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Texas Register

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Texas Register

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Information Available: The nine 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

Emergency Sections - sections adopted by state agencies on an emergency basis

Proposed Sections - sections proposed for adoption

Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

Adopted Sections - sections adopted following a 30-day public comment period

Open Meetings - notices of open meetings

In Addition - miscellaneous information required to be published by statute or provided as a public service

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes accumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 17 (1992) is cited as follows: 17 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "14 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 14 TexReg 3"

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

Texas Administrative Code

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

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

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

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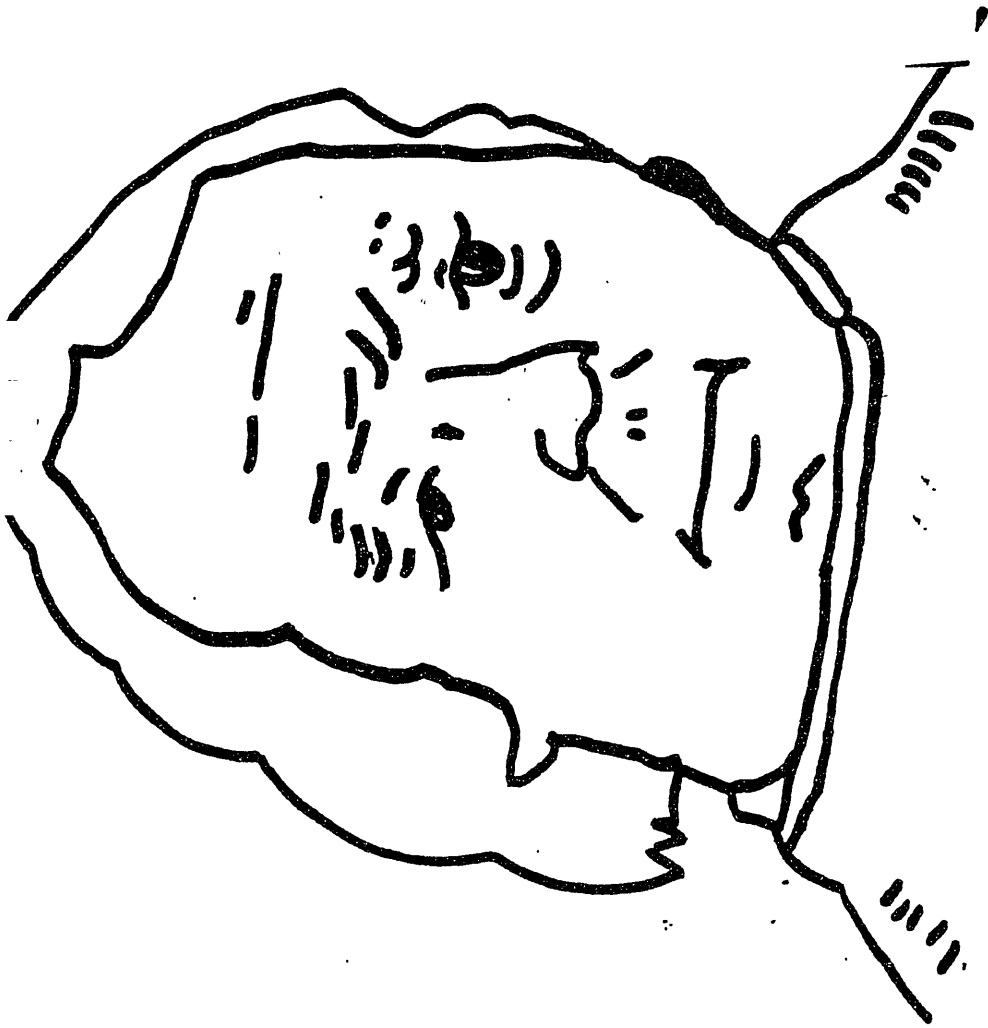
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Andrew Johnson

1865-1869

Richard Rincon
4th Grade
Knox City Elementary
Knox City, Texas

Name: Richard Rincon

Grade: 4

School: Knox City Elementary, Knox City O'Brien CISD



Chris Garcia
4th Grade
Knox City Elementary
Knox City, Texas

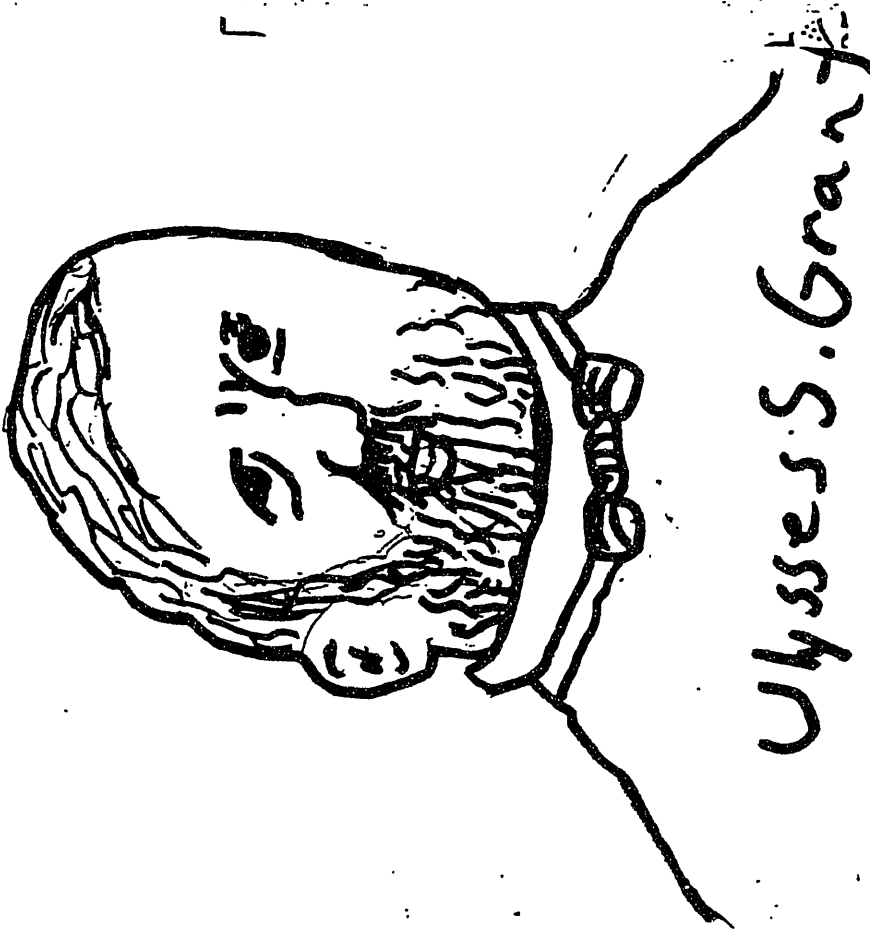
Russell B. Hayes
1877-1881

Name: Chris Garcia

Grade: 4

School: Knox City Elementary, Knox City O'Brien CISD

1015



Ulysses S. Grant

1869-1877

Frank Martinez
4th Grade
Knox City Elementary
Knox City, Texas

Name: Frank Martinez

Grade: 4

School: Knox City Elementary, Knox City O'Brien CISD

14th



Franklin Pierce

1792-1854

Natalie Bloxh
4th Grade
Knox City Element
Knox City, Texas

Name: Natalie Bloxham

Grade: 4

School: Knox City Elementary, Knox City O'Brien CISD



James Madison

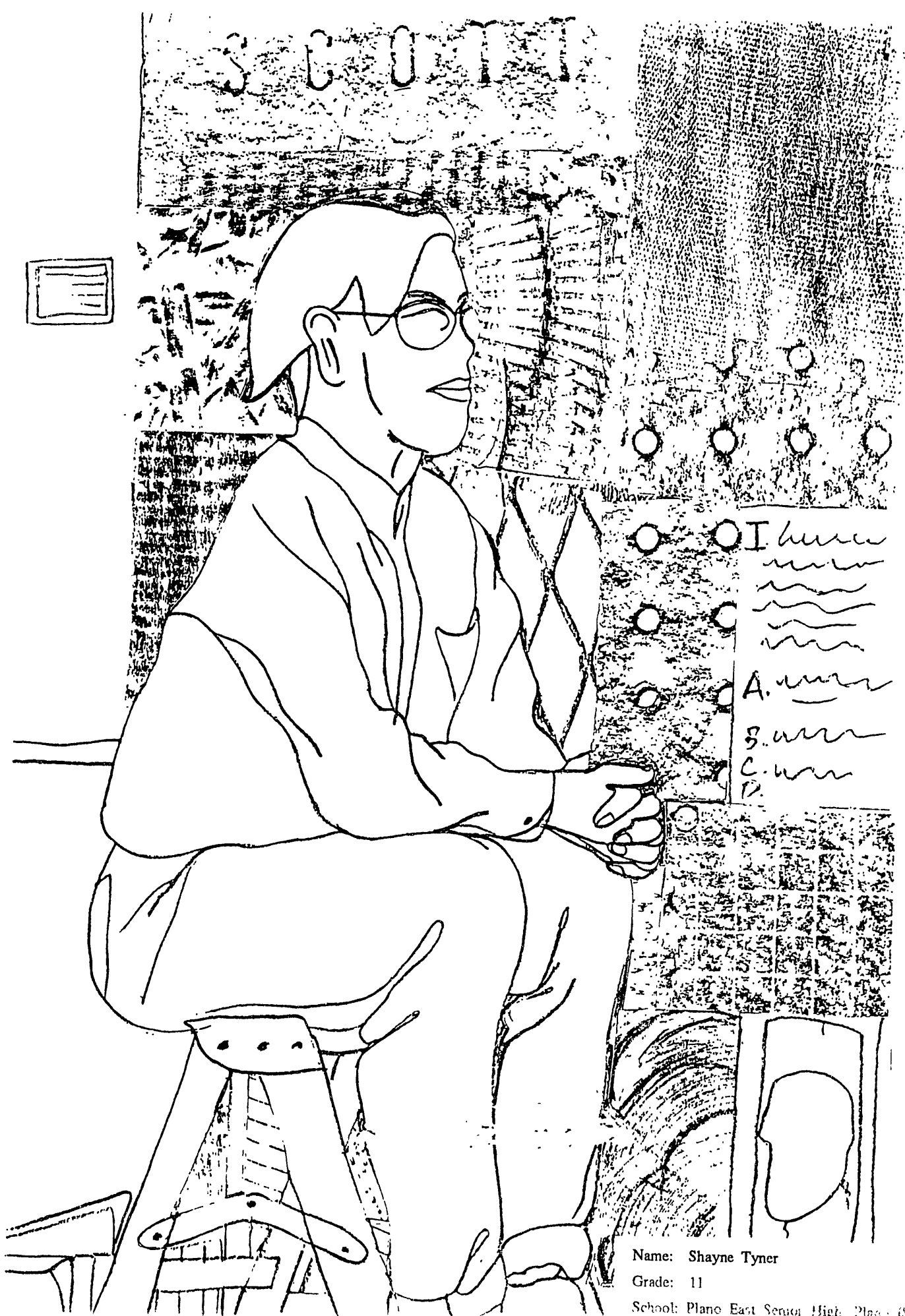
1809-1817

Stephanie Pedroza
4th Grade
Knox City Element.
Knox City, Texas

Name: Stephanie Pedroza

Grade: 4

School: Knox City Elementary, Knox City O'Brien CISD



Name: Shayne Tyner

Grade: 11

School: Plano East Senior High, Plano, TX

Emergency Sections

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

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

TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 11. Herbicide Regulations

• 4 TAC §11.2

The Texas Department of Agriculture (the department) adopts on an emergency basis, an amendment to §11.2 concerning special provisions for Jackson, Matagorda, and Wharton Counties.

The department is acting upon requests from county officials, on behalf of ranchers and farmers in Jackson, Matagorda and Wharton Counties for an immediate change of the dates during which the application of 2,4-D or any derivative thereof is prohibited in those counties. The current prohibition period begins on March 10 and ends on September 15 for those counties. County officials have requested that the beginning date be changed to March 25. The department believes that the changing of the prohibition dates as requested is both necessary and appropriate.

Adverse weather conditions have created a situation compelling an immediate extension of the deadlines for applications of 2,4-D for weed and brush control in Jackson, Matagorda and Wharton counties. The continuation of unusually wet weather since the first of the year has prevented many herbicide applications from being made prior to the March 10, 1992 deadline, as applications under those conditions would have been impractical. The additional moisture should also result in additional weed population and growth. Allowing the uncontrolled growth of weeds and brush may result in substantially less available forage for cattle and other livestock which would tend to reduce yields. This could create a significant loss to Texas ranchers/farmers and the state's economy.

The department believes that susceptible crops in Jackson, Matagorda and Wharton counties will not be harmed because the planting of those crops has not yet commenced and planting should not begin for another week, with emergence of those crops about a week after planting, or the week of March 23.

Emergency amendments to subsection (g) change the beginning date for prohibition of the spraying of 2,4-D or any derivative thereof in Jackson, Matagorda, and Wharton counties from March 10 to March 25 of each year.

The amendment is adopted on an emergency basis under the Texas Agriculture Code, §75.018, which gives the Texas Department of Agriculture the authority to consider a request for revision of a section, an exemption from a requirement of the Texas Herbicide Law, Chapter 75, or prohibition of spraying in one area and to adopt rules as the department deems appropriate; and Texas Civil Statutes, Article 6252-13(a)(5), which provides for the adoption of administrative rules on an emergency basis, without notice and comment.

§11.2. County Special Provisions.

(a)-(f) (No change.)

(g) Brazoria, Calhoun, Fort Bend, Jackson, Matagorda, and Wharton Counties.

(1) For that portion of Brazoria County both north of State Highway 35 and west of Highway 288, Calhoun and [.] For Bend Counties [, Jackson, Matagorda, and that portion of Wharton County east of the Colorado River,] the aerial application of 2,4-D or any derivative thereof is hereby prohibited between March 10 and September 15 of each year.

(2) For that portion of Brazoria County not included in paragraph (1) of this subsection, the aerial application of 2,4-D or any derivative thereof is hereby prohibited between March 25 and August 1, of each year.

(3) The aerial application of 2,4-D or any derivative thereof is hereby prohibited in Calhoun County between March 10 and August 2 of each year.

(4) **The aerial application of 2,4-D or any derivative thereof is hereby prohibited between March 25 and September 15 of each year for Jackson and Matagorda Counties and that portion of Wharton County east of the Colorado River.**

(5)[(4)] These counties, for purposes of this regulation, are considered one unit, and this provision is not to be changed without a public hearing for the unit as a whole.

(h)-(ll) (No change.)

Issued in Austin, Texas, on March 9, 1992.

TRD-9203463

Dolores Alvarado Hibbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Effective date: March 9, 1992

Expiration date: April 8, 1992

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

TITLE 16. ECONOMIC REGULATION Part I. Railroad Commission of Texas

Chapter 5. Transportation Division

Subchapter W. Registration of Commercial Carriers

• 16 TAC §5.507

The Railroad Commission of Texas adopts on an emergency basis an amendment to §5.507, concerning temporary registration of international commercial carriers. The amendment is adopted on an emergency basis as a result of the inability of agents to pay \$20 to the commission for each international registration stamp ordered. The rule as amended will allow agents to take international registration stamps on consignment from the commission and subsequently remit fees to the commission upon sale of the stamps. Adoption of the amendment will help to ensure that international commercial carriers operating in this state are complying with the commission's insurance requirements.

The amendment is adopted under the Texas Civil Statutes, Article 911b, §4(a) (13), which requires all commercial motor vehicles to be registered with the commission and to pay a registration fee of \$10 per vehicle, and under Texas Civil Statutes, Article 6701d, §139(c), which requires all commercial motor vehicles to file proof of insurance with the commission and to pay a fee for those filings. The amendment is also adopted under House Bill 1, First Called Session, 72nd Legislature, which directed the commission to raise the fee for international stamps to \$20 per stamp.

§5.507. Temporary Registration of International Commercial Carriers.

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

(c) Procedures.

(1) In lieu of maintaining registration as a commercial motor vehicle in accordance with §§5.501-5.506 of this

subchapter (relating to Registration of Commercial Carriers) and upon providing proof of insurance at or above the levels required by the commission, an international commercial carrier shall purchase, for each commercial motor vehicle operating in this state, an international registration stamp. The fee for each stamp is \$20, and will be good for one trip of up to seven days in duration.

(2)[(1)] An insurance agent that [which] has filed evidence of a master liability policy under which temporary insurance policies are issued shall obtain international registration stamps from the commission. Stamps shall be ordered on a form approved by the director. Once the evidence of the master insurance policy is filed with the commission, an identification number will be assigned to that policy and to all stamps issued under that policy. Stamps may be obtained, in lots of five stamps per lot, either:

(A) by purchase, at a cost of \$20 per stamp; or

(B) by consignment from the commission, with monies collected upon the sale of the stamps to be remitted to the commission as provided in paragraph (7) of this subsection.

[(2)] An insurance agent which has filed a master liability policy under which temporary insurance policies are issued shall obtain registration stamps from the commission.]

(3) Only insurance agents who are duly licensed in this state and who maintain evidence of master insurance policies on file with the commission will be permitted to obtain and sell international registration stamps on consignment from the commission.

(4)[(3)] For each international registration stamp sold by the insurance agent, the insurance agent or his designee shall record the name of the company to whom the stamp is sold, the vehicle identification number, the year, the make, and the

license number of the vehicle for which the stamp is sold, the date of sale, the port of entry, the trip policy number, and the effective period of the temporary insurance policy. This information shall be recorded on a form approved by the director.

[(4)] The registration stamp shall be affixed to the temporary insurance policy, and shall be carried in the vehicle at all times the commercial vehicle is operated in this state.]

(5) The insurance agent shall file the information recorded for each international registration stamp sold with the commission no later than 30 days after the sale of the stamp by the insurance agent.

(6) The international registration stamp shall be affixed to the temporary insurance policy, and shall be carried in the vehicle at all times the commercial vehicle is operated in this state.

(7) An insurance agent selling international registration stamps on consignment shall file a surety bond in a form approved by the director, issued by a corporate surety authorized to do business in this state. The bond shall ensure the return of all unused stamps, and shall ensure full and timely remittance of monies collected on the sale of stamps. The amount of the bond shall be at least two times the total value of stamps held on consignment at any given time.

(8) An insurance agent selling international registration stamps on consignment shall remit to the commission the fee collected from the sale of a stamp no later than 30 days from the date the stamp is sold. If an insurance agent fails to remit monies to the commission by the due date, the commission shall discontinue issuing stamps to the agent on consignment, and may seek to enforce payment of the surety bond. No stamp shall be held on consignment for a period exceeding one year from its date of consignment by the commission.

Issued in Austin, Texas, on March 9, 1992.

TRD-9203538

Nolan F. Ward
Hearings Examiner, Legal
Division-General Law
Railroad Commission of
Texas

Effective date: March 10, 1992

Expiration date: July 10, 1992

For further information, please call: (512) 463-7095

TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 513. Registration

Registration of Partnerships

• 22 TAC §513.28

The Texas State Board of Public Accountancy adopts on an emergency basis new §513.28, concerning registration of limited liability partnerships with the board. This amendment is necessary in order to implement the recently enacted amendments to the Public Accountancy Act of 1991.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules to effectuate the Act.

§513.28. Registered Limited Liability Partnership.

(a) The name of each registered limited liability partnership registered with this board must include registered limited liability partnership or L.L.P.

(b) The words "registered limited liability partnership" or "L.L.P." must appear in or with the firm name each time it is used.

Issued in Austin, Texas, on March 11, 1992.

TRD-9203544

William Treacy
Executive Director
Texas State Board of
Public Accountancy

Effective date: March 11, 1992

Expiration date: July 9, 1992

For further information, please call: (512) 450-7042

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 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

Chapter 3. Oil and Gas Division

Conservation Rules and Regu- lations

• 16 TAC §§3.5, 3.14, 3.69, 3.100

The Railroad Commission of Texas (Commission) proposes amendments §3.5, concerning applications to drill (Statewide Rule 5); §3.14, concerning well plugging (Statewide Rule 14); §3.69, concerning definitions of terms commonly used in the industry (Statewide Rule 79). The commission also proposes new §3.100 (Statewide Rule 100), concerning plugging procedures for seismic holes and core holes. Statewide Rule 100 defines terms used in the rule and requires operators to plug all seismic holes and core holes, including those that do not penetrate the base of usable quality water. This rule is proposed to prevent pollution of ground water from runoff into unplugged seismic holes or core holes. The amendments of Statewide Rules 5, 14, and 79 prevent conflicts between the requirements of those rules and proposed Statewide Rule 100.

Rita E. Percival, planner, has determined that for the first five-year period the sections are in effect there will be fiscal implications as a result of enforcing or administering the sections. There will be no effect on state or local government. The cost of compliance with the proposed sections for small businesses as a result of enforcing or administering the sections will be an estimated \$150 for each 150-foot seismic or core hole.

Jane Hoffman, staff attorney, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections as proposed will be the prevention of usable quality water contamination from unplugged seismic holes and core holes. The anticipated economic cost to persons who are required to comply with the sections as proposed will be approximately \$150 for each 150-foot seismic or core hole.

The Railroad Commission invites public comment on the proposed rules. Please submit comments to Jane Hoffman, Staff Attorney, Underground Injection Control, Oil and Gas

Division, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967. The deadline for filing comments is 5 p.m. on April 16, 1992.

The Railroad Commission proposes the new section and amendments under the Texas Natural Resources Code, Title 3, §91.101 and §141.012, which authorize the commission to adopt rules to prevent pollution of surface or subsurface water in the state; and §89.011, which requires an operator of a well to properly plug the well in accordance with the commission's rules that are in effect at the time of plugging.

§3.5. Application to Drill, Deepen, Reenter, or Plug Back.

(a) -(f) (No change.)

(g) Exploratory and specialty wells. An application for any exploratory well[,] or cathodic protection well that penetrates the base of the fresh water strata, fluid injection well, injection water source well, disposal well, brine solution mining well, or underground hydrocarbon storage well shall be made and filed with the commission on a form approved by the commission. Operations for drilling, deepening, plugging back, or reentering shall not be commenced until the permit has been granted by the commission. For an exploratory well, an exception to filing such form prior to commencing operations may be obtained if an application for a core hole test is filed with the commission.

(h)-(i) (No change.)

§3.14. Plugging.

(a) Application to plug.

(1) Notification of intention to plug any well or wells drilled for oil, gas, or geothermal resources or for any other purpose over which the commission has jurisdiction, **except those specifically addressed in §3.100(f)(1) of this title (relating to Seismic Holes and Core Holes) (Statewide Rule 100)**, shall be given to the commission prior to plugging. Notification shall be made, in writing, to the district office on the appropriate form.

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

(b)-(j) (No change.)

§3.69. *Definitions.* The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Exploratory well—Any well drilled [to a depth greater than the existing fresh water strata, as determined by the Texas Department of Water Resources,] for the purpose of securing geological or geophysical [or other] information to be used in the exploration or development of oil, gas, geothermal, or other mineral resources, except coal and uranium, [which may be obtained by penetrating the earth with a drill bit, coring equipment, and similar tools,] and includes what is commonly referred to in the industry as slim hole tests, [or] "core hole tests," or seismic holes." [and the like.] For regulations governing coal exploratory wells, see §§11.221 of this title (relating to State Program Regulations) (Statewide Rules 816.331-816.333), and for regulations governing uranium exploratory wells, see §§11.136-11.139 of this title (relating to Notice of Exploration Involving Hole Drilling, Permit, Reclamation and Plugging Requirements and Reporting).

§3.100. Seismic Holes and Core Holes.

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

(1) Seismic hole—Any hole drilled for the purpose of securing geophysical information to be used in the exploration or development of oil, gas, geothermal, or other mineral resources.

(2) Core hole—Any hole drilled for the purpose of securing geological information to be used in the exploration or development of oil, gas, geothermal, or other mineral resources, except coal or uranium. For regulations governing coal exploratory wells, see §11.221 of this title (relating to State Program Regulations) (Statewide Rules 816.331-816.333), and for regulations governing uranium exploratory wells, see §§11.136-11.139 of this title (relating to Notice of Exploration Involving Hole Drilling, Permit, Reclamation and Plugging Requirements, and Reporting).

(3) **Project area**—The geographic area in which an exploratory survey involving one or more seismic holes or core holes is carried out.

(4) **Protection depth**—Depth to which usable quality water must be protected, as determined by the Texas Water Commission, which may include zones that contain brackish or salt water if such zones are correlative and/or hydrologically connected to zones that contain usable quality water.

(5) **Operator**—The person who contracts for the services of a seismic crew or core hole drilling contractor or, if the seismic survey or core hole testing is not performed on a contract basis, but is performed by an exploration and production company or by a geophysical contractor for speculative purposes, the person who drills the seismic holes or core holes.

(6) **Commission**—The Railroad Commission of Texas or its authorized representative.

(b) **Superconducting super collider.** No provision of this section exempts any operator from compliance with §3.78 of this title (relating to Drilling Operations in the Vicinity of the Superconducting Super Collider, Ellis County) (Statewide Rule 82).

(c) **Exemption.** Any seismic hole or core hole drilled to a depth of 20 feet or less is not subject to the requirements of this section.

(d) **Determination of protection depth.** Before drilling any seismic hole or core hole in a project area, an operator shall obtain a letter from the Texas Water Commission stating the protection depth(s) in the project area.

(e) **Drilling permits.**

(1) Holes that do not penetrate the protection depth. A seismic hole or core hole that does not penetrate the protection depth does not require a drilling permit.

(2) Holes that penetrate the protection depth. A seismic hole or core hole that penetrates the protection depth requires a drilling permit to satisfy the requirements for exploratory wells described in §3.5(g) of this title (relating to Application to Drill, Deepen, Reenter, or Plug Back) (Statewide Rule 5).

(f) **Plugging.**

(1) Holes that do not penetrate the protection depth. A seismic hole or core hole that does not penetrate the protection depth must be plugged in accordance with subparagraph (A), (B), or (C) of this paragraph before the moving drilling equipment is moved from location.

(A) If any water is encountered while a hole is being drilled, the operator shall adequately plug the hole by filling

it from total depth to a depth of no more than six feet below the surface with bentonite materials that meet the physical requirements of subsection (h) of this section. A plastic cap imprinted with the name of the operator shall be set in the hole no less than three feet below the surface, and the remainder of the hole shall be filled with drill cuttings or native soil. All precautions should be taken to prevent the bentonite from bridging over. If a bentonite bridge occurs and cannot be loosened, the operator shall contact the district office to find out whether remedial plugging activities will be required.

