

Texas Register

Volume 18, Number 39, May 21, 1993

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Texas Register



a section of the
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How to Use the Texas Register

Information Available: The 10 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Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after the proposal publication date.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 cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 18 (1993) is cited as follows: 18 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 "18 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 18 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, Room 245, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, section numbers, or TRD number.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the official compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*. West Publishing Company, the official publisher of the *TAC*, releases cumulative supplements to each printed volume of the *TAC* twice each year.

The *TAC* volumes are arranged into Titles (using Arabic numerals) and Parts (using Roman numerals).

The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency. The *Official TAC* also is available on WESTLAW, West's computerized legal research service, in the TX-ADC database.

To purchase printed volumes of the *TAC* or to inquire about WESTLAW access to the *TAC* call West: 1-800-328-9352.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §27.15:

1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Table of TAC Titles Affected*. The table is published cumulatively in the blue-cover quarterly indexes to the *Texas Register* (January 22, April 16, July 13, and October 12, 1993). In its second issue each month the *Texas Register* contains a cumulative *Table of TAC Titles Affected* for the preceding month. If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with one or more *Texas Register* page numbers, as shown in the following example.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE
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The *Table of TAC Titles Affected* is cumulative for each volume of the *Texas Register* (calendar year).

Update by FAX: An up-to-date *Table of TAC Titles Affected* is available by FAX upon request. Please specify the state agency and the *TAC* number(s) you wish to update. This service is free to *Texas Register* subscribers. Please have your subscription number ready when you make your request. For non-subscribers there will be a fee of \$2.00 per page (VISA, MasterCard). (512) 463-5561.

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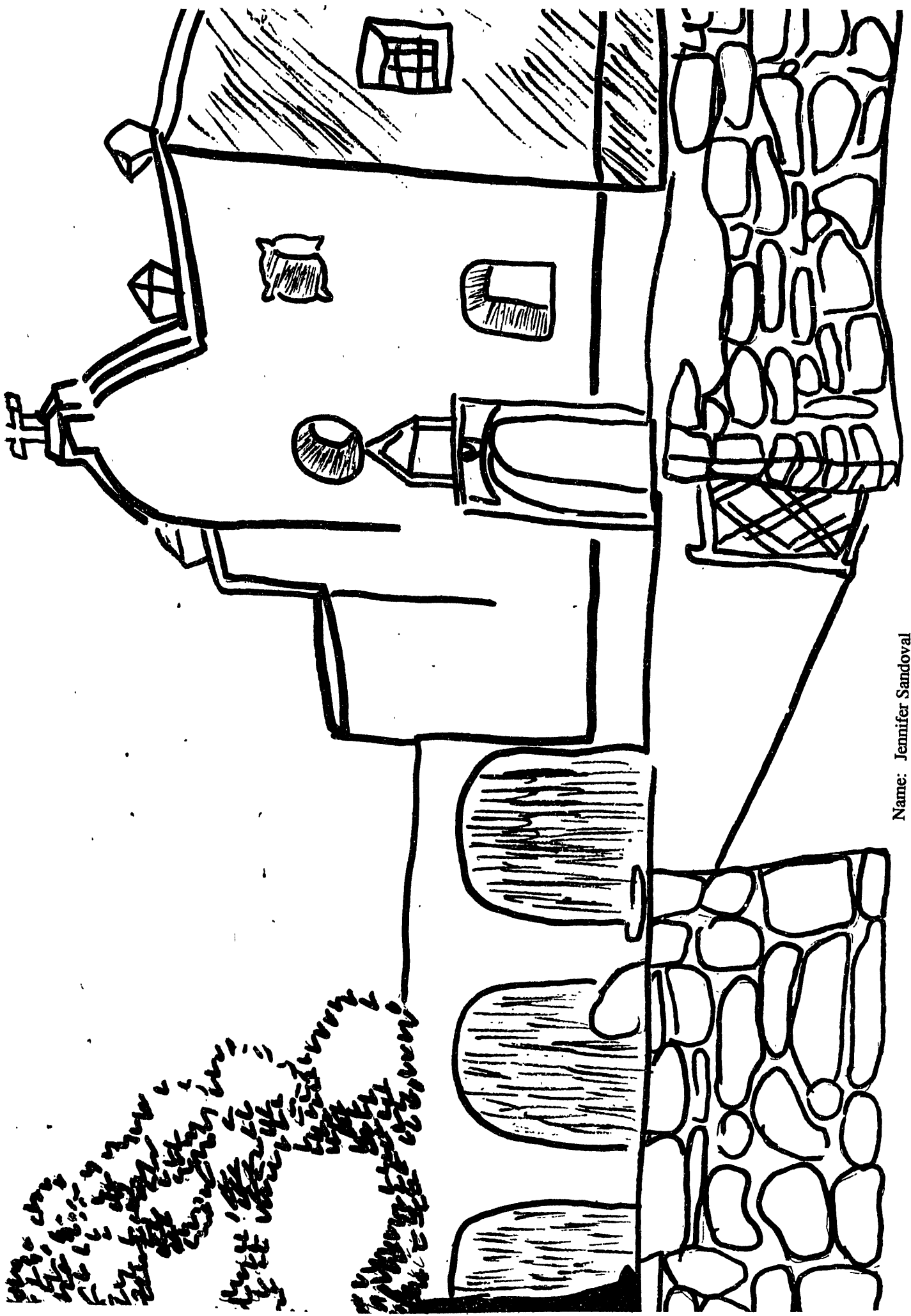
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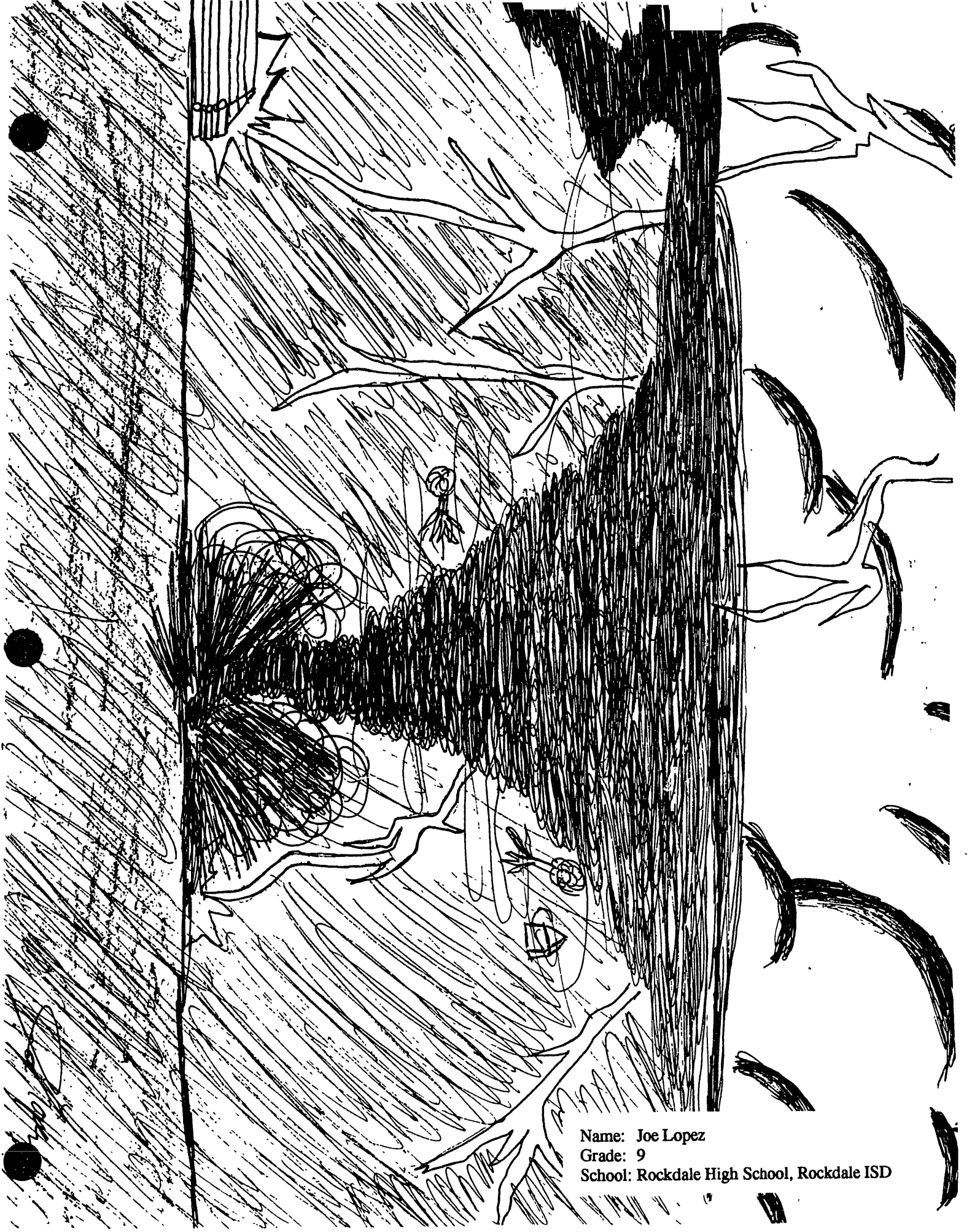
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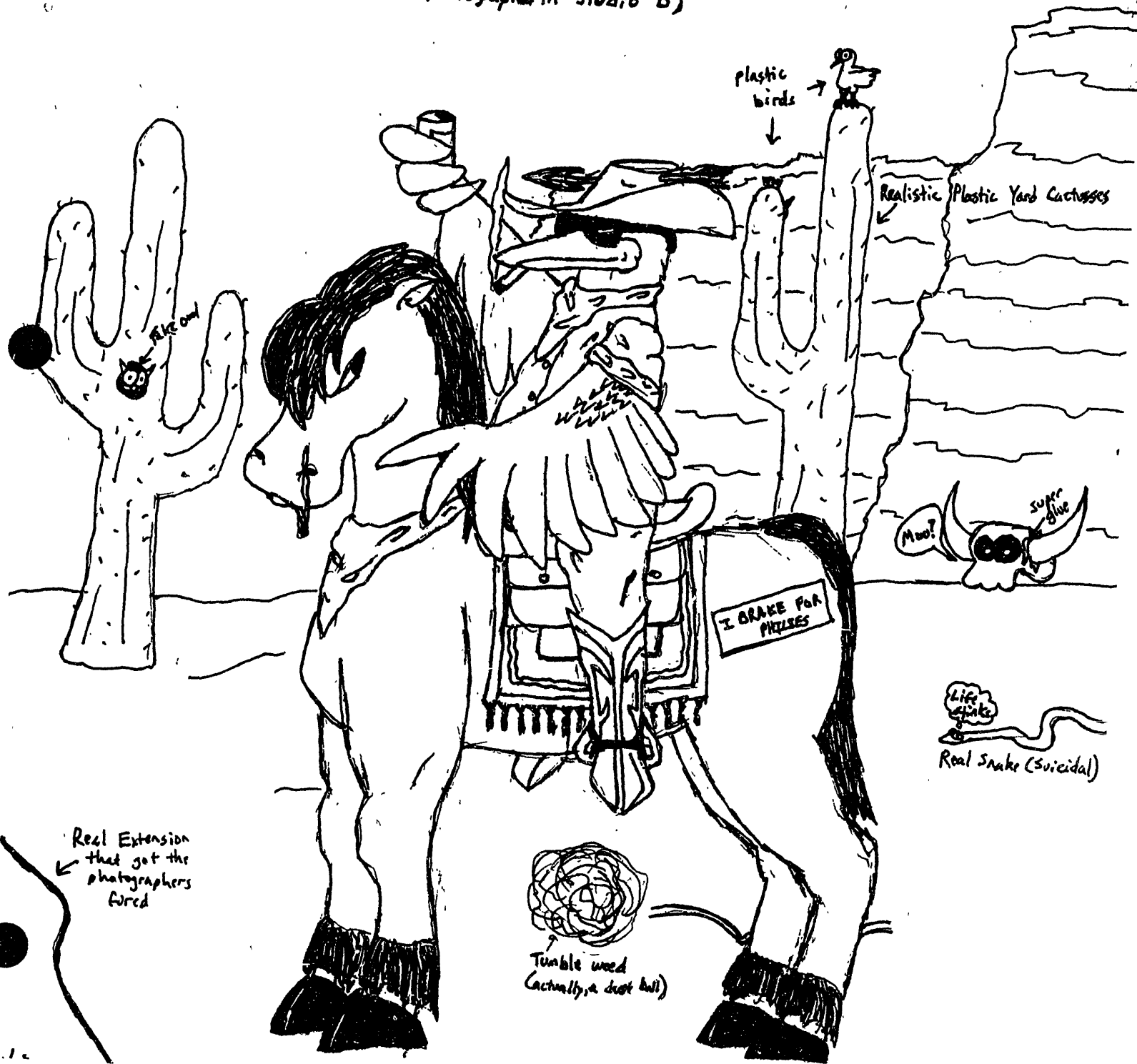
School: Rockdale High School, Rockdale ISD

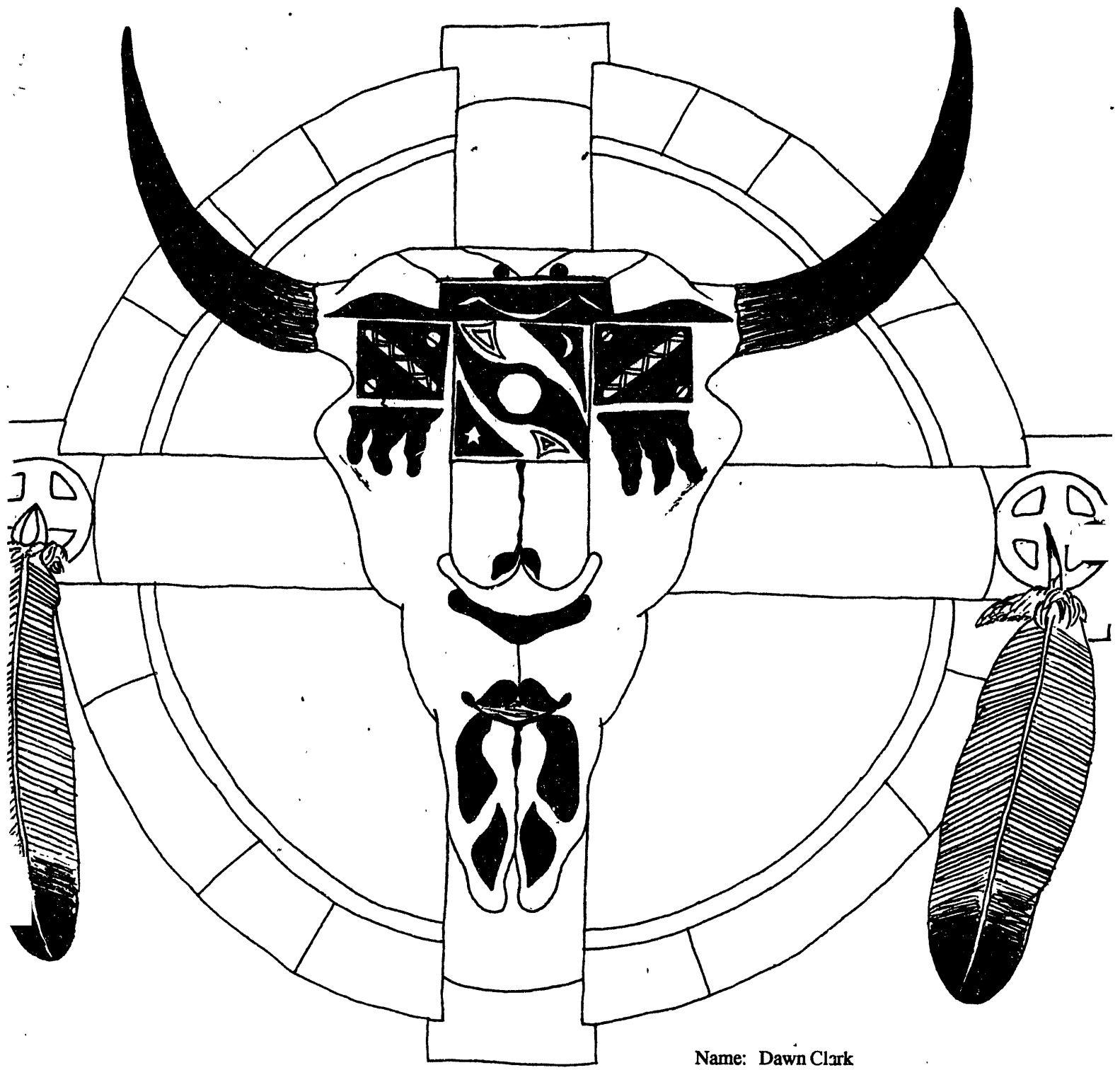
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Very pretty, painted, take me to the moon →

Texas Desert Scene

(photographed in studio B)

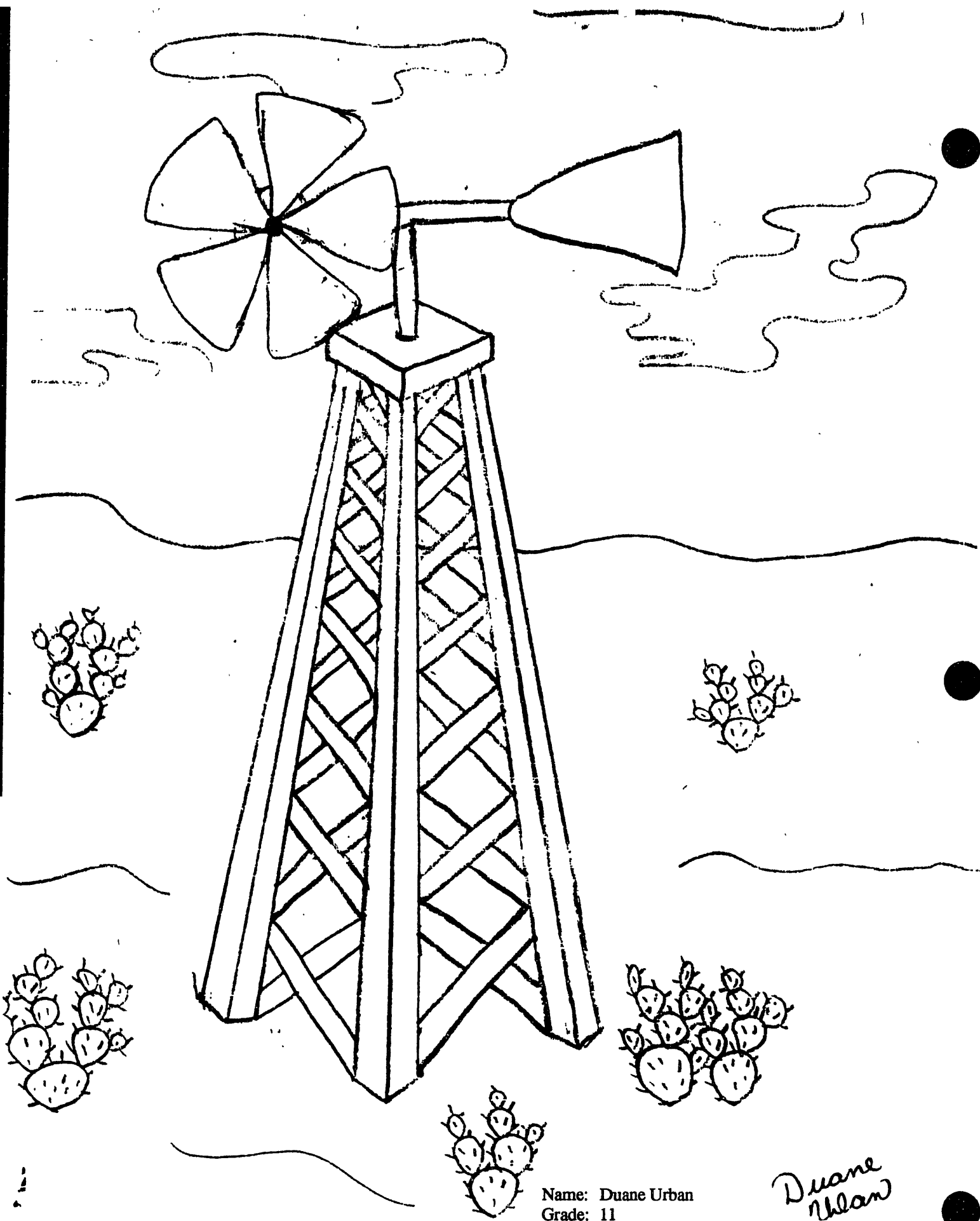




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Duane Urban

Emergency Sections

An agency may adopt a new or amended section or repeal an existing section on an emergency basis if it determines that such action is necessary for the public health, safety, or welfare of this state. The section may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

Symbology in amended emergency sections. 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 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 6. Boll Weevil Control

• 4 TAC §6.4

The Texas Department of Agriculture (the department) adopts on an emergency basis, an amendment to §6.4, concerning the authorized planting dates for the Upper Coastal Bend pest management zone.

The department is acting upon requests from county officials, the pest management committee of the Upper Coastal Bend Zone, and on behalf of cotton farmers in Jackson, Matagorda, Brazoria, Fort Bend, Austin, and Wharton counties for an immediate change of the planting dates. The current planting period begins on March 5 and ends on May 15 for those counties in Areas 1 and 2, which include the referenced counties. The committee members have requested that the planting dates be extended to May 31. The department believes that changing of the planting dates as requested is both necessary and appropriate.

Adverse weather conditions have created a situation compelling an immediate extension of the planting deadlines for cotton in Areas 1 and 2 of the Upper Coastal Bend pest management zone. The continuation of unusually

wet weather since the beginning of the planting period has prevented many cotton producers from planting prior to the May 15 deadline. A failure to act to extend the planting deadline could create a significant loss to Texas cotton producers and the state's economy.

The department believes that extending the planting deadline in Areas 1 and 2 of the Upper Coastal Bend pest management zone will not result in significant pest population increasing in the zone.

The emergency amendment to §6.4(a)(4)(A)(i) and (B)(i) will extend the date for planting to May 31 of this year in the Upper Coastal Bend pest management zone.

The amendment is adopted on an emergency basis under the Texas Agriculture Code, §74.006, which provides the Texas Department of Agriculture with the authority to adopt rules as necessary for the effective enforcement and administration of Chapter 74; and §74.004, which provides the department with the authority to consider a request for a planting extension due to adverse weather conditions, and Texas Civil Statutes, Article 6252-13(a)(5), which provide for the adoption of administrative rules on an emergency basis, without notice and comment.

§6.4. Authorized Planting and Cotton Destruction Dates.

(a) Except as provided in subsection (c) of this section, all cotton in the

regulated areas of the boll weevil pest management zones must be destroyed by the following cotton destruction deadlines.

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

(4) Upper Coastal Bend Pest management zone.

(A) Area (1):

(i) planting dates: March 5-May 31 [15];

(ii) (No change.)

(B) Area (2):

(i) planting dates: March 5-May 31 [15];

(ii) (No change.)

(b)-(d) (No change.)

Issued in Austin, Texas, on May 13, 1993.

TRD-9322952

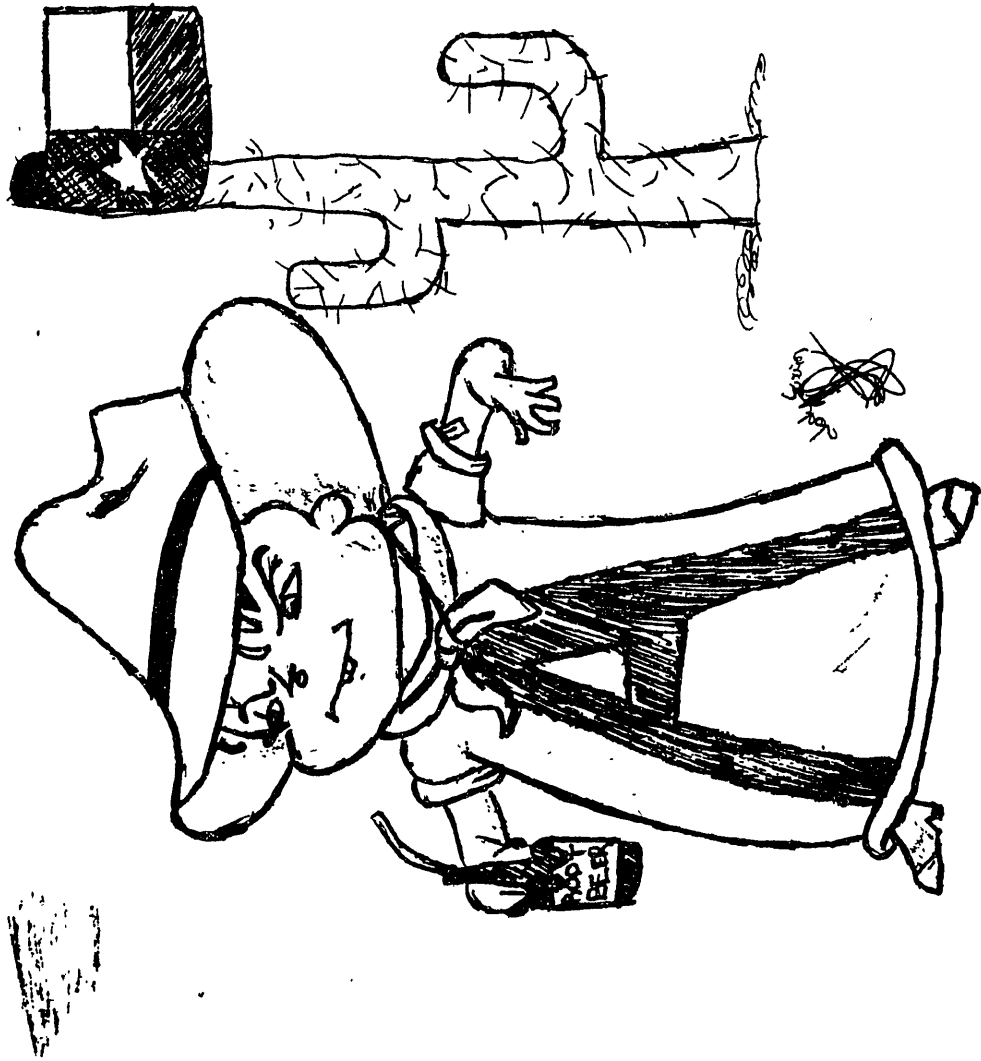
Dolores Alvarado Hibbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Effective date: May 14, 1993

Expiration date: May 30, 1993

For further information, please call: (512) 463-7583





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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.

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 2004, scheduled for 9:00 a.m. June 29, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider the adoption of agenda items proposing new and revised rating and policy writing rules and new and revised policy forms and endorsements for personal automobile insurance and residential property insurance. The Board will also consider any amendments, revisions, or modifications to the items and subjects listed below. The agenda items to be considered are as follows.

1-93. Adoption of an optional endorsement for use with the Homeowners Policy Form B, Homeowners Policy Form C, Farm and Ranch Owners Policy Form B, Dwelling Policy Form 3 and Farm and Ranch Policy Form 3 to exclude coverage for slab foundations damaged by accidental discharge or leakage of water from within a plumbing system.

2-93. Amending of the eligibility rules in the Farm and Ranch Owners Manual to include an owner/non occupant of farm premises.

3-93. Amending of the Farm and Ranch Policy Forms 1, 2 and 3 to clarify that coverage is limited under Coverage D (Scheduled Farm Property) to items described in the declarations.

4-93. Adoption of an optional Loss of Use Endorsement for use with the Dwelling Policy Form 3 to provide additional coverage for

additional living expense and fair rental value.

5-93. Adoption of an optional endorsement to provide coverage for damage caused by the weight of ice, snow or sleet to scheduled farm and ranch property under the Farm and Ranch Owners Policy.

6-93. Amending of the rules in the Texas Dwelling Manual and adopting an optional endorsement to provide a method for insuring personal property and unit owners alterations and improvements in a condominium under a Texas Dwelling Policy.

7-93. Amending the definition of "Insured" under the homeowners policies to broaden the definition under Section II-Liability Coverage regarding the use of motor vehicles.

8-93. Amending the 10% extension of coverage for other structures in the homeowner policies and dwelling policies to clarify what types of structures are not covered.

9-93. Amending of the Special Limits of Liability under the homeowner policies to delete reference to farm and ranch property.

10-93. Amending of Endorsement No. HO-205, Office, Private School or Studio Section II Liability, to clarify that coverage for the insured's business applies only to the premises described on the endorsement and does not provide professional liability or coverage for acts or omissions at the insured location or other locations.

11-93. Amending the rules in the Texas Homeowners Manual to allow Loss Assessment Coverage to premises where liability has been extended under the homeowners policy.

12-93. Amending the rules in the Texas Homeowners Manual to provide for an optional homeowners credit of 10% based on loss experience for six consecutive years.

13-93. Amending of Section II-Liability Coverage of the homeowner policies to include a sexual molestation exclusion.

14-93. Amending of Section I-Property Coverage and Section II - Liability Coverage of the homeowner policies to include lead paint exclusions.

15-93 Amending of Section I-Property Coverage of the homeowner policies to include an exclusion for faulty, inadequate, defective construction.

16-93. Amending of Endorsement HO-210,

Farmers Personal Liability, and the rules in the homeowners manual to provide coverage for custom farming.

17-93. Amending of the Appraisal condition in the personal lines property forms to incorporate a mediation process.

18-93. Deletion of the "Suit Against Us" condition in the personal lines property forms.

19-93. Amending of the Building Laws exclusion in the personal lines property forms to state that the exclusion does not apply if the enforcement of the ordinance or law would result in decreased risk of loss.

20-93. Deletion the "Our Option" condition in the personal lines property forms.

21-93. Amending of Endorsements HO-101, FRO-401, TDP-002 and TFR-052, Reimbursement for Replacement of Personal Property, to clarify claim paying procedure.

22-93. Amending of Endorsement Number FRO-459 and the rules in the Texas Farm and Ranch Manual to provide vandalism and malicious mischief as a separate coverage on Endorsement Number FRO-459 at a rate of .02 per \$100.

23-93. Adoption an optional endorsement for use with the Texas Farm and Ranch Owners Policy to provide coverage for an insured who owns and occupies additional residences located on the same farm premises.

24-93. Amending the rules in the Farm and Ranch Manual to provide an additional extended coverage rate for farm buildings.

25-93. Adoption of an optional endorsement to be used with the Texas Farm and Ranch Policy to permit items to be scheduled and insured for separate perils on one form.

26-93. Amending the rules in the Texas Dwelling Manual and the Texas Farm and Ranch Manual to clarify that the deductible adjustment applies to all perils except fire and lightning.

27-93. Amending the rules in the Texas Dwelling Manual and the Texas Farm and Ranch Manual to clarify what deductible applies to items rated under the Miscellaneous Property Schedules.

28-93. Amending of Endorsement Numbers HO-210 and FRO-500 and the rating rules in the farm and ranch owners manual to clarify rating procedures.

29-93. Amending the rules in the Homeowners and Farm and Ranch Owners manuals to allow large deductibles on homeowners and farm and ranch owners policies.

30-93. Approval of rates under the miscellaneous farm and ranch property schedules for submersible pumps and equipment.

31-93. Amending the rules in the Homeowners and Farm and Ranch Owners Manual to remove the 20% limit for optional credits and amending the residential property statistical plan to allow for coding of each optional credit.

32-93. Amending the Homeowners manual to provide an optional credit up to 10% for neighborhood watch and safety programs.

33-93. Amending the personal lines property policies that contain a contamination exclusion to clarify contamination coverage.

PERSONAL AUTOMOBILE INSURANCE

34-93. Adoption of a Spanish language version of the Personal Auto Policy and requiring that the Spanish language version be provided to consumers whose primary language is Spanish.

35-93. Amending rule 74D of the Texas Automobile Rules and Rating Manual to extend application of the multi-car discount to vehicles assigned through the Texas Automobile Insurance Plan.

36-93. Adoption of an optional endorsement, TE99-54A, to permit a covered auto to be designated by a symbol which would then be used on the Declarations page to designate the autos covered by the commercial auto policy.

37-93. Amending of section C of Rule 11 of the Texas Automobile Rules and Rating Man-

ual to clarify that when coverage is transferred from one auto to another, the liability premium should be calculated using rules and rates in effect at the inception date of coverage for the auto being deleted.

38-93. Amending of Rule 74H of the Texas Automobile Rules and Rating annual to establish a discount category for a student driver that is a member of a drug or alcohol program which is recognized or sponsored by school authorities.

