

Texas Register

Volume 15, Number 7, January 26, 1990

Pages 389-469

In This Issue...

Office of the Governor

Appointment Made January 12, 1990

397-Texas Diabetes Council

Appointments Made January 15, 1990

397-Finance Commission of Texas

397-District II Review Committee, Board of Medical Examiners

397-Statewide Health Coordinating Council

397-Council on Alzheimer's Disease and Related Disorders

Appointments Made January 18, 1990

397-Presiding Judge of the Fifth Administrative Judicial Region

397-Product Development Advisory Board

397-Family Farm and Ranch Advisory Council

397-Texas Structural Pest Control Board

397-District Attorney of Angelina County, 159th and 217th Judicial Districts

Attorney General's Office

Opinions

399-JM-1135 (RQ-1886)

Request for Opinions

399-(RQ-1904)

399-(RQ-1905)

399-(RQ-1906)

399-(RQ-1907)

399-(RQ-1908)

399-(RQ-1909)

399-(RQ-1910)

399-(RQ-1911)

Emergency Sections

Texas Department of Agriculture

401-Marketing Division

Texas Water Commission

403-Underground and Aboveground Storage Tanks

Proposed Sections

Texas Department of Banking

411-Miscellaneous

Texas Air Control Board

427-Control of Air Pollution by Permits for New Construction or Modification

Withdrawn Sections

Texas Department of Licensing and

Regulation

429-Air Conditioning and Refrigeration Contractor License Law

Texas Education Agency

429-Adaptations for Special Populations

429-Advisory Groups

Interagency Council on Early Childhood Intervention

429-Early Childhood Intervention Program

Adopted Sections

State Finance Commission

431-Banking Section

Texas Education Agency

431-Curriculum

431-Adaptations for Special Populations

432-Budgeting, Accounting, and Auditing

432-Teacher Certification

433-Advisory Groups

Interagency Council on Early Childhood Intervention

433-Early Childhood Intervention Program

CONTENTS CONTINUED INSIDE

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week 100 times a year except March 7, 1989, June 2, 1989, July 7, 1989, November 28, 1989, and December 29, 1989. Issues will be published by the Office of the Secretary of State.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Texas Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas.

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

Information Available: The eight 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

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 6 (1981) is cited as follows: 6 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*, sections number, or TRD number.

Texas Administrative Code

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

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

1 indicates the title under which the agency appears in the *Texas Administrative Code*;

TAC stands for the *Texas Administrative Code*;

§27.15 is the section number of rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).



Texas Register Publications

a section of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
512-463-5561

Secretary of State
George S. Bayoud, Jr.

Director
Dan Procter

Assistant Director
Dee Wright

Documents Section Supervisor
Patty Parris

Documents Editors
Lisa Brull
Janiene Hagel

Open Meetings Clerk
Brenda J. Kizzee

Production Section Supervisor
Ann Franklin

Production Editor
Sharon Menger

Typographers
Hermine Roberts
Madeline Chrisner

Circulation/Marketing
Richard Kallus
Roberta Knight

TAC Editor
Dana Blanton

Subscriptions—one year (96 regular issues), \$90; six months (48 regular issues and two index issues), \$70. Single copies of most issues are available at \$4 per copy.

Texas Air Control Board

- 434-General Rules
- 434-Control of Air Pollution From Visible Emissions and Particulate Matter

Texas Department of Public Safety

- 440-Organization and Administration

Texas Adult Probation Commission

- 440-Fund Distribution

Open Meetings

- 443-Texas Department of Agriculture
- 443-State Bar of Texas
- 443-Texas School for the Blind and Visually Impaired
- 443-Texas Cancer Council
- 444-Texas Department of Community Affairs
- 444-Court Reporters Certification Board
- 444-Texas Department of Criminal Justice Board of Pardons and Paroles
- 444-Texas School for the Deaf
- 444-Council on Disabilities
- 444-Texas Education Agency
- 445-Texas Employment Commission
- 445-State Committee of Examiners for Speech-Language Pathology and Audiology
- 445-Texas Department of Health
- 446-Texas Statewide Health Coordinating Council
- 446-Texas Health and Human Services Coordinating Council
- 446-State Department of Highways and Public Transportation
- 446-Texas Historical Commission
- 447-Texas Housing Agency
- 447-Texas Commission on Human Rights
- 447-Department of Information Resources
- 447-State Board of Insurance
- 448-General Land Office
- 448-School Land Board
- 448-Texas Department of Mental Health and Mental Retardation
- 449-State Pension Review Board
- 449-State Property Tax Board
- 449-Texas State Board of Public Accountancy
- 449-Public Utility Commission of Texas
- 452-Railroad Commission of Texas
- 453-Texas Rehabilitation Commission
- 453-The Texas A&M University System
- 454-Texas Southern University
- 454-The University of Texas at Austin
- 454-Texas Veterans Commission
- 454-Texas Water Commission
- 454-Regional Meetings

In Addition

Texas Air Control Board

- 457-Notice of Public Hearing

Ark-Tex Council of Governments

- 457-Consultant Proposal Requests

Attorney General's Office-Environmental Division

- 458-Solid Waste Enforcement Notice

Texas Department of Community Affairs

- 458-Notice of Public Hearing

- 458-Public Notice

Office of Consumer Credit Commissioner

- 459-Notice of Rate Ceilings

Texas Education Agency

- 460-Consultant Proposal Request

Governor's Office of Budget and Planning

- 460-Request for Proposals

Texas Department of Health

- 461-Intent to Revoke a Radioactive Material License

- 462-Licensing Actions for Radioactive Materials

- 463-Revocation of Certificate of Registration

- 463-Revocation of Radioactive Material Licenses

State Department of Highways and Public Transportation

- 463-Request for Proposals

Texas Department of Human Services

- 464-Public Notice

Texas State Library and Archives Commission

- 466-Consultant Contract Reports

Texas National Research Laboratory Commission

- 467-Request for Proposals

Texas State Board of Pharmacy

- 467-Public Hearing Notice

State Preservation Board

- 467-Request for Proposals

Public Utility Commission of Texas

- 468-Notice of Refunds

- 468-Project Number 8290

Texas Racing Commission

- 468-Notice of Application Period

The University of Texas System

- 468-Consultant Contract Award

Texas Water Commission

- 469-Meeting Notice

TAC Titles Affected

TAC Titles Affected—January

The following is a list of the administrative rules that have been published this month.

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

1 TAC §§102.1, 102.10, 102.20, 102.30, 102.40, 102.41, 102.70, 102.71, 102.72, 102.73, 102.80, 102.90, 102.91—21

1 TAC §§103.1, 103.2, 103.10, 103.21—21

1 TAC §§104.1, 104.10—21

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

4 TAC §17.31—157, 401

4 TAC §19.4—209

Part II. Animal Health Commission

4 TAC §55.5—81

TITLE 7. BANKING AND SECURITIES

Part I. State Finance Commission

7 TAC §3.91—431

Part II. Texas Department of Banking

7 TAC §11.63—411

7 TAC §11.64—411

7 TAC §11.65—411

TITLE 10. COMMUNITY DEVELOPMENT

Part V. Texas Department of Commerce

10 TAC §§165.1-165.3, 165.5-165.7—21

10 TAC §165.3—161

10 TAC §180.1, §180.2—307

TITLE 13. CULTURAL RESOURCES

Part VII. State Preservation Board

13 TAC §111.13—339

13 TAC §111.20—339

13 TAC §111.21—339

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

16 TAC §5.42—339

16 TAC §5.94—251

16 TAC §5.411—308

16 TAC §5.582—251, 255

Part II. Public Utility Commission of Texas

16 TAC §23.11—340

16 TAC §23.12—341

Part IV. Texas Department of Licensing and Regulation

16 TAC §60.1—161, 211

16 TAC §§60.21-60.26—161, 211

16 TAC §§60.61-60.63, 60.65-60.67, 60.69, 60.70, 60.75, and 60.78-60.80—161, 212

16 TAC §60.66—337

16 TAC §§60.100-60.109, 60.120-60.124, 60.150-60.159, 60.170-60.177, and 60.190-60.195—161, 213

16 TAC §§61.201-61.207—343

16 TAC §§62.1, 62.10, 62.20, 62.21, 62.30, 62.40, 62.60, 62.70, 62.80-62.82, 62.90, 62.91—209

16 TAC §§62.1, 62.10, 62.20, 62.21, 62.30, 62.40, 62.60, 62.70, 62.80-62.82, 62.90-62.92, 62.94—189

16 TAC §§63.1, 63.10, 63.20, 63.21, 63.30, 63.40, 63.60, 63.70, 63.71, 63.80-63.82, 63.90-63.94—192

16 TAC §§63.1, 63.10, 63.20, 63.21, 63.30, 63.40, 63.60, 63.70, 63.71, 63.80-63.82, 63.90, 63.91—209

16 TAC §§70.1-70.4—196

16 TAC §§70.10-70.13—175, 197

16 TAC §§70.1, 70.10, 70.20-70.23, 70.30, 70.50, 70.51, 70.60-70.67, 70.70-70.77, 70.80, 70.90-70.92, 70.100-70.103—161, 197

16 TAC §§70.20-70.22, 70.25-70.27—176, 197

16 TAC §§70.30-70.45—176, 198

16 TAC §§70.50-70.52—176, 198

16 TAC §§70.101-70.105—177, 198

16 TAC §70.125, §70.126—177, 199

16 TAC §§71.1-71.6—343

16 TAC §75.20—329
16 TAC §§77.1, 77.5, 77.9, 77.13, 77.17, 77.21—343

16 TAC §§78.1, 78.10, 78.20, 78.30, 78.40, 78.60, 78.70-78.74, 78.80-78.82, 78.90-78.94, 78.100—73, 81

16 TAC §§79.1, 79.3, 79.5, 79.9, 79.13, 79.21, 79.25, 79.29, 79.33, 79.37, 79.39, 79.41—343

16 TAC §§79.1, 79.10, 79.20, 79.30, 79.40, 79.70-79.73, 79.80, 79.81, 79.83, 79.90-79.94, 79.100, 79.101, 79.02—343

16 TAC §79.82—337

Part VIII. Texas Racing Commission

16 TAC §307.223—25
16 TAC §307.261—13, 15
16 TAC §309.25—25
16 TAC §309.56—25
16 TAC §309.58—25
16 TAC §309.61—26
16 TAC §309.68—26
16 TAC §309.69—26
16 TAC §309.114—26
16 TAC §311.11—26
16 TAC §311.12—27
16 TAC §311.101—27
16 TAC §311.106—27
16 TAC §311.156—27
16 TAC §311.201—27
16 TAC §313.103—28
16 TAC §313.406—28
16 TAC §319.4—28
16 TAC §319.306—13, 15
16 TAC §319.365—28

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

19 TAC §§5.311-5.314, 5.316-5.318—337

Part II. Texas Education Agency

19 TAC §89.334—329

19 TAC §161.2—329
19 TAC §§75.191-75.193—431
19 TAC §89.334—431
19 TAC §109.42—432
19 TAC §141.182—432
19 TAC §141.341—432
19 TAC §141.342—432
19 TAC §161.2—433

TITLE 22. EXAMINING BOARDS

Part VII. Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

22 TAC §145.1—199

Part XI. Board of Nurse Examiners

22 TAC §211.6—252
22 TAC §213.19, §213.20—252
22 TAC §217.15—254

Part XII. Texas State Board of Vocational Nurse Examiners

22 TAC §231.90—309
22 TAC §231.92—310
22 TAC §§233.21, 233.22, 233.24—310
22 TAC §233.64—311
22 TAC §233.82—311
22 TAC §235.11, §235.18—311

Part XXI. Texas State Board of Examiners of Psychologists

22 TAC §465.10—28

Part XXII. Texas State Board of Public Accountancy

22 TAC §501.45—109
22 TAC §511.54—117
22 TAC §511.161—111
22 TAC §511.163—29
22 TAC §523.63—115, 312
22 TAC §523.64—111

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

25 TAC §37.86—15

25 TAC §37.90—16

25 TAC §§115.2, 115.5, 115.8, 115.9, 115.12—347

25 TAC §§115.5, 115.8, 115.17—17

25 TAC §125.6—29

Part VIII. Interagency Council on Early Childhood Intervention

25 TAC §621.23—433

25 TAC §621.24—329

TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §§1.901-1.911—316

28 TAC §1.1001—109

28 TAC §§3.3302, 3.3305, 3.3307, 3.3308, 3.3313, 3.3315-3.3318—305

28 TAC §3.3306, §3.3308—209

28 TAC §§3.3306, 3.3308, 3.3312—177

28 TAC §7.58—69, 317

28 TAC §7.1008—70

28 TAC §§7.1601-7.1613—13

28 TAC §§7.1601-7.1622—13

28 TAC §9.401—117

28 TAC §15.25, §15.29—319

28 TAC §19.901, §19.902—320

28 TAC §21.704—13

28 TAC §25.714—71

28 TAC §§33.1-33.3—14

28 TAC §33.107, §33.108—14

28 TAC §§33.401, 33.404, 33.405—14

28 TAC §§33.505, 33.506—14

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

31 TAC §101.1—434

31 TAC §§101.1, 101.7, 101.24, 101.25, 101.26—17

31 TAC §103.42—349

31 TAC §103.66—349

31 TAC §111.121—434

31 TAC §§111.121, 111.123, 111.125, 111.127,

111.129—434

31 TAC §§114.4, §114.5—257

31 TAC §115.1—350

31 TAC §§115.11-115.14—350

31 TAC §115.21, §115.22—350

31 TAC §§115.31, §115.32—350

31 TAC §§115.41-115.45—351

31 TAC §115.61, §115.62—351

31 TAC §115.81—351

31 TAC §115.91—351

31 TAC §§115.101-115.106—352

31 TAC §§115.111-115.113—352

31 TAC §§115.121-115.123—352

31 TAC §§115.131, 115.132, 115.134, 115.135—352

31 TAC §§115.141-115.144—352

31 TAC §§115.151-115.153—353

31 TAC §§115.161-115.164—353

31 TAC §§115.171-115.176—353

31 TAC §§115.191-115.194—353

31 TAC §§115.201-115.203—354

31 TAC §§115.221-115.223—354

31 TAC §§115.231-115.233—354

31 TAC §§115.251-115.255—354

31 TAC §§115.261-115.264—354

31 TAC §§115.271-115.275—355

31 TAC §§115.281-115.285—355

31 TAC §§115.291, 115.293, 115.294—355

31 TAC §115.401—355

31 TAC §115.412, §115.413—356

31 TAC §§115.421-115.424—356

31 TAC §§116.1, 116.3, 116.6—427

Part IX. Texas Water Commission

31 TAC §§291.131-291.136—14

31 TAC §§334.501-334.521—403

Part XIV. Texas Board of Irrigators

31 TAC §429.7—321

31 TAC §§334.501-334.521—

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.8—19

34 TAC §3.151—305

34 TAC §3.198—337

34 TAC §3.199—305

34 TAC §3.399—117

34 TAC §3.405—115

34 TAC §3.416—

Part IV. Employees Retirement System of Texas

34 TAC §§67.97—83

34 TAC §81.3—71, 79

Part VI. Texas Municipal Retirement System

34 TAC §121.6—38

34 TAC §123.1-123.3, 123.5—38

34 TAC §125.7—38

34 TAC §127.2—39

34 TAC §129.2, §129.12—39

Part VII. State Property Tax Board

34 TAC §153.2—214

34 TAC §155.6—214

34 TAC §155.35—215

34 TAC §155.44—263

34 TAC §155.48—264

34 TAC §155.49—264

34 TAC §155.51—215

34 TAC §155.54—265

34 TAC §155.55—265

34 TAC §155.57—266

34 TAC §155.60—305

34 TAC §161.22—215

34 TAC §161.24—216

34 TAC §165.73—216

34 TAC §165.141—267

34 TAC §165.142—216

34 TAC §165.143—267

Part XII. State Auditor's Office

34 TAC §351.1—39

**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS**

Part I. Texas Department of Public Safety

37 TAC §1.141, §1.142—440

37 TAC §23.91, §23.92—199

Part V. Board of Pardons and Paroles

37 TAC §150.52—112

Part X. Texas Adult Probation Commission

37 TAC §§321.1-321.6—118

37 TAC §§321.11-321.16—123

37 TAC §323.3—440

**TITLE 40. SOCIAL SERVICES AND
ASSISTANCE**

Part I. Texas Department of Human Services

40 TAC §2.1012—268

40 TAC §3.2207—39

40 TAC §4.1012—268

40 TAC §§12.1, 12.3, 12.5-12.26—322

40 TAC §16.1513—40

40 TAC §27.102-27.104—203

40 TAC §27.109—204

40 TAC §27.1804, §27.1805—204

40 TAC §29.606—356

40 TAC §48.2501—337

40 TAC §48.2920—205

40 TAC §48.3902, §48.3903—205

40 TAC §49.311—325

40 TAC §49.1501, §49.1502—325

40 TAC §49.1765—326

40 TAC §71.3—216

40 TAC §71.12, §71.14—217

40 TAC §85.1407—356

40 TAC §§85.2011, 85.2017-85.2019, 85.2022, 85.2030,
85.2037—357

40 TAC §85.2047—357

Part II. Texas Rehabilitation Commission

40 TAC §101.09—217

40 TAC §115.6—217

Part VI. Texas Commission for the Deaf

40 TAC §§181.1, 181.3, 181.5, 181.7, 181.9, 181.11, 181.13, 181.15, 181.17, 181.19, 181.21, 181.23, 181.35, 181.37, 181.39, 181.43, 181.45, 181.47, 181.49, 181.51—329

40 TAC §§181.11-181.17—331

40 TAC §181.491—332

40 TAC §§181.551, 181.553, 181.557, 181.559, 181.561—334

40 TAC §§181.690, 181.692, 181.694, 181.696, 181.698, 181.700, 181.702, 181.704—357

40 TAC §181.810—357

40 TAC §181.860—357

40 TAC §181.918—357

Part X. Texas Employment Commission

40 TAC §§303.1-303.8—206

TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation

43 TAC §25.81—71

Part III. Texas Department of Aviation

43 TAC §§63.1, 63.2, 63.6, 63.7, 63.11, 63.12, 63.17, 63.21-63.30—334

43 TAC §63.2—335





*Ulrika
Ytterholm*

Name: Ulrika Ytterholm

Grade: 12

School: Richardson High, Richardson

The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in Chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

Appointments Made January 12, 1990

To be a member of the **Texas Diabetes Council** for a term to expire February 1, 1990: Ernest Deal, P.O. Box 2557, Houston, Texas 77252. Mr. Deal will be filling the unexpired term of Judy Hunt of Dallas who resigned.