(B) If no water is encountered while a hole is being drilled, the hole shall be adequately plugged by filling it from total depth to a depth of no more than 16 feet below the surface with drill cuttings or native soil. Immediately above the drill cuttings or native soil, the operator shall place a 10-foot plug of bentonite materials that meet the physical requirements of subsection (h) of this section. A plastic cap imprinted with the name of the operator shall be set above the bentonite plug at no less than three feet below the surface. The remainder of the hole shall be filled with drill cuttings or native soil.

(C) Alternative plugging procedures and materials may be utilized when the operator has demonstrated to the commission's satisfaction that the alternatives will protect usable quality water.

(2) Holes that penetrate the protection depth. A seismic hole or core hole that penetrates the protection depth must be plugged in accordance with the requirements of §3.14 of this title (relating to Plugging) (Statewide Rule 14) and a plastic cap imprinted with the name of the operator shall be set in the hole no less than three feet below the surface.

(g) **Reporting.**

(1) Holes that do not penetrate the protection depth. Within 30 days of plugging the last hole in the project area, the operator shall submit a letter to the commission stating that each seismic hole or core hole in the project area has been plugged in accordance with the requirements of subsection (f)(1)(A), (B), or (C). The letter must include the plugging date for each hole and the name and address of the operator. A plat of the project area identifying seismic or core hole locations, counties, survey lines, scale, and northerly direction must be attached. A United States Geological Survey map of the project area with hole locations marked will satisfy the plat requirement. In addition, a letter from the Texas Water Commission stating the protection depth(s) must be attached.

(2) Holes that penetrate the protection depth. For any seismic or core hole

that penetrates the protection depth, a plugging record shall be filed in accordance with §3.14 of this title (Statewide Rule 14) (relating to Plugging).

(h) Physical requirements for bentonite plugging materials. Bentonite materials used to plug seismic or core holes shall be derived from naturally occurring, untreated, high swelling sodium bentonite that is composed of at least 85% montmorillonite clay and that meets the International Association of Geophysical Contractors (IAGC) recommended geophysical industry standard for the physical characteristics of bentonite used in seismic shot hole plugging dated January 24, 1992.

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

Issued in Austin, Texas, on March 10, 1992.

TRD-9203557

Nolan Ward
Hearings Examiner, Legal
Division-General
Railroad Commission of
Texas

Earliest possible date of adoption: April 17, 1992

For further information, please call: (512) 463-6857

TITLE 22. EXAMINING BOARDS

Part XXI. Texas State Board of Examiners of Psychologists

Chapter 463. Applications

• 22 TAC §463.5

The Texas State Board of Examiners of Psychologists proposes an amendment to §463.5 concerning application file requirements. Amendments will establish criteria for licensure by reciprocity, as required by legislation passed by the 72nd Legislature.

Patricia S. Bizzell Tweedy, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Tweedy 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 attach requirements for licensure by reciprocity. Allows psychologists from other states to be considered for licensure. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Patricia S. Bizzell Tweedy, M.P. A., 9101 Burnet Road, Suite 212, Austin, Texas 78758.

The amendment is proposed under Texas Civil Statutes, Article 4512c, which provides the Texas State Board of Examiners of Psychologists with the authority to make all rules, not inconsistent with the constitution and laws of this state, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

§463.5. Application File Requirements. An application file must be complete and contain whatever information or examination results the Board requires. An incomplete application remains in the active file for 90 days, at the end of which time, if still incomplete, it is void. If certification or licensure is sought again, a new application and filing fee must be submitted. An applicant cannot have two types of applications for certification or licensure pending before the board.

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

(4) A completed application for licensure by reciprocity as a psychologist includes:

(A) an application, required fee, and passport size picture of the applicant;

(B) proof that the qualifications of the Psychologists' Certification and Licensing Act, §11, in its entirety, have been satisfied;

(C) official transcripts sent directly to the Board's office from all colleges/universities where post-baccalaureate course work was completed;

(D) if providing psychological services in Texas before receiving license, must be employed in an exempt agency, or must have a temporary permit, or must have a supervision contract which indicates the applicant is being supervised in an acceptable setting which is appropriate for the education/experience background of the applicant;

(E) documentation that applicant is currently licensed and has been in good standing in another jurisdiction for the five years immediately preceding filing application in Texas;

(F) proof that applicant is the identical person to whom the original license was issued;

(G) documentation that there is no pending action against the applicant's license in any jurisdiction;

(H) a sworn statement that there is no pending action against the applicant for what is considered a felony in Texas;

(I) a sworn statement that applicant has never had any professional license suspended, revoked, cancelled, or otherwise restricted;

(J) if examination for the Professional Practice of Psychology was taken, proof that score met or exceeded Texas cut-off at the time the examination was taken;

(K) proof that applicant has passed the board's Jurisprudence Examination;

(L) an interview, at the discretion of the Board, to review and verify his or her credentials, character, and plans to practice;

(M) three professional reference letters from three separate psychologists each of whom must attest without reservation to the applicant's professional competence, ethics, and current fitness to practice. An applicant whose file contains any negative reference letters will be asked to provide a written explanation and/or to meet with the Board prior to final approval of the application file;

(N) If foreign graduate, proof that the requirements of §463.17 of this title (relating to Foreign Graduates) have been satisfied;

(O) proof that the requirements of the Psychologists' Certification and Licensing Act, §21, in its entirety, have been satisfied;

(P) If licensed subsequent to January 1, 1987, proof that applicant passed an Oral Examination in the jurisdiction in which he/she has been licensed.

(5)[(4)] If a complaint is filed against an applicant for certification as a psychologist or psychological associate, an applicant for the Oral Examination, [or] an applicant for licensure, or an applicant for licensure by reciprocity, the application process will be held in abeyance until the board has made a final determination on the complaint filed.

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

Issued in Austin, Texas, on March 6, 1992.

TRD-9203513

Patricia S. Bizzell Tweedy
Executive Director
Texas State Board of
Examiners of
Psychologists

Earliest possible date of adoption: April 17, 1992

For further information, please call: (512) 835-2036

Chapter 465. Rules of Practice

• 22 TAC §465.26

The Texas State Board of Examiners of Psychologists proposes an amendment to §465.26, concerning temporary permit to practice psychology. To clarify that applicants for a temporary permit must be either applicants for licensure or applicants for licensure by reciprocity.

Patricia S. Bizzell Tweedy, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Tweedy also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to receive psychological services from a person licensed in another jurisdiction while he/she is applying in Texas. The public benefits because a person can receive services from an experienced professional. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Patricia S. Bizzell Tweedy, M.P. A., 9101 Burnet Road, Suite 212, Austin, Texas 78758.

The amendment is proposed under Texas Civil Statutes, Article 4512c, which provide the Texas State Board of Examiners of Psychologists with the authority to make all rules, not inconsistent with the constitution and laws of this state, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

§465.26. Temporary Permit to Practice.

(a) An application for certification or for licensure by reciprocity must be on file with the board.

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

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

Issued in Austin, Texas, on March 6, 1992.

TRD-9203515

Patricia S. Bizzell Tweedy
Executive Director
Texas State Board of
Examiners of
Psychologists

Earliest possible date of adoption: April 17, 1992

For further information, please call: (512) 835-2036

Chapter 473. Fees

• 22 TAC §473.1

The Texas State Board of Examiners of Psychologists proposes an amendment to §473.1, concerning reciprocity fees which are required as a result of legislation passed by the 72nd Legislature.

Patricia S. Bizzell Tweedy, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Tweedy 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 the application fee for licensure by reciprocity will more realistically reflect processing costs. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Patricia S. Bizzell Tweedy, M.P. A., 9101 Burnet Road, Suite 212, Austin, Texas 78758.

The amendment is proposed under Texas Civil Statutes, Article 4512c, which provide the Texas State Board of Examiners of Psychologists with the authority to make all rules, not inconsistent with the Constitution and laws of this state, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

§473.1. Application Fees (Not refundable).

- (a) Psychological Associate Certification—\$150.
- (b) Psychologist Certification—\$300.
- (c) Licensure—\$140.
- (d) Health Service Provider Certification—\$55.
- (e) Temporary Permit—\$260.
- (f)[(e)] Reciprocity—\$440 [\$220].

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

Issued in Austin, Texas, on March 6, 1992.

TRD-9203514 Patricia S. Bizzell Tweedy
Executive Director
Texas State Board of
Examiners of
Psychologists

Earliest possible date of adoption: April 17, 1992

For further information, please call: (512) 835-2036

Part XXII. Texas State Board of Public Accountancy

Chapter 513. Registration

Registration of Partnerships

• 22 TAC §513.28

(Editor's Note: The Texas State Board of Public Accountancy proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is in the Emergency Rules section of this issue.)

The Texas State Board of Public Accountancy proposes new §513.28, concerning registered limited liability partnership. The rule clarifies the partnership entities which may register with the board.

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

Mr. Treacy 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 that certificate and registration holders may register as limited liability partnerships. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to J. Randal (Jerry) Hill, General Counsel, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to limited liability partnership.

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

Issued in Austin, Texas, on March 5, 1992.

TRD-9203201 William Treacy
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: April 13, 1992

For further information, please call: (512) 450-7066

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 305. Consolidated Permits

The Texas Water Commission (TWC) proposes amendments to §305.69 and §305.184, concerning consolidated permits. Section 305.69(h) Appendix I is proposed to be changed to correct typographical errors and supply omitted footnotes and §305.184(2) is proposed to correct a typographical error in order to provide clarification and conform to 40 Code of Federal Regulations, Appendix I of §270.42 and §270.63 promulgated in the September 28, 1988, issue of the *Federal Register* (53 FedReg 37912).

The following revisions are proposed to §305.69(h) Appendix I. Appendix I.A. 6 is amended to correct a typographical error and indicate "...date of permit.." rather than "...date or permit.." as the correct wording of the provision; the reference to §305.65(g) contained in Appendix I.A.7 is deleted and replaced with §305.64(g) as the correct reference; Appendix I.C.4 is amended to insert a footnote to the Class 2 designation; Appendix I.F.4. is corrected to insert a footnote to the Class 1 designation in Appendix I.F.4.b; Appendix I.K.11 is corrected to delete the word "not" from the phrase "...not different from..." and thereby indicate "...different from..." as the correct phrase in the provision; and an explanation as to the meaning of footnote 1 has been inserted at the end of Appendix I.

Section 305.184(2) is amended to correct a typographical error and indicate "...if no.." rather than "...if not.." as the correct wording of the section.

Norma Nance, director of budget, planning and evaluation, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Nance also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be increased environmental protection and clarification of regulatory authority. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Carlos Celestino, Legal Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087. Comments will be accepted until 5 p.m. for a period of 30 days following the date of this publication.

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

• 31 TAC §305.69

The amendments are proposed under the Texas Water Code, §5.103 and §5.105, and the Texas Solid Waste Disposal Act, §361.017 and §361.024(a), which provides the commission with the authority to adopt any rules necessary to carry out its powers

and duties under the Texas Water Code and the Texas Solid Waste Disposal Act and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§305.69. Solid Waste Permit Modification at the Request of the Permittee.

(a) Class 1 modifications of solid waste permits.

(1) Except as provided in paragraph (2) of this subsection, the permittee

may put into effect Class 1 modifications listed in Appendix I of this subchapter under the following conditions:

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

(2)-(3) (No change.)

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

(h) Appendix I. The following appendix will be used for the purposes of Subchapter D which relates to solid waste permit modification at the request of the permittee.

Modifications

Class

A. General Permit Provisions

- 1. Administrative and informational changes.....1
- 2. Correction of typographical errors.....1
- 3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).....1
- 4. Changes in the frequency of or procedures

for monitoring, reporting, sampling, or maintenance activities by the permittee:

- a. To provide for more frequent monitoring, reporting, sampling, or maintenance.....1
- b. Other changes.....2
- 5. Schedule of compliance
 - a. Changes in interim compliance dates, with prior approval of the executive director.....1¹
 - b. Extension of final compliance date.....3
- 6. Changes in expiration date of [or] permit to allow earlier permit expiration, with prior approval of the executive.....1¹
- 7. Changes in ownership or operational control of a facility, provided the procedures of §305.64(g) [§305.65(g)] are followed.....1¹

B. General Standards

- 1. Changes to waste sampling or analysis methods:
 - a. To conform with agency guidance or regulations.....1
 - b. Other changes.....2
- 2. Changes to analytical quality assurance/control plan:
 - a. To conform with agency guidance or regulations.....1
 - b. Other changes.....2
- 3. Changes in procedures for maintaining the

	operating record.....	1
4.	Changes in frequency or content of inspection schedules.....	2
5.	Changes in the training plan:	
	a. That affect the type or decrease the amount of training given to employees.....	2
	b. Other changes.....	1
6.	Contingency plan:	
	a. Changes in emergency procedures (i.e., spill or release response procedures).....	2
	b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed.....	1
	c. Removal of equipment from emergency equipment list.....	2
	d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan.....	1

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as the permit modification.

C. Ground-water Protection

1. Changes to wells:

- a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted groundwater monitoring system.....2
 - b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well.....1
- 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the executive director.....1¹
- 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the executive director.....1¹
- 4. Changes in point of compliance.....2¹
- 5. Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs):
 - a. As specified in the groundwater protection standard.....3
 - b. As specified in the detection monitoring program.....2
- 6. Changes to a detection monitoring program as required by §335.164(10) of this title

(relating to Detection Monitoring Program),
unless otherwise specified in this appendix.....2

7. Compliance monitoring program:

a. Addition of compliance monitoring program
pursuant to §335.164(8)(D) of this title
(relating to Detection Monitoring Program),
and §335.165 of this title (relating to
Compliance Monitoring Program).....3

b. Changes to a compliance monitoring program
as required by §335.165(11) of this title
(relating to Compliance Monitoring Program),
unless otherwise specified in this appendix....2

8. Corrective action program:

a. Addition of a corrective action program
pursuant to §335.165(9)(B) of this title
(relating to Compliance Monitoring Program)
and §335.166 of this title (relating to
Corrective Action Program).....3

b. Changes to a corrective action program
as required by §335.166(8), unless
otherwise specified in this appendix.....2

D. Closure

1. Changes to the closure plan:

a. Changes in estimate of maximum extent of
operations or maximum inventory of waste
on-site at any time during the active life

- of the facility, with prior approval of the executive director.....1¹
- b. Changes in the closure schedule or any unit, changes in the final closure schedule for the facility, or extension of the closure period, with prior approval of the executive director.....1¹
- c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the executive director.....1¹
- d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the executive director.....1¹
- e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this appendix.....2
- f. Extension of the closure period to allow a landfill, surface impoundment or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 40 CFR 264.113(d) and (e).....2
- 2. Creation of a new landfill unit as part of closure.....3
- 3. Addition of the following new units to be used

temporarily for closure activities:

- a. Surface impoundments.....3
- b. Incinerators.....3
- c. Waste piles that do not comply with
40 CFR 264.250(c).....3
- d. Waste piles that comply with
40 CFR 264.250(c).....2
- e. Tanks or containers (other than specified
below).....2
- f. Tanks used for neutralization, dewatering,
phase separation, or component separation,
with prior approval of the executive
director.....1¹

E. Post-Closure

- 1. Changes in name, address, or phone number of
contact in post-closure plan.....1
- 2. Extension of post-closure care period.....2
- 3. Reduction in the post-closure care period.....3
- 4. Changes to the expected year of final closure,
where other permit conditions are not changed.....1
- 5. Changes in post-closure plan necessitated by
events occurring during the active life of
the facility, including partial and final
closure.....2

F. Containers

- 1. Modification or addition of container units:

- a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a) below.....3
 - b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a) below.....2
 - c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), with prior approval of the executive director. This modification may also involve addition of new waste codes or narrative descriptions of wastes. It is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028).....1¹
- 2. a. Modification of a container unit without increasing the capacity of the unit.....2
 - b. Addition of a roof to a container unit

without alternation of the containment
system.....1

- 3. Storage of different wastes in containers,
except as provided in F(4) below:
 - a. That require additional or different
management practices from those authorized
in the permit.....3
 - b. That do not require additional or different
management practices from those authorized
in the permit.....2

Note: See §305.69(g) of this title (relating to Newly Listed
Solid Waste Permit Modification at the Request of the
Permittee or Identified Wastes) for modification
procedures to be used for the management of newly
listed or identified wastes.

- 4. Storage or treatment of different wastes in
containers:
 - a. That require addition of units or
change in treatment process or
management standards, provided that
the wastes are restricted from land
disposal and are to be treated to
meet some or all of the applicable
treatment standards, or that are to
be treated to satisfy (in whole or
in part) the standard of "use of

practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), with prior approval of the executive director. This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028).....1¹

b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028).....1¹

5. Other changes in container management practices (e.g., aisle space, types of containers, segregation).....2

G. Tanks

1. a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in G(1)(c), G(1)(d), and

- G(1)(e) below of this appendix.....3
- b. Modification or addition of tank units
resulting in up to 25% increase in the
facility's tank capacity, except as
provided in G(1)(d) and G(1)(e) below
of this appendix.....2
- c. Addition of a new tank (no capacity
limitation) that will operate for more
than 90 days using any of the following
physical or chemical treatment technologies:
neutralization, dewatering, phase separa-
tion, or component separation.....2
- d. After prior approval of the executive
director, addition of a new tank (no
capacity limitation) that will operate
for up to 90 days using any of the
following physical or chemical treatment
technologies: neutralization, dewatering,
phase separation, or component separation.....1¹
- e. Modification or addition of tank units
or treatment processes necessary to
treat wastes that are restricted from
land disposal to meet some or all of the
applicable treatment standards or to
treat wastes to satisfy (in whole or
in part) the standard of "use of prac-

tically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), with prior approval of the executive director. This modification may also involve addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028).....1¹

2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.....2
3. Replacement of a tank with a tank that meets the same design standards and has a capacity within +/-10% of the replaced tank provided:.....1
 - a. The capacity difference is no more than 1500 gallons;
 - b. The facility's permitted tank capacity is not increased; and
 - c. The replacement tank meets the same conditions in the permit.
4. Modification of a tank management practice.....2
5. Management of different wastes in tanks:
 - a. That require additional or different management practices, tank design,

different fire protection specifications, or significantly different tank treatment process from that authorized in the permit, except as provided in G(5)(c) below.....3

b. That do not require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the permit, except as provided in G(5)(d) below.....2

c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(1)(ii), with prior approval of the executive director. The modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028).....1¹

d. That do not require the addition of

units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028).....1

Note: See §305.69(g) of this title (relating to Newly Listed Solid Waste Permit Modification at the Request of the Permittee or Identified Wastes) for modification procedures to be used for the management of newly listed or identified wastes.

H. Surface Impoundments

1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity...3
2. Replacement of a surface impoundment unit.....3
3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system.....2
4. Modification of a surface impoundment management practice.....2
5. Treatment, storage, or disposal of different

wastes in surface impoundments:

- a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.....3
- b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.....2
- c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028).....1
- d. That are residues from wastewater treatment or incineration, provided

that disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, O21, O22, O23, O26, O27, and O28).....1

Note: See §305.69(g) of this title (relating to Newly Listed or Identified Wastes) for modification procedures to be used for the management of newly listed or identified wastes.

I. Enclosed Waste Piles. For all waste piles except those complying with 40 CFR 264.250(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 40 CFR 264.250(c).

- 1. Modification or addition of waste pile units:
 - a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity.....3
 - b. Resulting in up to 25% increase in the facility's waste pile storage or treat-

- ment capacity.....2
- 2. Modification of waste pile unit without increasing the capacity of the unit.....2
- 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.....1
- 4. Modification of a waste pile management practice....2
- 5. Storage or treatment of different wastes in waste piles:
 - a. That require additional or different management practices or different design of the unit.....3
 - b. That do not require additional or different management practices or different design of the unit.....2

Note: See §305.69(g) of this title (relating to Newly Listed or Identified Wastes) for modification procedures to be used for the management of newly listed or identified wastes.

- J. Landfills and Unenclosed Waste Piles
 - 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.....3
 - 2. Replacement of a landfill.....3
 - 3. Addition or modification or a liner, leachate

- collection system, leachate detection system,
run-off control, or final cover system.....3
- 4. Modification of a landfill unit without changing
a liner, leachate collection system, leachate
detection system, run-off control, or final
cover system.....2
- 5. Modification of a landfill management practice.....2
- 6. Landfill different wastes:
 - a. That require additional or different
management practices, different design
of the liner, leachate collection system,
or leachate detection system.....3
 - b. That do not require additional or different
management practices, different design of
the liner, leachate collection system, or
leachate detection system.....2
 - c. That are wastes restricted from land
disposal that meet the applicable
treatment standards or that are
treated to satisfy the standard
of "use of practically available
technology that yields the greatest
environmental benefit" contained in
40 CFR 268.8(a)(2)(ii), and provided
that the landfill unit meets the minimum
technological requirements stated

in 40 CFR 268.5(h)(2). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028).....1

d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028).....1

Note: See §305.69(g) of this title (relating to Newly Listed or Identified Wastes) for modification procedures to be used for the management of newly listed or identified wastes.

K. Land Treatment

1. Lateral expansion of or other modification of a land treatment unit to increase areal extent.....3
2. Modification of run-on control system.....2
3. Modify run-off control system.....3
4. Other modifications of land treatment unit

component specifications or standards required
in the permit.....2

5. Management of different wastes in land
treatment units: 1

 a. That require a change in permit operating
 conditions or unit design specifications.....3

 b. That do not require a change in permit
 operating conditions or unit design
 specifications.....2

Note: See §305.69(g) of this title (relating to Newly Listed
or Identified Wastes) for modification procedures to be
used for the management of newly listed or identified
wastes.

6. Modification of a land treatment management
practice to:

 a. Increase rate or change method of waste
 application.....3

 b. Decrease rate of waste application.....1

7. Modification of a land treatment unit manage-
ment practice to change measures of pH or
moisture content, or to enhance microbial
or chemical reactions.....2

8. Modification of a land treatment unit manage-
ment practice to grow food chain crops, or
add to or replace existing permitted crops
with different food chain crops, or to modify

- operating plans for distribution of animal feeds resulting from such crops.....3
- 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 40 CFR 264.278(g)(2).....3
- 10. Changes in the unsaturated zone monitoring system, resulting in a change to the location, depth, or number of sampling points, or that replace unsaturated zone monitoring devices or components thereof with devices or components that have specifications different from permit requirements.....3
- 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, or number of sampling points, or that replace unsaturated zone monitoring devices or components thereof with devices or components having specifications [not] different from permit requirements....2
- 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.....2
- 13. Changes in sampling, analysis, or statistical procedure.....2
- 14. Changes in land treatment demonstration program prior to or during the demonstration.....2
- 15. Changes in any condition specified in the

permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the executive director's prior approval has been received.....1¹

16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the executive director.....1¹

17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the waste can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.....3

18. Changes in vegetative cover requirements for closure.....2

L. Incinerators

1. Changes to increase by more than 25% any of

the following limits authorized in the permit:

A thermal feed rate limit; a waste feed rate limit; or an organic chlorine feed rate limit.

The executive director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.....3

2. Changes to increase by up to 25% any of the following limits authorized in the permit:

A thermal feed rate limit; a waste feed rate limit; or an organic chlorine feed rate limit. The executive director will

require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.....2

3. Modification of an incinerator unit by changing the internal size of geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl or particulate from the combustion gases, or by changing other features of the incinerator that could affect its capability to meet the regulatory performance standards. The

executive director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.....3

4. Modification of an incinerator unit in a manner that would not likely affect the capability of the unit to meet the regulatory performance standards but which would change the operating conditions or monitoring requirements specified in the permit. The executive director may require a new trial burn to demonstrate compliance with the regulatory performance standards.....2

5. Operating requirements:

a. Modification of the limits specified in the permit for minimum combustion gas temperature, minimum combustion gas residence time, or oxygen concentration in the secondary combustion chamber. The executive director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.....3

b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the

permit concerning emergency shutdown
or automatic waste feed cutoff procedures
or controls.....3

c. Modification of any other operating
condition or any inspection or record-
keeping requirement specified in the permit....2

6. Incineration of different wastes:

a. If the waste contains a POHC that is
more difficult to incinerate than author-
ized by the permit or if incineration of
the waste requires compliance with differ-
ent regulatory performance standards than
specified in the permit. The executive
director will require a new trial burn to
substantiate compliance with the regulatory
performance standards unless this demon-
stration can be made through other means.....3

b. If the waste does not contain a POHC that
is more difficult to incinerate than
authorized by the permit and if inciner-
ation of the waste does not require
compliance with different regulatory
performance standards than specified in
the permit.....2

Note: See §305.69(g) of this title (relating to Newly Listed
or Identified Wastes) for modification procedures to be

used for the management of newly listed or identified wastes.

7. Shakedown and trial burn:

- a. Modification of the trial burn or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period, or the period immediately following the trial burn.....2
- b. Authorization of up to an additional 720 hours of waste incineration during the shakedown period for determining operational readiness after construction, with the prior approval of the executive director.....1¹
- c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the executive director.....1¹
- d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the executive director.....1¹

8. Substitution of an alternate type of fuel

that is not specified in the permit.....1

Class 1 modifications requiring prior executive director approval

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt. Issued in Austin, Texas on March 11, 1992.

TRD-9203559 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: April 17, 1992
For further information, please call: (512) 463-8069

Subchapter J. Permits for Land Treatment Demonstrations Using Field Tests or Laboratory Analyses

• 31 TAC §305.184

The amendment is proposed under the Texas Water Code, §5.103, and §5.105, the Texas Solid Waste Disposal Act, §361.017 and §361.024(a) which provide the commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and the Texas Solid Waste Disposal Act and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§305.184. Permit Amendment of Modification. If the commission determines that the results of the field tests or laboratory analyses meet the requirements of 40 Code of Federal Regulations §264.272, it shall amend the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with requirements applicable to land treatment, based upon the results of the field tests or laboratory analyses.

(1) (No change.)

(2) If [not] no amendments of the second phase of the permit are necessary, [or if only minor amendments are necessary and have been made,] the commission shall give notice in accordance with §305.96(b) of this title (relating to Action On Application For Amendment or Modification). The second phase of the permit then will become effective as specified in Texas Civil Statutes, Article 6252-13, and the rules of the commission.

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

Issued in Austin, Texas, on March 11, 1992.

TRD-9203562 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: April 17, 1992

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

Chapter 335. Industrial Solid Waste and Municipal Hazardous Waste

Subchapter A. Industrial Solid Waste and Municipal Hazardous Waste Management in General

• 31 TAC §335.1

The Texas Water Commission proposes an amendment to §335.1, concerning industrial solid waste and municipal hazardous waste management in general. This section is amended in order to revise the definition of "elementary neutralization unit" and "wastewater treatment unit" to include "tank system" and thereby conform to the federal rules.