39-93. Adoption of an optional endorsement for the Personal Auto Policy and amending the Texas Automobile Rules and Rating Manual to provide replacement cost coverage for automobiles.

40-93. Amending of the Personal Auto Policy or mandating the use of endorsement 551; Mexico Coverage-Limited, to provide coverage for infrequent trips into the Republic of Mexico.

41-93. Amending Rule 38 of the Texas Automobile Rules and Rating Manual to require attachment of endorsement 551; Mexico Coverage-Limited, to all Personal Auto Policies.

42-93. Amending the Personal Auto Policy to provide that any vehicle acquired during the policy term will have automatic coverage that is the same as the broadest coverage extended to any vehicle shown in the Declaration.

43-93. Amending of automobile insurance endorsements 511A, Extended Non-Owned Coverage For Named Individual and 573A, Supplementary Death Benefit to correct typographical errors.

44-93. Amending of automobile insurance endorsement 544A, Texas Automobile Insur-

ance Plan-Amendment of Termination Provision to add an automatic termination provision.

Comments on the proposal to be considered by the State Board of Insurance must be submitted in writing within 30 days after publication of the proposed section in the *Texas Register* to Linda K. von Quintus-Dorn, Chief Clerk, P.O. Box 149104, Mail Code #113-2A, Austin, Texas 78714-9104. An additional copy of the comment should be submitted to Lyndon Anderson, Associate Commissioner, Mail Code No. 103-1A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104.

Copies of the full text of the amendments to the policy forms and endorsements and manual rules are available for review in the office of the Chief Clerk of the State Board of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the text, please contact Angie Arizpe (512) 322-4147 (refer to Reference Number A-0593-09-I).

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure 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 May 14, 1993.

TRD-9323001

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

For further information, please call: (512) 463-6328



Withdrawn Sections

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

TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 9. Title Insurance

Subchapter A. Basic Manual of Rules, Rates and Forms for the Writing of Title In- surance in the State of Texas

• 28 TAC §9.1

The Texas Department of Insurance has withdrawn from consideration for permanent adoption a proposed amendment to §9.1 which appeared in the November 13, 1992, issue of the *Texas Register* (17 TexReg 7984). The effective date of this withdrawal is May 13, 1993.

Issued in Austin, Texas, on May 13, 1993.

TRD-9322912

Angella H. Johnson
Deputy Chief Clerk
Texas Department of
Insurance

Effective date: May 13, 1993

For further information, please call: (512)
463-6328





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School: Rockdale High School, Rockdale ISD

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 IV. Office of the Secretary of State

Chapter 87. Notary Public

Subpoenas

• 1 TAC §§87.50, 87.52, 87.54

The Office of the Secretary of State adopts new §§87.50, 87.52, 87.54, concerning the issuance of subpoenas, without changes to the proposed text as published in the April 9, 1993, issue of the *Texas Register* (18 TexReg 2345).

Adoption of the new rules will provide individuals and companies with a clarification of the minimum procedures that a notary public must follow in issuing a subpoena.

No comments were received regarding adoption of the new rules.

The new rules are adopted under Texas Civil Statutes, Article 6252-13a, §4(a)(1) and the Texas Government Code, §406.023, which provide the secretary of state with the authority to prescribe and adopt rules.

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 May 12, 1993.

TRD-9322873 Audrey Selden
Assistant Secretary of
State
Office of the Secretary of
State

Effective date: June 12, 1993

Proposal publication date: April 9, 1993

For further information, please call: (512) 463-5558

TITLE 22. EXAMINING BOARD

Part V. Texas State Board of Dental Examiners

Chapter 101. Dental Licensure

General Qualifications

• 22 TAC §101.1

The Texas State Board of Dental Examiners adopts an amendment to §101.1, without changes to the proposed text as published in the April 6, 1993, issue of the *Texas Register* (18 TexReg 2283).

The rule is adopted to ensure that applicants for dental licensure meet the highest standards and to assure that the people of the State of Texas receive the highest quality dental care. Also, to allow access to dental licensure to as many applicants as possible in order to serve the people of Texas.

The rule states the general qualifications for any person desiring to practice dentistry in the State of Texas.

The Texas Dental Association took a position that minimum dental education statutory requirements be met, and that foreign non-accredited graduates present evidence as to equivalency education and training. Comments were also received from the Texas Association of Orthodontists with minor word changes, but were in favor of the rule. Comments were also received from representatives from each of the Texas Dental Schools as to the procedures by which the rule would be implemented, such as bench exams by the schools. Each school commented that they were willing to conduct the bench exams necessary to implement this rule. Comments were received from individual dentists in favor of the rule. Comments were received from legislators in favor of the rule.

The Texas Dental Association and the Texas Association of Orthodontists commented in favor of the adoption.

The amendment is adopted under Texas Civil Statutes, Article 4544, §2, which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

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 May, 12, 1993.

TRD-9322889 C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Effective date: June 2, 1993

Proposal publication date: April 6, 1993

For further information, please call: (512) 463-6400

Licensure by Credentials-Dentists

• 22 TAC §101.7

The Texas State Board of Dental Examiners adopts new §101.7, with changes to the proposed text as published in the April 6, 1993, issue of the *Texas Register* (18 TexReg 2283).

The rule is adopted to allow increased access to dental licensure, thereby increasing access to dental care to the people of Texas.

The rule states that the Texas State Board of Dental Examiners may license applicants by credentials, without examination, who meet all TSBDE and State of Texas minimum applicant requirements and general licensure qualifications and all criteria as stated.

Comments were received from the Texas Dental Association in favor of this rule. Comments were received in writing and in person at the adoption meeting from military dentists as to the proposed wording §101.7(4). The military dentists stated that the proposed wording might create problems for military dentists seeking licensure under this rule. The military dentist at the meeting commented favorably on the changes in wording which were adopted by the Board. Comments were made at the proposal meeting and the adoption meeting regarding the wording and intent of the last paragraph of §101.7. The wording was changed to clarify the Board's intent and the comments as to applicant's for licensure appearing before the Board. Both these changes adopted by the Board, to §101.7(4) and to the last paragraph of §101.7, affect no new parties, address no new subjects, are the result of comment and discussion at public meetings, and are well within the framework and intent of the proposed rule.

The Texas Dental Association commented in favor of the adoption.

The new section is adopted under Texas Civil Statutes, Article 4545a, which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

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 May, 12, 1993.

Effective date: June 2, 1993

Proposal publication date: April 6, 1993

For further information, please call: (512)
463-6400

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TITLE 28 INSURANCE

Part I. TEXAS DEPARTMENT OF INSURANCE

Chapter 1. General Administration

Subchapter C. Maintenance Taxes

• 28 TAC §1.413

The State Board of Insurance of the Texas Department of Insurance adopts new §1.413, concerning assessment of maintenance taxes which apply to workers' compensation insurance companies, without changes to the proposed text as published in the April 9, 1993, issue of the *Texas Register* (18 TexReg 2351).

The new rule is necessary to provide a method of assessment and to record the rate of assessment of taxes and surcharges due in 1993 on the basis of gross premium receipts for calendar year 1992 for workers' compensation insurance companies, as well as to provide insurers with a filing form and instructions for payment.

Section 1.413 provides the assessment of maintenance taxes for the Texas Workers' Compensation Commission and the Texas Workers' Compensation Research Center as set by the Texas Workers' Compensation Commission, assessment of a maintenance tax surcharge which will be used to service the bond debt for the Texas Workers' Compensation Insurance Fund, and a tax form with instructions for filing and paying the taxes. Annually, maintenance taxes and surcharges are set by the State Board of Insurance of the Texas Department of Insurance on behalf of the Texas Workers' Compensation Commission, the Texas Workers' Compensation Research Center, and Texas Workers' Compensation Insurance Fund in accordance with the Texas Workers' Compensation Act.

No comments were received regarding adoption of the new rule.

The new rule is proposed under the Insurance Code, Articles 5.76-5, 5.76-3, 5.68, and 1.04(b), and Texas Civil Statutes, Articles 8308-2.22, 8308-2.23, and 6252-13a, §4 and §5. The Insurance Code, Article 5.76-5, establishes the maintenance tax surcharge. Article 5.76-3 establishes the Texas Workers' Compensation Insurance Fund. Article 5.68 establishes the maintenance tax based on premiums for workers' compensation cover-

age. Article 1.04(b) authorizes the State Board of Insurance to determine rules and regulations in accordance with the laws of this state for uniform application. Texas Civil Statutes, Articles 8308-2.22 and 8308-2.23 establish the maintenance tax for workers' compensation insurance companies. Article 6252-13a, §4 and §5 authorize and require each state agency to adopt rules of practice setting forth the nature and requirement of available procedures, and prescribe the procedures for adoption of rules by a state administrative agency. The adopted section affects regulation relating to the workers' compensation insurance maintenance tax surcharge for 1993, under the Insurance Code, Article 5.76-5.

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 May 13, 1993.

TRD-9322913

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

Effective date: June 3, 1993

Proposal publication date: April 9, 1993

For further information, please call: (512)
463-6328

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TITLE 31. NATURAL RE- SOURCES AND CON- SERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter A. Statewide Hunt- ing and Fishing

• 31 TAC §§65.3, 65.9, 65.13, 65.26, 65.27, 65.31, 65.40, 65. 54, 65.62, 65.72, 65.78

The Texas Parks and Wildlife Commission in a regularly scheduled public hearing, March 25, 1993, adopted amendments to §§65.3, 65.9, 65.13, 65.26, 65.27, 65.31, 65.40, 65.54, 65.62, 65.72, and 65.78, concerning the Statewide Hunting and Fishing Proclamation. Sections 65.3, 65.26, 65.40, 65.62, and 65.72 were adopted with changes to the proposed text as published in the February 19, 1993, issue of the *Texas Register* (18 TexReg 1069). Sections 65.9, 65.13, 65.27, 65.31, 65.54, and 65.78 were adopted without changes and will not be republished. Changes made to the text as proposed are itemized as follows:

Section 65.3 (Definitions--Designated urban lakes). Claiborne lake in Orange County was misspelled.

Section 65.26 (Deer Management Plan). Text was added to this rule in several places to link the adopted Deer Management Plan with the previous named Wildlife Management

Plan and to link the Wildlife Management Plan with a new system for taking antlerless deer under the Landowner Assisted Management Plan and Permitting System (LAMPPS). Text was deleted that referenced the expired herd management tag program.

Section 65.40 (Deer: White-tailed and Mule Deer). This rule was substantially changed by staff to reflect public comments that deer populations in several areas of the state were being depleted by overharvest of the resource. The opening day of deer seasons will be the first Saturday in November rather than the second Saturday in November. Val Verde County south of U.S. Highway 90 was added to the south Texas deer season. An additional category of 16 days (§65.40(1)(D)(ii)) to take antlerless deer was added as a compromise between full season either-sex hunting for 58 days and a six-day season where antlerless deer may be taken without antlerless permits. Text was added to §65.40(1)(D)(i)-(viii) which clarifies that the bag limit may not include more than two antlerless deer. Text in subclause (iii) of §65.40(1)(D)(ii)-(iv) was added to clarify the periods of time when antlerless deer may be taken by antlerless deer permit and when antlerless deer may be taken without an antlerless deer permit. Moure County was inadvertently omitted from §65.40(1)(D)(vi). Text was added to §65.40(2)(B) to clarify that only archery equipment may be used during this season.

Section 65.65 (Turkey). This rule was changed to differentiate between the south Texas hunting season, the extended south Texas season, and the change in the turkey bag limit for Val Verde County below U.S. Highway 90. Cameron, Hidalgo, Starr, and Zapata Counties were inadvertently proposed for a fall turkey season. These four counties were deleted from §65.62(c)(1)(A) and (B).

Section 65.72 (Fish). The proposed increase in red drum bag limits was withdrawn. This section was also changed to clarify where fish must be weighed by adding the phrase "Purtis Creek State Park," removal of text that is redundant concerning the exceptions for white bass, and removal of size requirements for jugline jugs.

The rules as adopted have as their factual basis scientific studies and investigations which track wildlife resource populations and assess factors affecting those populations.

The Texas Employment Commission in a reply dated February 26, 1993, indicated that the amendments would have no significant employment impact upon the state.

The rules as adopted are necessary to appropriately manage wildlife resources through use of harvest (bag and possession) limits and clarify the rules for law enforcement purposes.

The rules are designed to prevent depletion or waste and provide harvest opportunity of wildlife resources consistent with acknowledged fisheries and wildlife tenets.

Comments were received from 1,599 persons who attended the 63 county public hearings. Additionally, the public made comments by letter and telephone. The most comments received concerned the proposed change in

the opening date of the white-tailed deer general season. Over 1,300 comments were received concerning this issue, of which 962 (71%) were opposed to changing the opening date of deer season.

Other issues the public commented on was concern for the general decline in deer populations; support for closing the antlerless deer season; supporting and opposing the addition of an extra deer tag to 14 south Texas counties and extending the end of the deer season by one week; support for reinstating antlerless deer permits to take antlerless deer; supporting the Landowner Assisted Management Program; opposition to the increase in red drum bag limits, opposing the size requirement for jugline jugs; and opposing the prohibition of chumming for striped bass.

Comments made by the public at the county hearings, by correspondence, telephone calls, and at the Commission's public hearing are available for public inspection at the Texas Parks and Wildlife Department, Headquarters Complex, 4200 Smith School Road, Austin, Texas 78744.

A State Senator supports the proposed amendments.

Individuals from the Doss Wildlife Association, oppose opening deer season the first Saturday in November.

An individual from Champion International, supports the proposed deer bag limits in east Texas.

An individual from International Paper, supports the proposed amendments.

An individual from Texas Wildlife Association, supports the proposed amendments.

Two individuals from the Sportsmen Conservationists of Texas, support the proposed amendments.

An individual from Lone Star Bow Hunters Association, support the proposed amendments.

An individual from Texas Sportsmen's Association, opposes the deer bag limit changes.

An individual from the National Rifle Association, supports the proposed amendments.

The Texas Parks and Wildlife Commission disagreed with several comments received because they were judged not to be appropriate for wildlife resource management. In compliance with Texas Parks and Wildlife Code, §65.051, the Commission shall make findings of fact based on the studies and investigations of the department. Several of the comments were related to rules not proposed as amendments and will not be discussed.

With respect to deer regulations, the department withdrew the proposal to open the white-tailed deer season beginning the second Saturday of November. As a result of public comments, deer bag limits in several counties in East Texas were further restricted by staff in order to reduce the threat of overharvest to antlerless deer. The South Texas increased deer bag limit and length of season was adopted, as these are biologically justifiable. Staff agreed with public com-

ments to align that portion of Val Verde County south of U.S. Highway 90 with the later south Texas deer and turkey seasons.

Staff agreed with the public that the size requirement for jugs attached to juglines need not be of a specific size. The proposed increase in the red drum bag limit was withdrawn due to the number of opposing public comments and the staff's desire to err on the side of a conservative harvest.

The Commission after hearing and reviewing the public's comments and staff's response to the public's testimony made the following changes to the text as proposed.

The opening date for the white-tailed deer season will begin the first Saturday in November rather than the second Saturday in November. Val Verde County south of U.S. Highway 90 will begin deer and turkey seasons on the second Saturday of November rather than the first Saturday in November. There will be no size requirement for jugs attached to juglines but color coding of jugs will become a requirement. The red drum bag limit will remain at three fish per day and six in possession.

The amendments are adopted under the Texas Parks and Wildlife Code, Chapter 61, Uniform Wildlife Regulatory Act (Wildlife Conservation Act of 1983), which provides the Texas Parks and Wildlife Commission with authority to establish wildlife resource regulations for this state.

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

Chumming—To deposit into the water any fish, parts of fish, or other substances containing fish or fish parts that are not attached to a hook and line and used to attract fish or stimulate fish feeding activity.

Coastal waters boundary—For purposes of Texas Parks and Wildlife Code, Chapters 61 and 66, all public waters east and south of the following boundary are considered coastal waters: Beginning at the International Toll Bridge in Brownsville, thence northward along U.S. Highway 77 to the junction of Paredes Lines Road (FM Road 1847) in Brownsville, thence northward along FM Road 1847 to the junction of FM Road 106 east of Rio Hondo, thence westward along FM Road 106 to the junction of FM Road 508 in Rio Hondo, thence northward along FM Road 508 to the junction of FM Road 1420, thence northward along FM Road 1420 to the junction of State Highway 186 east of Raymondville, thence westward along State Highway 186 to the junction of U.S. Highway 77 near Raymondville, thence northward along U.S. Highway 77 to the junction of FM Road 774 in Refugio, thence eastward along FM Road 774 to the junction of State Highway 35 south of Tivoli, thence northward along State Highway 35 to the junction of State Highway 185 between Bloomington and Seadrift, thence northwestward along State

Highway 185 to the junction of FM Road 616 in Bloomington, thence northeastward along FM Road 616 to the junction of State Highway 35 east of Blessing, thence southward along State Highway 35 to the junction of FM Road 521 north of Palacios, thence northeastward along FM Road 521 to the junction of State Highway 36 south of Brazoria, thence northward along State Highway 36 to the junction of State Highway 332 in Brazoria, thence eastward along State Highway 332 to the junction of FM Road 2004 in Lake Jackson, thence northeastward along FM Road 2004 to the junction of Interstate Highway 45 between Dickinson and La Marque, thence northwestward along Interstate Highway 45 to the junction of Interstate Highway 610 in Houston, thence east and northward along Interstate Highway 610 to the junction of Interstate Highway 10 in Houston, thence eastward along Interstate Highway 10 to the junction of State Highway 73 in Winnie, thence eastward along State Highway 73 to the junction of U.S. Highway 287 in Port Arthur, thence northwestward along U.S. Highway 287 to the junction of Interstate Highway 10 in Beaumont, thence eastward along Interstate Highway 10 to the Louisiana State Line. The public waters north of the dam on Lake Anahuac in Chambers County; north and west of the junction of the north and south forks of the Guadalupe River in Calhoun and Refugio Counties; the waters of Taylor Bayou and Big Hill Bayou inland from the saltwater locks on Taylor Bayou in Jefferson County; the Galveston County Reservoir on State Highway 146 in Galveston County; Lakeview City Park Lake in Corpus Christi; Lake Burke-Crenshaw in Pasadena; Galveston County Reservoir in Galveston County; Galveston State Park ponds number one through seven in Galveston County; Lake Nassau in Harris County; Fort Brown Resaca in Cameron County; Resaca de la Guerra in Cameron County; Resaca de la Palma in Cameron County; Resaca de los Cuates in Cameron County; Resaca de los Fresnos in Cameron County; Resaca Rancho Viejo in Cameron County; and Town Resaca in Cameron County, are not considered coastal waters for purposes of this proclamation.

Deer Management Plan—A written document provided to the landowner or agent and approved by a department biologist after an investigation is completed on a tract of land.

Designated urban lakes—For purposes of the Texas Parks and Wildlife Code, Chapters 61 and 66, the following public waters listed by county and location, are considered designated urban lakes.

Bell—Sammon's Park Lake; Bexar—Espada; Hi-Lions; Live Oak City; Millers Pond; San Antonio River; Blanco—Blanco State Park #5; Five Mile Dam; Bowie—Spring Lake Park; Brazos—Cy Miller Pond; Gabbards Park; Cameron—Dixieland; Fort Brown

Resaca; Harlingen City Lake; Harlingen Sports Complex; Collin-Bethany Park A; Bethany Park B; Bethany Park C; Bob Woodruff; Shawnee Park; Towne; Dallas-Kid Springs Park; Lakeside (Duncanville); Mesquite City Lake; Northwest Park Pond; (Irving) O'Bannon (Garland); Palos Verdes; Samuel Farm Pond A; Samuel Farm Pond #1; Samuel Farm Pond #4; Samuel Farm Pond #5; Denton-Flower Mound Rheudasill North Lake Park (Denton); South Lake Park (Denton); Fort Bend-Missouri City; Missouri City Community; Park Lake; Gillespie-LBJ State Park; Grayson-Pickens; Waterloo; Gregg-Teague Park Lake; Harris-Bane Park; Eisenhower City Park; Forest Lake; Hermann Park; Tom Bass 1; Lubbock-Canyon Lake Project 1; Maxey Park; Montgomery-Albert Sallas County Park; Orange-Claiborne West Park; Potter-Medical Center North; Medical Center South; Randall-Southeast Park; Smith-Camp Tyler A; Camp Tyler B; Camp Tyler C; Tarrant-Bedford Boys Ranch; Como; Echo; French; Hurst Chisolm Park; Oakland; Taylor-Nelson Park; Tom Green-Bell Street; Irving Street; Martin Luther King Park; Oak Street (San Angelo); Travis-Searight Park Lake #1; Wichita-Kid's Pond; Plum Lake (Softball Complex); Williams Park; Williamson-South San Gabriel River (Georgetown); Round Rock City Park; San Gabriel Park; Taylor City Lake #1; Taylor City Lake #2; Taylor City Lake #4.

§65.26. Deer Management Plan and Required Permits.

(a) A deer management plan (see §65.3 of this title relating to Definitions), previously entitled Wildlife Management Plan, shall include:

- (1) measurements of density, production, and sex composition of the deer population present on the property;
- (2) measurements of the number, sex, and where possible, age of the deer harvested from the property;
- (3) evaluation and appraisal of habitats determined by Texas Parks and Wildlife Department to be of significance to white-tailed deer;
- (4) the number of hunters on the property, the number of days that they hunted, and the dates that they harvest deer; and
- (5) descriptions of land management practices occurring on the property.

(b) A deer management plan, previously entitled Wildlife Management Plan, shall:

- (1) specify the number of antlerless deer to be harvested from a given tract of land;

(2) require each antlerless deer taken to be tagged with a permit issued under this section, or an antlerless deer permit issued under the authority of §65.31 of this title (relating to Antlerless Mule Deer and White-tailed Deer Permits), and in compliance with the Landowner Assisted-Management Plan and Permitting System (LAMPPS); and

(3) no permit is valid unless it has been issued, used, and possessed in accordance with this section and §65.31 of this title (relating to Antlerless Mule Deer Permits and White-tailed Deer Permits).

§65.40. Deer: White-tailed and Mule Deer. No person, may take more than the aggregate total of six deer per license year; of which no more than two may be mule deer, only one of which may be a buck mule deer; no more than three white-tailed buck deer, or no more than six antlerless deer, both species combined.

(1) White-tailed deer: general open seasons, bag, and possession limits shall be as follows.

(A) In Bandera, Bexar, Blanco, Brewster, Brown, Burnet, Calhoun, Coke, Coleman, Comal, Concho, Crockett, Culberson, Edwards, Gillespie, Glasscock, Hays, Irion, Jeff Davis, Kendall, Kerr, Kimble, Kinney (only north of U.S. Highway 90), Llano, Mason, McCulloch, Medina (only north of U.S. Highway 90), Menard, Mills, Mitchell, Nolan, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Sterling, Sutton, Terrell, Tom Green, Travis, Upton (south of U.S. Highway 67 and east of state highway 349), Uvalde (only north of U.S. Highway 90), and Val Verde (only north of U.S. Highway 90 and/or west of Spur 239) Counties, there is an open season for white-tailed deer.

(i) Open season: First Saturday in November through the first Sunday in January.

(ii) Bag limit: Four white-tailed deer, no more than two bucks.

(iii) Antlerless white-tailed deer may be taken without an antlerless deer permit required by §65.27 of this title (relating to Permits) and §65.31 of this title (relating to Antlerless Mule Deer and White-tailed Deer Permits).

(B) In Aransas, Atascosa, Bee, Cameron, Hidalgo, Kinney (only south of U.S. Highway 90), Live Oak, Medina (only south of U.S. Highway 90), Nueces, Refugio, San Patricio, Starr, Uvalde (only south of U.S. Highway 90), Val Verde (only south of U.S. Highway 90 and east of Spur 239), and Willacy Counties, there is an open season for white-tailed deer.

(i) Open season: Second Saturday in November through the second Sunday in January.

(ii) Bag limit: Four white-tailed deer, no more than two bucks.

(iii) Antlerless white-tailed deer may be taken without an antlerless deer permit required by §65.27 of this title (relating to Permits) and §65.31 of this title (relating to Antlerless Mule Deer and White-tailed Deer Permits).

(iv) Special (South Texas) late season: In the counties listed in this subparagraph there is a special late antlerless only white-tailed deer season.

(I) Open season: January 15-January 30, 1994.

(II) Bag limit: Four antlerless white-tailed deer only. Antlerless white-tailed deer may be taken without an antlerless permit in compliance with clause (iii) of this subparagraph. The bag limit is not in addition to the general or archery only season bag limits.

(C) In Brooks, Dimmit, Duval, Frio, Jim Hogg, Jim Wells, Kenedy, Kleberg, LaSalle, Maverick, McMullen, Webb, Zapata, and Zavala Counties, there is an open season for white-tailed deer.

(i) Open season: Second Saturday in November through the third Sunday in January.

(ii) Bag limit: Five white-tailed deer, no more than three bucks.

(iii) Antlerless white-tailed deer may be taken without an antlerless deer permit required by §65.27 of this title (relating to Permits) and §65.31 of this title (relating to Antlerless Mule Deer and White-tailed Deer Permits).

(iv) Special (South Texas) late season: In the counties listed in this subparagraph there is a special late antlerless only white-tailed deer season.

(I) Open season: January 17-30, 1994.

(II) Bag limit: Five antlerless white-tailed deer only. Antlerless white-tailed deer may be taken without an antlerless deer permit in compliance with clause (iii) of this subparagraph. The bag limit is not in addition to the general or archery only season bag limits.

(D) No person may take or possess more than one white-tailed buck deer per license year from counties, in the aggregate, listed within this subparagraph.

(i) In Bell, Bosque, Brazoria, Callahan, Comanche, Coryell, Eastland, Erath, Fort Bend, Goliad (south of U.S. Highway 59), Hamilton, Howard, Jackson (south of U.S. Highway 59), Lampasas, Matagorda, McLennan (west of Brazos River and IH 35), Palo Pinto, Shackelford, Stephens, Taylor, Throckmorton, Victoria (south of U.S. Highway 59), Wharton (south of U.S. Highway 59), and Williamson Counties, there is an open season for white-tailed deer.

(I) Open season: First Saturday in November through the first Sunday in January.

(II) Bag limit: Three deer, no more than one buck and no more than two antlerless deer.

(III) Antlerless white-tailed deer may be taken without an antlerless deer permit required by §65.27 of this title (relating to Permits) and §65.31 of this title (relating to Antlerless Mule Deer and White-tailed Deer Permits).

(ii) In Angelina, Hardin, Jasper, Liberty (only east of the Trinity River and north of U.S. Highway 90), Newton, Polk, and Tyler Counties, there is an open season for white-tailed deer.

(I) Open season: First Saturday in November through the first Sunday in January.

(II) Bag limit: Three deer, no more than one buck and no more than two antlerless deer.

(III) Antlerless deer may be taken only during the first 16 days of the general season and without an antlerless deer permit required by §65.27 of this title (relating to Permits) and §65.31 of this title (relating to Antlerless Mule Deer and White-tailed Deer Permits). After the first 16 days, antlerless deer may be taken only by antlerless permits authorized by §65.26 of this title (relating to Deer Management Plan).

(iii) In Fisher (west of State Highway 70), Hemphill, Hood, Jack, Karnes, Kent (south of U.S. Highway 180), Parker (west of FM 51 and State Highway 171), Scurry, Somervell, Wheeler, Wilson, and Young Counties, there is an open season for white-tailed deer.

(I) Open season: First Saturday in November through the first Sunday in January.

(II) Bag limit: Three deer, no more than one buck and no more than two antlerless deer.

(III) Antlerless deer may be taken only during the first six days of the general season and without an antlerless deer permit required by §65.27 of this title (relating to Permits) and §65.31 of this title (relating to Antlerless Mule Deer and White-tailed Deer Permits). After the first six days, antlerless deer may be taken only by antlerless permits authorized by §65.26 of this title (relating to Deer Management Plan).

(iv) In Archer, Baylor, Clay, Cooke, Denton, Hill, Johnson, McClennan (east of Brazos River and IH 35), Montague, Nacogdoches, Panola, Parker (east of FM 51 and State Highway 171), Rusk, Sabine, San Augustine, Shelby, Tarrant, and Wise Counties, there is an open season for white-tailed deer.

(I) Open season: First Saturday in November through the first Sunday in January.

(II) Bag limit: Three deer, no more than one buck and no more than two antlerless deer.

(III) Antlerless deer may be taken only during the first two days of the general season and without an antlerless deer permit required by §65.27 of this title (relating to Permits) and §65.31 of this title (relating to Antlerless Mule Deer and White-tailed Deer Permits). After the first two days, antlerless deer may be taken only by antlerless permits authorized by §65.26 of this title (relating to Deer Management Plan).

(v) In Anderson, Armstrong, Austin, Bastrop, Borden, Bowie, Brazos, Briscoe, Burleson, Caldwell, Camp, Carson, Cass, Chambers, Cherokee, Childress, Collingsworth, Colorado, Cottle, Crane, Crosby, Delta, De Witt, Dickens, Donley, Ector, Ellis, Falls, Fannin, Fayette, Fisher (east of State Highway 70), Floyd, Foard, Franklin, Freestone, Garza, Goliad (north of U.S. Highway 59), Gonzales, Gray, Gregg, Grimes, Guadalupe, Hall, Hardeman, Harris, Harrison, Haskell, Hopkins, Houston, Hutchinson, Jackson (north of U.S. Highway 59), Jefferson, Jones, Kent (north of U.S. Highway 180), King, Knox, Lamar, Lavaca, Lee, Leon, Liberty (only west of the Trinity River and south of U.S. Highway 90), Limestone, Lipscomb, Loving, Madison, Marion, Midland, Milam, Montgomery, Morris, Motley, Navarro, Ochiltree, Orange, Rains, Randall, Red River, Roberts, Robertson, San Jacinto, Smith, Stonewall, Swisher, Titus, Upshur, Upton (north of U.S. Highway 67 and west of State Highway 349), Van Zandt, Victoria

(north of U.S. Highway 59), Walker, Waller, Ward, Washington, Wharton (north of U.S. Highway 59), Wichita, Wilbarger, and Wood Counties, there is an open season for buck white-tailed deer only, except that antlerless deer may be taken only by the antlerless permit authorized by a Deer Management Plan (see §65.26 of this title (relating to Deer Management Plan)).

(I) Open season: First Saturday in November through the first Sunday in January.

(II) Bag limit: Three deer, no more than one buck and no more than two antlerless deer.

(III) Antlerless deer may be taken only by antlerless permits authorized by §65.26 of this title (relating to Deer Management Plan).

(vi) In Hartley, Moore, Oldham, and Potter Counties, there is an open season for buck white-tailed deer only, except that antlerless deer may be taken only by antlerless permit authorized by a Deer Management Plan (see §65.26 of this title (relating to Deer Management Plan)).

(I) Open season: Saturday before Thanksgiving for 16 consecutive days.

(II) Bag limit: Three deer, no more than one buck and no more than two antlerless deer.

(III) Antlerless deer may be taken only by antlerless permits authorized by §65.26 of this title (relating to Deer Management Plan).

(vii) In Hunt County, there is an open season for buck white-tailed deer only, except that antlerless deer may be taken only by antlerless permit authorized by a Deer Management Plan (see §65.26 of this title (relating to Deer Management Plan)).

(I) Open season: First Saturday in November for nine consecutive days.

(II) Bag limit: Three deer, no more than one buck and no more than two antlerless deer.

(III) Antlerless deer may be taken only by antlerless permits authorized by §65.26 of this title (relating to Deer Management Plan).

(viii) In Henderson County, there is an open season for buck white-tailed deer only, except that antlerless deer may be taken only by antlerless permit authorized by a Deer Management Plan (see §65.26 of this title (relating to Deer Management Plan)).

(I) Open season: First Saturday in November through the first Sunday in January.

(II) Bag limit: Three white-tailed deer, no more than one buck and no more than two antlerless deer, antlerless deer may be taken only by antlerless permits authorized by §65.26 of this title (relating to Deer Management Plan).

(III) Special Requirement: In that portion of Henderson County bounded on the north by the county line, on the east by U.S. Highway 175 and Tin Can Alley Road, on the south by State Highway 31, and on the west by State Highway 274, hunting, shooting, or taking of deer is restricted to shotguns with buckshot or longbow and arrows, and other game animals or game birds may be taken only with shotgun or longbow and arrows.

