

Texas Register

Volume 18, Number 40, May 25, 1993

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The Texas Register is printed on 100% recycled paper.

Texas Register



a section of the
Office of the
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P.O. Box 13824
Austin, TX 78711-3824
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Texas Register, ISSN 0362-4781, is published semi-weekly 100 times a year except July 30, November 30, December 28, 1993. Issues will be published by the Office of the Secretary of State, 1019 Brazos, Austin, Texas 78701. Subscription costs: one year - printed, \$95 and electronic, \$90; six-month printed, \$75 and electronic, \$70. Single copies of most issues are available at \$5 per copy.

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POSTMASTER: Please send form 3579 changes to the **Texas Register**, P.O. Box 13824, Austin, TX 78711-3824.

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Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the **Texas Register** six months after the proposal publication date.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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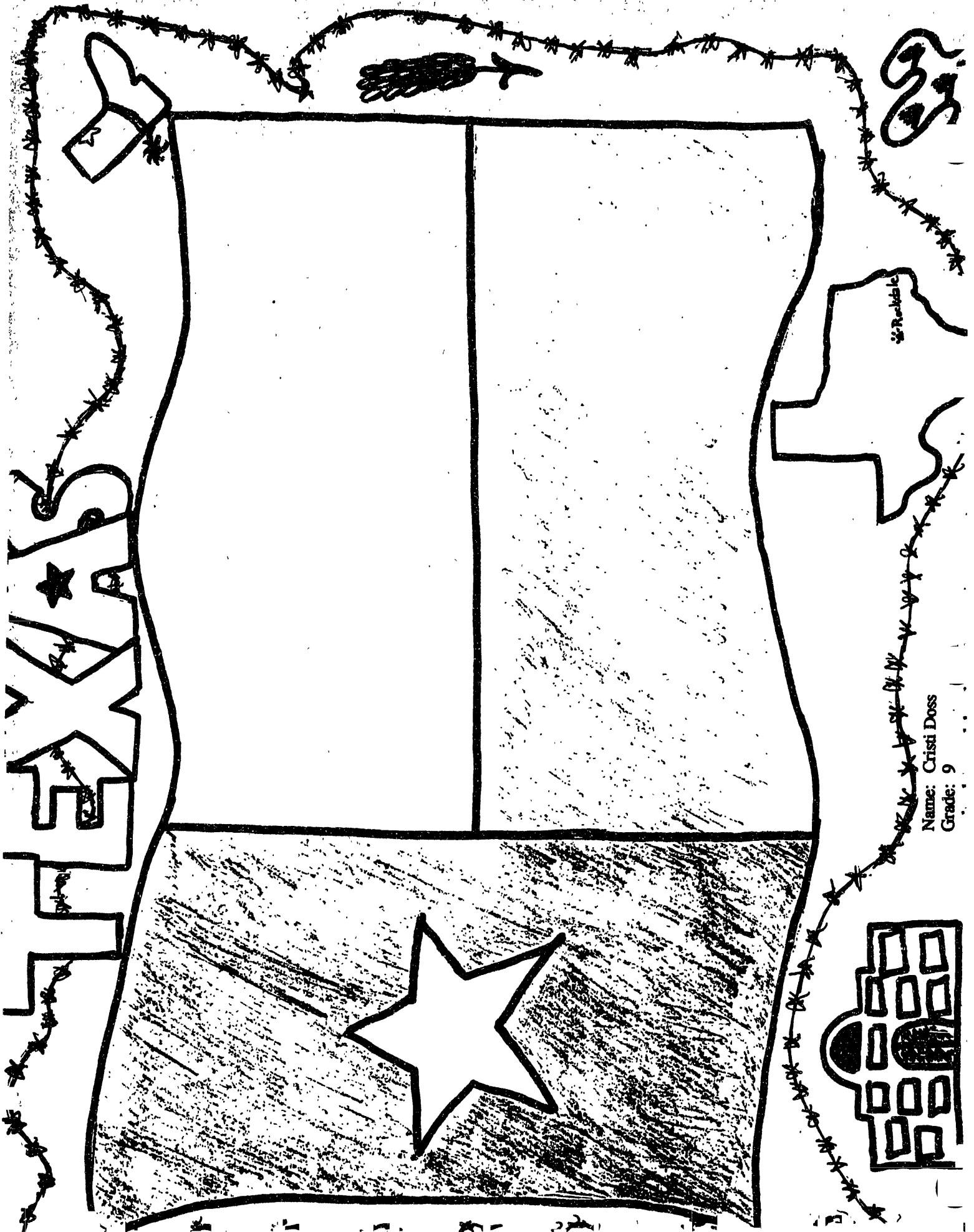
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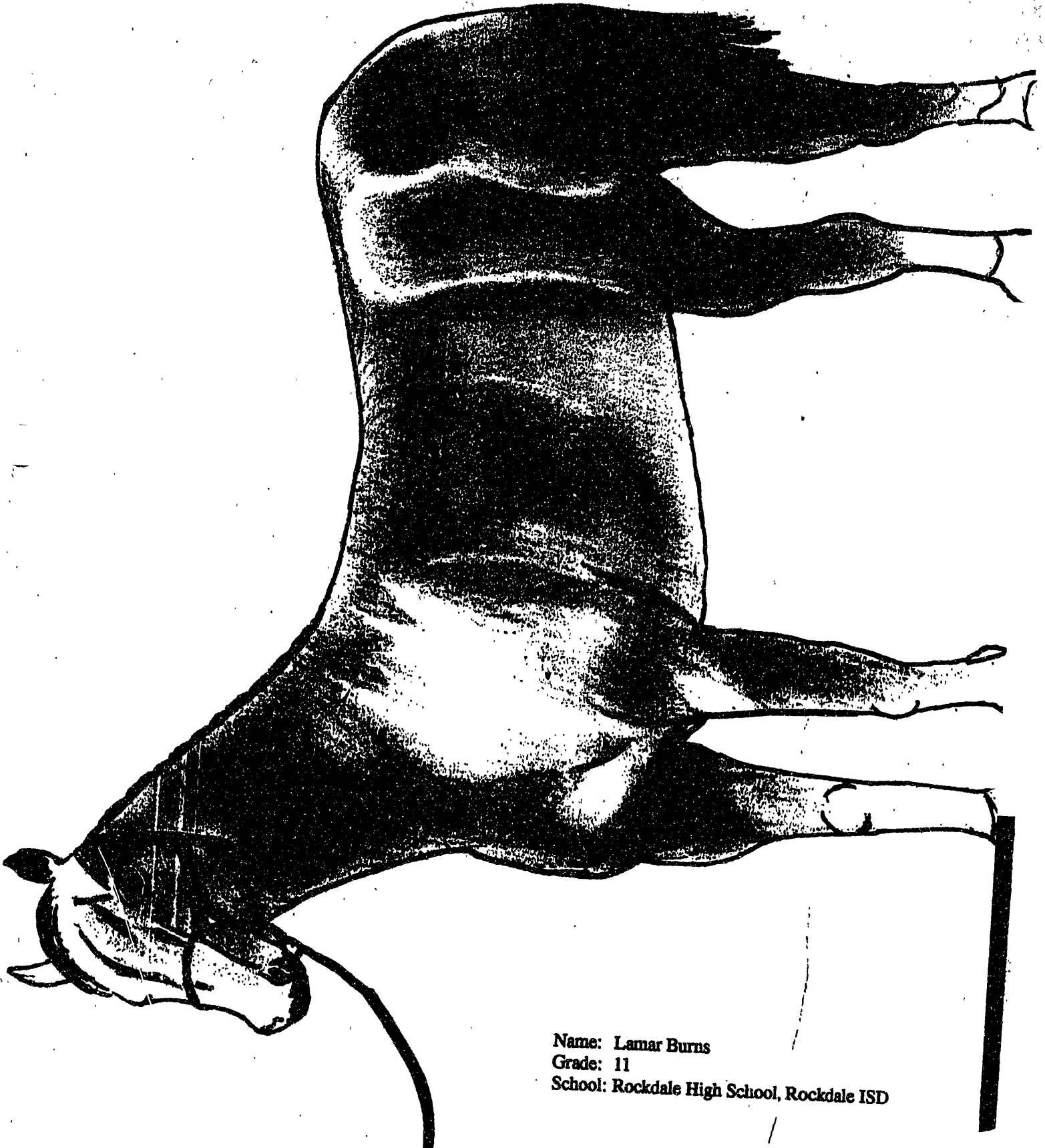
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Name: Cristi Doss
Grade: 9

Lamar Burns

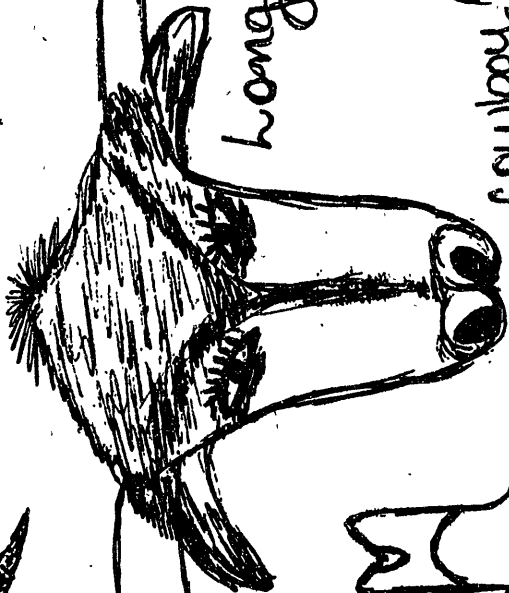


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Armadillo



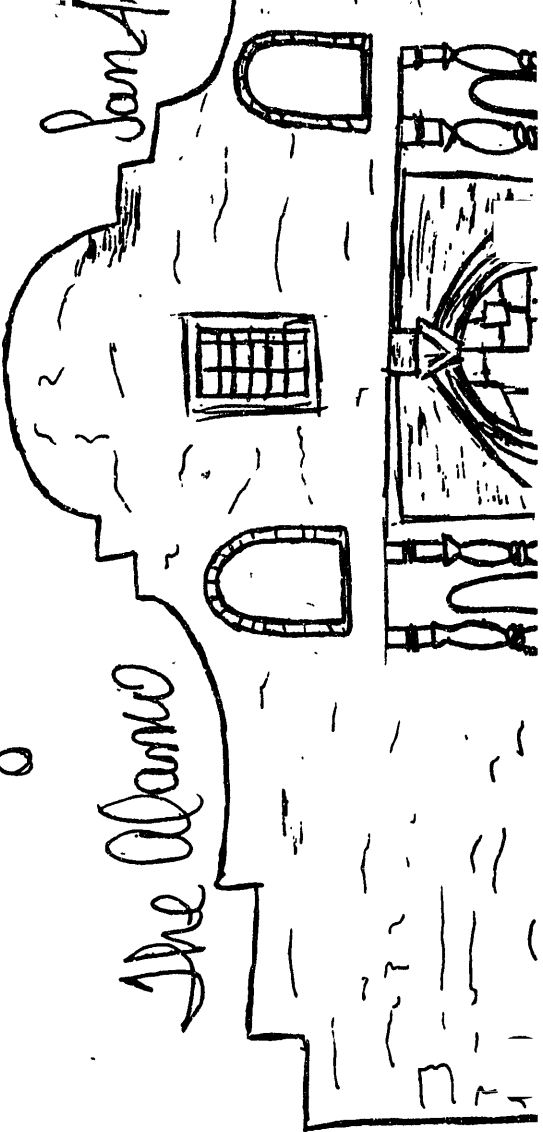
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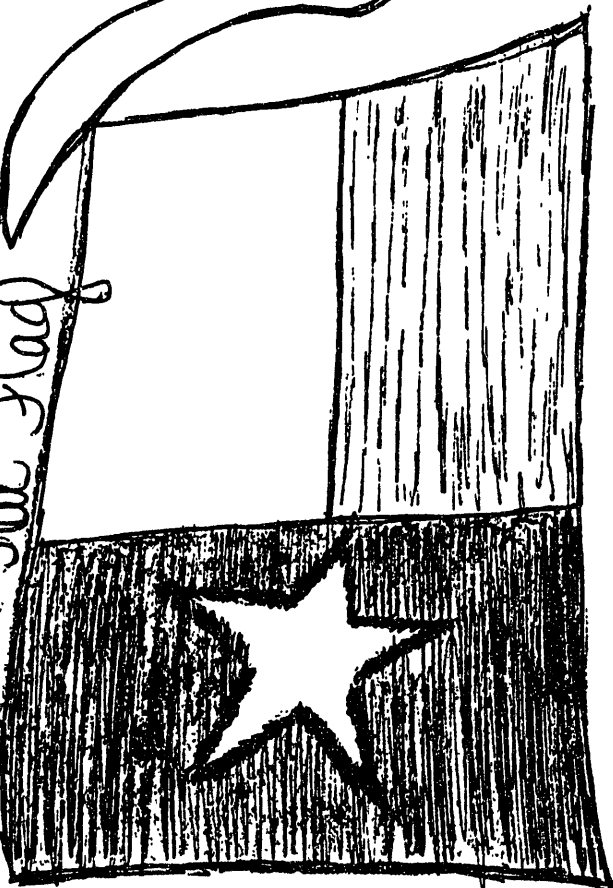
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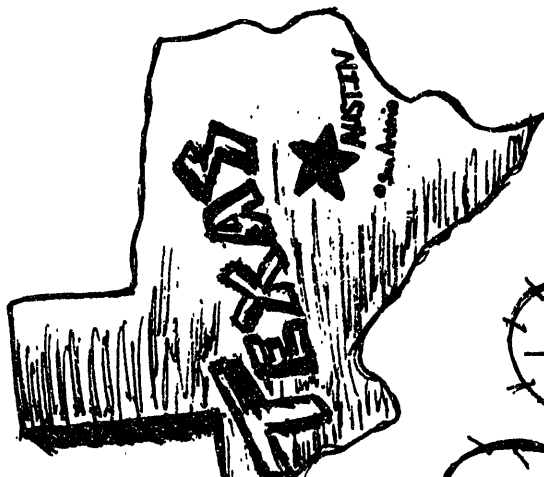
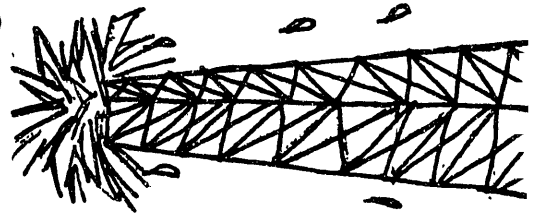
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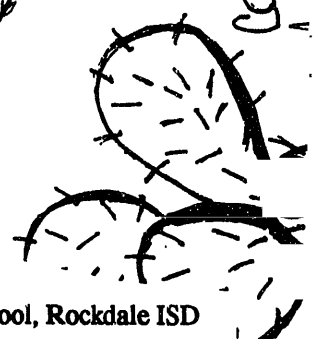
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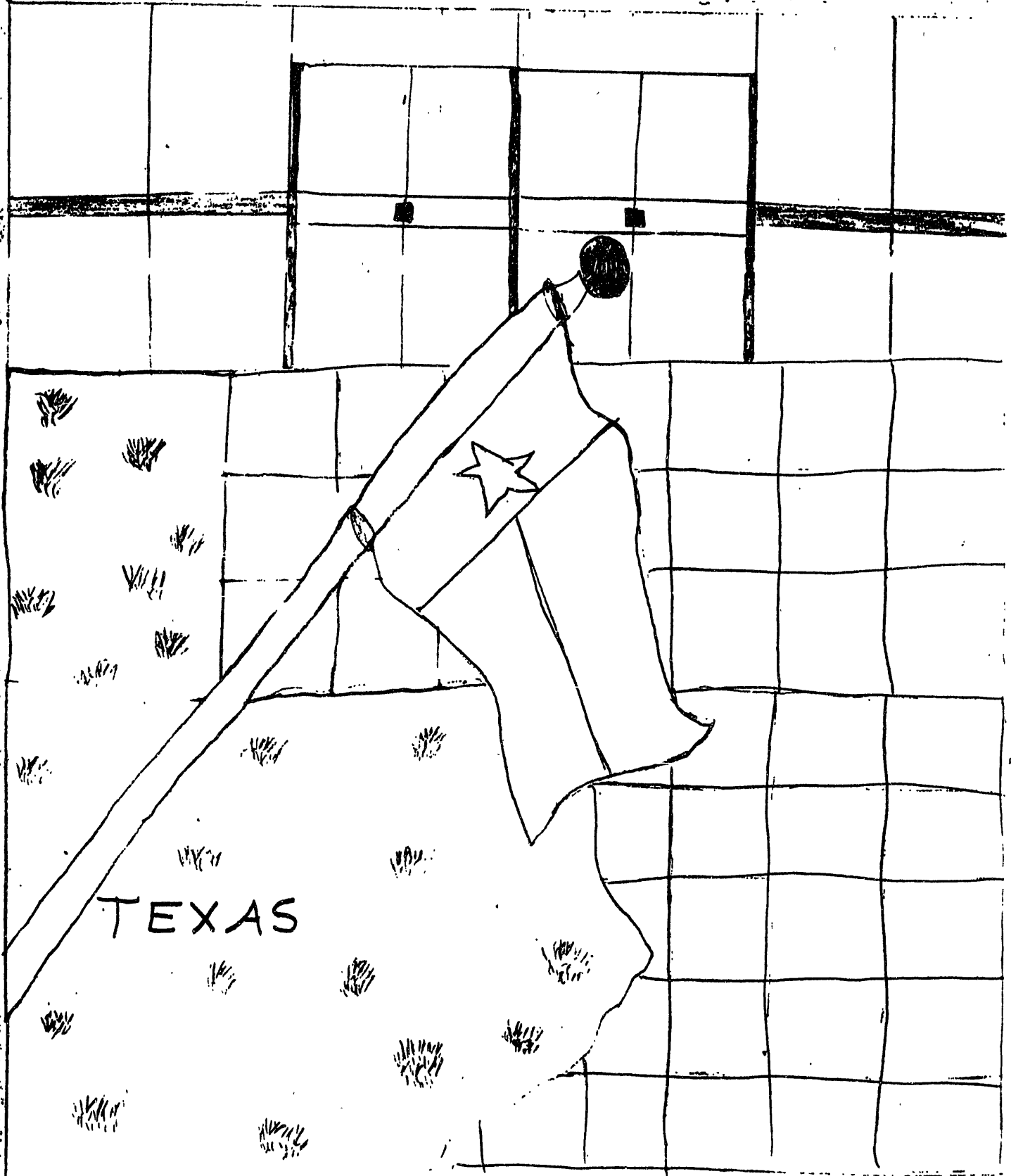
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School: Rockdale High School, Rockdale ISD