Norma Nance, director of budget, planning and evaluation, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Nance 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 increased environmental protection and clarification of regulatory authority. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Carlos Celestino, Legal Division, Texas Water Commission, P.O. Box 13087, Austin,

Texas 78711-3087. Comments will be accepted until 5 p.m. for a period of 30 days following the date of this publication.

The amendment is proposed under the Texas Water Code (Vernon Supplement 1991), §5.103 and §5.105, which provides the Texas Water Commission 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, and pursuant to the Texas Solid Waste Disposal Act, (the Act), Texas Health and Safety Code Annotated, Chapter 361 (Vernon Supplement 1991), §361.017 and §361.024, which further provides the Texas Water Commission with the authority to promulgate rules necessary for accomplishing the purposes of the Act including the control of all aspects of the management of industrial solid and municipal hazardous wastes.

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

Elementary neutralization unit—A device which:

(A) is used for neutralizing wastes which are hazardous only because they exhibit the corrosivity characteristic defined in 40 Code of Federal Regulations §261.22, or are listed in 40 Code of Federal Regulations Part 261, Subpart D only for this reason; and

(B) meets the definition of tank, tank system, container, transport vehicle, or vessel as defined in this section.

Wastewater treatment unit—A device which:

(A) is part of a wastewater treatment facility subject to regulation under either the Federal Water Pollution Control

Act (Clean Water Act), 33 United States Code, §466 et seq, §402 or §307(b), as amended;

(B) receives and processes or stores an influent wastewater which is a hazardous waste, or generates and accumulates a wastewater treatment sludge which is a hazardous waste, or processes or stores a wastewater treatment sludge which is a hazardous waste; and

(C) meets the definition of tank or tank system as defined in this section.

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

Issued in Austin, Texas, on March 11, 1992.

TRD-9203564

Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: April 17, 1992

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 19. Long-Term Care Nursing Facility Requirements for Licensure and Medicaid Certification

Subchapter U. State and Local Requirements

• 40 TAC §19. 2003, §19.2004

The Texas Department of Human Services (DHS) proposes amendments to §19. 2003 and §19.2004, concerning additional participation requirements and selection and contracting procedures for adding beds in high-occupancy areas, in its Long Term Care Nursing Facility Requirements rule chapter. The purpose of the amendments is to comply with Rider 22 of the 1992-1993 Appropriations Act concerning the moratorium on increasing the number of Medicaid contracted beds in Texas. The moratorium is applicable, with exceptions, to counties in which 90% of available nursing facility Medicaid beds are occupied. The moratorium is intended to enable DHS to control the total number of Medicaid-contracted beds while still protecting the availability of Medicaid services to clients.

Burton F. Raiford, interim commissioner, has determined that for the first five-year period the proposed amendments will be in effect

there will be no fiscal implications for state or local governments as a result of enforcing or administering the amendments.

Mr. Raiford also has determined that for each year of the first five years the amendments are in effect the public benefit anticipated as a result of enforcing the amendments will be a more proportional distribution of available Medicaid-contracted beds across the state. 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 Rick Vasser at (512) 450-3750 in DHS's Institutional Programs Section. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-060, 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 amendments are 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.

§19.2003. Additional Participation Requirements.

(a) (No change.)

(b) Except as specified in subsection (c) [subsections (c) and (d)] of this section and in §19.2004 of this title (relating to Selection and Contracting Procedures for Adding Beds in High-occupancy Areas), the Texas Department of Human Services (DHS) does not accept application for participation from or contract for nursing facility beds with any nursing facility that was not granted a valid certificate of need (CON) by the Texas Health Facilities Commission before September 1, 1985; [a valid certificate of need (CON)] a waiver granted by DHS prior to May 1, 1992; or other valid order that had the effect of authorizing the operation of the facility at the bed capacity for which participation is sought.

(c) If the provider meets all criteria, DHS may exempt the following facilities from the policy stated in subsection (b) of this section.

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

(3) Facilities whose Medicaid contracts are terminated because of the imposition of any remedies [sanctions] as specified in §19.2012 of this title (relating to Remedies for Violations of Title XIX Nursing Facility Provider Agreements). DHS limits contracting to no more than the number of certified Medicaid beds on the effective date of the contract cancellation. The facility must meet all certification and contract requirements within 12 months of the effective date of its contract cancellation.

(4) (No change.)

(5) Facilities that add no more than 10 beds or 10% of the existing number of certified Medicaid beds, whichever is less, within a 24-month period. In computing the 24-month periods, the first 24-month period begins September 1, 1985, and expires August 31, 1987. DHS will accept an application from a facility if the facility:

(A) (No change.)

(B) has an [average] occupancy rate of at least 90% during each of [in] the previous six months [six-month period] ending the last day of the month immediately preceding the month of application (the facility must submit written documentation acceptable to DHS substantiating the occupancy rate); [and]

(C) is located in a county where the occupancy rate is at least 85% during each of the previous six months; and

(D)[(C)] has not had remedies [sanctions] imposed as specified in §19.2012 of this title (relating to Remedies for Violations of Title XIX Nursing Facility Provider Agreements) which have resulted in contract cancellation in the 12-month period immediately preceding the month of application.

(6) Facilities whose capacity is less than 60 licensed beds. For reasons of efficiency, DHS will accept an application to contract up to 60 beds from a small facility of less than 60 licensed beds if the facility:

(A) is located in a county where the occupancy rate for contracted Medicaid beds is at least 85% during each of the previous six months immediately preceding the month of application (the facility must submit written documentation acceptable to DHS substantiating the occupancy rate);

(B)[(A)] has a Medicaid contract to provide nursing facility services; and

(C)[(B)] has not had sanctions imposed as specified in §19.2012 of this title (relating to Remedies for Violations of Title XIX Nursing Facility Provider Agreements) which have resulted in contract cancellation in the 12-month period immediately preceding the month of application.

(7) Converted facilities contracting to operate as teaching nursing facilities. Facilities contracting under this exemption must meet each of the applicable following criteria.

(A) The facility must have been in existence for at least three years before the first day of the calendar year in which the facility applies to participate in Medicaid as a teaching nursing facility.

(B) A hospital or nursing facility that converts to a teaching nursing facility must convert at least an entire wing or distinct part for operation as a teaching facility under the Medicaid program.

(C) A hospital participating as a teaching nursing facility must be licensed by TDH as a nursing facility and must meet all the requirements of a licensed nursing facility.

(D) The facility must provide DHS with acceptable written documentation that it has entered into an affiliation agreement of at least five years' duration with a school offering an accredited family practice residency program and/or an accredited nursing program for registered or vocational nurses or both. The school must offer classroom training on its own campus or on the campus of an accredited college or university of which it is a part, and the curriculum must include a geriatric component. At the end of the five year period, the facility may continue or discontinue the affiliation agreement at its own discretion.

(E) During the first year of the initial Medicaid contract for beds under this exemption, the department will not accept a change in the facility's ownership unless the new owner operates the facility under the same terms and conditions that existed at the time the exception was granted. After the first year, the department will accept an ownership change as long as the change does not affect continuance of the affiliation agreement between the facility and a school for the remainder of the five years specified in subparagraph (D) of this paragraph.]

(8) Facilities that apply for participation under the DHS commissioner's waiver authority.

(A) The commissioner of DHS has authority to waive the restriction on contracting in subsection (b) of this section and direct the department to enter into Medicaid contracts with nursing facilities that satisfy the requirements specified in this subparagraph. In a manner acceptable to DHS, each of these facilities must:

(i) document that there is a crisis and immediate need for additional Medicaid nursing-facility beds in the facility's community;

(ii) document that there are problems with the quality of care available in the facility's community, and show that new Medicaid-contracted beds will remedy these problems;

(iii) demonstrate that Medicaid residents in the facility's community do not have reasonable access to nursing-facility care;

(iv) document strong community support for a new Medicaid nursing facility; and

(v) agree to make a contractual commitment that the individual or company entering into a Medicaid contract under the provisions of this paragraph will directly own and operate the facility for at least three years.

(B) The commissioner also has the authority to:

(i) waive the requirement in paragraph (7)(A) of this subsection, which provides that teaching nursing facilities must exist for at least three years before applying to participate in Medicaid; and

(ii) direct the department to enter into Medicaid contracts with teaching nursing facilities that meet the requirements in paragraph (7)(B)-(E) of this subsection.]

(d) (No change.)

§19.2004. Selection and Contracting Procedures for Adding Beds in High-occupancy Areas.

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

(1) [Designated county-commissioner precinct—A county-commissioner precinct within Harris, Bexar, Dallas, or Tarrant county.

(2)] Nontransferable letter of intent—A written document, initiated by the Texas Department of Human Services (DHS) and issued to potential contractors selected in a random selection process, specifying the location and number of beds for which DHS will contract, provided that the potential contractor meets all criteria specified by DHS.

(2)(3) Occupancy rate—The number of patients occupying certified Medicaid beds, divided by the number of existing certified Medicaid beds in a county or designated county-commissioner pre-

inct. The number of beds committed to by a selected potential contractor with a non-transferable letter of intent is included in the occupancy-rate data for the county or designated county-commissioner precinct from the date of issuance of the letter of intent, unless the potential contractor defaults.

(3)(4) Open solicitation period—A period of no more than 30 days during which potential contractors may ask to participate in a random-selection process for adding beds in a high-occupancy area.

(4)(5) Potential contractor—A provider who wants to contract for additional beds in a county or designated county-commissioner precinct that has reached its threshold. A potential contractor may be either a nursing facility provider or a hospital provider.

(5)(6) Threshold—An occupancy rate of 90% in a county [or designated county-commissioner precinct]. If a county has a population of more than 5,000 and has no beds certified for Title XIX participation, the county [it] is considered to have exceeded the threshold.

(b) DHS computes occupancy rates by using the information contained in the Nursing Home Occupancy Information form. Monthly copies of occupancy-rate information for a particular county [or county-commissioner precinct] are available on request. Requests may be sent to Provider Services Section, Mail Code E-501, Texas Department of Human Services, P.O. Box 149030, Austin, Texas 78714-9030.

(c) When DHS determines that the occupancy rate in a county [or designated county-commissioner precinct] exceeds the threshold during [in] each of the previous six [five] months [in any continuous six-month period], DHS [the department] places a public notice in the *Texas Register* to announce an open solicitation period. The public notice includes the following information:

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

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

(f) At the end of the 30-day solicitation period DHS accepts the first name on the list of potential contractors. If the beds offered by the first selected potential contractor do not reduce the occupancy rate in the high-occupancy area to less than 90% [80%], DHS [the department] accepts subsequent potential contractors in the order of their appearance on the list until the occupancy rate is reduced to less than 90% [80%], or until no more potential contractors are available. Potential contractors whose beds are selected to reduce the occupancy rate in the high-occupancy area may immediately contract with DHS to provide Medicaid services.

(g)-(i) (No change.)

(j) DHS restricts potential contractors to offering beds in specified blocks, as follows:

(1) 120-bed blocks are allowed in counties [or designated county-commissioner precincts] with 1,500 or more certified nursing facility beds;

(2) 90-bed blocks are allowed in counties [or designated county-commissioner precincts] with fewer than 1,500 certified nursing facility beds.

(k)-(n) (No change.)

(o) After the 30-day open solicitation period, DHS accepts the first qualified potential contractor on the secondary-selection waiting list. If the block of beds offered by the first selected potential contractor does not reduce the occupancy rate in the high-occupancy area to less than 90% [80%], DHS [the department] accepts subsequent potential contractors in the order of their appearance on the list until the occupancy rate is reduced to less than 90% [80%], or until no more potential contractors are available. A potential contractor offering more than one allowable block of beds in an open area is allowed one opportunity for selection per proposed block of beds.

(p) DHS issues a nontransferable letter of intent to the potential contractors selected to reduce the occupancy in the high-occupancy area to less than 90% [80%]. A potential contractor who does not meet the 180-day and/or 18-month deadline(s) to complete the process of contracting with DHS for additional beds, as specified in subsection (q) of this section, thereby defaults on the requirements of the nontransferable letter of intent. At its sole option, DHS may grant a 90-day extension to a potential contractor who anticipates default on the 18-month deadline, if the potential contractor submits to DHS written documentation explaining the reasons for the delay in completion of the facility. The request for a 90-day extension of the 18-month deadline must be made in writing to DHS 15 days before the date of the anticipated default. DHS allows no extensions for defaults on the 180-day deadline. Potential contractors on the secondary waiting list who were not initially selected to reduce the occupancy rate in the open area, are considered alternate candidates for a nontransferable letter of intent when a se-

lected potential contractor defaults. Upon default, DHS notifies alternate candidates of their selection for a nontransferable letter of intent in the sequential order established during the secondary selection process. If no alternate candidates are available, DHS publishes in the *Texas Register* a second public notice announcing reopening of the open solicitation period. The reopened solicitation period remains open until a potential contractor replies, as specified in subsection (i) of this section. Upon receipt of the reply, DHS places a notice in the *Texas Register* announcing the closing of the reopened solicitation period.

(q)-(t) (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 March 10, 1992.

TRD-9203525

Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Proposed date of adoption: May 1, 1992

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



Chapter 49. Child Protective Services

Subchapter P. Preparation for Adult Living

• 40 TAC §49. 1601

The Texas Department of Human Services proposes an amendment to §49.1601, concerning required services of the Preparation for Adult Living (PAL) Program, in its Child Protective Services chapter. The purpose of the amendment is to ensure that staff have enough time to conduct initial assessments of the readiness of PAL participants to living independently. The amendment allows eight weeks to complete the assessment after a participant turns 16 years old. Currently staff have only four weeks to complete the assessment.

Burton F. Raiford, interim 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 that older teenagers in substitute care are assured of receiving appropriate services to prepare them for adulthood after undergoing thorough and timely assessments of their readiness to live independently. There will be no effect on small businesses as a result of enforcing or administering the section. There is no anticipated economic cost to persons who are required to comply with the proposed section.

Questions about the content of this proposal may be directed to Thomas Chapmond at (512) 450-3309 in the Protective Services for Families and Children Department. Comments on the proposal may be submitted to Nancy Murphy, Policy and Document Support-049, 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 authorizes the department to administer public assistance programs. The amendment is also proposed under the Texas Family Code, Title 2, Chapter 34, which authorizes the department to provide services to alleviate the effects of child abuse and neglect.

§49.1601. Required Services.

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

(c) Evaluation.

(1) (No change.)

(2) PSFC must also conduct an assessment of each PAL participant's general readiness to live independently within eight [four] weeks of the participant's 16th birthday and again within eight weeks of the participant's discharge from substitute care. Staff use the results of the initial assessment to develop specific plans to prepare the participant to live as an adult.

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

Issued in Austin, Texas, on March 10, 1992.

TRD-9203526

Nancy Murphy
Agency liaison, Policy and
Document Support
Texas Department of
Human Services

Proposed date of adoption: June 1, 1992

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



Withdrawn Sections

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

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 289. Occupational Health and Radiation Control

Asbestos Exposure Abatement in Public Buildings

- 25 TAC §§289.141-289.144, 289.147-289.151, 289.156-289.157

The Texas Department of Health withdraws the proposed repeal of §§289.141-289.144, 289.147-289.151, and 289.156-289.157, which was published in the September 20, 1991, issue of the *Texas Register* (16 TexReg 5178).

Issued in Austin, Texas, on March 10, 1992.

TRD-9203523 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Effective date: March 10, 1992

Filed: March 10, 1992

For further information, please call: (512) 834-6600

Chapter 295. Occupational [Environmental] Health

Asbestos Exposure Abatement in Public Buildings

- 25 TAC §§295.21, 295.31-295.48, 295.50-295.53, 295.55, 295.56, 295.58-295.60, 295.62, 295.66-295.68

The Texas Department of Health withdraws the proposed amendment to §§295.21, and new §§295.31-295.48, 295.50-295.53, 295.55, 295.56, 295.58-295.60, 295.62, 295.66-295.68, which were published in the September 20, 1991, issue of the *Texas Register* (16 TexReg 5178).

Issued in Austin, Texas, on March 10, 1992.

TRD-9203524 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Effective date: March 10, 1992

Filed: March 10, 1992

For further information, please call: (512) 834-6600

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VIII. Commission on Fire Protection Personnel Standards and Education

Chapter 233. Standards of Certification

- 37 TAC §§233.31, 233.33, 233.35, 233.37, 233.39, 233.41, 233.43, 233.45

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed repeals to §§233.31, 233.33, 233.35, 233.37, 233.39, 233.41, 233.43, and 233.45, submitted by the Commission on Fire Protection Personnel Standards and Education been automatically withdrawn, effective March 4, 1992. The repeals §§233.31, 233.33, 233.35, 233.37, 233.39, 233.41, 233.43, and 233.45, as proposed appeared in the September 3, 1991, issue of the *Texas Register* (16 TexReg 4824).

TRD-9203545

- 37 TAC §§233.31, 233.33

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed new §233.31 and §233.33, submitted by Commission on Fire Protection Personnel Standards and Education the has been automatically withdrawn, effective March 4, 1992. The new §233.31 and §233.33, as proposed appeared in the September 3, 1991, issue of the *Texas Register* (16 TexReg 4824).

TRD-9203546

- 37 TAC §§233.93, 233.95, 233.97, 233.99, 233.101, 233.103, 233.105, 233.107, 233.109

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed repeals to §§233.93, 233.95, 233.97, 233.99, 233.101, 233.103, 233.105, 233.107, and 233.109, submitted by the Commission on Fire Protection Personnel and Education has been automatically withdrawn,

effective March 4, 1992. The repeals to §§233.93, 233.95, 233.97, 233.99, 233.101, 233.103, 233.105, 233.107, and 233.109, as proposed appeared in the September 3, 1991, issue of the *Texas Register* (16 TexReg 4825).

TRD-9203547

- 37 TAC §§233.93, 233.95, 233.97, 233.99, 233.101, 233.103

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed new §§233.93, 233.95, 233.97, 233.99, 233.101, and 233.103, submitted by the Commission on Fire Protection Personnel and Education has been automatically withdrawn, effective March 4, 1992. The new §§233.93, 233.95, 233.97, 233.99, 233.101, and 233.103, as proposed appeared in the September 3, 1991, issue of the *Texas Register* (16 TexReg 4825).

TRD-9203548

Chapter 243. Continuing Education

- 37 TAC §243.5, §243.7

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed amendments to §243.5 and §243.7, submitted by the Commission on Fire Protection Personnel Standards and Education has been automatically withdrawn, effective March 11, 1992. The amendments to §243.5 and §243.7, as proposed appeared in the September 10, 1991, issue of the *Texas Register* (16 TexReg 4933).

TRD-9203556

- 37 TAC §§243.9, 243.13, 243.15

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed new §§243.9, 243.13, 243.15, submitted by the Commission on Fire Protection Personnel Standards and Education has been automatically withdrawn, effective March 4, 1992. The new §§243.9, 243.13, and 243.15, as proposed appeared in the September 3, 1991, issue of the *Texas Register* (16 TexReg 4827).

TRD-9203549

**Chapter 247. Adoption By
Reference**

• **37 TAC §§247.3, 247.7, 247.9**

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed new §§247.3, 247.7, and 247.9, submitted by the Commission on Fire Protection Personnel Standards and Education has been automatically withdrawn, effective March 4, 1992. The new §§247.3, 247.7, and 247.9, as proposed appeared in the September 3, 1991, issue of the *Texas Register* (16 TexReg 4828).

TRD-9203550



**Part XI. Texas Juvenile
Probation Commission**

**Chapter 341. Texas Juvenile
Probation Commission**

• **37 TAC §341.21**

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §341.21, submitted by the Texas Juvenile Probation Commission has been automatically withdrawn, effective March 4, 1992. The amendment to §341.21, as proposed appeared in the September 3, 1991, issue of the *Texas Register* (16 TexReg 4828).

TRD-9203551



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 22. EXAMINING BOARDS

Part I. Texas Board of Architectural Examiners

Chapter 3. Landscape Architects

Subchapter A. Scope; Defini- tions

• 22 TAC §§3.5, 3.9, 3.16

The Texas Board of Architectural Examiners adopts amendments to §§3.5, 3.9, and 3.16, concerning scope; definitions without changes to the proposed text as published in the December 10, 1991, issue of the *Texas Register* (16 TexReg 7073).

The amendments are necessary to provide language in the rules that is consistent with recent legislation.

The amendments will function to provide consistency between the rules and Texas Civil Statutes, Article 249c.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

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

Issued in Austin, Texas, on March 9, 1992.

TRD-9203498 Robert H. Norris
Executive Director
Texas Board of
Architectural Examiners

Effective date: March 31, 1992

Proposal publication date: December 10, 1991

For further information, please call: (512) 458-1363

Subchapter B. Registration

• 22 TAC §§3.22, 3.25, 3.28

The Texas Board of Architectural Examiners adopts amendments to §§3.22, 3.25, and 3.28, concerning registration, without changes to the proposed text as published in the December 10, 1991, issue of the *Texas Register* (16 TexReg 7074).

The amendments are necessary to provide eligibility requirements and deadline dates for applicants applying for landscape architectural registration.

The amendments will provide applicants with notice of actions which may affect their eligibility as candidates for registration.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

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

Issued in Austin, Texas, on March 9, 1992.

TRD-9203499 Robert H. Norris
Executive Director
Texas Board of
Architectural Examiners

Effective date: March 31, 1992

Proposal publication date: December 10, 1991

For further information, please call: (512) 458-1363

Subchapter C. Written Exami- nations

• 22 TAC §§3.43, 3.46, 3.48

The Texas Board of Architectural Examiners adopts amendments to §§3.43, 3.46, and 3.48, concerning written examinations, without changes to the proposed text as published in the December 10, 1991, issue of the *Texas Register* (16 TexReg 7074).

The amendments are necessary to provide candidates an opportunity to review their performance on the graphic sections of the examination and change the name of the registration examination.

The amendments will change the name of the registration examination and provides a procedure for candidates to obtain copies of their graphic examination solutions.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel

and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 9, 1992.

TRD-9203500 Robert H. Norris
Executive Director
Texas Board of
Architectural Examiners

Effective date: March 31, 1992

Proposal publication date: December 10, 1991

For further information, please call: (512) 458-1363

Subchapter D. Certification and Registration

• 22 TAC §3.67, §3.69

The Texas Board of Architectural Examiners adopts amendments to §3.67, and §3.69, concerning certification and registration, without changes to the proposed text as published in the December 10, 1991, issue of the *Texas Register* (16 TexReg 7074).

The amendments are necessary to clarify the board's intent to require of registrants a written change of mailing address and to exercise its statutory authority for the requirements for reinstatement of license.

The amendments will provide current and former registrants with notice of reinstatement requirements and procedures.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

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

Issued in Austin, Texas, on March 9, 1992.

TRD-9203501 Robert H. Norris
Executive Director
Texas Board of
Architectural Examiners

Effective date: March 31, 1992

Proposal publication date: December 10, 1991

For further information, please call: (512) 458-1363

• 22 TAC §3.70

The Texas Board of Architectural Examiners adopts new §3.70, concerning certification and registration, without changes to the proposed text as published in the December 10, 1991, issue of the *Texas Register* (16 TexReg 7075).

The new section will bring the board's rules into compliance with the Texas Education Code.

The new section will function to provide notice to registrants of action which may affect their renewal of registration.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

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

Issued in Austin, Texas, on March 9, 1992.

TRD-9203502 Robert H. Norris
Executive Director
Texas Board of
Architectural Examiners

Effective date: March 31, 1992

Proposal publication date: December 10, 1991

For further information, please call: (512) 458-1363

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Subchapter E. Fees.

• 22 TAC §§3.81, 3.82, 3.84, 3.85, 3.86, 3.88

The Texas Board of Architectural Examiners adopts amendments to §§3.81, 3.82, 3.84, 3.85, 3.86, and 3.88, concerning fees, without changes to the proposed text as published in the December 10, 1991, issue of the *Texas Register* (16 TexReg 7075).

The amendments increase the fees the agency must charge in compliance with Senate Bill 429.

The amendments will function to inform the persons affected of the increased fees and create increased revenue to the state and other fees will provide full cost recovery without burdening the taxpayers.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

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

Issued in Austin, Texas, on March 9, 1992.

TRD-9203503 Robert H. Norris
Executive Director
Texas Board of
Architectural Examiners

Effective date: March 31, 1992

Proposal publication date: December 10, 1991

For further information, please call: (512) 458-1363

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Subchapter H. Rules of Conduct

• 22 TAC §3.143

The Texas Board of Architectural Examiners adopts an amendment to §3.143, concerning rules of conduct, without changes to the proposed text as published in the December 10, 1991, issue of the *Texas Register* (16 TexReg 7079).

The amendment is necessary to clarify the board's authority concerning the discipline of a registrant.

The amendment will function to provide a degree of discipline more appropriate to the seriousness of a violation of law or rules.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

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

Issued in Austin, Texas, on March 9, 1992.

TRD-9203504 Robert H. Norris
Executive Director
Texas Board of
Architectural Examiners

Effective date: March 31, 1992

Proposal publication date: December 10, 1991

For further information, please call: (512) 458-1363

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Subchapter I. Charges Against Landscape Architects; Action

• 22 TAC §3.158, §3.169

The Texas Board of Architectural Examiners adopts amendments to §3.158, and §3.169, concerning charges against landscape architects; action, without changes to the proposed text as published in the December 10, 1991, issue of the *Texas Register* (16 TexReg 7079).

The amendments are necessary to clarify to the persons affected by these rules the board's authority concerning disciplinary actions.

The rules will function to provide increased protection of the public by additional disciplines should a registrant be found guilty of alleged violations of laws or rules.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

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

Issued in Austin, Texas, on March 9, 1992.

TRD-9203505 Robert H. Norris
Executive Director
Texas Board of
Architectural Examiners

Effective date: March 31, 1992

Proposal publication date: December 10, 1991

For further information, please call: (512) 458-1363

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Part VI. State Board of Registration for Professional Engineers
Chapter 131. Practice and Procedure

Application for Registration

• 22 TAC §131.55

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.55, concerning application for registration, without changes to the proposed text as published in the February 7, 1992, issue of the *Texas Register* (17 TexReg 1001).

The amendment was necessary to clarify the application for registration procedures.

The section stipulates that an application for registration is not considered initiated until the application has been accepted in the board office.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

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

Issued in Austin, Texas, on March 9, 1992.

TRD-9203506 Charles E. Nemir, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Effective date: March 31, 1992

Proposal publication date: February 7, 1992
For further information, please call: (512) 440-7723

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

Chapter 143. Dispute Resolution-Review by the Appeals Panel

• **28 TAC §143.4**

The Texas Workers' Compensation Commission adopts an amendment to §143.4, concerning procedures for responding to a request for review by the appeals panel, with changes to the proposed text as published in the September 27, 1991, issue of the *Texas Register* (16 TexReg 5317).