(E) In Andrews, Bailey, Castro, Cochran, Collin, Dallam, Dallas, Dawson, Deaf Smith, El Paso, Gaines, Galveston, Grayson (except Hagerman National Wildlife Refuge), Hale, Hansford, Hockley, Hudspeth, Kaufman, Lamb, Lubbock, Lynn, Martin, Parmer, Rockwall, Sherman, Terry, Winkler, and Yoakum Counties, there is no general open season for white-tailed deer.

(2) White-tailed deer: archery only open seasons, bag, and possession limits shall be as follows.

(A) In Aransas, Atascosa, Bandera, Bee, Bexar, Blanco, Brewster, Brown, Burnet, Calhoun, Cameron, Coke, Coleman, Comal, Concho, Crockett, Culberson, Edwards, Gillespie, Glasscock, Hays, Hidalgo, Irion, Jeff Davis, Kendall, Kerr, Kimble, Kinney, Live Oak, Llano, Mason, McCulloch, Medina, Menard, Mills, Mitchell, Nolan, Nueces, Pecos, Presidio, Reagan, Real, Reeves, Refugio, Runnels, San Saba, San Patricio, Schleicher, Starr, Sterling, Sutton, Terrell, Tom Green,

Travis, Uvalde, Val Verde, and Willacy Counties, there is an open season during which white-tailed deer may be taken only with longbow and arrows.

(i) Open season: October 1-31.

(ii) Bag limit: Four white-tailed deer, either sex, no more than two bucks.

(B) In Brooks, Dimmit, Duval, Frio, Jim Hogg, Jim Wells, Kenedy, Kleberg, LaSalle, Maverick, McMullen, Webb, Zapata, and Zavala Counties, there is an open season during which white-tailed deer may be taken only with longbow and arrows.

(i) Open season: October 1-31.

(ii) Bag Limit: Five white-tailed deer, either sex, no more than three bucks.

(C) No person may take or possess more than one white-tailed buck deer per license year from counties, in the aggregate, listed within this subparagraph.

(i) In Anderson, Angelina, Austin, Bell, Borden, Bosque, Bowie, Brazoria, Brazos, Burleson, Callahan, Camp, Cass, Chambers, Cherokee, Colorado, Comanche, Coryell, Delta, DeWitt, Eastland, Erath, Falls, Fayette, Fisher, Fort Bend, Franklin, Freestone, Goliad, Gonzales, Gray, Grayson (only on the Hagerman National Wildlife Refuge), Gregg, Grimes, Guadalupe, Hamilton, Hardin, Harris, Harrison, Haskell, Hemphill, Henderson, Hood, Hopkins, Houston, Howard, Hutchinson, Jack, Jackson, Jasper, Jefferson, Karnes, Kent, Lamar, Lampasas, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Marion, Matagorda, McLennan, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Orange, Palo Pinto, Panola, Parker, Polk, Red River, Roberts, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Scurry, Shackelford, Shelby, Smith, Somervell, Stephens, Taylor, Throckmorton, Titus, Trinity, Tyler, Upshur, Upton, Van Zandt, Victoria, Walker, Wharton, Wheeler, Williamson, Wilson, Wise, Wood, and Young Counties, there is an open season during which white-tailed deer may be taken only with longbow and arrows.

(I) Open season: October 1-31.

(II) Bag limit: Three white-tailed deer, no more than one buck and no more than two antlerless deer.

(ii) In Archer, Armstrong, Bastrop, Baylor, Briscoe, Caldwell, Carson, Childress, Clay, Collingsworth, Cooke, Cottle, Crane, Crosby, Denton, Dickens, Donley, Ector, Ellis, Fannin, Floyd, Foard, Garza, Grayson (except on Hagerman National Wildlife Refuge), Hall, Hardeman, Hartley, Hill, Hunt, Johnson, Jones, Kaufman, King, Knox, Lipscomb, Loving, Midland, Montague, Moore, Motley, Ochiltree, Oldham, Potter, Rains, Randall, Stonewall, Swisher, Tarrant, Waller, Ward, Washington, Wichita, and Wilbarger Counties, there is an open season during which white-tailed buck deer may be taken only with longbow and arrows.

(I) Open season: October 1-31.

(II) Bag limit: One white-tailed buck deer.

(D) In Andrews, Bailey, Castro, Cochran, Collin, Dallam, Dallas, Dawson, Deaf Smith, El Paso, Gaines, Galveston, Hale, Hansford, Hockley, Hudspeth, Lamb, Lubbock, Lynn, Martin, Parmer, Rockwall, Sherman, Terry, Winkler, and Yoakum Counties, there is no archery only open season for white-tailed deer.

(E) The archery only season bag limit is not in addition to the general open season bag limits for white-tailed deer.

(3)-(5) (No change.)

§65.72. Fish.

(a) (No change.)

(b) Bag, possession, and length limits.

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

(4) There are no bag, possession, or length limits on game or non-game fish, except as provided in these rules.

(A) Statewide daily bag, possession, and length limits shall be as follows.

Species	Daily Bag	Possession	Minimum Length (Inches)	Maximum Length (Inches)
Amberjack, greater.	3	6	32	No limit
Black Basses	5 (in aggregate)	10 (in aggregate)		
Largemouth and smallmouth bass, their hybrids, and subspecies.			14	No limit
Spotted and Guadalupe bass.			12	No limit
Bass, striped, its hybrids, and subspecies.	5 (in aggregate)	15 (in aggregate)	18	No limit
Bass, white	25	50	10	No limit
Catfish: channel and blue catfish, their hybrids, and subspecies.	25 (in aggregate)	50 (in aggregate)	9	No limit
Catfish, flathead.	5	10	24	No limit
Catfish, gafftopsail.	No limit	No limit	14	No limit
Cobia.	2	4	37	No limit
Crappie: white and black crappie, their hybrids, and subspecies.	25 (in aggregate)	50 (in aggregate)	10	No limit
Drum, black.	5	10	14	30
Drum, red.	3	6	20	28
Flounder: all species, their hybrids, and subspecies.	20	40	12	No limit
Jewfish.	0	0		
Mackerel, king.	2	4	23	No limit
Mackerel, Spanish.	7	14	14	No limit
Marlin, blue.	No limit	No limit	114	No limit
Marlin, white.	No limit	No limit	81	No limit

Species	Daily Bag	Possession	Minimum Length (Inches)	Maximum Length (Inches)
Mullet: all species, their hybrids; and subspecies.	No limit	No limit	No limit	*
*Special regulation: During the period October through January, no mullet more than 12 inches in length may be taken from public waters or possessed on/ board a vessel.				
Pompano, Florida.	No limit	No limit	9	No limit
Sailfish.	No limit	No limit	76	No limit
Saugeye	3	6	18	No limit
Seatrout, spotted.	10	20	15	No limit
Shark: all species, their hybrids, and subspecies.	5 (in aggregate)	10 (in aggregate)	No limit	No limit
Sheepshead.	5	10	12	No limit
Snapper, lane.	No limit	No limit	8	No limit
Snapper, red.	7	14	13	No limit
Snapper, vermilion.	No limit	No limit	8	No limit
Snook.	3	6	20	28
Tarpon.	0	0		Catch and release only.
Trout: rainbow and brown trout, their hybrids, and subspecies.	5 (in aggregate)	10 (in aggregate)	No limit	No limit
Walleye.	5	10	16	No limit

Location (County)	Daily Bag	Minimum Length (Inches)	Special Regulation
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Bass: largemouth and smallmouth, spotted and Guadalupe bass, their hybrids, and subspecies.

(B) Exceptions to Statewide daily bag, possession, and length limits shall be as follows:

(i)

Location (County)	Daily Bag	Minimum Length (Inches)	Special Regulation
Lake Texoma (Cooke and Grayson)	5 (in aggregate)	14	
In all waters in the Lost Maples State Natural Area (Bandera)	0	No Limit	Catch and release only.
Lake Toledo Bend (Newton, Sabine and Shelby).	8 (in aggregate)	14	
Bass: largemouth.			
Lakes Brownwood (Brown), Coleman (Coleman), and Conroe (Montgomery and Walker).	5	16	
Lakes Fairfield (Freestone), San Augustine City (San Augustine), Ray Roberts (Denton, Cooke, and Grayson), Calaveras (Bexar), O.H. Ivie (Coleman, Concho, and Runnels), Raven (Walker), Madisonville (Madison), Bright (Williamson), and Cooper (Delta and Hopkins).	3	18	
Lake Braunig (Bexar).	2	21	
Nelson Park Lake (Taylor), Buck Lake (Kimble), and Calliham State Park Lake (McMullen).	0	No Limit	Catch and release only.
Purtis Creek State Park Lake (Henderson and Van Zandt) and Gibbons Creek Reservoir (Grimes).	0	No Limit	Catch and release only except that any bass over 22 inches in length may be retained in a live well or other aerated holding device and immediately transported to the Purtis Creek State Park or Gibbons Creek Park weigh station. After weighing, the bass must be released immediately back into the lake or donated to the Lone Star Lunger Program.

Location (County)	Daily Bag	Minimum Length (Inches)	Special Regulation
Lakes Pinkston (Shelby), Waxahachie (Ellis), Bridgeport (Jack and Wise), Weatherford (Parker), Georgetown (Williamson), Tyler State Park (Smith), Striker (Rusk), Caddo Marion and Harrison, and Burke-Crenshaw (Harris).	3	14-18 Inch Slot Limit	It is unlawful to retain largemouth bass between 14 and 18 inches in length.
Lakes Bastrop (Bastrop), Fayette County (Fayette), Houston County (Houston), Nacogdoches (Nacogdoches), Fork (Wood, Rains and Hopkins), Monticello (Titus), Mill Creek (Van Zandt), Joe Pool (Dallas, Ellis, and Tarrant) and Walter E. Long (Travis).	3	14-21 Inch Slot Limit	It is unlawful to retain largemouth bass between 14 and 21 inches in length. No more than one bass over 21 inches in length may be retained each day.
Bass: smallmouth.			
Lake O. H. Ivie (Coleman, Concho, and Runnels).	3	18	
Lake Meredith (Hutchinson, Moore, and Potter).	3	12-15 Inch Slot Limit	It is unlawful to retain smallmouth bass between 12 and 15 inches in length.
Bass: striped, its hybrids, and subspecies.			
Lake Toledo Bend (Newton, Sabine and Shelby).	5 (in aggregate)	No Limit	No more than 2 over 30 inches in length may be retained each day.
Lake Texoma (Cooke and Grayson).	15 (in aggregate)	No Limit	No more than 1 over 20 inches in length may be retained each day. Striped bass caught and placed on a stringer, in a live well or any other holding device become part of the daily bag limit and may not be released.

Location (County)	Daily Bag	Minimum Length (Inches)	Special Regulation
Bass, white.			
Lakes Conroe (Montgomery and Walker), Livingston (Polk, San Jacinto, Trinity and Walker), Limestone (Leon, Limestone, and Robertson), Palestine and its tributaries (Anderson, Cherokee, Henderson and Smith) including the Neches River (Smith, Henderson, and Van Zandt), Kickapoo Creek (Henderson), and Flat Creek (Henderson), and Somerville and its tributaries (Burleson, Lee, and Washington) including Yegua Creek (Burleson and Washington), East Yegua Creek (Burleson, Lee, and Milam), and Middle Yegua Creek (Burleson and Washington), The West Fork San Jacinto River (Walker), Trinity River below lock and dam near Highway 7 (Leon, Houston, Trinity and Walker), and Navasota River between Lakes Limestone and Mexia (Limestone).	25	12	
Catfish: blue.			
Lakes E. V. Spence (Coke) and Fort Phantom Hill (Taylor)	5	18	
Catfish: channel and blue catfish, their hybrids, and subspecies.			
Lakes Canyon (Comal), Choke Canyon (Live Oak and McMullen), Conroe (Montgomery and Walker), Cooper (Delta and Hopkins), Fairfield (Freestone), Lewisville (Denton), Meredith (Hutchinson, Moore and Potter), O. H. Ivie (Coleman, Concho, and Runnels), Palestine (Cherokee, Anderson, Henderson and Smith), and Whitney (Hill, Bosque and Johnson).	15 (in aggregate)	14	

Location (County)	Daily Bag	Minimum Length (Inches)	Special Regulation
Lake Bastrop (Bastrop), Bright (Williamson), Burke-Crenshaw (Harris), and in reservoirs lying totally within the boundaries of a state park.	5 (in aggregate)	14	
Lake Livingston (Polk, San Jacinto, Trinity, and Walker).	50 (in aggregate)	9	The holder of a commercial fishing license may not retain channel or blue catfish less than 14 inches in length.
Designated urban lakes (see §65.3 of this title relating to Definitions for listing of designated urban lakes).	3 (in aggregate)	12	
Crappie: black and white crappie, their hybrids and subspecies.			
Lake Toledo Bend (Newton, Sabine, and Shelby).			
Lake Fork (Wood, Rains, and Hopkins) and Lake O'The Pines (Camp, Harrison, Marion, Morris, and Upshur).	25 (in aggregate)	10	From December 1, through the last day in February, there is no minimum length limit. All crappie caught during this period must be retained.
Choke Canyon (Live Oak and McMullen).	15	10	
Drum, red.			
Lakes Braunig and Calaveras (Bexar), Colorado City (Mitchell), Fairfield (Freestone), Nasworthy (Tom Green), and Tradinghouse Creek (McLennan).	3	20	No maximum size limit.
Shad: gizzard and threadfin shad.			
The Trinity River below Lake Livingston between Polk and San Jacinto Counties.	500 (in aggregate)	No Limit	Possession Limit 1,000 in aggregate.

Location (County)	Daily Bag	Minimum Length (Inches)	Special Regulation
Sunfish: Bluegill, redear, green, warmouth, and longear sunfish, their hybrids and subspecies.			
Purtis Creek State Park Lake (Henderson and Van Zandt).	25 (in aggregate)	7	

(ii) Bag and possession limits for black drum, sheepshead and flounder do not apply to the holder of a valid Commercial Finfish Fisherman's License.

(5) Bag, possession, and length limits for Cooper Lake in Delta and Hopkins Counties apply to all waters within the Corps of Engineers Lands on Cooper Lake; upstream from State Highway 19/154 and downstream from FM 71.

(c) Freshwater devices, means, and methods.

(1) (No change.)

(2) It is unlawful for any person to take, attempt to take, or possess fish caught by any device, means, or method other than as authorized in these rules.

(A) (No change.)

(B) Trotline. Non-game fish, channel catfish, blue catfish, and flathead catfish may be taken by trotline. It is unlawful for any person to use a trotline:

(i) -(vi) (No change.)

(vii) in Gibbons Creek Reservoir in Grimes County, Lake Bastrop in Bastrop County, Fayette power project cooling pond in Fayette County, Pinkston Reservoir in Shelby County, Lake Burke-Crenshaw in Harris County, and Bright Lake in Williamson County, in reservoirs lying totally within boundaries of a state park or in designated urban lakes.

(C) Jugline. Non-game fish, channel catfish, blue catfish and flathead catfish may be taken with a jugline. It is unlawful for any person to use a jugline:

(i) with invalid gear tags. Gear tags must be attached within six inches of the free floating device, are valid for 30 days after the date set out, and must include the number of the permit to sell non-game fish taken from public freshwater if applicable;

(ii) for commercial purposes that is not marked with an orange free floating device;

(iii) for non-commercial purposes that is not marked with a white free floating device; and

(iv) in Lake Bastrop in Bastrop County, Lake Burke-Crenshaw in Harris County, Bright Lake in Williamson County, and in designated urban lakes.

(D) Throwline. Non-game fish, channel catfish, blue catfish and flathead catfish may be taken with a throwline.

It is unlawful for any person to use a throwline in Lake Bastrop in Bastrop County, Lake Burke-Crenshaw in Harris County, Bright Lake in Williamson County, and in designated urban lakes.

(E)-(M) (No change.)

(N) Gill nets, trammel nets, and hoop nets. It is unlawful for any person to use gill nets, trammel nets, or hoop nets in the public freshwaters of this state without a permit in compliance with §§57.377-57.386 of this title (relating to Permits to Sell Nongame Fish Taken from Public Freshwater).

(O) Chumming. It is unlawful for any person to take or attempt to take fish by chumming in the waters of Lake Texoma in Cooke and Grayson Counties.

(d) Saltwater devices, means, and methods.

(1) (No change.)

(2) Only the following means and methods may be used for taking fish.

(A) Devices.

(i) Pole and line (includes rod and reel), artificial and natural baits, trotline with the main fishing line and attached hooks and stagings under the water's surface, sail line, spear gun and spear, bow and arrow, perch trap, and gig may be used for taking fish. It is unlawful to take game fish on any gear except pole and line or rod and reel, except channel, blue, and flathead catfish may be taken by trotline, and red drum, sharks, and spotted seatrout may be taken by sail line. Cast nets not exceeding 14 feet in diameter and 20-foot minnow seines may be used for taking bait. Dip nets and gaffs may be used only in aiding to land fish caught on other legal devices except that gaffs may not be used to land fish below the minimum or above the maximum size limits.

(ii)-(iv) (No change.)

(B)-(D) (No change.)

(e) (No change.)

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 May 13, 1993.

TRD-9322909

Paul M. Shinkawa
Director, Legal Services
Texas Parks and Wildlife
Department

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For further information, please call: 1-800-792-1112,, Ext. 4433 or (512) 389-4433

Part IX. Texas Water Commission

Chapter 305. Consolidated Permits

Subchapter D. Amendments, Renewals, Transfers, Corrections, Revocation, and Suspension of Permits

• 31 TAC §305.69, §305.70

The Texas Water Commission (TWC) adopts amendments §305.69 and §305.70. Section 305.70 is adopted with changes to the proposed text as published in the February 16, 1993 issue of the *Texas Register* (18 TexReg 1001). Section 305.69 is adopted without changes and will not be republished.

The new and amended sections are adopted under the Texas Health and Safety Code, Chapter 361, which gives the commission the authority to carry out its responsibilities concerning the regulation and management of municipal solid waste

The amendment to §305.69 simply clarifies the fact that the provisions of that section apply to industrial and hazardous waste permit modifications only, and that municipal solid waste permit modifications are covered by new §305.70. The new §305.70 allows for the administrative approval of specifically delineated municipal solid waste permit modifications. The permit modifications delineated are minor in nature, and maintain or improve environmental protection standards. In addition, §305.70 will allow those facilities that will have to comply with the recently promulgated federal regulations that call for stricter operation and management standards to implement the required modifications more expeditiously.

The TWC received written comments on the proposed rules for a period of 30 days, from February 16, 1993, until March 18, 1993. A public hearing was held on March 11, 1993, to receive verbal comments. Comments on the proposed rules were received from the following persons: Blackburn and Carter, Houston, Texas; Browning-Ferris Industries, Inc., Houston, Texas; the City of Temple, Texas; Cooke-Joyce, Inc., Austin, Texas; Harris County Pollution Control, Houston, Texas; and John Butler, Austin, Texas.

The TWC received one comment on §305.70(b), requesting that the notification requirement be sent out prior to the approval of the modification rather than 30 days after. The TWC believes the modifications that are listed are for minor changes to the site operations that will improve the operation of the facility and can be administratively approved based upon the technical merits of the proposed change. Those items which could adversely affect the public have been marked to require notice.

The TWC received one comment on §305.70(e), stating that the automatic approval is not appropriate. The purpose of the automatic approval provision is to expedite the review process and not delay changes that improve or maintain the operations of a facility. This provision is consistent with a similar provision in 31 TAC §305.69, and will be retained.

The TWC received one comment suggesting that the notification requirement be placed on several paragraphs of §305.70(g), specifically paragraphs (2), (10), (12), (13), (15), (16), and (20). The paragraphs cover items that are internal to the operation of the facility, that improve or maintain the operations of a facility, and when implemented will have an impact on the environment, and the TWC does not believe public notice is necessary.

The TWC received two comments suggesting that the notification requirement be placed on §305.70(g)(22), which allows specific authorized projects not related to the permitted process to be conducted at the permitted facility. The TWC agrees with this comment and has changed the paragraph to add the superscript that stipulates that notification is required.

The TWC received one comment on §305.70(g)(2), stating that the provision in this paragraph conflicted with 25 TAC §325.56 and that the public would be impacted by allowing disposal of wastes closer to the site boundaries. 25 TAC §325.56 was not recodified by the TWC when it obtained jurisdiction over the municipal solid waste program on March 1, 1992, therefore, no conflict exists between 31 TAC 325 and 31 TAC 330. The TWC does not believe that adverse impacts will be created by allowing waste to be placed closer to the site boundaries, because reshaping a trench does not allow waste to be placed within the buffer zone of a site.

The TWC received one comment on §305.70(g)(3), suggesting that a limitation of ten feet horizontally be placed on the relocation of a monitor well instead of the no-change provision that was published. The TWC agrees that a slight change in the specific location of a damaged well is acceptable and has changed the paragraph to allow a horizontal movement of a damaged monitor well of up to 20 feet.

The TWC received one comment on §305.70(g)(6) and (7), suggesting that the proposed modification for changes to the interior road location and design be granted by TWC district personnel. The TWC believes that the municipal solid waste permit staff should continue to review and approve permit modifications so that permit records can be maintained up-to-date.

The TWC received one comment on §305.70(g)(10), stating that a change in a boundary requires a permit amendment under 25 TAC §325.56. The TWC notes that 25 TAC §325.56 was not recodified into 31 TAC Chapter 330 when the program was transferred to the TWC on March 1, 1992. The modification does not allow extension of the site boundaries but is sometimes needed to correct inaccurate metes and bounds descrip-

tions. Therefore, the rule as proposed will not be changed.

The TWC received one comment on §305.70(g)(14), suggesting that the paragraph be revised to include the installation of additional methane wells. The TWC agrees with this suggestion and has changed this paragraph to allow the installation of additional methane wells to an existing gas collection system, because the initial design would not necessarily account for increases in the production of methane gas that would require additional methane wells.

The TWC received two comments on §305.70(g)(16), recommending that alternate daily cover be allowed on a full-time basis. The TWC believes that it is appropriate to maintain the test basis for sites that wish to initiate the procedure prior to the implementation of the new federal regulations which allow alternate daily cover on a full-time basis. Therefore, the rule will remain as proposed.

The TWC received one comment on §305.70(g)(20), suggesting that language be added for the installation of sediment or stormwater control measures. The TWC believes that this paragraph already contains language that would include any and all drainage features. Therefore, the rule will remain as proposed.

The TWC received one comment on §305.70(g)(20), suggesting that the owner/operator of a facility be allowed to make internal changes without approval or only with TWC district approval. The TWC believes that modifications to site drainage require engineering design changes that are best reviewed and approved by the municipal solid waste permitting staff. Therefore, this rule will remain as proposed.

The TWC received one comment on §305.70(g)(20), stating that the addition of drainage features between the waste disposal limits and the boundary required a major permit amendment. The TWC disagrees with this comment because the current regulation, 31 TAC §330.65(b)(G)(iii), allows for the construction of permanent drainage features between the waste disposal limits and the site boundary.

The TWC received three comments on §305.70(g)(22), suggesting changes that would, in the opinion of the commenters, clarify the paragraph because the proposed language implies that all the types of operations mentioned are required to be registered. The TWC agrees that the paragraph needs some clarification and a change has been made to distinguish which operations are registered and which are not registered. The intent of the paragraph is to require the owner/operator of a municipal solid waste facility to modify the site layout plan to show the location of the additional operation, whether the additional operation is registered or not. This keeps the file for the permitted municipal solid waste facility up-to-date.

The TWC received one comment on §305.70(g)(23), suggesting that height increases for drainage be allowed only when the top slope is less than two percent, and that all other height increases be Class 3 modifications. The TWC believes that drain-

age problems can exist for top slopes greater than two percent, and the rules should allow flexibility to address them without arbitrary slope limits. Anything beyond a Class I modification requires a minor or major permit amendment as required by 31 TAC §305.62.

The TWC received one comment on §305.70(g)(23), suggesting that a height increase be limited to a specified grade or be limited to one foot. The TWC believes that a one-foot height increase or a specified grade does not allow for an engineering redesign of the problems which necessitated the height increase, and therefore is too inflexible to solve these problems. This suggested change is not adopted.

The TWC has received one comment on §305.70(g)(23), suggesting that a height increase greater than ten feet be allowed, provided that there is no increase in capacity or site life. The TWC agrees with this suggestion only to the extent that all or the portion of the facility affected by the ten-foot increase will formally close. A change has been made to this paragraph and to §305.70(h) that will allow height increases greater than ten feet on portions of a landfill if the capacity or site life is balanced by a reduction in the total area used.

The TWC received one comment on §§305.70(g)(23), 305.70(g)(23)(B), and 305.70(g)(23)(C)(i), disagreeing with the concept of a height increase because it allows an increase in capacity or height without a permit amendment. The TWC believes that there are specific case-by-case situations that warrant granting a height increase through administrative approval. Some of the reasons these situations have evolved are because of early closure of some sites due to the new federal subtitle D regulations; some sites were permitted without a final contour plan; because of delays in permitting new sites; and emergency conditions that developed due to the weather or some other natural disaster. Therefore, the provisions of this rule will remain as proposed.

The TWC received two comments on §305.70(g)(24), disagreeing with this provision, stating that the conversion of a municipal solid waste Type I, II, or III landfill to a Type IV landfill should require demonstration that ground and surface waters are not affected by the facility and that the operations would require less controls, thereby needing public comment on the change. Current regulations allow a Type I landfill to have a separate Type IV disposal area and the new federal regulations do not specifically include Type IV waste in their definitions. This provision simply clarifies the fact that a Type I, II, or III landfill can already accept rubbish, brush, and construction demolition wastes. Conversion from a Type I, II, or III landfill to a Type IV landfill will eliminate disposal of putrescibles, and thus will be non-restrictive. In addition, the public will be notified of the change through a public notice. This suggested change is not adopted.

The TWC received two comments on §305.70(f), one suggesting that the notification requirement be added to this subsection and one stating that all routine changes should require a major amendment. The

TWC believes this to be unnecessary in most cases because these changes are minor changes to the site plans and the executive director is allowed under the proposed rules to require notification if deemed appropriate.

The TWC received one comment on §305.70(i), stating that the 180-day time period for a temporary authorization is excessive. The TWC believes that the time period should remain at 180 days. This is a maximum time period which can be shortened if the executive director believes a shorter time is more appropriate.

The new and amended sections are proposed under the Texas Health and Safety Code, Chapter 361, which gives the commission all powers necessary and convenient to carry out its responsibilities concerning the regulation and management of municipal solid waste.

§305.70. Municipal Solid Waste Class I Modifications.

(a) A permittee may put into effect a Class I modification to a MSW permit provided that the permittee has received prior written authorization for such Class I modification from the executive director. In order to receive prior written authorization, the permittee must submit a modification request to the executive director specifying the changes to be made to permit conditions or to supporting documents referenced by the permit, and explaining in detail why such changes are necessary. The permittee must submit two copies of the modification request in accordance with §305.44 of this title (relating to Signatories to Applications). Failure to submit the modification request with complete information shall constitute grounds for returning the request to the permittee without further action.

(b) The permittee must send notice of the modification request by first-class mail to all persons listed in §305.103(b) of this title (relating to Notice by Mail) if the Class I permit modification identified in subsection (g) of this section is marked by a superscript 1. This notification must be made no later than 30 calendar days after the executive director acts upon the request. If the permittee fails to give notice as required, approval of the modification request is automatically revoked.

(c) No later than 60 calendar days after receipt of the modification request, the executive director must:

(1) approve the modification request, with or without changes, and modify the permit accordingly;

(2) deny the request;

(3) request additional information concerning the request from the permittee; or

(4) determine that the modification request does not qualify as a Class I permit modification, and that the requested

change requires a permit amendment pursuant to §305.62 of this title (relating to Amendment).

(d) If a request for a Class I permit modification is denied by the executive director, the permittee must comply with the original permit conditions. Any change in a term, condition, or provision of a MSW permit that is not authorized by the executive director as a Class I permit modification requires a permit amendment pursuant to §305.62 of this title (relating to Amendment).

(e) If after 60 days from receipt of a modification request that is specifically identified in subsection (g) of this section, the executive director fails to approve or deny the request or to notify the permittee that the requested modification requires a permit amendment pursuant to §305.62 of this title (relating to Amendment), the modification request shall be automatically approved. The executive director may extend this 60-day time period if necessary to review additional information submitted pursuant to subsection (c)(3) of this section. The length of the extension shall be equivalent to the amount of time necessary to review the additional information.

(f) With the written consent of the permittee, the executive director may extend indefinitely or for a specified period the time periods set out in subsections (c) and (e) of this section.

(g) The following is a list of possible Class I modifications to a MSW permit:

(1) a change in the sequence of landfill development;

(2) a change in the size and/or shape of a trench to obtain a 3:1 side slope, as long as there is no increase in capacity;

(3) replacement of existing monitor wells that have been damaged or rendered inoperable, with no change to design or depth of the wells and a change in location of up to 20 feet horizontally;

(4) changes in the location of marker systems (i.e., grid markers);

(5) improvements to a fire protection plan;

(6) changes to interior road location in order to prevent traffic through the disposal area;

(7) changes in interior road design and construction materials;

(8) increases in sampling frequency (e.g., for ground water, methane, etc.);

(9) changes in excavation details, except for increases in depth that would change the SLQCP or increase the site life;

(10) corrections to the metes and bounds description of the permit boundaries that do not increase the size of the facility;

(11) upgrade of landfill liner design, installation, or quality control testing to reflect the requirements of revised regulations which provide for greater environmental protection;

(12) installation of a leachate collection system;

(13) installation of a methane gas monitoring system;

(14) installation of a methane gas collection system or the installation of additional collection wells to an existing gas collection system;

(15) changes in closure or post-closure care requirements to reflect the requirements of revised regulations which provide for increased environmental protection;

(16) the use of alternate daily cover on a trial basis not to exceed six months with one six-month extension allowable;

(17) changes regarding the use of alternate windblown waste control methods;

(18) substitution of an equivalent financial assurance mechanism;

(19) temporary changes in operating hours to address natural-disaster situations or to accommodate special community events;

(20) changes in the drainage control plan that improve internal stormwater runoff/runoff handling without impacting offsite drainage;

(21) changes in the entry gate location or site layout that relocate gatehouse, office, or maintenance building locations, or add scales to the facility, so long as the changes do not alter access traffic patterns delineated in the site development plan and/or the permit;

(22) changes to a site layout plan that add or delete a properly registered or exempted MSW facility—a used or scrap tire collection area, a recycling collection area, a sludge/grease/grit trap processing or stabilization facility, a petroleum contaminated soil stabilization area, a registered transfer station, a citizens' collection area, a pesticide container collection area, a composting operation, or other activity properly registered with the Commission;

(23) subject to the limitation under subsection (h) of this section, an increase in landfill height that meets one of the following conditions:

(A) the entire facility or a portion of the facility either ceases the receipt of solid waste within 365 days of executive director approval of the height increase and initiates formal closure of the entire facility or a portion of the facility, or has formally closed the facility or a portion of the facility; or

(B) the facility has submitted a request for a major permit amendment pursuant to §305.62(c)(1) of this title (relating to Amendments) to increase the height of the landfill; or

(C) the height increase is requested solely for the purpose of improving drainage from the filled area, and:

(i) the waste disposal area is not expanded into the limits of the buffer zone or within easements that exist; and

(ii) final contour elevations, including final cover, are no greater than ten feet above the maximum final contour elevation of the contiguous landfilled area or phase of landfill development.

(24) a modification in the operation of a landfill that will change the incoming waste stream from a more restrictive waste stream to a less restrictive waste stream, i.e., a change from a Type I, II, or III landfill operation to a Type IV landfill operation may be granted, provided that the receipt of waste under the present operation has ceased and that the following conditions shall be satisfied.

(A) Permanent closure of the filled portion of the landfill shall be initiated in accordance with the regulations for closure of municipal solid waste landfills. Completion may occur after the approval of the request to change the site operation.

(B) The permittee shall provide a public notice of the proposed action to the general public by publishing the notice, within 15 days after the request, in a newspaper with general circulation in the area in which the landfill is located, and submitting a certified copy of the notice, within 15 days after publication, to the Executive Director as a record of this action.

(C) The permittee shall conduct a public meeting in the local area, within 30 days after the request, to describe the proposed action to the general public and provide evidence, within 15 days after the meeting, to the Executive Director that the meeting was held.

(D) The permittee shall submit, for approval and with the request for a change, documents that show the appropriate modifications to the Site Development

Plan and Site Operating Plan to reflect the proposed change in operation.

(h) Authorization to increase the height of a landfill, in accordance with subsection (g)(23) of this section, may only be granted one time as a Class I modification. Subsequent requests for an increase in height require a permit amendment. Height increases granted under subsection (g)(23) of this section that exceed 10 feet above the approved final elevations must be justified and the request must demonstrate that an increase in the capacity or life of the site will not occur.

