Information may be obtained from Susan Kamas, P.O. Box 729, Belton, Texas 76513, (817) 939-3771. TRD-9320052.

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, March 25, 1993, at 5 p.m. Information may be obtained from John Brown, 3911 Morse Street, Denton, Texas 76208, (817) 566-0904. TRD-9320076.

The Dewitt County Appraisal District Board of Directors will meet at the Dewitt County Appraisal Office, 103 Bailey Street, Cuero, March 16, 1993, at 7:30 p.m. Information may be obtained from John Haliburton, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9320060.

The Education Service Center, Region XI Board of Directors will meet at the Education Service Center, Region XI, 3001 North Freeway, Fort Worth, March 23, 1993, at noon. Information may be obtained from R. P. Campbell, Jr., 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311. TRD-9320057.

The Guadalupe-Blanco River Authority Board of Directors will meet at the Authority's Coletto Creek Administrative office located approximately two miles west of Coletto Creek at Highway 59 and north approximately 1/2 mile adjacent to a County Road in Goliad County, March 18, 1993, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156, (210) 379-5822. TRD-9320051.

The Heart of Texas Council of Governments Heart of Texas Private Industry Council will meet at the Texas State Technical College, Club House, Waco, March 19, 1993, at 9 a.m. Information may be obtained from Donna Teat, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9320070.

The Heart of Texas Council of Governments Executive Committee will meet at the 300 Franklin Avenue, HOTCOG Board Room, Waco, March 25, 1993, at 10 a.m. Information may be obtained from Donna Teat, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9320071.

The Houston-Galveston Area Council H-GAC Project Review Committee will meet

at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, March 16, 1993, at 8:30 a.m. Information may be obtained from Cynthia Marquez, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9320069.

The Houston-Galveston Area Council H-GAC Board of Directors will meet at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, March 16, 1993, at 10 a.m. Information may be obtained from Cynthia Marquez, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9320068.

The Kendall County Appraisal District (Rescheduled From Monday, March 22, 1993.) Appraisal Review Board will meet at 121 South Main Street, Conference Room, Boerne, March 31, 1993, at 9 a.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9320056.

The Lamar County Appraisal District Board will meet at the Lamar County Appraisal District Office, 521 Bonham Street, Paris, March 16, 1993, at 5 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (903) 785-7822. TRD-9320067.

The Palo Pinto Appraisal District Board of Director will meet at the Palo Pinto County Courthouse, Palo Pinto, March 17, 1993, at 3 p.m. Information may be obtained from Jackie F. Samford, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1234. TRD-9320058.

The Palo Pinto Appraisal District Agricultural Advisory Board will meet at the Jones' Drive In, Mineral Wells, March 17, 1993, at 6 a.m. Information may be obtained from Jackie F. Samford, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1234. TRD-9320059.

The Region VIII Education Service Center Board of Directors will meet at the Holiday Inn Restaurant, Highway 271, Mt. Pleasant, March 18, 1993, at 11:30 a.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75456-1894. TRD-9320074.

The San Antonio River Authority Board of Directors will meet at the SARA General Office, Board Room, 100 East Guenther Street, San Antonio, March 17, 1993, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P. O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373. TRD-9320050.

The Scurry County Appraisal District Board of Directors will meet at 2612 College Avenue, Snyder, March 16, 1993, at 8 a.m. Information may be obtained from L.

R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549. TRD-9320077.

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**Meetings Filed March 11,
1993**

The Central Appraisal District of Johnson County Board of Directors will meet at 109 North Main, Suite 201, Room 202, Cleburne, March 18, 1993, at 4:30 p.m. Information may be obtained from Priscilla A. Bunch, 109 North Main, Cleburne, Texas 76031, (817) 645-3986. TRD-9320126.

The Central Appraisal District of Taylor County Appraisal Review Board will meet at 1534 South Treadway, Abilene, March 30, 1993, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79602, (915) 676-9381. TRD-9320122.

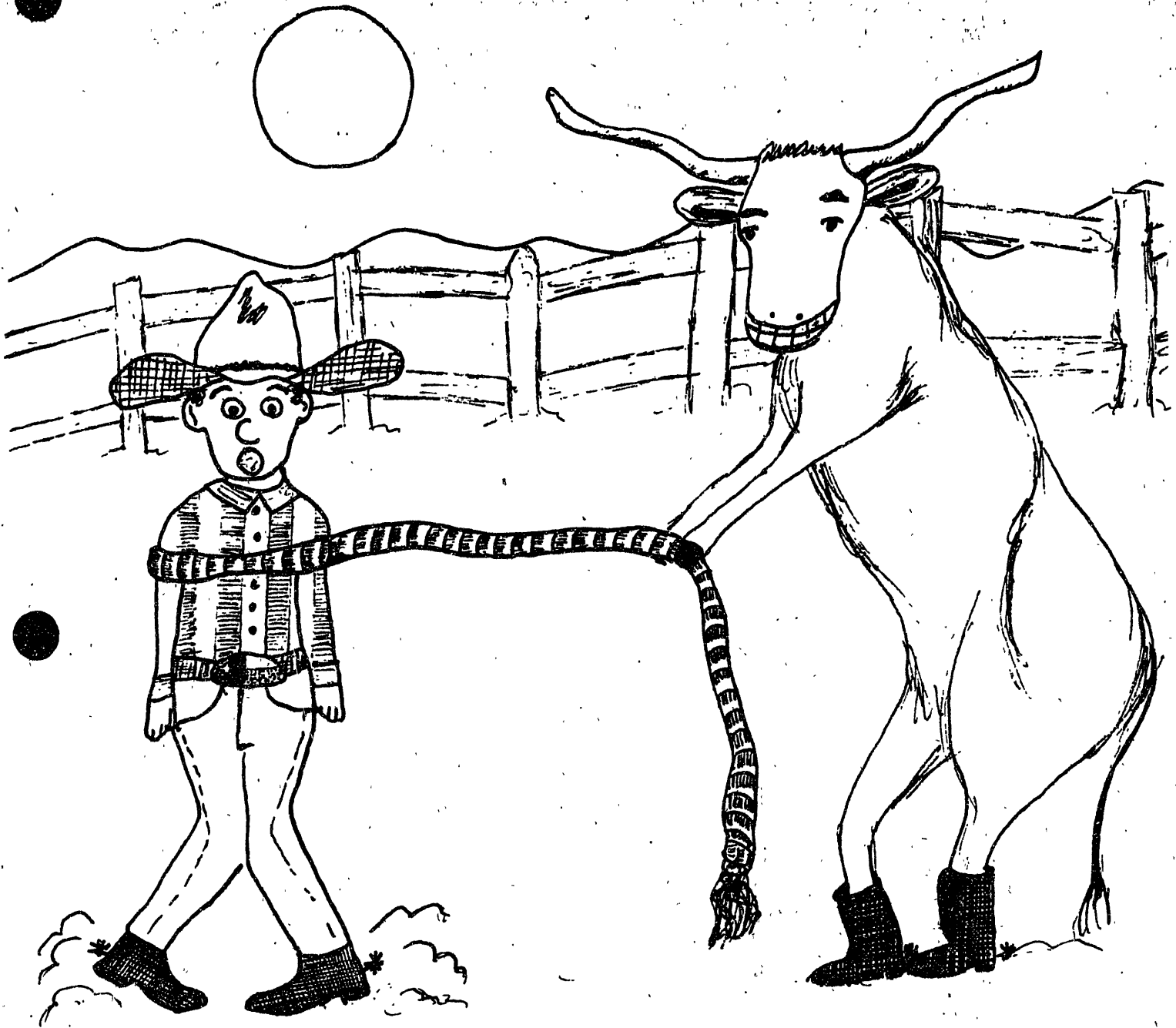
the Central Plains Center MHMR & SA Board of Trustee met at 2700 Yonkers, Plainview, March 15, 1993, at 1:30 p.m. Information may be obtained from Seth Halbert, 2700 Yonkers, Plainview, Texas 79072, (806) 293-2636. TRD-9320124.

The North Texas Municipal Water District Board of Directors will meet at the Administrative Offices, 505 East Brown Street, Wylie, March 25, 1993, at 4 p.m. Information may be obtained from Carl W. Riehn, 505 East Brown Street, Wylie, Texas 75098, (214) 442-5405. TRD-9320125.

The Region VII Education Service Center Board of Directors will meet at the Golden Corral Restaurant, Highway 79 South, Henderson, March 18, 1993 7, at p.m. Information may be obtained from Don J. Peters, 818 East Main, Kilgore, Texas 75662, (903) 984-3071. TRD-9320119.

The Tarrant Appraisal District Tarrant Appraisal Review Board will meet at 2329 Gravel Road, Forth Worth, March 23-25, 1993, at 8:30 a.m. Information may be obtained from Suzanne Williams, 2329 Gravel Road, Fort Worth, Texas 76118-6984, (817) 284-8884. TRD-9320127.