The amendment is necessary to clarify the presumption of timely filing or service of written response to an appeal filed with the ap-

peals panel. The section is changed by adding language in subsection (c)(1) to clarify that the time runs from the date of receipt. In paragraph (2) the language is changed to go from a "date of mailing" to a "date of receipt" concept and allows a five day grace period for determining the presumptive date of mailing of the response.

Comment filed by the Alliance of American Insurers objected to the requirements to mail rather than send a telephonic facsimile but supported the five day presumption.

The commissioners disagree with the objection and believe that mailing is and should be a requirement so the standards of the appeal panel will closely match the procedural requirements of the courts.

This section creates a rebuttable presumption that timely filing or service occurred if the Commission received the document within a specific time.

The amendment is adopted under Texas Civil Statutes, Article 8308-2.09(a) which authorizes the commission to adopt rules necessary to implement and enforce the Texas Workers' Compensation Act.

§143.4. Responding to a Request for Review by the Appeals Panel.

(a) The other party shall respond to the appellant's request. The response shall:

(1) be in writing;

(2) clearly and concisely support each issue in the hearing officer's decision that the appellant has rebutted in the request, and state why the appellant's relief should not be granted;

(3) be filed with the commission's central office in Austin not later than the 15th day after the request was received by the respondent; and

(4) be served on the appellant on the same day filed with the commission.

(b) The response shall contain a statement certifying that a copy has been served on the appellant. A certificate in substantially the following form shall be used:

"I hereby certify that I have on this ____ day of ____, 19__, served a copy of the attached response on _____ [state the name of the appellant on whom a copy was served] by _____ [state the manner of service]."

Signature

(c) A response made under this section shall be presumed to be timely filed or timely served if it is:

(1) mailed on or before the 15th day after the date receipt of the appellant's request, as provided in subsection (a) of this section; and

(2) received by the commission or other party not later than the 20th [5th] day after the date of receipt of the appellant's request [mailing].

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

Issued in Austin, Texas, on March 10, 1992.

TRD-9203518

Ernest Boardman
Acting General Counsel
Texas Workers'
Compensation
Commission

Effective date: March 31, 1992

Proposal publication date: September 27, 1991

For further information, please call: (512) 440-3972

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TITLE 31. NATURAL RESOURCE AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 57. Fisheries

Harmful or Potentially Harmful Fish, Shellfish, and Aquatic Plants

• **31 TAC §§57.111-57.130**

The Parks and Wildlife Commission in a regularly scheduled public hearing held January 23, 1992, adopted new §§57.111-57.130,

concerning harmful or potentially harmful exotic fish, shellfish, and aquatic plants rules, with changes to the proposed text as published in the December 20, 1991, issue of the *Texas Register* (16 TexReg 7444). These new rules replace §§57.111-57.121, which were repealed at the January 23 public hearing.

Changes to the rules proposed in the *Texas Register* are: modification of §57.113(h) and a new §57.113(1) which allow transportation of 30 or less triploid grass carp by a person in possession of a valid triploid grass carp permit; modification of §57.115(a) which allows possession of triploid grass carp by persons in possession of a valid triploid grass carp permit; modification of §57.115(b) which now requires persons transporting triploid grass carp to be in possession of an exotic species transport invoice or valid triploid grass carp permit; modification of §57.115(c) which now requires a fish farmer transporting triploid grass carp to have in possession invoices which account for all triploid grass carp being transported; modification of §57.118(b)(3), §57.120(b)(3), and §57.121(a)(1) which allow

the executive director discretion in issuance of new permits, and renewal or amendment of existing permits issued under these rules.

Overabundant aquatic vegetation is a serious problem in small ponds over a large part of the state. Infestations have reached levels which prevent use of these waters by recreational fishermen. Under the repealed rules the only practical options available to landowners for control of aquatic vegetation were use of herbicides or illegal diploid grass carp. Because herbicide treatment is extremely expensive, the unlawful importation and introduction of grass carp was occurring. Neither of these options was beneficial to management of public waters. Herbicides or their by-products, and illegal grass carp, eventually found their way into public water. Both have the potential to cause long-term damage to aquatic environments.

The new rules, as adopted, establish the criteria for possession, sale, and transportation of sterile triploid grass carp. The sale of triploid grass carp is limited to licensed Texas fish farmers in possession of an exotic species permit and triploid grass carp can be sold only to persons in possession of a triploid grass carp permit issued by the department. The new rules, as adopted, allow transportation of 30 or less triploid grass carp by a person in possession of, and named in, a valid triploid grass carp permit. The new rules also require that a Texas fish farmer transporting triploid grass carp must have in possession invoices of sale which account for all grass carp being transported.

The accidental release of large numbers of exotic shrimp into the Arroyo Colorado in November, 1991 resulted in a substantial review of existing regulations concerning requirements for fish farms holding exotic shrimp and other exotic species. The adopted new rules substantially improve the facility design, maintenance, and operational criteria necessary for procurement of an exotic species permit.

The proposed regulations were liberalized to allow for the issuance, renewal, or amendment of an exotic species permit, if among other prescribed findings, the department finds that the applicant has substantially complied with applicable provisions of the Parks and Wildlife Code, §66.007 and §66.015, the adopted rules and any department permit, during the one-year period preceding the date of application. The repealed rules made no allowance for issuance of an exotic species permit to a person who had violated these provisions, regardless of the level or significance of the violation.

The rules as adopted have as their factual basis scientific studies and investigations which have been used to evaluate and determine the efficiency and safety of triploid grass carp as a means of aquatic vegetation control; the status of *Crassostrea gigas* as a harmful or potentially harmful exotic shellfish, and the status of exotic shellfish of the genus *Penaeus* as harmful or potentially harmful exotic shellfish.

The Texas Employment Commission indicated in reply to department correspondence that while the adoption of these rules would

have little benefit on local governments, fiscal implications to state government would be positive. The adopted rules will permit this department to collect fees to cover administrative costs of the programs established in these rules and will allow the department to expand its habitat enhancement programs.

The anticipated benefits for small businesses will also be positive. Small businesses within the boundaries of Texas will benefit from the sale of triploid grass carp for stocking into private waters.

The potential of the grass carp as a biological control agent for nuisance aquatic vegetation has led researchers and aquaculturists to search for ways to decrease the reproductive capability of the fish. Results with genetically altered grass carp, specifically induction of triploidy, have been excellent in decreasing the threat of grass carp reproduction while providing a means of biologic control of grass carp. The new rules implement a system whereby Texas fish farmers can transport and sell triploid grass carp to landowners in need of biologic control of vegetation.

The new rules substantially enhance the measures needed to protect native stocks of fish and shellfish. The new rules concerning facility requirements should reduce the chance of escape of exotic species and subsequent biologic contamination of the states aquatic ecosystems.

The rules relating to triploid grass carp will: legalize the introduction of certified triploid grass carp in private waters; specify permit requirements and criteria; list criteria for permit denial, which include potential harm to habitat of threatened or endangered species; specify that grass carp imported into Texas must be certified as triploids by the United States Fish and Wildlife Service or the department; specify that only holders of exotic species permits may import certified triploid grass carp into the state; set reporting requirements for sale and possession of triploid grass carp; set a nonrefundable permit fee of \$15 per application plus \$2.00 per individual grass carp requested; and define penalties for violations of this subchapter.

The rules relating to harmful or potentially harmful exotic shellfish will: Restrict the use of exotic shrimp to one species, *Penaeus vannamei*; prohibit possession, sale or culture of the oyster species, *Crassostrea gigas*; set new fish farm facility design, construction, and operational requirements; require reporting of any escape of exotic species; set the exotic species permit fee at \$250 for facilities which require inspections; set the exotic species permit fee at \$25 for facilities which require no inspection; require reporting of impending harvest of exotic shellfish; require detailed schematics or plats of fish farms which are to hold exotic species, and require notification of the department in the event of substantive changes in facility operation.

Comments concerning the proposed rules included (1) Several groups were in general opposition to the proposed legalization of triploid grass carp; (2) the Galveston Bay Foundation opposed legalization of triploid grass carp as a result of habitat degradation in Galveston Bay which the foundation attri-

butes to grass carp activity; (3) several groups were in favor of triploid grass carp legalization, but were opposed to the \$2.00 per fish application fee; (4) suggestions related to areas of improvement in the rules to include evaluation of chemicals used for disease control; (5) recommendation by the Texas Shrimp Association that rules include a moratorium on issuing any new permits for the construction of aquaculture facilities in the coastal area; (6) recommendation by the Texas Shrimp Association that water quality of the effluent be routinely checked; (7) recommendation that the Texas Water Commission be brought into the process to evaluate the effluent quality from the shrimp farms; (8) concern that there is no acceptable biocide for use on shrimp; (9) concern for the impact of diseased shrimp on native stocks of fish that may ingest them; (10) concern that a monthly hatchery inspection would be a problem; (11) concern that the 72-hour notice requirement prior to harvesting exotic shrimp would jeopardize the harvest; (12) concern over the existing rule that the intestines of the fish or shellfish must be removed in order for a person without an exotic species permit to possess them; (13) concern for the feasibility of inspecting exotic shrimp nauplii (larvae) for disease; (14) concern for the length of time which the exotic shrimp may be required to remain in quarantine if a disease free certificate is required; (15) statements that there are no indications that exotics have harmed the native shrimp stock; (16) concern that the Republic of Mexico or other foreign countries are not adhering to the same conservative regulations as those proposed and therefore shrimp aquaculture would be forced to move into these countries; and (17) the shrimp aquaculture industry needs exotic shrimp for their operations.

Those groups or associations who made comments for the rules as proposed included: Lower Rio Grande Valley Water District Manager's Association, Koon Kreek Klub, Fennedale Club, City of Indian Lakes Homeowner's Association, Camp Creek Homeowner's Association.

Those groups or associations who made comments for the rules as proposed with modification: Texas Aquaculture Association, Hung Shrimp Farm, Texas Shrimp Association.

Those groups or associations who made comments against the rules as proposed included: Galveston Bay Foundation, Rio Grande Group, Lone Star Chapter of the Sierra Club.

The Texas Parks and Wildlife Commission disagreed with several comments received because the comments were judged to be incompatible with wildlife resource management. The commission must make findings of fact based upon the department's scientific surveys and investigations.

Using the same numbering system as in the summary of comments the agency disagrees with the comments as follows. (1) Failure to legalize triploid sterile grass carp was judged to be more dangerous to aquatic systems than legalization. Continued illegal traffic in diploid grass carp is judged to be incompatible with Wildlife Resource Management. (2)

Regarding the possible negative impacts on estuarine environments, the agency felt that the greatest threat was from uncontrolled numbers of reproducing diploid grass carp. The proposed rules allow use of only sterile triploids and reduces the need for illegally imported diploids. (3) Regarding the \$2.00 per fish application fee, the agency felt that the charge was necessary to assure that the cost of administering the programs is borne by those benefitting. (4) All chemicals used in legal aquaculture production activities are required to be registered and thoroughly tested to protect against negative impacts. (5) The moratorium against construction of aquaculture facilities in the coastal area as recommended in comment (5) is not within the authority of the commission. (6) and (7) The Texas Water Commission is the responsible state agency on water quality and issues related to this responsibility as addressed in comment (6) and (7) should be addressed to that agency; in relation to comment number (8) there are acceptable biocides for use in aquaculture, but at this time, it is correct that there is no approved biocide for shrimp, however, the department is working with the Texas Department of Agriculture to identify an acceptable biocide for shrimp. (9) There are no known data indicating that the disease organisms in exotic shrimp are transferable to finfish found along the Texas coast as proposed in comment (9). The monthly hatchery inspection identified in comment (10) is a requirement that will allow the facility to maintain its certification of "disease free" and thereby avoid the additional requirement of certification when the postlarvae are sold or transferred to ponds. Concern expressed in comment (11) on the 72-hour notice prior to harvest is meant to allow the department the opportunity to monitor the harvesting process if it chooses to do so but does not require a department official to be present. In this measure, provisions are made for emergencies wherein the notification period can not be met. The requirement to remove the intestine of a harmful or potentially harmful exotic fish or shellfish for legal possession by a nonpermitted individual as identified in comment (12) allows for a clear determination that the exotic species is dead. Failure to require this rule could require a judgement call by department personnel for its enforceability. Comment (13) challenging the feasibility of inspecting nauplii is based on an apparent misunderstanding of §57.114(b) in that the nauplii are not required to be certified, but rather the facility from which the nauplii are received must have been certified as being free of disease. Comment (14) concerning the length of time for the quarantine serves as a protection for the aquaculturist in that should diseased shrimp be stocked in a pond, the pond would have to be sanitized. The adopted quarantine procedures have been the recommended mode of operation in order to prevent the potential infection of other facilities or production stock. The notification of an accepted disease certification by the department is generally done telephonically so any time delay is not due to department administrative time requirements. A limitation on the quarantine time would only result in the potential to infect the pond as well as the natural stock. The comment listed

as number (15) asserts that there is no indication of harm caused by exotic shrimp. The statutes allow for permitting and regulations to be imposed on harmful or potentially harmful exotic species. It has been determined through the best scientific information available that exotic shrimp pose potential harm to the natural stock and on this basis these new rules are proposed. The suggestion made in comment (16) that other countries are not taking a conservative approach to introduction of exotic species does not limit the actions that can be taken by the commission in protecting natural resources. It is understood that at the current time exotic shrimp are needed for the shrimp aquaculture industry as expressed in comment (17). It is on this understanding that permitting of *Penaeus vannamei* continues to be allowed.

The new sections are adopted under the Parks and Wildlife Code, §66.007 and §66.015 or Agriculture Code 134.020, which authorizes the department to regulate harmful or potentially harmful exotic fish, shellfish, and aquatic plants.

§57.111. Definitions. The following words and terms, when used in this undesignated head, shall have the following meanings, unless the context clearly indicate otherwise.

Aquaculture or fish farming—The business of producing and selling cultured species raised in private facilities.

Cultured species—Aquatic plants or animals raised under conditions where at least a portion of their life cycle is controlled by an aquaculturist.

Department—The Texas Parks and Wildlife Department or a designated employee of the department.

Director—The executive director of the Texas Parks and Wildlife Department.

Exotic species—A nonindigenous plant or animal not normally found in public water of this state.

Fish farm—The property including all drainage ditches and private facilities from which cultured species are produced, propagated, transported, or sold.

Fish farm complex—A group of two or more separately owned fish farms located at a common site and sharing privately owned water diversion or drainage structures.

Fish farmer—Any person engaged in aquaculture or fish farming.

Grass carp—The species *Ctenopharyngodon idella*.

Harmful or potentially harmful exotic fish—

(A) Lamprey Family: Petromyzontidae—all species except *Ichthyomyzon castaneus* and *I. gagei*;

(B) Freshwater Stingrays Family: Potamotrygonidae—all species;

(C) Arapaima Family: Osteoglossidae—*Arapaima gigas*;

(D) South American Pike Characoids Family: Characidae—all species of genus *Acestrorhynchus*;

(E) African Tiger Fishes Subfamily: Hydrocyninae—all species;

(F) Piranhas and Priambebus Subfamily: Serrasalminae—all species;

(G) Rhabdiodontid Characoids Subfamily: Rhabdiodontinae—all species of genera *Hydrolycus* and *Rhabdiodont* (synonymous with *Cynodon*);

(H) Dourados Subfamily: Bryconinae—all species of genus *Salminus*;

(I) South American Tiger Fishes Family: Erythrinidae—all species;

(J) South American Pike Characoids Family: Ctenolucidae—all species of genera *Ctenolucius* and *Luciocharax* (synonymous with *Boulengerella* and *Hydrocinus*);

(K) African Pike Characoids Families: Hepsetidae Ichthyoridae—all species;

(L) Knifefishes Family: Gymnotidae—*Gymnotus carapo*;

(M) Electric Eels Family: Electrophoridae—*Electrophorus electricus*;

(N) Carps and Minnows Family: Cyprinidae—all species and hybrids of species of genera: *Abramis*, *Aristichthys*, *Aspius*, *Aspiolucius*, *Blicca*, *Catla*, *Cirrhina*, *Ctenopharyngodon*, *Elopichthys*, *Hypophthalmichthys*, *Leuciscus*, *Megalobrama*, *Mylopharyngodon*, *Parabramis*, *Pseudaspius*, *Rutilus*, *Scardinius*, *Thynnichthys*, *Tor*, and the species *Barbus tor* (Synonymous with *Barbus hexoagoniolepis*);

(O) Walking Catfishes Family: Clariidae—all species;

(P) Electric Catfishes Family: Malapteruridae—all species;

(Q) South American Parasitic Candiru Catfishes Subfamilies: Stegophilinae vandelliinae—all species;

(R) Pike Killifish Family: Poeciliidae—*Belonesox belizanus*;

(S) Marine Stonefishes Family: Synanceiidae—all species;

(T) South American Pike Cichlids Family: Cichlidae—all species of genera *Crenicichla* and *Batrachops*;

(U) Tilapia Family: Cichlidae—all species of genus *Tilapia* (including *Sarotherodon* and *Oreochromis*);

(V) Asian Pikeheads Family: Luciocephalidae—all species;

(W) Snakeheads Family: Channidae—all species;

(X) Walleyes Family: Percidae—all species of the genus *Stizostedion* except *Stizostedion vitreum* and *S. canadense*;

(Y) Nile Perch Family: Centropomidae—all species of genera *Lates* and *Luciolates*;

(Z) Drums Family: Sciaenidae—all species of genus *Cynoscion* except *Cynoscion nebulosus*, *C. nothus*, and *C. arenarius*;

(AA) Whale Catfishes Family: Cetopsidae—all species;

(BB) Ruff Family: Percidae—all species of genus *Gymnocephalus*;

(CC) Air sac Catfishes Family: Heteropneustidae—all species of genus *Heteropneustes*.

Harmful or potentially harmful exotic shellfish—

(A) Crayfishes Family: Parastacidae—all species of the genus *Astacopsis*;

(B) Mitten crabs Family: Grapsidae—all species of the genus *Eriocheir*;

(C) Asian Clams Family: Corbiculidae—all species of genus *Corbicula*;

(D) Giant Ram's-horn Snails Family: Piliidae (synonymous with

Ampullariidae)—all species of genus *Marisa*;

(E) Zebra Mussels Family: Dreissenidae—all species of genus *Dreissena*;

(F) Penaeid Shrimp Family: Penaeidae—all species of genus *Penaeus* except *P. setiferus*, *P. aztecus* and *P. duorarum*;

(G) Pacific oyster Family: Ostreidae—*Crassostrea gigas*.

Harmful or potentially harmful exotic plants—

(A) Giant Duckweed Family: Lemnaceae—*Spirodela oligorhiza*;

(B) Salvinia Family: Salviniaceae—all species of genus *Salvinia*;

(C) Waterhyacinth Family: Pontederiaceae—*Eichhornia crassipes*;

(D) Waterlettuce Family: Araceae—*Pistia stratiotes*;

(E) Hydrilla Family: Hydrocharitaceae—*Hydrilla verticillata*;

(F) Egeria Family: Hydrocharitaceae—*Egeria densa*;

(G) Lagarosiphon Family: Hydrocharitaceae—*Lagarosiphon major*;

(H) Eurasian Watermilfoil Family: Haloragaceae—*Myriophyllum spicatum*;

(I) Alligatorweed Family: Amaranthaceae—*Alternanthera philoxeroides*;

(J) Rooted Waterhyacinth Family: Pontederiaceae—*Eichhornia azurea*;

(K) Paperbark Family: Myrtaceae—*Melaleuca quinquenervia*;

(L) Torpedograss Family: Gramineae—*Panicum repens*;

(M) Water spinach Family: Convolvulaceae—*Ipomoea aquatica*.

Nauplius or nauplii—A larval crustacean having no trunk segmentation and only three pairs of appendages.

Operator—The person responsible for the overall operation of a wastewater treatment facility.

Postlarvae—A juvenile crustacean having acquired a full complement of functional appendages.

Private facility—A pond, tank, cage, or other structure capable of holding cultured species in confinement wholly within or on private land or water, or within or on permitted public land or water.

Private facility effluent—Any and all water which has been used in aquaculture activities.

Private pond—A pond, tank, lake, or other structure capable of holding fish species in confinement wholly within or on private land.

Public waters—Bays, estuaries, and water of the Gulf of Mexico within the jurisdiction of the state, and the rivers, streams, creeks, bayous, reservoirs, lakes, and portions of those waters where public access is available without discrimination.

Quarantine condition—Confinement of nauplii, postlarvae, or adults of exotic shellfish such that neither the shellfish nor the water in which they are maintained comes into contact with other fish or shellfish.

Triploid grass carp—A grass carp (*Ctenopharyngodon idella*) which has been certified by the United States Fish and Wildlife Service as having 72 chromosomes and as being functionally sterile.

Wastewater treatment facility—All contiguous land and fixtures, structures or appurtenances used for treating wastewater pursuant to a valid permit issued by the Texas Water Commission.

§57.112. General Rules.

(a) Scientific reclassification or change in nomenclature of taxa at any level in taxonomic hierarchy will not, in and of itself, result in redefinition of a harmful or potentially harmful exotic species.

(b) Except as provided in §57.113 of this title (relating to Exceptions), it is an offense for any person to release into public waters, import, sell, purchase, propagate or possess any species, hybrid of a species, subspecies, eggs, seeds, or any part of any species defined as harmful or potentially harmful exotic fish, shellfish, or aquatic plant.

(c) Violation of any provision of a permit issued under these rules is a violation of these rules.

§57.113. Exceptions.

(a) A person who holds a valid scientific or zoological permit issued by the department may possess the exotic harmful or potentially harmful fish, shellfish, and aquatic plants as authorized in the permit.

(b) A person may possess exotic harmful or potentially harmful fish or shell-

fish without a permit if the intestines of the fish or shellfish have been removed.

(c) A fish farmer who holds a valid exotic species permit issued by the department may possess, propagate, transport, or sell silver carp (*Hypophthalmichthys molitrix*), black carp (*Mylopharyngodon piceus*, also commonly known as snail carp), bighead carp (*Aristichthys/Hypophthalmichthys nobilis*), blue tilapia (*tilapia aurea*), Mozambique tilapia (*tilapia mossambica*), or hybrids between the two tilapia species as provided by conditions of the permit and these rules.

(d) A fish farmer who holds a valid exotic species permit issued by the department may possess, propagate, transport, or sell *Penaeus vannamei* provided the exotic shellfish meet disease free certification requirements listed in §57.114 of this title (relating to Health Certification of Exotic Shellfish) and as provided by conditions of the permit and these rules.

(e) A fish farmer who holds a valid exotic species permit issued by the department may possess, transport, or sell triploid grass carp (*Ctenopharyngodon idella*) as provided by conditions of the permit and these rules.

(f) A wastewater treatment facility that holds a valid exotic species permit issued by the department may possess waterhyacinth (*Eichornia crassipes*) only for the purpose of wastewater treatment.

(g) A person may possess Mozambique tilapia in a private pond subject to compliance with §57.116(d) of this title (relating to Exotic Species Transport Invoice).

(h) The holder of a valid triploid grass carp permit issued by the department may possess triploid grass carp as provided by conditions of the permit and these rules.

(i) A licensed retail or wholesale fish dealer is not required to have an exotic species permit to purchase or possess live individuals of species or hybrids of species listed in subsection (c) of this section held in the place of business as defined in the Parks and Wildlife Code, §47.001(9), unless the retail or wholesale fish dealer propagates one or more of these species. However, such a dealer may sell or deliver these species to another person only if the intestines or head of the fish are removed.

(j) A person may possess species listed in subsections (c) and (d) of this section delivered as authorized in subsection (i) of this section only if such fish or shellfish are dead, packaged on ice or frozen.

(k) A person may possess the hybrid grass carp (*Ctenopharyngodon idella* x *Aristichthys/Hypophthalmichthys nobilis*) if that person has documented evidence of

possession prior to January 25, 1990, has provided such evidence to the department by May 1, 1990, and possesses acknowledgment of such evidence from the department by June 1, 1990. A person in possession of hybrid grass carp on January 25, 1990, shall not replace or supplement hybrid grass carp. This subsection shall be in effect only until January 1, 1995.

(1) A person in possession of, and named in, a valid triploid grass carp permit may transport 30 or less triploid grass carp from the point of purchase from a fish farmer in possession of a valid exotic species permit to the final destination named in the permit.

§57.114. Health Certification of Exotic Shellfish.

(a) All disease free certification of exotic shellfish must be conducted by a shellfish disease specialist approved by the department.

(b) A fish farmer importing nauplii of exotic shellfish from facilities outside the state must provide documentation to the department, prior to importation of such nauplii, that the producing facility from which the nauplii are to be received has been certified, as being free of disease.

(c) A fish farmer in possession of nauplii of exotic shellfish for the purpose of production of postlarvae must provide to the department monthly certification that such postlarvae have been examined and certified to be free of disease.

(d) Any shipment of exotic shellfish received by a fish farmer must be:

(1) certified as being disease free; and

(2) maintained under quarantine conditions until the department acknowledges that the additional stock is free of disease.

(e) Prior to removal of exotic shellfish from quarantine conditions, a fish farmer must have:

(1) obtained certification that any new shipment of exotic shellfish imported from outside the state have been examined and found to be free of disease;

(2) forwarded a copy of the disease free certification to the department; and

(3) received acknowledgement from the department that the shellfish stock is free of disease.

§57.115. Transportation of Live Exotic Species.

(a) Transport of live harmful or potentially harmful exotic species is prohib-

ited except by a licensed fish farmer or the operator of a wastewater treatment facility who has in immediate possession a valid exotic species permit, by a person in possession of a valid triploid grass carp permit, by a commercial shipper acting for the permit holder, or when transported between a warehouse and retail outlet within a company possessing a retail fish dealers license, and persons holding a valid zoological or scientific permit authorizing the transportation.

(b) Any person transporting live harmful or potentially harmful exotic species must have either an exotic species transport invoice or a valid triploid grass carp permit; except harmful or potentially harmful exotic species covered under zoological or scientific permits may be transported in compliance with rules governing zoological or scientific permits.

(c) A fish farmer transporting live triploid grass carp must have an exotic species transport invoice, sales invoices which account, collectively, for all triploid grass carp being transported and a copy of the United States Fish and Wildlife Service certification declaring that the grass carp being transported have been certified as being triploid grass carp.

§57.116. Exotic Species Transport Invoice.

(a) An exotic species transport invoice shall contain all the following information correctly stated and legibly written: invoice number; date of shipment; name, address, and phone number of the shipper; name, address, and phone number of the receiver; Texas fish farmer's license number and exotic species permit number, if applicable; number and total weight of each harmful or potentially harmful exotic species; a check mark indicating interstate import, interstate export, or intrastate type of shipment. A completed invoice shall accompany each shipment of harmful or potentially harmful exotic species, and shall be sequentially numbered during the permit period; no invoice number shall be used more than once during any one permit period by the permittee.