(i) In case of a request for a Class I modification for a change in a term, condition, or provision of a MSW permit not explicitly listed in subsection (g) of this section, the executive director shall make the determination as to whether the modification request may be processed as a Class I modification or whether the change requires a permit amendment pursuant to §305.62 of this title (relating to Amendment). In making this determination, the executive director shall consider the similarity of the requested change to those Class I modifications listed in subsection (g) of this section, as well as the following criteria.

(1) Class I modifications apply to minor changes to the facility or its operation that are routine in nature.

(2) Class I modifications do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment.

(j) A temporary authorization may be granted by the executive director for a term of not more than 180 days for activities or events that will prevent disruption of solid waste management activities. The permittee must request a temporary authorization and must include in the request a specific description of the activities to be conducted and an explanation of why the temporary authorization is necessary, reasonable, and unavoidable. A temporary authorization may be reissued for an additional term of 180 days if the circumstances warrant additional time or if the permittee has applied for an amendment or modification to the permit.

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 May 17, 1993.

TRD-9323044

Mary Ruth Holder
Director, Legal Services
Division
Texas Water Commission

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

Chapter 334. Underground and Aboveground Storage Tanks

Subchapter H. Interim Reimbursement Program

- 31 TAC §§334.301, 334.302, 334.305, 334.308-334.310, 334.315, 334.317, 334.322

The Texas Water Commission ("Commission") adopts amendments to §§334.301, 334.302, 334.305, 334.308-334.310, 334.315, 334.317, and 334.322, concerning reimbursement provisions of the Commission's Petroleum Storage Tank Program. Sections 334.308, 334.309, 334.315, and 334.322 are adopted with changes to the proposed text as published in the *Texas Register* (18 TexReg 1687). Sections 334.301, 334.302, 334.305, 334.310, and 334.317 are adopted without changes and will not be republished. The amendments are adopted to implement necessary changes to the commission's reimbursement program, including general conditions and limitations regarding reimbursement, allowable costs and restrictions on allowable costs, reimbursable costs, requirements for eligibility, protest of fund payment reports, and definitions.

Section 334.301 provides a severability clause which would have the effect of severing from the entire subchapter any invalid provisions. Section 334.305 has been amended to correct a reference to the mailing address of the commission and clarify existing language.

Section 334.308 has been amended to change the title and includes adopted subsections (d) and (e), which contain revised provisions relating to hydraulic fluid and spent oil; provides that subsection (c) is applicable unless otherwise specified in new subsection (g), which contains restrictions on allowable costs; updates the term "free-product" to "phase-separated product" to reflect common industry usage; provides that on or after March 12, 1993, costs associated with the removal of piping, pumps, and dispensers will not be reimbursable under the commission's reimbursement program; and would provide that permanent abandonment of tanks in place performed on or after March 12, 1993, will not be reimbursable under the commission's reimbursement program. The reimbursable cost associated with the removal of tanks on or after March 12, 1993, will be based on the size of the tank removed and will have a maximum reimbursable limit of \$8,000 for each leaking petroleum storage tank site. Subsection (f) as adopted includes as an allowable cost, the costs of disposal or treatment of backfill material generated during the tank removal process and any associated cost such as additional analytical samples or reporting the commission may

require. These costs are the only allowable costs in situations where the contamination levels exceed a level the Executive Director will permit the backfill material to be returned to the tankpit, or if specifically required by the Executive Director.

Section 334.309 has been amended to reflect the commission's impending adoption of Reimbursable Cost Guidelines. Section 334.310 has been amended to require all corrective action activities, including activities proposed in corrective action plans, be approved in writing prior to implementation.

Section 334.315 has been amended to state that petitions filed by applicants objecting to fund payment reports must be filed within 45 days of receipt of written notification from the Executive Director that informal negotiations have ceased and the final informal fund protest meeting has been held. Section 334.322 has been amended to include definitions for the terms abate, action level, backfill, commingled substance, corrective action plan, emergency, and tank removal.

Public comment on the proposed amendments was received in writing during the 30-day comment period and at the seven public meetings from the following groups: Chambers Pump Service, Inc., CURA, East Texas Testing Labs, ERM-Southwest, Inc., Environmental Fuel Systems, G.L. Gibson Construction, Industry Council on the Environment, Landmark Environmental, Marshall and Son Construction, Methodist Hospital, Miller Tank Testing, National Convenience Stores, Parkhill Smith and Cooper, Inc., Petroleum Services, Petroleum Solutions, Inc., Rauhut and Associates, Susser Environmental Services, Texas Association of Storage Tank Professionals, Texas Automobile Dealers Association, Texas Oil Marketers Association, TU Services, Inc., and White's Pump Service.

The commission received many comments on the issue of tank removals and the proposed definition of tank removal and corrective action. Many commenters suggested that tank removals are part of corrective action, and therefore, should be reimbursable. Another commenter suggested that the commission guarantee for reimbursement a specific amount for all tank pulls. Another commenter suggested that tank component removal and disposal costs be allowed as reimbursable costs when the TWC preapproves such costs in a remedial action plan. Similarly, it was suggested that tank removals be reimbursable when directed by the commission. A commenter suggested that the TWC reimburse tank removal costs where new tanks will not be installed and the owners or operators agree to file a lien to be effective for a set period of time for the costs of tank removal which would guarantee repayment of the lien amount prior to installation of any new tanks during the life of the lien. While many commenters opposed the deletion of tank removals from allowable costs, one organization expressed support for the concept of disallowing tanks removals and abandonment of tanks in place from reimbursable costs. The commission responds that the adopted rules will allow a specified portion of the costs associated with tank removals, when deemed

by the executive director to be necessary for the performance of corrective action, to be eligible for reimbursement. The amount reimbursable will be based on the size of the tank removed and will have a maximum reimbursable limit per LPST site. Another organization expressed support for the deletion of tank removals from the allowable cost category, provided that soils removed from the tank hole, including backfill, be reimbursable if the soil exceeds levels which would allow it to be put back in the tank pit, the TWC directs the disposal of the soil, or the tank owner is replacing a tank. This organization also suggested that soil samples, lab analyses, and any TWC-required reports also be reimbursable. The commission agrees that if backfill material exceeds a standard for which the executive director will permit the backfill material to be returned to the original tank pit excavation, the treatment or disposal, any additional analytical samples collected and analyzed, or any reporting required because of the disposal or treatment of the backfill material will be allowable costs. However, if backfill material does not exceed such standard, and the responsible party makes an independent decision not to allow the soils to be returned to the original excavation, any costs incurred in management (treatment or disposal) of the material are not reimbursable.

Another organization commented that the proposed definition for tank removal should include a statement that excavation activities outside the backfill should not be excluded from reimbursement by virtue of being associated with tank removals. The commission responds that the adopted definition of tank removal does not exclude from reimbursement any activities otherwise authorized for reimbursement by commission rules, including excavation of contaminated soil outside the tank pit excavation.

Commenters also suggested that the proposed deletion of tank removals and excavation of backfill from allowable costs would be illegal and contrary to the purpose of the fund. The commission maintains that it has the discretion within statutory guidelines to administer the PSTR Fund in the manner it deems most efficient and that these adopted rules will carry out the stated purposes for the Fund.

A commenter expressed a concern that the proposed rule deletes the mixed-plume provision, which authorizes payment of costs of abating releases from petroleum storage tanks and substances other than hydraulic fluid or spent oil where the contamination cannot reasonably be separated and remediated. Commenters urged that the cleanup of a release of a petroleum product that has become commingled with another substance is a corrective action measure in response to a release from a petroleum storage tank, and therefore is reimbursable. The commission believes that its regulations concerning mixed plumes are consistent with the statutory intent of the provisions establishing the Fund.

One commenter suggested that the definition of "commingled substance" be further defined so as to exclude those substances which are clearly not eligible under the reimbursement

program. The commission responds that the adopted definition clearly expresses its intent for the term "commingled," and does not believe that any changes to the definition are necessary.

Commenters also suggested that the definition of corrective action not cover assessment activities, because corrective action activities require preapproval and assessment activities are not the type of activity that should have to wait for preapproval. Similarly, commenters expressed concern regarding the preapproval process specifically because of the delays that can occur under this process. Another commenter stated that since most projects are generally bid out, a problem could arise where TWC approval is not received timely. This commenter suggested that they should be allowed to assume that their costs are approved for reimbursement if they do not receive TWC approval within a certain period of time. The commission responds that the preapproval process is necessary in order for the commission to better able carry out its fiduciary responsibility to the Fund, but the commission's PST Division is committed to processing all requests to perform corrective action activities and plans as expeditiously as its resources allow.

This commenter suggested that owners and operators should be able to proceed with work and take the risk that all of their assessment work may not be reimbursable. The commission responds that owners and operators may pursue soil and groundwater cleanup activities pursuant to commission rules, but in doing so, they may be jeopardizing the eligibility for reimbursement of those activities.

A commenter suggests that the commission amend the proposed definition of "abate" to include a reference to the "impacted area" to reflect that in most cases the abatement activities occur outside the tank. The same commenter suggested that the definition of abate should allow for abatement of threats to the environment, in addition to human health and safety. The commission responds that it agrees with the suggestion to include a reference to the impacted area. The commission believes that the adopted definition addresses the concerns of this commenter with regard to environmental protection.

Similarly, the suggestion was made to expand the definition of emergency to include any water resources rather than contamination of water supplies at the point of actual use. The commission responds that only situations that pose an imminent threat to human health and safety are defined as an emergency; however, the definition is broad enough to encompass all water resources to the extent they are a source of drinking water.

One commenter suggested that the definition of emergency needs to include situations that could create third-party liability for owners and operators and should reimburse those costs incurred to minimize this potential. The commission responds that potential third-party liability actions might meet the criteria for an emergency to the extent that such situations pose an imminent threat to human health and safety. Commenters suggested that the provision regarding when to file a

petition appealing a fund payment report should be changed so that it is clear to the applicant exactly when they need to file a petition. The proposed language provides that within 45 days after the last informal fund protest meeting, the applicant shall file a petition. Commenters suggested that the commission send the applicant a notice telling them when a meeting is the "last informal fund protest meeting" and that they have 45 days from that time to file a petition. The commission responds that the adopted provision regarding the deadline for filing of a petition provides that the executive director will issue a notice and instructions to the applicant as to when to file a petition.

Some commenters expressed concerns regarding the cost savings figures cited in the preamble to the proposed rules for deleting tank removals from the allowable cost category. One commenter stated that the figures did not take into account the deductible amounts that should reduce the projected cost savings. The commission responds that the cost savings figure was an attempt to estimate the potential cost savings for disallowing tank removals as an allowable expense for reimbursement. The estimate was not intended as a precise calculation of the actual cost savings, as such a number would be impossible to calculate. The figure was developed by multiplying the projected number of tank removals for fiscal year 1993 by the market value of an average tank removal. The projected 1993 tank removal number was based on the actual construction notifications received for fiscal year 1992. The market value figure was derived from a survey conducted by commission staff of the PST industry including PST Task Force members. As stated in the preamble to the proposed rules, the \$75 million figure is based on the projected number of tank pulls for the year, without regard to the balance of the Fund at any point in time. A projection of the savings incurred by eliminating tank removals should not be reduced by the amount of deductibles since there is no relationship between the two figures. The deductible amount an owner or operator would have to pay would remain the same regardless of whether the commission reimbursed for the tank removal.

The amendments are adopted under the authority of House Bill 1588 (71st Legislature, 1989) and House Bill 1214 (72nd Legislature, 1991), which require the Commission to establish a groundwater protection program, and to implement a reimbursement program for the cleanup of leaking petroleum storage tank sites, and the Texas Water Code ("Code"), §5.103 and §5.105, which provide the Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Code and other laws of the State of Texas, and to establish and approve all general policy of the Commission.

§334.308. Allowable Costs and Restrictions on Allowable Costs-Interim Period.

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

(c) Unless otherwise specified in subsection (g) of this section, allowable costs shall include, but not be limited to, the following:

(1) (No change.)

(2) removal of phase-separated product;

(3) (No change.)

(4) collection and analysis of surface and subsurface soil and water, phase-separated product, and vapor samples;

(5) (No change.)

(6) removal, storage, treatment, recycling, transport, and disposal of phase-separated product, sludges, vapors, contaminated soils, contaminated water, and other wastes and contaminated articles, in accordance with applicable laws;

(7)-(9) (No change.)

(10) design of plans for site assessment and remediation;

(11) acquisition, installation, startup, operation, and maintenance of remediation systems, including monitoring;

(12) removal, transport, and disposal of the piping, pumps, and dispensers associated with the underground or aboveground tank when necessary for performance of corrective action, and when removed after October 1, 1992 and before June 6, 1993;

(13) tank removal (as defined in this subchapter) transport, and disposal of the components of the underground or aboveground tank, including compliance with applicable requirements pursuant to subchapter D of this chapter, in accordance with applicable law when necessary for the performance of corrective action and performed before March 12, 1993;

(14) a portion of costs, as specified in this section, of tank removals, transport, and disposal of the components of the underground or aboveground tank, including compliance with applicable requirements pursuant to subchapter D of this chapter, when necessary for the performance of corrective action and performed on or after March 12, 1993. Reimbursement of tank removals performed on or after March 12, 1993 shall be based on the volume of the tank removed and shall have a maximum reimbursable limit of \$8,000 per LPST site. For underground storage tanks having a volume of 5,000 gallons or less, the portion of reimbursable costs of removal for each such tank is \$1,000. For underground storage tanks having a volume of greater than 5,000 gallons, the portion of reimbursable costs of removal for each such tank is \$2,000.

(15) permanent abandonment, in-place, of a tank system, including compliance with applicable requirements pursuant to subchapter D of this chapter, where abandonment in-place rather than tank system removal is deemed by the executive

director to be necessary to avoid destruction of substantial or significant surface improvements and conducted before June 6, 1993;

(16) temporary relocation of utility structures when necessary to the performance of corrective action;

(17) preparation of technical reports required pursuant to the requirements of subchapter D of this chapter (relating to Reporting of Releases and Corrective Action);

(18) the fair market value of access to property outside of the facility boundaries where such access is necessary for the performance of corrective action;

(19) the reasonable value of necessary time spent by the applicant in planning and administering his own corrective action plan;

(20) performance of any corrective action measure which is specifically required by an order of the Commission or a written request or confirmation of the executive director on or after September 1, 1987;

(21) state and federal sales taxes applicable to items which are otherwise allowable costs under this section; and

(22) any other costs determined by the executive director to be allowable in accordance with the provisions of this subchapter.

(d) The costs of abatement or corrective action taken in response to a release of hydraulic fluid from a hydraulic lift system are allowable costs in situations where:

(1) a release of hydraulic fluid occurs near the location of a release of petroleum products from a petroleum storage tank;

(2) the hydraulic fluid was released from a hydraulic lift system located at a vehicle service and fueling facility where the hydraulic lift system was used in conjunction with and contemporaneously with a vehicle service and fueling facility; and

(3) upon request by the executive director, the eligible owner or operator demonstrates that a release from the hydraulic lift system is not mixed with any substance except for petroleum products from a petroleum storage tank system, spent oil from a spent oil tank located at a vehicle service and fueling facility (or another substance contained in such spent oil tank), or another substance that was contained in the hydraulic lift system owned or operated by the person claiming reimbursement.

(e) The costs of abatement or corrective action taken in response to a release of spent oil from a spent oil tank are allowable costs under the following:

(1) a release of spent oil occurs near the location of a release of petroleum products from a petroleum storage tank;

(2) the spent oil was released from a spent oil tank located at a vehicle service and fueling facility where the spent oil tank was used in conjunction with and contemporaneously with a vehicle service and fueling facility; and

(3) upon request by the executive director, the eligible owner or operator demonstrates that a release of spent oil is not mixed with any substance except for petroleum products from a petroleum storage tank system, or hydraulic fluid (or other substance that was contained in the hydraulic lift system), or another substance that was contained in the spent oil tank owned or operated by the person claiming reimbursement.

(f) The costs of excavation, disposal, or treatment of backfill material generated during the tank removal process, any additional sampling and reporting required under subchapter D of this chapter because of the disposal or treatment of the backfill material are allowable costs where the concentration of constituents in the backfill material exceeds a standard for which the Executive Director will permit the backfill material to be returned to the original tank pit excavation and a prior written directive is obtained from the Executive Director prior to implementation.

(g) The following types of costs are those which will not be considered allowable costs under this subchapter:

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

(3) removal, transport, and disposal of the piping, pumps, and dispensers associated with the underground or aboveground tank when removed prior to October 1, 1992, or on or after March 12, 1993;

(4) tank removal (as defined in this subchapter) and transport, and disposal of the components of the underground or aboveground tank, unless otherwise specified in subsection (c)(13) and (14) of this section.

(5) permanent abandonment in-place of a tank system, where abandonment in-place rather than tank system removal is deemed by the executive director to be necessary to avoid destruction of substantial or significant surface improvements when conducted on or after March 12, 1993;

(6) loss of income or profits, including without limitation, the loss of business income arising out of the review, processing, or payment of an application or request for assistance under this subchapter;

(7) decreased property values;

(8) bodily injury or property damage;

(9) attorney's fees;

(10) any costs associated with preparing, filing, and prosecuting an application for reimbursement or assistance under this subchapter;

(11) the costs of making improvements to the facility beyond those that are required for corrective action;

(12) costs associated with corrective action performed for any purpose where no release of petroleum above action levels is discovered, except when the corrective action has been ordered by the Commission;

(13) costs of compiling and storing records relating to costs of corrective action;

(14) costs of corrective action taken in response to the release of a substance which is not a petroleum product as defined in §334.322 of this title (relating to subchapter H definitions);

(15) costs of tank integrity testing when it is not specifically required by this chapter, requested by the executive director, or ordered by the Commission;

(16) costs of any corrective action incurred by an owner or operator on or after the date that the executive director commences corrective action at the owner's or the operator's facility pursuant to §334.321 of this title (relating to Corrective Action by the Commission-Interim Period), unless authorized in writing by the executive director;

(17) costs incurred as a result of a release from a storage tank system owned, operated, or maintained by a common-carrier railroad;

(18) any activities, including those required by this chapter, which are not conducted in compliance with applicable state and federal environmental laws or laws relating to the transport and disposal of waste;

(19) interest on the monies expended for an item of corrective action; and

(20) the cost of abatement or corrective action taken in response to a release of a commingled substance as that term is defined in §334.322 of this title (relating to subchapter H definitions), excluding subsections (d) and (e) of this section.

§334.309. Reimbursable Costs-Interim Period.

(a) The commission will utilize the Reimbursable Cost Guidelines to evaluate the reimbursability of claims related to the cleanup of leaking petroleum storage tank sites.

(b) No cost shall be reimbursed unless it is also an allowable cost pursuant to

§334.308 of this title (relating to Allowable Costs-Interim Period).

§334.315. Protest of Fund Payment Report-Interim Period.

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

(d) The applicant and the staff of the executive director shall attempt to resolve informally any disputes over the fund payment report. If no resolution is reached by the staff and the applicant, the applicant may file a petition requesting the commission to grant relief. Within 45 days of receipt of written notification from the Executive Director that informal negotiations have ceased and the final informal fund protest meeting has been held, the applicant shall file a petition as specified in §334.316 of this title (relating to Formal Petition-Interim Period).

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

Abate-To reduce in sufficient degree or intensity the source of the release or impacted area, and potential fire, explosion, or vapor hazards such that immediate threats to human health no longer exist. This includes the removal of all regulated substances from the aboveground or underground tank, and the removal of phase-separated products released from the tank.

Action level-The concentration of constituents in the native soil or water at which corrective action will be required. Exceeding an action level warrants further assessment of the site, but does not mandate that site cleanup be required. Based upon the results of the site assessment, the need for site cleanup will then be determined and cleanup levels will be set. Action levels should not be used as cleanup levels; they are simply levels which signal the need for additional assessment.

Application preparer-Any person responsible for preparing the application for reimbursement.

Backfill-The volume of materials or soils surrounding the underground storage tank and bounded by the ground surface, walls, and floor of the tankpit.

Commingled substance-A combination or mixture of a petroleum product and a non-petroleum product (excluding soil and/or water).

Contract of subrogation-A document of agreement between the executive director and the eligible tank owner and operator which authorizes the executive director to recover costs reimbursed from persons who performed corrective action activities at LPST sites.

Corrective action-Any assessment and remedial activities undertaken to inves-

tigate the extent of and remediate contamination. Unless otherwise approved by the executive director, written approval is required prior to implementation of any corrective action activity.

Corrective action plan (remedial action plan)—A detailed plan developed to address site remediation of soil, groundwater, or surface water contamination that provides for adequate protection of human health and safety and the environment. The selection of the most effective and efficient remedial method will be dictated by the nature and location of the release, the site soils, hydrogeological conditions, and the required degree of remediation. The remedial method selection should take into consideration such factors as cost, time, and state compliance requirements with each method. The title of any report which contains a corrective action plan must include the designation "remedial action plan".

Eligible operator—Any person in control of or having the responsibility for the daily operation of a petroleum storage tank who meets the eligibility requirements prescribed in §334.310 of this title (relating to Requirements for Eligibility—Interim Period).

Eligible owner—Any person who meets the eligibility requirements prescribed in §334.310 of this title and who currently holds legal possession or ownership of a total or partial interest in a petroleum storage tank. For the purposes of this subchapter, where the actual ownership of the petroleum storage tank is either uncertain, unknown, or in dispute, the fee simple owner of the surface estate where the petroleum storage tank is located shall be considered the petroleum storage tank owner, unless it can be shown by appropriate documentation (deed reservation, invoice, bill of sale, etc.) or by other legally acceptable means that the petroleum storage tank is owned by another. "Owner" does not include a person who holds an interest in a petroleum storage tank solely for financial security purposes unless, through foreclosure or other related actions, the holder of such security interest has taken legal possession of the petroleum storage tank. For purposes of this subchapter, if it can be demonstrated that a petroleum storage tank has been "out of operation" as that term is defined in §334.2 of this title (relating to Definitions) for a period ten years, the tank shall be considered property of the owner of the surface estate (Legislature, Regular Session, Chapter 228, effective May 31, 1989).

Emergency—Any existing or potential fire, explosion, or vapor hazards which pose an imminent threat to human health and safety, or any imminent threat at the point of actual use to drinking water supplies actually being used.

Initial abatement measures—The mitigation of all existing or potential fire, explosion, or vapor hazards, including the

removal of phase-separated product, to provide adequate protection of human health and safety and the environment in emergency situations or other situations where emergency actions must be implemented to prevent further impacts to the environment.

Petroleum product—A product obtained from distilling and processing crude oil and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel. The term does not include naphtha-type jet fuel, kerosene-type jet fuel, or a petroleum product destined for use in chemical manufacturing or feedstock of that manufacturing.

Prime contractor—Any natural person or firm, or any entity responsible for the contracting of any corrective action services.

Prime corrective action specialist—A natural person or consulting firm, or any entity engaging in corrective action services, or acting as coordinator of others engaged in corrective action services.

Tank removal—The physical removal of an underground storage tank from the subsurface. Tank removals include removal and replacement of surface material, excavation and disposal of backfill material, tank removal and disposal, backfilling and compaction of excavation, and any other activities typically associated with the tank removal process.

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 May 17, 1993.

TRD-9323043

Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Effective date: June 7, 1993

Proposal publication date: March 12, 1993

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

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part XIII. Texas Commission on Fire Protection

Chapter 531. Fire Alarm Rules

• 37 TAC §§531.1-531.23

The Texas Commission on Fire Protection adopts amendments to §§531.1-531.13 and 531.17-531.21 and new §§531.14, 531.15, 531.16, 531.22, and 531.23, concerning regulation of the business of inspecting, plan-

ning, certifying, leasing, selling, servicing, testing, installing, monitoring, and maintaining fire alarm or fire detection devices and systems. Sections 531.6, 531.7, 531.10, 531.11, and 531.21 are adopted with changes to the proposed text as published in the December 8, 1992 issue of the *Texas Register* (17 TexReg 8504). Sections 531.1-531.5, 531.8, 531.9, 531.12-531.20, 531.22 and 531.23 are adopted without changes and will not be republished. The definition of direct supervision in §531.6 has been changed. In Section 531.7, 1985 and later editions of the National Fire Protection Association Standard 101, as well as other nationally recognized codes, are adopted by reference. New language is added to §531.10(h)(1) which says a registered firm may not monitor a fire alarm system in the State of Texas for an unregistered firm. The words "selling and leasing" are deleted from §531.11. The words "adopted at the time of installation" are added to §531.21(c)(2).

The amendments and new rules improve the quality of protection afforded property and lives by fire alarm equipment. They clarify the meaning of rules already in effect, and implement certain statutory amendments to the Texas Insurance Code, Article 5.43-2, made by the 72nd Legislature.

The amendments and new rules provide direction for the businesses of inspecting, planning, certifying, leasing, selling, servicing, testing, installing, monitoring, and maintaining fire alarm or fire detection devices and systems. They are intended to insure strict conformity to adopted standards except where the rules allow exceptions to those standards.

Written and oral comments received by the Commission and its staff included opposition to the proposed definition of direct supervision in §531.6, which would have required physical presence of a licensee during work on alarm equipment. Most commenters believed that such a requirement is overly stringent and unnecessary, and economically impractical.

Other comments included opposition to the inclusion of NFPA 101 within the National Fire Protection Association standards adopted by reference in the proposed rules. Several commenters believed that NFPA 101, which addresses the kind of fire alarm equipment that is required in various kinds of occupancies, should not be included within a set of standards that generally relate to "how such equipment should be installed," if it is installed. Other comments urged that the effect of the inclusion of NFPA 101 was to require installation of alarm equipment that is not desired by some consumers, effectively forcing the sales of equipment and services that in some circumstances the buyer does not want to buy and the seller does not want to sell. Other commenters objected to a perceived intrusion by the Commission into the prerogatives of local governmental jurisdictions to control the kinds of alarm equipment used within those jurisdictions. Still other comments concerned the desire of some members of the fire alarm industry that the rules and incorporated standards should require enough consistency throughout the state so that the alarm industry would not be

subjected to large variations in legal requirements on their businesses from local jurisdiction to local jurisdiction.

Other comments related to the descriptions of the various kinds of licenses issued by the Commission contained in the proposed amendments to §531.11. Some comments urged that the effect of these descriptions of the licenses was to require the licensing of some alarm business employees who should not be required to have any license.

The City of Houston Electrical Board Members commented on the qualification requirements for technicians involved in installation. The International Brotherhood of Electrical Workers Local Number 60, the International Brotherhood of Electrical Workers Local Number 301, the National Electrical Contractors Association, the South Texas Electrical Joint Apprenticeship and Training Committee, and the Texas State Association of Electrical Workers opposed the definition of "direct supervision" in §531.6. The Texas Burglar and Fire Alarm Association Incorporated commented on the definition of "fire alarm technician license" in §531.11.

The Commission responded to the comments related to the definition of "direct supervision" by adopting a definition of the term that does not require the continuous physical presence of a licensee during the installation or repair of alarm equipment. The emphasis of the reworded definition, as finally adopted, is that a licensee should control the work to such an extent as to insure its compliance with applicable standards, but does not have to be continuously present to see that this is done.

Regarding the adoption of NFPA 101, the Commission voted to retain NFPA 101 because of its desire to continue to allow within the rules a standard which would provide some protection to occupancies in those areas of the state in which there is no municipal ordinance affording minimum standards or providing a minimum building code or fire code. However, the Commission decided to allow versions of NFPA 101 back to 1985, instead of adopting the most recent (1991) version in order to allow greater flexibility within those geographical areas where there are such municipal ordinances. The Commission also explicitly added provisions that provided that certain other model codes are acceptable: the Uniform Model Building Code and Uniform Fire Code; the SBCCI Building Code and SBCCI Fire Code; and the BOCA Building Code and BOCA Fire Code. All versions of these codes from 1985 and later are considered as acceptable in the rules as adopted.

The Commission also slightly changed the general descriptions of the licenses in §531.11 of the rules, in response to the comments of the Texas Burglar and Fire Alarm Association

The amendments are proposed under the Insurance Code, Article 5.43-2, §§4, 4A, and 6, which provides the Texas Commission on Fire Protection with the authority to adopt rules necessary to its administration through the state fire marshal for the protection and preservation of life and property.

§531.6. *Definitions* The following words and terms, when used in this chapter, shall

have the following meanings, unless the context clearly indicates otherwise.

Business-Inspecting-planning, certifying, leasing, selling, servicing, testing, installing, monitoring, or maintaining of fire alarm or fire detection devices and systems.

Certificate-The certificate of registration issued by the state fire marshal.

Certify-To attest to the proper planning or servicing, installing, or maintaining of fire detection and fire alarm devices and systems, including monitoring equipment, by attaching a completed installation/service record label and completing an installation certificate form or other additional form required by a governmental authority.

Commission-The Texas Commission on Fire Protection.

Direct supervision-The control of work, excluding the installation of conduit, raceways, junction boxes, back boxes, or similar electrical enclosures, as it is being performed on fire detection or fire alarm devices and systems by a licensed fire alarm technician or a licensed fire alarm planning superintendent.

Firm-A person or an organization, as defined in the Insurance Code, Article 5.43-2.

Local authority having jurisdiction-As used in the Texas Insurance Code, Article 5.43-2, §9(c), means a fire chief, fire marshal, or other designated official having statutory authority.

Monitoring equipment-Equipment used to transmit and receive fire alarm, trouble, and supervisory signals from protected premises to a firm registered to monitor or one exempt from licensing by the Insurance Code, Article 5.43-2.

NFPA-National Fire Protection Association, a nationally recognized standards-making organization.

NICET-National Institute for Certification in Engineering Technologies.

Plan-To lay out, detail, draw, calculate, devise, or arrange an assembly of fire alarm or detection devices, equipment, and appurtenances, including monitoring equipment, in accordance with standards adopted in this chapter.

Repair-To restore to proper operating condition.

Test-The act of subjecting a fire detection or alarm device or system, including monitoring equipment, to any procedure required by applicable standards or manufacturers' recommendations to determine whether it is properly installed or operates correctly.

§531.7. *Adopted Standards.*

(a) The commission adopts by reference those sections of the following copyrighted minimum standards,

recommendations, and appendices concerning fire alarm, fire detection, or supervisory services or systems, except to the extent they are at variance to sections of this chapter, the Texas Insurance Code, Article 5.43-2, or other state statutes. The standards are published by and are available from the National Fire Protection Association, Quincy, Massachusetts.

(1) NFPA 11-1988, Standard on Low Expansion Foam and Combined Agent Systems.

(2) NFPA 11A-1988, Standard for Medium- and High-Expansion Foam Systems.

(3) NFPA 12-1989, Standard for Carbon Dioxide Extinguishing Systems.

(4) NFPA 12A-1989, Standard on Halon 1301 Fire Extinguishing Systems.

(5) NFPA 12B-1990, Standard on Halon 1211 Fire Extinguishing Systems.

(6) NFPA 13-1991, Standard for the Installation of Sprinkler Systems.

(7) NFPA 13A-1987, Recommended Practice for the Inspection, Testing, and Maintenance of Sprinkler Systems.

(8) NFPA 13D-1991, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Mobile Homes.

(9) NFPA 13R-1991, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to Four Stories in Height.

(10) NFPA 15-1990, Standard for Water Spray Fixed Systems for Fire Protection.

(11) NFPA 16-1991, Standard on Deluge Foam-Water Sprinkler and Foam-Water Spray Systems.

(12) NFPA 17-1990, Standard for Dry Chemical Extinguishing Systems.

(13) NFPA 17A-1990, Standard on Wet Chemical Extinguishing Systems.

(14) NFPA 25-1992, Standard for Inspection, Testing and Maintenance of Water Based Extinguishing Systems.

(15) NFPA 70-1990, National Electrical Code.

(16) NFPA 71-1989, Standard for the Installation, Maintenance, and Use of Signaling Systems for Central Station Service.

(17) NFPA 72-1990, Standard for the Installation, Maintenance, and Use of Protective Signaling Systems.

(18) NFPA 72E-1990, Standard on Automatic Fire Detectors.

(19) NFPA 72G-1989, Guide

for the Installation, Maintenance, and Use of Notification Appliances for Protective Signaling Systems.

(20) NFPA 72H-1988, Guide for Testing Procedures for Local, Auxiliary, Remote Station, and Proprietary Protective Signaling Systems.

(21) NFPA 74-1989, Standard for the Installation, Maintenance, and Use of Household Fire Warning Equipment.