The Wood County Appraisal District Board of Directors will meet at the Appraisal District Office, 217 North Main, Conference Room, Wood County, Quitman, March 18, 1993, at 7 p.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 951, Quitman, Texas 75783-0951, (903) 763-4891. TRD-9320123.



Name: Rachel Tolman
Grade: 12
School: Arlington High, Arlington ISD

In Addition

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Air Control Board

Notice of Opportunity to Comment on Administrative Actions

Notice of Opportunity to Comment on Settlement Agreements of Administrative Enforcement Action.

The Texas Air Control Board (TACB) Staff is providing an opportunity for written public comment on the listed Agreed Board Orders (ABO's) pursuant to §382.096 of the Texas Clean Air Act, Health and Safety Code, Chapter 382, §382.096. The Act, §382.096, requires that the TACB may not approve these ABO's unless the public has been provided an opportunity to submit written comments. Section 382.096 requires that notice of the proposed orders and of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is April 15, 1993. Section 382.096 also requires that the TACB promptly consider any written comments received and that the TACB may withhold approval of an ABO if a comment indicates the proposed ABO is inappropriate, improper, inadequate or inconsistent with the requirements of the Texas Clean Air Act. Additional notice is not required if changes to an ABO are made in response to written comments.

A copy of each of the proposed ABO's is available for public inspection at both the TACB's Central Office, located at 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1000, and at the applicable Regional Office listed below. Written comments about these ABO's should be sent to the Staff Attorney designated for each ABO at the TACB's Central Office in Austin, and must be received by 5 p.m. on April 15, 1993. Written comments may also be sent by facsimile machine to the Staff Attorney at (512) 908-1850. The TACB Staff Attorneys are available to discuss the ABO's and/or the comment procedure at the listed phone numbers; however, §382.096 provides that comments on the ABO's should be submitted to the TACB in writing.

Company: Brockway Standard, Incorporated; Location: Dallas, Dallas County; Type of Facility: metal pail manufacturing plant; Rule Violated: Board Rule 116.1, unauthorized construction; Penalty: \$140,125; Staff Attorney: David Todd, (512) 908-1851; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: Brown and Root U.S.A. Incorporated; Location: Fort Worth, Tarrant County; Type of Facility: hot mix asphalt plant; Rule Violated: TACB Rule 116.5, failure to comply with representations in the application for TACB Permit Number 785B; Penalty: \$20,000; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: Browning Ferris, Incorporated; Location: Houston, Harris County; Type of Facility: landfill; Rule Violated: TACB Rule 101.4, nuisance level odor; Penalty: \$24,000; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964.

Company: The Dow Chemical Company; Location: Freeport, Brazoria County; Type of Facility: chemical plant; Rule Violated: TACB Rule 116.5, failure to comply with representations in the application for TACB Exemption X-14329; Penalty: \$30,000.00; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 5555 West Loop, Suite 300, Houston, Texas 77401, (713) 666-4064.

Company: Dynamo Corporation; Location: Richland Hills, Tarrant County; Type of Facility: arcade game manufacturing plant; Rule Violated: TACB Rule 116.4 and Agreed Board Order Number 87-03(f), exceeding the maximum allowable volatile organic compound emission rates; Penalty: \$7,500; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 6421 Camp Bowie Boulevard, Suite 312 Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: Enterprise Products Company; Location: Mont Belvieu, Chambers County; Type of Facility: natural gas liquids fractionation plant; Rule Violated: TACB Rule 101.20(1), which requires compliance with Federal New Source Performance Standards for petroleum refineries; TACB Rule 116.4 and Agreed Board Order Number 92-05(i), failure to equip 36 relief valves with rupture discs; Penalty: \$19,250; Staff Attorney: Bill Zeis, (512) 908-1844; Regional Office: 5555 West Loop, Suite 300, Houston, Texas 77401, (713) 666-4064.

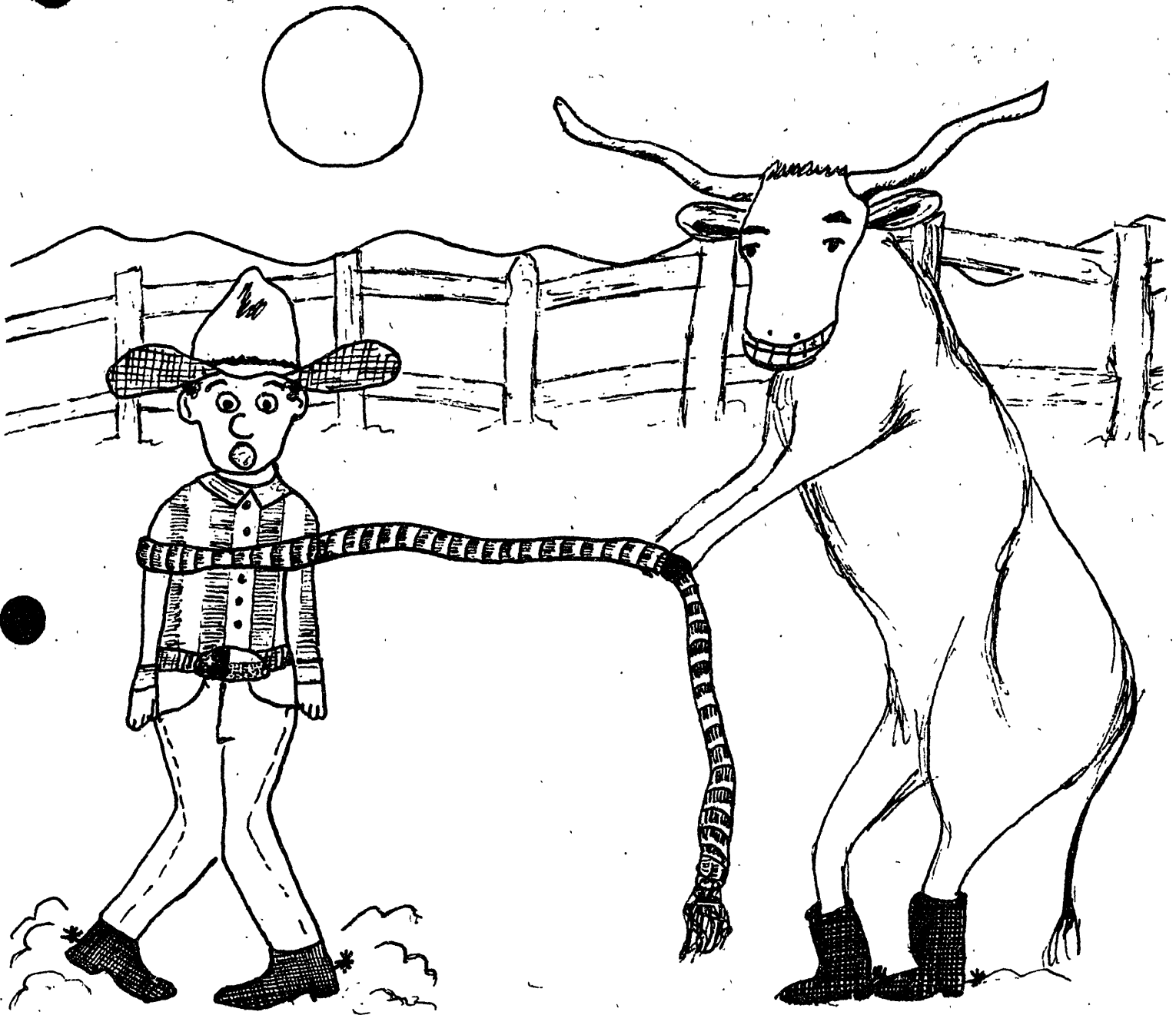
Company: Hazard Assessment Leaders, Incorporated; Location: Houston, Harris County (project site); Type of Facility: asbestos abatement project; Rule Violated: TACB Rule 101.20(2), which requires compliance with Federal National Emissions Standards for Hazardous Air Pollutants (asbestos); Penalty: \$0.00; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4064.

Company: J. Graves Insulation Company, Incorporated; Location: Austin, Travis County (project site); Type of Facility: asbestos abatement project; Rule Violated: TACB Rule 101.20(2), which requires compliance with Federal National Emissions Standards for Hazardous Air Pollutants (asbestos); Penalty: \$1,000; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240, (817) 772-9241.

Company: Koral Industries, Incorporated; Location: Ennis, Ellis County; Type of Facility: fiberglass tub and shower assembly manufacturing plant; Rule Violated: TACB Rule 116.4, failing to comply with provisions contained in TACB permit; TACB Rule 116.5, failure to comply with representations in the application for TACB permit; TACB

CORRECTION

This Document
Has Been Rephotographed
To Assure Legibility.



Name: Rachel Tolman
Grade: 12
School: Arlington High, Arlington ISD

In Addition

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Air Control Board

Notice of Opportunity to Comment on Administrative Actions

Notice of Opportunity to Comment on Settlement Agreements of Administrative Enforcement Action.