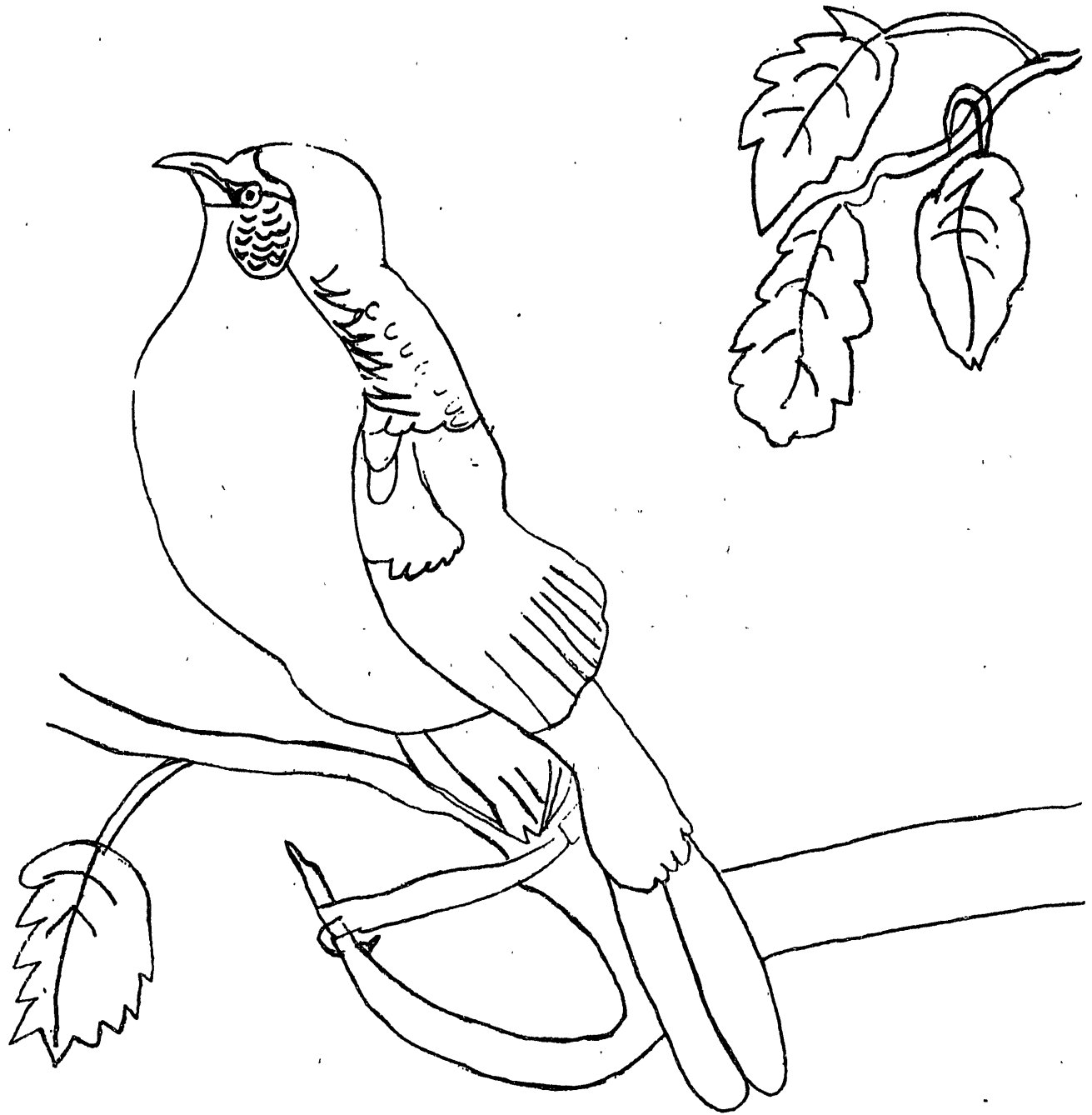
Evers Park Elementary School

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Grade: 4

School: Evers Park Elementary, Denton ISD



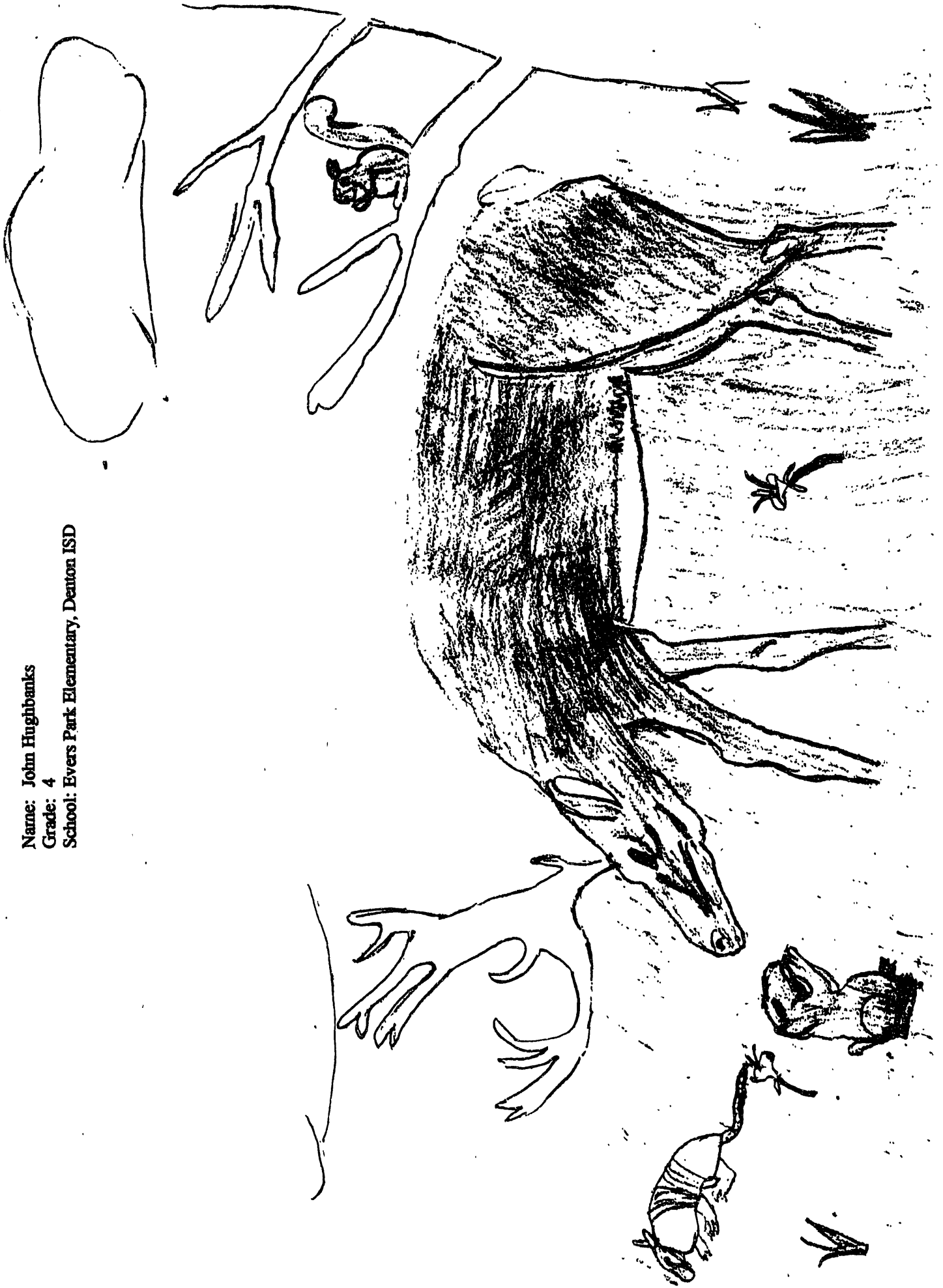


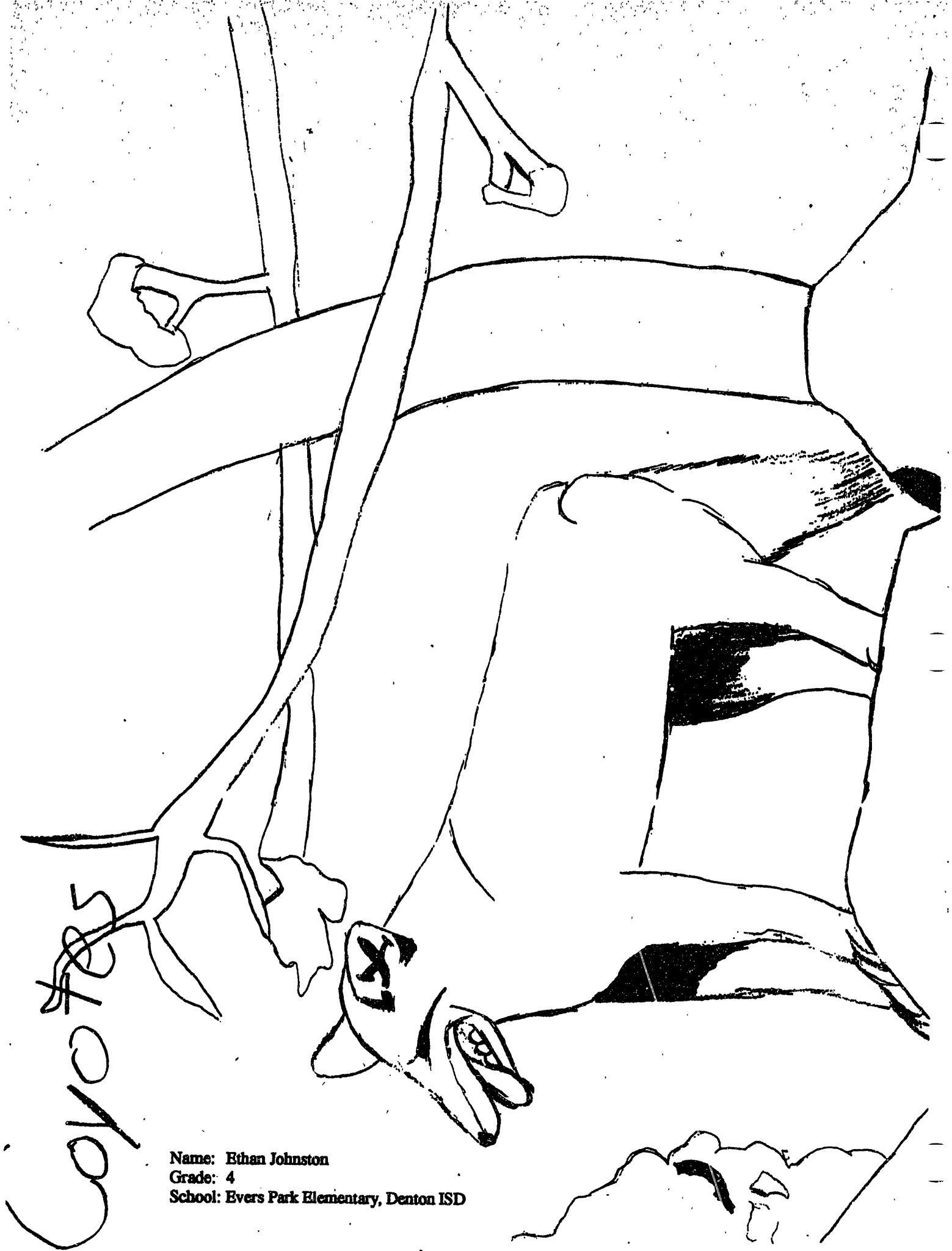
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Grade: 4

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Name: John Hughbanks
Grade: 4
School: Evers Park Elementary, Denton ISD





Name: Ethan Johnston
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School: Evers Park Elementary, Denton ISD

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 37. PUBLIC SAFETY AND CORREC- TIONS

Part VI. Texas Department of Criminal Justice

Chapter 155. Reports and Information Gathering

Subchapter A. Construction Matters

• 37 TAC §155.1

The Texas Board of Criminal Justice (TDCJ) adopts on an emergency basis an amendment to §155.1, concerning construction matters.

Information presented to the construction subcommittee of the board on May 12, 1993, indicates that the prevailing wage survey published for the Karnes County prison site and the survey data gathered for the Beeville prison site do not reflect prevailing wages in those localities. If the prevailing wage scales for the Karnes County site and the available survey data for the Beeville site were not corrected, construction schedules on the Cuero prison site could be disrupted, at an enormous cost to the state. The problems were unforeseen and unforeseeable.

Other problems which combine to create an emergency include the jail backlog populations statewide; the pressing need to meet TDCJ construction schedules to avoid payment of fines that may exceed \$1 million per month in Harris County jail suit (*Alberti v. Harris County, et al*, CN CA-H-72-1094); the prospect that construction costs could exceed available funding for construction; and the possible harm to area contractors from incorrect wage scales. These factors combine to

create an imminent threat to the public health and welfare which mandates that the board take emergency rule-making action.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 5159a, which require that the public body awarding any public works contract shall ascertain the general prevailing rate of per diem wages in the locality in which the work is to be performed. Rule-making authority with respect to prevailing wages and other matters governing the operation of the Texas Department of Criminal Justice is conferred upon the Texas Board of Criminal Justice by the Texas Government Code, §492.013(a).

§155.1. Procedures To Determine Prevailing Wage Rates.

- (a)-(c) (No change.)
- (d) Ascertaining prevailing wage rates.
 - (1) Data from the wage rate questionnaires will be compiled and analyzed to determine the prevailing wage rates being paid for the various classifications of labor. Criteria used to determine the Prevailing Wage Rates will include.

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

(D) If the Board has reason to believe that the prevailing rates compiled pursuant to procedures set forth in subparagraphs (A)-(C) of this paragraph are not the prevailing wage rates in the locality, or in the uniform service regions established under Chapter 19 Article 5, Rider 120 to the Appropriations Act, 72nd Legislature, First Called Session

(1991), then the Board shall direct staff to obtain the most accurate documentation available to reflect the wage rates actually paid to construct a prison in that uniform service region.

(e) Use of Determination.

(1) (No change.)

(2) Following determination of the Prevailing Wage Rates for a particular project, such Prevailing Wage Rates will not be changed unless:

(A) (No change.)

(B) [If prior to bid date for that project substantial evidence is presented to the Division] if the board has reason to believe that the survey data on which the determination was based does not reflect actual prevailing wages in the relevant labor market in the locality, then the wages actually paid to construct the most recent TDCJ prison project in the uniform service regions defined in this section shall be deemed to be prevailing.

(f) (No change.)

Issued in Austin, Texas, on May 19, 1993.

TRD-9323155

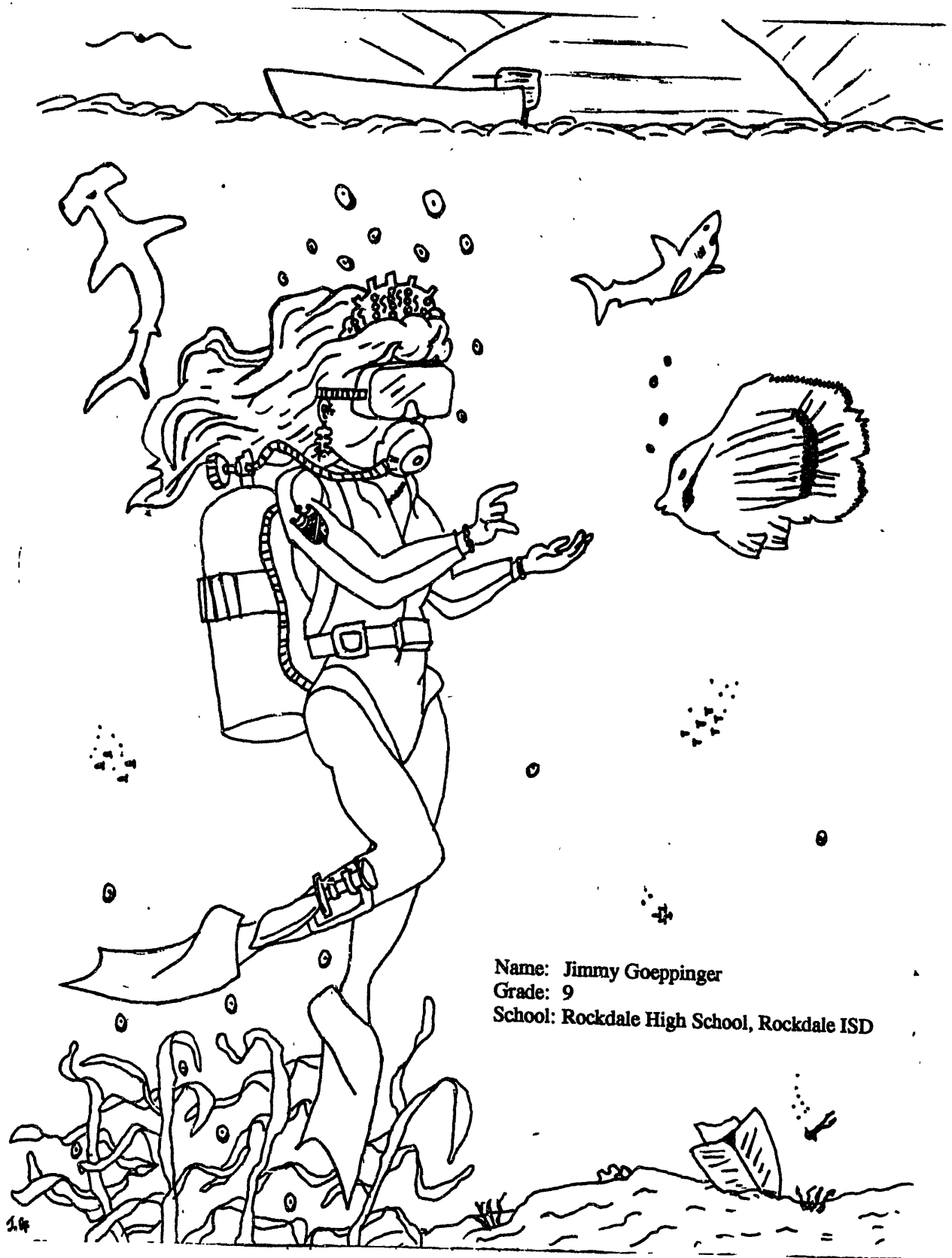
Jackee Cox
General Counsel
Texas Department of
Criminal Justice

Effective date: May 19, 1993

Expiration date: August 17, 1993

For further information, please call: (512) 463-9988





Name: Jimmy Goeppinger
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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.

TITLE 1. ADMINISTRATION

Part V. General Services Commission

Chapter 115. Building and Property Services Division

State Owned Property

• 1 TAC §115.8

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

The General Services Commission proposes the repeal of §115.8, concerning the use of state conference rooms by state agencies. The function of scheduling the use of these rooms by state agencies has been transferred to the Commission's Travel and Transportation Division. A new §125.25 is being proposed concurrent to this repeal to reflect this change.

Michael N. Powers, Director for Travel and Transportation, has determined that for the first five-year period the proposed repeal is in effect there will be no fiscal implications for state or local government as a result of this repeal.

Mr. Powers also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal are a clear delineation of responsibilities for scheduling conference rooms. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to Judith Porras, General Counsel, General Services Commission, P.O. Box 13047, Austin, Texas 78711-3047. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Civil Statutes, Article 601b, §4.01, which provide the General Services Commission with the authority to promulgate rules to accomplish the purpose of Article 4.

§115.8. Conference Rooms.

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 April 27, 1993.

TRD-9323056

Judith Porras
General Counsel
General Services
Commission

Proposed date of adoption: June 25, 1993

For further information, please call: (512) 463-3583

Chapter 125. Travel and Transportation

Travel Management Services

• 1 TAC §125.25

The General Services Commission proposes new §125.25, concerning the use of state conference rooms by state agencies. The new rule outlines how reservations and cancellations are to be made, and specifies the responsibilities for state agency that use these rooms.

Michael N. Powers, Director for Travel and Transportation, has determined that for the first five-year period the proposed rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering this rule.

Mr. Powers also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of the rule is an efficient system for state agencies to use state conference rooms. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Judith Porras, General Counsel, General Services Commission, P.O. Box 13047, Austin, Texas 78711-3047. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The rule is proposed under Texas Civil Statutes, Article 601b, §14.01, which provide the General Services Commission with the authority to promulgate rules to accomplish the purpose of Article 14.

§125.25. Conference Rooms.

(a) Conference rooms in state owned buildings are for use by state agen-

cies for official purposes only and the private use thereof is prohibited.

(b) The commission will not provide any furniture or equipment other than the tables and chairs already in the conference rooms. Using agencies may rearrange tables and chairs that are movable. However, large podiums or fixtures may not be moved.

(c) Using agencies shall be responsible for any damage to the conference rooms or furnishings that occur during use.

(d) Conference room reservations and cancellations may be made orally. Cancellation of reservations is to be made as soon as possible after an agency learns that the room will not be needed. Written confirmation of reservations or cancellations will be provided to an agency by the commission upon request.

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 April 27, 1993.

TRD-9323057

Judith Porras
General Counsel
General Services
Commission

Proposed date of adoption: June 25, 1993

For further information, please call: (512) 463-3583

TITLE 7. BANKING AND SECURITIES

Part IV. Texas Savings and Loan Department

Chapter 61. Hearings

• 7 TAC §61.6

The Texas Savings and Loan Department proposes new §61.6, concerning recovery of administrative costs in hearings conducted relative to the Savings and Loan Department. All costs, including those related to prosecution of the State's case and the costs charged to the Savings and Loan Department by the State Office of Administrative Hearings will be charged.

James L. Pledger, Commissioner, has determined that for the first five-year period the rule will be in effect there will not be fiscal

implications to state or local governments as a result of enforcing or administering the rule.

Mr. Pledger also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be to recover costs expended by the Savings and Loan Department in regard to administrative hearings costs. There will be no effect on small businesses. The possible economic cost to persons who are required to comply with the rule as proposed will be the recovery costs imposed on associations(s) requiring the hearing.

Comments on the proposal may be submitted to James L. Pledger, Commissioner, Texas Savings and Loan Department, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705.

The new rule is proposed under Texas Civil Statutes, Article 342-114, which provide the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of the state and, from time to time, to amend same, and under Texas Civil Statutes, Article 852a, §8.01(2), which authorize the Finance Commission of Texas to adopt rules relating to fees and procedures for processing, hearing, and deciding applications filed with the Commissioner.

James L. Pledger, Commissioner, has determined that the proposed rule will have no local employment impact.

§61.6. Recovery of Administrative Costs. The Commissioner may for good cause, after notice and hearing, impose direct administrative costs in addition to other sanctions and costs recoveries provided by law or these rules. Direct administrative costs include, but are not limited to, reasonable attorney's fees and expenses, administrative law judge fees and expenses, investigative costs, witness fees and deposition expenses, witnesses' travel expenses, reasonable fees for professional services of expert witnesses, the reasonable cost of a study, analysis, audit or other project the Commissioner finds necessary in preparation of the state's case.

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 18, 1993.

TRD-9323092

James L. Pledger
Commissioner
Texas Savings and Loan
Department

Earliest possible date of adoption: June 25, 1993

For further information, please call: (512) 475-1350

TITLE 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 401. System Administration

Subchapter G. Community Mental Health and Mental Retardation Centers

• 25 TAC §401.463, §401.464

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

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes the repeal of §401.463 and §401.464, concerning community mental health and mental retardation centers.

The rules are proposed for repeal to allow for the proposal of new rules which would include provisions in compliance with the Texas Health and Safety Code, Title 7, Chapter 534, which describes the three ways of determining salaries for community center employees.

Leilani Rose, director, Office of Financial Services, has determined that there will be no significant fiscal implications for state or local government as a result of repealing the rules as proposed. There is no cost to persons required to comply with the rules as proposed. There is no significant local economic impact anticipated.

Jaylon Fincannon, deputy commissioner, Mental Retardation Services and Steven Shon, M.D., deputy commissioner, Mental Health Services, have determined that the public benefit is the more equitable operation of community mental health and mental retardation centers.

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

The repeals are proposed under the Texas Health and Safety Code, Title 7, §532.015, which provides the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§401.463. References.

§401.464. Distribution.

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 17, 1993.

TRD-9323059

Ann Utley
Chairman
Texas Board of Mental
Health and Mental
Retardation

Earliest possible date of adoption: June 25, 1993

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

• 25 TAC §§401.463-401.465

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes new §§401.463-401.465, concerning community mental health and mental retardation centers.

The proposed new rules would include provisions in compliance with the Texas Health and Safety Code, Title 7, Chapter 534, which describes the three ways of determining salaries for community center employees.

Leilani Rose, director, Financial Services, has determined that should a community MHMR center choose to use the State Classification Plan for determining the salaries of its employees there would be no significant fiscal implications. The market analysis and the internal study methods of establishing salaries would be more expensive. A large community MHMR center with no current system would pay up to \$210 per employee to contract for the creation of this system and would have to allocate \$20,000 per year for a staff person to maintain the system after it was installed.