(22) NFPA 90A-1989, Standard for the Installation of Air Conditioning and Ventilating Systems.

(23) NFPA 101-1985 and later editions, Code for Safety to Life from Fire in Buildings and Structures (Life Safety Code), or a local jurisdiction may adopt one set of the model codes listed in subsection (b) of this section in lieu of NFPA 101.

(24) NFPA 170-1991, Standard for Firesafety Symbols, Chapter 4.

(b) The acceptable alternative model code sets are:

(1) the Uniform Building Code-1985 and later editions, and the Uniform Fire Code-1985 and later editions; or

(2) the SBCCI Building Code-1985 and later editions, and the SBCCI Fire Code-1985 and later editions; or

(3) the BOCA Building Code-1985 and later editions, and the BOCA Fire Code-1985 and later editions.

§531.10. Certificate of Registration.

(a) Business location. A specific business location must be maintained by each registered firm. The location must be indicated on the certificate.

(b) Posting. Each certificate must be posted conspicuously for public view at the business location.

(c) Business vehicles. All vehicles regularly used in installation, service, maintenance, testing, or certification activities must prominently display the company name, telephone number, and certificate number. The numbers and letters must be at least one inch high and permanently affixed or magnetically attached to each side of the vehicle in a color contrasting with the background color of the vehicle. The certificate number must be designated in the following format: TX ACR-(number).

(d) Change of ownership.

(1) The total change of a firm's ownership invalidates the current certificate. To assure continuance of the business, a complete application for a new certificate must be submitted to the state fire marshal at least 14 days prior to such change.

(2) A partial change in a firm's ownership requires a revised certificate if it

affects the firm's name, location, or mailing address.

(e)-(f) (No change.)

(g) Revised certificates. The change of a firm's name, location, or mailing address requires a revised certificate. Within 14 days after the change requiring the revision, the certificate holder must submit written notification of the necessary change accompanied by the required fee.

(h) Monitoring requirements.

(1) A registered firm may not monitor a fire alarm system located in the State of Texas for an unregistered firm.

(2) A registered firm may not connect a fire alarm system to a monitoring service unless the monitoring service is registered under or is exempt from the licensing requirements of the Insurance Code, Article 5.43-2, so long as the monitoring equipment being used is in compliance with Article 5.43-2, §9.

(3) A registered firm currently engaged in monitoring must comply with the requirements of §531.13(a)(5) of this title (relating to Applications) within 60 days of the effective date of this chapter, as amended.

§531.11. Licenses.

(a) Types of licenses.

(1) Fire alarm technician license-For installing, inspecting, servicing, testing, maintaining, and certifying fire alarm or fire detection devices and systems.

(2) Residential fire alarm superintendent single station license-For planning, installing, certifying, inspecting, testing, servicing, and maintaining to single station smoke or heat detectors which are not a part of or connected to any other detection device or system in single-family or two-family residences.

(3) Residential fire alarm superintendent license-For planning, installing, certifying, inspecting, testing, servicing, and maintaining fire alarm or fire detection devices and systems in single-family or two-family residences.

(4) Fire alarm planning superintendent license-For planning, installing, certifying, inspecting, testing, servicing, and maintaining fire alarm or fire detection devices.

(b) Posting. Wall licenses must be posted conspicuously for public view at the firm's business location.

(c) Pocket license. A licensee must carry a pocket license for identification while engaged in the activities of the business.

(d) Duplicate license. A duplicate license must be obtained from the state fire marshal to replace a lost or destroyed license. The license holder or registered firm must submit written notification of the loss or destruction without delay, accompanied by the required fee.

(e) Revised licenses. The change of a licensee's registered firm or mailing address requires a revised license. Within 14 days after the change requiring the revision, the license holder or registered firm must submit written notification of the necessary change accompanied by the required fee.

(f) Restrictions.

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

(3) Each person who engages in the activities of the business must have the appropriate license issued by the state fire marshal unless excepted from the licensing provisions by the Insurance Code, Article 5.43-2, §3(b).

§531.21. Red Labels.

(a) If the system or any part thereof is inoperable, a completed red label must be attached to the outside of the control panel cover or, if the system has no panel, in a permanently visible location designated by the property owner to indicate that corrective action or system replacement is necessary.

(b) The signature of the licensee on a red label certifies that the conditions listed on the label have caused the system to be inoperable.

(c) A completed service label must not be attached to the system by the licensee until the conditions are corrected and the fire alarm system:

(1) is reinspected;

(2) is in compliance with applicable standards adopted at the time of installation; and

(3) is in good operating condition.

(d) Red labels must be at least three inches in height and three inches in width and be of a gummed label type that allows for label removal. Labels must be printed with black lettering.

(e) Red labels must bear the following information in the format of the label shown in subsection (g) of this section:

(1) the inscription "DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL-SYSTEM IS INOPERABLE" (all in capital letters, at least 10-point bold face type);

(2) the firm's name, address, and telephone number (either main office or branch office);

(3) the firm's certificate-of-registration number;

(4) the signature and license number of the certifying licensee (a stamped signature is prohibited);

(5) the date the label is affixed;
and

(6) the list of conditions.

(f) A red label may be removed only by a licensed employee or agent of a registered firm who has corrected the conditions and certified the service.

(g) Red label:

DO NOT REMOVE		
BY ORDER OF THE STATE FIRE MARSHAL		
SYSTEM IS INOPERABLE		
XXX Alarm Service		
555 Spring Lane		
Homeville, Texas 77777-7777		
555/333-3333		ACR- (number)
Date-Licensee Signature-License #		
List Conditions: _____		

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 May 13, 1993.

TRD-9322965

Jack Woods
General Counsel
Texas Commission on Fire
Protection

Effective date: June 4, 1993

Proposal publication date: December 8, 1992

For further information, please call: (512) 873-1700



Chapter 591. Fireworks Rules

• 37 TAC §§591.1-591.30

The Texas Commission on Fire Protection adopts amendments to §§591.1-591.30, concerning regulation of the sale, distribution, and use of fireworks, without changes to the proposed text as published in the December 4, 1992, issue of the *Texas Register* (17 TexReg 8421).

The amendments make minor changes in fireworks classifications and licensing procedures to improve the quality of protection afforded property and life from the use and sale of fireworks.

The amendments allow the rules to conform

to fireworks classifications used in federal regulations. The amendments also clarify the definition of "school" and clarify provisions relating to the proximity of fireworks displays to schools. Additionally, certain licensing procedures are modified by some amendments.

No comments were received regarding adoption of the amendments.

No groups or associations made written comment on the sections.

The amendments are adopted under Texas Insurance Code, Article 5.43-4, §5 and §5A, which provides the Texas Commission on Fire Protection with the authority to adopt rules necessary to its administration through the state fire marshal for the protection and preservation of life and property.

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 May 13, 1993.

TRD-9322966 Jack Woods
 General Counsel
 Texas Commission on Fire
 Protection

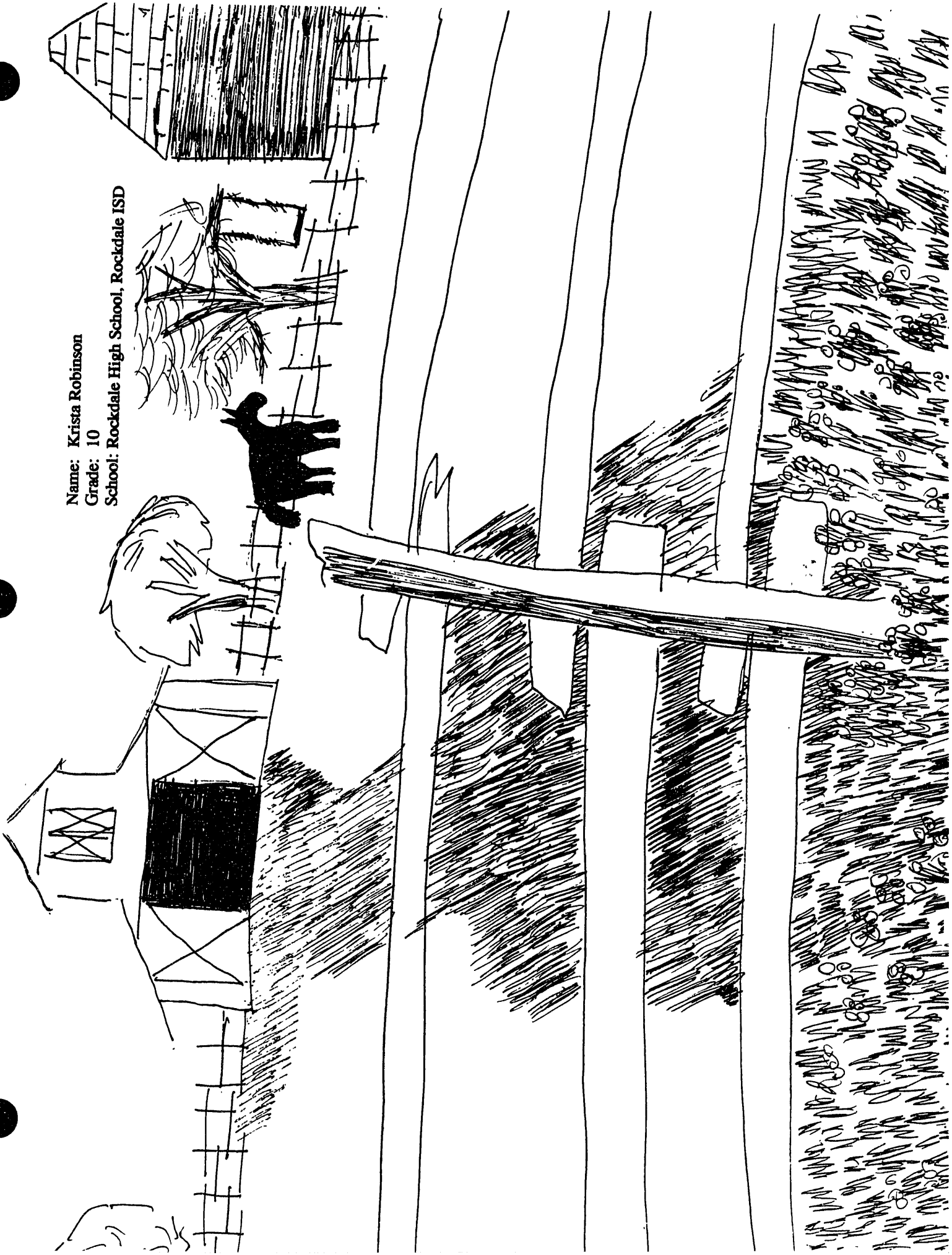
Effective date: June 4, 1993

Proposal publication date: December 4, 1992

For further information, please call: (512)
873-1700

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Name: Krista Robinson
Grade: 10
School: Rockdale High School, Rockdale ISD



Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours 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.

Posting of open meeting notices. All notices are posted on the bulletin board at the Office of the Secretary of State in lobby of 221 East 11th Street, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

Meeting Accessibility. Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

Texas Department of Agriculture

Wednesday, May 26, 1993, 10:00 a.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture, Expressway 83, Two Blocks West of Morningside Road, San Juan. According to the complete agenda, the department will hold a public hearing to receive public comment regarding proposed amendments to the department's pesticide regulations (Texas Administrative Code, Title IV, Chapter 7) concerning requirements for the regulation of pesticides as published in the April 20, 1993, edition of the *Texas Register* at (18 TexReg 2503) and in the April 23, 1993, edition of the *Texas Register* at (18 TexReg 2613).

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

Filed: May 17, 1993, 10:12 a.m.

TRD-9323046

Wednesday, May 26, 1993, 10:00 a.m. 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 department will hold a public hearing to receive public comment regarding proposed amendments to the department's pesticide regulations (Texas Administrative Code, Title IV, Chapter 7) concerning requirements for the regulation of pesticides as published in the April 20, 1993, edition of the *Texas Register* at (18 TexReg 2503) and in the April 23, 1993, edition of the *Texas Register* at (18 TexReg 2613).

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

Filed: May 17, 1993, 10:12 a.m.

TRD-9323047

Wednesday, May 26, 1993, 10:00 a.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture, 8918 Tesoro Drive, Suite 120, San Antonio. According to the complete agenda, the department will hold a public hearing to receive public comment regarding proposed amendments to the department's pesticide regulations (Texas Administrative Code, Title IV, Chapter 7) concerning requirements for the regulation of pesticides as published in the April 20, 1993, edition of the *Texas Register* at (18 TexReg 2503) and in the April 23, 1993, edition of the *Texas Register* at (18 TexReg 2613).

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

Filed: May 17, 1993, 10:12 a.m.

TRD-9323048

Wednesday, May 26, 1993, 10:00 a.m. The Texas Department of Agriculture will meet at the Texas A&M Research and Extension Center, 17360 Coit Road, Dallas. According to the complete agenda, the department will hold a public hearing to receive public comment regarding proposed amendments to the department's pesticide regulations (Texas Administrative Code, Title IV, Chapter 7) concerning requirements for the regulation of pesticides as published in the April 20, 1993, edition of the *Texas Register* at (18 TexReg 2503) and in the April 23, 1993, edition of the *Texas Register* at (18 TexReg 2613).

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

Filed: May 17, 1993, 10:12 a.m.

TRD-9323049

Wednesday, May 26, 1993, 10:00 a.m. The Texas Department of Agriculture will meet at the Texas A&M Research and Extension Center, 1103 East FM 1294, Lubbock. According to the complete agenda, the department will hold a public hearing to receive public comment regarding proposed amendments to the department's pesticide regulations (Texas Administrative Code, Title IV, Chapter 7) concerning requirements for the regulation of pesticides as published in the April 20, 1993, edition of the *Texas Register* at (18 TexReg 2503) and in the April 23, 1993, edition of the *Texas Register* at (18 TexReg 2613).

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

Filed: May 17, 1993, 10:12 a.m.

TRD-9323050

Wednesday, June 2, 1993, 11:30 a.m. The Texas Soybean Producers Board of the Texas Department of Agriculture will meet at the Ramada Inn, Love Field, 3232 West Mockingbird Lane, Dallas. According to the complete agenda, the board will discuss approval of the minutes; financial report; budget; additional research funding allocation; USB report; executive secretary report; old business; new business; and adjourn.

Contact: D. Trent Roberts, P.O. Box 650290, Dallas, Texas 75265-0290, 1-800-247-8691.

Filed: May 17, 1993, 10:11 a.m.

TRD-9323045

Texas Alcoholic Beverage Commission

Tuesday, May 25, 1993, 9:30 a.m. The Texas Alcoholic Beverage Commission will

meet at 5806 Mesa Drive, Suite 180, Austin. According to the complete agenda, the commission will discuss approval of the minutes of the April 27, 1993, meeting; hear administrator's report on agency activity; recognize TABC employees with twenty and above years of service; discuss and possibly adopt amendment of 16 TAC §41.52 as published in the *Texas Register* (18 TexReg 2457), defining "guest" for purpose of private club permits; discuss and possibly adopt new 16 TAC §§51.1-51.28 as published in the *Texas Register* (18 TexReg 2346), setting out rules for operation under Limousine Service Beverage Permit; discuss and possibly act on Retail Advisory Committee; hear Enforcement Education Committee report; Deborah L. Flores, Alcohol Beverage Training, Dallas regarding rules, regulations, policy, procedures and/or guidelines concerning seller/training; and hear public comment.

Contact: Dick Durbin, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: May 17, 1993, 2:19 p.m.

TRD-9323065

Texas Appraiser Licensing and Certification Board

Friday, May 21, 1993, 10:00 a.m. The Texas Appraiser Licensing and Certification Board will meet at the TREC Headquarters, Conference Room 235 (Second Floor), 1101 Camino La Costa, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of minutes; hear comments from visitors; discuss and possibly act to propose on an emergency basis 22 TAC §155.2, Professional Conduct and Ethics; interpretations of board policies and procedures; discuss and possibly take actions concerning complaints, complaint procedures and guidelines, determinations of board authority appropriate responses; resolution of filed complaints; discuss and possibly act concerning House Bill 2644 and other legislative matters; hear staff reports; selection of meeting dates; discuss operating budget and appropriation requests for Fiscal year 1994-1995; hear report from the Education Committee; meet in executive session concerning commissioner's job performance pursuant to Texas Civil Statutes, Article 6252-17, §2(g); and adjourn. For ADA assistance, call Nancy Guerremont (512) 465-3923 at least two days prior to meeting.

Contact: Renil C. Limer, 1101 Camino La Costa, Austin, Texas 78752, (512) 465-3950.

Filed: May 13, 1993, 1:08 p.m.

TRD-9322908

Texas Commission on the Arts

Tuesday, June 1, 1993, 1:30 p.m. The Assistance Review Committee of the Texas Commission on the Arts will meet at the Marriott Hotel, Capitol Ballroom E, 701 East 11th Street, Austin. According to the complete agenda, the committee will call the meeting to order; hold a public hearing; discuss approval of minutes of December 2, 1992 assistance review committee meeting; summary review of revised state arts plan draft; review of Fiscal Year 1994 overview and grant application rankings: organizational; project, and touring.

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

Filed: May 14, 1993, 12:40 p.m.

TRD-9322993

Wednesday, June 2, 1993, 8:30 a.m. The Administrative Committee of the Texas Commission on the Arts will meet at the Marriott Hotel, Capitol Ballroom E, 701 East 11th Street, Austin. According to the complete agenda, the committee will call the meeting to order; hold a public hearing; discuss approval of minutes of September 14, 1992 administrative committee meeting; financial update Fiscal Year 1993; administrative site visits update; proposed Fiscal Year 1994 and 1995 budgets; summary of NEA grant applications; discuss other business; and adjourn.

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

Filed: May 14, 1993, 12:40 p.m.

TRD-9322994

Wednesday, June 2, 1993, 10:00 a.m. The Texas Commission on the Arts will meet at the Marriott Hotel, Capitol Ballroom E, 701 East 11th Street, Austin. According to the agenda summary, the commission will call the meeting to order; hold a public hearing; items for commission consent; individual consideration; for information only; meet in executive session; and adjourn.

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

Filed: May 14, 1993, 12:40 p.m.

TRD-9322995

Texas Commission for the Blind

Thursday, June 3, 1993, at 9:00 a.m. The Valley Region of the Texas Commission for the Blind will meet at the Holiday Inn Civic Center, 200 West Express 83, McAllen. According to the complete agenda, the commission will receive public input on agency

programs and services; public comments and suggestions will be used to update the State Plan of the Texas Commission for the Blind. Persons unable to attend may send comments to the Public Information Office, 4800 North Lamar Boulevard, Suite 320, Austin, Texas 78756. Due to the possibility of last minute changes, please call to confirm meeting date and location at 1-800-252-5204. Persons with disabilities who have special communication or other needs who are planning to attend the forum should contact the Commission's Pharr District Office, (210) 787-7364. Requests should be made as far in advance as possible.

Contact: Andrew A. Wier, 4800 North Lamar Boulevard, Austin, Texas 78756, (512) 459-2615.

Filed: May 17, 1993, 9:21 a.m.

TRD-9323028

Coastal Coordination Council

Friday, May 21, 1993, 9:00 a.m. The Executive Committee of the Coastal Coordination Council will meet at the Stephen F. Austin Building, Room 831, 1700 North Congress Avenue, Austin. According to the complete agenda, the committee will call the meeting to order; discuss approval of minutes of the April 16, 1993 meeting; presentation of boundary evaluation; status report on uses to be managed; discuss and review of DRAFT CMP policies and schedule for policy adoption; discuss state and federal consistency review issues; discuss proposed elevation of J. F. Kennedy Causeway; public comment period for each agenda item-three minute limit; discuss agenda for Coastal Coordination Council meeting; and adjourn.

Contact: Janet Fatheree, 1700 North Congress Avenue, Room 730, Austin, Texas 78701, (512) 463-5385.

Filed: May 13, 1993, 2:55 p.m.

TRD-9322920

Credit Union Department

Monday, May 24, 1993, 10:00 a.m. The Credit Union Commission of the Credit Union Department will meet at the Credit Union Department Building, 914 East Anderson Lane, Austin. According to the complete agenda, the commission will invite public input for future consideration; receive minutes of April 14, 1993 meeting; communications reported by the commissioner; hear committee reports from the Texas Share Guaranty Union Oversight, Senate Rider, Task Force Advisory, and Commissioner Search Committees; and report on legislation; consider pending appeal of decision on hearing; request for a hearing; discuss proposed rule 97.113 (Operat-

ing Fees); and Loan Bid Approval Process; conduct an executive session to discuss credit unions and problem cases; consult with legal counsel regarding contemplated legal action, existing litigation and administration actions; and consider personnel matter.

Contact: Harry L. Elliott, 914 East Anderson Lane, Austin, Texas 78752, (512) 837-9236.

Filed: May 14, 1993, 10:57 a.m.

TRD-9322974

Texas Department of Criminal Justice

Friday, May 14, 1993, 11:15 a.m. The Board of Criminal Justice of the Texas Department of Criminal Justice met at the St. Anthony Hotel, 300 East Travis, San Antonio. According to the complete emergency revised agenda, the board discussed amending 37 TAC §155.1 to allow the board to reject prevailing wage surveys that do not reflect actual prevailing wages in the locality. The emergency status was necessary as information presented to the construction subcommittee on May 13, 1993 indicated that the prevailing wage survey published for the Karnes County and Beeville prison sites do not reflect prevailing wages in those localities. Given the jail backlog populations statewide and pressing need to meet TDCJ construction schedules and possible harm to area contractors for incorrect wage scales, this reasonably unforeseeable problem presented an imminent threat to the public health and welfare.

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

Filed: May 14, 1993, 9:25 a.m.

TRD-9322957

East Texas State University

Thursday, May 20, 1993, 4:00 p.m. The Executive Committee of the East Texas State University met at 2600 South Neal, McDowell Administration Building, Commerce. According to the agenda summary, the committee held a meeting by telephone conference call to discuss selection of management consultants to review personnel management system and award of contract.

Contact: Charles Turner, ET Station, Commerce, Texas 75429, (903) 886-5030.

Filed: May 17, 1993, 2:38 p.m.

TRD-9323067

Texas Education Agency

Friday, May 21, 1993, 9:00 a.m. The Committee on Student Learning of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the agenda summary, the committee will make introductions and hear comments; presentation by Dr. Elliot Eisner of Stanford University on "Why Most Efforts at School Reform Fail"; appropriate uses of the results of the State Assessment Program including Academic Excellence Indicator System, Texas Successful Schools Awards, and Accountability; systemic reform-focus on student learning styles-this panel discussion will be the first in a series of presentations regarding systemic reform networks across the state; legislative update-this will be an update on recent legislation of the 73rd Texas Legislature.

Contact: Marvin Veselka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9533.

Filed: May 13, 1993, 3:39 p.m.

TRD-9322937

Employees Retirement System of Texas

Tuesday, May 25, 1993, 9:00 a.m. The Board of Trustees of the Employees Retirement System of Texas will meet at the ERS Auditorium, ERS Building, 18th and Brazos Streets, Austin. According to the agenda summary, the board will discuss approval of the minutes; trustee election results certification; appeals of contested cases; basic life and optional coverages/rates under Texas Employees Uniform Group Insurance Program for fiscal year 1994; healthselect of Texas rates/administrative fees under Texas Employees Uniform Group Insurance Program for fiscal year 1994; HMO reapplications to provide services under Texas Employees Uniform Group Insurance Program for fiscal year 1994; dental coverage contract renewal under Texas Employees Uniform Group Insurance Program for fiscal year 1994; final adoption of 34 TAC §81.5(g) amendment relating to retiree eligibility guidelines in Texas Employees Uniform Group Insurance Program for permanently disabled optional retirement program participants; group benefit advisory committee report; executive director's report; next trustee meeting date; and adjourn.

Contact: William S. Nail, 18th and Brazos Streets, Austin, Texas 78701, (512) 867-3336.

Filed: May 17, 1993, 9:15 a.m.

TRD-9323022

Texas Employment Commission

Tuesday, May 18, 1993, 9:00 a.m. The Texas Employment Commission will meet at the TEC Building, Room 644, 101 East 15th Street, Austin. According to the complete emergency revised agenda, the commission will meet in executive session to discuss the City of Devine versus Texas Employment Commission, et al.; and actions, if any, resulting from executive session. The emergency status was necessary due to litigation schedule.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: May 13, 1993, 3:45 p.m.

TRD-9322939

Texas Commission on Fire Protection

Saturday-Monday, June 12-14, 1993, 9:00 a.m. The Volunteer Fire Fighter Advisory Committee of the Texas Commission on Fire Protection will meet at the Waco Convention Center, 100 Washington Avenue, Waco. According to the agenda summary, the committee will discuss approval of previous minutes; consider and discuss matters from members and the public; discuss and possibly act on: proposed new rules and changes to 37 TAC, Chapters 471, 473, 475, 477, 479, 481, 483, 485, 487, 489; hear public comments concerning rules pending before the commission regarding volunteer fire fighters and volunteer fire departments regulated under Government Code Chapter 419, Subchapter D; rules recommended for further development relating to volunteer fire fighters and volunteer fire departments regulated under Government Code Chapter 419, Subchapter D; and act on future meeting dates, times, and agenda items.

Contact: Jack Woods, 3006B Longhorn Boulevard, Austin, Texas 78759-6735, (512) 873-1700.

Filed: May 14, 1993, 2:13 p.m.

TRD-9323002

Thursday-Friday, June 10-11, 1993, 9:00 a.m. 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 previous minutes; overview/briefing on agenda items; consider and discuss matters from members, public, and staff; report of testing committee; discuss and possibly act on proposed rule changes to 37 TAC Chapter 443; proposed rule change to 37 TAC Chapter 423; re-

quirements for fire fighter/inspector limited certification; recognition of Texas Department of Health instructor courses; courses required for higher levels of certification; proposed rule changes required by pending legislation; new rules concerning requirements for new certification categories; hear public comments concerning pending rules; and plan future meeting dates, times, and agenda items.

Contact: Jack Woods, 3006B Longhorn Boulevard, Austin, Texas 78759-6735, (512) 873-1700.

Filed: May 14, 1993, 2:14 p.m.

TRD-9323003

General Land Office

Friday, May 21, 1993, 3 p.m. The Veterans Land Board of the General Land Office will meet at the Stephen F. Austin Building, Room 831, Austin. According to the agenda summary, the board will approve April 28, 1993 minutes, consider reduction loan rates in the Veterans Housing Assistance Program, proposed issuance of taxable advance refunding bonds for refunding Series 1984 and/or Series 1984A, and adoption of resolution authorizing certain matters in connection therewith, proposed issuance of new money bonds in an amount not to exceed \$90,000,000, a portion issued on taxable basis and another on a tax-exempt basis for funding Housing Assistance Program loans, and adoption of resolution authorizing certain matters in connection therewith.

Contact: Mae Vrazel, Stephen F. Austin Building, 17th and Congress, Austin, Texas 78701, (512) 463-5340.

Filed: May 13, 1993, at 4:19 p.m.

TRD-9322943

General Services Commission

Tuesday, May 25, 1993, 9:30 a.m. The General Services Commission will meet at 1711 San Jacinto Street, Central Services Building, Room 402, Austin. According to the agenda summary, the commission will meet in executive session to consider the appointment of an internal auditor; proposed amendment to §123.15, concerning the selection of architect/engineers for professional services; delegating purchasing authority to the Texas Youth Commission; and briefing on status of Sunset Legislation.

Contact: Judith M. Porras, 1711 San Jacinto Street, Austin, Texas 78701, (512) 463-3446, FAX 463-3311.

Filed: May 17, 1993, 2:15 p.m.

TRD-9323061

Texas Department of Health

Friday, May 21, 1993, 1:30 p.m. The Public Health Promotion Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-741, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the April 23, 1993 meeting; discuss and possibly act on progress report of the fiscal year 1993 public information plan and open discussion concerning committee activities.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. 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: May 13, 1993, 3:33 p.m.

TRD-9322926

Friday, May 21, 1993, 2:30 p.m. The Hospital and Ambulatory Care Services Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-741, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the February 12, 1993 meeting; discuss and possibly act on final adoption of amendments to the home health care agencies rules and regulations concerning licensing and regulation.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. 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: May 13, 1993, 3:25 p.m.

TRD-9322925

Friday, May 21, 1993, 3:00 p.m. The Texas Board of Health Budget and Finance Committee of the Texas Department of Health will meet at the Texas Department of Health, Room M-741, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the April 23, 1993 meeting; discuss and possibly act on approval of fiscal year 1993 budget revisions.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. 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: May 13, 1993, 3:35 p.m.

TRD-9322936

Friday, May 21, 1993, 4:00 p.m. The Texas Board of Health Long-Term Care Committee of the Texas Department of Health will meet at the Texas Department of Health Room M-749, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the April 23, 1993 meeting; discuss and possibly act on proposed amendment to the long term care nursing facility requirements for licensure and Medicaid certification; final adoption of amendment to licensure and Medicaid certification requirements for nursing facilities; and consider recommendations from the Advisory Committee for Mental Retardation Facilities.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. 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: May 13, 1993, 3:35 p.m.

TRD-9322935

Saturday, May 22, 1993, 7:30 a.m. The Executive Committee of the Texas Board of Health will meet at the Texas Department of Health, Room M-741, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss and possibly act on items of procedure for the May 22, 1993 Texas Board of Health meeting.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. 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: May 13, 1993, 3:35 p.m.

TRD-9322934

Saturday, May 22, 1993, 8:00 a.m. The Environmental Health Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-652, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the April 23, 1993 meeting; discuss and possibly act on final adoption of amendments to the rules concerning fees for services for laboratory services for drinking water systems; final adoption of amendment to the Texas Regulations for Control of Radiation Concerning Licensing of Naturally Occurring Radioactive Materials (NORM); appointments to the Asbestos Advisory Committee; and hear comments and announcements not requiring committee action.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. 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: May 13, 1993, 3:34 p.m.

TRD-9322933

Saturday, May 22, 1993, 8:30 a.m. The Family Health Services Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-721, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the April 24, 1993 meeting; discuss and possibly act on proposed family planning rules; family health services update; and appointment to the Community Advisory Committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. 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: May 13, 1993, 3:33 p.m.

TRD-9322927

Saturday, May 22, 1993, 9:15 a.m. The Strategic Planning Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-652, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the April 23, 1993 meeting; discuss and possibly act on strategic planning process.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. 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: May 13, 1993, 3:34 p.m.

TRD-9322928

Saturday, May 22, 1993, 10:00 a.m. The Texas Radiation Advisory Board Medical Committee of the Texas Department of Health will meet in Room B, Marriott Courtyard, 2383 Stemmons Trail, Dallas. According to the complete agenda, the committee will discuss and possibly act on revisions to *Texas Regulations for Control of Radiation*, Parts 32, 42, and Part 41, Appendix F; regulations regarding Grenz Rays; regulatory status of OncoScint CR/OV-radioactive biological product; uranium health risk study reviews; Senate Governmental Affairs Committee-congressional hearing and request for comments on medical misadministration policy and regulation; and other items not requiring board action.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6688. 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: May 13, 1993, 3:34 p.m.

TRD-9322930

Saturday, May 22, 1993, 10:00 a.m. The Legislative Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-652, 1100 West 49th Street, Austin. The Committee will discuss and possibly act on the legislature update.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. 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: May 13, 1993, 3:34 p.m.

TRD-9322932

Saturday, May 22, 1993, 11:00 a.m. The Personnel Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-721, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss in executive session and possibly act on it in open session; and appointments to the Asbestos Advisory Committee and the Community Advisory Committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. 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: May 13, 1993, 3:34 p.m.

TRD-9322931

Saturday, May 22, 1993, 12:00 noon. The Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, Room M-739, 1100 West 49th Street, Austin. According to the agenda summary, the board will discuss approval of the minutes of the April 24, 1993, meeting; discuss and possibly act on: commissioner's report; board resolutions; "Double-up" Paper Conservation Initiative; rules (fees for laboratory services for drinking water systems; Texas regulations for control of radiation concerning licensing of naturally occurring radioactive materials (NORM); family planning; home health care agencies rules and regulations concerning licensing and regulation; long term care nursing facility requirements for licensure and Medicaid certification; and licensure and Medicaid certification requirements for nursing facilities); committee reports (budget/finance; disease control; emergency and disaster; environmental health; family health services; health provider, licensure and certification; hospital and ambulatory

care services; long term care; public health promotion; legislative committee; strategic planning; and personnel); personnel appointments (Asbestos Advisory Committee and the Community Advisory Committee); and hear in open session announcements and comments.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: May 13, 1993, 3:34 p.m.