The Texas Air Control Board (TACB) Staff is providing an opportunity for written public comment on the listed Agreed Board Orders (ABO's) pursuant to §382.096 of the Texas Clean Air Act, Health and Safety Code, Chapter 382, §382.096. The Act, §382.096, requires that the TACB may not approve these ABO's unless the public has been provided an opportunity to submit written comments. Section 382.096 requires that notice of the proposed orders and of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is April 15, 1993. Section 382.096 also requires that the TACB promptly consider any written comments received and that the TACB may withhold approval of an ABO if a comment indicates the proposed ABO is inappropriate, improper, inadequate or inconsistent with the requirements of the Texas Clean Air Act. Additional notice is not required if changes to an ABO are made in response to written comments.

A copy of each of the proposed ABO's is available for public inspection at both the TACB's Central Office, located at 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1000, and at the applicable Regional Office listed below. Written comments about these ABO's should be sent to the Staff Attorney designated for each ABO at the TACB's Central Office in Austin, and must be received by 5 p.m. on April 15, 1993. Written comments may also be sent by facsimile machine to the Staff Attorney at (512) 908-1850. The TACB Staff Attorneys are available to discuss the ABO's and/or the comment procedure at the listed phone numbers; however, §382.096 provides that comments on the ABO's should be submitted to the TACB in writing.

Company: Brockway Standard, Incorporated; Location: Dallas, Dallas County; Type of Facility: metal pail manufacturing plant; Rule Violated: Board Rule 116.1, unauthorized construction; Penalty: \$140,125; Staff Attorney: David Todd, (512) 908-1851; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: Brown and Root U.S.A. Incorporated; Location: Fort Worth, Tarrant County; Type of Facility: hot mix asphalt plant; Rule Violated: TACB Rule 116.5, failure to comply with representations in the application for TACB Permit Number 785B; Penalty: \$20,000; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: Browning Ferris, Incorporated; Location: Houston, Harris County; Type of Facility: landfill; Rule Violated: TACB Rule 101.4, nuisance level odor; Penalty: \$24,000; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964.

Company: The Dow Chemical Company; Location: Freeport, Brazoria County; Type of Facility: chemical plant; Rule Violated: TACB Rule 116.5, failure to comply with representations in the application for TACB Exemption X-14329; Penalty: \$30,000.00; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 5555 West Loop, Suite 300, Houston, Texas 77401, (713) 666-4064.

Company: Dynamo Corporation; Location: Richland Hills, Tarrant County; Type of Facility: arcade game manufacturing plant; Rule Violated: TACB Rule 116.4 and Agreed Board Order Number 87-03(f), exceeding the maximum allowable volatile organic compound emission rates; Penalty: \$7,500; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 6421 Camp Bowie Boulevard, Suite 312 Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: Enterprise Products Company; Location: Mont Belvieu, Chambers County; Type of Facility: natural gas liquids fractionation plant; Rule Violated: TACB Rule 101.20(1), which requires compliance with Federal New Source Performance Standards for petroleum refineries; TACB Rule 116.4 and Agreed Board Order Number 92-05(i), failure to equip 36 relief valves with rupture discs; Penalty: \$19,250; Staff Attorney: Bill Zeis, (512) 908-1844; Regional Office: 5555 West Loop, Suite 300, Houston, Texas 77401, (713) 666-4064.

Company: Hazard Assessment Leaders, Incorporated; Location: Houston, Harris County (project site); Type of Facility: asbestos abatement project; Rule Violated: TACB Rule 101.20(2), which requires compliance with Federal National Emissions Standards for Hazardous Air Pollutants (asbestos); Penalty: \$0.00; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4064.

Company: J. Graves Insulation Company, Incorporated; Location: Austin, Travis County (project site); Type of Facility: asbestos abatement project; Rule Violated: TACB Rule 101.20(2), which requires compliance with Federal National Emissions Standards for Hazardous Air Pollutants (asbestos); Penalty: \$1,000; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240, (817) 772-9241.

Company: Koral Industries, Incorporated; Location: Ennis, Ellis County; Type of Facility: fiberglass tub and shower assembly manufacturing plant; Rule Violated: TACB Rule 116.4, failing to comply with provisions contained in TACB permit; TACB Rule 116.5, failure to comply with representations in the application for TACB permit; TACB

101.4, nuisance level emissions; Penalty: \$17,000; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: Metl-Span Corporation; Location: Lewisville, Denton County; Type of Facility: urethane insulated panel manufacturing plant; Rule Violated: TACB Rule 116.1, unauthorized construction and operation of a urethane insulated panel manufacturing plant without first obtaining a permit or qualifying for a standard exemption; Penalty: \$900; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: Occidental Chemical Corporation; Location: Pasadena, Harris County; Type of Facility: polyvinyl chloride manufacturing plant; Rule Violated: TACB Rule 101.20(2), which requires compliance with Federal National Emissions Standards for Hazardous Air Pollutants (vinyl chloride); and TACB Rule 116.4, by exceeding the allowable hourly emission rate of particulate matter for six dryer vents in Special Provision 1 of TACB Permit Number 18384; Penalty: \$95,700; Staff Attorney: Bill Zeis, (512) 908-1844; Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964.

Company: Phillips 66 Company; Locations: Sweeny, Brazoria County and Van Vleck, Matagorda County; Type of Facility: refinery and petrochemical complex; Rule Violated: TACB Rule 101.20(2) and Agreed Board Order Number 89-07(p), which requires compliance with Federal National Emissions Standards for Hazardous Air Pollutants (asbestos); and Agreed Board Order Number 90-03(p), which requires dissolved oxygen monitoring; Penalty: \$25,000; Staff Attorney: Bill Zeis, (512) 908-1844; Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964.

Company: Quality Air Controllers, Inc.; Location: Weatherford, Parker County; Type of Facility: demolition/renovation activity; Rule Violated: TACB Rule 101.20(2), which requires compliance with Federal National Emissions Standards for Hazardous Air Pollutants (asbestos); Penalty: \$1,000; Staff Attorney: David Todd, (512) 908-1851; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531, (817) 732-5532.

Company: Quantum Chemical Corporation; Location: Deer Park, Harris County; Type of Facility: chemical plant; Rule Violated: TACB Rule 115.332(2), failure to repair 13 leaking valves within 15 days of detection of the leak; Penalty: \$3,500; Staff Attorney: Bill Zeis, (512) 908-1844; Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964.

Company: Reichhold Chemicals, Inc.; Location: Houston, Harris County; Type of Facility: reactive polymers plant; Rule Violated: TACB Rule 115.334(1)(B)(ii), failure to conduct fugitive emission monitoring on pipeline valves in liquid service during three calendar quarters in 1990 and three calendar quarters in 1991; Penalty: \$6,000; Staff Attorney: Bill Zeis, (512) 908-1844; Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964.

Company: Rogers Lumber Company; Location: Orange, Orange County; Type of Facility: lumber mill; Rule Violated: TACB Rule 111.101, unauthorized outdoor burning; Penalty: \$3,000; Staff Attorney: Walter Ehresman, (512)

908-1843; Regional Office: 3870 Eastex Freeway, Suite 110 Beaumont, Texas 77703, (409) 898-3838, (409) 898-3790.

Company: Star Enterprise; Location: Port Arthur, Jefferson County; Type of Facility: petroleum refinery; Rule Violated: TACB Rule 101.4, nuisance level catalyst dust emissions; Penalty: \$12,000; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 3870 Eastex Freeway, Suite 110, Beaumont, Texas 77703, (409) 898-3833, (409) 898-3790.

Company: Zia Technology of Texas, Incorporated; Location: Caldwell, Burleson County; Type of Facility: furnace dust reclamation plant; Rule Violated: TACB Rule 116.4, failure to control dust containing lead and zinc; TACB Rule 116.5, failure to comply with representations in the applications for TACB permit; TACB Rule 101.6, failure to report an upset condition; Penalty: \$7,300; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 500 Lake Air Drive, Suite 1 Waco, Texas 76710, (817) 772-9240, (817) 772-9241.

Issued in Austin, Texas on March 10, 1993.

TRD-9320061

Lane Hartssock
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: March 10, 1993

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**Comptroller of Public Accounts
Consultant Contract Award**

In accordance with the provisions of Texas Civil Statutes, Article 6252-11c, the Comptroller of Public Accounts furnishes this notice of consultant contract award.

The consultant proposal request was published in the February 2, 1993, issue of the *Texas Register* (18 TexReg 716).

The consultant will develop and conduct a management review of the Calhoun County Independent School District (CCISD). The program is intended to provide the Comptroller's Office and the school district with measurable results that will offer tangible recommendations and procedures to CCISD to improve efficiency and effectiveness.

The contract is awarded to KPMG Peat Marwick, 700 Louisiana, Suite 2900, Houston, Texas 77002. The total dollar value of the contract is \$60,000. The Contract was executed March 7, 1993, and extends through July 31, 1993.

Issued in Austin, Texas, on March 9, 1993.