Jaylon Fincannon, deputy commissioner, Mental Retardation Services and Steven Shon, M.D., deputy commissioner, Mental Health Services, have determined that the public benefit is the more equitable operation of community mental health and mental retardation centers.

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

The new rules are proposed under Texas Health and Safety Code, Title 7, §532.015, which provides the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§401.463. Community Center Employees.

(a) **Determination of Salaries.** Pursuant to the Texas Health and Safety Code, Title 7, Chapter 534, boards of trustees of community centers must determine salaries of employees, utilizing only one of the following methods:

- (1) a market analysis;
- (2) an internal study; or.

salaries of employees, utilizing only one of the following methods:

- (1) a market analysis;
- (2) an internal study; or
- (3) the State Classification Plan.

(b) **Market Analysis.** If the board of trustees of a community center chooses to determine salaries and benefits in compliance with a market analysis, documentation shall be maintained on which studies are being used and which positions they pertain to. Documentation shall be updated every two years. Records maintenance shall include the following:

- (1) current position documentation which describes the actual work being performed in the positions;
- (2) evidence of an approximate job match between the community center position and the documentation obtained in the job market.

(c) **Internal Study.** If the board of trustees of a community center chooses to determine salaries and benefits in compliance with an internal salary study, the pay structure must be designed to recognize the internal relationships among jobs of the center. They must also take into consideration market demands that permit the community center to compete with other employers for available and desirable human resources. Such a process must include the following:

- (1) current position documentation which describes the actual work being performed in the positions;
- (2) a method of establishing the internal relationships of jobs which may be either whole job ranking or a point-factor job evaluation methodologies;
- (3) identification of competitive markets that are appropriate for various types of positions, such as:

- (A) state salaries;
 - (B) local government salaries;
 - (C) private sector salaries; and
 - (D) geographic considerations (i.e., local area, regional, or national issues);
- (4) compensation comparisons which include both cash compensation and benefits to identify the community center's competitive posture in all reward areas;
 - (5) proposed compensation adjustments which consider current market

competitive posture versus desired position and general wage increase trends.

(d) **State Classification Plan.** If the board of trustees of a community center chooses to use the State Classification Plan to determine salaries, the following process will be followed.

(1) The community center must compare current classification specifications with State Classification Plan job specifications.

(2) The community center must compare current salaries used with the salary schedule in Article V of the current Appropriations Bill. All steps 01-08, may be used within pay groups. Amounts less than step 01 may be authorized by the board of trustees as well.

(3) The community center must select an appropriate classification to determine the compensation for the position. If a similar position cannot be found in the State Classification Plan, the board of trustees may utilize the previously described market analysis or internal salary study to determine the compensation for the position. In lieu of these two methods, boards of trustees may petition the TXMHMR commissioner to exclude such a position, at a specific rate, from the State Classification Plan by submitting:

(A) a written proposal for an exemption for positions needed, stating salaries;

(B) current position documentation which describes the actual work being performed in the position; and

(C) a statement of the level of compensation sought.

§401.464. References. Reference is made in this subchapter to the following federal and state laws and rules:

- (1) Anti-Drug Abuse Act of 1988 (Public Law 100-690);
- (2) Texas Health and Safety Code, Title 7, Chapter 534 (formerly the Texas Mental Health and Mental Retardation Act, Texas Civil Statutes, Article 5547-201 et seq as amended);
- (3) Texas Civil Statutes, Article 717k and 717q;
- (4) Texas Civil Statutes, Article 6252-17;
- (5) Local Government Code, §§271.003-271.009; and
- (6) Subchapter E of this chapter (relating to, Contracts Management).

§401.465. Distribution. This subchapter shall be distributed to members of the Texas Board of MHMR, the medical director, deputy commissioners, associate and assistant deputy commissioners, directors and section chiefs of Central Office; superintendents/directors of state facilities and chairpersons, boards of trustees, and executive directors of community mental health and mental retardation centers.

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 17, 1993.

TRD-9323058

Ann Utley
Chairman
Texas Board of Mental
Health and Mental
Retardation

Earliest possible date of adoption: June 25, 1993

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

TITLE 25. HEALTH SERVICES

Part VIII. Interagency Council on Early Childhood Intervention

Chapter 621. Early Childhood Intervention Program

Early Childhood Intervention Service Delivery

The Interagency Council on Early Childhood Intervention (council) proposes amendments to §§621.22, 621.23, 621.41-621.44, 621.46, and 621.64, concerning the early childhood intervention program. The sections cover the program's service delivery, administrative hearings concerning individual child rights, and the advisory committee. The amendments will clarify service delivery requirements and definitions in order to comply with federal regulations, Part 303, which implement Public Law 102-119, Individuals with Disabilities Education Act Amendments of 1991.

Mary Elder, executive director, Early Childhood Intervention Program, has determined that for the first five-year period the rules are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Ms. Elder also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules will be clearer regulations which will result in more effective compliance. There will be no effect on small or large businesses. There is no anticipated economic cost to persons who are required to comply with the rules as proposed. There will be no impact on local employment.

Comments on the proposed amendments may be submitted to Mary Elder, Executive Director, Early Childhood Intervention Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7673. Ms Elder will receive comments for 30 days after the proposed amendments have been published in the *Texas Register*.

• 25 TAC §621.22, §621.23

The amendments are proposed under the Human Resources Code, §73.003, which provides the Interagency Council on Early Childhood Intervention with the authority to establish rules regarding services provided for children with developmental delays. The amendments will effect the Health and Safety Code, Chapter 73.

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

Developmental delay—A significant variation in normal development in one or more of the following areas as measured and determined by appropriate diagnostic instruments and procedures administered by an interdisciplinary team and by informed clinical opinion: cognitive development; physical development, including vision and hearing, gross and fine motor skills, and nutrition status; communication development; social and emotional development; and adaptive development or self-help skills.

[(A) Biologically at risk—Infants who have a history of prenatal, perinatal, or early developmental events suggestive of biological insults to the developing organism are at biological risk.]

[(B) Environmentally at risk—Environmentally at risk infants are those whose early life experiences and/or home environments, including maternal and family caregiver characteristics, health care, opportunities for adaptive behaviors, and patterns of physical and social stimulation are sufficiently limiting or inappropriate that they impart a high probability of developmental delay.]

Parent—A parent, a guardian, a person acting as a parent of a child or an appointed surrogate parent[, or a representative of the Department of Human Services (TDHS) when the child is under managing conservatorship of TDHS].

§621.23. Service Delivery Requirements. Programs that receive Early Childhood Intervention Program (ECI) funds must have written policies and procedures which are implemented and evaluated in each of the following areas.

(1) Client eligibility. The program must have written criteria for deter-

mining infants and toddlers with disabilities and accepting them into the program.

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

(C) Determination of eligibility shall be as follows.

(i) (No change.)

(ii) Children who have a medically diagnosed physical or mental condition that has a high probability of resulting in developmental delay must be determined eligible by identification of specific conditions with known etiologies and developmental consequences, including, but not limited to:

(I)-(VI) (No change.)

(VII) fetal alcohol syndrome [or prenatal exposure to cocaine as evidenced by the medical diagnosis of drug withdrawal syndrome or drug addiction].

(iii) (No change.)

(2) -(4) (No change.)

(5) Individualized family service plan (IFSP). An IFSP must be developed for each eligible child and the child's family.

(A) Procedures for development, review, and evaluation.

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

(vi) Meeting arrangements must be made with, and written notice provided to, the family and other participants early enough before the meeting date to ensure that they will be able to attend [, unless waived by the parent].

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

(D) Types of services. For the purpose of this chapter the following types of services apply.

(i)-(iii) (No change.)

(iv) Health services include services necessary to enable a child to benefit from the other early intervention services during the time that the child is receiving the other early intervention services.

(I) (No change.)

(II) The term "health services" does not include services that are:

(-a)-(-c-) (No

change.)

(-d-) medical-health services (such as immunizations and regular "well-baby" care) that are routinely recommended for all children unless a child needs these services and they are not otherwise available.

(v)-(xvii) (No change.)

(B)-(F) (No change.)

(G) Service coordination.

(i) One service coordinator must be identified for each eligible child/family.

(I) (No change.)

(II) The service coordinator assigned by the interdisciplinary team must be from the profession most relevant to the child/family's needs, or who is otherwise qualified to carry out all applicable responsibilities.

(III)-(IV) (No change.)

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

(H)-(L) (No change.)

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

Issued in Austin, Texas, on May 17, 1993.

TRD-9323071

Tammy Tiner, Ph.D.
Chairperson
Interagency Council on
Early Childhood
Intervention

Proposed date of adoption: July 14, 1993

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

Procedural Safeguards and Due Process Procedures

• 25 TAC §§621.41-621.44, 621.46

The amendments are proposed under the Human Resources Code, §73.003, which provides the Interagency Council on Early Childhood Intervention with the authority to establish rules regarding services provided for children with developmental delays. The amendments will effect the Health and Safety Code, Chapter 73.

§621.41. Procedural Safeguards.

(a)-(d) (No change.)

(e) Parental consent.

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

(3) The provider must [may] adopt procedures designed to encourage parents to consent to recommended assessment or evaluation procedures and to recommended services that the parents have refused. The procedures may include:

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

(C) In the event that child abuse or neglect is suspected, the provider must refer the family to Child Protective Services as required by Texas Family Code, Chapter 34.

(4) (No change.)

(f) (No change.)

§621.42. Procedures for Resolving Complaints at the Local Level.

(a) Each agency shall have a written procedure for local resolution of complaints. At any time a parent has a disagreement with the local agency, the parent shall be provided an opportunity for dispute resolution either at the local level between the local early childhood intervention (ECI) program director, the person making the complaint, and any other parties who are subjects of the complaint or at the council level. The resolution proceedings may not be used to delay an administrative proceeding or a formal complaint to the council requested by a parent.

(b)-(c) (No change.)

§621.43. Early Childhood Intervention Council Procedures for Resolving Complaints.

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

(d) Procedures for investigation and resolution of complaints.

(1) (No change.)

(2) Within 60 days of the receipt of the complaint by the council, the ECI executive director [administrator] must resolve the complaint.

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

§621.44. Confidentiality. The council and each program have the following responsibilities in regard to confidentiality of information.

(1)-(10) (No change.)

(11) Results of hearing.

(A) (No change.)

(B) If, as a result of the hearing, the program decides that the information is accurate and not [inaccurate,] mis-

leading, or otherwise in violation of the privacy or other rights of the child or family, it shall inform the parent of the right to place in the record it maintains on the child or family, a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the program [and the right to file a written complaint under the FERPA].

(C) (No change.)

(12) Consent.

(A) Unless authorized to do so under FERPA, 99.31, parental consent must be obtained before personally identifiable information is:

(i) disclosed to anyone other than officials or employees of ECI participating agencies collecting or using the information [or who have a legitimate need for access unless prohibited by federal or state law]; or

(ii) (No change.)

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

(13)-(17) (No change.)

§621.46. Administrative Hearings Concerning Individual Child Rights.

(a) Purpose. This section is intended to bring the procedures for hearings of the council into compliance with Part H of the Individuals with Disabilities Education Act, [Amendments of 1991 as amended by Public Law 102-119,] and the applicable federal regulations, 34 Code of Federal Regulations 303.1 et seq. This section supplements existing council rules governing hearings and is intended to be applied together except where a conflict exists, in which case this section shall prevail.

(b)-(c) (No change.)

(d) Request for hearing.

(1) (No change.)

(2) The request for hearing shall be in writing and filed with the council. The request for hearing shall be deemed filed [only] when actually received by the council [designated hearing officer].

(e) Impartial hearing officer.

(1) (No change.)

(2) The person shall not be an employee of the council or any program involved in the provision of services or care to the child or the child's family, or have a personal or professional interest which would conflict with his or her objectivity in the hearing.

(3) (No change.)

(f)-(h) (No change.)

(i) Civil action. Any party aggrieved by the findings and decision regarding an administrative hearing has the right to bring a civil action under 20 United States Code, §1480(1), in state or federal court following the issuing of a final decision by the hearing officer [and the filing of a timely motion for a rehearing].

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

Issued in Austin, Texas, on May 17, 1993.

TRD-9323070

Tammy Tiner, Ph.D.
Chairperson
Interagency Council on
Early Childhood
Intervention

Earliest possible date of adoption: July 14, 1993

For further information, please call: (512) 458-7673

**Early Childhood Intervention
Advisory Committee**

• 25 TAC §621.64

The amendment is proposed under the Human Resources Code, §73.003, which provides the Interagency Council on Early Childhood Intervention with the authority to establish rules regarding services provided for children with developmental delays. The amendments will effect the Health and Safety Code, Chapter 73.

§621.64. Advisory Committee Procedures.

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

(c) Public participation. All requests from the public to participate in advisory committee meetings must be submitted to the chairperson [for his/her determination as to whether participation will be allowed, and if so, to what extent].

(d) -(h) (No change.)

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

Issued in Austin, Texas, on May 17, 1993.

TRD-9323069

Tammy Tiner, Ph.D.
Chairperson
Interagency Council on
Early Childhood
Intervention

Proposed date of adoption: July 14, 1993

For further information, please call: (512) 458-7673

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part XI. Texas Water Commission

Chapter 330. Municipal Solid Waste

Subchapter Z. Waste Minimization and Recyclable Materials

Used Oil Filter Collection, Management and Recycling

• 31 TAC §§330.1180-330.1189

The Texas Water Commission (TWC) proposes new §§330.1180-330.1189, concerning waste minimization and recyclable materials. These new sections were previously proposed in the December 22, 1992, issue of the *Texas Register* (17 TexReg 9003). These proposed rules were withdrawn in the March 12, 1993, issue of the *Texas Register* (18 TexReg 1677). The new sections do not directly correspond to the numbered and titled sections of the December 22, 1992, management standards, however, many of the provisions of the December 22, 1993, standards have been incorporated in this new proposal.

TWC proposes the following standards for the proper management of used oil filters. The rules address the generation, collection, transportation, storage, processing, and final disposition of used oil filters.

The primary purpose of the rules is to protect the environment of Texas from harm due to the improper handling of used oil filters. Approximately 50 million oil filters are generated each year from internal combustion engines alone and they could, if improperly handled, potentially release more than three million gallons of oil into the environment. A secondary purpose of the rules is to protect generators of used oil filters, who are responsible for the ultimate disposition of their filters, from liability for environmental damage that may result from downstream handling of filters.

TWC recognizes the potential for environmental damage from oil releases at each stage of the handling of filters. The agency has attempted to weigh all the requirements in the rules against the possible risk to the environment from oil contamination. As a result of these concerns, the following provisions are included in the rules.

The rules require generators to remove all free-flowing oil from filters, to arrange for proper transport and processing of their filters, and to retain paperwork documenting the disposition of their filters for three years.

The rules require transporters to register with and report annually to TWC, use the prescribed shipping documentation, verify that containers of filters are properly labeled and sealed, be prepared to remediate any spills that may occur during transport, and deliver filters to a TWC-registered entity within ten days.

The rules require storage facilities to store filters in covered containers or under a covered enclosure and to provide secondary containment for spills. As an alternative to meeting the prescribed minimum standards, a storage facility may submit for TWC approval a Filter Management Plan that provides equivalent environmental protection. All storage facilities must register with and report annually to TWC, must provide evidence of financial responsibility, must ship filters within 90 days, and must document the proper disposition of filters.

Under the rules, processors of used oil filters must register with and report annually to TWC, must process filters to certain standards within 30 days, must show evidence of financial responsibility, and must document proper disposition of the filters.

To protect against illegal dumping the rules create a tracking mechanism for used oil filters, employing a bill of lading and transporter daily log that follows filters from the generator through to the end user. The rules also require handlers to document to the generator, on request, where the generator's used oil filters went.

TWC believes the environmental risk associated with small amounts of used oil filters is minimal. The rules therefore allow parties to store up to three 55-gallon drums of filters without registering as a storage facility. This provision allows generators to have two full drums and a "working drum" on site at any given time. The rules also allow parties to transport up to two 55-gallon drums without registering as a transporter.

These rules are based on an assumption that the oil in used oil filters represents an environmental risk. The magnitude of that risk and the exact conditions under which the risk is created are not known with certainty at this time. TWC plans to commission an independent study to access and quantify this risk. If the study finds that the risk is minimal, or that it can be minimized or eliminated under certain circumstances, TWC may at a future date revise the rules to reflect those findings.

TWC also recognizes that illegal dumping of undrained and unprocessed filters represents a significant threat to the environment, and that such dumping, by commercial generators or by a do-it-yourselfer, may result if efficient and economical avenues for collection and processing are not available. If TWC determines that the system of collection, processing, and recycling that develops in response to these rules is inadequate to capture the majority of DIY and commercially generated filters, the agency may at a future date seek to alter the rules to minimize illegal dumping.

Stephen Minick, Division of Budget and Planning, has determined that for the first five-year period the rules are in effect there will be fiscal implications as a result of enforcement and administration of the rules. Generally, these rules are proposed in response to a ban on the disposal of used oil filters enacted by the Texas Department of Health under prior jurisdiction. Certain costs related to the generation, storage, processing, transportation, and disposal of used oil filters have accrued as a result of that ban. The manage-

ment requirements and standards proposed in these rules may further define cost implications of the ban on land disposal, but will not represent new costs in every circumstance.

The effect on state government will be an increase in cost of approximately \$150,000 per year. These costs are paid from existing sources of revenue and will be met with existing agency resources. Annual costs to operators of facilities electing to engage in the management of used oil filters will vary from \$15,000 to 125,000 depending on the population served, the number of collection sites, and access to recycling facilities. The actual cost of processing an oil filter will vary considerably, but is anticipated to average between \$.24 and \$.40 depending on the source and the facility or facilities involved in the process. These affected operators will include both local governments and small businesses. The costs for any operator will vary proportionately based on the previously mentioned factors.

Mr. Minick also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcement of or compliance with the rules will be increased protection from potential groundwater contamination resulting from land disposal of used oil filters, improved conservation of natural resources and energy resources through recycling of used filters, and conservation of waste management capacity in municipal waste disposal facilities. There are no additional costs anticipated to persons required to comply with the rules as proposed.

Comments on the proposal may be submitted to Gary Davis, Automotive Waste Recycling Program, Pollution Prevention Division, P.O. Box 13087, Austin, Texas 78711-3087. Comments will be accepted for a period of 30 days following the date of this publication.

To facilitate public comment on the proposal, the commission has scheduled a public hearing for the receipt of comments at the Travis Building, Room 1-100, 1701 North Congress Avenue, Austin, on June 3, 1993, at 9:00 a.m.

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

The new rules are proposed under the Texas Water Code (Vernon 1992), §5. 103, which provides the Texas Water Commission (TWC) with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state. Additionally, the rules are proposed under the Texas Solid Waste Disposal Act (the Act), §361.011 and §361.024, Texas Health and Safety Code (Vernon 1992), which provides the Texas Water Commission with the authority to regulate municipal solid waste and adopt rules necessary to regulate the operation, management and control of solid waste under its jurisdiction.

§330.1180. Applicability.

(a) The sections in this subchapter are applicable to persons who are involved

in generating, storing, transporting, handling, and processing used oil filters and their components, except for persons that are registered with the Texas Water Commission (TWC) as Industrial/Hazardous waste facilities or that are under the waste management authority of a state agency other than TWC.

(b) Used oil filters that are regulated by the Railroad Commission of Texas under the Natural Resources Code, §91.101 shall not be subject to regulation under this subchapter. However, used oil filters regulated by the Railroad Commission of Texas under the Natural Resources Code, §91.101 may be delivered to a transporter, storer, or processor registered with TWC for the purpose of recycling if the requirements of §330.1189 of this title (relating to Generators Regulated by the Railroad Commission of Texas) are met.

§330.1181. Definitions. The following words, terms, and abbreviations when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. Other definitions pertinent to these and other sections are contained in §330.5 of this title (relating to Definitions).

Bill of Lading—A document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods.

Do-it-yourself (DIY) used oil filter—Used oil filter that is generated by an individual who changes his/her own oil filter.

Drained oil filter—A used oil filter which has been hot drained or otherwise processed to the standards set forth in §330.1186(a)(1)-(5) of this title (relating to Public Used Oil Filter Collection Centers and Used Oil Filter Generators) to remove all of the free-flowing oil.

End user—Persons who utilize the used oil filter or its components as feed-stock for the manufacturing of finished products.

Free-flowing oil—A noticeable stream of oil exiting the used oil filter at 60 degrees Fahrenheit when the filter is lifted by hand or by machinery.

Generator—Person whose act or process produces used oil filters, excluding do-it-yourselfers.

Hot draining—The process by which an oil filter is punctured and drained near engine operating temperatures for a sufficient period of time to remove the free-flowing oil.

Oil filter—An integral part of an oil-flow system, the purpose of which is to remove contaminants from the flowing oil contained within the system.

Oil weight—The weight added to an oil filter through its use in an oil-flow system. Oil weight may be calculated by deducting the weight of a new or unused filter

from the weight of a drained oil filter of identical style and type.

Person—An individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any other interstate body.

Processing—The act of preparing the used oil filter and its components for recycling. Processing must include a means of removing all free-flowing oil from the filter components, and must meet the processing standards set forth in §330.1185.

Processor—A person who processes used oil filters, generated by others, for the purpose of preparing such filters for recycling.

Public used-oil-filter collection center (Collection Center)—A facility which accepts do-it-yourself used oil filters. Such centers include, but are not necessarily limited to:

(A) automotive service facilities that in the course of business accept, for recycling, used oil filters from individuals;

(B) facilities that store used oil filters in above-ground containers and that in the course of business accept, for recycling, small quantities of used oil filters from individuals; and

(C) publicly sponsored collection facilities that are designated and authorized by TWC to accept, for recycling, small quantities of used oil filters from individuals.

Recycling—The process by which used oil filters and/or their components are legitimately reused.

Storage—The holding of used oil filters for a temporary period, at the end of which time the used oil filters are processed, recycled, or disposed.