Appointments Made January 15, 1990

To be a member of the **Finance Commission of Texas** for a term to expire February 1, 1996, To be effective February 1, 1990: David M. Laney, 4811 Kelsey, Dallas, Texas 75229. Mr. Laney is being reappointed.

To be a member of the **Finance Commission of Texas** for a term to expire February 1, 1996, effective February 1, 1990: R. Dary Stone, 5080 Spectrum Drive, Suite 1001 East, Dallas, Texas 75248. Mr. Stone is being reappointed.

To be a member of the **District II Review Committee, Board of Medical Examiners** for a term to expire January 15, 1996: Phillip Earle Williams, Jr., M.D., 8220 Walnut Hill Lane, #300, Dallas, Texas 75231. Dr. Williams is being reappointed.

To be a member of the **District I Review Committee, Board of Medical Examiners** for a term to expire January 15, 1996: William Fleming, III, M.D., 1406 Sugar Creek Boulevard, Sugar Land, Texas 77478. Dr. Fleming is being reappointed.

To be a member of the **Statewide Health Coordinating Council** for a term to expire September 1, 1991: Delmar Shelley Hilliard, P.O. Box 881, Newton, Texas 75966. Mr. Hilliard will be replacing Stephanie Randolph Roberts of Tyler whose term expired.

To be a member of the **Council on Alzheimer's Disease and Related Disorders** for a term to expire September 1, 1991: S. T. Harris, 3428 St. John's Drive, Dallas, Texas 75205. Mr. Harris will be replacing Dr. John Raleigh Jackson of La Grange whose term expired.

Appointments Made January 18, 1990

To be presiding judge of the **Fifth Administrative Judicial Region** for a term to expire four years from the date of qualification: Darrell Hester, 3201 Clifford Drive, Harlingen, Texas 78550. Judge Hester will be replacing Judge Robert Blackmon of Corpus Christi who resigned.

To be a member of the **Product Development Advisory Board** for a term to expire February 1, 1991: David L. Dawkins, 3811 Turtle Creek Boulevard, Suite 1840, Dallas, Texas 75219. Mr. Dawkins is being appointed to a new position pursuant to House Bill 1860, 71st Legislature.

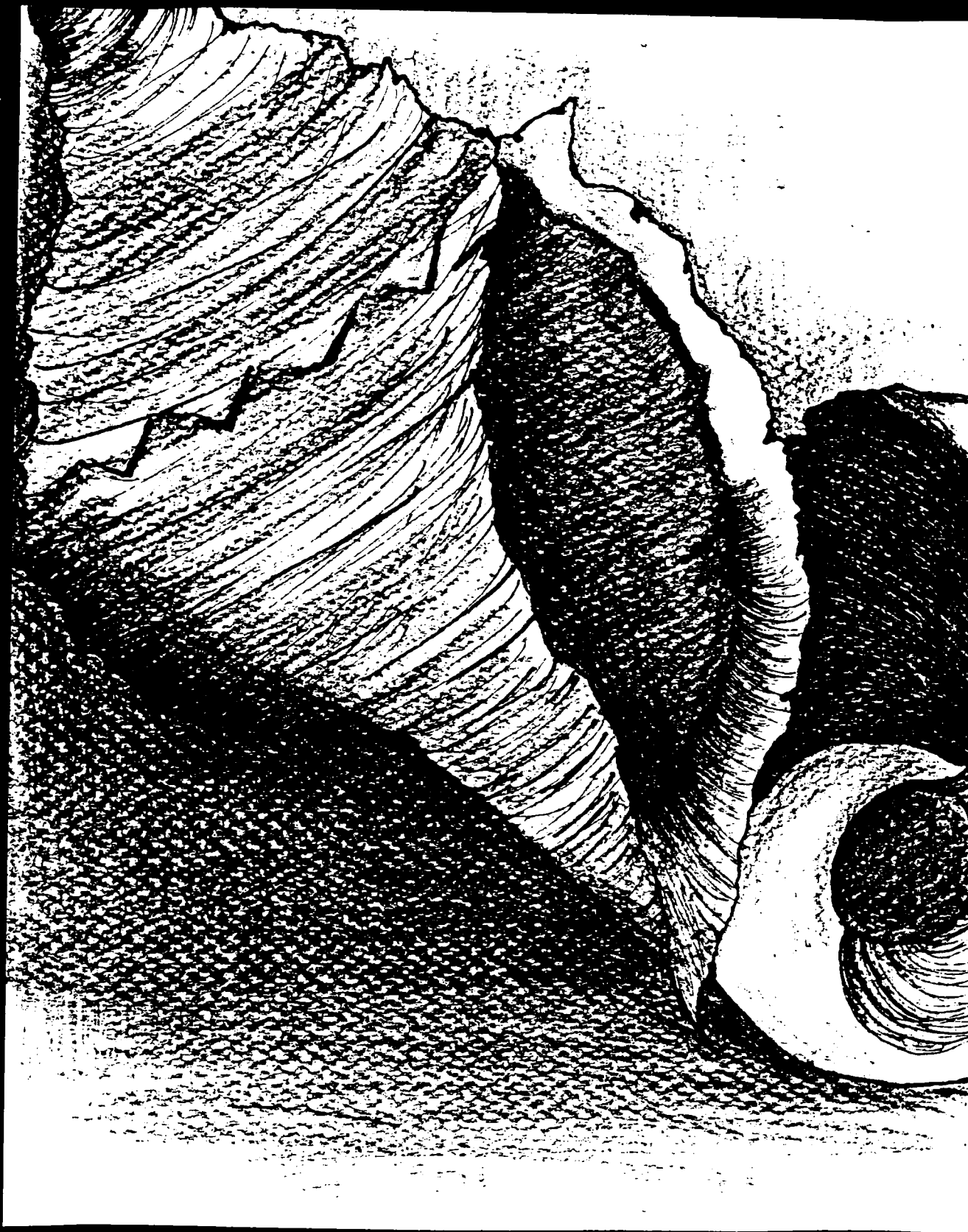
To be a member of the **Family Farm and Ranch Advisory Council** for a term to expire January 31, 1995: Dr. Alfred Parks, 5610 Cactus Forest, Houston, Texas 77088. Dr. Parks is being reappointed.

To be a member of the **Texas Structural Pest Control Board** for a term to expire February 1, 1991: Lisa Swanson Echols, Route 2, Box 159E, Breckenridge, Texas 76024. Mrs. Echols is being appointed to a new position on the board.

To be district attorney of **Angela County, 159th and 217th Judicial Districts** until the next general election and until his successor shall be duly elected and qualified: Clyde Herrington, 3304 Bentwood, Lufkin, Texas 75901. Mr. Herrington will be replacing Gerald A. Goodwin of Lufkin who resigned.

Issued in Austin, Texas, on January 19, 1990
TRD-9000703





Name: Julie Shipp

Grade: 11

School: Richardson High, Richardson

Attorney General

Description of Attorney General submissions. Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042 and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies maybe held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record.

Opinion

JM-1135 (RQ-1886). Request from Robert Bernstein, M.D., Commissioner, Texas Department of Health, Austin, concerning construction of the Human Immunodeficiency Virus Services Act, Texas Civil Statutes, Article 4419b-4.

Summary of Opinion. The Human Immunodeficiency Virus Services Act §2.03(h), prohibits the award of a state grant to an entity or organization that advocates or promotes conduct that violates state law. Lobbying is not conduct that violates state law. The composition of an organization's membership or board is not determinative of the organization's eligibility for a grant.

TRD-9000626



Requests for Opinions

(RQ-1904). Request from Bob Bullock, Comptroller, Comptroller of Public Ac-

counts, L.B.J. State Office Building, Austin, concerning imposition of fees on motor fuels under House Bill 504, Acts, 71st Legislature, Regular Session, Chapter 1033, at 4156, et seq.

(RQ-1905). Request from William P. Hobby, Lieutenant Governor, The State of Texas Office of the Lieutenant Governor, Austin, concerning child care facilities in building owned or leased by the State of Texas.

(RQ-1906). Request from Bob McFarland, Chairman, Criminal Justice, The Senate of The State of Texas, Austin, concerning enforcement of prohibitions against absenteeism in public schools.

(RQ-1907). Request from John Whitmire, Senate, Intergovernmental Relations, The Senate of The State of Texas, Austin, concerning jurisdiction of transit officers in Harris County.

(RQ-1908). Request from Clayton T. Garrison, Executive Director, Employees Retirement System of Texas, Austin, concerning

authority of the Employees Retirement to operate a securities lending program.

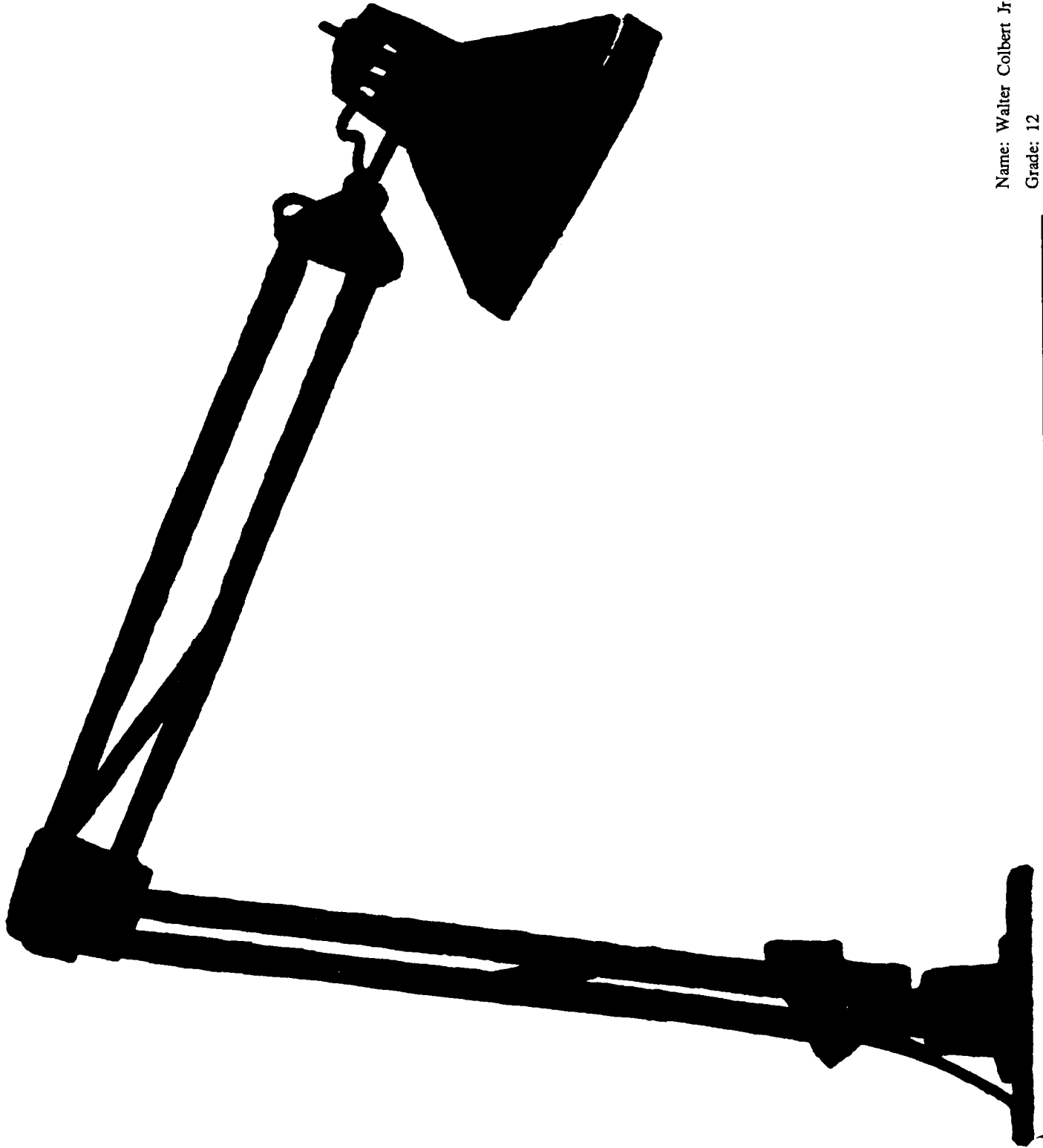
(RQ-1909). Request from Ray L. Goad, Executive Director, Commission on Fire Protection Personnel Standards and Education, Austin, concerning certification of fire protection personnel.

(RQ-1910). Request from Charles D. Travis, Executive Director, Texas Parks and Wildlife Department, Austin, concerning exemption of lessees of the General Land Office from the permitting requirements for removal of sand, shell, gravel, or marl within state tidewater limits.

(RQ-1911). Request from Charles S. Brack, Chambers County Attorney, Anahuac, concerning authority of a county to donate money, property, or services to a particular non-profit corporation.

TRD-9000627





Name: Walter Colbert Jr.

Grade: 12

School: Richardson High, 1

son

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 17. Marketing Division

Livestock Export Facilities
• 4 TAC §17.31

The Texas Department of Agriculture (the department) adopts on an emergency basis an amendment to §17.31, concerning the operation of livestock export facilities.

The current fee structure for use of the department's livestock export facilities has one fee for both slaughter and breeding cattle. The handling of slaughter cattle requires less labor than that of breeding cattle, and justifies the establishment of a separate category of slaughter cattle, to be handled at a lower cost. The increase in volume of slaughter cattle movement at this time of the year, necessitates immediate action so that owners of slaughter cattle, and in turn the general public, may benefit from the reduction in handling costs for this season. In addition, new fee requirements from the Mexican government for slaughter sheep and goats necessitates the immediate reduction of the per head

fee for slaughter sheep and goats, from the current fee of \$.30 per head to \$.25 per head. Finally, the per head fee for breeding cattle, calves, horses, and mules is currently \$2.00 per head and the per head fee for breeding sheep, goats, and hogs held for 24-hours or less is the same as the charge for each 24-hour period held thereafter. The need to bring these fees in proportion to relative size, and value of livestock held and in proportion to other existing fees for each additional 24-hour period held and the necessity for immediate action to ensure that proportionate fees are recovered this season, justifies the increase of the per head fee for breeding cattle, calves, horses, and mules and the increase in fees for breeding sheep, goats, and hogs held for longer than 24 hours.

The emergency amendment establishes a new category for Texas slaughter cattle with a per head handling fee of \$1.50 for the first 24-hour period, or fraction thereof, held and \$1.50 per head fee for each 24 hours held thereafter; decreases the per head fee for slaughter sheep and goats from \$.30 to \$.25; increases the per head fee for breeding cattle calves, horses, and mules kept in large pens from \$2.00 to \$2.50 for the first 24 hours held, or fraction thereof; increases the per head fee for breeding sheep and goats held in large pens from \$1.00 to \$1.75 for each additional 24 hours held; and increases the per head

fee for breeding hogs held in large pens from \$1.50 to \$2.25 for each additional 24 hours held.

The amendment is adopted on an emergency basis under the Texas Agriculture Code, §146.021, which provides the department with the authority to receive and hold for processing animals transported in international trade, and establish and collect reasonable fees for such holding and other expenses; and Texas Civil Statutes, Article 6252-13a, §5, which provides for the adoption of administrative rules on an emergency basis without notice and comment.

§17.31. Operation of Livestock Facilities.

- (a) (No change.)
- (b) Procedures.
 - (1)-(4) (No change.)
 - (5) The following schedule of fees includes necessary water, pen space, dip or spray for external parasites when required, and necessary labor for helping in conducting and carrying out any tests requested, and feeding of livestock. Bedding, hay and feed are not included in the fee schedule as follows:

For cattle, calves, horses and mules

	First 24 hrs. or fraction thereof.	Each 24 hrs. thereafter.
Size of pens	per head	per head
Large pens	\$ <u>2.50</u> [2.00]	\$4.00
Stalls	\$10.00	\$10.00

For sheep and goats

	First 24 hrs. or fraction thereof.	Each 24 hrs. thereafter.
Size or pens	per head	per head
Large pens	\$ 1.00	\$ 1.75 [1.00]
Stalls	\$10.00	\$10.00

For hogs

	First 24 hrs. or fraction thereof.	Each 24 hrs. thereafter.
Size of pens	per head	per head
Large pens	\$ 1.50	\$ 2.25 [1.50]
Stalls	\$10.00	\$10.00

For slaughter sheep and goats

	First 24 hrs. or fraction thereof.	Each 24 hrs. thereafter.
Size of pens	per head	per head
Large pens	\$ <u>.25</u> [.30]	\$ <u>.25</u> [.30]

For slaughter cattle

	<u>First 24 hrs. or fraction thereof.</u>	<u>Each 24 hours thereafter.</u>
<u>Size of pens</u>	<u>per head</u>	<u>per head</u>
<u>Large pens</u>	<u>\$1.50</u>	<u>\$1.50</u>

Air Shipments

(Houston)

Type of Animal	First 24 hrs. or fraction thereof head	Each additional 24 hrs. per head
Cattle, horses and mules	\$5.00	\$5.00
Sheep, hogs and goats	\$2.50	\$2.50

Stalls are available for animals if required. The cost of stalls is \$20.00 per head for the first 24 hours or fraction thereof and \$20.00 per head for each additional 24 hours. Stall prices apply to any type of animal.

* Unloading and documentation verification charge - \$10.00 per trailer load, to be paid by party delivering animals.

* No charges for suckling calves when accompanied by their dams.

** Senate Bill 1009, section 3 of the General Special Laws passed by the 62nd Legislature, 1971, states that livestock or other animals left by their owners in such facilities for longer than 30 calendar days may be sold at public auction to satisfy any unpaid fees or other indebtedness to the State of Texas and private suppliers.

(6)-(9) (No change.)

Issued in Austin, Texas, on January 18, 1990.

TRD-9000693

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: January 18, 1990

Expiration date: May 8, 1990

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



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 334. Underground and Aboveground Storage Tanks

Subchapter H. Interim Reimbursement Program

• 31 TAC §§334.501-334.521

The Texas Water Commission adopts on a emergency basis new §§334.501-334. 521, concerning the implementation of an underground and aboveground storage tank clean-up reimbursement program.