TRD-9320007

Tres Lorton
Senior Legal Counsel General Law Section
Comptroller of Public Accounts

Filed: March 9, 1993

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**Texas Lottery Game Procedures Instant
Game Number 10**

1.0 Name and Style of Game. The name of Instant Game Number 10 is "FIESTA." The play style of the game is "match three."

1.1 Price of Instant Ticket. Tickets for Instant Game Number 10 shall be \$1.00 per ticket.

1.2 Definitions in Instant Game Number 10.

- A. **Bar Code**—The unique bar-coded representation of the game Pack-Ticket Number and the Validation Number.
- B. **Display Printing**—That area of the instant game ticket outside of the area where the Play Symbols appear.
- C. **High-Tier Prize**—A prize of \$800.
- D. **Low-Tier Prize**—A prize of \$1.00, \$2.00, \$4.00, \$5.00, \$8, \$10, or \$20.
- E. **Mid-Tier Prize**—A prize of \$40, \$100, \$200, or \$400.
- F. **Non-Winning Ticket**—A ticket which is not intended to be a winning ticket or a ticket that does not meet all of the requirements of these Game Procedures, Texas Civil Statutes, Article 179g (the Lottery Act), and applicable rules adopted by the Lottery pursuant to the Lottery Act and published in 34 TAC, Chapter 7.
- G. **Pack**—A pack of fanfolded "FIESTA" Instant Game tickets which are attached to each other by perforations the retailer tears when the retailer sells a ticket. Each pack contains 250 tickets, which are packed in plastic shrink-wrapping and fanfolded in pages of five. Tickets 000 to 004 are on the top page; tickets 005 to 009 are on the next

page, etc.; and tickets 245 to 249 are on the last page. Tickets 000 and 249 are folded down to expose the pack-ticket number through the shrink-wrap.

H. **Pack-Ticket Number**—The 11-digit code printed on the back of each ticket located above the Bar Code which is printed vertically down the side of the back of the ticket in the form 00-000000-000. The first two digits are the game identification number followed by a six-digit pack number followed by a three-digit ticket number. Numbering begins with 10-000001-000 for this game.

I. **Play Symbol**—One of the symbols which appears under the six rub-off spots on the front of the ticket. Each Play Symbol is printed in Symbol font in black ink in positive. The possible Play Symbols are: DOUBLE, \$1.00, \$2.00, \$4.00, \$5.00, \$10, \$20, \$100, \$200, \$400, and \$800.

J. **Play Symbol Caption**—The small printed material appearing below each Play Symbol which explains the Play Symbol. One and only one of these Play Symbol Captions appears under each Play Symbol and each is printed in Caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

PLAY SYMBOL

CAPTION

DOUBLE
\$1.00
\$2.00
\$4.00
\$5.00
\$10.00
\$20.00
\$100
\$200
\$400
\$800

DOUBLE
ONE\$
TWO\$
FOUR\$
FIVE\$
TEN\$
TWENTY
ONE HUND
TWO HUND
FOR HUND
EGT HUND

K. **Retailer Validation Code**—Three small letters found under the removable rub-off covering over the Play Symbols on the front of the ticket, which the retailer uses to verify and validate instant winners.

L. **Ticket or Instant Game Ticket, or Instant Ticket**—A Texas Lottery "FIESTA" Instant Game Number 10 ticket.

M. **Validation Number**—A unique 12-digit number applied to the front of each ticket.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general ticket validation requirements set forth in Section 2.1 of rules adopted by the Lottery for this purpose, these Game

Procedures, and the requirements set out on the back of each instant ticket. A prize winner in the "FIESTA" Instant Game is determined when the latex on the ticket is rubbed off to expose the six Play Symbols on the front of the ticket. The holder of a ticket wins that like Play Symbol prize amount, if the same Play Symbol prize amount appears in three separate play spots on that ticket. The holder of a ticket wins double that like Play Symbol prize amount, if the same Play Symbol prize amount appears in two separate play spots on that ticket and the DOUBLER Play Symbol appears in one play spot on that ticket. No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the Instant Game. The Play Symbol amounts have the following instant values:

\$1.00
\$2.00, or
\$4.00, or
\$5.00, or
\$8.00, or
\$10.00, or
\$20.00, or
\$40.00, or
\$100, or
\$200, or
\$400, or
\$800.

2.1 Instant Ticket Validation Requirements.

A. To be a valid Instant Game ticket, all of the following requirements must be met:

1. Exactly one Play Symbol must appear under each of the six rub-off spots on the right front portion of the ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each Play Symbol Caption must be present in its entirety and be fully legible;
5. Each of the Play Symbols and the Play Symbol Captions must be printed in black ink;
6. The ticket shall be intact;
7. The Validation Number, Retailer Validation Code and Pack-Ticket Number must be present in their entirety and be fully legible;
8. The Validation Number must correspond, using the Lottery's codes, to the Play Symbols on the ticket;
9. The ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
10. The ticket must not be counterfeit in whole or in part;
11. The ticket must have been issued by the Lottery in an authorized manner;
12. The ticket must not have been stolen, nor appear on any list of omitted tickets or non-activated tickets on file at the Lottery;
13. The Play Symbols, Play Symbol Captions, Validation Number, Retailer Validation Code and Pack-Ticket Number must be right side up and not reversed in any manner;
14. The ticket must be complete and not miscut, and have exactly one Play Symbol and exactly one Play Symbol Caption under each of the six rub-off spots on the front of the ticket, exactly one Validation Number, exactly one Retailer Validation Code and exactly one Pack-Ticket Number on the ticket;

15. The Validation Number of an apparent winning ticket shall appear on the Lottery's Official List of Validation Numbers of winning tickets, and a ticket with that Validation Number shall not have been paid previously;

16. The ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

17. Each of the six Play Symbols must be exactly one of those described in Section 1.2.I, and each of the Play Symbol Captions to those Play Symbols must be exactly one of those described in Section 1.2.J;

18. Each of the six Play Symbols on the ticket must be printed in the Symbol Font and must correspond precisely to the artwork on file at the Lottery; the ticket Validation Numbers must be printed in the Validation Font and must correspond precisely to the artwork on file at the Lottery; and the Pack-Ticket Number must be printed in the Pack-Ticket Number Font and must correspond precisely to the artwork on file at the Lottery;

19. The display printing on the ticket must be regular in every respect and correspond precisely to the artwork on file at the Lottery; and

20. The ticket must have been received or recorded by the Lottery by applicable deadlines.

B. The ticket must pass all additional validation tests provided for in these game procedures, the Lottery's Rules governing the award of prizes of the size to be validated, and any confidential validation and security tests of the Lottery.

C. Any Instant Game ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Director may, solely at the Director's option, replace an invalid ticket with an unplayed ticket in that Instant Game (or ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Lottery shall be to replace the defective ticket with another unplayed ticket in that Instant Game (or a ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket.

2.2 Procedure for Claiming Prizes.

A. To claim a "Fiesta" Instant Game prize of \$1.00, \$2.00, \$4.00, \$5.00, \$8.00, \$10, \$20, \$40, \$100, \$200, or \$400, a player shall sign the back of the ticket in the space designated on the ticket and present the winning ticket to

any Lottery Retailer. The Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, make payment of the amount due the player and physically void the ticket; provided that the Lottery Retailer may, but is not, in some cases, required to pay a \$100, \$200, or \$400 ticket. In the event the Lottery Retailer cannot verify the claim, the Lottery Retailer shall provide the player with a claim form and instruct the player on how to file a claim with the Lottery. If the claim is validated by the Lottery, a check shall be forwarded to the player in the amount due. In the event the claim is not validated, the claim shall be denied and the player shall be notified promptly. A player may also claim any of the above prizes under the procedure described in Section 2.2.B.

B. To claim a "FIESTA" Instant Game prize of \$800, the player must sign the winning ticket, thoroughly complete a claim form, and present both at any Lottery claim center. If the claim is validated by the Lottery, payment will be made to the bearer of the validated winning ticket for that prize upon presentation of proper identification. A player may also claim a prize by signing the winning ticket, thoroughly completing a claim form, and mailing both to: Texas Lottery, Comptroller of Public Accounts, P.O. 16600, Austin, Texas 78752-6600. When paying a prize of \$600 or more, the Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Lottery, the claim shall be denied and the player shall be notified promptly.

C. Prior to payment by the Lottery of any prize, the Lottery shall deduct a sufficient amount from the winnings of a person who has been finally determined to be:

1. delinquent in the payment of a tax or other money collected by the Comptroller, State Treasurer, or Texas Alcoholic Beverage Commission;
2. delinquent in making child support payments administered or collected by the Attorney General; or
3. in default on a loan guaranteed under Texas Civil Statutes, Chapter 57, the Education Code. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.3 Allowance for Delay of Payment. The Lottery may delay payment of the prize pending a final determination by the director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.2.D. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.4 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a prize from the "FIESTA" instant game, the Lottery shall:

1. if the prize is less than \$600, deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor;

2. if the prize is more than \$600, deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.5 Instant Ticket Claim Period. All Instant Game prizes must be claimed within 180 days following the end of the Instant Game. Any prize not claimed within that period, and in the manner specified in these game procedures and on the back of each ticket, shall be forfeited.