Storage facility—A facility which is used to store more than three 55-gallon drums, or the volumetric equivalent, of used oil filters.

Terne—An alloy of tin and lead which may be used to plate oil filters. Terne-plating may cause sections of a used oil filter to exhibit the hazardous characteristic of toxicity for lead.

Transporter—A person engaged in the off-site transportation of used oil filters.

Used oil—Any oil that has been refined from crude oil or a synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties, but that may be suitable for further use and is recyclable.

Used oil filter (UOF)—A non-terne-plated oil filter that as a result of its use,

storage or handling has become contaminated by physical or chemical impurities, and has been removed from service. This does not include a UOF which remains with an engine block which is recycled.

UOF management plan—A description of a person's management practices pertaining to UOFs.

§330.1182. General Requirements. Any person storing, transporting, processing, or handling UOFs shall:

(1) immediately remediate all spills and releases from UOFs. The facility should have equipment sufficient to respond to a spill equivalent to the stored amounts of used oil identified in §330.1183(e)(3) of this title (relating to Storage Facilities). If a facility has a Spill Prevention Control and Countermeasure Plan on file with the Local Emergency Planning Commission, it shall be deemed to be in compliance with this requirement. Such plan shall be retained on site and be available upon request by TWC or its representative;

(2) not sell, convey, or otherwise transfer to an end user, a UOF which has not been processed to the processing standards set forth in §330.1185 of this title (relating to Processors);

(3) comply with all applicable federal, state, and local regulations;

(4) retain all required records for a minimum of three years and make such records available for inspection by TWC or its representative upon request;

(5) remove from service, or repair, any container used for storage of UOFs that is found to be leaking or in poor condition, ensuring that only serviceable containers are provided for UOF storage.

§330.1183. Storage Facilities.

(a) Any person storing more than three 55-gallon containers, or the volumetric equivalent, must register as a UOF storage facility.

(b) No storage facility may cause, suffer, allow, or permit the discharge from a point source of any waste or of any pollutant, or the performance or failure or any activity other than a discharge, in violation of the Texas Water Code, Chapter 26.

(c) The storage facility shall be required to provide evidence of financial responsibility as the commission deems necessary to assure the commission that the storage facility has sufficient assets to provide for the proper closure. Financial assurance for closure may be demonstrated by using one or more of the following mechanisms: trust funds, surety bonds guaranteeing payment or performance, letters of credit, insurance, or financial test and cor-

porate guarantee. These mechanisms shall be prepared on forms approved by the executive director. Proof of compliance shall be submitted to TWC with a completed UOF-storage-facility registration form.

(d) A person who owns or operates a storage facility:

(1) shall register by January 25th of each year with the Automotive Waste Recycling Program of TWC as a UOF storage facility, utilizing registration forms prescribed by TWC;

(2) shall report by January 25th of each year the amount of UOFs received, sources of UOFs, and name and location of destinations and amounts shipped to those destinations;

(3) may not store a UOF for more than 90 days. At the end of such time, the stored UOFs must be either processed, shipped to a registered processor for processing or disposed. The executive director may, at his/her discretion, extend the 90-day time period upon a written request by the registered storage facility indicating just cause beyond the storage facility's control.

(e) Storage facilities must comply with the following standards.

(1) UOFs must be stored in a covered enclosure or in covered rainproof containers. All storage containers must be capable of containing any used oil that may be separate from the filters placed inside.

(2) UOFs must be stored in containers clearly labeled with the phrase "Used Oil Filters" in letters at least 4 inches high. The name of the owner of the container and the owner's phone number shall be imprinted on the container and clearly legible. Persons storing UOFs may store up to three 55-gallon containers, or the volumetric equivalent, of UOFs without registering as a storage facility.

(3) Storage facilities must have a secondary containment system capable of containing an amount of oil equal to ten gallons for every 55-gallon drum or volumetric equivalent. The containment system must be sufficiently impervious to prevent any used oil released into the system from migrating out of the system to the soil, groundwater or surface water, and must consist of, at a minimum:

(A) a dike, berm, or retaining wall; and

(B) a floor which must cover the entire area within the dike, berm, or retaining wall.

(f) A storage facility may, as an alternative to meeting the standards delin-

eated in subsection (e) of this section, submit to the executive director for approval a Used Oil Filter Management Plan (management plan) demonstrating to the satisfaction of the executive director the equivalency of an alternative method of storing UOFs. To be considered, the alternate method must meet the objective of protecting the environmental quality of the State of Texas at least as effectively as the management standards contained herein. An approved copy of the management plan must be retained on-site and must be available for inspection by TWC or its representative upon request.

(g) In addition to complying with all the requirements delineated in this section, all storage facilities receiving UOFs generated off-site, other than UOFs accepted from a DIY generator, must ship only to a registered UOF processor, an end user or a permitted disposal facility.

§330.1184. Transportation of Used Oil Filters.

(a) A person who transports Used Oil Filters (UOFs) shall:

(1) register by January 25th of each year with the Automotive Waste Recycling Program of TWC as a UOF transporter, utilizing registration forms prescribed by TWC. Registrants shall provide proof of financial responsibility in a form and amount approved by TWC. Proof of compliance shall be submitted to TWC with a UOF transporter registration form;

(2) report by January 25th of each year the amount of UOFs received, sources of UOFs, the name and location of storage facilities, processors, end users, and/or disposal facilities which receive the UOFs, and the amounts shipped to the processors or end user;

(3) comply with all applicable Federal, State, and local regulations, including the United States Department of Transportation (DOT) regulations, such as placarding, insurance requirements, and any necessary Federal, State, and local permits as required;

(4) ensure that all UOFs are accompanied by a bill of lading demonstrating a transfer of custody of the UOFs from the shipping facility to the registered transporter, and from the transporter to a registered storage facility, registered (secondary) transporter, processor, end-user or permitted disposal facility. The bill of lading shall contain the date of such transfer, the name and physical address of the shipping facility, the name and address of the receiving facility, the name and address of the transporter, the quantity of UOFs removed and any other information which the executive director may deem necessary to protect the environmental quality of the State of Texas.

The shipping facility must verify the information contained within the bill of lading, and demonstrate concurrence by the signature upon the bill of lading signature of an authorized representative of the shipping facility;

(5) maintain a daily log in a form and manner prescribed by TWC. The log shall contain the date, the bill of lading number(s), the quantity of UOFs removed, the name and physical address of the shipping facility, the name and location of the processor or end-user ultimately receiving the UOFs, and any other information which the executive director may deem necessary to protect the environmental quality of the State of Texas. The shipper must verify the information pertaining to the UOFs removed from the shipping facility, and shall demonstrate concurrence by the signature upon the log of an authorized representative of the shipping facility;

(6) retain on-site, and make available for inspection by TWC or its representative upon request, copies of all bills of lading demonstrating transfer of custody of UOFs and all daily logs for a minimum of three years;

(7) ensure that all UOFs are delivered to a currently registered UOF processor, registered storage UOF facility, registered UOF (secondary) transporter, permitted disposal facility, or end user;

(8) ensure that all accepted containers are properly labeled, sealed, and loaded in a manner which reduces shifting and loss of cargo;

(9) have at least one "spill kit" and all necessary fire equipment on board. The spill kit should include the proper garments, instructions and tools needed in the event of a spill, fire, storm damage, or industrial accident.

(b) Persons transporting UOFs may transport up to two 55-gallon containers, or the volumetric equivalent, of UOFs without registering as a UOF transporter.

(c) In addition to complying with all the requirements delineated in subsection (a)(1)-(9) of this section, all transporters transporting UOFs generated by persons other than the transporter, or received by the transporter from a DIY generator:

(1) may store collected UOFs for a period of ten days or less without being required to register as a storage facility;

(2) shall notify the generator and collection center of any changes to the shipping documentation, including, but not limited to, a change in destination. A written notification must be received by the generator and collection center within two weeks of such change(s).

§330.1185. Processors.

(a) A person who processes UOFs shall:

(1) register by January 25th of each year with the Automotive Waste Recycling Program of TWC as a UOF processor, utilizing registration forms prescribed by TWC;

(2) report by January 25th of each year the amount of UOFs received, sources of UOFs, the name and location of end users, disposal facilities, or any other facility receiving UOFs from the processor;

(3) provide evidence of financial responsibility as the commission deems necessary to assure TWC that the processor has sufficient assets to provide proper closure. Financial assurance for closure may be demonstrated by using one or more of the following mechanisms: trust funds, surety bonds guaranteeing payment or performance, letters of credit, insurance or financial test, and corporate guarantee. These mechanisms shall be prepared on forms approved by the executive director. Proof of compliance shall be submitted with a completed UOF processor registration form.

(b) A UOF must meet the following processing standards to be considered processed:

(1) the drained UOF has been compressed with a force sufficient to remove 80% of the oil remaining in the UOF; or

(2) the UOF has been separated by dismantling, shredding or any other acceptable procedure which separates the whole UOF into its components; or

(3) the UOF meets any standard which may be adopted by a recognized industry association, so long as the industry standards meet or exceed the standards contained herein; or

(4) the UOF meets any other standard approved in writing by the executive director.

(c) In addition to complying with all the requirements described in subsections (a) and (b) of this section, a person processing UOFs generated off-site shall:

(1) ensure that all UOFs are accompanied by a bill of lading documenting transfer of custody of UOFs to the processor. All bills of lading shall be retained on-site for a period of three years and be available for inspection by TWC or its representative upon request;

(2) upon request by the generator or collection center originating a shipment of UOFs received by the processor, provide to the generator or collection center written documentation identifying the recipient of reclaimed materials or waste products resulting from the processing of the UOFs originating from the generator or collection center. Such written evidence shall clearly identify each component resulting from the processing and shall indicate the final destination of each such component.

(d) A processor may not store unprocessed UOFs longer than 30 days. The executive director may, at his or her discretion, extend this time period. A processor who is unable to comply with this storage requirement may apply to the executive director in writing for an extension of this storage period. A processor's storage time limits are initiated at the time the processor takes custody of the UOFs.

(e) A processor must determine the environmental risk associated with the storage of the materials resulting from the processing of the UOFs.

(1) For materials which can be shown to be free of residual oil, the reclaimed material may be stored on-site for up to one year.

(2) For materials which are contaminated by used oil, the processor or end user shall:

(A) make a hazardous waste determination in accordance with 40 Code of Federal Regulations Part 261 on all materials destined for disposal or incineration prior to shipment; and

(B) ship such material within 30 days of generation.

(A) make a hazardous waste determination in accordance with 40 Code of Federal Regulations Part 261 on all materials destined for disposal or incineration prior to shipment; and

§330.1186. Public Used Oil Filter Collection Centers and Used Oil Filter Generators.

(a) A generator and a person owning or operating a collection center shall ensure that all free-flowing oil as defined in §330.1181 of this title (relating to Definitions) has been removed from UOFs stored on-site. Methods of removal of the free-flowing oil include, but are not limited to, the following:

(1) puncturing the filter anti-drain valve or the filter dome end and hot-draining;

(2) hot-draining and crushing;

(3) dismantling and hot-draining;

(4) flushing of the UOF; or

(5) any other equivalent method which will remove the free-flowing oil.

(b) A generator and a person owning or operating a collection center must obtain and keep copies of all UOF shipping documentation, documenting the transfer of

custody of the UOFs. All documentation shall be retained on-site for a period of three years, except in cases where a person owns or operates multiple locations at which UOFs are generated or accepted from DIYers. In those cases records for two of the three years may be stored at a central facility if such records will be made available to TWC or its representative upon request, within five working days after notification by TWC. Records for the most current year must be maintained at the physical location of the facility generating UOFs or accepting UOFs from the public.

(c) All generators and persons owning or operating a UOF collection center shall arrange with a properly registered UOF transporter for the transport of UOFs to a registered UOF processor, registered UOF storage facility, permitted disposal facility, or an end user.

(d) Generators and persons owning or operating collection centers shall prepare each container for transport by assuring that the containers are sealed and an identifying label/number is evident on the container which relates to the bill of lading. This identification number shall be easily recognizable, enabling TWC, or its representative, to assign the container to the required paperwork.

(e) UOFs must be stored in containers clearly labeled with the phrase "Used Oil Filters" in letters at least four inches high. The name of the owner of the container and the owner's phone number shall be imprinted on the container and clearly legible.

(f) In addition to complying with all the requirements delineated in subsections (a) -(e) of this section, all UOF collection centers shall:

(1) register by January 25th of each year with the Automotive Waste Recycling Program of TWC as a UOF collection center, utilizing registration forms prescribed by TWC;

(2) report by January 25th of each year the amount of UOFs received, the amounts shipped, the date of each shipment, the name of the transporter used for each shipment, and any other pertinent information the executive director may require;

(3) notify TWC in writing within 30 days if the collection center ceases acceptance of UOFs from the public.

(g) A collection center may charge a reasonable fee sufficient to cover the cost of properly managing DIY-accepted UOFs.

§330.1187. Shipping Documentation.

(a) Until such time as bills of lading and transporter daily log forms are prescribed by TWC, the information required

herein must be retained on-site by the generator, collection center, transporter, storage facility, and processor in a form easily discernable by TWC or its representative.

(b) The bill of lading will be a multi-part form used to document the transfer of custody of the UOFs between participating parties. It is the responsibility of the shipping facility to ensure that the bill of lading and transporter log forms are legible, complete, and accurate prior to release of the UOFs.

(c) The transporter shall transport the UOFs to the UOF facility identified on the bill of lading, and upon delivery to such facility shall retain the transporter copy of the bill of lading which has been signed by the receiver evidencing receipt of the UOFs by the receiver.

§330.1188. Penalties. In addition to other penalties provided by law, failure to comply with the rules established herein may result in cancellation or non-renewal of the registration.

§330.1189. Generators Regulated by the Railroad Commission of Texas. UOFs described in §330.1180(b) of this title (relating to Applicability) may be delivered to a UOF transporter, storer, or processor registered by TWC for the purpose of recycling, provided that, at the time of delivery:

(1) the UOFs have been drained of free oil as provided in §330.1186(a) of this title (relating to Public Used Oil Filter Collection Centers and Used Oil Filter Generators);

(2) the UOFs are contained and labeled in a manner that complies with the provisions of §330.1186(d); and

(3) the generator complies with provisions of §330.1187(b) of this title (relating to Shipping Documentation) regarding shipping documentation for shipments of UOFs that are transported by the UOF transporter registered by TWC.

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 19, 1993.

TRD-9323153

Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: June 25, 1993

For further information, please call: (512) 908-6767

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part IX. Commission on Jail Standards

Chapter 300. Fees and Payments

Emergency Overcrowding Relief

• 37 TAC §300.24, §300.27

The Commission on Jail Standards proposes amendments to §300.24 and §300.27, concerning Fees and Payments to revise requirements to reflect actual current procedures of the commission and to coordinate the mandated statewide use of the state identification number.

Jack E. Crump, executive director, has determined that for the first five-year period the rules are in effect there will be fiscal implications as a result of enforcing or administering the rules.

Mr. Crump also has determined that for each year of the first five years the rules as are in effect the public benefit anticipated as a result of enforcing the rules will be to provide administrative rules which are consistent with statutes and to provide accurate information to sheriffs regarding reporting criteria. There will be no anticipated economic cost to persons who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Rhonda C. Long, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

The amendments are proposed under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt, amend, and rescind rules for the conduct of its proceedings. The following are the statutes that are affected by these rules: Rule Number Statute, Article or Code 300.24 Government Code, Chapter 499, §499.124 300.27 Government Code, Chapter 499, §499.124.

§300.24. Reports.

(a) (No change.)

(b) Each sheriff shall submit to the commission a list with the name, state identification number, date of confinement [date of birth], date paper ready, and date transferred to Texas Department of Criminal Justice-Institutional Division (TDCJ-ID) or released for each inmate counted on the monthly report required by subsection (a) of this section. The list should be arranged in chronological order of the inmate paper ready date.

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

§300.27. Records. Each sheriff shall maintain complete records of the informa-

tion required under §300.24 of this title (relating to Reports) and make the records available to commission staff upon request for review. The sheriff shall retain completed copies of each inmate's Texas Department of Criminal Justice-Institutional Division Document checklist for a period of one year from the date of transfer or release of the inmate from the jail.

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 18, 1993.

TRD-9323117

Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 25, 1993

For further information, please call: (512) 463-5505

• 37 TAC §300.28

The Commission on Jail Standards proposes new section §300.28, concerning Fees and Payments to limit the time frame for counties to request payment adjustments for previously submitted reports which understate felony backlog.

Jack E. Crump, executive director, has determined that for the first five-year period the rule is in effect there will be no fiscal implications as a result of enforcing or administering the rule.

Mr. Crump also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule will be to facilitate timely payments to counties and enhance the budgeting process for future payment appropriation. There will be no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Rhonda C. Long, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

The new rule is proposed under the Government Code, Chapter 511, which provides the Commission on Jail Standards with the authority to adopt, amend, and rescind rules for the conduct of its proceedings. The following is the statute that is affected by this rule: Rule Number Statute, Article or Code 300.28 Government Code, Chapter 499, §499.124.

§300.28. Adjustments. The sheriff shall notify the commission immediately upon determination that an inaccurate report, required under §300.24 of this title (relating to Reports), was submitted by the sheriff to the commission. Revised complete reports shall be submitted to the commission within 60 days of the end of the affected reporting period indicating the correct information for all paper-ready inmates confined during the

reporting period. The commission may adjust future payments to a county to correct an overpayment to the county or request reimbursement from the county.

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 18, 1993.

TRD-9323118 Jack E. Crump
Executive Director
Commission on Jail
Standards

Earliest possible date of adoption: June 25, 1993

For further information, please call: (512) 463-5505

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 48. Community Care for Aged and Disabled

Program for All-inclusive Care for the Elderly (PACE)

• 40 TAC §48.2811

The Texas Department of Human Services (DHS) proposes an amendment to §48.2811, concerning reimbursement methodology for the Program for All-Inclusive Care for the Elderly (PACE) in its Community Care for Aged and Disabled chapter. The purpose of the amendment is to reflect Medicare participation in the third year of the waiver, instead of in the second year.

Burton F. Raiford, commissioner, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local governments as a result of enforcing or administering the section.

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a more accurate understanding of Medicare participation in the waiver. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed section.

Questions about the content of the proposal may be directed to Kathy Hall at (512) 450-3702 in DHS's Provider Reimbursement Section. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-130, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

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

§48.2811. Reimbursement Methodology for Program for All-Inclusive Care for the Elderly (PACE).

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

(c) Rate determination. To determine the cost savings to the Nursing Facility program, the average cost of a nursing home recipient is calculated, including the cost of nursing home care, support services (Hepatitis B, Goal Directed Therapy, and emergency dental), prescribed drugs, and in year [years two and] three of the waiver, acute care services. The calculated cost of care for an average nursing home recipient is multiplied by a factor of 0.95 to ensure a savings to the state for implementing this alternative to nursing home care.

(1) Years [Year] one and two of the waiver. The following rate is calculated on a per diem basis:

(A)-(F) (No change.)

(2) Year [Years two and] three of the waiver. The following rate is calculated on a per diem basis:

(A)-(D) (No change.)

(d) Risk sharing. DHS participates in a risk-sharing mechanism of waiver participants, designed to distribute risk between the users of the program. The users of the program are defined as Medicare, DHS, and the provider. The mechanism is as follows:

(1)-(4) (No change.)

(5) If a loss occurs, the following formula must be used to determine the amount of loss that is the responsibility of the provider, Medicare, and DHS in the risk sharing arrangement.

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

(C) Determination of participation amounts. Any remaining allowable loss after applying subparagraph (B) of this paragraph is shared by the provider, Medicare, and DHS. During years [year] one and two of the waiver, DHS assumes the loss not assigned to the provider. During year [years two and] three, DHS and Medicare share in the loss not assigned to the provider. The loss is allocated pro rata, based on the revenues accrued by the pro-

vider from Medicare and DHS for the specified period. The loss-sharing participation formula consists of a series of tiers within each waiver year each tier specifying an assignment of responsibility for losses at that tier. Calculation at each tier results in an amount of allowable loss covered in that tier. Any loss not covered in that tier is carried forward to the next tier. The loss sharing is calculated as follows for each year of the waiver:

(i) (No change.)

(ii) Waiver-year two. The percent of revenue in each tier is equal to the percent of revenue in each corresponding tier in waiver year one.

(I) Tier 1. The provider participates in 100% and DHS participates [and Medicare participate] in zero percent of the loss.

(II) Tier 2. The provider participates in 20% and DHS participates [and Medicare participate] in 80% of the loss.

(III) Tier 3. The provider participates in 10% and DHS participates [and Medicare participate] in 90% of the loss.

(IV) Tier 4. The provider participates in zero percent and DHS participates [and Medicare participate] in 100% of the loss.

(V) Tier 5. The provider participates in 100% and DHS participates [and Medicare participate] in zero percent of the loss.

(iii)-(iv) (No change.)

(D) (No change.)

(e) (No change.)

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 18, 1993.

TRD-9323113 Nancy Murphy
Section Manager
Texas Department of
Human Services

Proposed date of adoption: August 15, 1993

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

Chapter 54. Family Violence Program

Shelter Center Services

• 40 TAC §54.306

The Texas Department of Human Services (DHS) proposes an amendment to §54.306, concerning services for resident children, in its Family Violence chapter. The purpose of the amendment is to clarify that shelter center services for children are not subject to day care licensing.

Burton F. Raiford, commissioner, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Raiford also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be that the rule will provide, in addition to the services which must be provided by shelter centers, that shelter center services for children are not subject to day care licensing. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Questions about the content of the proposal may be directed to Maria Jose' Angelelli at (512) 794-1133 at the Texas Council on Family Violence. Comments on the proposal may be submitted to Nancy Murphy, Agency Liai-

son, Policy and Document Support-089, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs, and Chapter 51, which provides the department with the authority to contract for family violence shelter-center services and to adopt rules to implement them.