It is the position of the commission that the release of petroleum products from underground and aboveground storage tanks into waters in the state and into associated soils

directly impacts the public health, safety, and welfare. The commission finds that the number of reported releases is increasing. Due to an immediate need to effect and promote the remediation of these releases, the commission finds that an urgent need exists to adopt these new sections on a emergency basis.

New Subchapter H, establishes a reimbursement program for responsible party remediation. It applies to those eligible owners and operators of petroleum storage tanks who have performed remedial activities on sites on or after May 31, 1989, but who commenced or will commence remedial activities on or before the effective date of the final rules which will succeed these rules. Section 334. 501, concerning applicability of this subchapter addresses the applicability of this subchapter. Applications for reimbursement filed under this subchapter must be filed on or before December 31, 1990, pursuant to §334.503 concerning time to file application-interim period. Petroleum storage tanks are those which contain "petroleum products," as those terms are defined in §334.521 concerning Subchapter H, definitions.

Section 334.502, concerning general conditions and limitations regarding reimbursement—interim period, explains that in order for corrective action to be considered for reimbursement if it must be performed in response to a release which penetrates beyond the excavation zone of a tank and is confirmed by the executive director unless the corrective action was required by rule or act of the Texas Water Commission. The term "release" is defined at 31 Texas Administrative Code (TAC), §334.2 concerning definitions and includes the term "spill," also defined in §334.2. Pursuant to §334.502 of these rules, reimbursement will not be made for \$10,000 of otherwise allowable costs, nor will reimbursement be made for corrective action costs which exceed \$1 million per occurrence. This section also lists other limitations on the payment of monies under this subchapter.

Since reimbursement under this subchapter is limited to set amount per occurrence, how an occurrence is defined is a significant issue. Section 334.511 concerning determining the number of occurrences—interim period, provides for a determination on the number of cases to be based on when the releases at a facility are discovered, whether the contamination at different locations can be remediated separately, and whether the determination on the number of occurrences results in the efficient use of the petroleum storage tank remediation fund and effective protection for health and the environment.

Section 334.508, concerning allowable costs—interim period, lists the general types of expenses which may be considered for reimbursement under this subchapter and which types of expenses will not be considered for reimbursement. Costs which are allowable are not limited in all cases to costs of corrective action performed at the facility where the release occurs, however all corrective action must be performed in response to a release of petroleum products from a petroleum storage tank owned or operated by the eligible owner or operator making a claim for reimbursement. All costs must be reasonable and necessary. Section 334.509, concerning reasonable costs—interim period describes what criteria shall be used to determine the reasonableness of costs.

Who may file an application under this subchapter and what information may be required of the applicant for reimbursement are addressed in §§334.504, 334.505, 334.506, and 334.507 concerning who may file application—interim period; where and how documents must be filed—interim period; form and contents of application—interim period; and technical information required—interim period.

Section 334.510 concerning requirements for eligibility—interim period lists the requirements for an owner or an operator of a petroleum storage tank to be eligible to receive reimbursement under this subchapter.

Review of an application for reimbursement by the executive director, payment of claims, protests by the applicant on the amount approved for payment by the executive director, and the procedures for resolving payment disputes are addressed in §§334.512, 334.513, 334.514, 334.516, and 334.517 concerning review of application by executive director—interim period; executive director's fund payment report—interim period; protest of

fund payment report—interim period; mediation of dispute—interim period; formal petition—interim period; and hearing by commission—interim period.

The continuing responsibilities and enforcement liabilities of the owner and operator of underground and aboveground storage tanks notwithstanding the reimbursement program created in this subchapter are outlined in §334.519 and §334.520 concerning administrative penalties and other actions—interim period; and responsibilities of owners and operators—interim period. The authority of the commission to seek recovery of costs where money is expended for corrective action is addressed in §334.518 concerning recovery of costs—interim period.

The new sections are adopted on an emergency basis in response to House Bill 1588, 71st Legislature, 1989, which amended Senate Bill 779, 70th Legislature, 1987 (Texas Water Code, §§26.341, et seq.). Senate Bill 779 created a regulatory program for underground storage tanks. House Bill 1588 created a groundwater protection clean-up program which applies to underground and aboveground tanks containing petroleum products. House Bill 1588 provides for a commission-sponsored remediation of sites and reimbursement of responsible parties who clean up sites on their own initiative.

§334.501. Applicability of this Subchapter.

(a) Deadline for commencing corrective action. This subchapter applies only under the following conditions:

(1) the release or releases which necessitated the corrective action were reported to the executive director on or before the effective date of the permanent rules adopted to succeed this interim subchapter;

(2) the release is confirmed by the executive director, either before or after the effective date of the permanent rules adopted to succeed this interim subchapter;

(3) the site is assigned a release incident identification number by the executive director, either before or after the effective date of the permanent rules adopted to succeed this interim subchapter; and

(4) initial release abatement, an assessment, or remediation has begun at the site on or before the effective date of the permanent rules adopted to succeed this interim subchapter.

(b) Expenses considered for payment—time frame in which corrective action performed. Subject to the other requirements of this subchapter, the expenses which may be considered for payment from the petroleum storage tank remediation fund are limited to expenses of corrective action which was performed for the owner or operator on or after May 31, 1989.

(c) Expenses for work performed prior to May 31, 1989. Subject to the other requirements of this subchapter, expenses for corrective action performed prior to May 31, 1989, may qualify toward the \$10,000 of corrective action which the ap-

plicant is required to pay under §334.502(b)(1) of this title (relating to General Conditions and Limitations Regarding Reimbursement—Interim Period). Expenses for corrective action performed prior to May 31, 1989, are not subject to reimbursement.

(d) Underground and aboveground storage tanks which contain petroleum products. This subchapter applies only to those underground and aboveground storage tanks which contain petroleum products, as defined in §334.521 of this title (relating to Subchapter H Definitions).

(e) Reimbursement or payment from the petroleum storage tank remediation fund. This subchapter shall not be construed to authorize reimbursement or payment from the petroleum storage tank remediation fund in situations other than those described in subsection (a) of this section.

(f) An owner or operator of a petroleum storage tank who does not qualify as an eligible owner or operator under this subchapter. An owner or operator of a petroleum storage tank who is not subject to this subchapter or who does not qualify as an eligible owner or operator under this subchapter is not automatically precluded from qualifying under any other rules which the commission may adopt to implement House Bill 1588, however:

(1) any person seeking reimbursement or assistance under this subchapter must meet the requirements of this subchapter; and

(2) any person seeking reimbursement or assistance under any other rules which the commission may adopt must meet the requirements of those rules.

(g) Eligible owners or operators of a petroleum storage tank. For purposes of this subchapter only, the following persons may be eligible owners or operators, provided that they meet the other criteria prescribed by this subchapter:

(1) the current owner or operator; and

(2) any past owner or operator who, in response to a release, performed corrective action on or after May 31, 1989.

§334.502. General Conditions and Limitations Regarding Reimbursement—Interim Period.

(a) In order to be considered for reimbursement under this subchapter, corrective action must be performed either as provided in subsection (b) of this section or in response to a release which:

(1) results in contamination which penetrates beyond the excavation zone of the tank system and which is above background levels; and

(2) is ultimately confirmed by

the executive director.

(b) Subsection (a)(1) and (2) of this section does not apply if the corrective action is specifically required by a section of this chapter, an order of the commission, or a written request or confirmation by the executive director on or after May 31, 1989.

(c) No payments shall be made by the commission under this subchapter for:

(1) \$10,000 of corrective action costs per occurrence, which the executive director may apportion in the case of multiple claimants as provided in §334.513(f) of this title (relating to Executive Director's Fund Payment Report—Initial Period);

(2) any expenses for corrective action which exceed \$1 million dollars per occurrence; or

(3) any expenses relating to compensation for bodily injury or property damage.

(d) No expenses for which reimbursement is claimed under this subchapter and no expenses which are to be applied to the \$10,000 of corrective action described in subsection (b)(1) of this section shall be subject to reimbursement or applied to the \$10,000 unless the following conditions have been met:

(1) an application for reimbursement must be filed by the owner or operator of a petroleum storage tank or his duly authorized representative, as required by §334.504 of this title (relating to Who May File Application—Interim Period);

(2) the application has been filed within the time prescribed in §334.503 of this title (relating to Time to File Application—Interim Period);

(3) the owner or operator seeking reimbursement must be an eligible owner or operator, as defined in §334.2 and §334.514 of this title (relating to Definitions and Requirements for Eligibility—Interim Period);

(4) the expenses for which reimbursement is sought, and those which are to be applied to the \$10,000 of corrective action described in subsection (b)(1) of this section must be allowable costs, as defined in §334.508 of this title (relating to Allowable Costs—Interim Period);

(5) the allowable costs for which reimbursement is sought and those which are to be applied to the \$10,000 of corrective action described in subsection (b)(1) of this section must be reasonable, as defined in §334.509 of this title (relating to Reasonable Costs—Interim Period); and

(6) an application for reimbursement has been filed in accordance with this subchapter which contains the information required by this subchapter.

(e) All claims for assistance and reimbursement filed under this subchapter are

subject to the availability of funds in the petroleum storage tank remediation fund.

(f) Nothing in this subchapter shall affect the liability or responsibility of an owner or operator of an underground or aboveground storage tank to take corrective action in response to a release pursuant to applicable law.

(g) Nothing in these rules shall be construed to create an entitlement to monies in the petroleum storage tank remediation fund or any other fund, and the commission reserves the right to amend or repeal any and all provisions of this subchapter, including without limitation, provisions regarding eligibility and allowable costs.

§334.503. Time to File Application—Interim Period.

(a) An application for reimbursement under this subchapter must be filed on or before December 31, 1990.

(b) No expenses are allowable for reimbursement under this subchapter unless an initial application for reimbursement is filed on or before December 31, 1990.

§334.504. Who May File Application—Interim Period. Only the following persons may file an Application for Reimbursement under this subchapter:

(1) the owner of the petroleum storage tanks from which a release has occurred and for which partial or completed corrective action has been performed, or his duly authorized agent;

(2) the operator of the petroleum storage tanks from which a release has occurred and for which partial or completed corrective action has been performed, or his duly authorized agent; or

(3) an owner or operator ordered by the commission on or after May 31, 1989, to assess the nature and extent of contamination in cases where no release is discovered, or the duly authorized agent of such owner or operator.

§334.505. Where and How Documents Must be Filed—Interim Period.

(a) Any application for reimbursement or claim for payment filed pursuant to this subchapter shall be filed as follows:

(1) the original application plus any fees and registration information required pursuant to §334.510(a) of this title (relating to Requirements for Eligibility—Interim Period) submitted to: Texas Water Commission P.O. Box 13087, Austin, Texas 78711-3087, ATTN: Petroleum Storage Tank Claims; and

(2) one copy submitted to the Texas Water Commission District Office for the district where the tanks covered by the application are located.

(b) All documents to be filed under this subchapter shall be filed with the executive director using one of the following:

(1) certified mail, return receipt requested;

(2) express mail or other overnight delivery service, return receipt requested;

(3) hand delivered to the appropriate offices; or

(4) any other method approved by the executive director.

(c) The date of filing of any document required to be filed with the executive director under this subchapter shall be the date postmarked on the return receipt in the case of mailing or courier services, and the receipt date stamped on the document by the executive director in the case of hand delivery.

(d) The date of filing documents with the chief clerk or the commission on protested claims for payment shall be controlled by Chapters 261, 263, 265, 267, 269, and 273 of this title (relating to Introductory Provisions; General Rules; Procedures Before Public Hearing; Procedures During Public Hearing; Procedures After Public Hearing Before a Hearings Examiner; Procedures After Public Hearing Before the Full Commission; and Procedures After Final Decision), to the extent applicable.

§334.506. Form and Contents of Application—Interim Period.

(a) An application for reimbursement filed pursuant to this subchapter shall be on a form approved or provided by the executive director.

(b) The application shall contain the following:

(1) the name, address, and telephone number of the applicant;

(2) the name, address, and telephone number of:

(A) each owner and operator of the tanks;

(B) the facility owner; and

(C) the owner of the land on which the tank system is located;

(3) the address and zip code of the facility where the release occurred;

(4) the location of the facility at which the corrective action was performed or is to be performed, identified with sufficient clarity and detail to enable a person unfamiliar with the site to locate it and reach it by automobile;

(5) any information required by the executive director under §334.507 of

this title (relating to Technical Information Required-Interim Period), if not already submitted to the executive director;

(6) legible copies of invoices, providing a description of:

- (A) any work performed;
- (B) who performed the work;
- (C) where the work was performed;
- (D) the dates the work was performed;
- (E) the unit cost; and
- (F) the total amount due or paid;

(7) evidence that the amounts shown on the invoices for which reimbursement is requested have been paid in full by the claimant. The evidence must be accompanied by either:

- (A) business receipts, indicating payments received;
- (B) canceled checks;
- (C) the certification of a certified public accountant that the expenses for which reimbursement is requested have been paid in full; or
- (D) an affidavit signed by the person who performed the corrective action, affirming that the amounts which the applicant represents as being paid to him were paid in full;

(8) an estimate of the costs, if any, of corrective action which has not yet been completed, but for which reimbursement ultimately may be claimed. This estimate may be used for planning purposes only and will not be binding on the owner or operator for the purposes of payments from the petroleum storage tank remediation fund; and

(9) any other information which the executive director may reasonably require.

(c) Provided the application is filed on or before December 31, 1990, the applicant may file the application at any phase of corrective action. Payment will only be made at the following payment times:

- (1) after the completion of a phase; or
- (2) at points during the corrective action process agreed to by the executive director and the applicant.

(d) The applicant must update his application with any information not yet submitted to the executive director before processing or payment of claims at any stage begins.

(e) For purposes of this subchapter, the following are the phases of corrective action:

- (1) initial abatement measures and emergency actions phase;
- (2) preliminary site assessment phase;
- (3) comprehensive site assessment and remediation planning phase;
- (4) remediation phase; and
- (5) post-remediation phase.

§334.507. Technical Information Required-Interim Period.

(a) The following information may be required by the executive director as part of any application for reimbursement under this subchapter:

- (1) any information which the executive director may require pursuant to subchapter D of this chapter, (relating to Corrective Action);
- (2) a detailed account of what corrective action has been taken, why specific actions were taken, when, by whom, and with what results; and
- (3) an estimate of which other corrective action measures may be required to remediate the facility and the estimated time required to complete such measures.

(b) The executive director may require the applicant to supplement information already submitted or return the application without prejudice if the information is not sufficient to review the application.

§334.508. Allowable Costs-Interim Period.

(a) Only those costs which are allowable costs pursuant to the terms of this section shall be subject to reimbursement under this subchapter.

(b) Allowable costs are those costs and expenses which arise directly from the performance of necessary corrective action in accordance with the requirements of the commission, subject to the limitations prescribed by this section.

(c) Allowable costs shall include, but not be limited to, the following:

- (1) abatement of impacts and immediate threats of impact to human health, safety, and the environment, including measures necessary to prevent further releases and to identify and mitigate all fire, explosion, and human exposure hazards associated with a release;
- (2) removal of free product;

(3) temporary provision of an alternate water supply, provided that in order to be allowable, any water supplied on or after January 17, 1990, must be approved in advance by the commission or must be supplied in response to a written directive from the executive director issued before January 17, 1990. The commission may determine the length of time during which the cost of water supply will be allowable, the amounts of water which may be allowable, the uses for which water supply may be allowable, and other conditions of approval;

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

(5) emplacement of observation and monitor wells;

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

(7) removal, disposal, and replacement (including transport) of soils and pavement where removal is necessary to the performance of corrective action;

(8) tank system integrity testing in accordance with the methods prescribed by this chapter when such testing:

(A) is necessary to the performance of corrective action;

(B) has been specifically requested by the executive director on or after May 31, 1989; or

(C) has been specifically ordered by the commission on or after May 31, 1989;

(9) identification and testing of affected or potentially affected drinking water sources;

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

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

(12) removal, transport, and disposal of the components of the underground or aboveground tank, excluding associated piping, pumps, and dispensers, in accordance with applicable law when specifically required by the executive director;

(13) permanent abandonment in place of a tank system where abandonment in place rather than tank system removal is deemed by the executive director to be necessary to avoid destruction of substantial or significant surface improvements;

(14) temporary relocation of

rate and distinct corrective action plans, each distinct area within the facility will be considered as a separate occurrence, subject to subsection (d) of this section.

(d) In any situation, releases at a facility may be considered either as single or separate occurrences when doing either would:

(1) make the most efficient use of the petroleum storage tank remediation fund; or

(2) provide the most effective protection to the environment or best provide for public health and safety.

§334.512. Review of Application by Executive Director—Interim Period.

(a) An application for reimbursement or supplemented application filed under this subchapter shall be subject to review by the executive director:

(1) to determine if the information which is required to be submitted under this subchapter has been filed with the executive director; and

(2) to examine the substance of the application, including without limitation:

(A) the cost effectiveness and fiscal merits of the corrective action taken at the facility; and

(B) the technical merits of the corrective action taken at the facility;

(b) An application which does not contain all the information required by this subchapter may be returned by the executive director without prejudice. Return of the application by the executive director without prejudice does not prevent the applicant from filing another application for the same occurrence any time on or before December 31, 1990.

(c) The executive director is not required to commence the substantive review of an application until he has received all of the information required by this subchapter from the applicant necessary to review all information required to review a claim for which payment is sought.

(d) If, during the course of the substantive review, the executive director finds that additional information of the type required by this subchapter is needed to evaluate the application, he may require the applicant to provide such additional information. Further review of the application may be postponed until such information is received by the executive director.

§334.513. Executive Director's Fund Payment Report—Initial Period.

(a) Upon completion of the review of an application, the executive director

shall prepare a fund payment report, indicating which of the applicant's claims the executive director believes should be reimbursed and which claims should not be reimbursed. If the executive director finds that any claim should not be paid or not paid to the full amount claimed, he shall briefly state the reasons in his report. The executive director shall submit a copy of his report to the applicant.