3.0 Instant Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of an Instant Game ticket in the space designated therefor, a ticket shall be owned by the physical possessor of said ticket. When a signature is placed on the back of the ticket in the space designated therefor, the player whose signature appears in that area shall be the owner of the ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the director shall make payment to the player whose signature appears on the back of the ticket in the space designated therefor. If more than one name appears on the back of the ticket, the Director will require that one of those players whose name appears thereon be designated to receive payment.

B. The Lottery shall not be responsible for lost or stolen Instant Game tickets.

4.0 Number and Value of Instant Prizes. There will be approximately 70,000,000 tickets in the Instant Game Number 10. The expected number and value of prizes in the game are as follows:

<u>PRIZE</u>	<u>APPROXIMATE NUMBER OF WINNERS IN THE GAME</u>	<u>CHANCES OF WINNING</u>
\$1	5,793,280	1:12.10
\$2	6,073,600	1:11.54
\$4	1,214,720	1:57.69
\$5	373,760	1:187.50
\$8	373,760	1:187.50
\$10	186,880	1:375.00
\$20	93,440	1:750.00
\$40	76,000	1:922.11
\$100	27,000	1:2,596.00
\$200	1,200	1:58,400.00
\$400	1,167	1:60,051.41
\$800	1,167	1:60,051.41

The actual number of tickets in the game may be increased or decreased at the sole discretion of the Lottery.

5.0 Termination of the Instant Game. The Director may, at any time, announce a termination date for the Instant Game Number 10 without advance notice, at which point no further tickets in that game may be sold.

6.0 Governing Law. In purchasing an Instant Game ticket, the player agrees to comply with, and abide by, these game procedures for Instant Game Number 10, the Lottery Act (Texas Civil Statutes, Article 179g), applicable Rules adopted by the Lottery pursuant to the Lottery Act and published in 34 TAC, Chapter 7, and all final decisions of the Director.

Issued in Austin, Texas, on March 8, 1993.

TRD-9319966 **Tres Lorton**
Senior Legal Counsel General Law Section
Comptroller of Public Accounts

Filed: March 8, 1993

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Texas Employment Commission
Correction of Error

The Texas Employment Commission submitted a notice of Consultant Contract Amendment, which was published in the March 5, 1993, *Texas Register* (18 TexReg 1448).

Due to typographical errors by the *Texas Register* the word "contracts" should be singular "contract" in the third sentence under the subheading "Background". The Sentence should read as follows. "The UI Tax Redesign Project and contract are nearing completion;..."

In the subheading "Proposal Evaluation Criteria" the date "January 31, 1993" should read "January 31, 1994"

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Employees Retirement System of Texas
Request for Proposals

The Employees Retirement System of Texas (ERS) announces a Request for Proposals (RFP) for a comprehensive investment accounting package.

The RFP instructions which detail information regarding the investment accounting system are available upon request from the Employee Retirement System. The deadline for receipt of the proposals in response to this request will be 5 p.m., April 16, 1993. The ERS reserves the right to accept or reject any or all proposals submitted. The ERS is under no legal requirement to execute a resulting contract on the basis of this advertisement. The ERS will base its choice on cost and conformance with the RFP criteria.

This RFP does not commit the ERS to pay costs incurred prior to execution of a contract. Publication of this advertisement in no way obligates the ERS to award a contract or to pay any costs incurred in the preparation of a response. The ERS specifically reserves the right to vary all provisions set forth at any time prior to execution of a contract where the ERS deems it to be in the best interest of the State of Texas.

For further information regarding this advertisement, please contact Darrell Leslie, Director of Accounting, Employees Retirement System of Texas, P.O. Box 13207; Austin, Texas 78711-3207; (512) 867-3224.

Issued in Austin, Texas on March 9, 1993.

TRD-9320047 **Charles D. Travis**
Executive Director
Employees Retirement System of Texas

Filed: March 10, 1993

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Texas Department of Health
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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Houston	Rice University	L04839	Houston	0	02/23/93

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Ablene	Ablene Cardiology Consultants, P.A.	L04315	Ablene	4	02/25/93
Alvin	NOTAME Hospitals of Texas, Inc.	L02474	Alvin	14	02/23/93
Austin	Texas Department of Health	L01155	Austin	64	02/17/93
Bruni	URI, Inc.	L02704	Dallas	17	02/16/93
Carthage	Panola General Hospital	L02540	Carthage	12	02/19/93
Carthage	Panola General Hospital	L02540	Carthage	13	02/23/93
Cheek	Metalfoms Inc.	L02261	Beaumont	19	02/22/93
College Station	O. I. Analytical	L04238	College Station	3	02/17/93
Dallas	Baylor University Medical Center	L01290	Dallas	26	02/17/93
Dallas	Madley Institutes of Molecular Medicine	L00630	Dallas	28	02/15/93
Dallas	Loral Vought Systems Corporation	L02670	Dallas	14	02/24/93
Denton	Texas Dept. of Mental Health and Mental Retardation	L04605	Denton	1	02/24/93
Domino	International Paper Company - Texarkana Mill	L01685	Texarkana	21	02/22/93
Falls City	Conoco, Inc.	L01634	Falls City	38	02/19/93
Granbury	Hood General Hospital	L02903	Granbury	8	02/11/93
Houston	Hermann Hospital	L00550	Houston	41	02/10/93
Houston	Bellaire General Hospital	L02039	Houston	19	02/10/93
Houston	Camco Incorporated	L03303	Houston	5	02/17/93
Houston	Cypress Fairbanks Cardiology Associates	L04353	Houston	5	02/23/93
Houston	Harris County - Office of the Medical Examiner	L04644	Houston	1	02/22/93
Jacksonville	Nan Travis Memorial Hospital	L00169	Jacksonville	21	02/16/93
Kingsville	URI, Inc.	L03553	Dallas	17	02/16/93
Kingsville	URI, Inc.	L03553	Dallas	18	02/24/93
Longview	Good Shepherd Medical Center	L02411	Longview	39	02/19/93
Lufkin	Texas Foundries, Inc.	L00367	Lufkin	22	02/22/93
Mesquite	Mesquite Community Hospital	L02733	Mesquite	21	02/19/93
Mt. Vernon	East Texas Medical Center - Mt. Vernon	L03013	Mt. Vernon	8	02/23/93

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Pasadena	Pasadena Bayshore Medical Center	L00153	Pasadena	43	02/24/93
Piano	HCA Medical Center Piano	L02032	Piano	25	02/17/93
San Antonio	St. Luke's Lutheran Hospital	L03309	San Antonio	20	02/16/93
San Antonio	San Antonio Regional Hospital	L02266	San Antonio	40	02/16/93
San Antonio	The U.T. Health Science Center at San Antonio	L01279	San Antonio	58	02/16/93
San Antonio	Mix Medical Center	L03531	San Antonio	8	02/23/93
San Antonio	Cancer Therapy and Research Center	L01922	San Antonio	29	02/24/93
The Woodlands	The Woodlands Sports Medicine Centre, P.A.	L04390	The Woodlands	7	02/24/93
Throughout Texas	T.K. MATT AND ASSOCIATES	L04594	Irving	1	02/10/93
Throughout Texas	Applied Standards Inspection, Inc.	L03072	Beaumont	37	02/11/93
Throughout Texas	Ludlum Measurements, Inc.	L01963	Sweetwater	46	02/12/93
Throughout Texas	Sander Construction Company	L04041	El Paso	5	02/19/93
Throughout Texas	Independent Testing Laboratories	L03795	Houston	21	02/22/93
Throughout Texas	O'Malley Engineers	L02310	Brenham	11	02/19/93
Throughout Texas	Raba-Kistner Consultants, Inc.	L01571	San Antonio	30	02/17/93
Throughout Texas	Corpus Christi Inspection & Engineering, Inc.	L04379	Corpus Christi	24	02/17/93
Throughout Texas	Computalog Wireline Services, Inc.	L04285	Houston	18	02/17/93
Throughout Texas	Via HDT Engineering and Testing	L04322	Channelview	14	02/17/93
Throughout Texas	Petroleum Industry Inspectors	L04081	Houston	27	02/16/93
Throughout Texas	D-Arrow Inspection, Inc.	L03816	Houston	37	02/16/93
Throughout Texas	HETCO	L03018	Houston	25	02/22/93
Throughout Texas	Gilbert Texas Construction Corp.	L04569	Fort Worth	1	02/22/93
Throughout Texas	Southwestern Public Service Company	L01981	Amarillo	27	02/22/93
Throughout Texas	Wilson Inspection X-Ray Services, Inc.	L04469	Corpus Christi	14	02/23/93
Throughout Texas	Law Engineering, Inc.	L02453	Houston	15	02/24/93
Throughout Texas	X-Cal NDE, Inc.	L03548	Odessa	21	02/24/93
Throughout Texas	Bob Herell, Inc.	L04462	Midland	2	02/23/93
Tyler	Mother Frances Hospital	L01670	Tyler	46	02/11/93