TRD-9322929

Texas Department of Human Services

Tuesday, May 25, 1993, 9:30 a.m. The Religious Community Advisory Committee of the Texas Department of Human Services will meet at 701 West 51st Street, Sixth Floor, West Tower, Austin. According to the complete agenda, the committee will discuss business; nominations; bylaws; client access; welfare reform; legislative update/alternative taxing system (Income Tax); transition issues; summer foods update; and member concerns.

Contact: Susan Smith, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3135.

Filed: May 13, 1993, 10:16 a.m.

TRD-9322901

Thursday, May 27, 1993, 10:00 a.m. The Advisory Committee on Child Care Programs of the Texas Department of Human Services will meet at the Joe C. Thompson Conference Center, 26th at Red River, Austin. According to the complete agenda, the committee will welcome and make introductions; discuss approval of the minutes; child care absence rule; eligibility rule for Title IV-A At-risk child care and JOBS child care; income eligibility rule; staff reports on child care budget update; committee reports; and adjourn.

Contact: Mary Beth O'Hanlon, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4169.

Filed: May 17, 1993, 9:17 a.m.

TRD-9323023

Texas Department of Insurance

Tuesday, May 25, 1993, 9:00 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 section will conduct a public hearing to consider whether disciplinary action should be taken against Frank Ray

Dawson, of Midlothian, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Group V, Local Recording Agent's license; and to consider the application of Frank Ray Dawson, of Midlothian, for a Group II, Insurance Agent's license. Docket Number 454-93-250.

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

Filed: May 17, 1993, 4:51 p.m.

TRD-9323086

Tuesday, May 25, 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 section will conduct a public hearing to consider the application of Dennis Paul Fritschle of San Antonio, for a Group I, Legal Reserve Life Insurance Agent's license. Docket Number 454-93-277.

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

Filed: May 17, 1993, 4:50 p.m.

TRD-9323085

Thursday, June 10, 1993, 9:00 a.m. (Rescheduled from Tuesday, May 18, 1993, at 9:00 a.m.). The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will hold a public hearing under Docket Number R-1997 to consider and take possible action on proposed new 28 TAC §5.501, relating to motor vehicle damage claims coverage, settlement, and disclosure.

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

Filed: May 17, 1993, 3:26 p.m.

TRD-9323077

Thursday, June 10, 1993, 1:30 p.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will hold a public hearing under Docket Number 2001 to consider the appeal from Commissioner's Order Number 93-0218 concerning Robert L. Bennett.

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

Filed: May 17, 1993, 4:39 p.m.

TRD-9323084

Tuesday, June 29, 1993, 9:00 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will hold a public hearing under Docket Number 2004 to consider possible adoption of several agenda items proposing new and revised rating and policy writing rules and new and revised policy forms and endorsements for personal automobile insurance and residential property insurance (Reference Number A-0593-09-1).

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

Filed: May 18, 1993, 8:26 a.m.

TRD-9323089

Judicial Districts Board

Thursday, June 3, 1993, 10:00 a.m. The Judicial Districts Board will meet at the Texas Law Center, Room 201, 1414 Colorado Street, Austin. According to the complete agenda, pursuant to Article 5, §7a(e), Texas Constitution, the board will work on a statewide reapportionment of the judicial districts of the state. The board will discuss recent federal court cases and legislative proposals regarding judicial redistricting.

Contact: C. Raymond Justice, 205 West 14th Street, Sixth Floor, Austin, Texas 78701, (512) 463-1625.

Filed: May 17, 1993, 9:42 a.m.

TRD-9323033

Texas Department of Licensing and Regulation

Friday, May 28, 1993, 9:00 a.m. The Texas Commission of Licensing and Regulation of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson Building, Room 1012, Austin. According to the agenda summary, the commission will hold a regular meeting according to the following outline: call the meeting to order; take roll call and certification of quorum; hear contested cases; agreed orders; legislative report; staff reports; meet in executive session; public session; discuss date, time, and location of next commission meeting; and adjourn.

Contact: Elvis Schulze, 920 Colorado, Austin, Texas 78701, (512) 463-3127.

Filed: May 17, 1993, 4:19 p.m.

TRD-9323082

Wednesday, June 9, 1993, 9:00 a.m. The Inspections and Investigations: Vehicle

Storage Facility of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson Building, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension, or revocation of the license for Glen McElroy doing business as Sundown Auto Storage, for violation of Texas Civil Statutes, Article 6687-9a, 16 TAC, §79.70(b) and Article 9100.

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

Filed: May 17, 1993, 4:18 p.m.

TRD-9323080

Wednesday, June 16, 1993, 9:00 a.m. The Inspections and Investigations: Air Conditioning of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson Building, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the application of Bruce Everett for an Air Conditioning and Refrigeration Contractor's license in accordance with Texas Civil Statutes, Article 6252-13a, 16 TAC, Chapter 75, and Article 9100.

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

Filed: May 17, 1993, 4:19 p.m.

TRD-9323081

Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association

Tuesday, May 25, 1993, 9:00 a.m. The Board of Directors of the Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association will meet at 333 Guadalupe Street, 12th Floor, Conference Room, Austin. According to the agenda summary, the board will consider and possibly act on: approval of the minutes; review of Guaranty Association activities; meet in executive session to discuss matters; review and approval of Association financial statements; audit committee report; assessment committee report; impaired/insolvent member insurers; Association bylaws; and next meeting date.

Contact: Charles S. LaShelle, 301 Congress Avenue, #500, Austin, Texas 78701, (512) 476-5101.

Filed: May 17, 1993, 2:54 p.m.

TRD-9323068

Texas State Board of Medical Examiners

Friday, May 21, 1993, 1:30 p.m. The Executive Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the committee will consider the temporary suspension of the license of Alfred E. Boyce, D.O. The executive committee is meeting under the authority of Article 4495b, §4.13. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07(b), 3.05(d), 5.06(s)(1) and Opinion of Attorney General 1974, Number H-484.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-4502.

Filed: May 13, 1993, 3:44 p.m.

TRD-9322938

Texas Board of Pardons and Paroles

Monday-Friday, May 24-28, 1993, 1:30 p.m. The Parole Board Panels(s) of the Texas Board of Pardons and Paroles will meet at 2503 Lake Road, Suite 2, Huntsville. According to the agenda summary, the panel(s) composed of three board members will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407.

Filed: May 14, 1993, at 8:01 a.m.

TRD-9322948

Tuesday-Wednesday, May 25-26, 1993, 1:30 p.m. The Parole Board Panels(s) of the Texas Board of Pardons and Paroles will meet at 1550 East Palestine, Suite 100, Palestine. According to the agenda summary, the panel(s) composed of three board members will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407.

Filed: May 14, 1993, at 8:37 a.m.

TRD-9322953

Tuesday-Wednesday, May 25-26, 1993, 1:30 p.m. The Parole Board Panels(s) of the Texas Board of Pardons and Paroles will meet at 1550 East Palestine, Suite 100, Palestine. According to the agenda summary, the panel(s) composed of three board members will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407.

Filed: May 14, 1993, at 8:02 a.m.

TRD-9322949

Thursday, May 27, 1993, 9 a.m. The Parole Board Panels(s) of the Texas Board of Pardons and Paroles will meet at 1212 North Velasco, Suite 201, Angleton. According to the agenda summary, the panel(s) composed of three board members will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407.

Filed: May 14, 1993, at 8:37 a.m.

TRD-9322955

Thursday-Friday, May 27-28, 1993, 9 a.m. The Parole Board Panels(s) of the Texas Board of Pardons and Paroles will meet at 1550 East Palestine, Suite 100, Palestine. According to the agenda summary, the panel(s) composed of three board members will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407.

Filed: May 14, 1993, at 8:37 a.m.

TRD-9322954

Thursday-Friday, May 27-28, 1993, 12:30 p.m. The Parole Board Panels(s) of the

Texas Board of Pardons and Paroles will meet at Route 5, Box 258-A, Gatesville. According to the agenda summary, the panel(s) composed of three board members will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

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

Filed: May 14, 1993, at 8:02 a.m.

TRD-9322950

Public Utility Commission of Texas

Monday, May 24, 1993, 1:30 p.m. 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 11980-report of sale, transfer or merger of Sprint Corporation and Centel Corporation.

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

Filed: May 13, 1993, 3:23 p.m.

TRD-9322921

Thursday, May 27, 1993, 10:00 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 12007-application for sale, transfer, or merger of San Marcos Telephone Company, Inc. and Century Telephone Enterprises, Inc.

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

Filed: May 17, 1993, 3:09 p.m.

TRD-9323076

Monday, July 26, 1993, 9:00 a.m. 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 11351-petition of the general counsel to inquire into the reasonableness of the service practices and rates of Cherokee County Electric Cooperative Association, Inc. regarding switchover fees.

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

Filed: May 13, 1993, 3:24 p.m.

TRD-9322922

Thursday, July 29, 1993, 10:00 a.m. (Rescheduled from Tuesday, May 25, 1993, at 10:00 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 fourth prehearing conference in Docket Number 10832-Houston Lighting and Power Company standard avoided cost calculation for the purchase of firm energy and capacity from qualifying facilities, pursuant to Substantive Rule 23.66(h)(3).

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

Filed: May 17, 1993, 3:08 p.m.

TRD-9323072

Monday, August 23, 1993, 9:00 a.m. (Rescheduled from Tuesday, July 6, 1993, at 10:00 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 11025-application of AT&T Communications of the Southwest, Inc. for approval of calculation of House Bill 11 tax adjustment factors for 1992 pursuant to Public Utility Commission Substantive Rule 23. 21(d).

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

Filed: May 17, 1993, 3:09 p.m.

TRD-9323075

Monday, August 23, 1993, 10:00 a.m. (Rescheduled from Monday, June 21, 1993, at 10:00 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 fifth prehearing conference in Docket Number 10832-Houston Lighting and Power Company standard avoided cost calculation for the purchase of firm energy and capacity from qualifying facilities, pursuant to Substantive Rule 23.66(h)(3).

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

Filed: May 17, 1993, 3:08 p.m.

TRD-9323073

Thursday, September 2, 1993, 10:00 a.m. (Rescheduled from Monday, June 28,

1993, at 10:00 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 10832-Houston Lighting and Power Company standard avoided cost calculation for the purchase of firm energy and capacity from qualifying facilities, pursuant to Substantive Rule 23.66(h)(3).

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

Filed: May 17, 1993, 3:08 p.m.

TRD-9323074

Railroad Commission of Texas

Monday, May 24, 1993, 9:30 a.m. The Railroad Commission of Texas will meet in the First Floor Conference Room (1-111), William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The commission will consider and act on the administrative services division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

Filed: May 14, 1993, 11:48 a.m.

TRD-9322986

The commission will consider and act on the personnel division director's report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Box 12967, Austin, Texas 78711, (512) 463-6981.

Filed: May 14, 1993, 11:48 a.m.

TRD-9322987

The commission will consider and act on the Office of the Executive Director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. The commission will discuss a proposed training agreement for the Gas Utilities Section of the Legal Division. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel and pending litigation. Consideration of a contract for public information services.

Contact: Walter H. Washington, Jr., P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7274.

Filed: May 14, 1993, 11:48 a.m.

TRD-9322985

The commission will consider and act on the Automatic Data Processing Division Director's report on division administration, budget, procedures, equipment acquisitions and personnel matters.

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78711, (512) 463-7251.

Filed: May 14, 1993, 11:48 a.m.

TRD-9322988

The commission will meet in consideration of category determinations under sections 102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Contact: Margie Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: May 14, 1993, 11:48 a.m.

TRD-9322984

The commission will consider and act on the Office of Information Services Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Box 12967, Austin, Texas 78701, (512) 463-6710.

Filed: May 14, 1993, 11:48 a.m.

TRD-9322983

The commission will consider and act on the investigation division director's report on division administration, investigations, budget, and personnel matters.

Contact: Marcelo R. Montemayor, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6828.

Filed: May 14, 1993, 11:47 a.m.

TRD-9322982

The commission will consider and act on the Division Director's report on budget, personnel and policy matters related to operation of the Alternative Fuels Research and Education Division.

Contact: Dan Kelly, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7110.

Filed: May 14, 1993, 11:49 a.m.

TRD-9322989

The commission will consider various applications and other matters within the jurisdiction of the agency, including oral arguments at the time specified. The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing

was closed or from the date the transcript was received. The commission will meet in executive session as authorized by the Open Meetings Act.

Contact: Carole J. Vogel, P.O. Box 12967, Austin, Texas 78711, (512) 463-6921.

Filed: May 14, 1993, 11:49 a.m.

TRD-9322990

Texas Surplus Property Agency

Thursday, May 27, 1993, 10:00 a.m. (Revised agenda). The Governing Board of the Texas Surplus Property Agency will meet at the General Services Commission, Room 402 (Board Room), 1711 San Jacinto Street, Austin. According to the complete revised agenda, the board will hear status report from state auditor; and discuss interagency contract between Texas Surplus Property Agency and General Services Commission.

Contact: Marvin J. Titzman, P.O. Box 8120, San Antonio, Texas 78208, (210) 661-2381.

Filed: May 17, 1993, 2:18 p.m.

TRD-9323063

Texas State University System

Thursday, May 20, 1993, 1:30 p.m. The Curriculum Committee of the Texas State University System met at the J. C. Kellam Building, Room 1112, Southwest Texas State University, San Marcos. According to the complete agenda, the committee reviewed matters of the board and four universities in the system including: all matters of curriculum, including Twelfth Class Day Reports; substantive and non-substantive program changes; new degree programs; additions; deletions; and retention of courses; admission standards; out-of-state and out-of-country studies. (Where appropriate and permitted by law, executive sessions may be held for the above listed subjects).

Contact: Lamar Urbanovsky, P.O. Box 3810, Austin, Texas 78701, (512) 463-1808.

Filed: May 14, 1993, 4:14 p.m.

TRD-9323014

Thursday, May 20, 1993, 2:00 p.m. The Building Committee of the Texas State University System met at the J. C. Kellam Building, Room 1112, Southwest Texas State University, San Marcos. According to the complete agenda, the committee reviewed construction projects and documents for four universities in the system including: Residence Hall renovations at Angelo State

University; considered contract award for the University Post Office and architect selection for the Episcopal Church Renovation at Sam Houston State University; contract award for Harris Plant Chiller Addition; architect selection for repairs to the Old Main roof and consultation selection for the Master Plan at Southwest Texas State University. (Where appropriate and permitted by law, executive sessions may be held for the above listed subjects).

Contact: Lamar Urbanovsky, P.O. Box 3810, Austin, Texas 78701, (512) 463-1808.

Filed: May 14, 1993, 4:14 p.m.

TRD-9323015

Thursday, May 20, 1993, 2:30 p.m. The Finance Committee of the Texas State University System met at the J. C. Kellam Building, Room 1112, Southwest Texas State University, San Marcos. According to the complete agenda, the committee reviewed financial matters of the System Office and four universities in the system including internal audit reports from Angelo State University, Sam Houston State University, Southwest Texas State University and Sul Ross State University. (Where appropriate and permitted by law, executive sessions may be held for the above listed subjects).

Contact: Lamar Urbanovsky, P.O. Box 3810, Austin, Texas 78701, (512) 463-1808.

Filed: May 14, 1993, 4:14 p.m.

TRD-9323013

Thursday, May 20, 1993, 3:00 p.m. The Rules and Regulations Committee of the Texas State University System met at the J.C. Kellam Building, Room 1112, Southwest Texas State University, San Marcos. According to the complete agenda, the committee reviewed proposed amendments to Rules and Regulations of the System including the Board of Regents Chairman's term length; affirmative action update; compliance with American's with Disabilities Act; expansion of rule for outside employment to cover classified employees; recording of hearings and consideration of contracts. (Where appropriate and permitted by law, executive sessions may be held for the above listed subjects).

Contact: Lamar Urbanovsky, P.O. Box 3810, Austin, Texas 78701, (512) 463-1808.

Filed: May 14, 1993, 4:13 p.m.

TRD-9323012

Thursday-Friday, May 20-21, 1993, 1:00 p.m. and 8:30 a.m. respectively. The Board of Regents of the Texas State University System will meet at the J. C. Kellam Building, Room 1112, Southwest Texas

State University, San Marcos. According to the agenda summary, the board will review matters of the board and four universities in the system including: all matters reviewed by the Building Committee, the Curriculum Committee, Finance Committee and the Rules and Regulations Committee as submitted to the full Board for review and approval; discuss personnel actions including new employees, promotions, resignations, terminations, salary-supply supplements and special appointment of any system employee including the president's and chancellor; discuss litigation; budgetary changes at each university and the system office; contract approvals at each university and the system office; acceptance of gifts; admission requirements and fees; room rates; land leases, purchases and sales; consider the recommendations of the System Task Force. (Where appropriate and permitted by law, executive sessions may be held for the above listed subjects).

Contact: Lamar Urbanovsky, P.O. Box 3810, Austin, Texas 78701, (512) 463-1808.

Filed: May 14, 1993, 4:14 p.m.

TRD-9323016

Texas Department of Transportation

Tuesday, May 25, 1993, 9:30 a.m. The Texas Transportation Commission of the Texas Department of Transportation will meet at the Dewitt C. Green Building (First Floor), 125 East 11th Street, Austin. According to the agenda summary, the commission will have a delegation appearance from Tarrant County; discuss approval of the minutes; execute contract awards, rejections, defaults, and assignments including those involving private consultant and professional services; discuss routine minute orders; authorize environmental projects; Interstate Highway, U.S. Highway, State Highway, and FM Road projects; transportation planning agreement with the states of New Mexico and Colorado; Surface Transportation Program funding for transit projects; ferry boat construction in Galveston County; consider acquisition of a parcel of land along the Gulf Intracoastal Waterway for a dredge material disposal site in Galveston County; Five-Year Capital Improvement Program for aviation projects; previous delegation matters; resolution concerning continuous improvement; rulemaking: 43 TAC Part 1, Chapters 1, 25, and 31; meet in executive session; hear staff reports; and open comment period.

Contact: Myrna Klipple, 125 East 11th Street, Austin, Texas 78701, (512) 463-8576.

Filed: May 17, 1993, 1:41 p.m.

TRD-9323055

Texas Water Commission

Monday, May 24, 1993, 1:00 p.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 123, Austin. According to the agenda summary, the commission will hold a policy agenda regarding selection of consultants and consideration of alternative selections of consultants and authorization of the executive director to enter into multi-site contracts for remedial investigation/feasibility studies and remedial design/remedial actions at superfund sites in Texas. The commission will meet in executive session pursuant to §2(e) of the Open Meetings Act to discuss the pending litigation in the United States Court of Appeals, District Columbia Circuit, *Sierra Club vs. EPA*, Cause Number 92-1003, and new policies for the municipal solid waste Subtitle D rules in light of the ramifications of the May 7, 1993, decision of the United States Court of Appeals, District of Columbia Circuit's Opinion in *Sierra Club vs. EPA*, Cause Number 92-1003.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: May 14, 1993, 11:56 a.m.

TRD-9322991

Wednesday, May 26, 1993, 10:00 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1149B, Austin. According to the agenda summary, the commission will hold a public hearing on an application by Guadalupe River R. V. Resort, Inc., Application Number 5444.

Contact: Carol Wood, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: May 14, 1993, 5:02 p.m.

TRD-9323017

Wednesday, May 26, 1993, 11:00 a.m. The Texas Water Commission will meet at the Double Tree Hotel Ballroom, 6505 North IH-35, Austin. According to the agenda summary, the commissioner's will consider examiner's proposal for decision and order concerning the application of American Envirotech, Inc.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: May 17, 1993, 11:46 a.m.

TRD-9323052

Thursday, June 3, 1993, 10:00 a.m. The Weather Modification Advisory Committee of the Texas Water Commission will meet at 8900 Shoal Creek Boulevard, Suite 348,

Austin. According to the agenda summary, the committee will discuss the status of membership on the Weather Modification Advisory Committee; review staff reports including: conduct of cloud-seeding experiments this summer; funding prospects for Texas research in 1994; and state funding of study on alternative water supply approaches for the Edwards Aquifer. The commission will also review the action on committee correspondence to the United States Congress regarding funding of weather modification research and other business.

Contact: L. Brown, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: May 17, 1993, 9:52 a.m.

TRD-9323041

Thursday, June 24, 1993, 9:00 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Clarion Hotel, 2000 Beach Street, Fort Worth. According to the agenda summary, the commission will hold a public hearing on an application for a municipal solid waste management facility permit by Waste Management of Texas, Inc. The applicant is requesting an amendment to Permit Number MSW1983 in order to increase the site size and change the facility operation from: a Type IV to a Type I. The site is 9.5 miles southeast of the intersection of Interstate 35 and Interstate 30 in Fort Worth, extending from Dick Price Road approximately 1/2 mile west to Village Creek and from Everman-Kennedale-Burleson Road extending approximately 7/10 mile south in Tarrant County.

Contact: Jason Bateman, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: May 14, 1993, 10:00 a.m.

TRD-9322967

Wednesday, June 30, 1993, 9:00 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing to determine whether to affirm, modify or set aside Emergency Order Number 93-4E granted on March 24, 1993 to Industrial Compliance. The order authorizes Industrial Compliance to discharge approximately 2,000,000 gallons of treated neutralized effluent from a stock pond. Industrial Compliance is in the process of remediating the site which is located near Schulenburg, Fayette County, where a train derailed causing the water in a pond to become contaminated.

Contact: Bonnie Rubey, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: May 14, 1993, 10:00 a.m.

TRD-9322968

Wednesday, June 30, 1993, 9:00 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold an hearing on Application Number 4332-A, to amend Permit Number 4068, submitted by Charles T. Trefny, as Trustee, and Charles T. Trefny and wife, Donna G. Trefny, individually. Permit Number 4068 (Application Number 4332) was issued on February 14, 1984, with a priority date of February 22, 1983, authorizing diversion and use of not to exceed 400 acre-feet of water per annum from three points on the Colorado River, Colorado River Basin. Diverted water is for irrigation of 400 acres of land in Colorado County, approximately 9.5 miles northwest of Columbus, Texas. Applicants seek to amend Permit Number 4068 to delete or extend the expiration date of December 31, 1993, and to delete the seasonal stream flow restrictions.

Contact: Terry Slade, P.O. Box 13087, Austin, Texas 78711, (512) 475-4586.

Filed: May 17, 1993, 9:20 a.m.

TRD-9323027

Wednesday, June 30, 1993, 9:00 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold an hearing on Application Number 4343-A, to amend Permit Number 4070, submitted by Fred T. Zapalac, Morris F. Zapalac, and Lillian Zapalac. Water Use Permit Number 4070 (Application Number 4343) was issued on February 15, 1984, with a priority date of March 14, 1983, authorizing diversion and use of not to exceed 300 acre-feet of water per annum from the Colorado River, Colorado River Basin. Diverted water is for irrigation of 300 acres of land in Fayette County, approximately 7 miles southeast of LaGrange, Texas. Applicants seek to amend Permit Number 4068 to delete or extend the expiration date of December 31, 1993, and to delete the seasonal stream flow restrictions.

Contact: Terry Slade, P.O. Box 13087, Austin, Texas 78711, (512) 475-4586.

Filed: May 17, 1993, 9:20 a.m.

TRD-9323026

Thursday, July 1, 1993, 9:00 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a public hearing on application for renewal of Permit Number 12215-01 made by Hurst Creek Municipal Utility District for authorization to discharge treated domestic wastewater effluent.

Contact: Kerry Sullivan, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: May 17, 1993, 9:20 a.m.

TRD-9323025

Texas Workers' Compensation Commission

Friday, May 21, 1993, 9:30 a.m. The Medical Advisory Committee of the Texas Workers' Compensation Commission will meet in Rooms 910-911, Southfield Building, 4000 South IH-35, Austin. According to the agenda summary, the committee will call the meeting to order; discuss approval of the April 12, 1993, minutes; revision on medical fee guideline; progress report on treatment guidelines; discuss and comments on out-of-state guidelines; criteria for pre-authorization disputes; rules presented to commissioners; TWCC advisories; changes to MAC by-laws; change of doctor from second opinion doctor to treating doctor; discuss integration of workers' compensation in National Health Care Reform; impairment ratings; TWCC Advisory Number 92-09B; draft agenda; establish next meeting date; and adjourn.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 440-3973.

Filed: May 17, 1993, 4:30 p.m.

TRD-9323083

Texas Workers' Compensation Research Center

Friday, May 21, 1993, 11:30 a.m. (Rescheduled from May 21, 1993, 1:00 p.m.) The Board of Directors of the Texas Workers' Compensation Research Center will meet at the Texas Workers' Compensation Insurance Fund Benefits Division, Lavaca Plaza, 504 Lavaca, 10th Floor, Conference Room C, Austin. According to the revised agenda summary, the board will discuss and act on the following items: call the meeting to order; discuss approval of minutes of meeting of March 26, 1993; meet in executive session; make announcements; discuss contract processing over \$10,000; discuss and possibly approve of budget revisions; presentation by UT Center for the Study of Human Resources; consider proposal and possibly contract award on vocational rehabilitation; presentation by A&M Public Policy Research Institute; consider proposal and possible contract award on nonsubscription to the Texas Workers' Compensation System; arbitration; research progress report; discuss future Research Center capabilities; research agenda-general discussion of Fiscal Year 1994; confirm meeting of July 9, 1993; and adjourn. Indi-

viduals who may require auxiliary aids or services for this meeting should contact Lavon Guerrero at (512) 356-6197 at least two days prior to the meeting so that appropriate arrangements can be made.

Contact: Annette Gula, 3636 Executive Center Drive, Suite G-22, Austin, Texas 78731, (512) 346-6197.

Filed: May 14, 1993, 2:02 p.m.

TRD-9322997

Regional Meetings

Meetings Filed May 13, 1993

The Alamo Area Council of Governments Community Affairs met at 118 Broadway Street, Suite 420, San Antonio, May 17, 1993, at 3:00 p.m. Information may be obtained from Al J. Notzon III, 118 Broadway Street, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9322945.

The Bosque Central Appraisal District Board of Directors met at the Bosque Central Appraisal District Office, 104 West Morgan Street, Meridian, May 20, 1993, at 10:00 a.m. Information may be obtained from Don Whitney, P.O. Box 393, Meridian, Texas 76665-0393, (817) 435-2304. TRD-9322940.

The Burnet County Appraisal District Board of Directors met at 110 Avenue H, Suite 106, Marble Falls, May 20, 1993, at noon. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9322906.

The Central Texas Council of Governments Executive Committee will meet at 302 East Central, Belton, May 27, 1993, at 12:30 p.m. Information may be obtained from A. C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1801. TRD-9322902.

The Eastland County Appraisal District Appraisal Review Board will meet in the Commissioners' Courtroom, Second Floor, Eastland County Courthouse, Eastland, May 25, 1993, at 10:00 a.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597. TRD-9322916.

The Golden Crescent Regional Planning Commission Executive Committee met in the GCRPC Conference Room, Regional Airport, Building 102, Victoria, May 17, 1993, at 5:00 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587. TRD-9322905.

The Hays County Appraisal District Board of Directors met at 632A East Hopkins, San Marcos, May 20, 1993, at

3:30 p.m. Information may be obtained from Lynnell Sedlar, 632A East Hopkins, San Marcos, Texas 78666, (512) 754-7400. TRD-9322907.

The Houston Galveston Area Council (Revised agenda.) H-GAC Board of Directors met at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, May 18, 1993, at 10:00 a.m. Information may be obtained from Cynthia Marquez, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9322947.

The Lavaca County Central Appraisal District Appraisal Review Board will meet at 113 North Main Street, Hallettsville, May 24, 1993, at 9:00 a.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396. TRD-9322942.

The Liberty County Central Appraisal District Appraisal Review Board met at 315 Main Street, Liberty, May 20, 1993, at 9:30 a.m. Information may be obtained from Sherry Greak, 315 Main Street, Liberty, Texas 77575, (409) 336-5722. TRD-9322919.

The Middle Rio Grande Quality Work Force Council met at the Holiday Inn, Sage Room, Uvalde, May 18, 1993, at noon. Information may be obtained from Ricky McNeil, 209 North Getty, Uvalde, Texas 78801, (210) 278-2527. TRD-9322900.

The North Central Texas Council of Governments for the North Central Texas Job Training Consortium Private Industry met at 616 Six Flags Drive, Centerpoint Two, Arlington, May 20, 1993, at 2:00 p.m. Information may be obtained from Edwina Shires, 616 Six Flags Drive, Arlington, Texas 76011, (817) 640-3300. TRD-9322944.

The North Texas Municipal Water District Board of Directors will meet at the Administrative Office, 505 East Brown Street, Wylie, May 27, 1993, at 4:00 p.m. Information may be obtained from Carl W. Riehn, P.O. Box 2408, Wylie, Texas 75098, (214) 442-5405. TRD-9322917.

The Riceland Regional Mental Health Authority Board of Trustees met at 3007 North Richmond Road, Wharton, May 20, 1993, at noon. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9322946.

The Tax Appraisal District of Bell County (Revised agenda.) Board of Directors met at the Tax Appraisal District of Bell County, 411 East Central Avenue, Belton, May 19, 1993, at 7:00 p.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841, Ext. 29. TRD-9322910.

Meetings Filed May 14, 1993

The Bexar Appraisal District Appraisal Review Board will meet at 535 South Main Street, San Antonio, May 21, 1993, at 9:00 a.m. Information may be obtained from Beverly Houston, P.O. Box 830248, San Antonio, Texas 78283-0248. TRD-9323008.

The Brazos Valley Solid Waste Management Agency Board of Trustees met at 1101 Texas Avenue, College Station, May 18, 1993, at 1:15 p.m. Information may be obtained from Cathy Locke, 1101 Texas Avenue, College Station, Texas 77840, (409) 764-3507. TRD-9322958.

The Central Appraisal District of Johnson County Board of Directors met at 109 North Main, Suite 201, Room 202, Cleburne, May 20, 1993, at 4:30 p.m. Information may be obtained from Priscilla A. Bunch, 109 North Main, Cleburne, Texas 76031, (817) 645-3986. TRD-9322963.

The Central Texas Council of Governments Private Industry Council, Inc. will meet at 302 East Central, Belton, May 27, 1993, at 10:00 a.m. Information may be obtained from Susan Kamas, P.O. Box 729, Belton, Texas 76513, (817) 939-3771. TRD-9323000.

The Dallas Area Rapid Transit (DART) Rail Planning and Development Committee met at 1401 Pacific Avenue, (DART Headquarters), Conference Room C, Dallas, May 13, 1993, at 3:00 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9322971.

The Dallas Area Rapid Transit (DART) Administrative Committee met at 1401 Pacific Avenue, (DART Headquarters), Conference Room C, Dallas, May 18, 1993, at 1:00 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9322972.

The Dallas Area Rapid Transit (DART) (Revised agenda) Administrative Committee met at 1401 Pacific Avenue, (DART Headquarters), Board Conference Room C, Dallas, May 18, 1993, at 1:00 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9323018.

The Dallas Area Rapid Transit (DART) (Revised agenda) Rail Committee met at 1401 Pacific Avenue, (DART Headquarters), Conference Room C, Dallas, May 18, 1993, at 3:00 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9323019.

The Ellis County Appraisal District Board of Directors met at 406 Sycamore Street, Waxahachie, May 20, 1993, at 7:00

p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552. TRD-9323009.

The Erath County Appraisal District Appraisal Review Board met in the Board Room, 1390 Harbin Drive, Stephenville, May 20, 1993, at 9:00 a.m. Information may be obtained from Mitzi Meekins, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9322962.

The Golden Crescent Private Industry Council Oversight Committee met at 2401 Houston Highway, Victoria, May 17, 1993, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9322961.

The Golden Crescent Private Industry Council Executive Committee met at 2401 Houston Highway, Victoria, May 18, 1993, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9322960.

The Golden Crescent Private Industry Council Education Advisory Subcommittee met at the Ramada Inn, 3901 Houston Highway, Victoria, May 19, 1993, at noon. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9322959.

The Grayson Appraisal District Board of Directors will meet at 205 North Travis, Sherman, May 26, 1993, at 7:15 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9322970.

The Hunt County Appraisal District Board of Directors met at the Hunt County Appraisal District Boardroom, 4801 King Street, Greenville, May 19, 1993, at 11:30 a.m. Information may be obtained from Mildred Compton, 4801 King Street, Greenville, Texas 75401, (903) 454-3510. TRD-9323011.