(b) The applicant shall review the fund payment report and shall file a written response with the executive director within 45 days of receipt of the report. The response shall be on a form provided or approved by the executive director. The applicant may consent or object to all or any part of the report. If the executive director has not received a response from the applicant within 45 days from the date on which the applicant received the report, the following shall occur:

(1) all claims approved for reimbursement in the fund payment report shall be eligible for payment;

(2) any claim addressed in the fund payment report shall be deemed satisfied in full; and

(3) the applicant will have waived his right to object to any item addressed in the fund payment report.

(c) Any item recommended for payment in the fund payment report to which the applicant objects shall not be eligible for payment until the executive director and the applicant agree on an amount for payment or until the commission orders payment in a prescribed amount, whichever occurs first.

(d) Any item recommended for payment in the fund payment report to which the applicant consents by filing a timely response to the fund payment report shall be eligible for reimbursement when the executive director receives the applicant's consent form. The consent of the applicant to any item recommended for payment shall mean that any claim covered by that item is considered satisfied in full.

(e) The executive director may in his discretion pay claims which he has approved for payment by sending payment with the fund payment report.

(f) In cases where there are two or more applicants filing claims for one occurrence, the executive director may make an equitable appointment of the \$10,000 required to be provided by the owner or operator under §334.502 (b)(1) of this title (relating to General Conditions and Limitations Regarding Reimbursement—Interim Period).

§334.514. Protest of Fund Payment Report—Interim Period.

(a) If he disagrees with any conclusion in the fund payment report, the ap-

plicant may file a protest with the executive director within 45 days of the date on which he receives the fund payment report.

(b) The protest must be in writing and signed by the applicant. It must contain a brief description of each point or conclusion in the fund payment report to which the applicant objects. The protest must be sent by United States mail postage paid, return receipt requested.

§334.515. Mediation of Dispute—Interim Period.

(a) The applicant and the staff of the executive director shall attempt to resolve any disputes over the fund payment informally. If no resolution is reached by the staff and the applicant within 45 days of the date on which the executive director receives a protest, the applicant may request mediation by the executive director.

(b) Within 30 days of receiving a request for mediation, the executive director or his designee shall meet with or contact the applicant to review his complaint and to hear responses of the staff. After hearing the matter, the executive director or his designee shall render a written decision on the dispute and forward a copy of his decision to the applicant.

§334.516. Formal Petition—Interim Period.

(a) If he is aggrieved by the decision of the executive director or his designee rendered under §334.515 of this title (relating to Mediation of Dispute—Interim Period), the applicant may file a petition with the commission, requesting relief.

(b) The petition must be filed with the chief clerk, and a copy shall be sent to the executive director no later than 30 days after the date on which the applicant receives the executive director's decision.

(c) The petition must contain:

(1) the name and address of the applicant;

(2) the address of the facility in question and the executive director's project identification number, if any; and

(3) a clear statement of each item which the applicant disputes on the executive director's fund payment report and of any other complaint the applicant has relating to the claim.

§334.517. Hearing by the Commission—Interim Period. Following receipt of a petition, the commission shall conduct a hearing on the petition. To the extent applicable, the proceedings before, during, and after the hearing shall be governed by Chapters 261, 263, 265, 267, 269, and 273 of this title (relating to Introductory Provisions; General Rules; Procedures Before Public Hearing; Procedures During Public Hearing; Procedures After Public Hearing

utility structures when necessary to the performance of corrective action;

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

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

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

(18) performance of any corrective action measure which is specifically required by a section of this chapter, an order of the commission, or a written request or confirmation of the executive director on or after May 31, 1989; and

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

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

(1) the cost of replacement, repair, and maintenance of affected tanks and associated piping;

(2) the cost of upgrading existing affected tanks and associated piping, including, but not limited to, the costs of corrosion protection, release detection, spill and overflow protection, or any other upgrading required by Subchapter C of this chapter (relating to Technical Standards);

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

(4) decreased property values;

(5) bodily injury or property damage;

(6) attorney's fees;

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

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

(9) costs associated with contamination assessments performed for any purpose where no release of petroleum is discovered, except when the contamination assessment has been ordered by the commission;

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

(11) costs of corrective action taken in response to the release of a substance which is not a petroleum product as defined in §334.2 of this title (relating to Definitions);

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

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

(e) No costs other than costs of abating the release from the petroleum storage tank system and the costs of removal, transport, and disposal of the petroleum storage tank, excluding associated piping, pumps, and dispensers, are allowable in situations where:

(1) a release of a petroleum product from a petroleum storage tank occurs near the location of a release of any other substance other than used crankcase oil from a motor vehicle; and

(2) the contamination from the substance which is a petroleum product could not reasonably be remediated under a separate and distinct corrective action plan from the substance which is not a petroleum product.

§334.509. Reasonable Costs—Interim Period.

(a) For purposes of this subchapter, reasonable cost means that amount or range which is commensurate with the level of corrective action necessary to assess and remediate a site, as determined by the executive director, based on an evaluation of technical effectiveness and cost effectiveness as well as typical costs expected for the particular corrective action under review, with respect to the necessary or required scope and complexity of the action.

(b) No cost is reasonable unless it is also an allowable cost pursuant to §334.508 of this title (relating to Allowable Costs—Interim Period).

§334.510. Requirements for Eligibility—Interim Period.

(a) In order for a person to be an eligible owner or operator under this subchapter:

(1) he or she must be an owner or an operator of a petroleum storage tank as defined in §334.2 of this title (relating to Definitions) which is subject to the requirements of subchapter D of this chapter (relating to Release Reporting and Corrective Action);

(2) all tanks which he or she owns or operates and which are required to

be registered pursuant to §334.7 or §334.123 of this title (relating to Registration) must be registered with the executive director on or before the date on which the application for reimbursement is filed except for those tanks which the owner or operator, upon reasonable inquiry, could not have known existed;

(3) all annual facility fees due since September 1, 1987, pursuant to §334.21 and §334.124 of this title (relating to Fee Assessment and Aboveground Storage Tank Fees) for all tanks which he or she owns or operates must be paid to the executive director, except for those tanks which the owner or operator, upon reasonable inquiry, could not have known existed; and

(4) any release on which claim under this subchapter is based must be reported to and confirmed by the executive director.

(b) Satisfaction of the eligibility criteria set forth in subsection (a) of this section shall constitute compliance for purposes of the Texas Water Code, §26.357(b)(2) for the purposes of this subchapter.

(c) The executive director may determine other persons to be eligible owners or operators in accordance with the standards of the Texas Water Code, §26.3571.

(d) Compliance with the Texas Water Code, Chapter 26, Subchapter I for the purposes of determining eligibility under this subchapter and the Texas Water Code, §26.3571 does not mean that an eligible owner or operator has not violated a statute or a rule or order of the commission. Eligibility of an owner or operator under this subchapter does not preclude the issuance of an enforcement order or the assessment of administrative penalties against an eligible owner or operator.

§334.511. Determining the Number of Occurrences—Initial Period.

(a) All releases at a facility which are discovered before or during the following phases of corrective action will be considered part of one release, subject to subsection (d) of this section:

(1) the initial abatement measures and emergency action phase; and

(2) preliminary site assessment phase.

(b) Releases discovered at a facility after the preliminary site assessment and remediation planning phase will be considered as separate occurrences from the releases detected earlier at the facility, subject to subsection (d) of this section.

(c) Regardless of when discovered, if the contamination within a facility is located in two or more areas and remediation of any area could be performed under sepa-

Before a Hearings Examiner; Procedures After Public Hearing Before the Full Commission; and Procedures After Final Decision).

§334.518. Recovery of Costs—Interim Period. The commission may initiate proceedings against any owner or operator of a petroleum storage tank for recovery of costs, as provided by the Texas Water Code, §26.355.

§334.519. Administrative Penalties and Other Actions—Initial Period. Nothing in this subchapter precludes the commission from issuing orders, assessing administrative penalties, or taking any other action permitted by law against any person for violation of any statute, any rule of the commission, or any order of the commission.

§334.520. Responsibilities of Owners and Operators—Interim Period.

(a) Nothing in this subchapter changes the responsibilities of an owner or operator of an underground or aboveground storage tank to respond to a release of regulated substances or to comply with any other requirements of statutes or the rules or orders of the commission.

(b) The owner and operator are obligated to pursue whatever actions are necessary to minimize any immediate impacts of threats to human health and safety and

the environment and to stabilize the conditions caused by the release. When financially unable to pursue immediate abatement actions, the owner or operator is obligated to notify the executive director immediately.

(c) No person shall knowingly submit false information to the executive director as part of any materials required to be submitted under this subchapter.

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

Aboveground storage tank—A non-vehicular device with a capacity of more than 1,100 gallons, and all connecting piping both above- and below-ground, that is made of non-earthen materials; located on or above the surface of the ground or on or above the surface of the floor of a structure below ground, such as a mineworking basement, or vault; and designed to contain an accumulation of petroleum.

Eligible operator—The operator of a petroleum storage tank who meets the eligibility requirements prescribed in §334.510 of this title (relating to Requirements for Eligibility—Interim Period).

Eligible owner—The owner of a petroleum storage tank who meets the eligibility requirements prescribed in §334.510 of this title relating to Requirements for Eligibility—Interim Period).

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

Petroleum storage tank—

(A) any one or combination of aboveground storage tanks and all connecting piping that contain petroleum products and that are regulated by the commission; or

(B) any one or combination of underground storage tanks and any connecting underground pipes that contain petroleum products and that are regulated by the commission.

Issued in Austin, Texas, on January 19, 1990.

TRD-9000732

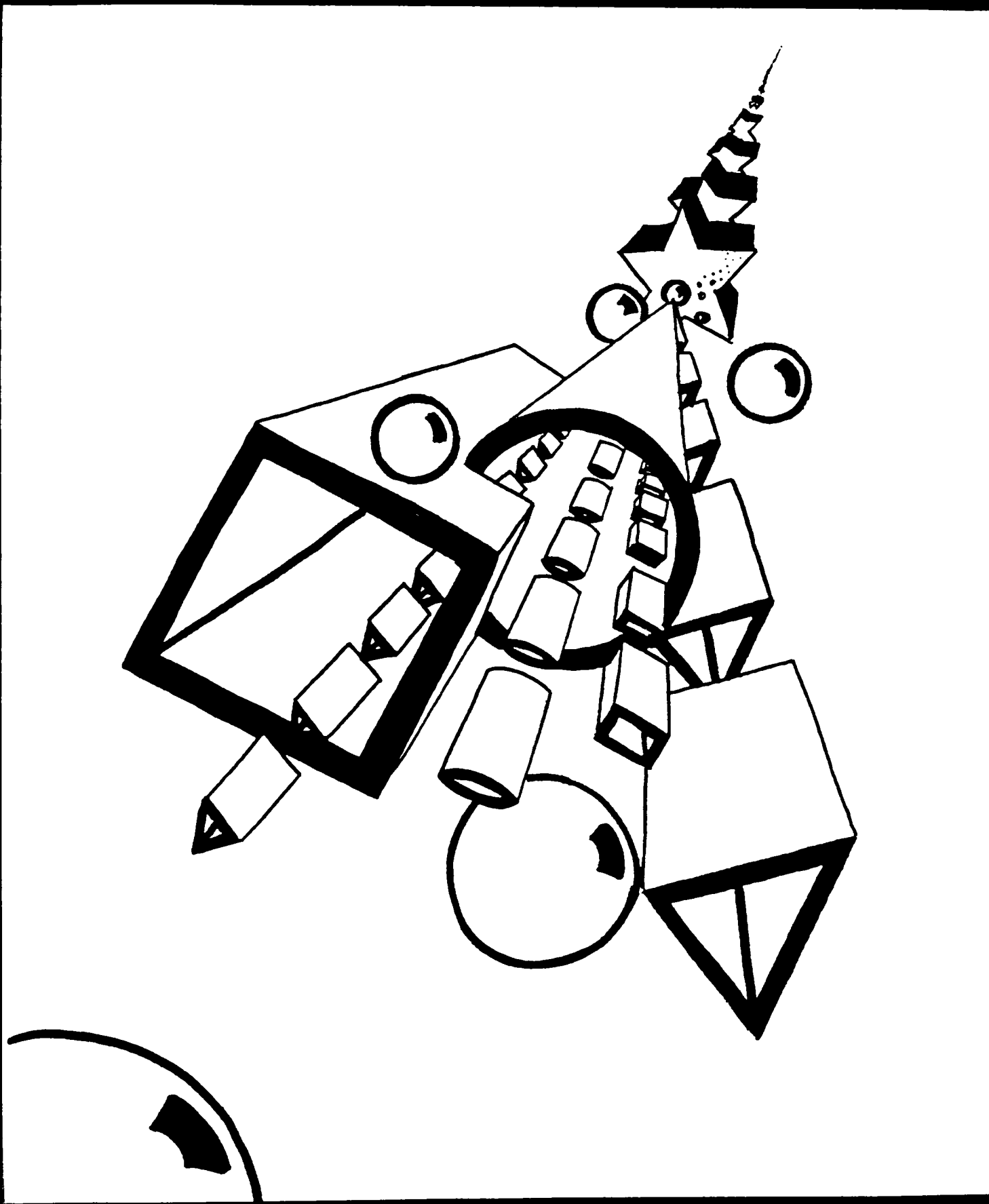
Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: January 22, 1990

Expiration date: May 22, 1990

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

◆ ◆ ◆



Name: Walter Colbert Jr.

Grade: 12

School: Richardson High, Richardson

The Texas Department of Banking proposes new §11.64, concerning retention periods for commercial bank records. The Texas Banking Code provides that the Finance Commission of Texas may promulgate general rules and regulations to provide for the preservation of the books and records of banks, and to permit the destruction or other disposition of such books and records after the same are no longer of any value. The new section sets forth a schedule for retention of records listing the types of records which must be retained and the required retention period for each type of record.

Ann Graham, general counsel, 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. Graham, 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 revise the retention periods for the preservation of the books and records of banks, and to permit the destruction or other disposition of such books and records after the same are no longer of any value in order to improve efficiency and reduce costs. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Ann Graham, General Counsel, has determined that the proposed new section will have no local employment impact.

Comments on the proposal may be submitted to Ann Graham, General Counsel, Texas De-

partment of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705-4294.

The new section is proposed under Texas Civil Statutes, Article 342-113(3), which provide the Finance Commission with the authority to adopt regulations to provide for the preservation of the books and records of state and private banks during such time as said books and records are of value, and to permit the destruction or disposition of such books and records after the same are no longer of any value.

§11.64. Commercial Bank Record. The following schedule sets forth the types of records which must be retained and the required retention period for each type of record:

<u>Type of Record</u>	<u>Retention Period</u>
ACCOUNTING AND AUDITING	
Accrual records (prepaid and payables)	3 years
Asset/liability management records	3 years
Audit reports (internal and external)	4 years
Audit work papers (internal)	3 years
Bills paid and invoices	7 years
Budget reports	1 year
Call reports	Permanent
Charged off asset records	5 years after maturity
Charitable contribution records	7 years
Currency transaction reports	5 years
Depreciation records (after life of asset)	3 years
Directors' reports	3 years*
Escheat records: property report to State Treasurer	10 years
Executive committee reports	3 years*
FDIC assessment base records	5 years
General ledger tickets (debits and credits)	5 years
General ledger transaction journal	5 years
Overdraft Reports	5 years
Reserve requirement computations (FR2900)	2 years
Statement of Condition, including income statement	
Daily	2 years
Annual	Permanent
Taxes - Federal	
a. Corporate income tax returns	4 years after later of due date or date tax paid
b. Federal unemployment tax returns (Form 940)	4 years after later of due date or date tax paid
c. IRS Information Returns (e.g. 1098, 1099, etc.)	4 years

- d. Nonresident alien withholding tax, Form 1042, 1042s 4 years
- e. Refund claims, disallowed and paid 4 years after later of due date or date tax paid

* Provided, however, if reports are exhibits, supplements or complimentary minutes, then retain permanently in accordance with Directors' minutes rules.