§54.306. *Services for Resident Children.*

(a) Shelter centers must provide the following services to resident children:

- (1) designate a staff person to act as children's advocate;
- (2) develop and follow written nonviolent disciplinary policies;
- (3) conduct an orientation that is appropriate to the child's level of understanding;
- (4) assess the child's basic needs;
- (5) refer the child to available community resources as necessary;
- (6) offer recreational and social activities;

(7) provide safe indoor play space equipped with toys and arts and craft supplies and safe outdoor play space equipped with toys;

(8) help the parent or legal guardian to make arrangements for the child's continued education;

(9) accompany the parent or legal guardian to school meetings regarding the child's special needs, at the parent or legal guardian's request;

(10) provide or arrange for school supplies and clothing as needed; and

(11) provide transportation for education, if necessary.

(b) Shelter center services for children are not subject to day care licensing.

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 19, 1993.

TRD-9323182

Nancy Murphy
Section Manager
Texas Department of
Human Services

Proposed date of adoption: August 1, 1993

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

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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 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 1. Organization and Administration

Personnel and Employment Policies

• 37 TAC §1.32

The Texas Department of Public Safety adopts an amendment to §1.32 concerning personnel and employment policies, without changes to the proposed text as published in the April 6, 1993, issue of the *Texas Register* (18 TexReg 2284).

The adoption of this amendment will ensure the public that the department complies with the Federal Age Discrimination in Employment Act in employment practices with regard to the hiring of troopers.

The amendment deletes language in subsection (a)(1) which removes the maximum hiring age for employment as a trooper. This amendment will ensure department compliance with the Federal Age Discrimination in Employment Act.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Government Code, §411.006(4) and §411.004(3), which provides the director with the authority to adopt rules necessary for the control of the department, subject to the Public Safety Commission's approval.

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 10, 1993.

TRD-9323127

James R. Wilson
Director
Texas Department of
Public Safety

Effective date: June 8, 1993

Proposal publication date: April 6, 1993

For further information, please call: (512) 465-2000

Chapter 23. Vehicle Inspection

Vehicle Inspection Station Licensing

• 37 TAC §§23.1, 23.8, 23.15, 23.16

The Texas Department of Public Safety adopts amendments to §§23.1, 23.8, 23.15, and adopts new §23.16 concerning vehicle inspection, without changes to the proposed text as published in the April 6, 1993, issue of the *Texas Register* (18 TexReg 2285).

The adoption of the rules will enable a more efficient administration of the Motor Vehicle Inspection Program regarding frequency of station application, reporting, and eligibility of an inspector or a station.

The amendment to §23.1 add subsections (e) and (f) regarding withdrawal of application and frequency of application for a station license. Subsection (d) is added to §23.8 requiring station owners to report an inspector's change in employment within three working days. Language is added and deleted in §23.15, subsection (a)(13) regarding denial of a station or inspector license for conviction of a crime which directly relates to the duties and responsibilities of a vehicle inspection station or inspector. Section 23.16 is added as a new section which promulgates the procedures and factors to be used in determining eligibility of persons with a criminal background to operate a vehicle inspection station and inspect vehicles.

No comments were received regarding adoption of the amendments and new section.

The amendments and new section are adopted under the Texas Civil Statutes, Article 6701d, Article XV, §§140.142, which provide the Texas Department of Public Safety with the authority to adopt rules necessary for the administration of this Act.

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 10, 1993.

TRD-9323128

James R. Wilson
Director
Texas Department of
Public Safety

Effective date: June 8, 1993

Proposal publication date: April 6, 1993

For further information, please call: (512) 465-2000

Certification of Inspectors

• 37 TAC §23.61

The Texas Department of Public Safety adopts an amendment to §23.61 concerning certification of inspectors, without changes to the proposed text as published in the April 6, 1993, issue of the *Texas Register* (18 TexReg 2287).

The adoption of the amendments will be consistent with Federal Child Labor Standards regarding employment of minors and ensuring that inspectors are qualified for certification as an inspector. Administration of the Motor Vehicle Inspection Program will be more efficient.

The amendment to subsection (b) revise the minimum age to qualify as an inspector from 17 to 18 years and add language requiring proof fitness as may be required. Subsection (j) is added regarding certification after denial and renumbering the remaining subsections. Subsection (k) adds and deletes language regarding reinstatement after expiration of suspension. Subsection (m) adds language requiring station owners to furnish information to the department within three working days of a change in the inspector's employment. Subsection (n) adds language requiring an inspector to demonstrate to a department representative correct operation of testing equipment at an idle emission inspection and maintenance station upon change of employment and before an inspection can be performed. Subsection (p) is added regarding the time period and conditions for withdrawal of application for a license as a certified inspector. Subsection (q) is added regarding frequency of application from date of withdrawal.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Civil Statutes, Article 6701d, Article XV, §§140.142, which provide the Texas Department of Public Safety with the authority to adopt rules necessary for the administration of this Act.

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 10, 1993.

TRD-9323125

James R. Wilson
Director
Texas Department of
Public Safety

Effective date: June 8, 1993

Proposal publication date: April 6, 1993

For further information, please call: (512) 465-2000

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**Parameter Vehicle Emission
Inspection and Maintenance
Program**

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• 37 TAC §23.91, §23.92

The Texas Department of Public Safety adopts amendments to §23.91 and §23.92 concerning vehicle inspection, without changes to the proposed text as published in the April 6, 1993, issue of the *Texas Register* (18 TexReg 2287).

The adoption of the amendments will ensure the public that inspectors conducting parameter vehicle emission and vehicle idle emissions inspections are properly trained and certified to operate required equipment and perform such inspections as required.

Amendments to §23.91 add and delete language. Language is clarified for parameter vehicle emission inspections on all vehicles presented for inspection in any designated county. Language is deleted stating certified inspectors in any other county of the state may receive the training and certification to conduct the parameter vehicle emission inspection and maintenance inspections for vehicles required to be so inspected. Language regarding the rear license plate validation sticker is deleted and language added to read as registration sticker.

Amendments to §23.92 delete language regarding a two-year vehicle inspection certificate. Language regarding the rear license plate validation sticker is deleted and language added to read as registration sticker.

Both sections are amended by adding language requiring that certified inspectors successfully complete required training, testing, and certification to conduct the parameter vehicle emission and the vehicle idle emission inspection.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 6701d, §142(c)(1) and §142(d), which provide the Public Safety Commission with the authority to establish a Parameter Vehicle Emission Inspection and Maintenance Program for vehicles registered in any county in this state which does not meet national ambient air quality standards and for which the Texas Natural Resource Conservation Commission has adopted a resolution requesting the Department of Public Safety to institute such a program. See also Attorney General Opinion JM-138 dated March 16, 1984.

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 10, 1993.

TRD-9323128

James R. Wilson
Director
Texas Department of
Public Safety

Effective date: June 8, 1993

Proposal publication date: April 6, 1993

For further information, please call: (512) 465-2000

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**TITLE 37. PUBLIC
SAFETY AND CORREC-
TIONS**

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**Part VI. Texas Department
of Criminal Justice**

**Chapter 163. Community
Justice Standards**

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• 37 TAC §163.55

The Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD) adopts the repeal of §163.55, concerning residential services, without changes to the proposed text as published in the January 29, 1993, issue of the *Texas Register* (18 TexReg 575).

Section 163.55 has been revised in its entirety and resubmitted for adoption under §163.39; without adoption of this repeal, duplication of rules will occur.

Section 163.55 has been repealed and resubmitted under §163.39 due to the recodification of rules necessitated by the reorganization of the agency.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Code of Criminal Procedures, Article 42.13, §2(a) and §3(a), which provides the TDCJ-CJAD with the authority to establish minimum standards for programs, facilities, equipment, and other aspects of the operation of departments; establish an application process and procedures for funding community corrections facilities; establish a format for community justice plans; and to require community supervision and corrections departments to keep financial and statistical records; submit a community justice plan; and submit periodic financial audits and statistical reports to TDCJ-CJAD.

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 19, 1993.

TRD-9323156

Jackee Cox
General Counsel
Texas Department of
Criminal Justice

Effective date: June 9, 1993

Proposal publication date: January 29, 1993

For further information, please call: (512) 463-9988

**TITLE 40. SOCIAL SER-
VICES AND ASSIS-
TANCE**

**Part I. Texas Department
of Human Services**

**Chapter 29. Purchased Health
Services**

**Subchapter C. Rehabilitative
Services for Persons with
Mental Illness**

◆ ◆ ◆
• 40 TAC §29.201, §29.203

The Texas Department of Human Services (DHS) adopts amendments to §29.201 and §29.203, concerning rehabilitative services for persons with mental illness, without changes to the proposed text as published in the April 2, 1993 issue of the *Texas Register* (18 TexReg 2187).

The justification for the amendments is to clarify rules for Medicaid coverage of rehabilitative services for people with mental illness.

The amendments will function by ensuring that appropriate services are provided to Medicaid-eligible individuals.

During the comment period, DHS received comments from the Visiting Nurse's Association supporting adoption of the amendments as proposed.

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

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 18, 1993.

TRD-9323112

Nancy Murphy
Section Manager
Texas Department of
Human Services

Proposed date of adoption: July 1, 1993

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

Part IX. Texas Department on Aging

Chapter 294. Eldercare Policies of the Texas Department on Aging

Statutes and Regulations Type of Action. Adoption Docket Number.

• 40 TAC §294.1

The Texas Department on Aging adopts the repeal §294.1, concerning Eldercare Policies of the Texas Department on Aging, without changes in the original text as published in the February 12, 1993, issue of the *Texas Register* (18 TexReg 936). Chapter 294 has been revised in its entirety and resubmitted for adoption under the title Corporate Eldercare. Without adoption of this repeal, duplication of rules will occur.

No comments were received regarding adoption of the repeal.

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

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 18, 1993.

TRD-9323138 Mary Sapp
Executive Director
Texas Department on
Aging

Effective date: June 8, 1993

Proposal publication date: February 12, 1993

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

Chapter 294. Corporate Eldercare

Statutes and Regulations

• 40 TAC §294.1

The Texas Department on aging adopts the Corporate Eldercare policy with changes in the proposed text as published in the February 12, 1993 issue of the *Texas Register* (18 TexReg 937).

The chapter applies to all area agencies on aging that engage in agreements, contractual, and/or commercial relations with any business to provide corporate eldercare services to its employees. It incorporates materials contained in a previous rule, includes recent changes to the Older Americans Act as amended, and establishes new criteria for area agencies as a result of new directions established by the Older Americans Act and the Board of the Texas Department on Aging.

The policy sets forth criteria to ensure compliance with the law, to prevent conflicts of interest, and to assure compatibility between the statutory mission of the area agency on aging and any Corporate Eldercare activities in which the area agency on aging may engage. The policy provides guidance to area agencies regarding the processes required to assure proper contract stipulations. It also provides information to the area agencies regarding monitoring of Corporate Eldercare programs which will be conducted by the Department.

During the public comment period, comments were received from the City of Houston, TDOA staff, and the members of the Texas Board on Aging. As a result, changes were made to the Corporate Eldercare policy to clarify and more fully comply with the amendments to the OAA under §301(A)(2)(E) and the definitions of Caregiver and Caretaker. Comment: 301(A)(1) of the Older Americans Act (OAA) states that it is the purpose of that title to encourage and assist State agencies and area agencies on aging to concentrate resources in order to develop greater capacity and foster the development and implementation of comprehensive and coordinated systems to serve older individuals by entering into new cooperative arrangements in each state with the persons described in paragraph (2) of the Act. Comment: Paragraph (2)(E) of the OAA states those persons include "organizations representing or employing older individuals or their families." Comment: In the OAA, the terms "Caregiver" and "Caretaker" at §102 (20) and (21), mean "a family member or other individual who provides care to an older individual who needs supportive services." One may be compensated (as is the Caregiver), the other is not. Corporate Eldercare provides assistance not only to the older individual, but also to those providing them care. Changes from "the elderly" to read "older relatives or friends," or "older individuals or those providing care to older relatives or friends" are made to clarify the intent of the policy and comply with the OAA. Comment: Responding to a comment regarding the provision of this service to an AAA's grantee agency, the Department agrees with the need for clarification and stipulates that the grantee will be considered a business or company and the provision of Corporate Eldercare to the Grantee would be considered a commercial relationship which requires compliance with this policy as specified. Response: Changes to ensure the consistent use of the terms "contract, agreement, or commercial relationships" were made throughout. There are changes in wording to include "public companies and public funds" and not just private entities under the policy. Also, there is a change to clarify scope of audit requirements.

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

§294.1. Corporate Eldercare. This policy applies to all Area agencies on Aging who engage in agreements, contractual, and/or

commercial relationships with any Business to provide Corporate Eldercare services to its employees.

(1) **Legal Authority.** In accordance with AOA-PI-90-06, issued April 10, 1990, the Texas Department On Aging (TDOA) is called upon to develop and implement State policies concerning Corporate Eldercare, including specific guidelines for AAAs' involvement in this area. While the AOA Program Instruction focuses exclusively on Corporate Eldercare, it acknowledges that the State Unit On Aging is empowered to promulgate policy related to other programs and services rendered by AAAs under contract to the private sector. The 1992 Reauthorization of the Older Americans Act enacted additional provisions relating to Corporate Eldercare under §§301(a)(2)(E) and 306a, 13A-16, which require additional provisions in the state policy.

(2) **Policy Objective.** The purpose of this policy is to set forth criteria which will ensure compliance with the law, prevent conflicts of interest, and assure compatibility between the statutory mission of the Area Agency on Aging and any Corporate Eldercare activities in which the Area Agency On Aging may engage.

(3) **Definition.** Corporate Eldercare is any service provided to a business on behalf of its employees who have responsibilities for caring for older relatives or friends.

(4) **Program Purpose.** The purpose of engaging in Corporate Eldercare is to enhance the scope and quality of the system of services available to older persons in a planning and service area.

(A) Corporate Eldercare contracts help with outreach by providing access to the workplace, and the workforce caring for the elderly.

(B) Such contracts increase support and access to services for those providing care to older relatives and friends, and thus help to meet the needs of the elderly relative or friend.

(C) The purchase of services by businesses provides an additional source of funds which enable provision of service to greater numbers of elderly in need.

(5) **Program Components.**

(A) The scope of Corporate Eldercare involves contracting with a business to provide for a specified fee, certain eldercare services for the benefit of its employees. Any service provided to a business should be provided on a contracted fee for

service basis. While Title III services provided by an AAA are offered free of charge to any individual in need in the PSA, expanded or specialized services tailored to the needs of a corporate or business client can be included in a contractual arrangement for which the Area Agency should receive reimbursement. Corporate Eldercare often includes a form of enhanced information and referral but may extend to other types of services and/or programs. Such other services can include, but are not limited to: designing and conducting needs surveys of staff; seminars/ workshops/forums; initiating support groups; subcontracting to provide Employee Assistance Services; contributing to or providing newsletters; providing information resources; training for managers regarding eldercare; pre-retirement and retirement planning programs; and case-management.

(B) If the AAA elects to provide Corporate Eldercare to its grantee agency this will be considered a Commercial Relationship. The grantee shall be considered a Company or business. The AAA must comply with all terms and provisions of this policy, with the exception of the requirement to enter into a written contract. In addition to all other terms of the policy, this explicitly requires the AAA to maintain records that provide all the information specified in subsection (7)(G) of this section (relating to confidentiality of information), and to release such information to the Department and AoA. Since there may not be a written contract, in the case of an AAA providing Corporate Eldercare to its grantee agency, the word contract in this policy is to be substituted with the term "Corporate Eldercare Program" as appropriate.

(C) Delivery of the service requires the area agency to provide this service directly for the business. Area Agency staff, paid by the contract, provide or arrange the services based on the terms of the contract.

(D) The Texas Department On Aging encourages all Area Agencies On Aging to engage in appropriate agreements with employers in the development and implementation of Corporate Eldercare programs as part of the development of a comprehensive and coordinated system of services for all older persons. All Area Agencies On Aging are eligible to engage in Corporate Eldercare activities, provided such activities comply with all the provisions of this policy. TDOA recognizes that an AAA may elect to join with other AAAs and/or the Texas Association of Area Agencies On Aging in such contracts. These types of arrangements are permissible, provided that the provisions of this policy are followed.

(6) General Provisions.

(A) All Area Agencies are required to describe in their Area Plan all activities of the area agency on aging, whether funded by public or private funds.

(B) AAAs electing to enter into Corporate Eldercare contracts, agreements, or commercial relationships with any business shall include in their Area Plan, and amendments thereto, strategies describing the area agency's plans for, and/or current involvement with Corporate Eldercare, and services to be rendered to older persons, or those providing care to older relatives or friends, as a consequence of said agreements or contracts.

(C) The Area Plan must include assurances that:

(i) assure that the AAA's activities conform with the responsibilities of the AAA as set forth in §§301(A)(2)(E) and 306a;

(ii) assure the AAAs activities conform with the laws, regulations, and policies of the state;

(iii) assure that in all agreements, contracts, and commercial relationships, the AAA will not compromise the integrity or public purpose of Title III services or service providers;

(iv) assure that the AAA will disclose to AoA and TDOA the identity of each entity with which such agency has an agreement, contract, or commercial relationship relating to the provision of any service to older individuals or those providing care to older relatives or friends; and the nature of such agreement, contract, or relationship;

(v) assure that the AAA will demonstrate that a loss or diminution in the quantity or quality of the services provided or to be provided by such agency has not resulted and will not result from such agreement, contract, or relationship;

(vi) assure that the AAA will demonstrate that the quantity or quality of the services to be provided by such agency will be enhanced as a result of such agreement, contract, or relationship;

(vii) assure that the AAA will, on request from AoA or TDOA, for the purpose of monitoring, disclose all sources and expenditures of funds such agency receives or expends to provide services to older individuals or those providing care to older relatives or friends.

(viii) assure that payment by a private contract, agreement, or commercial relationship will fully cover the cost

of services provided, and that Title III funds will not be used to pay any part of a cost, including administrative costs, incurred by the AAA to carryout a contract or commercial relationship that is not carried out to implement Title III (unless a public/private partnership is established whereby the state or federal governments agree to subsidize the costs of Corporate Eldercare);

(ix) assure that preference in receiving services under Title III will not be given to particular elderly as a result of a contract or commercial relationship that is not carried out to implement Title III; and

(x) assure the AAA will focus on serving older persons in accordance with their need for services, with particular attention to individuals with greatest economic or social need, including low-income minority persons.

(D) This section does not constrain the AAA from using OAA Title III-B funds to develop new resources and coordinate services to develop Corporate Eldercare in its PSA, as long as such activity is in compliance with TDOA Program Development policy. This complies with the statutory mission of AAAs by fostering the development of comprehensive and coordinated systems of services for all older persons, including all types of services and resources, both public and private, which are available to serve older persons or those providing care to older relatives or friends. Area Agencies must avoid any activity, however, which may have the appearance of subordinating their public purpose mission to either organizational self-interest or to the private interests of particular individuals or organizations.

(7) Requirements for contracts between AAAs, employers, and other public or private companies. The Business must enter into a written agreement or contract with the Area Agency On Aging which clearly states:

(A) the name of the business or company, the services to be provided the fee to be paid for the services defined, and the term of the contract;

(B) the AAA cannot execute an agreement or contract that demands exclusivity. An AAA must be free to negotiate other similar agreements, contracts, or commercial relationships;

(C) the AAA cannot enter into an agreement or contract that obligates it to be identified with or to promote the company or its products, or places it in a conflict of interest with its public mission;

(D) the AAA has the right to refuse services to a company or its employees or clients in the event that there is a potential conflict of interest for the AAA, as identified by the AAA or the TDOA. Such interpretations should be documented and kept on file for monitoring purposes;

(E) a contract must provide that an AAA has the right to reveal its findings, plans, and recommendations to the Client, regardless of whether or not the company makes a final decision regarding client eligibility and/or services provided, and regardless of what that decision is;

(F) a contract must provide that all information obtained by the AAA relating to personal facts and circumstances shall be treated as privileged communication, shall be held confidential, and shall not be divulged without the written consent of the individual receiving the services, his/her attorney, or his/her legal guardian, except as is required by TDOA for the purposes of monitoring for compliance with the provisions of this policy, or as directed by the court. However, nothing prohibits the disclosure of information in summary, statistical, or other form which does not identify particular individuals. All AAA personnel having access to information pertaining to individuals receiving services shall complete and sign a nondisclosure agreement;

(G) the contract must further provide that the information obtained through the performance of the contract be treated as confidential information. The AAA shall not use any information obtained in the performance of the contract in any manner except as necessary for the proper discharge of its obligations;

(H) a contract must hold the AAA and TDOA harmless when they are party to the contract, and defend them in any actions brought against them on the basis of the companies' policies or decisions regarding benefits and services.

(I) provisions of the contract may not require the withholding of information or otherwise limit the ability of the AAA to judge or act in the public interest, or restrict the ability of TDOA to exercise appropriate oversight of the AAA in fulfillment of its public mission and responsibilities; and

(J) a Corporate Eldercare contract must cover all the costs of providing the services, including administrative costs. Any and all AAA staff providing Corporate Eldercare services must be paid

from the funds received from the company. No Title III funds are to be used to pay any part of a cost incurred by the AAA to carry out a Corporate Eldercare contract or commercial agreement.

(8) Fiscal Requirements.

(A) The AAA is required to establish and implement appropriate fiscal controls to govern the separate accountability of private contract or other Corporate Eldercare revenues and expenditures. Corporate Eldercare revenues will be accounted for separately from all other federal, state, and local funds awarded or obtained for services under the Area Plan contract.

(B) Public funds obtained for the purpose of implementing Title III OAA programs may not be used to supplement and/or pay any part of a cost, including administrative costs, incurred by an AAA to carry out a Corporate Eldercare contract, agreement, or commercial relationship (unless a public/private partnership is established whereby the state or federal governments agree to subsidize the costs of Corporate Eldercare).