(b) The exotic species transport invoice shall be provided by the permittee; one copy shall be retained by the permittee for a period of at least one year following shipping date.

(c) The permittee is responsible for supplying copies of the exotic species transport invoice to out-of-state dealers from which the permittee has ordered harmful or potentially harmful exotic species so that shipment will be properly marked and numbered upon delivery to the permittee in Texas.

(d) Owners, or their agents, of private ponds stocked with Mozambique tilapia or triploid grass carp by an exotic species permit holder shall retain a copy of the exotic species transport invoice for a period of one year after the stocking date or as long as the tilapia or triploid grass carp are in the water, whichever is longer.

§57.117. Exotic Species Permit—Fee and Application Requirements.

(a) The department shall charge a nonrefundable exotic species permit application fee as follows:

(1) application for new, renewed, or amended exotic species permit which requires facility inspection—\$250;

(2) application for renewed or amended exotic species permit requiring no facility inspection—\$25.

(b) To be considered for an exotic species permit, the applicant shall:

(1) possess a valid Texas fish farmer's license or permit from the Texas Water Commission authorizing operation of a wastewater treatment facility;

(2) complete an initial exotic species permit application on a form provided by the department;

(3) submit this application to the department;

(4) submit an accurate-to-scale plat of the fish farm specifically including, but not limited to, location of:

(A) all private facilities including a designation on the plat of all private facilities which will be used for possession of harmful or potentially harmful exotic species;

(B) all structures which drain private facilities;

(C) all points at which private facility effluent is discharged from the private facilities or the fish farm;

(D) all structures designed to prevent discharge of harmful or potentially harmful species from the fish farm;

(E) any vats, raceways, or other structures to be used in holding harmful or potentially harmful exotic species;

(5) demonstrate to the department that an existing fish farm or wastewater treatment facility meets requirements of §57.129 of this title (relating to Exotic Species Permit);

(6) provide plans of sufficient detail to demonstrate that fish farms or

wastewater treatment facilities in planning or construction will comply with the criteria listed in §57.129 of this title; and

(7) remit to the department all applicable fees.

(c) Applicants for an exotic species permit for culture of harmful or potentially harmful exotic shellfish must meet all exotic species permit application requirements and requirements for disease free certification as listed in §57.114 of this title (relating to Health Certification of Exotic Shellfish).

(d) An applicant for an exotic species permit shall provide documentation upon request from the department necessary to identify any harmful or potentially harmful exotic species for which a permit is sought.

(e) An applicant for an exotic species permit shall allow inspection of his or her facilities by authorized employees of the department during normal business hours.

§57.118. Exotic Species Permit Issuance.

(a) The department may issue an exotic species permit only to a licensed fish farmer and only for species listed in §57.113(c), (d), and (e) of this section or to a wastewater treatment facility operator only for possession and use of waterhyacinth.

(b) The department may issue an exotic species permit upon a finding by the department that:

(1) all application requirements as set out in §57.117 this title (relating to Exotic Species Permit—Fee and Application Requirements) have been met;

(2) the fish farm operated by the applicant and named in the permit meets or will meet the design criteria listed in §57.129 of this title (relating to Exotic Species Permit);

(3) The applicant has substantially complied with all provisions of the Parks and Wildlife Code, §66.007, §66.015, and these rules during the one-year period preceding the date of application.

(c) Permits issued for fish farms or wastewater treatment facilities under construction shall not authorize possession of harmful or potential harmful exotic fish, shellfish, or aquatic plants until such time as the department has certified that the fish farm or wastewater treatment facility as-built meets the requirements in §57.129 of this title.

§57.119. Exotic Species Permit—Requirements for Permittee.

(a) A copy of the exotic species permit shall be:

(1) made available for inspection upon request of authorized department personnel; and

(2) kept on the premises of the fish farm or wastewater treatment facility named in the permit.

(b) Permittee must provide access to authorized department personnel during any hours in which operations pursuant to the exotic species permit are ongoing.

(c) If a permittee discontinues fish farming of a permitted harmful or potentially harmful exotic species or discontinues wastewater treatment utilizing waterhyacinth, the permittee shall:

(1) immediately and lawfully, sell or destroy all remaining individuals of that species in possession; and

(2) notify the department's aquaculture coordinator at least 14 days prior to cessation of operation.

(d) A permittee shall provide an adequate number of fish, shellfish, or aquatic plants of the exotic species named in the permit application to authorized department employees upon request for identification and analyses.

(e) In the event that the fish farm or a wastewater treatment facility of a permit holder appears in imminent danger of overflow, flooding, or release of harmful or potentially harmful exotic fish, shellfish, or aquatic plants into public water, the permittee shall destroy or harvest all permitted exotic harmful or potentially harmful fish, shellfish, and aquatic plants to prevent their release. It is the responsibility of the permittee to have available sufficient quantity of biocide to destroy all harmful or potentially harmful exotic fish, shellfish, and aquatic plants in danger of release. The biocide shall be registered with the Texas Department of Agriculture and used in accordance with label directions.

(f) Except in case of an emergency, a holder of an exotic species permit authorizing possession of *Penaeus vannamei* must notify the department at least 72 hours prior to any harvesting of permitted adult shellfish. In an emergency beyond the control of the permittee, notification of harvest must be made as early as practicable prior to beginning of harvest operations.

(g) A holder of an exotic species permit authorizing possession of *Penaeus vannamei* may sell or transfer ownership of live *P. vannamei* only to the holder of a valid exotic species permit specifically authorizing possession of *P. vannamei*.

(h) Upon discovery of release or escapement of harmful or potentially harmful exotic fish or shellfish from the private facilities authorized in an exotic species

permit, the permittee must immediately halt discharge of all private facility effluent from the fish farm. If the permittee's fish farm is located within a fish farm complex, upon discovery or release or escapement of harmful or potentially harmful fish or shellfish from the permittee's fish farm, the permittee must immediately halt discharge of all private facility effluent from the fish farm complex.

(i) A holder of an exotic species permit must notify the department in the event of escapement or release of harmful or potentially harmful exotic fish or shellfish, within two hours of discovery.

(j) All devices required in the exotic species permit for prevention of discharge of harmful or potentially harmful exotic fish, shellfish, or aquatic plants must be in place and properly maintained at all times such species are in possession.

(k) All private facility effluent discharged from a fish farm holding exotic harmful or potentially harmful species must be routed such that all private facility effluent passes through all devices for prevention of discharge of such exotic species as required in the permit.

(l) A permittee must notify the department's aquaculture coordinator in the event of change of ownership of the fish farm named in that permittee's exotic species permit. Notification must be made within seven days of change in ownership.

(m) Permits are not transferable from site to site or from person to person.

§57.120. Exotic Species Permit; Expiration and Renewal.

(a) Exotic Species Permits required by these rules expire one year from date of issuance.

(b) The department may renew an exotic species permit upon finding that:

(1) the applicant has met application requirements in §57.117 of this title (relating to Exotic Species Permit-Fee and Application Requirements);

(2) the facility will meet all applicable facility design criteria listed in §57.129 of this title (relating to Exotic Species Permit); and

(3) the applicant has substantially complied with all provisions of the Parks and Wildlife Code §66.007, §66.015, and these rules during the one-year period preceding the date of agency action on the application for renewal.

(4) The applicant has submitted a renewal application and required annual report to the department not more than 60 days nor less than 30 days prior to the exotic species permit expiration.

(c) Applicants seeking renewal of exotic species permits, including those issued prior to January 23, 1992, must meet all application requirements listed in §57.117 of this title and facility design criteria listed in §57.129 of this title.

§57.121. Exotic Species Permit-Amendment.

(a) Exotic species permits may be amended upon a finding by the department that:

(1) the applicant has substantially complied with all provisions of the Parks and Wildlife Code, §66.007, §66.015, and these rules during the one-year period preceding the date of application;

(2) the applicant has met all applicable application requirements under §57.117 of this title (relating to Exotic Species Permit-Fee Application Requirements); and

(3) the facilities as altered will meet the private facility criteria in §57.129 of this title (relating to Exotic Species Permit).

(b) Exotic species permits must be amended to reflect

(1) addition or deletion of species of harmful or potentially harmful exotic fish, shellfish, or aquatic plants held pursuant to the permit;

(2) intended redistribution of harmful or potentially harmful fish, shellfish, and aquatic plants into private facilities not authorized in the permit;

(3) change in methods of preventing discharge of harmful or potentially harmful exotic fish, shellfish, and aquatic plants;

(4) change in discharge of private facility effluent from fish farms or wastewater treatment facilities; and

(5) change in existing design criteria listed in §57.129 of this title.

(c) Applicants seeking amendment of exotic species permits, including those issued prior to January 23, 1992, must meet all application requirements listed in §57.117 of this title and facility design criteria listed in §57.129 of this title.

§57.122. Appeal. An opportunity for hearing shall be provided to the applicant or permit holder for any denial of an exotic species permit or a triploid grass carp permit where the terms of issuance are different from those requested by the applicant.

(1) Requests for hearings shall be made in writing to the department no more than 30 days from receipt of the denial notification.

(2) All hearings shall be conducted in accordance with the rules of practice and procedure of the Texas Parks and Wildlife Department and the Administrative Procedure and Texas Register Act.

§57.123. Exotic Species Permit Reports.

(a) The exotic species permit holder shall submit an annual report that accounts for importation, possession, transport, sale, or other disposition of any harmful or potentially harmful exotic species handled by the permittee. This report shall be submitted on forms provided by the department with the application for renewal or within 30 days after termination of the exotic species permit.

(b) An exotic species permit holder who has imported, possessed, transported, or sold triploid grass carp shall submit a quarterly report to the department. This report shall be submitted on a form provided by the department and shall include:

(1) a copy of each exotic species transport invoice issued during the past quarterly period; and

(2) a copy of each triploid grass carp certification received by the permittee for triploid grass carp purchased during the past quarterly period.

§57.124. Triploid Grass Carp; Sale, Purchase.

(a) Triploid grass carp may be sold only to:

(1) a person in possession of a valid exotic species permit authorizing possession of triploid grass carp or;

(2) a person in possession of a valid triploid grass carp permit.

(b) A person who holds a valid triploid grass carp permit may purchase triploid grass carp only from a fish farmer in possession of a valid exotic species permit authorizing possession of triploid grass carp.

(c) A holder of an exotic species permit may obtain triploid grass carp only from:

(1) the holder of an valid exotic species permit authorizing possession of triploid grass carp; or

(2) a lawful source outside of the state.

(d) A fish farmer in possession of an exotic species permit must notify the department not less than 72 hours prior to taking possession of any and all shipments of triploid grass carp received from any source. Notification must include:

- (1) number of triploid grass carp being purchased;
- (2) source of triploid grass carp;
- (3) final destination of triploid grass carp; and
- (4) name of certifying authority who conducted triploid grass carp certification.

§57.125. Triploid Grass Carp Permit; Application, Fee.

(a) The department may issue a triploid grass carp permit only for stocking of triploid grass carp into a private pond.

(b) To be considered for a triploid grass carp permit, the applicant shall:

- (1) complete an initial triploid grass carp permit application on a form provided by the department;

- (2) submit this application to the department not less than 30 days prior to the proposed stocking date; and

- (3) remit to the department the sum of the cost of the triploid grass carp permit application fee and the triploid grass carp user fee.

(c) The department shall charge a triploid grass carp permit application fee in the amount of the sum of a \$15 application flat fee plus \$2.00 for each triploid grass carp requested on the triploid grass carp permit application form. In the case of permit denial, the triploid grass carp permit application flat fee is not refundable.

(d) An applicant for a triploid grass carp permit or a permittee shall allow inspection of his or her facilities and private ponds by authorized employees of the department during normal business hours.

§57.126. Triploid Grass Carp Permit; Terms of Issuance.

(a) The department may issue a triploid grass carp permit upon a finding that:

- (1) applicant has completed and submitted to the department a triploid grass carp permit application;

- (2) applicant has remitted to the department all pertinent fees;

- (3) all information provided in the triploid grass carp permit application is true and correct;

- (4) applicant has not been finally convicted, within the last year, for violation of the Parks and Wildlife Code, §66.007, §66.015, or these rules;

- (5) issuance of a triploid grass carp permit is consistent with department fisheries or wildlife management activities; and

- (6) issuance of a triploid grass carp permit is consistent with the Parks and Wildlife Commission's environmental policy.

(b) A permittee shall allow, upon request, take of a reasonable number of grass carp from the permittee's private body of water by department personnel for determination of triploid status.

(c) In determining the number of triploid grass carp authorized for possession under a triploid grass carp permit, the department shall consider the surface area of the private pond named in the permit application, and as appropriate, the percentage of the surface area of the private pond infested by aquatic vegetation.

§57.127. Triploid Grass Carp Permit; Denial. The department may deny a triploid grass carp permit upon a finding that the applicant fails to satisfy any of the required criteria for issuance of a permit listed in §57.124 this title (relating to Triploid Grass Carp, Sale Purchase).

§57.128. Exotic Species Permits, Triploid Grass Carp Permits; Revocation. The department may revoke an exotic species permit or a triploid grass carp permit upon a finding that the permittee has violated any provision in these rules or rules promulgated under the Texas Parks and Wildlife Code, §66.015 during the valid permit period.

§57.129. Exotic Species Permit-Private Facility Criteria.

(a) The fish farm or wastewater treatment facility must be designed to prevent discharge of water containing adult or juvenile harmful or potentially harmful exotic species, their eggs, seeds, or other reproductive parts from the permittee's property.

- (1) Fish farms holding harmful or potentially harmful exotic fish or shellfish shall have at least appropriately designed and constructed permanent screens placed between any point in the fish farm where harmful or potentially harmful exotic fish or shellfish are intended to be in water on the fish farm and the point where private facility effluent first leaves the fish farm. Screen mesh shall be of an appropriate size for each state of shellfish growth and development. Screens must be designed and constructed such that screens can be maintained and cleaned without reducing the level of protection against release of harmful or potentially harmful exotic fish or shellfish. The department may approve alternate methods of preventing discharge of harmful or potentially harmful exotic fish or shellfish upon a finding that those methods are

at least as effective in preventing discharge of adult or juvenile harmful or potentially harmful exotic species, their eggs, or other reproductive parts from the permittee's property.

- (2) Fish farms containing harmful or potentially harmful exotic fish or shellfish must be designed such that private facility effluent from the fish farm can be wholly contained upon the fish farm in the event of escapement or release of such exotic species from the specific private facilities permitted to hold those species.

- (b) Fish farms which are to contain species or hybrids of species listed in §57.113(c), (d), and (e) of this title (relating to Exceptions) and wastewater treatment facilities containing waterhyacinth which are within the 100-year flood plain, referred to as Zone A on the National Flood Insurance Program Flood Insurance Rate Map, must be enclosed within an earthen or concrete dike or levee constructed in such a manner to exclude all flood waters and such that no section of the crest of the dike or levee is less than one foot above the 100-year flood elevation. Dike design or construction must be approved by the department before issuance of a permit.

- (c) Fish farms containing harmful or potentially harmful exotic shellfish shall be capable of segregating stocks of shellfish which have not been certified as free of disease from other stocks of shellfish on that fish farm.

- (d) A fish farm containing harmful or potentially harmful exotic fish or shellfish must have in place security measures reasonably designed to prevent unrestricted or uncontrolled access to any private facilities containing harmful or potentially harmful exotic fish or shellfish. Security measures must be reasonably adequate to prevent unauthorized removal of such species from the fish farm.

- (e) For fish farms that are part of a fish farm complex, the following additional facility standards shall apply.

- (1) Each permittee shall maintain in the common drainage, at least one screen or other method for preventing the movement of harmful or potentially harmful exotic fish or shellfish between the point where private facility effluent from the permittee's fish farm enters the common drainage and each point where an adjacent fish farmer's private facility effluent enters the common drainage. The adequacy of design and construction of such screens or other structures shall be determined by the department as provided in subsection (a)(1) of this section.

- (2) The complex must be designed such that flow of private facility effluent can be wholly contained within the

drainage system of the fish farm complex in the event of escapement or release of harmful or potentially harmful exotic fish or shellfish from any fish farm within the complex. Each permittee within the complex must have authority to stop the discharge of private facility effluent from the complex in the event of escapement or release of such fish or shellfish from that permittee's fish farm.

§57.130. Penalties. The penalties for violation of this subchapter are prescribed by the Parks and Wildlife Code, §66.012.

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 February 27, 1992.

TRD-9203453 Paul M. Shinkawa
Director, Legal Services
Texas Parks and Wildlife
Department

Effective date: March 31, 1992

Proposal publication date: December 20, 1991

For further information, please call: 1-800-792-1112, ext. 4643 or (512) 389-4643

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 11. Food Distribution and Processing

Food Distribution Program

The Texas Department of Human Services (DHS) adopts amendments to §§11.112, 11.6004, and 11.6007, concerning food distribution and processing, without changes to the proposed text as published in the February 4, 1992, issue of the *Texas Register* (17 TexReg 933).

The justification for the amendments is to expand the current Special Nutrition Programs nondiscrimination statements beyond the current federal statutory reference in order to add state civil rights nondiscrimination requirements.

The amendments will function by providing to program participants additional protection from discrimination.

No comments were received regarding adoption of the amendments.

• 40 TAC §11.112

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 33, which provides the department with the authority to administer public and nutritional assistance programs.

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

Issued in Austin, Texas, on March 10, 1992.

TRD-9203485 Nancy Murphy
Agency liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: April 1, 1992

Proposal publication date: February 4, 1992

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

Emergency Food Assistance

• 40 TAC §11.6004, §11.6007

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 33, which provides the department with the authority to administer public and nutritional assistance programs.

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

Issued in Austin, Texas, on March 10, 1992.

TRD-9203486 Nancy Murphy
Agency liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: April 1, 1992

Proposal publication date: February 4, 1992

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

Chapter 12. Child Nutrition Programs

Child Care Food Program

The Texas Department of Human Services (DHS) adopts amendments to §§12.12, 12.112, 12.207, 12.307, and 12.407, concerning child nutrition programs, without changes to the proposed text as published in the February 4, 1992, issue of the *Texas Register* (17 TexReg 934).

The justification for the amendments is to expand the current Special Nutrition Programs nondiscrimination statements beyond the current federal statutory reference in order to add state civil rights nondiscrimination requirements.

The amendments will function by providing to program participants additional protection from discrimination.

No comments were received regarding adoption of the amendments.

• 40 TAC §12.12

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 33, which provides the department with the authority to administer public and nutritional assistance programs.

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

Issued in Austin, Texas, on March 10, 1992.

TRD-9203487 Nancy Murphy
Agency liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: April 1, 1992

Proposal publication date: February 4, 1992

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

Summer Food Service Program

• 40 TAC §12.112

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 33, which provides the department with the authority to administer public and nutritional assistance programs.

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

Issued in Austin, Texas, on March 10, 1992.

TRD-9203488 Nancy Murphy
Agency liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: April 1, 1992

Proposal publication date: February 4, 1992

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

Special Milk Program

• 40 TAC §12.207

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 33, which provides the department with the authority to administer public and nutritional assistance programs.

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

Issued in Austin, Texas, on March 10, 1992.

TRD-9203489 Nancy Murphy
Agency liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: April 1, 1992

Proposal publication date: February 4, 1992

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

School Breakfast Program

• 40 TAC §12.307

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 33, which provides the department with the authority to administer public and nutritional assistance programs.

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

Issued in Austin, Texas, on March 10, 1992.

TRD-9203490

Nancy Murphy
Agency liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: April 1, 1992

Proposal publication date: February 4, 1992

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

National School Lunch Program

• 40 TAC §12.407

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 33, which provides the department with the authority to administer public and nutritional assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel

and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 10, 1992.

TRD-9203491

Nancy Murphy
Agency liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: April 1, 1992

Proposal publication date: February 4, 1992

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

Chapter 49. Child Protective Services

Subchapter A. Administration

• 40 TAC §49.105

The Texas Department of Human Services (DHS) adopts an amendment to §49.105, concerning criminal records checks, in its Child Protective Services chapter. The section is adopted without changes to the proposed text as published in the January 31, 1992, issue of the *Texas Register* (17 TexReg 840).

The amendment is justified because prospective volunteers will be screened for previous histories of criminal child abuse or neglect before they begin working with volunteer organizations that are authorized to request criminal records checks under state law because the organizations serve abused and neglected children.

The amendment will function by allowing the department to implement state law without amending the department's rules whenever the legislature authorizes additional volunteer organizations to request criminal history checks.

The department received no comments regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 41, which authorizes the department to enforce laws for the protection of children. The amendment is also adopted under the Texas Family Code, Title 2, Chapter 34, which authorizes the department to provide services to alleviate the effects of child abuse and neglect.

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

Issued in Austin, Texas, on March 10, 1992.

TRD-9203527

Nancy Murphy
Agency liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: April 15, 1992

Proposal publication date: January 31, 1992

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

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 outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

Texas Department of Agriculture

Friday, March 20, 1992, 9 a.m. The Texas Agricultural Diversification Program Board of the Texas Department of Agriculture will meet at the Stephen F. Austin Building, Texas Department of Agriculture, 1700 North Congress Avenue, Room 924-A, Austin. According to the agenda summary, the board will call the meeting to order; discuss and act on the minutes of the November 19, 1991 board meeting; update on sourcing for TADP funds, linked deposit program and microenterprise loan program, matching grants program; presentations on Grants 56 and 68, Grant 54, Grants 19 and 66, Grant 62; discuss other business; and discuss and act on next meeting date.

Contact: Richard Salmon, P.O. Box 12847, Austin, Texas 78711, (512) 463-7577.

Filed: March 11, 1992, 10:54 a.m.

TRD-9203567

Friday, March 27, 1992, 8:15 a.m. The Texas Peanut Producers Board of the Texas Department of Agriculture will meet at the Howard Johnson Plaza Hotel, 7800 North IH-35, Austin. According to the complete agenda, the board will discuss and act on minutes; review activities; discuss and act on budget for fiscal year 1992-1993; and discuss other business.

Contact: Mary Webb, P.O. Box 398, Gorman, Texas 76454, (817) 734-2853.

Filed: March 11, 1992, 2:20 p.m.

TRD-9203592

Wednesday, April 29, 1992, 9 a.m. (rescheduled from March 10, 1992). The Texas Department of Agriculture will meet at the Stephen F. Austin Building, Texas Department of Agriculture, 1700 North Congress Avenue, Room 928B, Austin. According to the complete agenda, the department will continue previous administrative hearing held on December 17, 1991 regarding TDA Docket Number 53-91-AEP, Texas Department of Agriculture versus Laurie Russel.

Contact: Barbara B. Deane, P.O. Box 12847, Austin, Texas 78711, (512) 463-7448.

Filed: March 11, 1992, 2:10 p.m.

TRD-9203588

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

Friday, March 20, 1992, 9 a.m. The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons will meet at the Texas Commission for the Blind, Criss Cole Rehabilitation Center, Auditorium, 4800 North Lamar Boulevard, Austin. According to the agenda summary, the committee will call the meeting to order and introduce committee members and guests; acceptance of minutes from December 6, 1991 meeting; discuss and act on new services; renewal services; new products; product changes and revisions; discuss and act on America Provides Foundation Inc.'s ceramic and plastic highway markers contract; report on activities of Texas Committee chairman; and adjourn.

Contact: Michael T. Phillips, P.O. Box 12866, Austin, Texas 78711, (512) 459-2604.

Filed: March 11, 1992, 8:29 a.m.

TRD-9203543

Texas Bond Review Board

Thursday, March 19, 1992, 10 a.m. The Texas Bond Review Board will meet at the Reagan Building, 105 West 15th Street, Room 107, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of minutes; consider proposed issues; discuss other business; and adjourn.

Contact: Tom K. Pollard, 506 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1741.

Filed: March 11, 1992, 4:47 p.m.

TRD-9203609

Texas Board of Chiropractic Examiners

Thursday, March 19, 1992, 9:30 a.m. The Texas Board of Chiropractic Examiners will meet at 8716 Mopac Expressway North, Suite 301, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of minutes of the January 23, 1992 board meeting; discuss graduate preceptorship program; board action on licenses that have expired for non-renewal; Brian Crosser will address the board concerning re-instatement of his license; and discuss and act on board committee reports-enforcement, reciprocity, examination, education, practice, peer review, rules, budget, and sunset. Executive session will be called to discuss the matters listed on the complete agenda; re-establish board committees; committee members; committee responsibilities; and committee duties; discuss agency strategic plan; discuss legal remuneration/risk management; and hear executive officers report from the Texas Chiropractic Association.

Contact: Jennie Smetana, 8716 MoPac Expressway North, Suite 301, Austin, Texas 78759, (512) 343-1895.

Filed: March 11, 1992, 2:25 p.m.

TRD-9203595

Texas Commission for the Deaf and Hearing Impaired

Saturday, March 28, 1992, 9 a.m. The Texas Commission for the Deaf and Hearing Impaired will meet at the Waco Hilton Hotel, 113 South University Parks Drive, Waco. According to the complete agenda, the commission will conduct a public hearing to receive public comment.

Contact: Carla Stephenson, 1524 South IH-35, #200, Austin, Texas 78704, (512) 444-3323.

Filed: March 11, 1992, 11:23 a.m.

TRD-9203575

Interagency Council on Early Childhood Intervention

Wednesday, March 18, 1992, 9 a.m. The Interagency Council on Early Childhood Intervention will meet at the Texas Department of Health, 1100 West 49th Street, Room M-652, Austin. According to the complete agenda, the council will hear public comments; discuss approval of the minutes of February 19, 1992 meeting and nominations for members of the ECI Advisory Committee; discuss and possibly act on: reorganization, activities and strategic plan and scheduling of work session; medicaid policies related to ECI provider enrollment as participants in the comprehensive care program, targeted case management program and the use of ECI funds as match; and hear updates from advisory committee and executive director.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7673.

Filed: March 10, 1992, 4:10 p.m.

TRD-9203534

Texas Employment Commission

Thursday, March 19, 1992, 8:30 a.m. The Texas Employment Commission will meet at the TEC Building, 101 East 15th Street, Room 644, Austin. According to the agenda summary, the commission will discuss approval of prior meeting notes; meet in executive session to discuss Administaff, Inc. versus James Kaster, et al; Ben Hogan versus Texas Employment Commission; and relocation of agency headquarters; actions, if any, resulting from executive session; consideration of proposed amendment to 40 TAC §301.16 regarding reopenings at the Appeal Tribunal level; consideration and possible approval of bid for sale of Port Arthur agency-owned building and land; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 11; and set date of next meeting.

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

Filed: March 11, 1992, 4:10 p.m.