- f. Social Security and withholding tax returns (Form 941) 4 years after later of due date or date tax paid

Taxes - State

- a. Ad valorem tax 4 years after later of due date or date tax paid
- b. Franchise tax 4 years after later of due date or date tax paid
- c. Sales and use tax 4 years after later of due date or date tax paid
- d. Unemployment tax returns 4 years after later of due date or date tax paid

ADMINISTRATIVE

- Attachments and/or garnishments 4 years after close
 - Note: Suggest that legal documents, copies of returns and correspondence be filed, after case is closed, with general correspondence
- Bank examiners' reports Permanent
- Branch/CBCT applications Permanent
- Community Reinvestment Act compliance records 2 years
- Contracts and Leases 4 years after termination
- Correspondence - general Optional
- Court case records 4 years after close
- Insurance agency activities Permanent
- Insurance records
 - a. Bankers blanket bond and Directors and Officers insurance 6 years after expiration

b. All other policies including casualty, Texas multi peril, liability policies, workers compensation, etc.	3 years after expiration
Registered mail (incoming and outgoing records and return receipt cards)	3 years
Regulatory actions (e.g. correspondence, agreements, reports and rulings)	Permanent

CERTIFICATES OF DEPOSIT

Certificates	7 years after paid
Change of address records	1 year
Copy of certificate	As long as CD is active
Interest checks	5 years
Interest check log	1 year
Reconcilement to general ledger	3 years
Safekeeping receipts	3 years after close
Signature cards	5 years after close
Taxpayer identification number certification (W-9)	5 years after close
Transaction journal	4 years
Trial Balance	4 years
IRA/SEPP records:	
Form 1099R	7 years
Form 5305A	5 years after close
Form 5498 or substitute document	7 years
W-2 P	7 years
Year-end statement	7 years

COLLECTIONS

Collection letters/receipts (incoming and outgoing)	2 years
Collection register	3 years
Collection note records	2 years after close
Coupon cash letters (outgoing)	6 months
List of cash items (outstanding)	1 year
Savings bond records	3 years

CORPORATE RECORDS

Annual reports to shareholders	Permanent
Capital stock certificates, records and stubs	Permanent
Capital stock ledger	Permanent
Capital stock transfer register	Permanent
Corporate bylaws	Permanent
Corporate charter	Permanent

Dividend:	
a. Checks	6 years
b. Dividend register	6 years
c. Nominee's information return (1099 DIV)	7 years
d. Taxpayer identification number certification (W-9)	5 years after close
Minute books of meetings (stockholders, directors, etc.)	Permanent
Proxy material	10 years
Receipts for stock certificates	Permanent
Record of bank's executive officers and principal shareholders indebtedness to correspondent banks (Form FFIEC 004)	3 years
Record of loans to executive officers, directors, and principal shareholders (Form FFIEC 003)	3 years
Statement of beneficial ownership	Permanent
Statement of changes in beneficial ownership	Permanent
Statement of interest (outside business interests of directors, executive officers and principal shareholders)	3 years
Stockholder list	Permanent

DEPOSIT ACCOUNTS

Account analysis records	Optional
Change of address records	1 year
Checks paid and other debits	5 years
Corporate resolutions	5 years after close
Deposit tickets/credit items	5 years
Hold statement receipt log	2 years after transaction
Letters testamentary/administration/guardianship	5 years after close of estate
Overdraft trial balance	5 years
Power of Attorney	5 years after close
Regulation CC: evidence of compliance	3 years
Reconcilement to general ledger	3 years
Return item records	5 years
Signature cards	5 years after close
Small estate affidavit	5 years after close
Statements	5 years
Stop payment orders	5 years
TT&L records	2 years
Taxpayer identification number certification (W-9)	5 years after close
Transaction journal	4 years
Trial balance	4 years
Undelivered statements and cancelled checks	5 years
Unposted item records (including stop payments, holds, and NSF checks)	5 years

INVESTMENTS

Bond amortization records	3 years
Bond appraisals	3 years
Bond ledger and portfolio	5 years
Brokers' confirmations	3 years
Brokers' invoices	3 years
Brokers' statements	3 years
Correspondence	3 years
Credit information used to evaluate public and investment securities	3 years
Descriptive literature on securities	3 years
Discount brokerage account records	3 years
Liquidity reports	3 years
Lost or stolen securities (Form X-17-1A)	3 years
Municipal securities dealer arrangement (FDIC Form MSD-4 and MSD-5)	3 years after employment termination
Public fund contract	4 years after close
Safekeeping records and receipts	4 years
Securities transactions	3 years
Taxpayer identification number certification (W-9)	5 years after close

LOANS

Applications, approved	5 years after paid
Applications, rejected	25 months
Change of address records	1 year
Charged off notes and other obligations	5 years after close
Commitment letters	5 years after paid
Collateral records (e.g. security agreements, pledge, hypothecation, UCC-1, UCC-3, corporate resolutions, deeds of trust, regulation U forms, etc.)	5 years after paid
Consumer leases	2 years after disclosure
Credit files (including F/S, credit reports, etc.)	5 years after close
Evidence of Compliance with federal laws:	
a. Fair Credit reporting	25 months
b. Home Loan data for monitoring purposes	25 months
c. Home Mortgage Disclosure Act	5 years
d. Real Estate Settlement and Procedures Act compliance (good faith estimate, HUD-1)	2 years

e. Regulation Z: Evidence of Compliance	2 years after disclosure
f. Flood certificate/insurance on collateral	until paid
g. FHA banks statements	5 years
h. Community Reinvestment Act	2 years
Federal Reserve Form G-3	3 years
Federal Reserve Form T-4	3 years
Insurance records on collateral	1 year after expiration or cancellation
Loan Agreement	5 years after paid
Loan Committee Minutes	6 years
Note	5 years after paid
Notice of Adverse Action	25 months
Overdraft loan agreement	5 years after close
Payment history record	5 years after paid
Repossession log and records	4 years after activity
Statement of Purpose (loans over \$10,000)	5 years after paid
Student loan records	5 years after paid
Transaction Journal	4 years
Trial balance	4 years
OFFICIAL CHECKS AND DRAFTS	
All official checks-copy	until paid
Cashiers checks paid	5 years
Certified check records	5 years after paid
Draft records	5 years after paid
Expense check records	5 years after paid
Money order records (bank's or personal)	5 years after paid
Stop payment records	5 years
Travelers check records	5 years after paid

PERSONNEL

Affirmative action plan	Permanent
Annual welfare and pension plan	5 years
Applications and resumes	3 years after termination
a. Approved	Optional, suggest 25 months
b. Rejected	3 years
Attendance records	3 years
COBRA reports	1 year after termination
Group insurance	3 years
Immigration reports (I-9)	3 years
Payroll records/time records	Permanent
Pension plan records	6 years after termination
Personnel file	3 years
Salary ledger	3 years
Salary receipts	
Note: retain final receipt in personnel folder	
Tax reports (Forms 940, 941 and state unemployment)	4 years
Wage and tax records (W-2, W-3 and W-4)	5 years

PROOF, CLEARINGS AND TRANSIT

Balancing forms	2 years
Clearinghouse settlement sheets	6 months
Deposit corrections	6 months
Inclearing tapes and listings	6 months
Outclearings (cash letter), tapes and listings	2 years
Proof machine tapes	2 years

SAFE DEPOSIT

Access records	4 years
Copies of rent receipts	2 years
Inventory of box contents	2 years after close
Leases or contracts	4 years after close
Signature cards	5 years after close
Wills of deceased tenant	2 years

SECURITY

Evidence of compliance with standards for installation of security devices (Reg. P)	2 years
Management certification of compliance with Bank Protection Act	3 years

TELLERS

Bank by mail envelopes	6 months
Cash reconciliation to general ledger	3 years
Night depository agreements	4 years after close
Night depository envelopes	6 months
Night depository log	2 years
Teller's cash tickets	5 years
Teller's difference/outage records	2 years
Teller's individual balancing sheets	2 years
Teller's machine tapes	2 years
Vault records	1 year

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 January 15, 1990.

TRD-9000595 Ann Graham
 General Counsel
 Texas Department of
 Banking

Earliest possible date of adoption: February 26, 1990

For further information, please call: (512) 479-1200



• 7 TAC §11.65

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

The Texas Department of Banking proposes the repeal of §11.65, concerning retention periods for trust department records. The new schedule for retention periods will be enacted simultaneously with the repeal of this section and will have the section number 11.65.

Ann Graham, general counsel, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Ms. Graham also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the abolishment of an outdated record retention schedule to enable a new schedule to be enacted. There will no effect on small businesses as a result of enforcing the repeal. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Ann Graham, General Counsel, has determined that the proposed repeal will have no local employment impact.

Comments on the proposal may be submitted to Ann Graham, General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705-4294.

The repeal is proposed under Texas Civil Statutes, Article 342-113(3), which provide the Finance Commission with the authority to adopt regulations to provide for the preservation of the books and records of state and private banks including trust department records during such time as said books and records are of value, and to permit the destruction or disposition of such books and records after the same are no longer of any value.

§11.65. Trust Department Records.

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 January 15, 1990.

TRD-9000598 Ann Graham
 General Counsel
 Texas Department of
 Banking

Earliest possible date of adoption: February 26, 1990

For further information, please call: (512) 479-1200



The Texas Department of Banking proposes new §11.65, concerning retention periods for trust department records. The Texas Banking Code provides that the Finance Commission of Texas may promulgate general rules and regulations to provide for the preservation of the books and records of trust departments, and to permit the destruction or other disposition of such books and records after the same are no longer of any value. The new section sets forth a schedule for retention of records listing the types of records which must be retained and the required retention period for each type of record.

Ann Graham, general counsel, 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. Graham 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 revision

of retention periods for the preservation of the books and records of trust departments, and to permit the destruction or other disposition of such books and records after the same are no longer of any value in order to improve efficiency and reduce costs. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Ann Graham, General Counsel, has determined that the proposed new section will have no local employment impact.

Comments on the proposal may be submitted to Ann Graham, General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705-4294.

The new section is proposed under Texas Civil Statutes, Article 342-113(3), which provide the Finance Commission with the au-

thority to adopt regulations to provide for the preservation of the books and records of trust departments during such time as said books and records are of value, and to permit the destruction or disposition of such books and records after the same are no longer of any value.

§11.65. Trust Department Records. The following schedule sets forth the types of records which must be retained and the required retention period for each type of record:

FILES

Files retention period begins with account termination date—nonessential material destroyed at account closing

AGREEMENTS

Agency
Trust
Court
Wills

Permanent
Permanent
Permanent
Permanent

AUTHORIZATIONS

Directives

Permanent

APPRAISALS

Real property
Personal property

10 years
10 years

CORRESPONDENCE

Trust

7 years; then
microfilm

Decedent's Personal Records

Deliver or
distribute where
appropriate and
obtain receipt,
otherwise destroy
1 year after
closing

Fees

7 years

MISCELLANEOUS

Trust

7 years; then
microfilm

Others

3 years

Paid Bills & advices of payment

3 years

Pending

Destroy at
closing

Receipt of assets delivered after closing

7 years

Legal Opinions

Permanent

PURCHASE AND SALE

Broker confirmations

7 years

Broker statements

7 years

Real Estate & Mortgage Documents

10 years

Investment Review

Permanent

STATEMENTS

Final Statement of Account

Permanent

Historical Activity Statements

Permanent

Other

Destroy at
account closing

TAX FILES

Ad Valorem Tax Returns

2 years; then
microfilm

Estate Tax Return

15 years; then
microfilm

Federal and State Tax Returns

10 years; then
microfilm

Intangible Tax Returns

2 years; then
microfilm

Social Security Returns

5 years; then
microfilm

PERSONAL TRUST ACCOUNT RECORDS

Accounting Ledgers	Permanent
Asset Listings (computer)	Permanent
Asset Pricing Lists	2 years
Cash Listing (computer)	Permanent
Cash & Asset Detail per Account	Permanent
Check registers	1 year
Check Requisition	1 year
Checks	Permanent
Check Vouchers (Probate accounts)	6 years after account closing
Claims and Research	7 years
Common Trust Fund Valuations	Permanent
Comptroller Reports	Permanent
Daily Department Balance Control Sheets	7 years
Daily Statement of Department	1 year
Escheat Reports	Permanent
Fee Ledgers	Destroy at account closing
Fee Schedules	3 years
Fee Outstanding	7 years
Income Receipt Listing (Dividends, interest, mortgages & loans, rentals, mineral income)	3 years
Nominee Records	3 years
Posting tickets	3 years
Overdraft list	3 years
Pledge Reports	7 years
Suspense Reports	7 years

CORPORATE TRUSTS

Agreement	Permanent
Amortization Schedules	Destroy at maturity
Cancelled Stock Certificates	7 years; then return to company
Cancelled Bonds and Coupons	Return to issuing corporation or destroy retaining receipt at account closing
Change of Address	2 years
Correspondence	3 years
Coupon Envelopes	1 year
Coupon Ledgers	Permanent
Dividend Check Tapes	4 months
Dividend Record Cards	7 months after closing
Dividend and Registered Bond Interest Checks	7 years
Dividend and Interest Listing	1 year
Form 1099, 1096	3 years after filing

Journals	Permanent
Signature Files	Until termination of account
Stock Transfer Receipts	Permanent
Stockholders Ledgers	Permanent
Stockholders Listing	3 years
Stock Transfer Instruction	7 years
Supporting Papers to Transfers	7 years
Surety Bonds	7 years then deliver to company - to be retained permanently
Transfer Sheets	Permanent

GENERAL DEPARTMENT RECORDS

Accountings of Prior Fiduciaries	Permanent
Account Reviews	7 years after closing; then destroy
Audit Reports	7 years
Buy and Sell Orders	7 years
General Correspondence	3 years
Inventory of and Safe Deposit Box Release	5 years
Minute Books, Trust Committee and Trust Investment Committee, etc.	Permanent
Notes, mortgages, contracts	Return to customer when paid in full
Oil Run Statements	3 years
Original Trust Entries (daily debits and credits and multiple forms)	7 years
Registered Mail Report	3 years
Safekeeping Receipts (cancelled)	7 years
Safekeeping Inventory	7 years
Tickler Cards	Destroy at account closing or 1 year after retiring from active file
Vault Withdrawal and Deposit Tickets	7 years
Wall Street Journal	2 years

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 January 15, 1990.

TRD-9000596 Ann Graham
General Counsel
Texas Department of
Banking

Earliest possible date of adoption: February 26, 1990

For further information, please call: (512) 479-1200

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 116. Control of Air Pollution by Permits for New Construction or Modification

• 31 TAC §§116.1, 116.3, 116.6

The Texas Air Control Board (TACB) proposes amendments to §116.1, 116.3, and 116.6, concerning permit requirements; consideration for granting permits to construct and operate; and exempted facilities. The amendments add a requirement for some permit applications to be submitted under seal of a registered professional engineer, add a distance limit for new lead smelters, and add a new qualification for exemption eligibility.

Specifically, a new subsection is being added to §116.1 to require that any application for permit or permit amendment with an estimated capital cost over \$2 million be submitted under seal of a professional engineer. The Texas Engineering Practice Act, Article 3271a, Texas Civil Statutes, requires state agencies, such as the TACB, to accept engineering documents only if prepared by registered engineers and sealed by the engineer. Many of the plans, specifications, and related documents submitted with TACB permit applications contain engineering calculations and designs, particularly with projects involving high capital costs. The staff has discussed this requirement with the Texas State Board of Registration for Professional Engineers and the two agencies have determined that TACB permit applications for projects above \$2 million in capital costs should be submitted under an engineer's seal. Historically, the TACB staff has found that nearly all projects above that level will contain engineering work while many below will not. The staff has concluded that the \$2 million level cut-point will avoid additional costs to smaller applicants which do not employ engineers, will not result in new staffing requirements or paperwork burdens for the TACB staff, will satisfy the requirements of the Texas Engineering Practice Act, and will further the purposes of the Texas Clean Air Act (TCAA) by helping to assure high quality engineering

work on TACB permit applications. However, public comment is solicited on the appropriateness of the proposed cut-point level.

Section 116.3(a)(1) is being reformatted with subparagraphs to add a distance limit for lead smelters in response to a requirement of the TCAA. The Texas Legislature in 1987 amended the TCAA, §3.27, by adding subsection (k) (now §382.053) which prohibits the permitting of most new lead smelters at a site within 3,000 feet of any residence. This provision is being added to §116.3(a) (1) as a new subparagraph (B) to better inform permit applicants of the statutory requirement.

A new paragraph (5) is being added to §116.6(a) to prohibit the owner or operator of a proposed facility from circumventing permit requirements, including those for public notification and comment, by appearing eligible for an exemption through artificially and/or temporarily low emissions. The paragraph is intended to prevent the owner/operator from claiming an exemption for a facility proposed after the effective date of the section which ultimately would need full permit review, including public notification and comment.

James C. Myers, P.E., director of the Enforcement Program, has determined that for the first five-year period the proposed section are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Myers also has determined that for each year of the first five years that the sections are in effect the public benefit anticipated as a result of enforcing the sections will be in the form of high quality permit applications containing professional engineering work, a clearer understanding by the regulated community of the siting restrictions for lead smelters, and the increased assurance that public notification and public comment will be provided for each proposed facility subject to those requirements under the TACB permitting rules. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic costs to persons who are required to comply with the sections as proposed.

A public hearing on this proposal is scheduled for 10 a.m. on February 27, 1990, in the auditorium of the Texas Air Control Board located at 6330 U. S. Highway 290 East, Austin. Copies of the proposed rule changes are available from Barry Irwin at the TACB central office and at all TACB regional offices. Public comment, both oral and written, on the proposal is invited at the hearing. The TACB would appreciate receiving five copies of any written testimony prior to or at the hearing. Written testimony received by 4 p.m. on February 27 at the TACB central office will be included in the hearing record and should be sent to the Control Strategy Division, Texas Air Control Board, 6330 U. S. Highway 290 East, Austin, Texas 78723.

The amendments are proposed under the TCAA, §382.017(a), which provides the TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§116.1. Permit Requirements.

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

(c) All applications for permit or permit amendment with an estimated capital cost of the project above \$2 million shall be submitted under seal of a registered professional engineer. For purposes of this subsection, the estimated capital cost is defined in §116.11(b) of this title, (relating to Permit Fees).

§116.3. Consideration for Granting Permits to Construct and Operate.

(a) Permit to construct. In order to be granted a permit to construct, the owner or operator of the proposed facility shall submit information to the Texas Air Control Board (TACB) which will demonstrate that all of the following are met.

(1) The emissions from the proposed facility will comply with all rules and regulations of the TACB and with the intent of the Texas Clean Air Act, including protection of the health and physical property of the people.

(A) In considering the issuance of a permit for construction or modification of any facility within 3,000 feet or less of an elementary, junior high, or senior high school, the TACB shall consider any possible adverse short-term or long-term side effects that an air contaminant or nuisance odor from the facility may have on the individuals attending these school facilities.

(B) Pursuant to the Texas Clean Air Act, §382.053, a permit to construct shall not be issued for a new lead smelting plant at a site located within 3,000 feet of the residence of any individual and at which lead smelting operations have not been conducted before August 31, 1987. This subparagraph does not apply to a modification of a lead smelting plant in operation on or before August 31, 1987, to a new lead smelting plant or modification of a plant with the capacity to produce not more than 200 pounds of lead per hour, or to a lead smelting plant that was located more than 3,000 feet from the nearest residence when the plant began operations. In this subparagraph, the term "lead smelting plant" means a facility operated as a smeltery for the processing of lead.

(2)-(14) (No change.)

(b)-(f) (No change.)

§116.6. Exempted Facilities.

(a) Pursuant to the Texas Clean Air Act (TCAA), §3.27(a), the facilities or types of facilities listed in the standard exemption list, dated August 11, 1989, as filed in the Secretary of State's Office and herein adopted by reference, are exempt from the permit requirements of the TCAA, §3.27

and §3.28, because such facilities will not make a significant contribution of air contaminants to the atmosphere; provided, however, that:

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

(5) No person shall circumvent by artificial limitations the requirements

of §116.1 of this title (relating to Permit Requirements).

(b)-(c) (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 January 17, 1990.

TRD-9000624

Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: May 11, 1990

For further information, please call: (512) 451-5711, ext. 354

◆ ◆ ◆

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 16. ECONOMIC REGULATION

Part IV. Texas Department of Licensing and Regulation

Chapter 75. Air Conditioning and Refrigeration Contractor License Law

- 16 TAC §75.20

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §75.20, submitted by the Texas Department of Licensing and Regulation has been automatically withdrawn, effective January 19, 1990. The amendment as proposed appeared in the July 18, 1989 issue of the *Texas Register* (14 TexReg 3453).