(C) An AAA that enters into a Corporate Eldercare contract, agreement or commercial relationship shall have available, and shall produce upon request, documentation to assure that the payment under the contract or agreement covers the complete costs of providing the service.

(9) Monitoring. TDOA, through its program-monitoring activities, shall periodically assess AAAs compliance through the following actions:

(A) Review and approval of the AAA Area Plan (annually and more frequently for modifications as submitted) including:

(i) strategies describing the area agency's plans for and/or current involvement with Corporate Eldercare, their relationships with private corporations, and services to be rendered to older persons as a consequence of said agreements or contracts;

(ii) signed statement of assurances of compliance with this policy;

(iii) any additional supporting documents submitted at the option of the AAA; and

(iv) related data in the Area Plan budget.

(B) Annual review of financial audits and records. TDOA will review and, as appropriate, act upon:

(i) adequacy of AAA financial system to maintain separate accounting for different funds, including private contracts;

(ii) adequacy of AAA financial control system;

(iii) adequacy of AAA support documents (including time sheets) to justify costs to each funding source; and

(iv) audit results and findings regarding each of the provisions listed in clauses (i)-(iii) of this subparagraph.

(C) Periodic field visits and assessments of AAA activities. TDOA field staff conduct a continuous program of field visits to AAAs on a rotating basis. The field assessment will include review for compliance with:

(i) this State policy on Corporate Eldercare;

(ii) the General Provisions of this policy as referred to in paragraph (6) of this section;

(iii) requirements for contracts as specified in paragraph (7) of this section; and,

(iv) fiscal requirements as specified in paragraph (8) of this section.

(D) Where necessary and appropriate, TDOA will issue requirements for corrective actions and special conditions to the TDOA/AAA contract, or withhold or deny approval of the Area Plan where there is a finding that the AAA is out of compliance with the provisions of the Corporate Eldercare policy. The standard Hearing process of such actions is outlined in §§257.1-257.79 of this title (relating to Appeal Procedures for Service Providers and Applicants).

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 18, 1993.

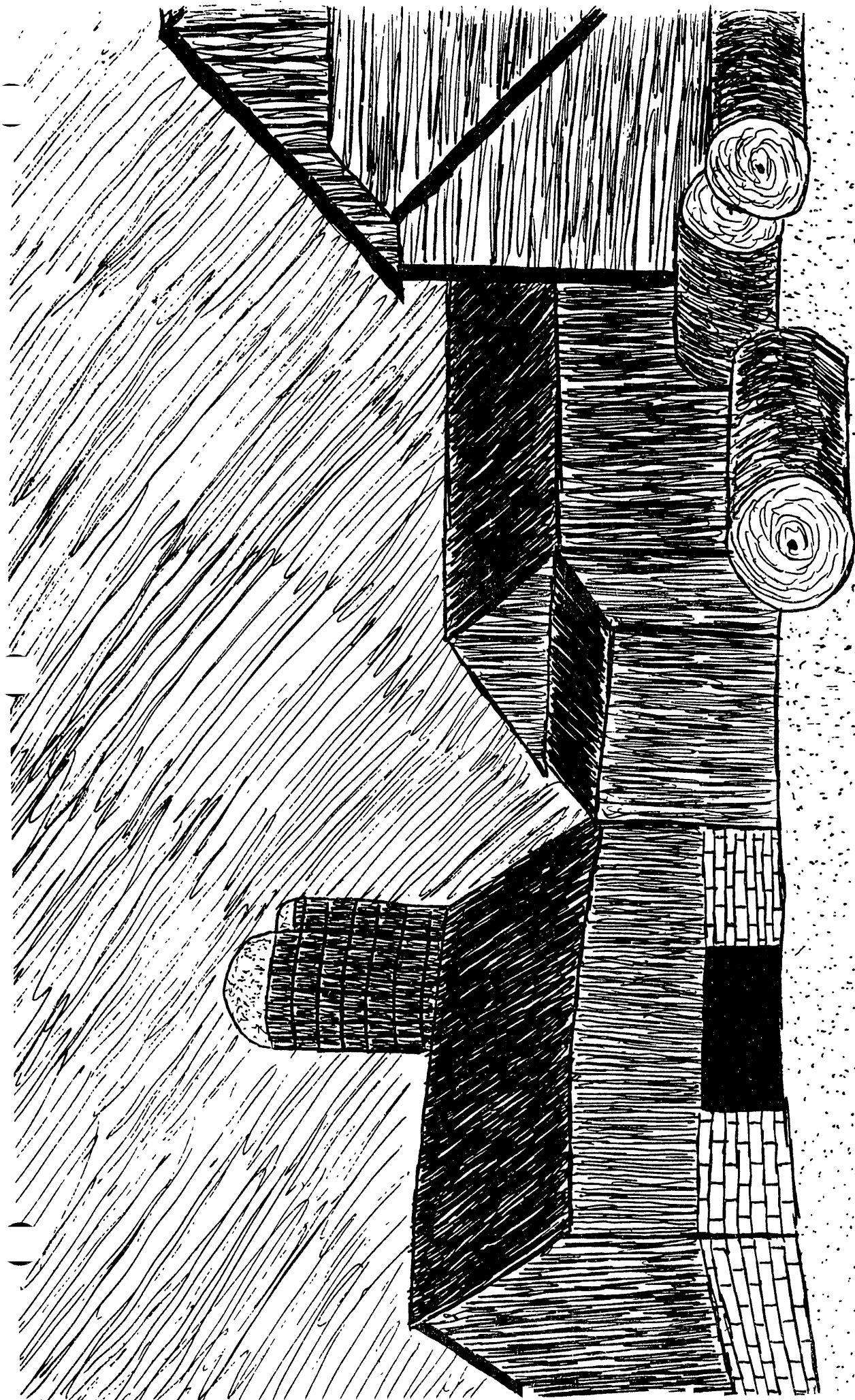
TRD-9323137

Mary Sapp
Executive Director
Texas Department on
Aging

Effective date: June 8, 1993

Proposal publication date: February 12, 1993

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



Name: Keith Pfeffer

Grade: 12

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 Committee on Purchases of Products and Services of Blind and Severely Disabled Persons

Friday, May 28, 1993, 9:00 a.m. The Pricing Subcommittee of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons will meet at the General Services Commission, Central Services Building, Room 402, 1711 San Jacinto Street, Austin. According to the agenda summary, the subcommittee will call the meeting to order; introduce subcommittee members and guests; acceptance of minutes from March 5, 1993 meeting; discuss and recommend action on new services; new "Hearing Impaired Interpreter Services"; renewal services; new products; product changes and revisions; and 45 day fast ship requests; discuss micro-diskettes; and adjourn.

Contact: Michael T. Phillips, P.O. Box 12866, Austin, Texas 78711, (512) 459-2605.

Filed: May 19, 1993, 8:54 a.m.

TRD-9323149

Texas School for the Blind and Visually Impaired (TSBVI)

Thursday, May 27, 1993, 9:00 a.m. The Board of Trustees-Personnel/Policy Committee of the Texas School for the Blind and Visually Impaired (TSBVI) will meet at 1100 West 45th Street, Administration Building, Room 110, Austin. According to the agenda summary, the committee will call the meeting to order; review school

policies for report and recommendations to full board; discuss and consider superintendent's job description; and adjourn.

Contact: Jenny Harris, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631, Ext. 133.

Filed: May 19, 1993, 1:05 p.m.

TRD-9323172

Thursday, May 27, 1993, 9:00 a.m. The Board of Trustees-Finance/Audit Committee of the Texas School for the Blind and Visually Impaired (TSBVI) will meet at 1100 West 45th Street, Administration Building, Room 116, Austin. According to the agenda summary, the committee will call the meeting to order; discuss approval of minutes of the March 26, 1993 committee meeting; internal audit update; update of Legislative Appropriations request; update of legislation impacting the school; review of proposed 1993-1994 legacy budget; current year budget status report; joint meeting of the finance/audit committee and the curriculum committee to discuss budgetary issues related to publications; and adjourn.

Contact: Jenny Harris, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631, Ext. 133.

Filed: May 19, 1993, 1:05 p.m.

TRD-9323175

Thursday, May 27, 1993, 9:00 a.m. The Board of Trustees-Curriculum Committee of the Texas School for the Blind and Visually Impaired (TSBVI) will meet at 1100 West 45th Street, Administration Building, Room 150, Austin. According to the agenda summary, the committee will call the meeting to order; hear report by Dr. Lauren Newton, principal, life skills program and Dr. Rita Livingston, principal, visually handicapped program, on the school-wide

programming compatibility; discuss the pilot education of the learning media assessment resource guide; hear report on piloting feedback from the orientation and mobility curriculum; summer plans for curriculum development; joint meeting of the curriculum committee and the Finance/Audit Committee to discuss budgetary issues related to publications; and adjourn.

Contact: Jennifer Harris, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631, Ext. 133.

Filed: May 19, 1993, 1:05 p.m.

TRD-9323174

Thursday, May 27, 1993, 10:00 a.m. The Board of Trustees of the Texas School for the Blind and Visually Impaired (TSBVI) will meet at 1100 West 45th Street, Administration Building, Room 116, Austin. According to the agenda summary, the board will call the meeting to order; hear presentation: 1993 "close-up" trip-art cruiser; public comments/open forum; new business: reports from board committees; approval of March 26, 1993 meeting minutes; recommendations pertaining to the 1993-1994 school calendar; Texas teacher appraisal system (TTAS) appraisers; consider the 1993-1994 legacy budget; grievance of Etta Ferguson (teacher); superintendent's evaluation; job description; comments from board members; and adjourn.

Contact: Jenny Harris, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631, Ext. 133.

Filed: May 19, 1993, 1:05 p.m.

TRD-9323173

Texas Education Agency

Tuesday, May 25, 1993, 6:30 p.m. The State Board of Education (SBOE) Task Force on Elementary and Early Childhood Education of the Texas Education Agency will meet in an emergency meeting at the Administration Building, Corpus Christi Independent School District, 801 Leopard, Corpus Christi. According to the complete agenda, the board will hold a public hearing to receive public comment on a range of issues. The task force is examining the quality and effectiveness of student learning in elementary schools and early childhood education. The panel's work will be similar to successful practices already undertaken in middle school and high school education. Those individuals wishing to pre-register may do so by calling (512) 463-9701 by noon on Monday, May 24, 1993. Registration will be on a first-come, first-served basis and speakers will be limited to three minutes. There will also be on-site registration of speakers. Speakers are asked to bring ten copies of any handouts they wish to distribute. The emergency status is necessary because the agency finds it is of urgent public necessity for this public hearing to be held to obtain public input on the development of the SBOE's policy on elementary and early childhood education.

Contact: Dan Arrigona, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: May 19, 1993, 11:45 a.m.

TRD-9323177

Friday, May 28, 1993, 8:00 a.m. The Texas Environmental Education Advisory Committee of the Texas Education Agency will meet at the William B. Travis Building, Room 1-110, 1701 North Congress Avenue, Austin. According to the complete agenda, the members of the committee will be led through the DuPont Model to begin to develop a strategic plan for environmental education.

Contact: Irene Pickhardt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9566.

Filed: May 20, 1993, 9:08 a.m.

TRD-9323214

Monday, June 7, 1993, 10:00 a.m. The Business Education Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the complete agenda, the publishers of textbooks which will be reviewed by the 1993 State Textbook Business Education Committee are scheduled to make presentations to the committee. Subject area committee members remain under no-contact rules until the close of balloting in August 1993.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: May 19, 1993, 9:50 a.m.

TRD-9323161

Tuesday, June 8, 1993, 8:00 a.m. The Health Education Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the complete agenda, the publishers of textbooks which will be reviewed by the 1993 State Textbook Business Education Committee are scheduled to make presentations to the committee. Subject area committee members remain under no-contact rules until the close of balloting in August 1993.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: May 19, 1993, 9:50 a.m.

TRD-9323162

Monday, June 14, 1993, 8:00 a.m. The Language Arts Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the complete agenda, the publishers of textbooks which will be reviewed by the 1993 State Textbook Business Education Committee are scheduled to make presentations to the committee. Subject area committee members remain under no-contact rules until the close of balloting in August 1993.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: May 19, 1993, 9:50 a.m.

TRD-9323163

Tuesday, June 15, 1993, 8:00 a.m. The Mathematics Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the complete agenda, the publishers of textbooks which will be reviewed by the 1993 State Textbook Business Education Committee are scheduled to make presentations to the committee. Subject area committee members remain under no-contact rules until the close of balloting in August 1993.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: May 19, 1993, 9:50 a.m.

TRD-9323164

Thursday, June 17, 1993, 8:00 a.m. The English Supplementary Reading Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the complete agenda, the publishers of textbooks which will be reviewed by the 1993 State Textbook Business Education Committee are scheduled to make presentations to the committee. Subject area committee members remain under no-contact rules until the close of balloting in August 1993.

According to the complete agenda, the publishers of textbooks which will be reviewed by the 1993 State Textbook Business Education Committee are scheduled to make presentations to the committee. Subject area committee members remain under no-contact rules until the close of balloting in August 1993.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: May 19, 1993, 9:51 a.m.

TRD-9323165

Friday, June 18, 1993, 8:00 a.m. The Spanish Supplementary Reading Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the complete agenda, the publishers of textbooks which will be reviewed by the 1993 State Textbook Business Education Committee are scheduled to make presentations to the committee. Subject area committee members remain under no-contact rules until the close of balloting in August 1993.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: May 19, 1993, 9:51 a.m.

TRD-9323166

Monday, June 21, 1993, 9:00 a.m. The Trade and Industrial Education Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-110, Austin. According to the complete agenda, the publishers of textbooks which will be reviewed by the 1993 State Textbook Business Education Committee are scheduled to make presentations to the committee. Subject area committee members remain under no-contact rules until the close of balloting in August 1993.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: May 19, 1993, 9:51 a.m.

TRD-9323167

Tuesday-Wednesday, June 22-23, 1993, 8:00 a.m. The Science Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the complete agenda, the publishers of textbooks which will be reviewed by the 1993 State Textbook Business Education Committee are scheduled to make presentations to the committee. Subject area committee members remain under no-contact rules until the close of balloting in August 1993.

Contacts: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: May 19, 1993, 9:51 a.m.

TRD-9323168

Texas Employment Commission

Thursday, May 27, 1993, 9:00 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will consider and possibly approve bid for interior and exterior renovation at the San Antonio agency-owned building; bid for automatic door openers at the south entrance of the TEC building, 101 East 15th Street, Austin; consider proposed or pending legislation and possibly act with respect thereto; internal procedures of commission appeals; consider wages earned/received with regard to claimant eligibility; consider and act on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 21; and set date of next meeting.

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

Filed: May 18, 1993, 4:09 p.m.

TRD-9323143

Texas Funeral Service Commission

Wednesday, June 9, 1993, 9:00 a.m. The Texas Funeral Service Commission will meet at the Holiday Inn-Town Lake, 20 North Interregional, Austin. According to the agenda summary, the commission will discuss approval of the minutes; make introductions of visitors; discuss items for consideration to include: public comment period; committee reports; request of Myrtle E. Littles for partial waiver of rule 203.6; reconsideration of proposal for decision, TFSC vs. Greenwood Funeral Home and Deborah Houston; consideration of proposal for decision, TFSC vs. Paul Wesley Cason and TFSC vs. Johnny Lynn Strong; consideration of proposed agreed orders/settlement offers; consideration of cases to be closed and penalties to be assessed; executive director's report; legislative update; consideration of proposed rules/rule amendments; consideration of adoption of memorandum of understanding with the Texas Department of Banking and the Texas Department of Insurance; consideration of proposed fee increases; and selection of meeting dates.

Contact: Larry A. Farrow, 8100 Cameron Road, Suite 550, Austin, Texas 78754-3896, (512) 834-9992.

Filed: May 20, 1993, 9:33 a.m.

TRD-9323223

Texas General Land Office

Wednesday, May 26, 1993, 5:00 p.m. The Oil Spill Prevention and Response of the Texas General Land Office will meet at the U.T. Brownsville in the Student Center, 80 Fort Brown, Brownsville. According to the complete agenda, the department will hold a public workshop: development of regulations on submission requirements to the Texas General Land Office for those vessels not required to have a federal plan. The affected vessels are those with the capacity to carry 10,000 gallons or more of oil as fuel or cargo.

Contact: Tricia Clark, 1700 North Congress Avenue, Room 740, Austin, Texas 78701, (512) 475-1574.

Filed: May 18, 1993, 2:22 p.m.

TRD-9323119

Texas Department of Human Services

Thursday, June 3, 1993, 9:30 a.m. The Client Self-Support Services Advisory Council of the Texas Department of Human Services will meet at 701 West 51st Street, Second Floor, West Tower, Austin. According to the complete agenda, (Sub-committee meetings will be held between 9:30-11:00 a.m. Room numbers will be posted on the First Floor of the Winters Building.) The council will convene at 11:05 a.m.; call the meeting to order; discuss approval of the minutes; hear deputy commissioner's remarks; reports from sub-committees; discuss appropriations update; payment exception for claims submitted late; establishment of eligibility criteria for CACFP day care home sponsors; revision to meal service time requirement; amendments to rules for the McLennan County Employment and Training Demonstration Project; authorized representative in the AFDC and Medical Program; options to encourage immunizations of children in the AFDC program; processing client reported changes in the AFDC and Medical Program; implementation of legislative changes; JOBS evaluation update; Lone Star health initiative update; office on services to persons with disabilities video; and adjourn.

Contact: Lucretia Dennis-Small, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4921.

Filed: May 18, 1993, 1:52 p.m.

TRD-9323116

Texas Department of Insurance

Wednesday, May 26, 1993, 9:00 a.m. The State Board of Insurance of the Texas Department of Insurance will meet in Room 100, William P. Hobby Building, 333 Guadalupe Street, Austin. According to the agenda summary, the board will discuss personnel; solvency; litigation; commissioner's orders; staff reports; legislative update; consider filings by Cigna Insurance Company, et al, the Aetna Casualty and Surety Company, et al, Industrial Risk Insurers, Zurich Insurance Company, Highlands Insurance Company, Insurance Company of North America, et al, United States Fire Insurance Company, Gulf Insurance Company, et al, Metropolitan Property and Casualty Insurance Company, United Services Automobile Association and USAA Casualty Insurance Company, and Church Mutual Insurance Company; and consider possible action on filing by Texas Medical Liability Insurance Underwriting Association (JUA) requesting approval of a rate increase for Physicians/Surgeons and Hospitals.

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

Filed: May 18, 1993, 11:29 a.m.

TRD-9323111

Wednesday, May 26, 1993, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the commissioner's hearing section will conduct a public hearing to consider the application of Manuela Bocanegra, Weslaco, Texas, for a Solicitor's license to be issued by the Texas Department of Insurance. Docket Number 454-93-270.

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

Filed: May 18, 1993, 4:03 p.m.

TRD-9323141

Wednesday, May 26, 1993, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the commissioner's hearing section will conduct a public hearing to consider whether disciplinary action should be taken against James Ray Dean, Campwood, Texas, who holds a Local Recording Agent's license and a Group I, Legal Reserve Life Insurance Agent's license. Docket Number 454-93-339.

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

Filed: May 18, 1993, 4:03 p.m.

TRD-9323140

Wednesday, May 26, 1993, 1:30 p.m. The State Board of Insurance of the Texas Department of Insurance will meet in Room 100, William P. Hobby Building, 333 Guadalupe Street, Austin. According to the complete agenda, the board will consider administrative law judge proposal for decision in Docket Number 1957, concerning the appeal of Bruco, Inc. for a hearing on calculation of experience modifiers applicable to Workers' Compensation Insurance; and consider administrative law judge proposal for decision in Docket Number 1949, concerning the appeal of Gregg Industrial Insulators, Inc. from a decision of the Texas Workers' Insurance Facility.

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

Filed: May 18, 1993, 3:41 p.m.

TRD-9323139

Friday, May 28, 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 commissioner's hearing section will conduct a public hearing to consider whether disciplinary action should be taken against Mary Ramirez and Rene Ramirez doing business as Security General Insurance Agency, of San Antonio, who hold Group V, Local Recording Agent's licensed issued by the Texas Department of Insurance.

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

Filed: May 20, 1993, 8:25 a.m.

TRD-9323212

Lamar University System

Monday, May 24, 1993, 9:00 a.m. The Committees of the Lamar University System met at the John Gray Institute, Map Room, 855 Florida Street, Beaumont. According to the agenda summary, the Building and Grounds and the Finance and Audit Committees met.

Contact: James A. (Dolph) Norton, P.O. Box 11900, Beaumont, Texas 77705, (409) 880-2304.

Filed: May 19, 1993, 8:54 a.m.

TRD-9323148

Monday, May 24, 1993, 9:00 a.m. (Revised Agenda). The Committees of the Lamar University System met at the John Gray Institute, Map Room, 855 Florida

Street, Beaumont. According to the revised agenda summary, the Building and Grounds and the Finance and Audit Committees met.

Contact: James A. (Dolph) Norton, P.O. Box 11900, Beaumont, Texas 77705, (409) 880-2304.

Filed: May 19, 1993, 11:18 a.m.

TRD-9323171

Texas Council on Offenders with Mental Impairments

Wednesday, June 2, 1993, 2:00 p.m. The (Full) Texas Council on Offenders with Mental Impairments will meet at the Texas Commission on Law Enforcement Officer Standards and Education, 1033 La Posada, Suite 100, Austin. According to the complete agenda, the council will call the meeting to order; make introductions; take roll call; discuss approval of minutes; committee assignments/responsibilities; hear committee reports (including executive, legislative, planning, program, and research); Council of Community MHMR Centers, Inc. report; discuss pilot project issues; conference discussion; hear executive director's report; and adjourn.

Contact: Dee Kifowit, 8610 Shoal Creek Boulevard, Austin, Texas 78757, (512) 406-5406.