TRD-9203604

Fire Fighters' Pension Commission

Saturday, March 21, 1992, 11:30 a.m. The Administration Division of the Fire Fighters' Pension Commission will meet at the Preference Inn, 201 Highway 290 East, Brenham. According to the agenda summary, the S.B. 411 Statewide Volunteer Fire Fighters' Retirement Fund Board of Trustees will meet, as prescribed by Article 6243.e3, Vernon's Texas Civil Statutes, to discuss the Agency Strategic Plan; status of the audit and board appointments; possible action on authorization of the hiring of a certified public accountant for the pension fund.

Contact: Helen L. Campbell, 3910 South IH-35, Suite 235, Austin, Texas 78704, (512) 462-0222.

Filed: March 10, 1992, 1:01 p.m.

TRD-9203507

General Services Commission

Wednesday, March 25, 1992, 1 p.m. The Texas School Bus Committee of the General Services Commission will meet at 1711 San Jacinto Street, Central Services Building, Room 402, Austin. According to the complete agenda, the committee will discuss school bus bodies, chassis, engines, options, safety items, various accessories, and the approved products list.

Contact: Troy Martin, 1711 San Jacinto Street, Austin, Texas 78701, (512) 463-3415.

Filed: March 11, 1992, 2:05 p.m.

TRD-9203582

Governor's Health Policy Task Force

Thursday, March 19, 1992, 9 a.m. The Subcommittee on Finance of the Governor's Health Policy Task Force will meet at the John H. Reagan Building, 105 West 15th Street, Room 101, Austin. According to the agenda summary, the subcommittee will review and discuss fundamentals of financing I; fundamentals of Financing II; preventive care and primary care services and mandates: implication for financing; and subcommittee business. Persons requesting interpreter services for the hearing impaired, please contact this office.

Contact: Pamela Crail, P.O. Box 149133, Austin, Texas 78714-9133, (512) 463-6473.

Filed: March 10, 1992, 4:02 p.m.

TRD-9203530

Friday, March 20, 1992, 9 a.m. The Sub-

committee on Cost Containment of the Governor's Health Policy Task Force will meet at the John H. Reagan Building, 105 West 15th Street, Room 101, Austin. According to the agenda summary, the subcommittee will review and discuss public health programs; medical malpractice; and medical malpractice panel. Persons requesting interpreter services for the hearing impaired, please contact this office.

Contact: Pamela Crail, P.O. Box 149133, Austin, Texas 78714-9133, (512) 463-6473.

Filed: March 10, 1992, 4:02 p.m.

TRD-9203531

Friday, March 20, 1992, 10 a.m. The Subcommittee on Availability of the Governor's Health Policy Task Force will meet at the John H. Reagan Building, 105 West 15th Street, Room 103, Austin. According to the agenda summary, the subcommittee will convene to review and discuss health education and use of volunteers; community assessment; health care providers: resource available and needs; alternative delivery systems: emerging rural technology; committee business; and adjourn. Persons requesting interpreter services for the hearing impaired, please contact this office.

Contact: Pamela Crail, P.O. Box 149133, Austin, Texas 78714-9133, (512) 463-6473.

Filed: March 10, 1992, 4:03 p.m.

TRD-9203532

Texas Historical Commission

Saturday, March 28, 1992, 11 a.m. The State Board of Review will meet at the Old Fish Hatchery Commission Building, 208 C. M. Allen Parkway, San Marcos. According to the agenda summary, the board will make announcements; discuss approval of minutes of the previous meeting; and review nominations to the *National Register*.

Contact: Marlene Casarez, P.O. Box 12276, Austin, Texas 78711, (512) 463-6094.

Filed: March 11, 1992, 9:49 a.m.

TRD-9203563

Texas Hospital Equipment Financing Council

Thursday, March 12, 1992, 10 a.m. The Texas Hospital Equipment Financing Council met at the State Treasury, LBJ Building, 111 East 17th Street, Austin. According to the emergency revised agenda summary, the council discussed approval of the minutes of February 20, 1992 meeting; acceptance of audit report and authorization of payment of State Auditor's fees; authorization for

change of interest earning checking account to minimum balance checking account or other alternative; authorization for Treasury staff to compile THEFC information packets for distribution to potential replacement liquidity facilities; and approved extension or amendment to current standby purchase agreement. The emergency status was necessary as additional items needed to be discussed at the March 12, 1992 meeting.

Contact: Rose-Michel Munguia, 111 East 17th Street, Austin, Texas 78711, (512) 463-5971.

Filed: March 11, 1992, 10:48 a.m.

TRD-9203566

Department of Information Resources

Thursday, March 19, 1992, 9 a.m. The Department of Information Resources will meet at One Capitol Square, Suite 1300, 300 West 15th Street, Austin. According to the complete agenda, the board will discuss adoption of board meeting minutes; hear executive director's report; discuss the DIR Strategic Plan; adopt the initial operating plan instructions; 1991 annual report; discuss procedures for adoption of Information Resources standards and policies; update on the Geographic Information System; overview of new ethics provisions; and discuss other business.

Contact: John Hawkins, 300 West 15th Street, Suite 1300, Austin, Texas 78701, (512) 371-1120.

Filed: March 10, 1992, 4:28 p.m.

TRD-9203537

Texas Department of Insurance

Wednesday, March 18, 1992, 8:30 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the agenda summary, the board will review and discuss solvency; personnel; planning calendar; litigation; consider appointment of member to Utilization Review Advisory Committee; consider adoption of new 28 TAC §1.410 concerning maintenance taxes for 1992; consider adoption of new 28 TAC §25.716 concerning premium finance company tax assessment for FY 1992; consider transition period for Article 5.101, Insurance Code; consider special call for Texas private passenger auto experience due April 15, 1992; consider request from Trinity Universal Insurance Company to cease writing small premium policies; consider five separate rules relating to property insurance

as itemized and described on the complete agenda; re-consider filing by PMI Mortgage Insurance Company; and also consider and deliberate on mortgage guaranty insurance.

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

Filed: March 10, 1992, 3:48 p.m.

TRD-9203528

Thursday, March 19, 1992, 9 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will consider personnel matters including discussion and selection of Commissioner of Insurance.

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

Filed: March 11, 1992, 4:08 p.m.

TRD-9203602

Tuesday, March 24, 1992, 1:30 p.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will hold a public hearing under Docket Number 1870 to consider a request by Standard Guaranty Insurance Company concerning the threatened removal from the list of eligible surplus lines insurers.

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

Filed: March 11, 1992, 4:08 p.m.

TRD-9203603

Texas Board of Professional Land Surveying

Friday-Saturday, March 27-28, 1992, 9 a.m. The Texas Board of Professional Land Surveying will meet at 7701 North Lamar Boulevard, Suite 400, Austin. According to the complete agenda, the board will discuss approval of the minutes of the previous meeting; consider Rules 663.11 and 663.13-663.19; hear committee reports; presentation of complaints; discuss correspondence; and consider new business.

Contact: Sandy Smith, 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752, (512) 452-9427.

Filed: March 10, 1992, 2:12 p.m.

TRD-9203512

Texas Department of Licensing and Regulation

Sunday, March 22, 1992, 9:30 a.m. The Texas Commission of Licensing and Regulation of the Texas Department of Licensing and Regulation will meet at 4311 Oak Lawn Avenue, Suite 444, Dallas. According to the complete agenda, the commission will call the meeting to order; take roll call and certification of quorum; there will be no staff reports or public comments as the commission will immediately go into executive session, under Article 6252-17, §2(g) to discuss the appointment of the executive director (commissioner); and adjourn.

Contact: Elvis G. Schulze, 920 Colorado Street, Austin, Texas 78701, (512) 475-2850.

Filed: March 10, 1992, 3:56 p.m.

TRD-9203529

Texas Board of Licensure for Nursing Home Administrators

Friday, March 13, 1992, 11:30 a.m. (revised from March 13, 1992). The Texas Board of Licensure for Nursing Home Administrators met at 6505 North IH-35, Doubletree Hotel, Austin. According to the complete emergency revised agenda, the board called the meeting to order; took roll call; discussed approval of agenda and January 17, 1992 minutes; met in executive session for discussion and possible action concerning duties and responsibilities of the executive director (Vernon's Texas Civil Statutes, Article 6252-17 §2(g)); met in executive session to discuss possible litigation (Article 6252-17 §2(e)); discussed and approved the strategic plan; deficit funding requests; heard executive director's report; staff reports; chairman's report; and adjourned. The emergency status was necessary as an error in original submission. Time was originally posted at 11:30 p.m.

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

Filed: March 11, 1992, 11:32 a.m.

TRD-9203578

Texas Parks and Wildlife Department

Wednesday, March 25, 1992, 3:30 p.m. The Aquaculture Executive Committee of the Texas Parks and Wildlife Department will meet at the Commission Hearing Room, Headquarters Complex, 4200 Smith School Road, Austin. According to the

agenda summary, the committee will discuss new Texas Parks and Wildlife Department rules regarding harmful or potentially harmful exotic fish, shellfish, and aquatic plants; broodfish collection; and discuss the Aquaculture Strategic Plan.

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

Filed: March 10, 1992, 2:56 p.m.

TRD-9203517

Public Utility Commission of Texas

Wednesday, March 18, 1992, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the commission will consider the following dockets: 9982, 10578, 10694, 10862, 10018, 10024, 10609, 10437, 10531, 10482, 10515, 10563, 10572, 10664, 10066, P-10120, P-10893, P-10955, and P-10990.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 10, 1992, 3:09 p.m.

TRD-9203522

Wednesday, March 18, 1992, 9 a.m. (revised agenda). The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the commission will discuss the following dockets: 10818, 10821, 10877, 10895, 10940, 10956, and 10938.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 10, 1992, 4:08 p.m.

TRD-9203533

Wednesday, March 18, 1992, 9:05 a.m. The Administrative Committee of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the committee will discuss reports; discuss and act on budget and fiscal matters; presentation of monthly financial statements; presentation of outstanding employee awards; discuss telecommunications policy; approve agency strategic plan phase I; update on Sunset review process; approve 1991 annual report; approve revised rate filing package; presentation on status of Relay Texas; adjourn for executive session to consider litigation and personnel matters; reconvene for discussion and decisions on matters considered in executive session; set time and place for next meeting; and adjourn.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 10, 1992, 3:07 p.m.

TRD-9203521

Tuesday, March 24, 1992, 2 p.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the commission will hold a prehearing conference in Docket Number 10982-application of Sam Rayburn G&T Electric Cooperative, Inc. for authority to change rates.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 10, 1992, 3:06 p.m.

TRD-9203519

Wednesday, March 25, 1992, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 10948-application of GTE Southwest, Inc. to revise tariff with regard to the conversion of 40 central offices to process emergency 911 calls and provide automatic number identification.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 11, 1992, 3:05 p.m.

TRD-9203599

Thursday, May 21, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 10901-application of Guadalupe-Blanco River Authority for a reconciliation of costs of the Canyon Hydroelectric Division for fiscal year 1991.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 11, 1992, 3:05 p.m.

TRD-9203600

Texas Low-Level Radioactive Waste Disposal Authority

Tuesday, April 21, 1992, 6 p.m. The Board of Directors will meet at the Hudspeth County Courthouse, FM 1111 and Millican Street, Sierra Blanca. According to the complete agenda, the board will conduct a public hearing under §402.085, Health

and Safety Code, to consider whether a proposed low-level radioactive waste disposal site located on property known as the Fasken Ranch, near Sierra Blanca, should be selected as the disposal site for the State of Texas. The proposed site is located approximately 5.5 miles east southeast of Sierra Blanca, and consists of the area in PSL Block 60 1/2 that includes all or portions of section 12 and 13 bounded on the north by Interstate Highway 10, and all or portions of §§18, 19, 21, 22, and 23 bounded on the south by Blanca Draw in Hudspeth County.

Contact: L. R. Jacobi, Jr., P.E., 7701 North Lamar Boulevard, Austin, Texas 78752, (512) 451-5292.

Filed: March 10, 1992, 4:17 p.m.

TRD-9203535

Texas National Research Laboratory Commission

Wednesday, March 18, 1992, 3 p.m. The Site Acquisition and Development Committee and the Standing Commission Committee of the Texas National Research Laboratory Commission will meet at the Texas National Research Laboratory Commission Office, 1801 North Hampton Road, DeSoto. According to the agenda summary, the committees will convene meeting and take roll call of members; discuss approval of the December 18, 1991 meeting minutes; consider and act on as may be appropriate regarding infrastructure development action plan-Phillip S. Stafford; consider and act as may be appropriate regarding revision of TxDOT minute order 86105 as it relates to highway improvements and real estate-Phillip S. Stafford; consider and act as may be appropriate regarding contract amendments with: Universal Field Services, Inc., Berkeley, Inc., Texas Bureau of Economic Geology-Phillip S. Stafford; hear report on the utility adjustment and relocation plan and procedures-Phillip S. Stafford; consideration and action as may be appropriate regarding Condemnation Resolution Number 17; hear public comment; and adjourn.

Contact: Karen L. Chrestay, 1801 North Hampton Road, DeSoto, Texas 75115, (214) 709-3800.

Filed: March 10, 1992, 4:26 p.m.

TRD-9203536

Thursday, March 19, 1992, 8:30 a.m. The Personnel, Procurement and Minority Affairs Standing Commission Committee of the Texas National Research Laboratory Commission will meet at 1801 North Hampton Road, Suite 400, Provident Bank Building, Main Conference Room, DeSoto. According to the complete agenda, the committee will convene meeting and take roll call of members; consider and act, as may

be appropriate, historically underutilized business program; status of personnel policies manual; six-month objectives, procurement, equal opportunity, and personnel; review of equal employment and historically underutilized business data; hear public comment; and adjourn.

Contact: Francis M. Moore, 1801 North Hampton Road, #400, DeSoto, Texas 75115, (214) 709-3800.

Filed: March 11, 1992, 4:21 p.m.

TRD-9203606

Thursday, March 19, 1992, 2 p.m. The Texas National Research Laboratory Commission will meet at the Ellis County Courthouse, District Courtroom, 101 Main Street, Second Floor, Waxahachie. According to the agenda summary, the commission will convene meeting and take roll call of members; chairman's welcome; meet in executive session; reconvene and hear public comment; discuss approval of minutes; administrative reports; standing committee meetings and reports: finance and audit committee; personnel, procurement, and minority affairs committee; research and education committee; site acquisition and development; reconvene as a full commission; hear public comment; and adjourn.

Contact: Karen L. Chrestay, 1801 North Hampton Road, #400, DeSoto, Texas 75115, (214) 709-3800.

Filed: March 11, 1992, 4:19 p.m.

TRD-9203605

The Texas A&M University System

Wednesday, March 25, 1992, 3 p.m. The Finance and Audit Committee of the Board of Regents of The Texas A&M University System will meet at the Board of Regents Meeting Room, College Station. According to the complete agenda, the committee will meet with members of the State Auditor's staff for the exit conference on the audit of The Texas A&M University System for the fiscal year ending August 31, 1991.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: March 11, 1992, 11:08 a.m.

TRD-9203569

Thursday, June 18, 1992, 9 a.m. The Strategic Objectives and Long Range Planning Committee of The Texas A&M University System will meet at the Board of Regents Meeting Room, College Station. According to the complete agenda, the committee will review the 1994-1997 strategic plans for the parts of The Texas A&M University System.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: March 11, 1992, 11:08 a.m.

TRD-9203570

University of Houston

Monday, March 16, 1992, 2 p.m. The Animal Care Committee of the University of Houston met at the University of Houston, S&R II, Room 201, 4800 Calhoun Boulevard, Houston. According to the agenda summary, the committee discussed and/or acted upon the following: discussed approval of February minutes; renewal protocols; semi annual inspection; occupational health program; faculty training course; update on security; and AAALAC update.

Contact: Julie T. Norris, 4800 Calhoun Boulevard, Houston, Texas 77204, (713) 749-3412.

Filed: March 10, 1992, 11:02 a.m.

TRD-9203510

University of Texas System

Tuesday, March 17, 1992, 10 a.m. The Board of Regents of the University of Texas System will meet at the Regents' Room, Ashbel Smith Hall, Ninth Floor, 201 West Seventh Street, Austin. According to the complete agenda, the board will meet in open session to immediately recess to executive session to consider personnel matters related to the search for a Chancellor for the University of Texas System pursuant to Vernon's Texas Civil Statutes, Article 6252-17, §2(g). This meeting will be to review and discuss the credentials of prospective candidates and no formal action on the election of a chancellor will be taken.

Contact: Arthur H. Dilly, P.O. Box N, U.T. Station, Austin, Texas 78713-7328, (512) 499-4402.

Filed: March 12, 1992, 10 a.m.

TRD-9203614

Texas Water Commission

Wednesday, March 18, 1992, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard

to any item, the commission may take various actions, including, but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: March 10, 1992, 12:46 p.m.

TRD-9203511

Wednesday, March 25, 1992, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including, but not limited to, scheduling an item in the entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: March 10, 1992, 4:51 p.m.

TRD-9203539

Wednesday, March 25, 1992, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission, including specifically, the adoption of new or amended agency regulations. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including, but not limited to, scheduling an item in the entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: March 10, 1992, 4:51 p.m.

TRD-9203540

Wednesday, March 25, 1992, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will hold a public hearing on an application by Fort Bend County Municipal Utility District Number 50 for authorization to proceed in federal bankruptcy.

Contact: Fred Gore, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8038.

Filed: March 10, 1992, 10:59 a.m.

TRD-9203497

Texas Water Development Board

Thursday, March 12, 1992, 9 a.m. The Texas Water Development Board met at the Worthington Hotel, Gulf Room, 200 Main Street, Fort Worth. According to the complete emergency revised agenda, the board considered extension of commitment period to April 16, 1992 for a water research grant with the University of Texas at San Antonio and authorized the executive administrator to execute a contract. The emergency status was necessary as discovery of possible duplication of study efforts and impending expiration of time to sign a contract make immediate board action necessary.

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

Filed: March 11, 1992, 2:17 p.m.

TRD-9203589

Regional Meetings

Meetings Filed March 10, 1992

The Central Counties Center for Mental Health and Mental Retardation Services Board of Trustees will meet at 304 South 22nd Street, Temple, March 17, 1992, at 7:45 p.m. Information may be obtained from Candace Bowdoin, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841. TRD-9203541.

The Central Texas Council of Governments Criminal Justice Advisory Committee will meet at 302 East Central, Belton, March 24, 1992, at 2 p.m. Information may be obtained from Lindell Bishop, P.O. Box 729, Belton, Texas 76513, (817) 939-1801. TRD-9203508.

The Guadalupe-Blanco River Authority Board of Directors will meet at the Authority's Offices, 933 East Court Street, Seguin, March 19, 1992, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822. TRD-9203509.

Meetings Filed March 11, 1992

The Colorado River Municipal Water District Board of Directors will meet at 400 East 24th Street, Big Spring, March 17, 1992, at 10 a.m. Information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79721, (915) 267-6341. TRD-9203594.

The Dallas Central Appraisal District Budget Committee will meet at 2949 North

Stemmons Freeway, First Floor, Room Eight, Dallas, March 18, 1992, at 9:30 a.m. Information may be obtained from Rick L. Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9203591.

The Dewitt County Appraisal District Board of Directors will meet at the Dewitt County Appraisal District Office, 103 East Bailey Street, Cuero, March 17, 1992, at 7:30 p.m. Information may be obtained from John Haliburton, P. O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9203587.

The Golden Crescent Service Delivery Area Private Industry Council, Inc. Oversight Committee met at 2705 Houston Highway, Room One, Victoria, March 16, 1992, at 11:30 a.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9203552.

The Harris County Appraisal District Board of Directors will meet at 2800 North Loop West, Eighth Floor, Houston, March 18, 1992, at 9:30 a.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292-0975, (713) 957-5291. TRD-9203601.

The Heart of Texas Council of Governments Heart of Texas Private Industry Council will meet at 300 Franklin Avenue, 300 Franklin Avenue, Waco, March 19, 1992, at 5:30 p.m. Information may be obtained from Mary McDow, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9203572.

The Heart of Texas Council of Governments Executive Committee will meet at 300 Franklin Avenue, 300 Franklin Avenue, Waco, March 26, 1992, at 10 a.m. Information may be obtained from Mary McDow, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9203573.

The Lamar County Appraisal District will meet at the Lamar County Appraisal District Office, 521 Bonham Street, Paris, March 17, 1992, at 5 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (903) 785-7822. TRD-9203593.

The Lamb County Appraisal District Appraisal Review Board will meet at 330 Phelps Avenue, Littlefield, April 7, 1992, at 8 a.m. Information may be obtained from Vaughn E. McKee, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474. TRD-9203590.

The Limestone County Appraisal District Board of Directors will meet at the Limestone County Courthouse, Board Room, Second Floor, Groesbeck, March 18, 1992, at 1 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009. TRD-9203554.

The Lower Neches Valley Authority Board of Directors, Industrial Development Corporation will meet at the LNVA Office Building, 7850 Eastex Freeway, Beaumont, March 17, 1992, at 10:15 a.m. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9203586.

The Lower Neches Valley Authority Board of Directors will meet at the LNVA Office Building, 7850 Eastex Freeway, Beaumont, March 17, 1992, at 10:30 a.m. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9203585.

The Lower Neches Valley Authority Insurance Committee met at the LNVA Office Building, 7850 Eastex Freeway, Beaumont, March 16, 1992, at 2 p.m. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9203555.

The Shackelford Water Supply Corporation Annual Shareholders met at 201 South Walnut, First Christian Church Basement, Albany, March 10, 1992, at 7:30 p.m. Information may be obtained from E. D. Fincher, P.O. Box 1295, Albany, Texas 76430, (915) 762-2519. TRD-9203558.

The Tarrant Appraisal District Appraisal Review Board will meet at 2329 Gravel Road, Fort Worth, March 24, 1992, at 8 a.m. Information may be obtained from Suzanne Williams, 2329 Gravel Road, Fort Worth, Texas 76118-6984, (817) 284-8884. TRD-9203584.

The Tarrant Appraisal District Appraisal Review Board will meet at 2329 Gravel Road, Fort Worth, March 23 and 25, 1992, at 8:30 a.m. Information may be obtained from Suzanne Williams, 2329 Gravel Road, Fort Worth, Texas 76118-6984, (817) 284-8884. TRD-9203583.

The Tax Appraisal District of Bell County Board of Directors will meet at the Tax Appraisal District Building, 411 East Central Avenue, Belton, March 18, 1992, at 7 p.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841, ext. 29. TRD-9203553.

Meetings Filed March 12, 1992

The Golden Crescent Service Delivery Area Private Industry Council, Inc., Executive Committee met at 2401 Houston Highway, Victoria, March 16, 1992, at 5 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9203612.

The Golden Crescent Service Delivery Area Private Industry Council, Inc. will meet at 2401 Houston Highway, Victoria, March 18, 1992, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9203611.

The Johnson County Rural Water Supply Corporation met at the Johnson County Rural Water Supply Corporation Office, Highway 171 South, Cleburne, March 16, 1992, at 6:30 p.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9203613.

The Swisher County Appraisal District Board of Directors will meet at the Conestoga Restaurant, North Highway 87 and 10th Street, Tulia, March 19, 1992, at 7:30 a.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118. TRD-9203610.





Name: Jeff Valeri

Grade: 12

School: Plano East Senior High, Plano ISD

In Addition

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

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

Texas Bond Review Board

Bi-Weekly Report on the 1992 Allocation of the State Ceiling on Certain Private Activity Bonds

The information that follows is a report of the allocation activity for the period of February 19, 1992-March 4, 1992.

Total amount of state ceiling remaining unreserved for the \$242,886,000 subceiling for qualified mortgage bonds under the Act as of March 4, 1992: \$100,397,950.

Total amount of state ceiling remaining unreserved for the \$151,803,750 subceiling for state-voted issues under the Act as of March 4, 1992: \$51,803,750.

Total amount of state ceiling remaining unreserved for the \$65,058,750 subceiling for qualified small issues under the Act as of March 4, 1992: \$45,123,750.

Total amount of state ceiling remaining unreserved for the \$43,372,500 subceiling for residential rental project issues under the Act as of March 4, 1992: \$10,372,500.

Total amount of state ceiling remaining unreserved for the \$364,329,000 subceiling for all other bonds requiring an allocation under the Act as of March 4, 1992: \$54,329,000.

Total amount of the \$867,450,000 state ceiling remaining unreserved as of March 4, 1992: \$262,026,950.

Following is a comprehensive listing of applications which have received a reservation date pursuant to the Act from February 19, 1992-March 4, 1992: Ector County IDC, Safe Tire Disposal Corporation, Qualified Small Issue Bonds (IDBs), \$5,000,000.

Following is a comprehensive listing of applications which have issued and delivered the bonds and received a Certificate of Allocation pursuant to the Act from February 19, 1992-March 4, 1992: Texas Higher Education Coordinating Board, Eligible Borrowers, Qualified Student Loan Bonds-State Voted, \$100,000,000.

Following is a comprehensive listing of applications which were either withdrawn or cancelled pursuant to the Act from February 19, 1992-March 4, 1992: San Antonio HFC, The Prime Group, Residential Rental 1550 Thousand Oaks Apts, \$7,500,000; Ector County IDC, Safe Tire Disposal Corporation, Qualified Small Issue Bonds (IDBs), \$5,000,000; Midlothian IDC, Safe Tire Disposal Corporation, Qualified Small Issue Bonds (IDBs), \$5,000,000; Bexar County IDC, Safe Tire Disposal Corporation, Qualified Small Issue Bonds (IDBs), \$5,000,000.

Following is a comprehensive listing of applications which released a portion on their reserved amount pursuant to the Act from February 19, 1992-March 4, 1992: Red River Authority of Texas Solid Waste/Pollution Control,

Hoechst Celanese Corporation Released-\$5,000,000.

Issued in Austin, Texas, on March 9, 1992.

TRD-9203448

Tom K. Pollard
Executive Director
Texas Bond Review Board

Filed: March 9, 1992

For further information, please call: (512) 463-1741

Comptroller of Public Accounts Request for Proposal

The Comptroller of Public Accounts of the State of Texas invites proposals to provide facilities management services for the Comptroller of Public Accounts' Statewide Financial Applications: the Uniform Statewide Accounting System (USAS), the Uniform Statewide Payroll/Personnel System (USPS), the Human Resource Information System (HRIS), the Financial Accounting and Control for Texas System (FACTS) and the Texas Payee Information System (TPIS).

Description of Facilities Management Services. The Facilities Management services solicited in the Request for Proposal are needed to assist the Comptroller of Public Accounts in acquiring and managing the computer resources necessary to operate the Statewide Financial Applications.