The Leon County Central Appraisal District Appraisal Review Board met at the Leon County Central Appraisal District Office, Centerville, May 20, 1993, at 9:00 a.m. Information may be obtained from Donald G. Gillum, P.O. Box 53, Centerville, Texas 75833, (903) 536-2252. TRD-9322999.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, June 1, 1993, at 9:00 a.m. Information may be obtained from Sherry Greak, 315 Main Street, Liberty, Texas 77575, (409) 336-5722. TRD-9322996.

The Lower Colorado River Authority Audit Committee met at 3701 Lake Austin

Boulevard, Hancock Building, Travis County, Austin, May 19, 1993, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9322981.

The Lower Colorado River Authority Finance and Administration Committee met at 3701 Lake Austin Boulevard, Hancock Building, Travis County, Austin, May 19, 1993, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9322980.

The Lower Colorado River Authority Energy Operations Committee met at 3701 Lake Austin Boulevard, Hancock Building, Travis County, Austin, May 19, 1993, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9322979.

The Lower Colorado River Authority Conservation and Environmental Protection Committee met at 3701 Lake Austin Boulevard, Hancock Building, Travis County, Austin, May 19, 1993, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9322978.

The Lower Colorado River Authority Natural Resources Committee met at 3701 Lake Austin Boulevard, Hancock Building, Travis County, Austin, May 19, 1993, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9322977.

The Lower Colorado River Authority Planning and Public Policy Committee met at 3701 Lake Austin Boulevard, Hancock Building, Travis County, Austin, May 19, 1993, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9322976.

The Lower Colorado River Authority Board of Directors met at 3701 Lake Austin Boulevard, Hancock Building, Travis County, Austin, May 19, 1993, at 9:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9322975.

The Lower Rio Grande Valley Tech Prep/Associate Degree Consortium Entire Consortium met at the TSTC Short Course Center, 2424 Boxwood, Harlingen, May 19, 1993, at 9:00 a.m. Information may be obtained from Pat Bubb, TSTC Short Course Center, Harlingen, Texas 78550, (210) 425-0729. TRD-9322973.

The North Texas Private Industry Council Nortex Regional Planning Commission will meet at the Nortex Regional Planning Commission, 4309 Jacksboro Highway, Wichita Falls, May 26, 1993, at 12:15 p.m.

Information may be obtained from Tom O'Neil, Drawer A, Archer City, Texas 76351, (817) 574-4507. TRD-9322964.

The Region IX Education Service Center Board of Directors met at the Region IX Education Service Center, 301 Loop 11, Wichita Falls, May 19, 1993, at 1:00 p.m. Information may be obtained from Dr. Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928. TRD-9323010.

The Tarrant Appraisal District Appraisal Review Board will meet at 2329 Gravel Road, Fort Worth, June 2-3, 1993, at 8:15 a.m. Information may be obtained from Suzanne Williams, 2329 Gravel Road, Fort Worth, Texas 76118-6984, (817) 284-8884. TRD-9323006.

The Tarrant Appraisal District Appraisal Review Board will meet at 2329 Gravel Road, Fort Worth, June 7-10, 1993, at 8:15 a.m. Information may be obtained from Suzanne Williams, 2329 Gravel Road, Fort Worth, Texas 76118-6984, (817) 284-8884. TRD-9323007.

The Tarrant Appraisal District Appraisal Review Board will meet at 2329 Gravel Road, Fort Worth, June 14-18, 21-25, 28-30, 1993, at 8:15 a.m. Information may be obtained from Suzanne Williams, 2329 Gravel Road, Fort Worth, Texas 76118-6984, (817) 284-8884. TRD-9323005.

The Texas Municipal Power Agency ("TMPA") Board of Directors met at the Fletcher Warren Civic Center, 5501 Highway 69-South, Greenville, May 20, 1993, at 10:00 a.m. Information may be obtained from Carl J. Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD-9322998.

The Tarrant Appraisal District Board of Directors will meet at 2329 Gravel Road, Fort Worth, May 21, 1993, at 9:00 a.m. Information may be obtained from Mary McCoy, 2315 Gravel Road, Fort Worth, Texas 76118, (817) 595-6005. TRD-9322956.

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Meetings Filed May 17, 1993

The Atascosa County Appraisal District Board of Directors met at Fourth and Avenue J, Poteet, May 20, 1993, at 1:30 p.m. Information may be obtained from Vernon A. Warren, P.O. Box 139, Poteet, Texas 78065-0139, (210) 742-3591. TRD-9323021.

The Austin-Travis County Mental Health and Mental Retardation Center Finance and Control Committee held an emergency meeting at 1430 Collier Street, Austin, May 19, 1993, at noon. The emergency status was necessary as several of the agenda

items were not available until today. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9323066.

The Austin-Travis County Mental Health and Mental Retardation Center Planning and Operations Committee will meet at 1430 Collier Street, Board Room, Austin, May 21, 1993, at 7:30 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9323064.

The Bastrop Central Appraisal District Board of Directors met at the Bastrop Central Appraisal District, 1200 Cedar Street, Bastrop, May 20, 1993, at 7:30 p.m. Information may be obtained from Dana Ripley, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925. TRD-9323032.

The Dallas Central Appraisal District Appraisal Review Board will meet at 2949 North Stemmons Freeway, Dallas, May 28, 1993, at 11:30 a.m. Information may be obtained from Rick L. Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9323024.

The Edwards County Appraisal District Appraisal Review Board will meet at the New County Annex Building, Rocksprings, May 28, 1993, at 9:30 a.m. Information may be obtained from Natalie McNealy, P.O. Box 378, Rocksprings, Texas 78880, (210) 683-4189. TRD-9323039.

The Fort Bend Parkway Association Board met at 11111 Brooklet Drive, Suite 100, Houston, May 20, 1993, at 6:00 p.m. Information may be obtained from Robert A. Randolph, 2701 First City Tower, 1001 Fannin, Houston, Texas 77002-6760, (713) 758-2380. TRD-9323051.

The Gray County Appraisal District Board of Directors met at 815 North Summer, Pampa, May 20, 1993, at 7:30 a.m. Information may be obtained from Sherri Schaible, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791. TRD-9323020.

The Grayson Appraisal District (Rescheduled from Wednesday, May 26, 1993) Board of Directors will meet at 205 North Travis Street, Sherman, May 27, 1993, at 7:15 a.m. Information may be obtained from Angie Keeton, 205 North Travis Street, Sherman, Texas 75090, (903) 893-9673. TRD-9323062.

The Hale-Hockley County Education District Number Eight Board of Directors held an emergency meeting at the Citizens State Bank, Anton, May 20, 1993, at 7:00 a.m. The emergency status was necessary due to computer problems. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9323079.

The Hays County Appraisal District (Revised agenda) Board of Directors met at 632 A East Hopkins Street, San Marcos, May 20, 1993, at 3:30 p.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins Street, San Marcos, Texas 78666, (512) 754-7400. TRD-9323078.

The Lampasas County Appraisal District Appraisal Review Board will meet at 109 East Fifth Street, Lampasas, May 26, 1993, at 9:00 a.m. Information may be obtained from Janice Henry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9323035.

The Northeast Texas Municipal Water District Board of Directors will meet at Highway 250 South, Hughes Springs, May 24, 1993, at 10:00 a.m. Information may be obtained from J. W. Dean, P.O. Box 955, Hughes Springs, Texas 75656, (903) 639-7538. TRD-9323038.

The Rusk County Appraisal District Appraisal Review Board will meet at the Administrative Office, 107 North Van Buren, Henderson, May 21, 1993, at 9:00 a.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (903) 657-9697. TRD-9323037.

The San Jacinto River Authority Board of Directors will meet at the Woodlands Conference Center and Resort, Cypress Room, 2301 North Millbend, Woodlands, May 26, 1993, at 12:30 p.m. Information may be obtained from James R. Adams, P.O. Box 329, Conroe, Texas 77305, (409) 588-1111. TRD-9323036.

The Texas Council Risk Management Fund Executive Committee met at the Guest Quarters Hotel, Austin Suite, 303 West 15th Street, Austin, May 20, 1993, at 7:00 p.m. Information may be obtained from Spencer McClure, Westpark Building Three, Suite 240, 8140 Mopac Expressway, Austin, Texas 78759, (512) 794-9268. TRD-9323053.

The Texas Council Risk Management Fund Board of Trustees will meet at the Guest Quarters Hotel, Houston II, 303 West 15th Street, Austin, May 21, 1993, at 8:00 a.m. Information may be obtained from Spencer McClure, Westpark Building Three, Suite 240, 8140 Mopac Expressway, Austin, Texas 78759, (512) 794-9268. TRD-9323054.

The Texas Panhandle Mental Health Authority Board of Trustees will meet at 7120 I-40 West, Suite 150, Amarillo, May 27, 1993, at 10:30 a.m. Information may be obtained from Mellisa Talley, P.O. Box 3250, Amarillo, Texas 79116, (806) 353-3699. TRD-9323060.

Meetings Filed May 18, 1993

The Austin-Travis County Mental Health and Mental Retardation Planning and Operations Committee will meet in an emergency revised agenda at 1430 Collier Street, Board Room, Austin, May 21, 1993, at 7:30 a.m. The emergency meeting was necessary because the information item was changed to an Action Item. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9323093.

The County Education District #14 will meet at Pampa Middle School Liberty, 2401 Charles Street, Pampa, May 24, 1993, at 7 p.m. Information may be obtained from Dawson Orr, 321 West Albert, Pampa, Texas 79065, (806) 669-4700. TRD-9323090.

The Heart of Texas Council of Governments Executive Committee will meet at 300 Franklin Avenue, Waco, Texas 76701, May 27, 1993, 10 a.m. Information may be obtained from Donna Teat, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9323106.

The Lee County Appraisal District Board of Directors will meet at 218 East Richmond Street, Giddings, May 26, 1993, at 9 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond, Giddings, Texas 78942, (409) 542-9618. TRD-9323091.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, June 3, 1993, at 9:00 a.m. Information may be obtained from Sherry Greak, 315 Main Street, Liberty, Texas 77575, (409) 336-5722. TRD-9323088.



In Addition

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

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

Texas Department of Agriculture Extension of Deadline for Written Comments

The Texas Department of Agriculture (the department) has extended the deadline for submission of written comments on its proposed amendments to §§7.1, 7.3-7.8, 7.10-7.12, 7.14, 7.16, 7.18-7.22, 7.30, 7.33, and 7.34, as published in the April 20, 1993, issue of the *Texas Register* (18 TexReg 2503), and its proposed repeal of §7.40, as published in the April 23, 1993, issue of the *Texas Register* (18 TexReg 2613). The original deadline of May 20, 1993, has been extended to June 7, 1993.

Issued in Austin, Texas, on May 13, 1993.

TRD-9322951 Dolores Alvarado Hibbs
Chief Administrative Law Judge
Texas Department of Agriculture

Filed: May 14, 1993

Office of the Attorney General of Texas Notice of Amendment to Consulting Services Contract

The Office of the Attorney General gives notice of its intent to amend a consulting services contract entered into on August 26, 1991, pursuant to the provisions of Texas Civil Statutes, Article 6252-11c (Supplement 1992). The value of the amendment reasonably exceeds \$10,000. The consulting services contemplated both by the contract to be amended and the amendment itself are for the enhancement, design, development, and installation of a computerized system for the initiation, management, accounting and enforcement of child support obligations in compliance with the requirements of Title IV, Part D, of the federal Social Security Act of 1935, as amended.

The contract to be amended is with Andersen Consulting, 701 Brazos Street, Suite 1020, Austin, Texas 78701. The contract to be amended was awarded pursuant to Texas Civil Statutes, Article 6252-11c, after public competition in response to a notice published in the *Texas Register* issue of February 16, 1990 (15 TexReg 893).

This contract explicitly provided for the negotiation between the parties of an amendment to its terms following the initial phase of contract performance, in order to more specifically provide for and revise the remaining work based upon the design already accomplished. The contract contemplated that the work following the initial phase would be carried out by the same contracting party, provided agreement could be reached on the amendment. (It is this amendment which is the subject of this notice).

Invitation and Disclosure. As required by Texas Civil

Statutes, Article 6252-11c, §7(c) and §5(a), invitation for private consultants to provide offers of consulting services is hereby given. However, as required by Texas Civil Statutes, Article 6252-11c, §5(b), it is hereby disclosed that the consulting services desired pursuant to the amendment relates to the service previously performed pursuant to the contract to be amended and that the Office of the Attorney General intends to award the amendment to the contractor with whom the contract to be amended was awarded (Andersen Consulting) unless a better offer is submitted.

Description of Services under Proposed Amendment. A description of the services under the proposed amendment are specified as performances required in Phase II-IV of a draft of the proposed amendment.

Obtaining Copies of Proposed Amendment. Copies of the draft proposed amendment will be available beginning on or after the date of this issue of the *Texas Register*. Requests for copies of the draft proposed amendment must be in writing and sent by either overnight courier service or hand delivered to the Texas Attorney General, CSE New System Development, Gloria Hunt, Project Manager, 1524 South IH-35, Suite 300, Austin, Texas 78704. Each request must include the name, mailing address, and telephone number of the entity or person requesting the copy. The request must also identify a specific contact person designated by the requestor to receive communication from the Attorney General.

No other method of requesting a copy of the draft proposed amendment is permissible.

Closing Date. The Attorney General will accept offers until and including the fourteenth day following the date of this issue of the *Texas Register*.

Offers must be in writing and delivered by either overnight courier service or hand delivered to the Texas Attorney General, CSE New System Development, Gloria Hunt, Project Manager, 1524 South IH-35, Suite 300, Austin, Texas 78704.

No other method of transmission is permissible.

Procedure for Awarding Amendment. The Attorney General intends to award the amendment to its current contractor unless a better offer is submitted. In determining whether an offer is better, Attorney General will consider the competence, knowledge, and qualifications of the offeror to perform the services described by this notice and the reasonableness of the fee proposed for such services as such competence, knowledge, qualifications, and fee reasonableness are demonstrated by the offers submitted.

Should a better offer be selected, the offeror selected must execute a contract with the Attorney General specifying substantially the same performances described by this notice and subject to substantially the same terms and conditions as specified in the proposed draft amendment.

The Attorney General reserves the right to reject any and all proposals.

Issued in Austin, Texas, on May 13, 1993.

TRD-9322818

Jerry Benedict
Assistant Attorney General
Office of the Attorney General of Texas

Filed: May 13, 1993

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**Texas Clean Air Act Enforcement
Settlement Notice**

Notice is hereby given by the State of Texas of the following resolution of an environmental enforcement lawsuit under the Texas Clean Air Act. The Texas Health and Safety Code, §382.096, provides for public comment in writing on the settlement of a judicial enforcement action under the Act. The Attorney General will consider any written comments and may seek to change the settlement if the comments disclose facts or considerations that indicate that the State's consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Texas Clean Air Act.

Case Title and Court. Travis County and Texas Air Control Board v. Exxon Company, U.S.A., Cause Number 92-14614 in the 147th District Court of Travis County.

Nature of Defendant's Operations. Exxon Company, USA operates a bulk petroleum storage facility in Austin, Travis County.

Proposed Agreed Judgment. The settlement contains provisions generally for the following: that Exxon will eventually cease operating its bulk petroleum storage facility at the current location, and that Exxon pay \$19,000 to the Texas Air Control Board.

For a complete description of the settlement, the entire settlement agreement package may be reviewed. Requests for copies of the settlement package and written comments on the settlement should be directed to Ken Cross, Assistant Attorney General, Office of the Texas Attorney General, P.O. Box 12548, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0052. Written comments must be received within 30 days of publication of this notice to be considered.

Issued in Austin, Texas, on May 12, 1993.

TRD-9322878

Jerry Benedict
Assistant Attorney General
Office of the Texas Attorney General

Filed: May 12, 1993

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**Texas Department of Banking
Notice of Application**

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a bank to file an application with the Banking Commissioner for the Commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the Commissioner.

On May 13, 1993, the Banking Commissioner received an application to acquire control of Community Bank, Cleburne, by James Easdon, Bobby J. Harris, H. Sandy

Ledbetter, George W. Marti, Glen Roof, Sr., and Ray Williams, all of Cleburne.

Additional information may be obtained from: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1317.

Issued in Austin, Texas, on May 14, 1993.

TRD-9323034

William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: May 17, 1993

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**Comptroller of Public Accounts
Request for Proposals**

Pursuant to Texas Civil Statutes, Article 6252-11c, (Use of Private Consultants by State Agencies), the Office of Comptroller of Public Accounts announces its Request for Proposals (RFP) for a performance review of the Texas Department of Criminal Justice. The purpose of the RFP is to obtain proposals regarding an evaluation of the programs and functions of the Department of Criminal Justice relating to containing costs, improving management strategies, and reducing recidivism. The performance review will offer recommendations based on detailed findings developed as a result of the evaluation. The successful proposer will be expected to begin field work on this project on or about July 15, 1993.

Contact: Parties interested in submitting a proposal should contact the Office of Comptroller of Public Accounts, Senior Legal Counsel's Office, 111 East 17th Street, Room G26, Austin, Texas 78774, (512) 475-0866, to obtain a complete copy of the RFP. The RFP will be available for pick-up at the above-referenced address on Tuesday, May 18, 1993, between 3:00 p.m. and 5:00 p.m. Central Zone Time (CZT), and during normal business hours thereafter.

Closing Date. Proposals must be received in the Senior Legal Counsel's Office no later than 4:00 p.m. (CZT), on June 22, 1993. Proposals received after this time and date will not be considered.

Award Procedure. All proposals will be subject to evaluation by a committee based on the evaluation criteria set forth in the RFP. The committee will determine which proposal best meets these criteria and will make a recommendation to the deputy comptroller, who will make a recommendation to the comptroller. The comptroller will make the final decision. A proposer may be asked to clarify its proposal, which may include an oral presentation prior to final selection.

The Office of Comptroller of Public Accounts reserves the right to accept or reject any or all proposals submitted. The Office of Comptroller of Public Accounts is under no legal or other obligation to execute a contract on the basis of this notice or the distribution of an RFP. Neither this notice nor the RFP commits the Office of Comptroller of Public Accounts to pay for any costs incurred prior to the execution of a contract.

The anticipated schedule of events is as follows: Issuance of RFP—May 18, 1993, at 3:00 p.m.; Proposals Due—June 22, 1993, by 4:00 p.m. (CZT); and Contract Execution—July 9, 1993, or as soon thereafter as possible.

Issued in Austin, Texas, on May 17, 1993.

Filed: May 17, 1993

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Office of Consumer Credit
Commissioner
Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Article 1.04, as amended (Texas Civil Statutes, Article 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period</u> <u>(Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/</u> <u>Commercial (2) thru \$250,000</u>	<u>Commercial(2)</u> <u>over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	05/17/93-05/23/93	18.00%	18.00%

(1) Credit for personal, family or household use. (2) Credit for business, commercial, investment or other similar purpose.

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

TRD-9322865 Al Endsley
Consumer Credit Commissioner

Filed: May 12, 1993

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Texas Education Agency
Request for Application #701-93-016

This request for applications is filed in accordance with Public Law 100-297, Part B of Chapter 1 of Title 1, as amended.

Eligible Applicant. The Texas Education Agency (TEA) is requesting applications (RFA# 701-93-016) from school districts, cooperatives of school districts, or regional education service centers applying in collaboration with a community-based organization, a public agency, an institution of higher education, or other non-profit organization; or a community-based organization or other nonprofit organization of demonstrated quality applying in collaboration with a school district, a cooperative of school districts, or regional education service center for the development of a program to improve the educational opportunities of children and adults by integrating early childhood education and adult education for parents into a unified program.

Description. The overall objectives of the Even Start Family Literacy Program include the following: to provide family centered education projects that help parents become full partners in the education of their children; to assist children receiving early childhood education in reaching their full potential as learners; to provide literacy training for parents of family units participating in the project; to improve the educational opportunities of the nation's children and adults by integrating early childhood education and adult education for parents into a unified

program; to assist families with parenting strategies in child growth and development and educational process for children ages 0 through 7; to coordinate efforts that build on existing community resources to create a new range of services.

For a family unit to qualify for participation in this program, the family unit must be involved in all the elements of the program. To be eligible for this program, the family must reside in a Chapter 1 elementary school attendance area, and a parent of the child must be eligible to participate in an adult education program under the Adult Education Act.

Dates of Project. The Even Start Family Literacy program will be implemented during the 1993-1994 school year. Applicants should plan for a starting date of no earlier than August 2, 1993, and an ending date of not later than August 1, 1994.

Project Amount. Approximately \$3,189,619 is available for funding. Federal law requires that each grant be at least \$75,000 per year. Funding for continuation of the project each year, for up to four years, will be contingent upon satisfactory progress in carrying out objectives and activities and authorization by the State Board of Education. The applicant's share of the cost will be: 10% of the total cost of the program in the first year the eligible entity receives assistance; 20% in the second year; 30% in the third year; and 40% in the fourth year.

Selection Criteria. Applications will be reviewed in a competitive basis and approved based upon the ability of each applicant to carry out all requirements contained in the request for application. A complete list of specific selection criteria is included in the application packet. The TEA reserves the right to select from the highest ranking applications with a state representation level of urban and rural entities.

Requesting the Application. A copy of the complete request for application (RFA# 701-93-016) may be obtain-

ing by writing or call the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304. Please refer to the RFA# 701-93-016 in your request.

Further Information. For clarifying information about this application, contact Dr. Ramona Jo DeValcourt or Lillie Elizondo-Limas, Division of Adult and Community Education, Texas Education Agency, (512) 463-9294.

Deadline for Receipt of Application. The deadline for submitting an application is 5:00 p.m., Friday, July 2, 1993.

Issued in Austin, Texas, on May 13, 1993.

TRD-9323031 Lionel R. Meno
Commissioner of Education
Texas Education Agency

Filed: (512) 463-9701

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General Land Office Consultant Proposal Request

The Texas General Land Office (GLO) previously awarded a contract to review the draft framework and process for the Coastal Management Program consistency review, provide written recommendations for implementation of the process, provide reports detailing options for the organizational structure and provide telephone consultation throughout the program development process. The contract must be amended to facilitate completion of the project.

Pursuant to the provisions of Texas Civil Statutes, Article 6252-11c, the General Land Office is requesting proposals for consulting services to review the final state consistency review process (phase 1) and organizational structure reports, provide written comments by July 1, 1993, and continue telephone consultation as necessary.

The consulting services constitute an expansion and increase in scope of services currently performed by Richard F. Delaney, a private consultant. It is the GLO's intent to award the amended contract to this consultant unless a significantly better offer is submitted.

The closing date for receipt of offers of consulting services is 5:00 p.m., June 4, 1993. Further information can be obtained by contacting Sally S. Davenport at (512) 463-5059.

The consultant selected must demonstrate extensive knowledge of the Texas Coastal Management Program, knowledge and experience working with other federally designated Coastal Zone Management state programs, and contacts within the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.

Issued in Austin, Texas, on May 14, 1993.

TRD-9322992 Garry Mauro
Commissioner
General Land Office

Filed: May 14, 1993

Texas Department of Health Additional Funding for Title X Family Planning Programs

The Texas Department of Health (TDH) announces the availability of additional family planning funding as part of the Title X Family Planning program for the purpose of attracting providers to cover part of the large unmet need for family planning services in Texas.

Contracts will be awarded to agency providers for the establishment and operation of voluntary family planning projects which consist of the comprehensive medical, educational, and social services necessary to assist low income women and men to determine freely the number and spacing of their children. The services should include general reproductive health care (including diagnosis and treatment of sexually transmitted infections), counseling, education, and the provision of contraceptive supplies. The agency must offer a wide range of acceptable and effective contraceptive methods and must not include abortion as a method of family planning.

Priority for funding allocation will be based on the availability and accessibility of services for low income women and men, the potential of reducing teenage pregnancy, the family planning women in need and health status indicators for the population to be served, and the relative family planning funding equity in the Health and Human Services Commission's regions to be served.

Funds will be awarded based on review of the applications by the TDH Regional Directors and Program staff. Applications not reviewed by the Regional Directors will not be considered. The funding period for these awards is anticipated to be July 1, 1993 through March 31, 1994.

Application packets may be requested in writing from the Texas Department of Health, Bureau of Maternal and Child Health, Division of Maternal Health and Family Planning, 1100 West 49th Street, Austin, Texas 78756-3199, or by calling Carol Pavlica, R.N., Coordinator, Family Planning Program at (512) 458-7700.

Issued in Austin, Texas, on May 14, 1993.

TRD-9323030 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: May 17, 1993

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Texas Higher Education Coordinating Board

Invitation for Offers of Consulting Services

This request for consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The Texas Higher Education Coordinating Board, the Texas Education Agency, and the Texas Department of Commerce invite public and private offers of consulting services for the 1993-1995 evaluation of Tech-Prep high school and associate degree programs. This contract may be extended to include future years.

The 1990 Carl D. Perkins Vocational and Applied Technology Education Act (Public Law 101-392) provides for the Tech-Prep system, a system which is intended to link

integrated academic and technical education programs offered at the secondary level with higher education. Twenty-five consortia have been formed and awarded grants in Texas for the development and implementation of Tech-Prep systems. The purpose of this longitudinal study is: to describe and summarize statewide and local Tech-Prep programs and activities funded under the Tech-Prep Education Act by examining processes and results of program planning, implementation and administration; to identify best practices and effective approaches of local systems by examining participation, curriculum, staff characteristics, relationships to regional economic needs, and selected student outcomes; and to assist regional grant administrators and tri-agency staff in instituting continuous self evaluation and improvement.

The consulting services desired relate to 1991 evaluation services provided by Decision Information Resources, Inc. concerning 2+2+2 Pilot Projects and Quality Work Force Planning Pilots. If other considerations are equal, preference will be given to a consultant whose principal place of business is within the state or who will manage the consulting engagement wholly from one of its offices within the state.

Any public or private consultant who intends to make an offer should contact: Dr. Carrie H. Nelson, Program Director, Texas Higher Education Coordinating Board, Community and Technical Colleges, 7745 Chevy Chase Drive, Building V, Austin, Texas 78752, (512) 483-6250.

The closing date for the receipt of offers is June 7, 1993. Proposals will be reviewed and recommended for approval by staff for all three agencies. The award of the consulting services contract will be made by the Commissioner of Higher Education or his designee if at least one offer is found satisfactory and if contract negotiations are successful. It is anticipated that the award will be made on or about June 30, 1993.

Issued in Austin, Texas, on May 11, 1993.

TRD-9322896 James McWhorter
Assistant Commissioner for Administration
Texas Higher Education Coordinating Board

Filed: May 13, 1993

Texas Department of Insurance Company Licensing

The following applications have been filed with the Texas Department of Insurance and are under consideration:

1. Application for Incorporation in Texas for Accountable Texas HealthCare of Texas, Inc., a domestic health maintenance organization. The home office is in Dallas, Texas.
2. Application for Admission in Texas for Fireman's Fund Risk Management Services, Inc., a foreign third party administrator. The home office is in Navato, California.
3. Application for Admission in Texas for Gulf Atlantic Insurance Company, a foreign fire insurance company. The home office is in Tallahassee, Florida.
4. Application for Name Change in Texas for ITT Life Insurance Corporation, a foreign life insurance company. The home office is in Madison, Wisconsin. The proposed new name is ITT Hartford Life and Annuity Insurance Company.

5. Application for Incorporation in Texas for TexCare HMO, Inc., a domestic health maintenance organization. The home office is in Richardson, Texas.

Issued in Austin, Texas, on May 13, 1993.

TRD-9322915 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: May 13, 1993

Texas Department of Protective and Regulatory Services Request for Proposal

The Texas Department of Protective and Regulatory Services is requesting proposals (RFP) to conduct an annual training conference, entitled "Teen Conference." The conference will be held to provide eligible foster care youth with skills and knowledge for preparing for independent adult living. The conference will be held during June 1994.

Eligible Applicants. Eligible offerors include government entities and private non-profit agencies. Historically underutilized businesses are encouraged to submit proposals.

Limitations. Funding of the selected proposal will be dependent upon available federal and/or state appropriations. The department reserves the right to reject any and all offers received in response to this RFP and to cancel this RFP if it is deemed in the best interest of the department.

Term and Total Value. The effective dates of any contract awarded under this RFP will be September 1, 1993 through August 31, 1994. A maximum amount of \$55,000 is available to fund the conference.

Contact Person. To obtain a complete copy of the RFP, please contact Deborah Williams, Contracts Specialist, Protective Services for Families and Children, Texas Department of Protective and Regulatory Services (MC W-413), P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3367.

Written Inquiries. Please submit written inquiries regarding this RFP in writing no later than June 4, 1993, to Deborah Williams, at the address above.

Deadlines. All proposals to be considered for funding through this RFP must be received by 4:00 p.m., June 21, 1993. Proposals received by mail after this deadline will be accepted only if mailed via next day mail no later than June 18, 1993. Modifications to the original proposal must also be received prior to the closing date of June 21, 1993.

Evaluation and Selection. A panel of program and administrative staff from the department will rank and score the proposals. The evaluation method and criteria will be specified in advance. Considerations are service description, previous relevant experience, and budget information.

Issued in Austin, Texas, on May 13, 1993.

TRD-9322904 Nancy Murphy
Section Manager, Policy and Document
Support
Texas Department of Protective and
Regulatory Services

Filed: May 13, 1993

The Texas Department of Protective and Regulatory Services is requesting proposals (RFP) to conduct an annual training conference, entitled "Preparation for Adult Living (PAL)." The conference will be held to provide Child Welfare professionals with strategies necessary for preparing foster care youth for independent adult living. The conference will be held during the Spring of 1994.

Eligible Applicants. Eligible offerors include government entities and private non-profit agencies. Historically underutilized businesses are encouraged to submit proposals.

Limitations. Funding of the selected proposal will be dependent upon available federal and/or state appropriations. The department reserves the right to reject any and all offers received in response to this RFP and to cancel this RFP if it is deemed in the best interest of the department.

Term and Total Value. The effective dates of any contract awarded under this RFP will be September 1, 1993 through August 31, 1994. A maximum amount of \$50,000 is available to fund the conference.

Contact Person. To obtain a complete copy of the RFP, please contact Deborah Williams, Contracts Specialist, Protective Services for Families and Children, Texas Department of Protective and Regulatory Services (MC W-413), P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3367.

Written Inquiries. Please submit written inquiries regarding this RFP in writing no later than June 4, 1993, to Deborah Williams, at the address above.

Deadlines. All proposals to be considered for funding through this RFP must be received by 4:00 p.m., June 21, 1993. Proposals received by mail after this deadline will be accepted only if mailed via next day mail no later than June 18, 1993. Modifications to the original proposal must also be received prior to the closing date of June 21, 1993.

Evaluation and Selection. A panel of program and administrative staff from the department will rank and score the proposals. The evaluation method and criteria will be specified in advance. Considerations are service description, previous relevant experience, and budget information.

Issued in Austin, Texas, on May 13, 1993.

TRD-9322903 Nancy Murphy
Section Manager, Policy and Document
Support
Texas Department of Protective and
Regulatory Services

Filed: May 13, 1993

Public Utility Commission of Texas

Notices of Application to Amend Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on April 28, 1993, to amend a Certificate of Convenience and Necessity pursuant to the Public Utility Regulatory Act, §§16(a), 18(b), 50, 52, and 54. A summary of the application follows.

Docket Title and Number. Application of Central Texas Telephone Cooperative, Inc. to amend Certificate of Con-

venience and Necessity within Sar: Saba County, Docket Number 11988, before the Public Utility Commission of Texas.

The Application. In Docket Number 11988, Central Texas Telephone Cooperative, Inc. seeks authority to place a portion of uncertificated territory, located in San Saba County, within its Cherokee exchange. The proposed amendment will enable Central Texas to provide telephone service to a residential customer.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Office at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf on or before June 29, 1993.

Issued in Austin, Texas, on May 12, 1993.

TRD-9322877 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 12, 1993

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on May 5, 1993, to amend a Certificate of Convenience and Necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

Docket Title and Number. Application of Texas Utilities Electric Company to amend Certificate of Convenience and Necessity for a proposed transmission line within Dawson County, Docket Number 12005, before the Public Utility Commission of Texas.

The Application. In Docket Number 12005, Texas Utilities Electric Company requests approval of its application to construct 2.5 miles of 69-kV transmission line in Dawson County.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Division at (512) 458-0223, or (512) 458-0227 within 15 days of this notice.

Issued in Austin, Texas, on May 12, 1993.

TRD-9322923 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 13, 1993

Notice of Application to Amend Official Harris County Map

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on April 20, 1993, to amend a certificate of convenience and necessity pursuant to the Public Regulatory Act, §§16(a), 18(b), 50, 52, and 54. A summary of the application follows.