Filed: May 19, 1993, 3:07 p.m.

TRD-9323185

Texas Parks and Wildlife Department

Wednesday, May 19, 1993, 2:00 p.m. The Capital Projects Committee of the Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department met at McKinney Falls State Park, Austin. According to the emergency revised agenda summary, the committee held a closed meeting; discussed approval of the minutes from March 24, 1993 meeting; acquisition program update; land acquisitions of Harrison, El Paso, and Bexar Counties; and discussed new litigation update-Franklin Mountains State Park, El Paso County. The emergency status was necessary as proposed litigation settlement information was not available prior to the meeting and no other opportunity to brief the commission before the June trial date.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: May 19, 1993, 8:54 a.m.

TRD-9323150

Texas State Board of Pharmacy

Wednesday, June 9, 1993, 10:00 a.m. The Disciplinary Hearing Board of the Texas State Board of Pharmacy will meet at the Clements Building, 300 West 15th Street, Fourth Floor, Room 408, Austin. According to the complete agenda, the board will conduct a disciplinary hearing in the matter of the Texas State Board of Pharmacy versus Oscar Leon Ortiz, R.Ph.

Contact: Carol Fisher, 8505 Cross Park Drive, #110, Austin, Texas 78754-4594, (512) 832-0661.

Filed: May 19, 1993, 3:07 p.m.

TRD-9323184

Public Utility Commission of Texas

Wednesday, May 26, 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 11977-application of Tri-County Electric Cooperative, Inc., for authority to change rates.

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

Filed: May 18, 1993, 3:13 p.m.

TRD-9323136

Friday, May 28, 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 12009-application of GTE Southwest, Inc. to provide new services and equipment in Emergency Services 9-1-1 tariff.

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

Filed: May 18, 1993, 3:10 p.m.

TRD-9323131

Thursday, June 10, 1993, 7:00 p.m. The Public Utility Commission of Texas will meet at the Beaumont Civic Center, Beaumont. According to the agenda summary, the commission will hold a regional hearing in Docket Number 11292-application of Entergy Corporation and Gulf States Utilities Company for sale, transfer, or merger.

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

Filed: May 19, 1993, 3:41 p.m.

TRD-9323195

Monday, September 20, 1993, 10:00 a.m. The Hearings Division of the Texas Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete revised agenda, the division will hold a hearing on the merits in Docket Number 10687-consolidated application of Southwestern Bell Telephone Company for approval of Integrated Services Digital Network (ISDN), Digiline and SmartTrunk Services.

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

Filed: May 19, 1993, 3:40 p.m.

TRD-9323194

Texas Rehabilitation Commission

Friday, May 28, 1993, 9:30 a.m. The Board of the Texas Rehabilitation Commission will meet at the Brown-Heatly Building, 4900 North Lamar Boulevard, Public Hearing Room, Austin. According to the complete agenda, the board will take roll call; introduction of guests; give invocation; discuss approval of minutes; hear commissioner's comments; Rehabilitation Act Amendments of 1992: approval of policy changes and implementation; update of disability determination services program; update on legislative issues; meet in executive session; and adjourn.

Contact: Charles Schiesser, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4051 or TDD (512) 483-4045. For ADA assistance, call Sarah Hallum, (512) 483-4004.

Filed: May 19, 1993, 2:12 p.m.

TRD-9323180

Texas Guaranteed Student Loan Corporation

Thursday, May 27, 1993, 11:00 a.m. The Executive Committee of the Texas Guaranteed Student Loan Corporation will meet at 12015 Park 35 Circle, Suite 300, Austin. According to the complete agenda, the committee will discuss approval of minutes of April 29, 1993; discuss HEAF loan transfer; and contingency plan.

Contact: Peggy Irby, P.O. Box 15996, Austin, Texas 78761, (512) 835-1900.

Filed: May 19, 1993, 1:57 p.m.

TRD-9323179

Texas Surplus Property Agency

Thursday, May 27, 1993, 10:00 a.m. 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 agenda summary, the board will discuss approval of the November 17, 1992 board meeting; elect board vice-chairman; general public presentations; executive session to meet with Attorney General-Article 6252-17, §2(e), Texas Civil Statutes and discuss personnel matters, Article 6252-17, §2(g), Texas Civil Statutes; open session to consider and possibly act on executive session items; progress report on audit corrective action plan; discuss approval of completion of Houston District Warehouse expansion; and consider and discuss approval of proposals to improve security.

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

Filed: May 20, 1993, 9:23 p.m.

TRD-9323217

University of Texas, M.D. Anderson Cancer Center

Tuesday, May 25, 1993, 9:00 a.m. The Institutional Animal Care and Use Committee of the University of Texas, M.D. Anderson Cancer Center will meet at the M.D. Anderson Cancer Center Conference Room AW7.707, Seventh Floor, 1515 Holcombe Boulevard, Houston. According to the agenda summary, the committee will review protocols for animal care and use and modifications thereof.

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

Filed: May 19, 1993, 3:15 p.m.

TRD-9323188

Texas Water Commission

Friday, May 28, 1993, 10:00 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin State Office Building, Rooms 1149A and B, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing before a hearings examiner on an appeal filed by Greystone County Estates (Greystone), a developer, requesting a review of Hill Country Waterworks, Inc.'s costs to provide water utility service to an area in Bexar County; and review all costs

to provide service, including, but not limited to, capital recovery/improvement charges of new connections. Docket Number 9954-X.

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

Filed: May 18, 1993, 2:29 p.m.

TRD-9323124

Tuesday, June 29, 1993, 9:00 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the City of Texarkana Council Chambers, Second Floor, Third and Texas Boulevard, Texarkana. According to the agenda summary, the commission will hold a public hearing on application by Hooks Independent School District (proposed permit number 13634-01) for permit to authorize the discharge of treated domestic wastewater effluent.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78701, (512) 463-7875.

Filed: May 18, 1993, 2:29 p.m.

TRD-9323123

Texas Workers' Compensation Insurance Fund

Tuesday-Wednesday, May 25-26, 1993, 4:30 p.m. and 8:30 a.m. respectively The Board of Directors of the Texas Workers' Compensation Insurance Fund will meet at the Four Seasons Hotel, First Street and San Jacinto, Austin. According to the agenda summary, on Tuesday the board will call the meeting to order, take roll call, hear public participation, informal briefing session concerning the same premium policy plan and rejected risks, announcements, and adjourn. On Wednesday the board will call the meeting to order, take roll call, review and approve minutes of the April 28, 1993 board meeting, hear public participation, report of the finance committee election of secretary to the board of directors, discuss fund activity report, final review of policy for agent of record letters, approve contract for public relations and marketing services, consider planning program for long-range space needs, report on board member confirmations, report on legislation, discuss working lunch, meet in executive session, take action on items resulting from executive session deliberations, announcements, and adjourn.

Contact: Jodie Bowen, 100 Congress Avenue, Austin, Texas 78701, (512) 322-3851.

Filed: May 19, 1993, 4:47 p.m.

TRD-9323197

Regional Meetings

Meetings Filed May 18, 1993

The Alamo Area Council of Governments Management Committee will meet at 118 Broadway Street, Suite 420, San Antonio, May 25, 1993, at 10:00 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway Street, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9323146.

The Alamo Area Council of Governments Board of Directors will meet at 118 Broadway Street, Suite 420, San Antonio, May 25, 1993, at 1:00 p.m. Information may be obtained from Al J. Notzon III, 118 Broadway Street, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9323145.

The Austin-Travis County Mental Health and Mental Retardation Center (Emergency revised agenda). Finance and Control Committee met at 1430 Collier Street, Austin, May 19, 1993, at noon. The emergency status was necessary as time of board meetings was changed from an information item to an action item. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9323108.

The Brazos Valley Quality Work Force Planning Committee will meet at 715 East University Drive, College Station, May 25, 1993, at 11:30 a.m. Information may be obtained from Patty Groff, 301 Post Office Street, Bryan, Texas 77801, (409) 823-4988. TRD-9323142.

The Central Plains Center for Mental Health, Mental Retardation and Substance Abuse Board of Trustees will meet at 710 West Fifth Street, Plainview, May 27, 1993, at 6:00 p.m. Information may be obtained from Seth Halbert, 2700 Yonkers, Plainview, Texas 79072, (806) 293-2636. TRD-9323107.

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, May 27, 1993, at 5:00 p.m. Information may be obtained from John Brown, 3911 Morse Street, Denton, Texas 76208, (817) 566-0904. TRD-9323121.

The Fort Bend County Education District Board of Trustees met at the Lamar CISD Administration Building Board Room, 3911 Avenue I, Rosenberg, May 24, 1993, at 6:00 p.m. Information may be obtained from Jerome D. Bourgeois, 2706 St. Andrews Place, League City, Texas 77573, (713) 334-5639. TRD-9323115.

The Johnson County Rural Water Supply Corporation met at the JCRWSC Office, Highway 171 South, Cleburne, May 21, 1993, at 10:00 a.m. Information may be obtained from Terry Kelley, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9323105.

The Liberty County Central Appraisal District Board of Directors will meet at 315 Main Street, Liberty, May 26, 1993, at 9:30 a.m. Information may be obtained from Sherry Greak, 315 Main Street, Liberty, Texas 77575, (409) 336-5722. TRD-9323144.

The Region VIII Education Service Center Board of Directors will meet at the Echo Lodge, Interstate 30 West, Sulphur Springs, May 27, 1993, at 1:00 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75456-1894, (903) 572-8551. TRD-9323129.

The San Jacinto River Authority (Revised agenda). Board of Directors will meet at the Woodlands Conference Center and Resort, Cypress Room, 2301 North Millbend Drive, The 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-9323130.

Meetings Filed May 19, 1993

The Alamo Area Council of Governments Area Judges will meet at 118 Broadway Street, Suite 420, San Antonio, May 25, 1993, at 11:30 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway Street, San Antonio, Texas 78205, (512) 225-5201. TRD-9323199.

The Coryell City Water Supply District Board of Directors held an emergency meeting in the District Office, FM 929, Coryell City, May 20, 1993, at 7:30 p.m. The emergency status was necessary as method of disposal of salvage material needed to be decided, and several inquiries about purchase had been made. Information may be obtained from Helen Swift, Route 2, Box 93, Gatesville, Texas 76528, (817) 865-6089. TRD-9323193.

The County Education District Number 11 Board of Trustees met at the Snyder Independent School District Administration Building, 3901 37th Street, Snyder, May 24, 1993, at 7:30 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549. TRD-9323191.

The Guadalupe-Blanco River Authority Board of Directors met at the Authority's Offices, 933 East Court Street, Seguin, May 20, 1993, at 1:00 p.m. The emergency status was necessary as information had not been received in time for regular posting. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9323181.

The Gulf Coast State Planning Region Transportation Policy Council will meet at

3555 Timmons Lane, Second Floor, Houston, May 28, 1993, at 9:30 a.m. Information may be obtained from Rosalind Hebert, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9323192.

The Kendall Appraisal District Board of Directors will meet at the Appraisal District Offices, 121 South Main Street, Boerne, May 26, 1993, at 5:00 p.m. Information may be obtained from J.P. Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9323190.

The Lamb County Appraisal District Board of Directors will meet at 331 LFD Drive, Littlefield, June 10, 1993, at 6:00 p.m. Information may be obtained from Vaughn E. McKee, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474. TRD-9323186.

The Leon County Central Appraisal District Board of Directors met at the Leon County Central Appraisal District Office, Gresham Building, Centerville, May 24, 1993, at 7:00 p.m. Information may be obtained from Donald Gillum, P.O. Box 536, Centerville, Texas 75833, (903) 536-2252. TRD-9323198.

The Mental Health Mental Retardation Authority of Brazos Valley Board of Trustees will meet at 804 Texas Avenue, Conference Room A, Bryan, May 27, 1993, at 1:00 p.m. Information may be obtained from Leon Bawcom, MHMR Authority of Brazos Valley, Bryan, Texas 77803, (409) 822-6467. TRD-9323200.

The Mills County Appraisal District met in an emergency meeting at Mills County Courthouse Jury Room, Goldwaite, May 20, 1993, at 7:15 p.m. The emergency meeting was necessary for resignation of present board member due to illness. Information may be obtained from Cynthia Partin, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253. TRD-9323169.

The Rio Grande Council of Governments Board of Directors met in an emergency meeting at 1100 North Stanton, Main Conference Room, El Paso, May 21, 1993, at 9:30 a.m.(MST). The emergency meeting was necessary to consider item of business generally related to the operation of the Council. Information may be obtained from Lidia Flynn, 1100 North Stanton, Suite 610, El Paso, Texas 79902, (915) 533-0998. TRD-9323176.

The San Antonio-Bexar County Metropolitan Planning Organization Transportation Steering Committee met at the International Conference Center, Hemisfair Plaza, Convention Center Complex, San Antonio, May 24, 1993, at 1:30 p.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main Street, Suite 205, San Antonio, Texas 78204, (210) 227-0651. TRD-9323201.

The Southwest Millam Water Supply Corporation Board met at 114 East Cameron Street, Rockdale, May 24, 1993, at 7:00 p.m. Information may be obtained from Dwayne Jekel, P.O. Box 232, Rockdale, Texas 76567, (512) 446-2604. TRD-9323151.

The West Central Texas Council of Governments Executive Committee will meet at the Board Room of the old Jail Museum of Art, Albany, May 26, 1993, at 10:30 a.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-9323178.

The Wood County Appraisal District Appraisal Review Board met at 217 North Main, Conference Room, Wood County Appraisal District, Quitman, May 24-27, 1993, at 9:00 a.m. Information may be obtained from Lou Brooke, P.O. Box 951, Quitman, Texas 75783, (903) 763-4891. TRD-9323157.



Meetings Filed May 20, 1993

The Ark-Tex Council of Governments Executive Committee will meet at the Two Senoritas, Mt. Pleasant, May 27, 1993, at 5:30 p.m. Information may be obtained

from Pam Koelling, P.O. Box 5307, Texarkana, Texas 75505-5307, (903) 832-8636. TRD-9323215.

The Coryell County Appraisal District Appraisal Review Board will meet at the Coryell County Appraisal District Office, 113 North Seventh Street, Gatesville, May 26, 1993, at 9:30 a.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593. TRD-9323219.

The County Education District Number Six Board of Trustees met at the Brownfield I.S.D. Administration Building, 601 Tahoka Road, Brownfield, May 24, 1993, at 7:00 p.m. Information may be obtained from Larry Throm, Lubbock I.S.D., 1628 19th Street, Lubbock, Texas 79401, (806) 766-1092. TRD-9323213.

The Deep East Texas Council of Governments Board of Directors will meet at the Lufkin Civic Center, 601 North Second Street, Angelina County, Lufkin, May 27, 1993, at 1:30 p.m. Information may be obtained from Walter G. Diggles, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9323216.

The Garza County Appraisal District Board of Directors will meet at the Ap-

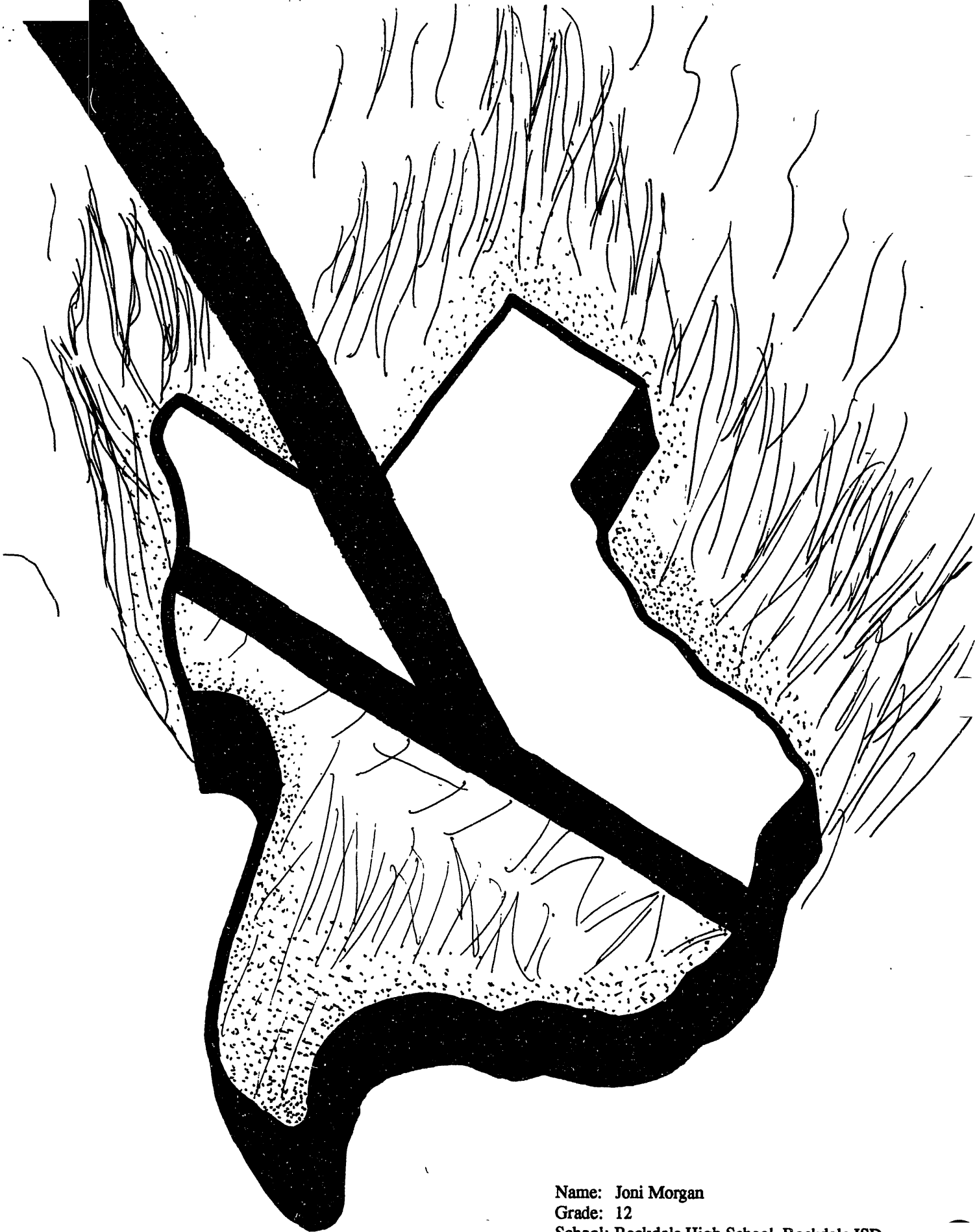
praisal District Office, 124 East Main Street, Post, June 10, 1993, at 9:00 a.m. Information may be obtained from Billie Y. Windham, P.O. Drawer F, Post, Texas 79356, (806) 495-3518. TRD-9323221.

The Martin County Appraisal District Martin County Ag-Board will meet at 308 North St. Peter, Appraisal Office, Stanton, June 1, 1993, at 8:00 p.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823. TRD-9323220.

The Mills County Appraisal District held an emergency meeting at the Mills County Courthouse Jury Room, Goldthwaite, May 20, 1993, at 7:15 p.m. The emergency status was necessary due to resignation of present board member due to. Information may be obtained from Cynthia Partin, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253. TRD-9323218.

The Permian Basin Regional Planning Commission Private Industry Council will meet at the UTPB-Center for Energy and Economic Diversification, Midland, May 26, 1993, at 4:00 p.m. Information may be obtained from Carole Burrow, P.O. Box 60660, Midland, Texas 79711-0660, (915) 563-1061. TRD-9323222.





Name: Joni Morgan

Grade: 12

School: Rockdale High School, Rockdale ISD

Joni
1993

In Addition

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

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

State Banking Board Notice of Hearing

The Hearing Officer of the State Banking Board will conduct a hearing on June 28, 1993, at 9:00 p.m., at 2601 North Lamar Boulevard, Austin, on the change of domicile application for Woodway Financial Advisors, A Trust, Company, Houston.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1317.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323120 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: May 18, 1993

Texas Cancer Council Requests for Proposals

The Texas Cancer Council has contracted with the University of Texas Health Science Center at San Antonio since March 1992 for the development and implementation of a statewide dental oncology education program. Baylor College of Dentistry has been a co-investigator and subcontractor for the project since its inception. Program representatives from the University of Texas Health Science Center at San Antonio and the Baylor College of Dentistry recommend that for Fiscal Year 1994 the principal contracting entity be changed to the Baylor College of Dentistry.

Baylor College of Dentistry will submit an application to the Texas Cancer Council for the continuation of the dental oncology education program during Fiscal Year 1994.

Since the Baylor College of Dentistry is not a state agency, other entities can submit application to be the principal contractor for the dental oncology education program. Application materials can be obtained from the Texas Cancer Council: mailing address-P.O. Box 12097, Austin, Texas 78711; telephone number-(512) 463-3190.

The deadline for submission of Fiscal Year 1994 applications for continuation of the dental oncology education program is June 30, 1993. Funding decisions will be made by the Texas Cancer Council on August 4, 1993.

For more information, contact Emily Untermeyer, Executive Director, Texas Cancer Council, at (512) 463-3190.

Issued in Austin, Texas, on May 18, 1993.

TRD-9323096 Emily F. Untermeyer
Executive Director
Texas Cancer Council

Filed: May 18, 1993

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, Articles 1.04 and 1.05, as amended (Texas Civil Statutes, Articles 5069-1.04 and 1.05).

| <u>Types of Rate Ceilings</u> | <u>Effective Period (Dates are Inclusive)</u> | <u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u> | <u>Commercial(2) over \$250,000</u> |
|---|---|---|---|
| Indicated (Weekly) Rate - Art. 1.04(a)(1) | 05/24/93-05/30/93 | 18.00% | 18.00% |
| Judgment Rate - Art. 1.05, Section 2 | 06/01/93-06/30/93 | 10.00% | 10.00% |

(1)Credit for personal, family or household use. (2)Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323158 Al Endley
Consumer Credit Commissioner

Filed: May 19, 1993

Court Reporters Certification Board Certification of Court Reporters

Following examination of applicants on April 16, 1993, the Texas Court Reporters Certification Board has certified to the Supreme Court that the following individuals are qualified in the method indicated to practice shorthand

reporting pursuant to the Government Code, Chapter 52, Texas Civil Statutes:

Oral Stenography. Rachel Marie Pockrus-Harlingen; Susan Louise Pockrus-Port Isabel; and John L. Spencer-Houston.