TRD-9000783

TITLE 19. EDUCATION

Part II. Texas Education Agency

Chapter 89. Adaptations for Special Populations

Subchapter J. Migrant Education Program

- 19 TAC §89.334

The Texas Education Agency has withdrawn the emergency effectiveness of amendment

to §89.334, concerning the adaptations for special populations. The text of the emergency amendment §89.334 appeared in the October 31, 1989, issue of the *Texas Register* (14 TexReg 5768). The effective date of this withdrawal is February 12, 1990.

Issued in Austin, Texas, on January 22, 1990.

TRD-9000743 Criss Cloudt McCuller
Director for Planning
Coordination
Texas Education Agency

Effective date: February 12, 1990

For further information, please call: (512) 463-9701

Chapter 161. Advisory Groups

- 19 TAC §161.2

The Texas Education Agency has withdrawn the emergency effectiveness of amendment to §161.2, concerning the advisory groups. The text of the emergency amendment §161.2 appeared in the October 31, 1989, issue of the *Texas Register* (14 TexReg 5772). The effective date of this withdrawal is February 12, 1990.

Issued in Austin, Texas, on January 22, 1990.

TRD-9000749 Criss Cloudt McCuller
Director for Planning
Coordination
Texas Education Agency

Effective date: February 12, 1990

For further information, please call: (512) 463-9701

TITLE 25. HEALTH SERVICES

Part VIII. Interagency Council on Early Childhood Intervention

Chapter 621. Early Childhood Intervention Program

Funding of the Early Childhood Intervention Program

- 25 TAC §621.24

The Interagency Council on Early Childhood Intervention has withdrawn a proposed amendment to §621.24, concerning applicant requirements. The text of the proposed amendment appeared in the July 21, 1989, issue of the *Texas Register* (14 TexReg 3506). The effective date of this withdrawal is immediately upon filing.

Issued in Austin, Texas, on January 17, 1990.

TRD-09000580 Robert A. MacLean, M.D.
Deputy Commissioner for
Professional Services
Texas Department of
Health

Effective date: January 17, 1990

For further information, please call (512) 458-7271



Name: Liz Stewart

Grade: 11

School: Richardson High, Richardson

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 7. BANKING AND SECURITIES

Part I. State Finance Commission

Chapter 3. Banking Section

Subchapter E. Banking House and Other Facilities

• 7 TAC §3.91

The Finance Commission of Texas adopts an amendment to §3.91, without changes to the proposed text as published in the October 6, 1989, issue of the *Texas Register* (14 TexReg 5303).

The amendment to §3.91 is made to provide for administrative hearings on all branch applications and to provide for appeals directly to district court in Travis County.

The amended section will require that a hearing be scheduled for each branch application filed. If there are no protests filed against the application within 14 days after notice by publication, the applicant can request and the commissioner may grant a waiver of the hearing. If a hearing is held, the commissioner shall determine the scope of the hearing and may limit the hearing to issues considered material to the commissioner. The section also sets out which standards must be met in granting approval for branch applications.

Only one comment was received on the amendment to the section. The commenter generally favored adoption of the amendment. However, the commenter stated that the new standards for approving branch applications would place substantively different requirements on state banks as compared to national banks and would possibly place state banks at a competitively disadvantaged position.

Commenting in favor of the amendment was the Independent Bankers Association of Texas.

The department disagrees with this commenter that the standards contained in the amendment are substantively different from the standards for national bank branch applicants. For out-of-county branch applications, national banks are required to follow the same standards that state chartered savings and loans follow. Those standards are substantially the same as contained in the amendment to this section.

The amendment is adopted under the Texas Constitution, Article 16, §16(c), and Texas Civil Statutes, Article 342-113, which provide the Finance Commission with authority to promulgate rules not inconsistent with the

Constitution and statutes of this state.

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

Issued in Austin, Texas, on January 17, 1990.

TRD-9000593

Ann Graham
General Counsel
Texas Department of
Banking

Effective date: February 7, 1990

Proposal publication date: October 6, 1989

For further information, please call: (512) 479-1200

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 75. Curriculum

Subchapter H. Promotion and Alternatives to Social Promotion

• 19 TAC §§75.191-75.193

The Texas Education Agency adopts amendments to §§75.191-75.193, without changes to the proposed text as published in the November 7, 1989, issue of the *Texas Register* (14 TexReg 5826). The amendments concern grading, promotion, and course credit. The amendments eliminate the requirement that students below second grade receive numerical scores, allow school districts to grant promotions using assessment methods other than numerical scores, and allow districts to record and report grades in accordance with the promotion standards. The amendments also require that grade reports include a statement that a parent-teacher conference is needed in cases where a student's level of achievement is below the level required for course credit or grade level advancement. The amendments are adopted pursuant to Senate Bill 40 and Senate Bill 417 of the 71st Texas Legislature.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §21.101, which authorizes the State Board of Education to designate essential elements of each subject and to require each district to provide instruction in these elements at appropriate grade levels; and the Texas Education Code, §21.721, which authorizes the State Board of Education to make rules concerning alternatives to social promotion for students who are consis-

tently unable to be promoted because of poor academic achievement.

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

Issued in Austin, Texas on January 17, 1990.

TRD-9000739

W. N. Kirby
Commissioner of Education

Effective date: February 12, 1990

Proposal publication date: November 7, 1989

For further information, please call: (512) 463-9701

Chapter 89. Adaptations for Special Populations

Subchapter J. Migrant Education Program

• 19 TAC §89.334

The Texas Education Agency adopts an amendment to §89.334, without changes to the proposed text as published in the November 7, 1989, issue of the *Texas Register* (14 TexReg 5827). The amendment concerns the membership and length of terms of the state parent advisory council for migrant education. The amendment requires that the council be comprised of 15 members, allow that there be more than one representative from the same State Board of Education district, and extend the length of terms from two to three years. The amendment also removes obsolete language and makes the length of terms consistent with the length of other advisory councils' terms.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §11.25, which authorizes the State Board of Education to authorize the appointment of official commissions composed of citizens of the state.

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

Issued in Austin, Texas on January 17, 1990.

TRD-9000740

W. N. Kirby
Commissioner of Education

Effective date: February 12, 1990

Proposal publication date: November 7, 1989

For further information, please call: (512) 463-9701

Chapter 109. Budgeting, Accounting, and Auditing

Subchapter C. Advisory Committee for Budgeting, Accounting, and Auditing

• 19 TAC §109.42

The Texas Education Agency adopts an amendment to §109.42, with changes to the proposed text as published in the November 7, 1989, issue of the *Texas Register* (14 TexReg 5828). The amendment concerns the membership of the advisory committee for budgeting, accounting, and auditing. The amendment increases the membership of the committee from nine to 15, with each State Board of Education district having one representative. Two of the new members will represent school districts of between 500 and 100,000 average daily attendance, one will be a certified public accountant actively engaged in school auditing, and three will represent users of school financial data. Users may include such personnel as Public Education Information Management System coordinators, private accounting service vendors, electronic data processing interfacers, and professional organization staff. Anticipated changes to generally accepted accounting principles and the development of automated systems will cause agency staff to need comprehensive input from outside accounting experts and users of school district financial data.

The changes involve only format; no substantive changes were made. The section is now presented in an implied subsection (a) with no subsection (b).

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §11.25, which authorizes the State Board of Education to authorize the appointment of official commissions composed of citizens of the state.

§109.42. Membership and Appointment. The Advisory Committee for Budgeting, Accounting, and Auditing shall be composed of 15 members, approved by the State Board of Education upon recommendation of the commissioner of education, allocated as follows.

(1) One member shall represent a school district with more than 100,000 average daily attendance.

(2) One member shall represent a school district with fewer than 500 average daily attendance.

(3) Five members shall represent school districts with between 500 and 100,000 average daily attendance.

(4) One member shall represent regional education service centers.

(5) One member shall be a professor of accounting from a Texas university.

(6) Three members shall be cer-

tified public accountants representing firms actively engaged in auditing of Texas public schools.

(7) Three members shall be persons that are involved with the use of Texas public school financial data.

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

Issued in Austin, Texas on January 17, 1990.

TRD-9000744

W. N. Kirby
Commissioner of Education

Effective date: February 12, 1990

Proposal publication date: November 7, 1989

For further information, please call: (512) 463-9701

Chapter 141. Teacher Certification

Subchapter J. Requirements for Issuance of Texas Certificate Based on Certificate and College Credentials from Other States

• 19 TAC §141.182

The Texas Education Agency adopts an amendment to §141.182, without changes to the proposed text as published in the November 7, 1989, issue of the *Texas Register* (14 TexReg 5828). The amendments concern the required examinations for certification of educators in Texas (ExCET). The amendment enables a school district to request authorization of a nonrenewable permit to validate the continued employment of a teacher from another state who did not pass the professional development portion of the ExCET. The nonrenewable permit can be authorized for no more than 12 months from the date the teacher first attempted that portion of the examination. The amendment is adopted pursuant to Senate Bill 417 of the 71st Texas Legislature.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning teacher certification.

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

Issued in Austin, Texas on January 17, 1990.

TRD-9000745

W. N. Kirby
Commissioner of Education

Effective date: February 12, 1990

Proposal publication date: November 7, 1989

For further information, please call: (512) 463-9701

Subchapter P. Record of Certificates

• 19 TAC §141.341

The Texas Education Agency adopts an amendment to §141.341, without changes to the proposed text as published in the November 7, 1989, issue of the *Texas Register* (14 TexReg 5829). The amendment concerns presentation of teacher certificates. The amendments delete obsolete language to comply with current statutes regarding presentation and retention of certificates. The amendments are adopted pursuant to Senate Bill 417 of the 71st Texas Legislature.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning teacher certification.

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

Issued in Austin, Texas on January 17, 1990.

TRD-9000746

W. N. Kirby
Commissioner of Education

Effective date: February 12, 1990

Proposal publication date: November 7, 1989

For further information, please call: (512) 463-9701

• 19 TAC §141.342

The Texas Education Agency adopts new §141.342, with changes to the proposed text as published in the November 7, 1989, issue of the *Texas Register* (14 TexReg 5829). The new section concerns parent notification of uncertified teachers. The new section establishes guidelines by which school districts must provide written notification to parents whose children are scheduled to receive classroom instruction without benefit of a certified teacher or person otherwise eligible for that teaching assignment, unless specifically exempted by statute. The new section is adopted pursuant to Senate Bill 417 of the 71st Texas Legislature.

The changes to the section involve subsection (a) in which language was added that clarifies exemptions and preserves existing assignment eligibility. In addition, subsection (c) was changed to extend from 10 to 30 the number of days schools have to notify parents after their child's placement in a class taught by an uncertified person.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning teacher certification.

§141.342. Required Parent Notification of Uncertified Teachers.

(a) School districts which assign a person as teacher of record to a classroom or subject area for which the teacher is not

certified or is not otherwise eligible for assignment as defined in Chapter 143, Subchapter B of this title (relating to Assignment Requirements) shall provide written notification to the parents of students taught by that teacher unless:

(1) the teacher qualifies for and the district activates or renews an appropriate permit to validate the assignment;

(2) the teacher has 24 semester hours in the subject taught; or

(3) the teacher is serving an internship under an approved alternative certification program.

(b) Written notification must be provided to parents when students are required to attend classes in an instructional arrangement for which the district has not employed a certified teacher or person otherwise eligible for the assignment as defined in subsection (a) of this section. Except for circumstances identified in subsection (c) of this section, such notice must be sent no later than 30 school days after the start of school or at any subsequent point in the school year when staffing changes result in students being placed in such classes.

(c) When the extended absence of a certified teacher, in excess of 30 consecutive school days, requires a district to assign responsibility for the continued instructional program of that teacher's students to an uncertified persons or persons, the district must provide written notification to the parents.

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

Issued in Austin, Texas on January 17, 1990.

TRD-9000747 W. N. Kirby
Commissioner of Education

Effective date: February 12, 1990

Proposal publication date: November 7, 1989

For further information, please call: (512) 463-9701

Chapter 161. Advisory Groups

• 19 TAC §161.2

The Texas Education Agency adopts an amendment to §161.2, without changes to the proposed text as published in the November 7, 1989, issue of the *Texas Register* (14 TexReg 5830). The amendment concerns procedures for appointing official advisory committees. The amendment allows the State Board of Education to authorize the commissioner of education to recommend for approval a final list of proposed advisory group members in a timeframe of less than 30 days and without the submission of three names per vacancy, not withstanding other requirements in the section. The amendment provides greater flexibility in the appointment of advisory committees designed to respond to

actions of the 71st Texas Legislature.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §11.25, which authorizes the State Board of Education to authorize the appointment of official commissions composed of citizens of the state; and §11.24, which authorizes the State Board of Education to establish rules for carrying out the duties placed on it or the Central Education Agency by the legislature.

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

Issued in Austin, Texas on January 17, 1990.

TRD-9000748 W. N. Kirby
Commissioner of Education

Effective date: February 12, 1990

Proposal publication date: November 7, 1989

For further information, please call: (512) 463-9701

TITLE 25. HEALTH SERVICES

Part VIII. Interagency Council on Early Childhood Intervention

Chapter 621. Early Childhood Intervention Program

Funding of the Early Childhood Intervention Program

• 25 TAC §621.23

The Interagency Council on Early Childhood Intervention adopts an amendment to §621.23 without changes to the proposed text as published in the July 21, 1989, issue of the *Texas Register* (14 TexReg 3506).

The amendment ensures compliance with federal requirements under Public Law 99-457. The amendment clarifies the services that must be carried out at public expense and for which no fees may be charged to parents. These functions include child find activities and activities related to conducting evaluations and assessments.

The following are comments received during the comment period and the council's response.

Two commenters expressed concern that there was a conflict between ECI requirements allowing charges for some services and Chapter 1 requirements which prohibit charging fees. The council believes that compliance with Public Law 99-457 requires action to prohibit charging fees for specific services.

Three commenters expressed concern that they would lose significant revenue if they could not charge for these services. The council recognizes that revenue will be lost as a result of this action and will utilize funding from Public Law 99-457 to assist programs.

One commenter stated that it was difficult for them to analyze the impact of the amendment without additional information. The council responded that additional information is available from the ECI Office, 1100 West 49th Street, Austin, Texas 78756.

Two commenters were concerned that they would not be able to bill insurance companies if families were not billed for services. The council acknowledges that this is a concern.

One commenter mentioned that the ECI statute and proposed federal regulations allow fees to be charged based upon a sliding scale. The council disagrees that Public Law 99-457 allows fees to be charged for these services.

One commenter stated that the Texas Legislature had encouraged the charging of fees. The council agrees, but notes that the legislative rider encourages fees only if they are not in conflict with federal regulation.

One commenter expressed concern that additional Public Law 99-457 funds would be needed to cover the lost revenue and that provisions preventing supplanting should prohibit using Public Law 99-457 funds to replace lost revenue. The council disagrees that this situation represents supplanting.

Two commenters stated that their evaluations are extensive and thorough and that they may be forced to limit the length or nature of these activities to reduce the impact of loss of revenue. The commenters were concerned that this practice would result in disappointment and dissatisfaction for families and referring physicians. The council feels that this outcome can be avoided.

One commenter requested that ECI assure replacement of assessment generated income. The council will consider the loss of revenue in funding for Fiscal Year 1991.

The amendment is adopted under the Human Resources Code, §73.003, which provides the Interagency Council on Early Childhood Intervention with the authority to establish rules, procedures, guidelines, and recommendations to implement the Early Childhood Intervention Program.

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

Issued in Austin, Texas, on January 17, 1989.

TRD-09000579 David Rollins
Chairperson
Interagency Council on
Early Childhood
Intervention

Effective date: February 7, 1990

Proposal publication date: July 21, 1989

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 101. General Rules

• 31 TAC §101.1

The Texas Air Control Board (TACB) adopts an amendment to §101.1, without changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4277).

The definitions are amended in response to House Bill 2468, enacted by the 71st Texas Legislature, which requires that the TACB initiate rulemaking concerning commercial infectious waste incinerators. Specifically, the agency added definitions of commercial infectious waste incinerator, fomites, and infectious waste.

The Administrative Procedure Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(c)(1), requires categorization of comments as being for or against a proposal. A commenter who suggested any changes in the proposal is categorized as against the proposal; a commenter who agreed with the proposal in its entirety is categorized as being for the proposal.

Seven commenters (three private citizens, the United States Environmental Protection Agency (EPA), Hardin Lawson Associates (HLA), Browning-Ferris Industries (BFI), and the Texas Department of Health (TDH)) testified against the proposed amendment. There were no commenters in favor of the proposal.

A complete summary of comments and a discussion of issues follows. Copies of the written testimony and hearing transcript are available for inspection at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723.

Seven commenters suggested changes to the definitions listed in the TACB general rules. EPA stated that the proposal is unclear regarding whether the definitions classify all pathological wastes as infectious and subject to both on-site (§111.123(a)) and off-site (§111.123(b)) restrictions. Two private citizens asserted that trench burners should be deleted from the definition of incinerator. A private citizen advocated adding industrial waste to the definition of municipal solid waste.

The staff used the definition published in the Code of Federal Regulations to define infectious waste, and believes that this definition classifies all pathological waste as infectious. Regarding the issue of trench burners, the staff notes that these burners are only approved in conjunction with land-clearing activities, such as the burning of wood and brush. The agency grants approval only if the site conditions and material to be burned will not create a nuisance. Such activities are further limited elsewhere in Regulation I (outdoor burning). Therefore, the staff does not propose to delete the provision from the definition. Adding industrial waste to the definition of municipal solid waste would not be prudent, as industrial waste is potentially more

toxic than municipal. The staff believes that a separate definition of industrial waste should be added to the general rules. However, a new public hearing must be held in order to add the definition. The staff recommends that additional hearings regarding this and other related issues be held in the near future.

It should be noted that state law requires that the TACB allow those who will be impacted by proposed changes to the agency's rules an opportunity to comment on those changes. In cases where a hearing has been held and public testimony has pointed out the need to revise a proposal, the revision cannot be made if it will impact those not previously impacted by the proposal. In the preceding example, adding definitions which had not previously been proposed would not be possible, because no one would have had a chance to comment. Similarly, later in this analysis, the staff agrees with comments that the proposed exemption should be eliminated. However, to do so without an additional hearing would adversely impact those previously exempted without giving them an opportunity to comment. On the other hand, the staff is recommending that a proposed opacity limit be lowered from 20% to 5.0%. This action can be taken without additional hearings because, while it will tighten restrictions, it will not affect any facilities which were not already affected by the previous proposal.