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Baytown	Miles, Incorporated	L01577	Baytown	35	02/16/93
Corpus Christi	Radiology Associates	L04169	Corpus Christi	7	02/09/93
Georgetown	Southwestern University	L00372	Georgetown	13	02/17/93
Lubbock	LCC Institute of Water Research	L02804	Lubbock	6	02/17/93
Lubbock	Saint Mary of the Plains Hospital	L02311	Lubbock	4	02/24/93
McAllen	McAllen Medical Center	L01713	McAllen	46	02/17/93
Midland	Physicians & Surgeons Hospital	L03386	Midland	15	02/23/93
N. Richland Hills	HCA North Hills Medical Center	L02271	N. Richland Hills	18	02/17/93
Tahoka	Lynn County Hospital District	L03389	Tahoka	7	02/16/93
Throughout Texas	E. I. du Pont de Nemours & Company	L00314	La Porte	59	02/22/93
Throughout Texas	San Antonio Development Agency	L04174	San Antonio	6	02/17/93
Throughout Texas	Star-Jet Services, Inc.	L02214	Corpus Christi	15	02/16/93
Throughout Texas	Satterfield Surveys, Inc.	L02307	Clyde	9	02/16/93
Throughout Texas	Computalog Wireline Products, Inc.	L00747	Fort Worth	49	02/24/93
Throughout Texas	T. L. James & Company Inc.	L04162	Houston	5	02/23/93

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amendment #	Date of Action
Cleburne	Texas Lime Company	L03988	Cleburne	6	02/12/93
Dallas	Eye Associates	L00988	Dallas	12	02/11/93
Throughout Texas	National Safety Consultants	L04027	Fresno, CA	7	02/24/93

AMENDMENTS TO EXISTING LICENSES DENIED:

Location	Name	License#	City	Amendment #	Date of Action
Odessa	R/A Services, Inc.	L03879	Odessa	0	02/16/93

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 David K. Lacker, 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, The Exchange Building, 8407 Wall Street, Austin, Texas, from 8 a.m. to 5 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on March 1, 1993.

TRD-9320065 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 10, 1993

Notice of Emergency Cease and Desist Order

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered George M. Markus, M.D. (registrant-R02259) of Richardson to cease and desist using any sources of radiation in his possession at this facility until all health-related and repeat violations have been corrected. The bureau determined that the continued use of radiation sources at this facility constitutes an immediate threat to public health and safety. The registrant is further required to provide evidence satisfactory to the bureau regarding the actions taken to correct these violations found during a recent inspection of the facility, and the methods to prevent the recurrence of the violations.

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 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on March 9, 1993.

TRD-9320036 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 9, 1993

Notice of Intent to Revoke Certificates of Registration

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 Texas Administrative Code §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following registrants: F. Buren Malone, Jr., D.D.S., Lubbock, R07213; Timothy L. Smith, D.C., San Antonio, R04140; Thomas M. Chames, D.C., Marshall, R08921; ChiroSpecialists, Inc., Humble, R10029; H. Wayne Rux, D.D.S, Kerrville, R19079; Occu-Med Clinic, P.A., Corpus Christi, R18927.

The department intends to revoke the certificates of registration; order the registrants to cease and desist use of radiation machine(s); order the registrants to divest themselves of such equipment; and order the registrants to

present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the registrants for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice. 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 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on March 9, 1993.

TRD-9320034 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 9, 1993

Notice of Intent to Revoke Radioactive Material Licenses

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 Texas Administrative Code §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following licensees: Conrad D. Moore, M.D., Houston, L01727; Cotton's Inspection of Houston, Inc., Houston, L03797.

The department intends to revoke the radioactive material licenses; order the licensees to cease and desist use of such radioactive materials; order the licensees to divest themselves of the radioactive material; and order the licensees to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the licensees for a hearing to show cause why the radioactive material licenses should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material licenses will be revoked at the end of the 30-day period of notice. 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 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on March 9, 1993.

TRD-9320035 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 9, 1993

Notice of Issuance and Rescission of Emergency Cease and Desist Order

Notice is hereby given that on February 19, 1993, the Bureau of Radiation Control (bureau) ordered Diagnostic Systems Laboratories, Inc. (licensee-L03084) of Webster to cease and desist using any sources of radiation requiring a license at any location in Texas, and to surrender to the bureau for impoundment all radioactive material in its possession in Texas. The order was issued because the licensee did not have an authorized radiation safety officer and an adequately supervised radiation safety program.

On February 22, 1993, the bureau rescinded the Emergency Cease and Desist Order issued to the licensee, located at 445 Medical Center Boulevard, Webster, after the bureau approved a request submitted by the licensee for an interim radiation safety officer and the implementation of a safety program that will as part of its function prevent the recurrence of the spread of contamination.

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 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on March 9, 1993.

TRD-9320033 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 9, 1993

Notice of Preliminary Report for Assessment of Administrative Penalties and Notice of Violation

Notice is hereby given that the Bureau of Radiation Control issued a notice of violation and assessed an administrative penalty to George M. Markus, M.D., Richardson, holder of Certificate of Registration Number R-02259. A penalty of \$40,000 was assessed the individual for violations of the Texas Regulations for Control of Radiation.

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 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on March 8, 1993.

TRD-9319984 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 8, 1993

Notice of Rescission of Order

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following order: Cease and Desist Order issued January 22, 1993, to John J. Innis, M.D., doing business as Surgery of Bones and Joints, 1401 Eighth Avenue, Fort Worth, Texas 76104, holder of Certificate of Registration Number R04986.

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 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on March 8, 1993.

TRD-9319985

Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 8, 1993

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**Texas Department of Housing and
Community Affairs**

**Texas Community Development Program
Summary of the Texas Community
Development Program 1993 Proposed
Final Statement**

Purpose/Activities/Applicants. The purpose of the Texas Community Development Program (TCDP) is the development of viable communities by providing decent housing, a suitable living environment, and by expanding economic opportunities, principally for persons of low and moderate income. All proposed activities under the program must either: benefit persons of low and moderate income; aid in the elimination of slums and blight; or meet other community development needs of a particular urgency.

Eligible applicants for the program are units of general government (e.g., cities and counties) that are not participating or designated as eligible to participate in the entitlement portion of the federal Community Development Block Grant (CDBG) Program.

Allocation. Assistance under the Texas Community Development Program is proposed to be available through five funding categories: Community Development Fund; Texas Capital Fund (economic development); Colonia Fund; Planning/Capacity Building Fund; and Disaster Relief/Urgent Need Fund. The following information is a brief description of each funding category.

Community Development Fund—will be available on an annual basis for public facilities and housing assistance with regional allocations to each of the 24 planning regions across the state. All project activities must meet the eligibility requirements set forth in the Community Development Fund Application Guide. Funds will be awarded through an annual competition.

Texas Capital Fund—will be available on a continual basis for economic development funding to consider projects which will generally create or retain permanent employment opportunities, primarily for low and moderate income persons. Requests from an eligible applicant may be used for eligible activities, including the following: a grant for infrastructure improvements to assist a for-profit entity or a non-profit entity; a loan to a for-profit entity or a non-profit entity; a grant to the eligible applicant for its use, or to be used by a public or private non-profit entity, to acquire real property or acquire, construct, reconstruct, or rehabilitate public facilities to assist a for-profit or a non-profit entity; a grant to an eligible applicant to acquire, construct or rehabilitate real estate and to provide public improvements in support of a non-profit incubator sponsor; a loan to a for-profit small or minority business under the Small and Minority Business Loan Program

which may incorporate procedures including in the Micro-enterprise Loan Program; and a grant pilot program concerning infrastructure activities for Main Street projects, which will be limited to \$600,000 in total awards.

Colonia Fund—will be available annually on a competitive basis. Eligible applicants are generally counties within 150 miles of Texas-Mexico border. Proposed project areas must be located in severely distressed unincorporated areas which meet the definition as a "colonia" under this funds. The following information describes the three eligible activities.

Colonia Construction Fund—Eligible county applicants may submit one application for the following eligible activities: assessments for public improvements—payment of assessments (including any charge made as a condition of obtaining access) levied against properties owned and occupied by persons of low and moderate income to recover the capital cost for improvements to water and/or sewer facilities; other improvements—other activities eligible under §105 of the Housing and Community Development Act of 1974 designed to meet the needs of residents of colonias.

Colonia Planning Fund—payment of the costs associated with most aspects of planning for community development and housing activities; costs for the provision of information and technical assistance to residents of the area in which the activities are located and appropriate nonprofit organizations and public agencies acting on behalf of the residents; and costs for preliminary surveys and analyses of market needs, preliminary site engineering and architectural services, site options, applications, mortgage commitments, and legal/financial services.