Machine Shorthand. Leticia Marie Aguilar-Austin; Mona Rex Arevalos-San Antonio; Cathy Marie Baker-Cypress; Lea A. Baker-Abilene; Kristen Ann Ballard-Whitehouse; Kimberly Beam-Corpus Christi; Mary Lou Becerra-Eick-Carrollton; Athena Marie Beightol-Cedar Creek; Kasie Jennifer Black-Plano; Leslie K. Bodes-Carrollton; Cindy Dawn Brobst-Irving; Carrie L. Brown-San Antonio; Kimberly Ann Burrow-Arlington; Paige W. Cadenhead-Wichita Falls; Ada Virginia Christy-Waco; Flora Rita Cigliano-San Pedro, California; Stephanie Kay Clerk-Converse; Stephanie Leigh Cox-McKinney; Rhonda Ilene Farmer-Abilene; Lisa Ann Ferguson-Austin; Jodi Dawn Fradin-Bellaire; Francisca F. Garza-San Antonio; Geneva Gonzales-San Antonio; Terry James Hanshaw-Abilene; Antoinette Hartman-Houston; Paige G. Hickson-Stamford; Sarah Stuckman Hurst-Stamford; Kimberly Jo Klarich-Claude; Stacy Lyn Krienke-Georgetown; Shannon Sue LaBure-Kingwood; Paul H. Landsman-Plano; Lisa Renea Lilley-Plano; Lorraine Leigh Lipinski-Austin; Gretchen Marie Lively-Arlington; Belinda Gail Martin-Dallas; Janet Leeann McConathy-Cleburne; Cheryl L. McCormick-Abilene; Shirley McIntyre-Poteet; Michelle Rene'e Molina-Duncanville; Melinda Mondragon-Bellaire; Susan Renea Morrison-Baytown; Alisa Eileen Morton-Alvin; Donna Christine Nixon-Longview; Christy G. Norris-Lindale; Elizabeth Yvonne Perez-Austin; Vicki Lynn Peterson-Mesquite; Cindy Lee Plows-Mesquite; Constance Ann Pollet-Houston; Patricia Owens Richards-Austin; Julie Ann Seal-San Antonio; Kenna L. Smith-Corpus Christi; Renay Smith-Benbrook; Jan Cherie Smith-Seagoville; Melissa Snell-Austin; Terri Lynn Stone-Sweetwater; Amy Lynn Timcoe-Dallas; Martha R. Underwood-Austin; Wendy Michelle Watkins-Abilene; and David R. Zarate-San Antonio.

Issued in Austin, Texas, on May 18, 1993.

TRD-9323152 Peg Liedtke
Executive Secretary
Court Reporters Certification Board

Filed: May 19, 1993

Texas Education Agency Request for Application #701-93-015

This request for applications is filed in accordance with the Carl D. Perkins Vocational and Applied Technology Education Act, Public Law 101-392, as amended, and the Texas State Plan for Vocational and Applied Technology Education.

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications (RFA #701-93-015) from public school districts that will coordinate with community-based organizations that have the capacity to provide vocational education services and activities in addition to the school districts' vocational education programs. The school districts and the community-based organizations that desire to conduct such a program shall prepare jointly an application. The community-based organization will be responsible for delivery of services and activities and the school district will serve the coordinated effort as fiscal agent.

Description. Public school districts, as eligible grant recipients, may apply directly to the TEA for funding so that community-based organizations may provide the following vocational education services and activities: outreach programs that facilitate the entrance of youth into a program of transitional services and their subsequent entrance into vocational education, employment, or other education and training; transitional services such as attitudinal and motivational prevocational training programs; prevocational education preparation and basic skills development conducted in cooperation with business concerns; special prevocational preparation programs targeted for inner-city youth, non-English speaking youth, and the youth of urban and rural areas having a high density of poverty who need special prevocational education programs; career intern programs; model programs for school dropouts; assessment of students' needs in relation to vocational education and jobs; and guidance and counseling to assist students with occupational choices and with the selection of a vocational and applied technology education program.

Special consideration shall be given to the needs of severely economically and educationally disadvantaged youth, ages 16-21, inclusive. Individuals with disabilities who are educationally and economically disadvantaged may also participate in these projects.

Dates of Project. The community-based organization project will begin no earlier than July 1, 1993, and will end no later than June 30, 1994.

Project Amount. Approximately \$903,195 in federal funds is available for this project. Funding for each individual project will be based on the actual cost of the services and activities identified and justified in the application, but shall not exceed \$50,000.

Selection Criteria. Applications will be approved based upon the ability of each applicant to carry out all requirements contained in the request for application. TEA reserves the right to select from the highest-ranking applications those that will provide the most effective, comprehensive educational services.

Requesting the Application. To obtain a copy of the request for applications (RFA #701-93-015), call (512) 463-9304, or write the Document Control Center, Texas Education Agency, Room 6-108, 1701 North Congress Avenue, Austin, Texas 78701-1492. Please refer to the RFA number in your request.

Further Information. For clarifying information about this request, contact Robert Martinez or Bob Mann, Division of Adult and Community Education, Texas Education Agency, (512) 463-9294.

Deadline for Receipt of Applications. Applications may be delivered by mail or in person to the Texas Education Agency, Document Control Center, Room 6-108. The Document Control Center is open Monday-Friday, 8:00 a.m. to 5:00 p.m., excluding holidays. To be considered for funding, applications must be received no later than 5:00 p.m. on Tuesday, June 15, 1993.

Issued in Austin, Texas, on May 18, 1993.

TRD-9323159 Lionel R. Meno
Commissioner of Education
Texas Education Agency

Filed: May 19, 1993

Request for Application #701-93-017

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications from qualified teachers for the Christa McAuliffe Fellowship Program. This program honors the memory of the late Christa McAuliffe, the New Hampshire teacher who died in the January 1986 explosion of the space shuttle Challenger. All applicants must have at least eight years of teaching experience in elementary or secondary public or private schools.

Description. Each Christa McAuliffe fellowship may be used for: sabbaticals study, research, or academic improvement to improve such teacher's knowledge base in an area of expertise; or learn a new area of expertise; increase skills and professional ability; and enhance the ability of teachers to work with special education populations, including: gifted and talented children, limited-English proficient children; children with disabilities; and economically and educationally disadvantaged children; consultation with or assistance to other school districts or private school systems, or development of special innovative programs; projects or partnerships that involve the business community and the schools; programs that incorporate the use and the sharing of technologies to help students learn; or expanding or replicating model programs of staff development.

Dates of Project. The Christa McAuliffe Fellowship Program will be implemented during the 1993-1994 school year. Applicants should plan for a starting date of Wednesday, September 1, 1993, and an ending date of Wednesday, August 31, 1994.

Project Amount. A total of \$73,532 will be available to full-time teachers currently teaching in elementary or secondary public or private schools. Fellowships will be awarded to recipients in an amount equal to the annual salary the individual would receive in his or her current place of employment for the award period. Applications for a Christa McAuliffe fellowship are competitive and will be funded until grant funds are depleted.

Selection Criteria. Applications will be reviewed by a statewide panel composed of teachers, school administrators, parents, representatives of higher education, and members of professional education organizations. Applications will be judged on: the quality and consideration of the applicant's evaluations during employment as a teacher; an applicant's demonstrated commitment to teaching in the future; and the intended activities during the award period. The statewide panel makes the final selection of recipients for the fellowship awards and presents the names to the commissioner.

Requesting the Application. A copy of the complete request for applications (RFA #701-93-017) may be obtained by writing the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, or by calling (512) 463-9304. Please refer to RFA #701-93-017 in your request.

Further Information. For clarifying information about this request, contact Evangelina Galvan, Division of Professional Educator Preparation, Texas Education Agency, (512) 463-9327.

Deadline for Receipt of Applications. Applications must be received in the Document Control Center of the Texas Education Agency by 5:00 p.m., Wednesday, June 30, 1993.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323160

Lionel R. Meno
Commissioner of Education
Texas Education Agency

Filed: May 19, 1993

Texas Department of Health Notice of Emergency Cease and Desist Orders

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Frank J. Siebenaler, D.C. (registrant-RNEW) of Brownsville to cease and desist using any sources of radiation in his possession at this facility or at any other location in Texas until his x-ray equipment is properly registered and all violations of the Texas Regulations for Control of Radiation have been corrected. The bureau determined that the continued use of unregistered radiation sources at this facility constitutes an immediate threat to public health and safety. Doctor Siebenaler is further required to provide evidence satisfactory to the bureau regarding the actions taken to correct the violations found during the recent inspection of the facility, and the methods to prevent the recurrence of the violations.

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

Issued in Austin, Texas, on May 18, 1993.

TRD-9323109

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

Filed: May 18, 1993

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Ferit Acar, M.D. (registrant-R13790) of Rowlett to cease and desist using any sources of radiation in his possession at this facility until entrance exposure limits for x-ray diagnostic procedures have been reduced to within regulatory limits. The bureau determined that the continued use of radiation sources at this facility constitutes an immediate threat to public health and safety. The registrant is further required to provide evidence satisfactory to the bureau regarding the actions taken to correct this violation and other health-related violations found during a recent inspection of the facility, and the methods to prevent the recurrence of the violations.

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

Issued in Austin, Texas, on May 18, 1993.

TRD-9323110

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

Filed: May 18, 1993

Texas Department of Human Services Public Notice-Open Solicitation

Pursuant to Title 2, Chapters 22 and 32, of the Human Resources Code and 40 TAC §19.2004, in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5315), the Texas Department of Human Services (TDHS) is announcing the reopening of the open solicitation period for Jim Hogg County, County Number 124, identified in the February 4, 1992, issue of the *Texas Register* (17 TexReg 962) and San Jacinto County, County Number 204, identified in the April 24, 1990, issue of the *Texas Register* (15 TexReg 2372). Potential contractors desiring to construct a 90-bed nursing facility in the referenced areas must submit a written reply (as described in 40 TAC §19.2004) to TDHS, Gary L. Allen, Institutional Programs Section, Long Term Care Department, Mail Code W-519, P.O. Box 149030, Austin, Texas 78714-9030. Upon receipt of a reply from a potential contractor, TDHS will place a notice in the *Texas Register* to announce the closing date of the reopened solicitation period.

Issued in Austin, Texas, on May 18, 1993.

TRD-9323114 Nancy Murphy
Section Manager
Texas Department of Human Services

Filed: May 18, 1993

Public Notice-Strategic Direction

The Texas Department of Human Services (TDHS) has published the document entitled Information Systems Architecture: Phase I Implementation Strategy. The purpose of the document is to detail the strategic direction which DHS intends to pursue for its information systems architecture for the next five years. Decisions regarding hardware and software which are detailed in the document are to serve as architecture policy for the agency.

This document is available for purchase at \$6.80 per copy. Please contact John S. Revier, TDHS, MC C745, P.O. Box 149030, Austin, Texas 78714-9030 or (512) 450-4569.

Issued in Austin, Texas, on May 19, 1993.

TRD-9323183 Nancy Murphy
Section Manager
Texas Department of Human Services

Filed: May 19, 1993

Texas Department of Insurance Notice of Hearing

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 in this notice. 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/nonoccupant 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 Number 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 Manual 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 Manual 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 Insurance 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 Number 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).

The 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.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323087 Linda von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: May 17, 1993

Texas State Board of Examiners of Psychologists

Public Hearing Notice

The Texas State Board of Examiners of Psychologists will hold a public hearing on Wednesday, May 26, 1993, from 2:00 p.m. to 4:00 p.m. at the University of Texas Health Science Center, Department of Psychiatry, Room 746E, San Antonio, Texas 78284. The Public hearing is to receive comments from interested parties concerning the repeal of the existing Board Rule §465.18 and the new Board rule §465.18 proposed under Texas Civil Statutes, Article 4512c, which provide the Texas State Board of Examiners of Psychologists with the authority to promulgate and adopt rules consistent with the Act governing its administration, including a rule relating to Supervision Guidelines. The proposed Rule "Supervision Guidelines" 22 TAC §465.18, was published in the March 2, 1993, issue of the *Texas Register*. The proposed repeal of the existing Rule "Supervision Guidelines" 22 TAC §465.18 was published in the December 11, 1992, edition of the *Texas Register*. Any interested person may appear and offer comments or statements, either orally or in writing, however, questioning of commenters will be reserved exclusively to the Texas State Board of Examiners of Psychologists or its staff as may be necessary to ensure a complete record. While any person with pertinent comments or statements will be granted an opportunity to present them during the course of the hearing, the Texas State Board of Examiners of Psychologists reserves the right to restrict statements in terms of time or repetitive content. Organizations, associations, or groups are encouraged to present their commonly held views or similar comments, through a representative member where possible. Persons with disabilities who have special needs and who plan to attend the meeting should contact Rebecca E. Forkner of the Texas State Board of Examiners of Psychologists at (512) 835-2036.

Issued in Austin, Texas, on May 18, 1993.

TRD-9323147 Rebecca E. Forkner
Acting Executive Director
Texas State Board of Examiners of
Psychologists

Filed: May 19, 1993

Public Utility Commission of Texas

Notices 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 Aldine ISD, Houston.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for Aldine ISD pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 12011.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for Aldine ISD. The geographic service market for this specific service is the Houston 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 for teletypewriter for the deaf.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323134 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 18, 1993

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 the City of Midland, Midland.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for the City of Midland pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 12010.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for the City of Midland. The geographic service market for this specific service is the Midland 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 for teletypewriter for the deaf.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323135 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 18, 1993

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 the City of Euless, Euless.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for the City of Euless pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 12012.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for the City of Euless. The geographic service market for this specific service is the Euless 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 for teletypewriter for the deaf.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323132 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 18, 1993

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 Brownsville ISD, Brownsville.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for Brownsville ISD pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 12013.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for Brownsville ISD. The geographic service market for this specific service is the Brownsville 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 for teletypewriter for the deaf.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323133 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 18, 1993

Texas Water Commission Enforcement Orders

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day

after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Rankin, Gerald (Docket Number WWD 93-05) on April 23, 1993, assessing \$2,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 475-2261.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323094 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 18, 1993

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Northcutt, Dwight (Docket Number WWD 93-02) on April 23, 1993, assessing \$2,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 475-2261.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323095 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 18, 1993

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An agreed enforcement order was issued to Lyondell Petrochemical Company (SWR Number 30092) on April 30, 1993, assessing \$64,800 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting H. Glenn Hall, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 908-2057.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323097 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 18, 1993

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day

after the date on which the decision is adopted, the following information is submitted.

An agreed enforcement order was issued to Hedley Feedlot (Permit Number 02378) on April 29, 1993, assessing \$3,680 in administrative penalties with \$1,000 deferred.

Information concerning any aspect of this order may be obtained by contacting John Carlton, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8072.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323098 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 18, 1993

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Hancock, David (Docket Number WWD 93-12) on April 23, 1993, assessing \$250 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 475-2261.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323099 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 18, 1993

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Folmar, Johnny (Docket Number WWD 93-03) on April 23, 1993, assessing \$2,500 in administrative penalties if contingency not met.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 475-2261.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323100 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 18, 1993

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its

decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An agreed enforcement order was issued to Capitol Aggregates on April 23, 1993, assessing \$12,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Robert Martinez, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8098.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323101 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 18, 1993

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Faught, Dale Jr. (Docket Number WWD 93-09) on April 23, 1993, assessing \$1,500 deferred.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 475-2261.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323102 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 18, 1993

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Walker, Herbert (Docket Number WWD 93-08) on April 23, 1993, assessing \$500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 475-2261.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323103 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 18, 1993

Notice of Application For Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of May 7-14, 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.

American Buildings Company and NCI Building Systems, Inc.; wastewater treatment facilities; at 7301 Fairview, approximately 18 miles northwest of the City of Houston central business district and 1.5 miles northwest of the intersection of FM Road 529 and U.S. Highway 290, approximately 0.4 of a mile north of FM Road 529, near the City of Jersey Village, in Harris County; renewal; 12552-01.

Ameripol Synpol Corporation (formerly The Uniroyal Goodrich Tire Company doing business as Ameripol Synpol Company); a synthetic rubber manufacturing plant; at 1215 Main Street, immediately east of the City of Port Neches, Jefferson County; renewal; 02487.

B and B Sewer Company; the Oakwood Village Wastewater Treatment Facilities; approximately 300 feet west of Goslin Road and approximately 1,500 feet south of Root Road in Harris County; renewal; 12303-01.

Michael B. Boylan, Trustee and H. Deforest Ralph, Jr., Trustee, wastewater treatment facilities; in northwest Houston on the north bank of Cole Creek, east of Guhn Road, north of U.S. Highway 290 and west of Alamo Road in Harris County; renewal; 12564-01.

Harris County Municipal Utility District Number 150; wastewater treatment facilities; at 11621 C. Walters Road approximately three miles west of the intersection of Interstate Highway 45 and Greens Bayou Crossing in Harris County; renewal; 11863-01.

Harris County Municipal Utility District Number 155; wastewater treatment facilities; on the southern bank of Horsepen Creek, approximately 8,500 feet north of FM Road 529 and 9,000 feet west of FM Road 1960 in Harris County; renewal; 12726-01.

Harris County Municipal Utility District Number 199; wastewater treatment facilities; 1/2 mile north of Highway 290 and 600 feet west of Jones Road in Harris County; renewal; 12636-01.

IBF, Inc.; a beef slaughtering, processing and rendering facility; and a cattle hide brine processing facility and through-the-blue tannery; on the northeast side of the junction of U.S. Highway 66 East and FM 1912 and the disposal site is two miles northwest of the junction of U.S. Highway 66 East and FM 1912 and five miles northeast of Amarillo Municipal Airport in Potter County; amendment; 01873.

Judy and Mike Lloyd doing business as JM Dairy; on the north side of FM Road 8, approximately seven miles west of the intersection of FM Road 8 and FM Road 219 in Erath County; new; 03497.

Elvis C. Lowe; a dairy on an unnamed County Road approximately four miles north of the intersection of State Highway 108 and State Highway 219 in the City of Huckabay in Erath County; new; 03578.

Lyondell Petrochemical Company; an integrated petroleum refinery; at 12000 Lawndale Avenue in the City of Houston, Harris County; amendment; 00392.

Magnolia Independent School District; wastewater treatment facilities; approximately 4.73 miles due south of the City of Magnolia central business district on the west side of Nichols Sawmill Road in Montgomery County; new; 13653-01.

Elmer J. Parks; a dairy; on the south side of FM Road 8, approximately one mile east of the intersection of FM Road 8 and FM Road 219 in Erath County; new; 03590.

Rafter O Cattle, Inc.; a cattle feedlot; is on the north side of an unnamed County Road and west of County Road 1920 on the south west 1/4 of Section 157 in Lipscomb County; new; 03588.

San Antonio Municipal Utility District Number One; wastewater treatment facility and irrigation site; on a 35 acre tract bounded on the east by State Highway 16 (Bandera Road), on the north by Ranch Parkway and on the west by Wildlake Parkway in Bexar County; amendment; 11647-01.

Sequoia Improvement District; wastewater treatment facilities; in the Sequoia Estates Subdivision on the north bank of Greens Payou, approximately 2,000 feet west of U.S. Highway 59 and 0.7 mile south of FM Road 525 in Harris County; renewal; 10785-01.

Texas Eastern Products Pipeline Company; a plant manufacturing an organic chemical, Methyl Tert-Butyl Ether; on the east bank of the Neches River at the end of a private road west of FM Road 105, adjoining Mansfield Ferry Road, approximately 12 miles south of the City of Vidor, Orange County; new; 03546.

Quantum Chemical Corporation; their LaPorte Complex which manufactures petrochemicals, plastics and an activated silica gel catalyst; approximately one mile north of the intersection of Miller Cutoff Road with State Highway 225, Harris County; amendment; 00534.

United States Department of Energy; a plant principally engaged in the assembly of nuclear weapons from components received from other Department of Energy plants, the fabrication of chemical high explosives, disassembly of obsolete nuclear weapons and maintenance, modification, repair and nonexplosive testing of nuclear weapons

components; approximately 17 miles northeast of the City of Amarillo and ten miles west of the City of Panhandle, west of State Highway 2373, south of State Highway 293 and north of U.S. Highway 60 in Carson County; amendment; 02296.

John Wasilchak; the Oakdale Village Wastewater Treatment Facilities; approximately 2,000 feet southwest of the intersection of Bank Road and Shelby Road, approximately 4,500 feet north of the intersection of Bank Road and Rendon Road in Tarrant County; renewal; 12903-01.

Elva Weiman; wastewater treatment facilities; adjacent to and east of Horsepen Bayou, approximately 1,500 feet south of the intersection of FM Road 529 and Jackrabbit Road in Harris County; renewal; 12310-01.

Baylor College of Medicine; container storage facility; covers a .042-acre section of a warehouse at 3325 Yellowstone Boulevard in the City of Houston, Harris County; new; HW50354; 45 days.

Bell Helicopter Textron, Inc. (BHTI); a storage of hazardous wastes generated during the manufacture, assembly, repair and test flight of helicopters; on a 559-acre tract of land at 600 East Hurst Boulevard, Fort Worth, Tarrant County; new; HW50282-001; 45 days.

Issued in Austin, Texas, on May 18, 1993.

TRD-9323122

Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 18, 1993

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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 |

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|--------------------------|-------------------------|------------------------|
| 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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