One private citizen proposed definitions of rubble, municipal solid waste, garbage, biomedical waste, and incinerator, while BFI and HLA suggested that the TACB use TDH's definitions relating to special waste from health care-related facilities. Finally, TDH suggested a minor change to the definition of commercial infectious waste incinerator and a new definition of medical waste. TDH also stated that the TACB should use definitions already in the Texas Health and Safety Code, Chapter 361, instead of existing definitions of rubbish, garbage, and municipal solid waste.

While the definitions submitted for rubble, municipal solid waste, garbage, biomedical waste, and incinerator have merit, the staff agrees with the contention of the TDH that the definitions should be consistent with those used by the TDH, which has major jurisdiction in this area. Similarly, the staff recommends that the definitions of commercial infectious waste incinerator and infectious waste be made consistent with the TDH definitions. However, the TDH definitions are considerably broader than those proposed, encompassing all waste generated from health care facilities. Therefore, additional hearings will need to be held in order to allow for public testimony. The staff also recommends redefining the terms rubbish, garbage, and municipal solid waste in accordance with TDH definitions. Again, this will necessitate additional public hearings, which should be held in the near future. In the meantime, the staff recommends adoption of the proposed definitions as a temporary measure to facilitate enforcement of the associated incinerator rules.

The amendment is adopted under the Texas Clean Air Act (TCAA), §382.017, which provides the TACB with the authority to make rules and regulations consistent with the policy and purposes of the TCAA.

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

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

Issued in Austin, Texas on January 17, 1990.

TRD-9000608 Allen Eli Bell
Executive Director
Texas Air Control Board

Effective date: February 7, 1990

Proposal publication date: August 25, 1989

For further information, please call: (512) 451-5711, ext. 354

Chapter 111. Control of Air Pollution From Visible Emissions and Particulate Matter

Incineration

• 31 TAC §111.121

The Texas Air Control Board (TACB), adopts the repeal of §111.121, without changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14 TexReg 4277).

The purpose of the repeal is to remove material superceded by a new undesignated head, which is adopted in concurrent action.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(c)(1), requires categorization of comments as being for or against a proposal. A commenter who suggested any changes in the proposal is categorized as against the proposal; a commenter who agreed with the proposal in its entirety is categorized as being for the proposal. No comments were received regarding adoption of the repeal.

Copies of the hearing transcript are available for inspection at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723.

The repeal is adopted under the Texas Clean Air Act (TCAA), §382.017, which provides the TACB with the authority to make rules and regulations consistent with the policy and purposes of the TCAA.

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

Issued in Austin, Texas, on January 17, 1990.

TRD-9000609 Allen Eli Bell
Executive Director
Texas Air Control Board

Effective date: February 7, 1990

Proposal publication date: August 25, 1989

For further information, please call: (512) 451-5711, Ext. 354

• 31 TAC §§111.121, 111.123, 111.125, 111.127, 111.129

The Texas Air Control Board (TACB) adopts new sections 111.121, 111.123, 111.125, 111.127, and 111.129, with changes to the proposed text as published in the August 25, 1989, issue of the *Texas Register* (14

TexReg 4278). In concurrent action, the TACB repeals existing §111.121, concerning incineration.

The new §111.121 establishes limitations on the burning of domestic or municipal solid waste in residential, commercial, hospital/pathological waste, or publicly-owned incinerators and prohibits burning of other materials. The new §111.123 establishes opacity limits, as well as emissions limits, for particulates and hydrogen chloride (HCl), as well as a combustion efficiency for carbon monoxide, for the same types of incinerators. The section also establishes separate temperature, retention time, and emissions and capacity limits for commercial infectious waste incinerators, which are defined in the section as facilities that accept for incineration infectious waste generated outside the property boundaries of the facility. The new §111.125 establishes test methods for determining compliance regarding particulate, HCl, combustion efficiency, and opacity. The new §111.127 requires facilities to install and operate continuous monitoring devices to record the waste flow to each incinerator and the oxygen content and exhaust gas temperature of the incinerator stack. The new §111.129 exempts incinerators that, based on the total weight of materials burned, burn less than five tons per day of domestic or municipal solid waste from all specified requirements with the exception of opacity limits.

The new sections were adopted in response to House Bill 2468 passed by the 71st Texas Legislature and requiring the TACB to initiate rulemaking concerning commercial infectious waste incinerators. The new sections also improve enforceability regarding single- and multiple-chamber incinerators by establishing specific requirements and defining equivalency.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(c)(1), requires categorization of comments as being for or against a proposal. A commenter who suggested any changes in the proposal is categorized as against the proposal; a commenter who agreed with the proposal in its entirety is categorized as being for the proposal.

Twenty-five commenters (nine private citizens; Southwest Medical Disposal, Inc. (SMD); Sierra Club; a state representative; Galveston County Health District (Galveston); Waste Management of North America, Inc. (WMI); Community Environmental Watch (CEW); United Neighbors Improving the Environment (UNITE); National Solid Waste Management Association (NSWMA); Browning-Ferris Industries (BFI); Moore Industrial Disposal, Inc. (Moore); Harris County Pollution Control Department (HPCPD), City of Houston (Houston); United States Environmental Protection Agency (EPA); Texas Department of Health (TDH); Houston Sierra Club (HSC); and Galveston/Houston Association for Smog Prevention (GHASP) questioned the proposed rules concerning incineration. There were no commenters in favor of the proposal.

A complete summary of comments and a discussion of issues follows. Copies of the written testimony and hearing transcript are available for inspection at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723.

Four commenters (two private citizens, Houston, and BFI) forwarded comments regarding single-chamber incinerators. The private citizens and Houston asserted that all single-chamber incinerators should be banned. BFI noted that since the TACB has proposed specific equivalency measures, there is no need to "dictate the type of technology."

The existing rule governing single-chamber incinerators was vague and difficult to enforce. However, with the proposed revision, the equivalency procedures are specifically enumerated, so that single-chamber incinerators have to meet the same strict conditions as multiple-chamber incinerators. Consequently, single-chamber incinerators must be equally effective in order to continue operation. Therefore, the staff does not recommend elimination of this provision. Regarding the question of "dictating" the type of technology, the staff agrees that this should not be done. The TACB's policy is to require specific emission limits, without mandating specific types of control. The staff does not recommend a change in this procedure.

Seventeen commenters (seven private citizens, a state representative, EPA, Houston, BFI, the Sierra Club, GHASP, UNITE, HSC, CEW, and WMI) raised questions about dual-chamber incinerators. UNITE stated that the TACB did not meet the mandate of House Bill 2468 because emission control technology was not specified. EPA, Houston, and BFI advocated having the same standard for off-site and on-site infectious waste incinerators. BFI noted that the rule, as proposed, might encourage more generators to incinerate on-site because the standards were less restrictive. On private citizen advocated amending the definitions of commercial incinerator and commercial infectious waste incinerator so that they would deal with the burning of infectious waste at hospitals as well as at commercial sites.

As described previously, the TACB's policy has been to require specific emission limits, without mandating specific types of control. Therefore, the staff does not propose to add specific control technology in the rule. Following further evaluation, the staff believes that requiring the same standards for off-site and on-site incinerators has merit, particularly in view of the fact that the incinerators burn the same types of materials. However, the staff needs to evaluate the economic impacts of such requirements especially for small rural hospitals, where in many cases there may be no commercial alternatives available. It appears likely that this will be the topic of additional public hearings.

A private citizen requested that the particulate level be lowered from 0.08 grain per dry standard cubic foot (gr/dscf) to 0.03 gr/dscf or less in §111.123(a)(1), and to 0.04 gr/dscf in §111.123(b)(2). EPA requested that the section state that the particulate standard is based on a correction to 7.0% oxygen in the stream. EPA also suggested that continuous monitoring of control equipment parameters and pollutant emissions be conducted at the inlet and outlet of control devices.

The staff believes that lowering the standard from the proposed 0.08 to 0.03 gr/dscf is too stringent for incinerators which do not burn infectious waste. While it is true that such incinerators can burn plastics and other materials that are potentially toxic, the relative

amount of these materials in the total waste stream is far less than commercial infectious waste facilities. Consequently, the stricter particulate standard is unnecessary. Therefore, the staff proposes to maintain the 0.08 gr/dscf standard for such facilities. The staff also believes that the proposed standard of 0.04 gr/dscf is sufficiently stringent for commercial infectious waste incinerators and that the cost of the control equipment necessary to reduce particulate emission levels from the proposed 0.04 gr/dscf to 0.03 gr/dscf is not justifiable because there would be no significant improvement in air quality. The staff will add a notation that the particulate standard is based on a correction to 7.0% oxygen. However, the staff does not believe that continuous monitoring of control equipment parameters and emissions is justifiable. The section will require temperature and oxygen monitoring. Such monitoring will verify that control equipment is functioning properly, which will in turn verify that emission standards are being met.

EPA requested that the basis for the proposed HCl limit be documented and stated that HCl monitoring should be required to verify compliance. WMI maintained that there is no equipment available which is capable of meeting a 99% control efficiency for HCl continuously.

The staff based the HCl limit on federal national emission standards for hazardous air pollutants. Furthermore, the staff is unaware of any EPA-approved HCl monitors and does not propose to add such a requirement to the rule. However, further evaluation has verified WMI's statement that the proposed HCl removal efficiency of 99% through use of a wet scrubber would be only intermittently achievable, depending on the amount of material being incinerated. Additionally, requiring 99% would result in eliminating an overall more effective type of control technology. While not capable of achieving 99% removal, use of an alternate technology such as a dry scrubber can consistently achieve a 95% removal. This equipment is also more effective in controlling particulates. The staff believes that reducing the requirement to 95% to allow the alternate control technology, which also improves particulate control at only a slight reduction from the original 99% requirement, is in the best interest of air quality. Also, in order to clarify the language, the staff is proposing to add a notation that the sampling is to be averaged over a three-hour period.

BFI asserted that carbon monoxide (CO) monitoring, rather than the proposed 99.99% removal efficiency, is a preferable method for determining complete combustion of organic compounds. Similarly, WMI asserted that continuous feed incinerators are not compatible with distraction removal efficiency testing protocol and that specifying a continuous combustion efficiency (CO:CO₂, (carbon dioxide)) or a "not to exceed" mass rate for hydrocarbon emissions would improve §111.123(b)(4). CEW and a private citizen stated that the term "principal organic constituent" is vague because it is undefined. EPA questioned whether the proposed organics control efficiency applies to ash or gas in §111.123(a) (3) and (b)(4).

The staff believes that the concerns expressed by BFI and WMI have merit. The intent of the proposal was to establish a

means of determining combustion efficiency so that emissions of organic compounds would be limited. However, upon further eval-

uation the staff agrees that it is more accurate and simple to measure CO than organic emissions and that the CO standard is more

enforceable. The staff recommends the following method for calculating combustion efficiency:

combustion efficiency shall be at least 99% on an hourly basis, computed as followed:

$$\frac{\text{CO}_2}{\text{CO}_2 + \text{CO} + \text{THCE}}$$

where CO_2 = concentration of carbon dioxide

CO = concentration of carbon monoxide

THCE = concentration of total hydrocarbon equivalents

The language in §111.123(b)(4) should also be changed to reflect a 99.9% combustion efficiency, with the same formula. This action should allay concerns regarding the vagueness of the term "principal organic constituent" as well as whether the organics control efficiency applies to ash or gas because the change to combustion efficiency works equally for solid or gaseous materials.

Four private citizens (Houston, the Sierra Club, HSC, and GHASP) advocated an opacity limit of 5.0% for all incinerators; two citizens advocated 0% opacity. UNITE, CEW, and three private citizens asserted that a two-second residence time and monitoring of the secondary chamber (§111.123(b)(1)) should be required. EPA suggested changing "one second" to "1.0 second" in §111.123(b)(4) for clarity.

Upon further evaluation, the staff agrees that the proposed capacity rate should be reduced from 20% to 5.0% in order to ensure consistent compliance with the required emissions standards. This change would also make opacity consistent with the requirements for commercial infectious waste incinerators. However, the staff does not believe a requirement of 0% opacity would be possible to achieve on a continuous basis, or necessary in order to meet proposed emission standards. The staff is not aware of any technical basis on which to require a two-second residence time for commercial infectious waste incinerators and maintains that the proposed one-second residence time will ensure that the waste will be adequately incinerated. The staff believes that adding a requirement that monitoring should take place in the secondary chamber has merit and recommends the addition of such a requirement to §111.127. Additionally, the staff proposes to change "one second" to "1.0 second," as EPA sug-

gests.

CEW and two private citizens advocated 2,000 degrees for commercial infectious waste incinerators, while another private citizen supported a requirement for 1,650-1,700 degrees in the secondary chamber of such incinerators. UNITE requested a 99.9999% destruction efficiency, if possible, as a permit requirement. CEW suggested that limits on metals and toxic organics be added and advocated emission monitoring requirements to ensure continuous compliance. WMI stated that the language in §111.123(a)(2) is inconsistent with §111.123(b)(2) because it allows non-commercial incinerators to choose between meeting a mass rate or an emission limit, while the commercial incinerators are not given that option.

The staff's research regarding incineration indicates that a 2,000 degree temperature in the combustion chamber would cause increases in the emission of nitrous oxides, because a higher temperature causes more oxidation of the nitrogen in the air. This in turn can lead to increases in visible emissions.

Additionally, the staff is unaware of any technical data that supports the need to raise temperatures above the proposed 1,800 degrees. Similarly, the staff believes that the 99.9999% destruction efficiency requested by CEW would be impossible to achieve consistently. The staff based the proposed 99.99% efficiency on the federal Toxic Substances Control Act, which lists destruction removal efficiency for specific compounds. The staff believes this standard to be sufficient to protect air quality and health. Trace levels of metals resulting from combustion are so minute that they are well below health screening levels and do not pose a health threat. As noted previously, the staff is proposing to change the language regarding organics to

deal with combustion efficiency. The staff believes that monitoring of temperature will sufficiently ensure compliance, because studies have shown the recommended temperature effectively destroys the constituents being burned. The staff believes that Ws statement about the inequity of allowing non-commercial incinerators to choose meeting either a mass rate or an emission limit has merit. We therefore propose to alter the language in §111.123(a)(2) and (b)(3) to read:

"HCl emissions greater than 1.8 kilograms (four pounds) per hour shall have a removal efficiency of 95%, averaged over a three-hour period."

A state representative, UNITE, CEW, and a private citizen advocated shortening the proposed compliance date. CEW suggested that compliance should be immediate for new facilities. However, BFI maintained that the compliance date should be extended to two years from the effective date of the regulation.

After further evaluation, the staff believes that the compliance date for commercial infectious waste incinerators can be shortened from May 31, 1991 to July 31, 1990 without significant difficulties for the facilities that are affected. This will allow facilities approximately six months after the effective date of the rule to achieve compliance with its provisions. The staff also believes that all incinerators impacted by the proposed rules should have the same amount of time to achieve compliance, and therefore recommends that the same compliance date of July 31, 1990 be established for all incinerators. The staff agrees that it is in the best interest of air quality and public health to reduce this compliance date deadline.

Seven commenters (EPA, Houston, three pri-

vate citizens, UNITE, and BFI) submitted comments regarding these proposed rules. EPA advised specifying the number of testing runs needed for particulate matter and HCl. EPA also requested that the TACB specify Method 9 and the appropriate Code of Federal Regulations citation for measuring opacity. Finally, EPA stated that the provision for allowing equivalent test methods would need to be deleted in order for the proposed rule to be approved as part of the state implementation plan.

The number of testing runs required for determining compliance is included in the EPA reference method cited in the proposed rule; therefore, the staff does not believe it is necessary or useful to add this information to the rule language. The staff agree that adding a specific reference method for measuring opacity would be useful and proposes to add such a reference to §111.125. The staff does not recommend deleting the provision allowing use of alternate testing methods with executive director approval, because we believe it to be necessary and appropriate to be able to approve minor variations and avoid time-consuming federal coordination on issues that will not adversely impact air quality. In cases where a facility proposes a substantively different alternate method, the TACB will coordinate the review with EPA.

Houston asserted that particulate matter testing should apply to incinerators which burn 1,000 pounds per hour (lbs/hr) or more of domestic or municipal solid waste. Houston also asserted that the testing requirements should apply to all infectious waste incinerators with design capacity of 100 lbs/hr or more.

The staff believes that particulate matter and other proposed testing methods should apply to all incinerators and sees no rationale for limiting them to those burning more than 1,000 lbs/hr or basing them on design capacity.

Houston recommended that the monitoring requirements should apply to all infectious waste incinerators, and temperature and oxygen content should be monitored from the secondary chamber and not from the exhaust stack. UNITE noted that the rule should apply to emission monitoring, especially since the proposed rule does not specify control technology requirements. BFI questioned the requirement for monitoring supplemental fuel flow and asserted that monitoring temperature in the secondary chamber is sufficient to determine compliance. A private citizen suggested testing when PVC plastics are burned. This citizen also noted that the TACB should provide monitoring devices and check them at differing intervals.

The proposed monitoring requirements apply to all infectious waste incinerators with no exemptions allowed. Houston's assertion that temperature should be monitored from the secondary chamber is valid, and the staff proposes to change the language to reflect this. However, monitoring oxygen from the secondary chamber is not feasible because the heat from the chamber would melt the sampling probe. Therefore, oxygen must be monitored "downstream" of the secondary chamber. This does not affect the accuracy of the measurement. The staff maintains that temperature and oxygen levels are accurately indicative of proper operation of the incinera-

tor and does not believe that emissions testing is necessary. The staff believes BFI raised a valid point regarding monitoring supplemental fuel flow, especially in light of the previous recommendation to delete the reference to organic constituents and replace it with combustion efficiency requirements. Therefore, the staff proposes to delete the reference to supplemental fuel flow in §111.127. Finally, the TACB does not have the resources to provide industry with monitoring equipment. Each facility is responsible for purchasing and installing its own monitoring equipment. Rather than checking the monitors at differing intervals, the proposed rule calls for continuous compliance monitoring and thus is more stringent than the commenter's suggestion.