Docket and Title Number. Application of Southwestern Bell Telephone Company to amend the Exchange Area Boundary between its Dayton Exchange and GTE South-

west, Inc.'s Huffman Exchange, Docket Number 11969, before the Public Utility Commission of Texas.

The Application. In Docket Number 11969, Southwestern Bell Telephone Company requests approval of its application to amend the exchange area boundary between its Dayton exchange and GTE Southwest, Inc.'s Huffman exchange. Southwestern Bell Telephone Company seeks to correct an error in the placement of the boundary which was approved in the original certification proceeding in Application of Brazoria Telephone Company, Inc., et al. Concerning the Counties of Austin, Bastrop, Brazoria, Brazos, Burleson, Calhoun, Colorado, Fayette, Fort Bend, Harris, Jackson, Lavaca, Lee, Matagorda, Montgomery, Victoria, Waller, Washington, and Wharton, Docket Number 9 (TCH-2), 1 Public Utility Commission Bulletin 187 (July 27, 1976).

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Office at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf on or before June 22, 1993.

Issued in Austin, Texas, on May 12, 1993.

TRD-9322878

John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 12, 1993

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Notice of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Dynagen, Odessa.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for Dynagen pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 11996.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for Dynagen. The geographic service market for this specific service is the Odessa area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf.

Issued in Austin, Texas, on May 12, 1993.

TRD-9322924

John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 13, 1993

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Sam Houston State University Consultant Proposal Request

This request for consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c. Sam Houston State University (SHSU) seeks written proposals from qualified consulting firms based in Washington, D. C. to represent and assist the University in developing projects deemed important to the University. Important considerations in the award of the proposed contract will be the years of experience in securing funding assistance for university programs and facilities, a strong bipartisan presence within the firm with considerable experience working with legislative staffs, and a record of substantial success in dealing with the Congress and the Executive Agencies. Excellent skills in university grant and contract awards is necessary. Substantial experience in the development of strategies for corporate participation in university-sponsored development projects especially those relating to environmental issues. Interested parties are invited to express their interest and describe their capabilities by June 30, 1993. The consulting services desired are a continuation of a service previously performed by a private consultant. This contract represents a renewal and will be awarded to the previous consultant unless a better offer is received. The term of the contract is to be from date of award for a six-month period with options to renew. Further technical information can be obtained from Dr. Billy Covington at (409) 294-3621. Deadline for receipt of proposals is June 30, 1993. Date and time will be stamped on the proposals by the Office of Faculty Research. Proposals received later than this date and time will not be considered. All proposals must be specific and must be responsive to the criteria set forth in this request.

General Instructions. Submit one copy of your proposal in a sealed envelope to: Office of Faculty Research, P.O. Box 2448, Sam Houston State University, Huntsville, Texas 77341-2448 before 4:00 p.m., June 30, 1993. Proposals may be modified or withdrawn prior to the established due date.

Discussions With Offerers and Award. The University reserves the right to conduct discussions with any or all offerers, or to make an award of a contract without such discussions based only on evaluation of the written proposals. The University also reserves the right to designate a review committee in evaluating the proposals according to the criteria set forth under Section III entitled "Scope of Work." The Director of Faculty Research shall make a written determination showing the basis upon which the award was made and such determination shall be kept on file. Notice of award shall be posted outside Room 319C, Academic Building One, Sam Houston State University, Huntsville.

Scope of Work: representation and assistance in developing projects deemed important to the University; assistance in obtaining funding for University projects; consulting and representation as directed by Sam Houston State University.

Evaluation. Criteria for Evaluation of Proposals: Firms will be evaluated on time and quality of experience in representing and assisting universities in developing projects. Equal consideration will be given to past performance, writing skills, and the effectiveness of the firms strategies. Your proposal should include costs for all related expenses.

Termination. This Request for Proposal (RFP) in no manner obligates SHSU to the eventual purchase of any services described, implied or which may be proposed until confirmed by a written contract. Progress towards this end is solely at the discretion of SHSU and may be terminated without penalty or obligation at any time prior to the signing of a contract. SHSU reserves the right to cancel this RFP at any time, for any reason and to reject any or all proposals. SHSU requires that the responses to this RFP must state that the proposed terms will remain in effect for at least 45 days after the scheduled response opening.

Issued in Huntsville, Texas, on May 13, 1993.

TRD-9323004 Dr. B. K. Marks
Vice President for Academic Affairs and
Student Services
Sam Houston State University

Filed: May 14, 1993

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Texas Water Commission
Notice of Application for Municipal
Solid Waste Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of May 10-14, 1993.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

City of Alpine; Alpine; Type I municipal solid waste management facility; on an eighty (80.0) acre site, approx-

imately 1.5 miles northeast of the U.S. Highway 67 and U.S. Highway 90 intersection in Brewster County, Texas; new; MSW2197.

City of Harlingen, Harlingen; Type I (landfill) municipal solid waste management facility; on a 42.3 acre site, approximately 0.8 mile east of the intersection of Loop 499 and FM Road 106 or approximately 2-1/2 miles east of the center of Harlingen in Cameron County, Texas; new; MSW2131.

Issued in Austin, Texas, on May 13, 1993.

TRD-9322969 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 14, 1993

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Public Notices

The Industrial Pollution Prevention Section of the Office of Pollution Prevention Section of the Office of Pollution Prevention and Conservation of the Texas Water Commission would like to receive demonstration copies of software developed to assist reporting activities in the developing pollution prevention plans required by the Waste Reduction Policy Act of 1991.

Copies of the software should be sent to Office of Pollution Prevention and Conservation, Attention: Ed Williams, Manager, P.O. Box 13087, Austin, Texas 78711-3087.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323042 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Filed: May 17, 1993

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The Texas Water Commission published in the April 7, 1992, issue of the *Texas Register* (17 *TexReg* 2493), the first Priority Enforcement List (PEL) identifying illegal tire sites for which no responsible party had been identified. The following is an update to the first PEL published to include additional sites identified and to delete site cleaned up. Thirty five additional sites have been cleaned up. Thirty five additional sites have been cleaned up since March 30, 1992, and are being deleted. Copies of the PEL can be obtained from the Texas Water Commission, Municipal Solid Waste Division, Waste Tire Recycling Fund Program (WTRF) at 12015 Park 35 Circle, Austin, Texas 78753.

Any questions regarding the implementation or operation of this program should be directed to the staff of the WTRF at (512) 908-6001.

SITES ADDED

PRIORITY ENFORCEMENT LIST

<u>Site #</u>	<u>Rank</u>	<u>County</u>	<u>Name</u>	<u>#Tires</u>
70435	40	CASS	ACME TYRE COMPANY	300000
70436	20	RANDALL	WILLIAM C. DENNEY	10000
70437	18	CARSON	ELISO LOPEZ	4000
70438	18	CARSON	DORATO ESCAMILLA	4000
70439	16	POTTER	TIM HOFFMAN	3000
70440	13	RANDALL	PANHANDLE STEEL ERECTORS	3000
70441	19	GRAY	DENNIS CALDWELL	15000
70442	13	POTTER	JAMES KENNAN	1000

70443	16	RANDALL	KEITH PATTERSON	1500
70444	13	RANDALL	M.R. BRISTOR	700
70445	28	HOCKLEY	MICHAEL ROBBINS	1000
70446	29	HALE	NEAL BURNETT	600
70447	24	ERATH	JACK BERRY	4000
70448	25	LAMPASAS	JUNE CARROLL	10000
70449	33	PALO PINTO	FIREWATER RANCH	525
70450	33	DALLAS	ROSE HILL STABLES	1200
70451	32	DALLAS	JOE O' ROUKE	1700
70452	30	DALLAS	LAFARGE CORPORATION	1500
70453	33	JACK	GRACE RANCH	5000
70454	37	WISE	GLENN SMALLWOOD	3000
70455	33	HARRISON	ANNA F. HARDEMAN	60000
70456	40	CASS	MCDOWELL	5000
70457	31	SAN	PERRY TIRE SERVICE	8000
70458	30	JASPER	TEMPLE INLAND SANDERS	3000
70459	40	JEFFERSON	PORT ACRES	3000
70460	31	ANGELINA	OAKRIDGE DISTRIBUTION	3000
70461	40	MONTGOMERY	SHIRLEY'S TIRE SERVICE	40000
70462	31	BRAZORIA	WINSTON	600
70463	32	HARRIS	JACKSON LEE	600
70464	28	COLORADO	DEBORAH KAY	5280
70465	30	HARRIS	SPRING CREEK	5000
70466	33	HARRIS	AVE. E	3000
70467	31	HARRIS	RIVERDALE	3000
70468	25	MONTGOMERY	CRYSTAL CREEK	700

70469	25	MONTGOMERY	CONROE OIL FIELD	600
70470	25	MONTGOMERY	CRATER LAKE	2000
70471	30	HARRIS	RED OAK	600
70472	29	HARRIS	AVENUE C	500
70473	33	HARRIS	DIXIE FARM ROAD	2000
70474	37	WALKER	E. AUTHOR ROSS	6000
70475	34	BEXAR	CPS	1000
70476	36	GUADALUPE	TURNER	20000
70477	40	VAL VERDE	CASTILLO	8000
70478	40	BEXAR	VIDAL	5000
70479	36	BEXAR	CARDENAS	4000
70480	40	BEXAR	GLEASON	3000
70481	40	BEXAR	GREEN	5000
70482	38	VAL VERDE	ZEPEDA	700
70483	36	BEXAR	WALSH	2000
70484	40	BEXAR	WASHINGTON	350000
70485	38	BEXAR	JACKSON	20000
70486	32	COMAL	VAN EQUIPMENT	2000
70487	38	BEXAR	VALDEZ	1000
70488	34	BEXAR	APACHE AUTO PARTS	6000
70489	25	BLANCO	COX	1000
70490	40	BEXAR	FULLER	5000
70492	40	BEXAR	ROSENSTEIN	2000
70493	24	WEBB	BARBASA	100000

70494	31	WEBB	JUAN M. LEVEN	21000
70495	23	WEBB	CITY OF LAREDO LANDFILL	100000
70496	21	NUECES	ABC AUTO PARTS	1250
70497	21	NUECES	ACE TRUCK AND EQUIPMENT	750
70498	32	ARANSAS	ARANSAS COUNTY TRANSFER STATIO	4000
70499	27	KLEBERG	JOE GARCIA	2000
70500	33	TRAVIS	BERTUCCI LOT	1500
70501	32	TRAVIS	HARRIS BRANCH	3500
70502	29	TRAVIS	ELROY AMRESCO	2000
70503	26	TRAVIS	LANCE CRABTREE	2000
70504	36	WILLIAMSON	J&R TIRE	2500
70505	34	EL PASO	MCCOMBS	2000

SITES DELETED

PRIORITY ENFORCEMENT LIST

<u>Site #</u>	<u>Rank</u>	<u>County</u>	<u>Name</u>	<u>#Tires</u>
70186	0	LUBBOCK	HERB IRWIN'S TIRE DISPOSAL	5000
70358	0	BELL	GORDAN W. SMITH	2000
70293	0	WISE	ED SPEED	18039
70300	0	DALLAS	GRAND PRAIRIE SELF STORAGE	1851
70302	0	ELLIS	SUPER CONDUCTING SUPER COLLIDE	1307
70057	0	GREGG	LAVONNE JESTERS, FISHER ROAD	1036
70079	0	LAMAR	JOE BURESS	30000
70176	0	HENDERSON	THOMAS SMYGELSKI	1159
70323	0	BOWIE	CROSBY	8991
70160	0	BRAZORIA	SKIP'S SPEED AND SPORT	788

70339	0	HARRIS	HOWTON	567
70340	0	HARRIS	HUMBLE OIL SUBDIVISION	2726
70050	0	BEXAR	ALBERT CORRALES	39018
70055	0	BEXAR	AIRPLANE TIRE SALVAGE	126771
70110	0	ATASCOSA	CELESTINO CRUZ	136733
70111	0	FRIO	JOSE GARCIA	10313
70114	0	VAL VERDE	SAUN KING/JOHN LISSNER	25935
70134	0	BEXAR	THOMAS LEE	46417
70136	0	BEXAR	BAETEN	3849
70226	0	GUADALUPE	SANTA CLARA RANCH	14590
70230	0	BEXAR	JACOBSON	30305
70227	0	KIMBLE	JACK PARKER RANCH	59930
70212	0	ECTOR	TOM HINESLY	6633
70305	0	PECOS	HOLSTEIN	64111
70306	0	HOWARD	EGGLESTON	25080
70307	0	HOWARD	WALKER	14197
70143	0	JIM WELLS	RUEBEN GARCIA	3000
70297	0	BEE	BEE COUNTY - CO-OP	3584
70063	0	TRAVIS	A. I. S. D. MAINTENANCE	4739
70069	0	TRAVIS	JONES TIRE SERVICE	800
70170	0	TRAVIS	BETTY CARRINGTON	37829
70331	0	TRAVIS	JIM RHYMES	1570
70271	0	BEXAR	AMERESCO	7526
70314	0	HIDALGO	GLORIA LEDESMA	2000
70328	0	HIDALGO	LILIA Y. ELIZONDO	4101

Issued in Austin, Texas, on May 12, 1993.

TRD-9323040

Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Filed: May 17, 1993

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Texas Water Development Board
Applications Received

Pursuant to the Texas Water Code, §6.195, the Texas Water Development Board provides notice of the following applications received by the Board.

Greater Texoma Utility Authority, 5100 Airport Drive, Denison, Texas 75020, received February 9, 1993, application for financial assistance in the amount of \$350,000 from the State Water Pollution Control Fund.

City of San Saba, 303 Clear Street, San Saba, Texas 76877, received February 1, 1993, application financial assistance in the amount of \$200,000 from the State Water Pollution Control Revolving Fund.

Trinity River Authority, P.O. Box 1554, Huntsville, Texas 77346-1554, received March 28, 1993, application for financial assistance in the amount of \$4,775,000 from the State Water Pollution Control Revolving Fund.

Texas Water Resources Institute, Texas A&M University, College Station, Texas 77843-2118, received April 27, 1993, application for research study grant in the amount of \$45,800 from the Agricultural Conservation Fund.

City of Del Rio, P.O. Box 4239, Del Rio, Texas 78841-4239, received April 28, 1993, application for financial assistance in an amount not to exceed \$36,000 from the Research and Planning Fund.

City of Pilot Point, P.O. Box 457, Pilot Point, Texas 76258-0457, received April 29, 1993, application for financial assistance in the amount of \$310,000 from the Water Quality Enhancement Account of the Texas Water Development Fund.

Combined Consumers Water Supply Corporation, P.O. Box 1234, Quinlan, Texas 75474, received April 30, 1993, application for financial assistance in the amount of \$1,100,000 from the Water Supply Account of the Texas Water Development Fund.

El Paso County Lower Valley Water District Authority, 10005 Alameda, Suite P, El Paso, Texas 79927, received February 2, 1993, application for financial assistance in the amount of \$13,529,889 from the Economically Distressed Areas Account and the Water Supply Account of

the Texas Water Development Fund and from the Water Loan Assistance Fund.

Hill Country Water Supply Corporation, P.O. Box 33280-280, Austin, Texas 78764, received May 11, 1993, application for additional financial assistance in an amount not to exceed \$550,000 from the Water Supply Account of the Texas Water Development Fund.

Lavaca-Navidad River Authority, P.O. Box 429, Edna, Texas 77957, received May 3, 1993, application for financial assistance in the amount of \$120,000 from the Water Loan Assistance Fund.

Southern Methodist University, P.O. Box 302, Dallas, Texas 75275, received February 25, 1993, application for a water research grant in the amount of \$50,877 from the Research and Planning Fund.

United States Geological Survey, 8011 Cameron Road, Austin, Texas 78754-3898, received February 25, 1993, application for a water research grant in the amount of \$50,000 from the Research and Planning Fund.

Texas Agricultural Experiment Station, Texas A&M University System, College Station, Texas 77843-2147, received February 24, 1993, application for a water research grant in the amount of \$32,925 from the Research and Planning Fund.

Lower Colorado River Authority, P.O. Box 220, Austin, Texas 78767-0220, received February 23, 1993, application for a water research grant in the amount of \$115,000 from the Research and Planning Fund.

Department of Horticultural Sciences, Texas A&M University, College Station, Texas 77843-2147, received February 25, 1993, application for a water research grant in the amount of \$25,000 from the Research and Planning Fund.

Barton Springs/Edwards Aquifer Conservation District, 1124A Regal Row, Austin, Texas 78748, received February 23, 1993, application for a water research grant in the amount of \$27,000 from the Research and Planning Fund.

Angelina and Neches River Authority, P.O. Box 387, Lufkin, Texas 75902-0387, received February 25, 1993, application for a water research grant in the amount of \$34,300 from the Research and Planning Fund.

Additional information concerning this matter may be obtained from Craig D. Pedersen, Executive Administrator, P.O. Box 13231, Austin, Texas 78711.

Issued in Austin, Texas, on May 12, 1993.

TRD-9322911

Craig D. Pedersen
Executive Administrator
Texas Water Development Board

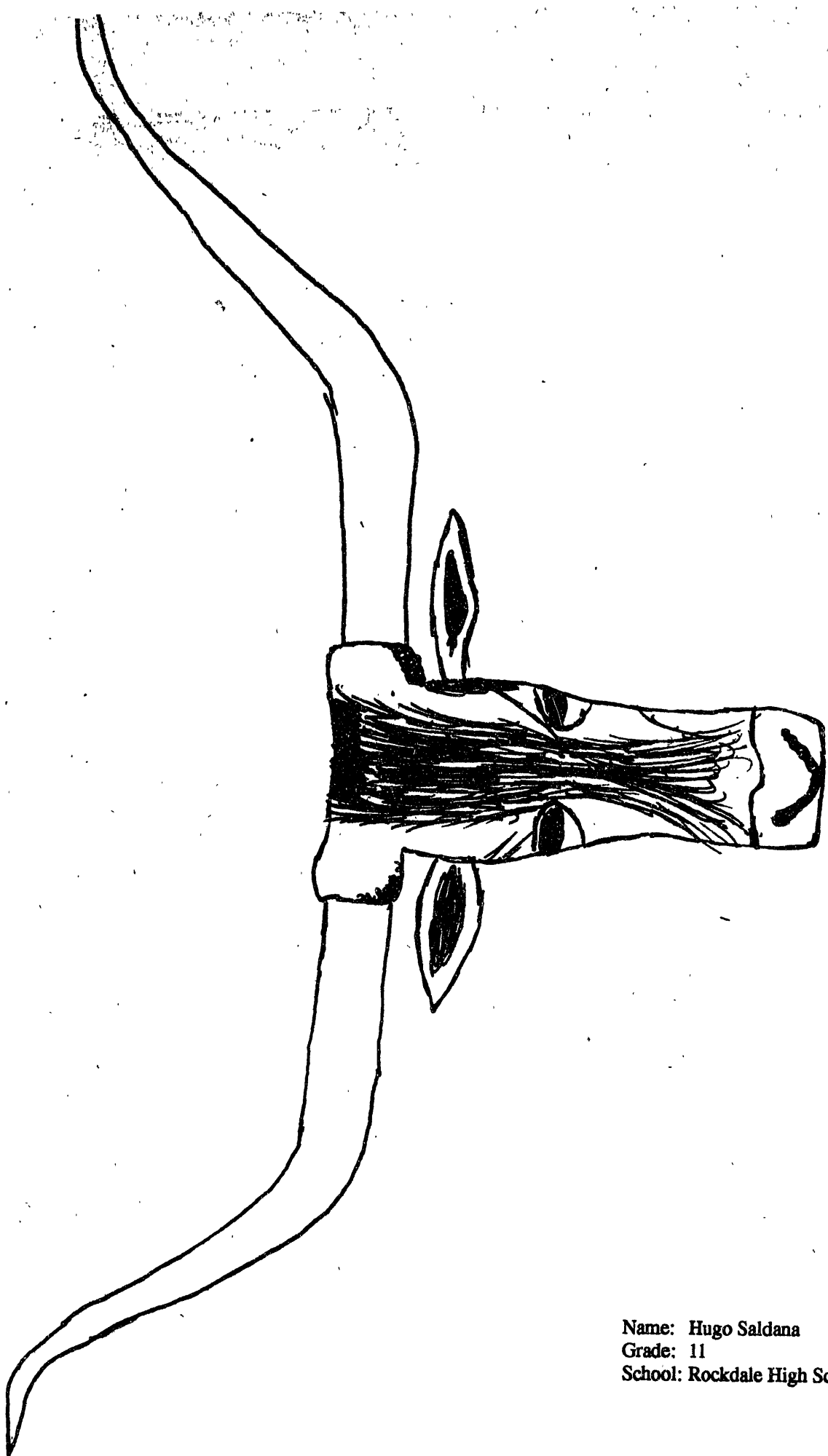
Filed: May 13, 1993

Name: Noel Vega
Grade: 11
School: Rockdale High School, Rockdale ISD

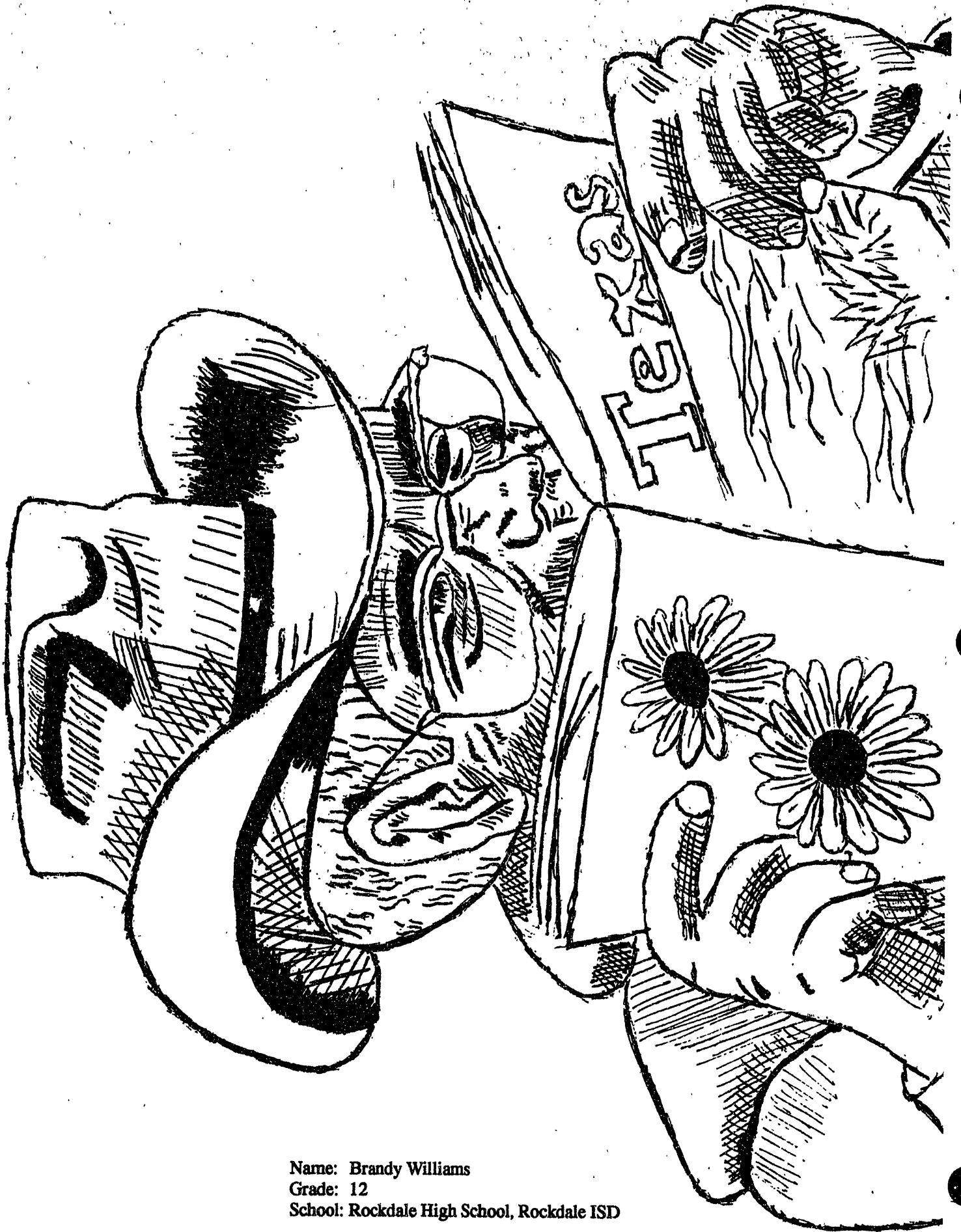


Name: Betz Bruce
Grade: 12
School: Rockdale High School, Rockdale ISD



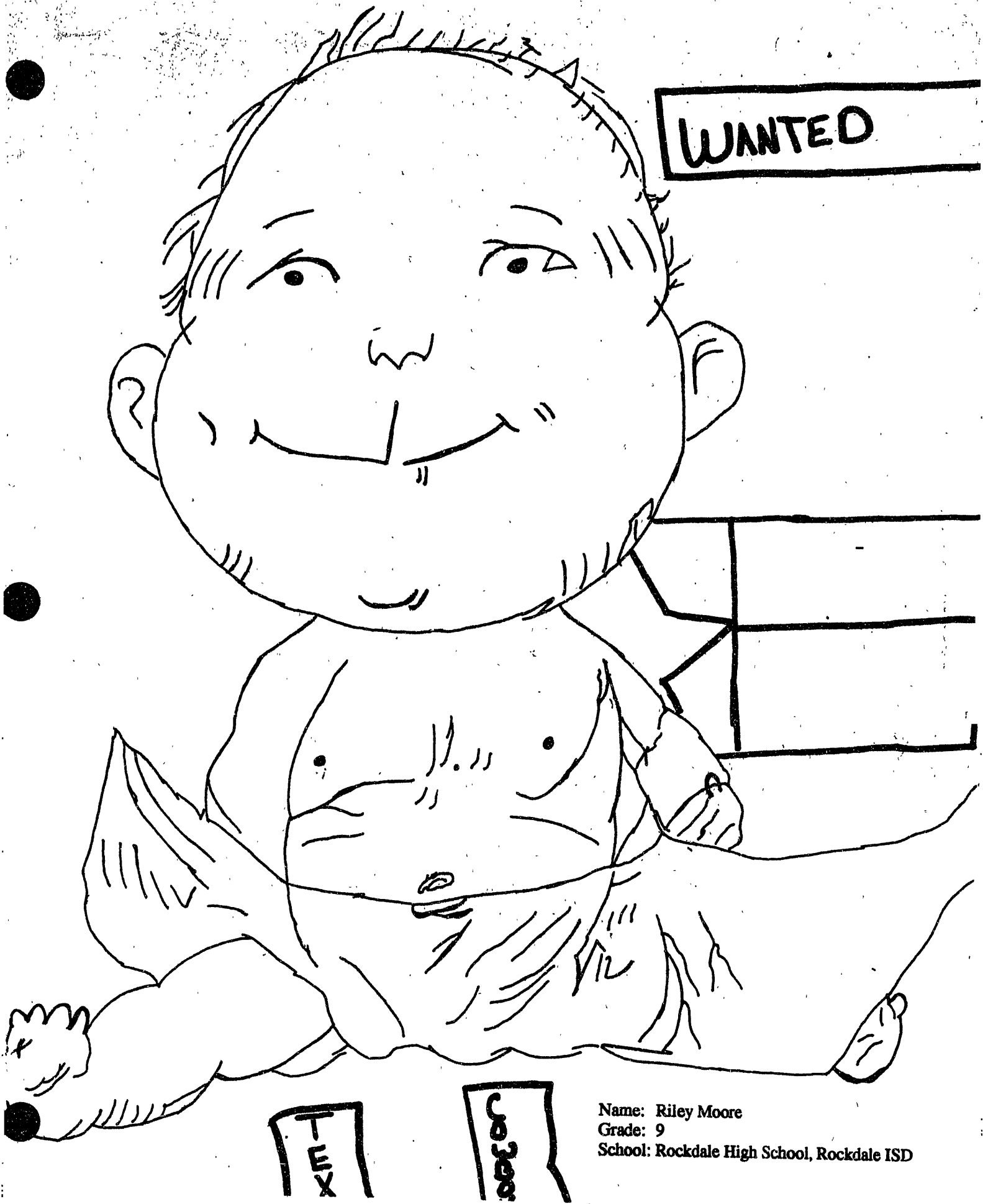


Name: Hugo Saldana
Grade: 11
School: Rockdale High School, Rockdale ISD

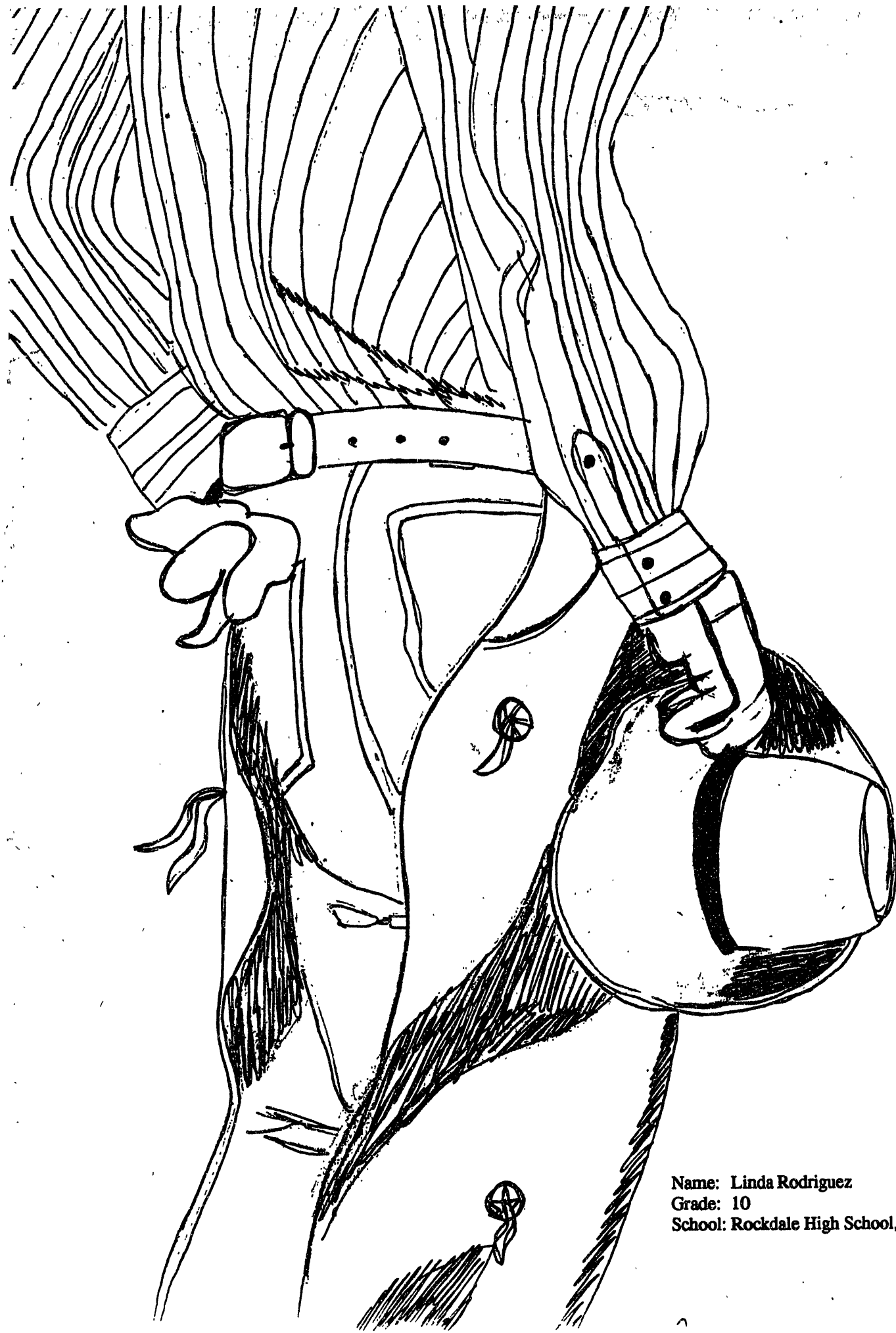


Name: Brandy Williams
Grade: 12
School: Rockdale High School, Rockdale ISD

WANTED



Name: Riley Moore
Grade: 9
School: Rockdale High School, Rockdale ISD



Name: Linda Rodriguez
Grade: 10
School: Rockdale High School, Rockdale ISD



Name: Elizabeth Salazar
Grade: 12
School: Rockdale High School, Rockdale ISD

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.
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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