The Comptroller of Public Accounts wishes to evaluate responses based on two scenarios. Vendors must respond to the first (State-owned facility) scenario, and may respond to the second (Vendor-owned facility) scenario if additional benefits can be demonstrated. In brief, responses are invited for the following: the vendor proposes to operate a data center at the Department of Information Resources' Disaster Recovery Operations Center. The Department of Information Resources has offered to make this facility available to house a data center with computing capacity and resources necessary to operate the Statewide Financial Applications. This facility will require minimal modification to prepare for housing a data center. The vendor will be responsible for installing the hardware and software in this facility, but the facility will continue to be state-owned. Initially, the vendor will run the data center at the Disaster Recovery Operations Center. The long term objective of retaining the Disaster Recovery Operations Center as a data center will be to transition operations to state personnel at the end of the facilities management contract; the vendor proposes to perform the requested functions at its own processing center.

Mandatory Disaster Recovery Operations Center Tours. A mandatory tour of the Department of Information Resources Disaster Recovery Operations Center will be conducted March 24, 1992, from 9 a.m. to 11 a.m. The tour should last approximately two hours. Vendors may

bring up to three people on the tour. Failure of a vendor or a vendor representative to attend the tour of the Disaster Recovery Operations Center will result in disqualification of any subsequent proposal submitted by the vendor.

Mandatory Vendor Pre-proposal Conference. A mandatory all day vendor's conference will be conducted in Austin, on Monday, March 30, 1992. Vendors may bring as many of their personnel as they deem desirable. The conference will be conducted in Room 118 of the Stephen F. Austin Office Building, 1701 North Congress Avenue. The session will begin at 8:30 a.m. and continue with reasonable breaks throughout the day until all vendor inquiries have been satisfied. No new vendors will be admitted after 9 a.m. Failure of a vendor or a vendor representative to attend the vendor's conference will result in disqualification of any subsequent proposal submitted by the vendor.

Person to be Contacted. Parties interested in responding to this RFP should contact Bob Covington, Uniform State-wide Accounting Projects, Comptroller of Public Accounts, 3724 Executive Center Drive, Suite 200, Austin, Texas 78731, (512) 794-7422. The RFP will be available on March 13, 1992, after 3 p.m. After this date and time, the RFP may be picked up in the above office between 8 a.m. -5 p.m., Monday-Friday. If there is a specific vendor office(s) or representative(s) that should receive the RFP package, the appropriate contact name/ mailing address(es) should be provided prior. Vendors will receive one copy of the RFP package.

Should a vendor desire to receive the RFP package via courier at its expense, detailed address and courier account number information should be provided.

Closing Date. Proposals will not be accepted after 4 p.m. CST April 20, 1992. The Comptroller of Public Accounts reserves the right to reject any or all proposals. Contact by vendors with employees of the Comptroller of Public Accounts and the Department of Information Resources with respect to this RFP from the date of this notice until submission of proposals other than during the mandatory tour and vendor's pre-proposal conference is prohibited, and represents grounds for disqualification. Vendors will have adequate opportunity to obtain needed information as part of the planned RFP process.

Award Procedure. Selection of the vendor will be based on demonstrated competence, experience, knowledge and qualifications in the areas of service desired and on reasonableness of the proposed fee. The vendor firm(s) which best meets these criteria will be selected. All responses will be subject to evaluation by a committee of qualified state personnel charged with selecting the response which most clearly meets the state's needs. The state desires to select a single proposal that satisfies its requirements, but retains the right to negotiate with more than one vendor. The committee will make a recommendation to the comptroller, who will make the final selection. The decision of the comptroller is final. Vendors may be asked to provide clarification of its response, which may include making an oral presentation of its response, prior to final selection. The Comptroller of Public Accounts has the sole discretion and reserves the right to cancel the request if it is considered in the best interest of the state to do so.

Issued in Austin, Texas, on March 9, 1992.

TRD-9203475
Martin E. Cherry
Chief, General Law Section
Comptroller of Public Accounts

Filed: March 10, 1992

For further information, please call: (512) 404-3721

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**Interagency Council on Early
Childhood Intervention**
Request For Proposal

The Texas Interagency Council on Early Childhood Intervention (ECI) announces a Request For Proposal (RFP) for continuation funding for the current High Priority Infant Transitional Services projects (HPITS). The RFP will be mailed to all current providers and is also available upon request from the Early Childhood Intervention Program, 1100 West 49th Street, Austin, Texas 78756, or by calling (512) 458-7673. All applications to be considered for funding must be received by the Early Childhood Intervention Program by 5 p.m. on April 17, 1992, or postmarked by April 15, 1992. Questions should be directed to the Early Childhood Intervention Administrative office at (512) 458-7673. For more information contact: Veda Harmon, HPITS Coordinator, (512) 458-7673.

Issued in Austin, Texas, on March 9, 1992.

TRD-9203496
Austin R. Kessler, Chairperson
Interagency Council on Early Childhood
Intervention

Filed: March 10, 1992

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

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Employees Retirement System of Texas
Consultant Contract for Audit Services

The Employees Retirement System of Texas published a Request for Proposal in the October 29, 1991, issue of the *Texas Register* (16 TexReg 6139) to obtain a private consultant to audit the insurance carrier of the State Uniform Group Insurance Program for Fiscal Years 1990-1991. The proposal selected was that of Wolcott and Associates, Inc., 7800 West 110th Street, Suite 100, Overland Park, Kansas 66210.

The effective date of the contract is March 3, 1992, and all reports are to be filed within 90 days of that date. The total cost of the project will be \$27,450.

Issued in Austin, Texas, on March 5, 1992

TRD-9203494
Charles D. Travis
Executive Director
Employees Retirement System of Texas

Filed: March 10, 1992

For further information, please call: (512) 867-3336

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Texas Department of Health
**Designation of Sites Serving Medically
Underserved Populations**

The Department of Health is required under Texas Civil Statutes, Article 4495b, §3.06, to designate sites serving medically underserved populations. In addition, the department is required to publish notice of its designations in the *Texas Register* and to provide an opportunity for public comment on the designations.

Accordingly, the department has designated the following as a site serving medically underserved populations: Teen Health Center, Ball High School, 4115 Avenue O, Galveston, Texas 77550. Designation is based on proven eligibility as a site serving a disproportionate number of clients eligible for federal, state or locally funded health care programs.

Oral and written comments on the designations may be directed to Carol Daniels, Chief, Bureau of State Health Data and Policy Analysis, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756; (512) 458-7261. Comments will be accepted for 30 days from the date of this notice.

Issued in Austin, Texas, on March 10, 1992.

TRD-9203495

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

Filed: March 10, 1992

For further information, please call: (512) 458-7261

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**Licensing Actions for Radioactive
Materials**

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing " Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
Dallas	Occidental Chemical Corporation	L04539	Dallas	0	02/25/92

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
Abilene	Hendrick Medical Center	L02433	Abilene	31	02/20/92
Amarillo	The Don and Sybil Harrington Cancer Center	L03053	Amarillo	17	02/21/92
Austin	St. David's Community Hospital	L00740	Austin	48	02/20/92
Austin	Radian Corporation	L01692	Austin	29	02/24/92
Austin	The University of Texas at Austin	L00485	Austin	49	02/27/92
Baytown	Exxon Chemical Americas	L01135	Baytown	46	02/21/92
Beaumont	Sandoz Crop Protection Corporation	L02016	Beaumont	13	02/19/92
Beaumont	Lamar University	L04047	Beaumont	4	02/19/92
Brownsville	Brownsville Medical Center	L01526	Brownsville	22	02/21/92
Bruni	Malapai Resources Company	L02436	Bruni	25	02/21/92
Corpus Christi	Spohn Hospital	L02495	Corpus Christi	33	02/27/92
Dallas	Animal Radiology Clinic	L03535	Dallas	5	02/17/92
Dallas	Donald L. Levene, M.D., FACC	L03817	Dallas	8	02/21/92
Dallas	St. Paul Medical Center	L01065	Dallas	31	02/25/92
Denton	Robotic Guard Systems, Inc.	L04246	Denton	1	02/25/92
El Paso	Radiology Consultants of El Paso, P.A.	L00071	El Paso	48	02/18/92
El Paso	Alan W. Pittle, Podiatrist	L03744	El Paso	4	02/17/92
El Paso	Healthcare Diagnostic Center	L03395	El Paso	13	02/25/92
Fort Worth	Harris Methodist Hospital	L01837	Fort Worth	44	02/21/92
Fort Worth	Texas Steel Company	L00163	Fort Worth	32	02/21/92
Grand Prairie	Siemens Medical Systems	L02601	Grand Prairie	9	02/25/92
Houston	Memorial City Medical Center	L01168	Houston	35	02/18/92
Houston	The U.T. Health Science Center at Houston	L03685	Houston	10	02/19/92
Houston	ISK Biotech Corporation	L03521	Houston	10	02/27/92
Houston	The Institute for Rehabilitation and Research	L04000	Houston	8	02/26/92
Houston	Ben Taub General Hospital	L01303	Houston	25	02/26/92
Houston	The U.T. Health Science Center at Houston	L03685	Houston	11	02/26/92

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

La Porte	E. I. duPont de Nemours & Company	L00314	La Porte	57	02/14/92
La Porte	Dow Chemical Company U.S.A.	L00510	La Porte	47	02/24/92
Lancaster	Midway Park Medical Center	L03342	Lancaster	10	02/25/92
Lubbock	Methodist Diagnostic Imaging	L03948	Lubbock	12	02/26/92
Midland	Midland Memorial Hospital	L00728	Midland	41	02/25/92

San Antonio	San Antonio College	L00745	San Antonio	15	02/13/92
San Antonio	Southwest Research Institute	L00775	San Antonio	40	02/26/92
Stafford	Texas Instruments, Inc.	L00714	Houston	34	02/18/92
Texarkana	Medical Arts Hospital	L02881	Texarkana	15	02/19/92
Throughout Texas	Southwestern Public Service Company	L01981	Amarillo	25	02/14/92
Throughout Texas	Southern Services, Inc.	L02683	Lake Jackson	33	02/14/92
Throughout Texas	Eagle X-Ray	L03246	Mont Belvieu	38	02/14/92
Throughout Texas	Texas Nuclear Products	L01105	Round Rock	32	02/14/92
Throughout Texas	Professional Service Industries, Inc.	L00203	Houston	53	02/14/92
Throughout Texas	SGS Industrial Services	L04460	Seabrook	3	02/14/92
Throughout Texas	Bonded Inspections, Inc.	L00693	Garland	41	02/14/92
Throughout Texas	D-Arrow Inspection, Inc.	L03816	Houston	32	02/14/92
Throughout Texas	Arctic Pipe Inspection, Inc.	L02858	Lone Star	9	02/11/92
Throughout Texas	Sundance Wireline Services, Inc.	L04433	Liberty	1	02/13/92
Throughout Texas	Wrenco Wireline Services, Inc.	L04411	White Oak	3	02/13/92
Throughout Texas	X-Cel NDE, Inc.	L03548	Odessa	19	02/19/92
Throughout Texas	Pitt-Des Moines, Inc.	L04502	Pittsburgh, PA	1	02/19/92
Throughout Texas	BJ Services Company, U.S.A.	L02684	Houston	26	02/20/92
Throughout Texas	Midland Inspection and Engineering, Inc.	L03724	Midland	32	02/21/92
Throughout Texas	In-House Inspection Company	L03381	Huffman	12	02/21/92
Throughout Texas	Nuclear Scanning Services, Inc.	L04339	Houston	7	02/21/92
Throughout Texas	GCT Inspection, Inc.	L02378	South Houston	39	02/24/92
Throughout Texas	Basin Industrial X-Ray Inc.	L02280	Corpus Christi	34	02/24/92
Throughout Texas	Southern Services, Inc.	L02683	Lake Jackson	34	02/25/92
Throughout Texas	Baker Sand Control	L03272	Liverpool	14	02/25/92
Throughout Texas	Coastal Inspection Service Company	L00810	Orange	39	02/21/92
Throughout Texas	Pro-Log	L01828	Denver City	14	02/24/92
Throughout Texas	Texas Nuclear Products	L03524	Round Rock	27	02/27/92
Throughout Texas	Computalog Wireline Services, Inc.	L04286	Houston	12	02/27/92
Throughout Texas	Odell Geer Construction Company	L01804	Belton	12	02/26/92
Throughout Texas	Fugro-McClelland (Southwest), Inc.	L03875	Austin	6	02/26/92
Throughout Texas	Ultrasonic Specialists, Inc.	L01774	Houston	55	02/26/92
Tyler	Mother Frances Hospital	L01670	Tyler	40	02/24/92
Victoria	E I Du Pont De Nemours & Co., Inc.	L00386	Victoria	56	02/24/92
Waxahachie	Baylor Medical Center at Waxahachie	L04536	Waxahachie	1	02/20/92
Webster	Humana Hospital Clear Lake	L01680	Webster	28	02/18/92

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	ment #	Action
-----	----	-----	----	-----	-----
Houston	Texas Heart Institute	L01798	Houston	14	02/17/92
Houston	Champion International Corporation	L01793	Houston	18	02/18/92
Houston	Gammatron, Inc.	L02148	Houston	12	02/26/92
San Marcos	Central Texas Medical Center	L03133	San Marcos	11	02/19/92

RENEWALS OF EXISTING LICENSES ISSUED CONTINUED:

Throughout Texas	Ground Technology Inc.	L03151	Houston	4	02/20/92
Throughout Texas	Hensel Phelps Construction Company	L04011	Austin	4	02/20/92
Throughout Texas	Magnum Wireline, Inc.	L03184	Giddings	6	02/18/92
Throughout Texas	Maxim Engineers Inc.	L02653	Dallas	18	02/27/92

TERMINATIONS OF LICENSES ISSUED:

TERMINATIONS OF LICENSES ISSUED:

Location -----	Name -----	License# -----	City -----	Amend- ment # -----	Date of Action -----
Harlingen	Texas State Technical Institute	L02156	Harlingen	7	02/24/92
Lamesa	Medical Arts Hospital	L04080	Lamesa	1	02/21/92
Odessa	Cardinal Surveys Company	L03901	Odessa	1	02/19/92

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or person affected within 30 days of the date of publication of this notice. A person affected is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas, 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by

agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, The Exchange Building, 8407 Wall Street, Austin, Texas, from 8 a.m. to 5 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on March 4, 1992.

TRD-9203431 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 9, 1992

For further information, please call: (512) 458-7236

◆ ◆ ◆
**Texas Department of Housing and
Community Affairs**
Announcements of Contract Awards

The Texas Department of Housing and Community Affairs announces that the units of general local governments listed below have been selected as contract recipients for Planning/Capacity Building Funds under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413(501), §2.07.

A contract is not effective until executed by the unit of general local government and the Executive Director of the Texas Department of Housing and Community Affairs.

Grantees Funded Under the 1991 Planning/Capacity Building Fund

GRANTEE	FUNDED AMOUNT
ALBA	\$14,100
ALTO	\$28,090
ANNONA	\$12,850
ARCHER CITY	\$29,600
AVERY	\$11,600
CLARKSVILLE	\$35,105
DEVERS	\$18,150
DILLEY	\$28,650
FORT STOCKTON	\$40,000
GRANGER	\$24,950
KARNES CITY	\$27,650
KEENE	\$38,700
LADONIA	\$14,100
LAMPASAS	\$24,400
NAPLES	\$16,120
NOCONA	\$38,450
PILOT POINT	\$33,250
SAVOY	\$12,450
THORNDALE	\$22,250
WALLIS	\$21,750
WINNSBORO	\$40,000
===== Total:	===== \$532,215

Issued in Austin, Texas, on March 9, 1992.

TRD-9203474

Anne O. Paddock
Assistant General Counsel
Texas Department of Housing and
Community Affairs

Filed: March 10, 1992

For further information, please call: (512) 320-9571



The Texas Department of Housing and Community Affairs announces that the units of general local governments listed below have been selected as contract recipients for Community Development Funds under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413(501), §2.07.

A contract is not effective until executed by the unit of general local government and the executive director of the Texas Department of Housing and Community Affairs.

Grantees Funded Under the 1991 Community Development Fund

GRANTEE	FUNDED AMOUNT
ALTO	\$250,000
AMES	\$250,000
ANTHONY	\$217,099
ARCHER CITY	\$109,000
AUBREY	\$250,000
AVINGER	\$163,500
BARTLETT	\$250,000
BASTROP COUNTY	\$250,000
BIG SANDY	\$172,700
BIG SPRING	\$300,000
BIG WELLS	\$61,783
BISHOP	\$220,900
BLANCO	\$250,000
BONHAM	\$250,000
BOWIE	\$98,000
BRADY	\$99,900
BREMOND	\$174,100
BRIDGE CITY	\$250,000
BRIDGEPORT	\$250,000
BYNUM	\$250,000
CARRIZO SPRINGS	\$123,566
CELINA	\$250,000
CHARLOTTE	\$250,000
CLARKSVILLE	\$186,500
CLEBURNE	\$250,000
CLEVELAND	\$250,000
COLLINSVILLE	\$250,000
COMANCHE COUNTY	\$250,000

Grantees Funded Under the 1991 Community Development Fund

GRANTEE	FUNDED AMOUNT
-----	-----
COMBES	\$142,863
COOPER	\$230,000
CROCKETT	\$228,000
CRYSTAL CITY	\$241,011
CUERO	\$237,500
DAYTON	\$250,000
DEL RIO	\$316,557
DELL CITY	\$112,110
DENVER CITY	\$250,000
DEVINE	\$177,700
DIBOLL	\$250,000
DICKINSON	\$250,000
DILLEY	\$250,000
EAGLE PASS	\$266,811
EARTH	\$236,409
ECTOR COUNTY	\$270,895
ELECTRA	\$105,000
ELGIN	\$250,000
FALFURRIAS	\$248,700
FALLS CITY	\$250,000
FALLS COUNTY	\$250,000
FROST	\$250,000
GOLIAD	\$140,514
GOODLOW	\$250,000
HAPPY	\$200,376
HITCHCOCK	\$350,000
HUDSPETH COUNTY	\$250,000
HUGHES SPRINGS	\$177,150

Grantees Funded Under the 1991 Community Development Fund

GRANTEE	FUNDED AMOUNT
-----	-----
HUTTO	\$250,000
ITALY	\$250,000
ITASCA	\$241,000
JACKSONVILLE	\$199,500
JEFF DAVIS COUNTY	\$212,534
JEFFERSON	\$250,000
JEFFERSON COUNTY	\$249,847
JIM HOGG COUNTY	\$295,574
JUNCTION	\$99,900
KEMAH	\$350,000
KEMP	\$247,500
KENDLETON	\$350,000
KERENS	\$236,200
KINNEY COUNTY	\$92,275
KYLE	\$250,000
LA FERIA	\$142,862
LA GRULLA	\$295,574
LA SALLE COUNTY	\$130,000
LEAKEY	\$92,800
LEVELLAND	\$114,665
LIBERTY	\$350,000
LITTLEFIELD	\$208,333
LORAIN	\$221,200
LORENZO	\$224,200
LOS FRESNOS	\$142,862
LYFORD	\$142,862
MADISONVILLE	\$250,000
MARSHALL CREEK	\$140,000

Grantees Funded Under the 1991 Community Development Fund

GRANTEE	FUNDED AMOUNT
MASON	\$99,000
MATHIS	\$300,000
MAVERICK COUNTY	\$266,811
MCLEAN	\$226,900
MEADOW	\$228,500
MEGARGEL	\$108,000
MENARD	\$147,700
MENARD COUNTY	\$95,500
MILAM COUNTY	\$250,000
MULLIN	\$250,000
NACOGDOCHES	\$198,000
NATALIA	\$250,000
NEWCASTLE	\$105,250
NIXON	\$250,000
NOCONA	\$99,000
NORMANGEE	\$238,000
OVERTON	\$243,000
PALESTINE	\$250,000
PARIS	\$250,000
PECOS COUNTY	\$168,111
PINELAND	\$250,000
PITTSBURG	\$230,800
PORT ISABEL	\$142,863
POTEET	\$250,000
PRESIDIO	\$250,000
PRIMERA	\$142,862
PYOTE	\$243,500
RAYMONDVILLE	\$142,863

Grantees Funded Under the 1991 Community Development Fund

GRANTEE	FUNDED AMOUNT
RED RIVER COUNTY	\$158,250
RICHLAND SPRINGS	\$250,000
RIO BRAVO	\$295,574
RIO HONDO	\$142,863
RISING STAR	\$224,400
ROCKSPRINGS	\$94,546
ROMA	\$295,574
ROSE CITY	\$250,000
ROTAN	\$250,000
ROYSE CITY	\$141,700
SAN DIEGO	\$300,000
SAN PATRICIO COUNTY	\$300,000
SAN PERLITA	\$142,863
SANFORD	\$243,104
SANTA ROSA	\$142,862
SEYMOUR	\$109,000
SKELLYTOWN	\$81,300
SMITHVILLE	\$250,000
SNOOK	\$250,000
SONORA	\$62,173
STAMFORD	\$235,756
STARR COUNTY	\$295,574
TENAHA	\$194,200
TEXLINE	\$250,000
THREE RIVERS	\$300,000
THROCKMORTON	\$116,000
TIMPSON	\$250,000
TULIA	\$160,553

Grantees Funded Under the 1991 Community Development Fund

GRANTEE	FUNDED AMOUNT
UVALDE	\$238,511
WAELDER	\$250,000
WAKE VILLAGE	\$205,000
WALKER COUNTY	\$350,000
WEBB COUNTY	\$295,574
WESTMINSTER	\$250,000
WHARTON COUNTY	\$260,539
WHITNEY	\$233,650
WILLACY COUNTY	\$142,863
WILLS POINT	\$250,000
WINNSBORO	\$250,000
ZAVALLA	\$249,815
=====	=====
Total:	\$32,827,236

Issued in Austin, Texas, on March 9, 1992.

TRD-9203473 Anne O. Paddock
 Assistant General Counsel
 Texas Department of Housing and
 Community Affairs

Filed: March 10, 1992

For further information, please call: (512) 320-9571



The Texas Department of Housing and Community Affairs announces that the units of general local governments below have been selected as contract recipients for Colonia Fund under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413(501), §2.07.

A contract is not effective until executed by the unit of general local government and the Executive Director of the Texas Department of Housing and Community Affairs.

Grantees Funded Under the 1991 Colonia Fund

GRANTEE	FUNDED AMOUNT
HIDALGO COUNTY	\$37,850
HIDALGO COUNTY	\$500,000
MAVERICK COUNTY	\$52,481
PRESIDIO COUNTY	\$500,000
SAN PATRICIO COUNTY	\$427,500
STARR COUNTY	\$281,915
WILLACY COUNTY	\$93,200
ZAVALA COUNTY	\$500,000
Total:	\$2,392,946

Issued in Austin, Texas, on March 9, 1992.

TRD-9203472 Anne O. Paddock
 Assistant General Counsel
 Texas Department of Housing and
 Community Affairs

Filed: March 10, 1992

For further information, please call: (512) 320-9571

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**Notice of Amendment to 1991 Final
 Statement**

The Texas Department of Housing and Community Affairs (TDHCA) announces an amendment to the State of Texas' federal fiscal year 1991 final statement which governs the expenditure of 1991 Texas Community Development Program funds. The final statement is being amended to establish the Small Business Incubator Program under the Texas Capital Fund, which is designed to foster and stimulate the development of small businesses by providing financial assistance to non-entitlement cities and counties for the establishment or expansion of small business incubators.

Finance proceeds may be provided for acquisition of land, acquisition and/or construction of building(s) for an incubator; architectural, engineering and design cost for construction or rehabilitation of an incubator; rehabilitation or renovation of existing buildings for use as incubators; and public improvements integral to incubator development including water/wastewater facilities, public road construction, natural gasline services, electric-power service and railroad spurs. Proceeds cannot be used for working capital.

Eligible projects must demonstrate project feasibility and financial capability through an independent feasibility

study prepared by a professional with experience in conducting incubator feasibility studies and a business plan which may be prepared by the incubator sponsor.

Projects must demonstrate the capability to meet either the national objective of aid in the elimination of slum or blight; or creating and/or retaining jobs primarily for low- and moderate-income persons.

Final funding decisions are made by the Texas Department of Housing and Community Affairs' Executive Director.

If the national objective of aid in the elimination of slum or blight is selected, the contract period between TDHCA and the applicant may not exceed a two year period. In the case of selecting the national objective of creating and/or retaining jobs primarily for low- and moderate-income persons, the contract period between TDHCA and the applicant may not exceed a three year period.

Minimum and maximum awards are \$50,000 and \$500,000 respectively. Grant amount may not exceed 50% of the total project cost. A minimum 10% cash injection of the total project cost by the applicant or the incubator sponsor is required. In computing the rental rate for the businesses occupying the incubator, the amount of the grant cannot be part of the basis of the rental rate for the term of the contract. The applicant/incubator sponsor may use the incubator facility as collateral for a loan to leverage additional funding for the real estate.

A copy of the final statement as amended is available for review at Texas Department of Housing and Community Affairs, Community Development Block Grant Office, Anson Jones Building, 410 East Fifth Street, Austin or Texas Department of Commerce, Office of Business Finance, 816 Congress Avenue, Austin. Written comments concerning this amendment will be accepted through April 13, 1992, and should be submitted to Anne Paddock, Assistant General Counsel, Texas Department of Housing

and Community Affairs, P.O. Box 12026, Austin, Texas 78711-2026.

Issued in Austin, Texas, on March 9, 1992

TRD-9203471 Anne O. Paddock
Assistant General Counsel
Texas Department of Housing and
Community Affairs

Filed, March 10, 1992

For further information, please call: (512) 320-9526

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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, published in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5315), the Texas Department of Human Services (TDHS) is announcing an open solicitation period of 30 days (starting the date of this public notice) for the construction of a 90-bed nursing facility in the counties identified in the January 28, 1992, issue of the *Texas Register* (17 TexReg 725). Those counties are also listed in this public notice. Potential contractors desiring to construct a 90-bed nursing facility in the counties identified in this public notice must submit a written reply (as described in 40 TAC §19.2004) to TDHS, Gary L. Allen, Institutional Programs Section, Mail Code W-519, P.O. Box 149030, Austin, Texas 78714-9030. The written reply must be received by TDHS by 5 p.m., April 17, 1992, the last day of the open solicitation period. Potential contractors will be allowed 90 days to qualify and qualified potential

contractors will be placed on a secondary-selection waiting list in the order that their applications are received. To qualify, potential contractors must demonstrate an intent and ability to begin construction of a facility and to complete contracting within specified time frames. They must submit a letter of application to TDHS with the following documentation: First, there must be acceptable written documentation showing the ownership of or an option to buy the land on which the proposed facility is or will be located. Second, documentation must include a letter of finance from a financial institution. Third, documentation must include a signed agreement stating that, if selected, the potential contractor will pay liquidated damages if the 180-day and/or 18-month deadline(s) described in 40 TAC §19.2004(q) are not met. The signed agreement must also require the potential contractor to provide, within 10 working days after the date of selection, a surety bond or other financial guarantee acceptable to DHS ensuring payment in the event of default. If the 180-day deadline is not met, liquidated damages are 5.0% of the estimated total cost of the proposed or completed facility. If the 18-month deadline is not met, liquidated damages are 10% of the estimated total cost of the proposed or completed facility. Fourth, there must be acceptable written documentation that the preliminary architectural plans for the proposed or completed facility have been submitted to the Texas Department of Health (TDH). Each application must be complete at the time of its receipt. DHS accepts the first qualified potential contractor on the secondary-selection waiting list. If no potential contractors submit replies during this open solicitation period, DHS will place another public notice in the *Texas Register* announcing the reopening of the open solicitation period until a potential contractor replies.