Colonia Demonstration Fund—Eligible county applicants may submit one application to provide comprehensive improvements to a colonia including water, sewer, housing rehabilitation, street paving, a community center, recreational facilities and public services. One project will be selected to receive the entire \$2 million allocation.

Planning/Capacity Building Fund—will be available annually through a statewide competition for local government units to develop strategies, to build/improve local capacity, and/or to prepare other needed planning elements.

Disaster Relief/Urgent Need Fund—will be available as needed for eligible activities that relieve emergency situations where either: the Governor has made a state disaster declaration or has requested a federal disaster declaration; or activities addressing water or sewer urgent needs that have resulted in either death, illness, injury, or pose an imminent threat to life or health within the applicants's jurisdiction. The urgent need conditions must be certified as such by the appropriate state regulatory agency. It is important to note that the distribution of funds will be coordinated with other state and federal agencies.

According to the United States Department of Housing and Urban Development (HUD), the proposed 1993 allocation to the state of Texas is \$74,547,000. The allocation will be distributed as follows: Community Development Fund, \$48,454,420 (65%); Texas Capital Fund, \$13,208,000 (17.72%); Colonia Fund—Construction, \$4,954,700 (6.65%), Planning, \$500,000 (67%), Demonstration, \$2,000,000 (2.68%); Planning/Capacity Building Fund, \$745,470 (1.0%); Disaster Relief/Urgent Need Fund, \$2,348,000 (3.15%); Technical Assistance,

\$745,470 (1.0%); and Administration, \$1,590,940 (2.13%).

Review Process. Each of the state's 24 Regional Review Committees (RRC) shall consist of 12 members appointed by the Governor for two-year staggered terms. Each RRC shall review and score all Community Development Fund applications within its region and may comment on applications for the other funds. In addition, the State Community Development Review Committee, which is comprised of 12 members also appointed by the Governor for two-year terms, will oversee the Texas Community Development Program.

Performance Requirements/Project Selection Criteria. A locality must meet the following requirements in order to submit an application, under any fund, to the Texas Community Development Program: demonstrate the ability to administer the proposed project; demonstrate the financial management capacity to operate and maintain any improvements resulting from the project; levy a local sales or property tax; demonstrate satisfactory performance on prior TCDP contracts; and resolve any and all outstanding compliance and audit findings. In addition, each locality that applies for assistance through the program and has existing TCDP contracts must have shown the ability to expend funds in a timely manner in accordance with established guidelines.

All applications considered through the Community Development Fund, the Colonia Fund, and the Planning/Capacity Building Fund will be evaluated and rated in accordance with a numerical point system based on the following major criteria groups: community distress factors of the applicant; project impact/design; and other considerations. The final assignment of points for an application will be the total points received in the three criteria groups. In addition, each of these three funds will use benefit to low and moderate income persons as a threshold factor.

A complete copy of the proposed final statement is available upon request. Please write or call Vicki Gossett, Texas Department of Housing and Community Affairs, Community Affairs and Economic Development Division-CDBG Section, P.O. Box 13941, Austin, Texas 78711-3941, (512) 475-3909.

Comments will be accepted at the above address through March 26, 1993.

Issued in Austin, Texas, on March 8, 1993.

TRD-9320001

Henry Flores
Executive Director
Texas Department of Housing and
Community Affairs

Filed: March 9, 1993

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Texas Department of Insurance
Notice of Public Hearing

The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 1983 scheduled for 1:30 p.m. April 29, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider a proposal filed by the staff of the Workers' Compensation Division of the Texas Department of Insurance. The staff is proposing several recommendations to the workers' compensation classifica-

tion system as a result of a study performed by Dr. Mark Crawshaw, consulting actuary for the firm of Wakely and Associates, Atlanta. The recommendations were proposed in a petition (Reference Number W-0393-05), filed by the staff on March 3, 1993.

According to the staff's petition, the following recommendations are being presented to the State Board of Insurance for possible adoption.

1. The number of workers' compensation classifications should be substantially reduced by consolidating into single classifications the multiple classifications that describe similar businesses and for purposes of determining classification relativities and experience rating values, by grouping classifications with similar claims experience and hazard.

2. The classification phraseology used in the Workers' Compensation Manual should be updated, modernized and simplified wherever appropriate. In addition, definitions should be expanded to include a listing of as many specific types of businesses included within a classification as possible.

3. The classification system should not at this time be territorially based or allow for differences in wage levels by employers.

4. The classifications for eight of the 22 classifications that currently include clerical workers should be revised to exclude clerical workers from the basic classification wording.

5. The classification definitions should be revised so that within a single class, drivers are treated uniformly, either as a standard exception or not.

6. The three current classifications related to mining should be consolidated into a single "a" rated classification.

7. The eleven current classifications related to explosive manufacturing should be consolidated into two "a" rated classifications.

8. The 26 current classifications related to chemical manufacturing should be consolidated into nine "a" rated classifications.

9. The four current classifications for domestic workers should be consolidated into a single "a" rated classification.

10. The following five classifications should no longer be "a" rated: Code 1748-Abrasive Wheel Manufacturing; Code 2030-Beet Sugar Manufacturing; Code 3022-Pipe or Tube Manufacturing NOC; Code 5705-Salvage Operation; Code 7425-Aircraft or Helicopter NOC Flying Crew.

11. The disease designator "d" should be dropped from all classifications, except supplemental disease classifications which should be "a" rated. Consideration should be given to establishing additional supplemental disease classifications for statistical reporting purposes.

A copy of the petition containing the full text of the proposed amendments is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Angie Arizpe (512) 322-4147, (refer to Reference Number W-0393-05).

On April 20, 1993, at 9 a.m., the staff of the Workers' Compensation Division will hold a briefing in Room 100

of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, open to the public to discuss the proposed changes to be presented at the April 29, 1993 hearing before the Board. The briefing will not be held before the three member Board.

This notification is made pursuant to the Texas Insurance Code, Article 5. 96, which exempts it from the requirements of the Administrative Procedures and Texas Register Act.

Issued in Austin, Texas, on March 10, 1993.

TRD-9320063

Linda K. von Quintus-Dom
Chief Clerk
Texas Department of Insurance

Filed: March 10, 1993

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Texas Department of Transportation
Public Hearing Notice

Pursuant to the Texas Coastal Waterway Act of 1975, Texas Civil Statutes, Article 5415e-2, §6(g), the Texas Transportation Commission will conduct a public hearing to receive data, evidence, comments, views and/or testimony concerning the acquisition of land or interest therein by donation, lease, purchase, or condemnation which is environmentally suitable for use as disposal sites for materials dredged from the main channel of the Gulf Intracoastal Waterway. The location of the individual proposed site to be considered by the commission is near Jones Lake in the vicinity of West Bay and is more specifically described as follows: Galveston County-one site of 180 acres more or less located on the north side of the Highland Bayou Diversion Channel near the mouth of Basford Bayou, being more specifically identified by the United States Army Corps of Engineers as opposite their station number 37+000.

The public hearing will be held at 9:30 a.m., Wednesday, March 24, 1993, in the this first floor hearing room, Dewitt C. Greer State Highway Building, 11th and Brazos, Austin.

Any interested person may appear and offer comments or testimony, either orally or in writing; however, questioning of commentors or witnesses will be reserved exclusively to the commission as may be necessary to ensure a complete record. While any person with pertinent comments or testimony will be granted an opportunity to present them during the course of the hearing, the commission reserves the right to restrict testimony in terms of time or repetitive content.

Maps, environmental impact statements, and other displays concerning the proposed site will be exhibited at the public hearing. Prior to the public hearing, information about the proposed site will be on file and available for inspection at the Texas Department of Transportation, Division of Transportation Planning, Building Number 1, 40th and Jackson Streets, Austin, Texas with B. C. Gersch, P.E., (512) 467-3832.

The State's Relocation Assistance Program concerning the benefits and services for displacees, and information about

the site acquisition process are available at the previously noted office.

For further information, please contact Alvin R. Luedecke, Jr., P.E., Director of Transportation Planning, P.O. Box 5051, Austin, Texas 78763-5051, (512) 465-7346; or Marcus L. Yancey, Jr., P.E., Associate Executive Director, Planning and Policy, (512) 463-8627.

Issued in Austin, Texas, on March 10, 1993.

TRD-9320064

Diane L. Northam
Legal Administrative Assistant
Texas Department of Transportation

Filed: March 10, 1993

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Texas Water Commission
Public Hearing Notice

The Texas Water Commission will conduct public hearings in various locations to receive comments on the proposed new rules regarding Chapter 330, Subtitle D, which were published in the March 9, 1993, issue of the *Texas Register* (18 TexReg 1485). The new rules implement the provisions of Part 257 and 258 of Subtitle D of the Federal Resource Conservation and Recovery Act, relating to municipal solid waste landfills.

Persons participating in the public hearings are encouraged to summarize their testimony in written presentations.