Occupancy rates for identified threshold counties are listed below:

County Number	County Name	Number of Months Over	July	Aug	Sept	Oct	Nov	Dec
053	Crockett	6	92.0	92.4	95.1	99.2	100.0	99.8
192	Reagan	6	90.5	92.8	92.6	91.9	90.6	93.5

Issued in Austin, Texas, on March 10, 1992.

TRD-9203493 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: March 10, 1992

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

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Texas State Library and Archives
Commission
Local Government Records Committee

Notice is hereby given, pursuant to the Texas Government Code, Chapter 441, Subchapter J, for the purpose of accepting nominations to fill vacancies on the Local Government Records Committee.

Nominations will be accepted through April 13, 1992, to fill the position of county auditor

A nomination may be made by an organization that represents the type of officer it nominates and that has 50 such officers as members. In choosing between two or more nominees, the director and librarian will give preference to a nomination or nominations received from organizations whose membership consists primarily of the type of officer to be nominated.

Nominations should be sent to William D. Gooch, Director and Librarian, Texas State Library, P.O. Box 12927, Austin, Texas 78711.

Issued in Austin, Texas, on March 6, 1992.

TRD-9203436 Raymond Hitt
Assistant State Librarian
Texas State Library

Filed: March 9, 1992

For further information, please call: (512) 463-5440

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Texas Department of Mental Health and Mental Retardation

Public Hearing Notice

The Texas Department of Mental Health and Mental Retardation (TXMHMR) will hold a public hearing on proposed new rules concerning rights of persons receiving mental health services (new §§404.151-404.166). The public hearing is scheduled for Tuesday, March 19, 1992, at 2 p.m. in the TXMHMR Central Office Auditorium at 909 West 45th Street, Austin, Texas 78756.

The proposed sections were published for public comment in the February 12, 1992, issue of the *Texas Register*. Copies of the proposal are available for review in TXMHMR's Office of Policy Development, 4405 North Lamar Boulevard, Room 411, Austin, Texas 78756, or by calling Linda Logan, director, Policy Development, (512) 465-4516.

If deaf interpreters are required, notify Ms. Logan at the number above 72 hours prior to the meeting.

Issued in Austin, Texas, on March 9, 1992

TRD-9203484 Harry Deckard
Attorney
Texas Department of Mental Health and
Mental Retardation

Filed: March 10, 1992

For further information, please call: (512) 465-4516

For further information, please call: (512) 458-0100



Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on March 2, 1992, to amend a Certificate of Convenience and Necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52 and 54. A summary of the application follows.

Docket Title and Number: Application of West Texas Utilities Company to amend certificated service area boundaries within Tom Green County, Docket Number 10981 before the Public Utility Commission of Texas.

The Application: In Docket Number 10981, West Texas Utilities Company (WTU) requests approval of its application to amend the certificated boundary between WTU's service area and that of Southwest Texas Electric Cooperative Inc. in Tom Green County.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Division at (512) 458-0223, or (512) 458-0227 within 15 days of this notice.

Issued in Austin, Texas, on March 6, 1992.

TRD-9203450 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: March 9, 1992

For further information, please call: (512) 458-0100

Public Utility Commission of Texas

Notices of Applications to Amend Certificate of Convenience and Necessities

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on March 4, 1992, to amend a Certificate of Convenience and Necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52 and 54. A summary of the application follows.

Docket Title and Number: Application of Brazos Electric Cooperative, Inc. to amend certificate of convenience and necessity for proposed transmission line and substation within Leon and Freestone Counties, Docket Number 10986 before the Public Utility Commission of Texas.

The Application: In Docket Number 10986, Brazos Electric Power Cooperative, Inc. requests approval of its application to construct 8.69 miles of 138-kV transmission line in Leon and Freestone Counties.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Division at (512) 458-0223, or (512) 458-0227 within 15 days of this notice.

Issued in Austin, Texas, on March 6, 1992

TRD 9203451 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed March 9, 1992



Notice of Intent To File Pursuant To Public Utility Commission Substantive Rule 23.28

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 23.28 for approval of promotional rates for an existing service, Personalized Ring Service.

Tariff Title and Number: Application of Southwestern Bell Telephone Company to Offer Promotional Rates for Personalized Ring Service. Pursuant to Public Utility Commission Substantive Rule 23.28; Tariff Control Number 10994.

The Application. Southwestern Bell Telephone Company is requesting approval of promotional rates for an existing service, Personalized Ring Service, for a one-month period beginning May 1, 1992. Approval of the proposed promotion would allow SWB to waive the nonrecurring service establishment charge and the first month recurring charge applicable to Personalized Ring Service.

Persons who wish to comment upon action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0223 or (512) 458-0227 for teletypewriter for the deaf.

Issued in Austin, Texas, on March 10, 1992.

TRD-9203520

Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: March 10, 1992

For further information, please call: (512) 458-0100

Texas Water Commission

Meeting Notices

A meeting of the Management Committee and the Local Governments Advisory Committee of the Galveston Bay National Estuary Program is scheduled for: Saturday, March 21, 1992, 8:30 a.m., The Inn at San Luis, 5400 Seawall Boulevard, Galveston.

Following opening remarks and approval of minutes, a summary of GBNEP activities will be presented by the Program staff. The new members of the Local Governments Advisory Committee will be introduced and welcomed to the conference. The committees will then review and approve the Fiscal Year 1993 Annual Work Plan. Work scopes will be reviewed and approved for issuance of a request for proposals. The committees will then review the Coastal Preserves Management Implementation Plan outline and hear a report regarding the coordinated field activity on the Coastal Preserve Project. The committees will then approve the Final Project Report of the Segmentation of Galveston Bay. Management conference membership changes will be discussed and approved.

The committees will then consider any other business, a date for the next meeting, and will adjourn.

Issued in Houston, Texas, on March 6, 1992.

TRD-9203426

Frank S. Shipley
Director, Galveston Bay National Estuary
Program
Texas Water Commission

Filed: March 9, 1992

For further information, please call: (713) 332-9937

A meeting of the Policy Committee of the Galveston Bay National Estuary Program is scheduled for: Saturday, March 21, 1992, 2 p.m., The Inn at San Luis, 5400 Seawall Boulevard, Galveston.

Following opening remarks and approval of minutes, a summary of GBNEP activities will be presented by the program staff. The committee will then review and approve the Fiscal Year 1993 Annual Work Plan. Work scopes will be reviewed and approval for issuance of a request for proposals. The committee will then consider a request for resource agency coordination for untreated/partially treated effluent study. Management conference membership changes will be discussed and approved.

The committees will then consider any other business, a date for the next meeting, and will adjourn.

Issued in Houston, Texas, on March 6, 1992.

TRD-9203445

Frank S. Shipley
Director, Galveston Bay National Estuary
Program
Texas Water Commission

Filed: March 9, 1992

For further information, please call: (713) 332-9937

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 March 2, 1992-March 6, 1992.

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.

Browning-Ferris, Inc.; a municipal solid waste disposal facility; the plant site is adjacent to East Cleveland Road, approximately 1.3 miles east of Interstate Highway 45 in the City of Hutchins in Dallas County; amendment; 02907.

Devereux Foundation; the wastewater treatment facilities; are located approximately 1,300 feet west of U.S. Highway 59 and approximately 17 miles south of downtown Victoria in Victoria County; renewal; 11411-01.

City of Galveston; the wastewater treatment facilities; are located at 5200 Industrial Boulevard in Galveston County; renewal; 10688-01.

Galveston County Municipal Utility District Number 12; the Bayou Vista Wastewater Treatment Plant is located approximately 0.3 mile south and 1.0 mile west of the intersection of Interstate Highway 45 and State Highway 6 in Galveston County; renewal; 10435-01.

J. M. Huber Corporation; proposes to operate a plastics compounding plant; the plant site is at 6522 Interstate Highway 10 West which is approximately one mile east of State Highway 62 and west of the City of Orange in Orange County; amendment; 02835.

Charlie Myers doing business as Charlie Myers Feedlot; a feedlot operation; is located on the north side of U.S. Highway 82, approximately two miles east of the intersection of U.S. Highway 82, approximately two miles east of the intersection of U.S. Highway 82 and FM Road 268 in Baylor County; new; 03442.

Leonard D. Pittel; the wastewater treatment facilities; are located at 1719 Gault Road, approximately 1,200 feet west

of the intersection of Gault Road and Aldine-Westfield Road in Harris County; renewal; 12617-01.

Hoechst Celanese Chemical Group, Inc.-Pampa Plant (Celanese); is a chemical manufacturing plant and major producer of acetic acid and multifunctional monomers as well as a variety of other industrial chemicals and solvents; the facility is located on a 650-acre tract of land next to Highway 60, 3 1/2 miles southwest of Pampa in Gray County; new; HW50200.

Rollins Environmental Services (Tx) Inc. (Rollins); an existing 31.5-acre landfill and a 15.3-acre landfill for disposal of Class I hazardous and non-hazardous industrial solid waste; two incinerator systems for processing hazardous waste and PCB contaminated wastes; and storage and processing units ancillary to landfill and incinerators operations, including 78 storage tanks and 11 storage areas; the facility is located on an 86-acre tract of land at 2027 Battleground Road, approximately one mile south-southwest of the San Jacinto Monument in Deer Park, Harris County, Texas; amendment; HW50089; 45 days.

Issued in Austin, Texas, on March 6, 1992.

TRD-9203430 Laune J. Lancaster
Deputy Chief Clerk
Texas Water Commission

Filed: March 9, 1992

For further information, please call: (512) 463-7906



Public Hearing

A representative of the Texas Water Commission will conduct a public hearing on: Monday, April 13, 1992, 1 p.m., Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin.

This hearing is held pursuant to the Water Code, §26.046 evidence from the public on actions the commission should take to protect the Edwards Aquifer from pollution.

Persons who have questions concerning the hearing should contact Kevin McCalla, Senior Attorney, Legal Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Issued in Austin, Texas, on March 11, 1992.

TRD-9203560 Mary Ruth Holder
Director
Texas Water Commission

Filed: March 11, 1992

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



Requests for Abstracts

The Texas Water Commission and the Governor's Energy Office seek abstracts preliminary to actual proposals for a joint United States Department of Energy (DOE), United

States Department of Commerce and Environmental Protection Agency (EPA) grant; The National Industrial Competitiveness through Environment, Energy and Economics (NICE-3) Program.

The focus of the grant is on simultaneous reduction of industrial energy use, reduction of pollution that is generated by industrial of pollution that is generated by industrial processes, and improvement of process economics. Project will be funded initially (seed money) through one-time grant to overcome start-up risk. Cost-sharing of 50% by the applicant is recommended. While smaller-scale projects are encouraged, total State/Federal participation may range up to \$200,000. Awardees will research, design, test, demonstrate, and assess the feasibility of new processes and/or equipment which can significantly reduce generation of high-risk pollution, reduce high-volume waste in industry, and conserve energy and energy-intensive feedstocks.

To achieve this goal, the TWC solicits projects that seek to: encourage accelerated industrial development and dissemination of pollution prevention and energy conserving technologies; demonstrate successful industrial applications of innovative waste minimization techniques in conjunction with less polluting, energy-efficient technologies; identify and implement efficiency improvements in processes, materials inputs and waste streams; identify and develop strategies to overcome barriers that currently inhibit waste minimization and energy efficient techniques and practices in business and industry; enhance industrial competitiveness through the introduction and dissemination of cost-effective waste minimization and energy efficient processes, equipment and practices.

Deadline for abstracts is April 8, 1992. Abstracts should consist of not more than three pages describing a problem, a proposed solution, uniqueness of proposal, cost-efficiency, energy savings, waste reduction, capability of applicant to perform the task and applicability (technology transfer). Preference will be given to industries of particular interest: Chemicals and Allied Products (SIC 28), Petroleum and Coal Products (SIC 29), Paper and Allied Products (SIC 26), and Primary Metal Industries (SIC 33). Other industries with significant energy and pollution savings potential may be considered.

Submitters of successful abstracts will be asked to submit full proposals by April 24, 1992. For more information, call Jane Scheidler, Office of Pollution Prevention and Conservation, Texas Water Commission, (512) 463-7922.

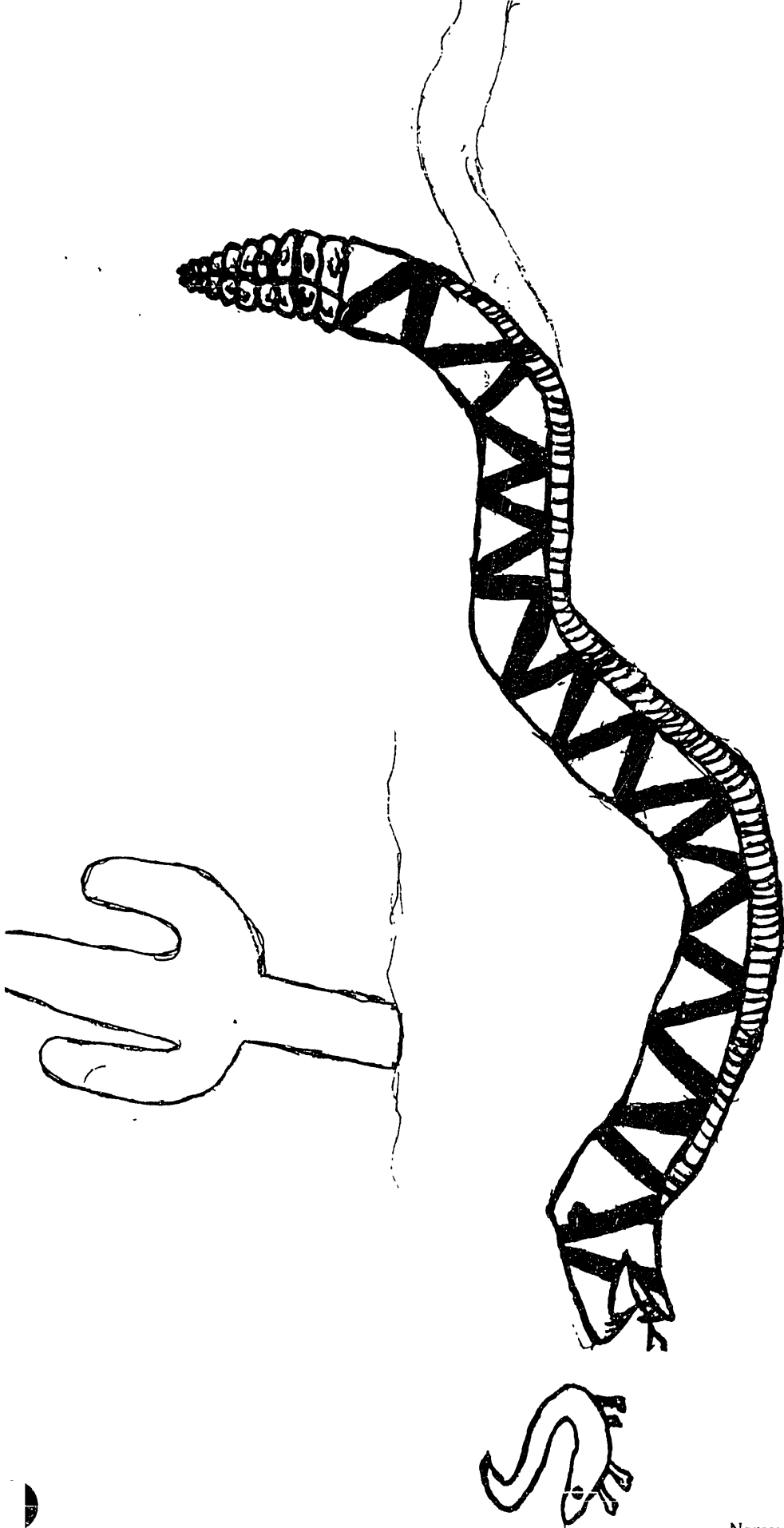
Issued in Austin, Texas, on March 11, 1992.

TRD-9203561 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Filed: March 11, 1992

For further information, please call (512) 463-7922

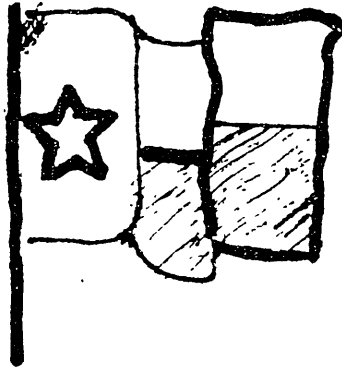




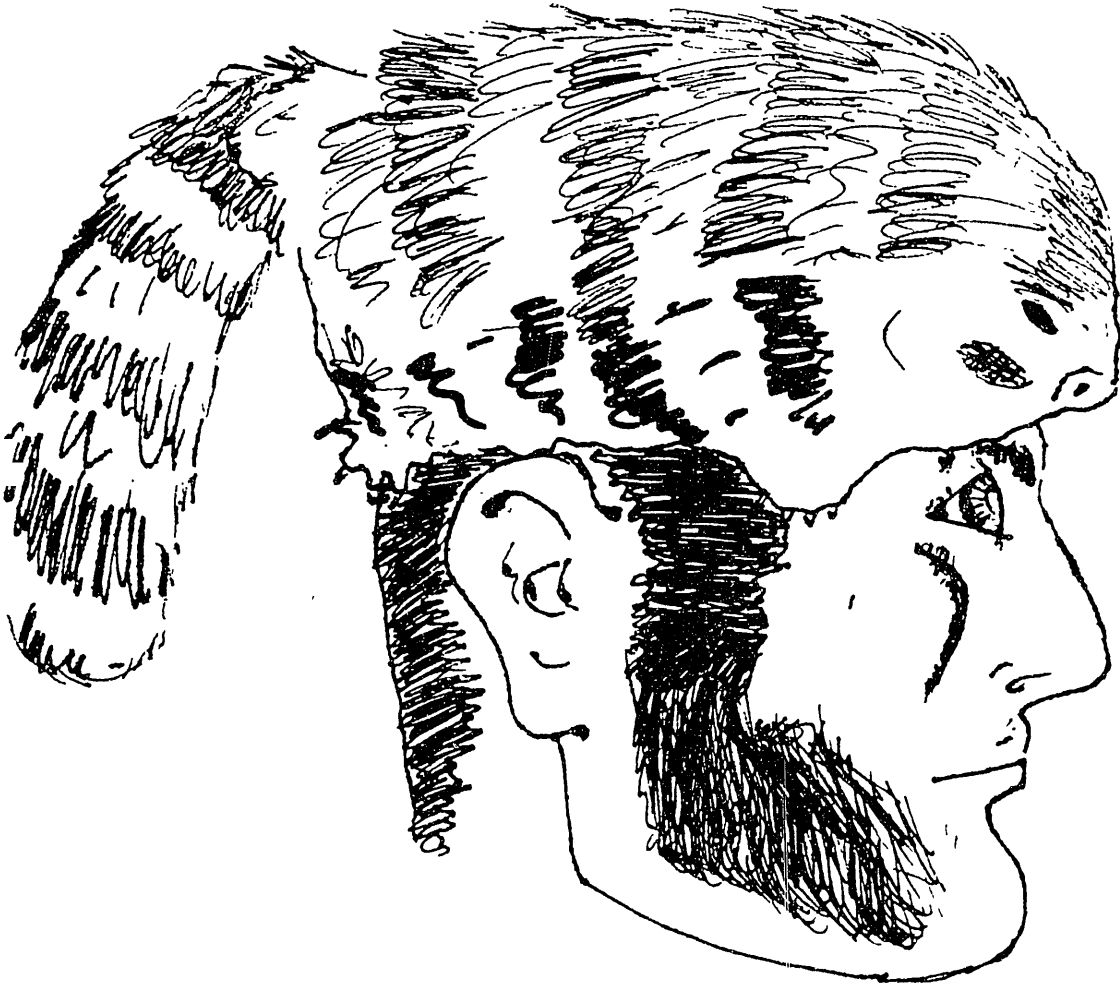
Name: Marc Dantone

Grade: 7

School: Clear Lake Intermediate, Clear Creek ISD



Remember
the
Alamo!



Name: Nate McNeil

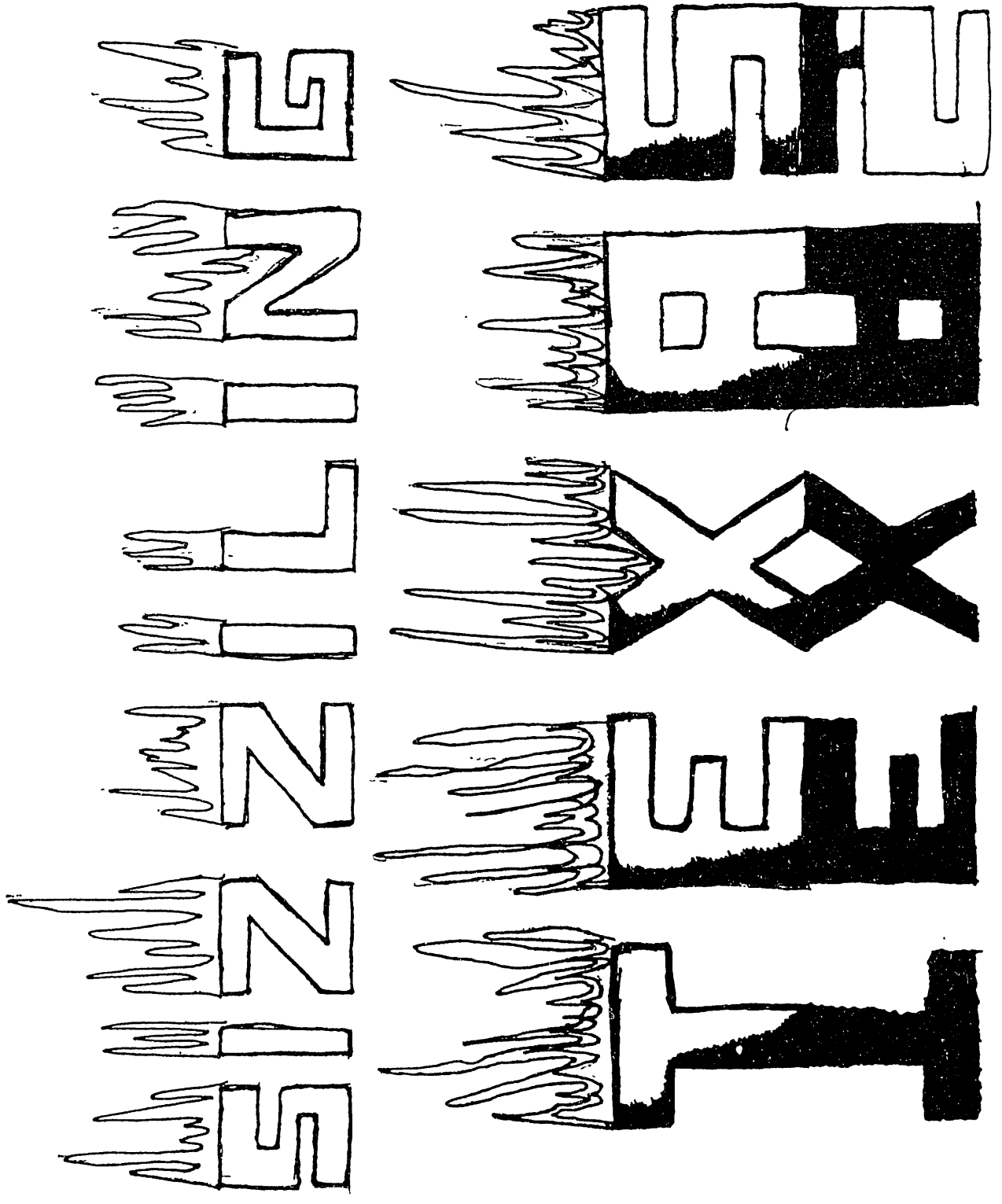
Grade: 7

School: Clear Lake Intermediate, Clear Creek ISI



Name: Katy Saxe
Grade: 7
School: Clear Lake Intermediate, Clear Creek ISD

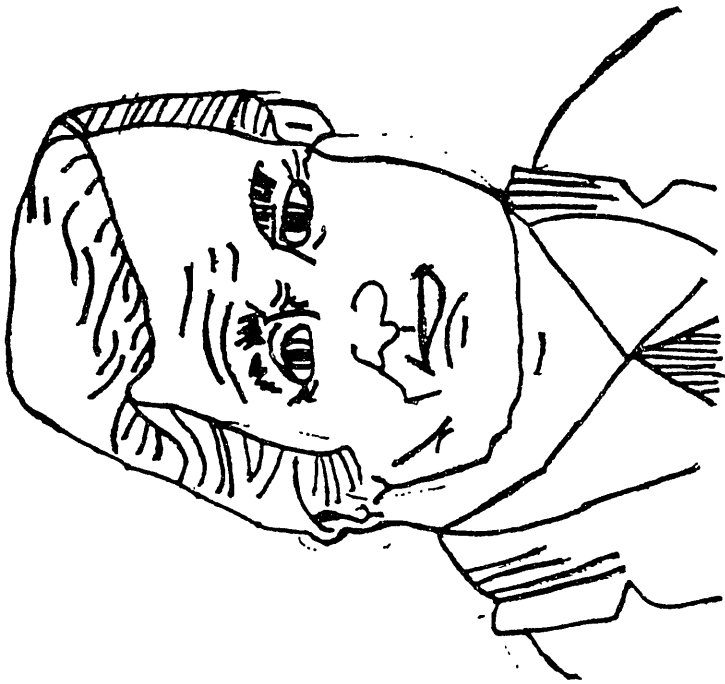
Nathaniel Greenwood
7/1/00



Name: Nathaniel Greenwood

Grade: 7

School: Clear Lake Intermediate, Clear Creek ISD



George Bush
1989-

Ricky Ruiz

4th Grade

Knox City Elementary

Knox City, Texas

Name: Ricky Ruiz

Grade: 4

School: Knox City Elementary, Knox City O'Brien CISD

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