Written comments not presented at the hearings may be submitted to Nancy Frank Overesch, Manager, Groundwater Protection Section, Municipal Solid Waste Division, P.O. Box 13087, Austin, Texas 78711-3087. The comment period on this rule has been extended until April 15, 1993.

The following are locations of scheduled hearings: Monday, April 12, 1993, 9 a.m.-12 noon, Coastal Bend COG, Board Room, 2910 Leopard Street, Corpus Christi; Monday, April 12, 1993, 3 p.m.-6 p.m., Houston-Galveston Area COG, Board Room, Second Floor, 3555 Timmons Lane, Houston; Tuesday, April 13, 1993, 9 a.m.-12 noon, North Central Texas GOG, Irving City Hall-Council Chambers, 845 West Irving Boulevard, Irving; Tuesday, April 13, 1993, 3 p.m.-6 p.m., West Central Texas COG, Conference Room, 1025 East North 10th Street, Abilene; Wednesday, April 14, 1993, 9 a.m.-12 noon, Panhandle Regional Planning Commission, Board Room, 415 West Eight Street, Amarillo; Wednesday, April 14, 1993, 3 p.m.-6 p.m., Permian Basin Regional Planning Commission, Conference Room, 2910 LaForce Boulevard, Midland International Airport, Midland; Thursday, April 15, 1993, 1 p.m.-4 p.m., Texas Water Commission, Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin.

Issued in Austin, Texas on March 10, 1993.

TRD-9320049

Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Filed: March 10, 1993

1993 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1993 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on July 30, November 5, November 30, and December 28. A asterisk beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 Friday, January 1	Monday, December 28	Tuesday, December 29
2 Tuesday, January 5	Wednesday, December 30	Thursday, December 31
3 Friday, January 8	Monday, January 4	Tuesday, January 5
4 Tuesday, January 12	Wednesday, January 6	Thursday, January 7
5 Friday, January 15	Monday, January 11	Tuesday, January 12
6 Tuesday, January 19	Wednesday, January 13	Thursday, January 14
Friday, January 22	1992 ANNUAL INDEX	
7 Tuesday, January 26	Wednesday, January 20	Thursday, January 21
8 Friday, January 29	Monday, January 25	Tuesday, January 26
9 Tuesday, February 2	Wednesday, January 27	Thursday, January 28
10 Friday, February 5	Monday, February 1	Tuesday, February 2
11 Tuesday, February 9	Wednesday, February 3	Thursday, February 4
12 Friday, February 12	Monday, February 8	Tuesday, February 9
13 Tuesday, February 16	Wednesday, February 10	Thursday, February 11
14 *Friday, February 19	Friday, February 12	Tuesday, February 16
15 Tuesday, February 23	Wednesday, February 17	Thursday, February 18
16 Friday, February 26	Monday, February 22	Tuesday, February 23
17 Tuesday, March 2	Wednesday, February 24	Thursday, February 25
18 Friday, March 5	Monday, March 1	Tuesday, March 2
19 Tuesday, March 9	Wednesday, March 3	Thursday, March 4
20 Friday, March 12	Monday, March 8	Tuesday, March 9
21 Tuesday, March 16	Wednesday, March 10	Thursday, March 11
22 Friday, March 19	Monday, March 15	Tuesday, March 16
23 Tuesday, March 23	Wednesday, March 17	Thursday, March 18
24 Friday, March 26	Monday, March 22	Tuesday, March 23
25 Tuesday, March 30	Wednesday, March 24	Thursday, March 25
26 Friday, April 2	Monday, March 29	Tuesday, March 30
27 Tuesday, April 6	Wednesday, March 31	Thursday, April 1
28 Friday, April 9	Monday, April 5	Tuesday, April 6
29 Tuesday, April 13	Wednesday, April 7	Thursday, April 8
Friday, April 16	FIRST QUARTERLY INDEX	
30 Tuesday, April 20	Wednesday, April 14	Thursday, April 15

31 Friday, April 23	Monday, April 19	Tuesday, April 20
32 Tuesday, April 27	Wednesday, April 21	Thursday, April 22
33 Friday, April 30	Monday, April 26	Tuesday, April 27
34 Tuesday, May 4	Wednesday, April 28	Thursday, April 29
35 Friday, May 7	Monday, May 3	Tuesday, May 4
36 Tuesday, May 11	Wednesday, May 5	Thursday, May 6
37 Friday, May 14	Monday, May 10	Tuesday, May 11
38 Tuesday, May 18	Wednesday, May 12	Thursday, May 13
39 Friday, May 21	Monday, May 17	Tuesday, May 18
40 Tuesday, May 25	Wednesday, May 19	Thursday, May 20
41 Friday, May 28	Monday, May 24	Tuesday, May 25
42 Tuesday, June 1	Wednesday, May 26	Thursday, May 27
43 *Friday, June 4	Friday, May 28	Tuesday, June 1
44 Tuesday, June 8	Wednesday, June 2	Thursday, June 3
45 Friday, June 11	Monday, June 7	Tuesday, June 8
46 Tuesday, June 15	Wednesday, June 9	Thursday, June 10
47 Friday, June 18	Monday, June 14	Tuesday, June 15
48 Tuesday, June 22	Wednesday, June 16	Thursday, June 17
49 Friday, June 25	Monday, June 21	Tuesday, June 22
50 Tuesday, June 29	Wednesday, June 23	Thursday, June 24
51 Friday, July 2	Monday, June 28	Tuesday, June 29
52 Tuesday, July 6	Wednesday, June 30	Thursday, July 1
53 Friday, July 9	Monday, July 5	Tuesday, July 6
Tuesday, July 13	SECOND QUARTERLY INDEX	
54 Friday, July 16	Monday, July 12	Tuesday, July 13
55 Tuesday, July 20	Wednesday, July 14	Thursday, July 15
56 Friday, July 23	Monday, July 19	Tuesday, July 20
57 Tuesday, July 27	Wednesday, July 21	Thursday, July 22
Friday, July 30	NO ISSUE PUBLISHED	
58 Tuesday, August 3	Wednesday, July 28	Thursday, July 29
59 Friday, August 6	Monday, August 2	Tuesday, August 3
60 Tuesday, August 10	Wednesday, August 4	Thursday, August 5
61 Friday, August 13	Monday, August 9	Tuesday, August 10
62 Tuesday, August 17	Wednesday, August 11	Thursday, August 12
63 Friday, August 20	Monday, August 16	Tuesday, August 17
64 Tuesday, August 24	Wednesday, August 18	Thursday, August 19
65 Friday, August 27	Monday, August 23	Tuesday, August 24
66 Tuesday, August 31	Wednesday, August 25	Thursday, August 26
67 Friday, September 3	Monday, August 30	Tuesday, August 31
68 Tuesday, September 7	Wednesday, September 1	Thursday, September 2
69 *Friday, September 10	Friday, September 3	Tuesday, September 7

70	Tuesday, September 14	Wednesday, September 8	Thursday, September 9
71	Friday, September 17	Monday, September 13	Tuesday, September 14
72	Tuesday, September 21	Wednesday, September 15	Thursday, September 16
73	Friday, September 24	Monday, September 20	Tuesday, September 21
74	Tuesday, September 28	Wednesday, September 22	Thursday, September 23
75	Friday, October 1	Monday, September 27	Tuesday, September 28
76	Tuesday, October 5	Wednesday, September 29	Thursday, September 30
77	Friday, October 8	Monday, October 4	Tuesday, October 5
	Tuesday, October 12	THIRD QUARTERLY INDEX	
78	Friday, October 15	Monday, October 11	Tuesday, October 12
79	Tuesday, October 19	Wednesday, October 13	Thursday, October 14
80	Friday, October 22	Monday, October 18	Tuesday, October 19
81	Tuesday, October 26	Wednesday, October 20	Thursday, October 21
82	Friday, October 29	Monday, October 25	Tuesday, October 26
83	Tuesday, November 2	Wednesday, October 27	Thursday, October 28
	Friday, November 5	NO ISSUE PUBLISHED	
84	Tuesday, November 9	Wednesday, November 3	Thursday, November 4
85	Friday, November 12	Monday, November 8	Tuesday, November 9
86	Tuesday, November 16	Wednesday, November 10	Thursday, November 11
87	Friday, November 19	Monday, November 15	Tuesday, November 16
88	Tuesday, November 23	Wednesday, November 17	Thursday, November 18
89	Friday, November 26	Monday, November 22	Tuesday, November 23
	Tuesday, November 30	NO ISSUE PUBLISHED	
90	Friday, December 3	Monday, November 29	Tuesday, November 30
91	Tuesday, December 7	Wednesday, December 1	Thursday, December 2
92	Friday, December 10	Monday, December 6	Tuesday, December 7
93	Tuesday, December 14	Wednesday, December 8	Thursday, December 9
94	Friday, December 17	Monday, December 13	Tuesday, December 14
95	Tuesday, December 21	Wednesday, December 15	Thursday, December 16
96	Friday, December 24	Monday, December 20	Tuesday, December 21
	Tuesday, December 28	NO ISSUE PUBLISHED	

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