Fifteen commenters (five private citizens, EPA, NSWMA, Moore, SMD, the Sierra Club, GHASP, Galveston, HSC, HCPCD, and Houston) expressed concern about the proposed exemption level. Five private citizens, EPA, HSC, NSWMA, Moore, SMD, the Sierra Club, and GHASP recommended that the exemption be deleted. Galveston and HCPCD recommended that the exemption be deleted for single-chamber incinerators. EPA requested that if the exemption is retained, the TACB clarify how the exemption would be determined, i.e., capacity, actual feed rate, batch, or continuous. Houston asserted that the exemption should apply to incinerators with a design capacity of less than 1,000 lbs/hr of domestic or municipal solid waste and that no incinerator should be exempt from monitoring temperature in the secondary chamber.

It should be noted that the proposed exemption applied only to incinerators burning municipal or domestic solid waste; it did not apply to those burning hospital/pathological or commercial infectious waste. The staff proposed the exemption for small incinerators which were unlikely to be causing adverse health or safety impacts and for which the proposed requirements would pose an economic hardship. However, because of the large number of such facilities and their proximity to the public, the staff agrees that the proposed exemption should be deleted. Nevertheless, public law requires that those impacted by this decision must have the opportunity to comment on it. Therefore, the staff plans to hold additional public hearings in the near future on a proposal containing no exemptions. In the meantime, in response to EPA's comment, the staff recommends adding a notation that the exemption is based on total weight of materials burned.

Twelve commenters (seven private citizens, the Sierra Club, GHASP, EPA, HSC, and CEW) submitted suggestions or questions about issues not enumerated in the proposed rules. Two private citizens suggested separate incineration regulations similar to those used by the State of Oklahoma. Five private citizens, GHASP, HSC, and EPA asserted that the proposal should contain recordkeeping of downtime and performance and training requirements for incinerator operators. One private citizen also cited related EPA reference material concerning training for operators of hospital waste incinerators.

A private citizen recommended that the state should certify all incinerator operators and issue fines for unsafe incinerator practices.

The staff has read with interest the information submitted regarding the State of Oklahoma's incineration guidelines, and those guidelines may be factored into future revisions. However, the staff holds that the proposed rules, particularly as revised following public comment, will be sufficiently stringent to protect air quality and health. The suggestion regarding record-keeping and training requirements appears to have merit. However, additional public hearings will need to be held before adding such requirements. It would be difficult to define "unsafe" incinerator practices, but the staff points out that such facilities are inspected by TACB investigators, and violations can be issued for improper operation. Safety of the workers at the incineration facility is governed by the federal Occupational Safety and Health Administration.

Four private citizens, the Sierra Club, HSC, and GHASP recommended adding rules for the handling, storage, and transportation/disposal of ash. A citizen recommended interlocks for radioactive materials, while another recommended banning the burning of all radioactive waste. A private citizen suggested that incinerators be licensed by the TDH and the TACB. One private citizen suggested that the TDH institute a manifest disposal ("cradle-to-grave") system for infectious waste, similar to the system in place for toxic waste.

The staff agrees that the issue of handling/disposal of incinerator ash is important; however, it falls under the jurisdiction of the TDH. Similarly, TDH is responsible for overseeing issues relating to radioactive materials and waste. Joint permitting of commercial infectious waste and municipal solid waste incinerators by the TDH and the TACB is now taking place, with the TACB evaluating the air quality impacts of the permit applications before the TDH. The TACB issues permits on all other types of incinerators. The staff agrees that a manifest disposal system may be appropriate for infectious waste. Again, however, the TACB cannot legally direct the TDH to institute such a system. A copy of the public testimony and this analysis will be forwarded to TDH for its information and consideration.

CEW and four private citizens advocated listing specific control technology in the rules, including acid gas scrubbers, filters, mandatory retrofit of abatement equipment, and flue gas cleaners.

The Texas Clean Air Act (TCAA) states that, except in the case of outdoor burning, vehicles, and certain agricultural processes, the TACB "may not specify a particular method ... type, or design ... of equipment to be used to control or abate air pollution." As a result of this mandate, the staff proposes specific standards and emissions levels which must be met, rather than the type of equipment to be installed. The end result is to limit the emission of contaminants into the ambient air; the method of how this is to be achieved is left to the facility involved. In many cases, there may be only one type of control equipment capable of meeting a prescribed standard. For instance, wet scrubbers will most likely have to be used in order to meet the proposed HCl standard. However, the staff cannot require this particular type of equipment.

Four private citizens, HSC, and the Sierra

Club asserted that the TACB should add operating and maintenance requirements, and two private citizens suggested that incinerators be inspected by the TACB. Two other private citizens recommended that stack height requirements be added. A private citizen recommended that the rules call for the elimination of metals and chlorinated plastics from waste streams.

Given the variety of types of incinerators being used throughout the state, it would not be feasible to define specific operating and maintenance requirements in the rules. However, the staff believes it would be useful to require each facility to post manufacturer's operating guidelines on or near each incinerator. Adding such a requirement would necessitate holding an additional public hearing in order to give impacted facilities an opportunity to comment on the proposal. It should be noted that incinerators have been inspected by TACB staff since the inception of the agency. The staff does not propose to add stack height requirements because incinerated materials will be adequately combusted under the new rules and will not require high stacks for additional dispersion. Similarly, the staff does not believe it necessary to require the elimination of metals and chlorinated plastics from waste streams because the proposed rules allow for the safe combustion of such materials. In addition, it would be infeasible to separate such materials from other potentially toxic/infectious wastes.

Five private citizens requested that zoning-related factors be instituted, including banning commercial infectious waste incinerators within one to 10 miles of residences or schools, disallowing the siting of future such incinerators near petro-chemical industries, other commercial infectious waste facilities, and water wells, and limiting them to five tons per day (tons/day) if near residences. Three citizens also requested that incinerators not be allowed to be "eyesores," that they be kept up-to-date, and be limited to one unit. Four citizens maintained that incinerators should not be allowed to burn at night, while another citizen suggested limiting hours of burning to 7 a.m.-6 p.m.

The TACB currently has no authority regarding land-use and zoning activities. The ability to control such activities would require legislative action. Similarly, the agency cannot regulate aesthetic qualities such as how a facility looks, although it can and does regulate odor nuisances. The agency can also require facilities to meet specified performance standards, which are updated as technology improves. Rather than limiting the number of units within a facility, the agency enforces such performance standards, as well as emission standards, to ensure protection of ambient air and public health. Finally, the staff believes that limiting the hours of burning for incinerators may be useful, especially since nighttime conditions are more conducive to air stagnation episodes than daylight hours. However, it should be reiterated that the proposed controls will severely curtail emissions from properly operating incinerators. The staff will plan, however, to evaluate the need for limiting incinerator operations between the hours of 7 a.m. to 6 p.m. and determine if such a proposal should be included in the public hearings to be held in the future. Incinerators which would be exempt from such a provision would be those

which meet the 0.04 gr/dscf standard; such incinerators have state-of-the-art control equipment and are designed to be run on a continuous basis.

Three private citizens recommended permit-related changes, including: better public hearing notification; hearings to be held within five-10 miles of the facility; shutting the facility down if it does not have or fails to obtain a permit; requiring a new permit if a new facility is added; requiring best available control technology (BACT) on facilities; public notification of the type of facility that is operating, including clearly marked signs on buildings; and standby systems for facilities in case of power loss. One citizen also suggested that the TACB perform periodic monitoring of such facilities, while another recommended that the agency levy a 1/2 cent per pound tax on commercial hospital waste to defray increased enforcement costs.

TACB notification procedures for public hearings currently exceed statutory requirements, and every effort is made to notify all affected parties. In the past, most public hearings were held in the county where the contested facility was located. However, in 1986 the staff performed a cost-benefit study and determined that it would be more cost-effective to hold the hearings in Austin. As a result, in most instances hearings are now held in Austin. However, the staff recognizes the difficulties that this may present and is certainly willing to relocate hearings when circumstances warrant. The TACB has issued permits on new sources and modifications of existing sources since 1972. All new permits and modifications of existing permits require at least BACT. If an investigation proves that a facility does not have a permit, the staff issues a notice of violation and the facility is required to submit a permit application. In cases of consistent noncompliance, the facility is referred to the attorney general's office for enforcement action. In some cases, court orders have been obtained and the noncompliant facility has been shut down.

Although TACB rules require that clearly marked signs must be posted when a new facility has applied for a permit or an existing facility is making a major modification, there are no requirements for posting signs on existing facilities. The staff will give further consideration to whether such signs would be necessary or useful for air pollution control purposes. In the meantime, the public can get information about specific facilities from each TACB regional office and from local authorities. While the staff agrees that adding a requirement for standby a system in case of power loss has value, such action would result in great expense and could not be accomplished at this time without additional public hearings to allow for comment by those impacted by the proposal. The TACB has historically monitored for air contaminants if complaints are received about a particular facility or if compliance problems are suspected. Finally, the staff has only estimated the additional costs that will be incurred from enforcing these proposed rules. If actual investigation and compliance costs prove to be excessive, the staff may propose to add such facilities to the TACB inspection fee system. In this system, major facilities pay a yearly fee based on their emissions, compliance history, and the difficulty of inspection. An additional public hearing would need to be held in

order to give impacted facilities the opportunity to comment on such a proposal.

CEW suggested limiting the size of infectious waste incinerators to 10 tons/day. CEW also recommended that infectious waste be burned exclusively in incinerators designed for that purpose and kept separate from other noninfectious waste.

The TACB has the authority to limit emissions of air contaminants, but is not authorized to limit the size or production of a facility, as long as that facility meets established emissions limits. The proposed rules were written to ensure efficient combustion in all types of incinerators. A commercial infectious waste facility has a limited throughput capability that is designed to combust a limited amount of waste. Therefore, it would not be capable of incinerating the large amounts of waste typically burned at other incinerating facilities. In other words, the staff believes that infectious waste will be burned exclusively in incinerators designed for that purpose and does not feel such language needs to be added to the rule.

These sections are adopted under the TCAA, §382.017, which provides the TACB with the authority to make rules and regulations consistent with the policy and purposes of the TCAA.

§111.121. Single-Chamber Incinerators. No person shall cause, suffer, allow, or permit the burning of domestic or municipal solid waste as defined in §101.1 of this title (relating to Definitions) in a single-chamber residential, publicly-owned, hospital/pathological waste, or commercial incinerator unless the incinerator has been demonstrated to provide equivalent performance to multiple-chamber incinerators as specified in §111.123(a) of this title (relating to Dual- or Multiple-Chamber Incinerators) and is approved by the executive director. Single-chamber incineration of any other material is prohibited. Compliance with the requirements of this section shall be as soon as practical but no later than July 31, 1990.

§111.123. Dual- or Multiple-Chamber Incinerators.

(a) No person shall cause, suffer, allow, or permit a dual- or multiple-chamber residential, publicly-owned, hospital/pathological waste, or commercial incinerator burning domestic or municipal solid waste as defined in §101.1 of this title (relating to Definitions) to discharge into the atmosphere unless the following requirements are met.

(1) Particulate emissions shall not exceed 0.18 gram per dry standard cubic meter (g/dscm) or 0.08 grain per dry standard cubic foot (gr/dscf), when corrected for 7.0% oxygen in the stack gas according to the formula:

$$P_c = P_m \times \frac{14}{21-Y}$$

Where:

P_c is the corrected concentration of particulate matter,

P_m is the measured particulate matter concentration, and

Y is the measured concentration of oxygen in the stack gas using the Orsat method for oxygen analysis of dry flue gas as defined in 40 CFR Part 60, Appendix A (Method 3).

(2) Hydrogen chloride (HCl) emissions greater than 1.8 kilograms (four

pounds) per hour require a removal efficiency of 95%, averaged over a three-hour period.

(3) Combustion efficiency (CE) shall be at least 99% on an hourly basis, computed as follows.

$$\frac{CO_2}{CO_2 + CO + THCE}$$

where CO_2 = concentration of carbon dioxide

CO = concentration of carbon monoxide

$THCE$ = concentration of total hydrocarbon equivalents

(4) Visible emissions shall not exceed on opacity of 5.0% averaged over any six-minute period.

property boundaries of the facility unless the facility meets the following requirements.

not exceed 0.09 g/dscm or 0.04 gr/dscf, when corrected for 7.0% oxygen in the stack gas as specified in subsection (a)(1) of this section.

(5) Compliance with this section shall be as soon as practicable, but no later than July 31, 1990.

(1) The incinerator must be equipped with a secondary chamber which retains all combustion gases for one second or longer at a temperature of 1,800 degrees Fahrenheit or higher.

(3) A removal efficiency of 95% is required for HCl emissions.

(b) No person shall cause, suffer, allow, or permit the burning of infectious waste in a facility that accepts for incineration infectious waste generated outside the

(2) Particulate emissions shall

(4) Combustion efficiency (CE) shall be at least 99.9% on an hourly basis, computed as follows.

$$\frac{CO_2}{CO_2 + CO + THCE}$$

where CO_2 = concentration of carbon dioxide

CO = concentration of carbon monoxide

THCE = concentration of total hydrocarbon equivalents

(5) Visible emissions shall not exceed an capacity of 5.0% for any six-minute period from any commercial infectious waste incinerator except for emissions during the cleaning of a firebox or the building of a new fire, soot-blowing, equipment changes, ash removal, and rapping of precipitators. During those periods, the visible emissions may not exceed 20% for a period of six minutes in any 60 consecutive minutes. This exemption shall not apply to the emissions mass rate standard as outlined in §111.151 of this title (relating to Allowable Emissions Limits).

(6) Compliance with the requirements of this section shall be as soon as practicable but no later than July 31, 1990.

§111.125. Testing Requirements. Compliance with §111.121 of this title (relating to Single-chamber Incinerators) and §111.123 of this title (relating to Dual-or Multiple-chamber Incinerators) shall be determined by applying the following test methods, as appropriate:

(1) particulate matter. Test Method 5 (40 Code of Federal Regulations 60, Appendix A) modified to include particulate caught by impinger train;

(2) hydrogen chloride. Test method outlined in Chapter 5 of the latest edition of the Texas Air Control Board "Sampling Procedures Manual."

(3) Combustion efficiency. Combustion efficiency, measuring carbon dioxide (CO₂), carbon monoxide (CO), and hydrocarbons (HC), using the following test methods: CO₂: reference Method 3 or 3A (40 Code of Federal Regulations Part 60, Appendix A); CO: Method 10 (40 Code of Federal Regulations Part 60 Appendix A); HC: Method 25A (40 Code of Federal Regulations Part 60, Appendix A).

(4) opacity. Test Method 9 (40 Code of Federal Regulations Part 60, Appendix A).

(5) Equivalent test methods. Equivalent test methods approved by the executive Director.

§111.127. Monitoring Requirements. Facilities subject to the requirements of §§111.121, 111.123, and 111.125 of this title (relating to Single-chamber Incinera-

tors; Dual-or Multiple-chamber Incinerators; and Testing Requirements) shall install, calibrate, maintain, and operate a monitoring device that continuously measures and records the oxygen content of the stack and temperature of the exhaust gas of the secondary chamber of the incinerator. The monitoring device for incinerators equipped with a wet scrubbing device shall continuously measure and record the pressure drop of the gas flow through the wet scrubbing device. All such monitoring equipment must be approved by the executive director of the Texas Air Control Board.

§111.129. Exemptions. Incinerators burning less than five tons per day of domestic or municipal solid waste, based on the total weight of the materials burned, shall be exempt from the requirements of §§111.121, 111.123(a)(1), (2), and (3), 111.125, and 111.127 of this title (relating to Single-chamber Incinerators; Dual-or Multiple-chamber Incinerators; Testing Requirements; and Monitoring Requirements).

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

Issued in Austin, Texas on January 17, 1990.

TRD-9000607 Allen Eli Bell
Executive Director
Texas Air Control Board

Effective date: February 7, 1990

Proposal publication date: August 25, 1989

For further information, please call: (512) 451-5711, ext. 354

◆ ◆ ◆
TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 1. Organization and Administration

Aircraft Operations

• 37 TAC §1.141, §1.142

The Texas Department of Public Safety adopts amendments to §1.141 and §1.142, without changes to the proposed text as published in the December 15, 1989, issue of the

Texas Register (14 TexReg 6541).

The amendments will ensure the public that department aircraft are used for official state business and that aircraft are available for public safety responses on a timely basis.

Amendments to §1.141 delete and add language relating to department aircraft operation regulations concerning use, approval for passenger transportation, flight safety, and response to public safety activities. Amendments to §1.142 change the section title from helicopter programs to aerial support programs to properly describe the department's aircraft operational missions. Paragraphs (1) and (2) separate the operational missions into law enforcement and administrative flights by adding new language regarding the type of aerial support activities that department aircraft can be expected to be utilized in and deleting the existing language. Paragraphs (3)-(7) are deleted due to the language in paragraphs (1) and (2) which covers the activities of the operational missions for department aircraft.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Government Code, §411.004(3) and §411.006(4), which provides the Public Safety Commission with the authority to adopt rules necessary for carrying out the department's work. The director, subject to the approval of the commission, shall have the authority to adopt rules considered necessary for the control of the department.

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

Issued in Austin, Texas, on January 16, 1990.

TRD-9000643 Joe E. Milner
Director
Texas Department of
Public Safety

Effective date: February 8, 1990

Proposal publication date: December 15, 1989

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

◆ ◆ ◆
Part X. Texas Adult Probation Commission

Chapter 323. Fund Distribution

• 37 TAC §323.3

The Texas Adult Probation Commission adopts new §323.3, without changes to the

proposed text as published in the December 15, 1989, issue of the *Texas Register* (14 TexReg 6542).

The new section will allow greater accuracy in calculating the unexpended monies that will be returned to the state treasury.

The new section is developed by the Texas Adult Probation Commission. Copies are forwarded to the judicial district adult probation departments. The Adult Probation Commission staff reviews data provided by local departments to determine compliance with

standards.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Code of Criminal Procedure, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable 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 agen-

cy's legal authority.

Issued in Austin, Texas, on January 17, 1990.

TRD-9000599

Todd Jermstad
General Counsel
Texas Adult Probation
Commission

Effective date: February 7, 1990

Proposal publication date: December 15, 1989

For further information, please call: (512) 834-8188

◆ ◆ ◆



Name: Sara Barton

Grade: 11

School: Richardson High, Richardson

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

Tuesday, January 30, 1990, 10 a.m. The Aquaculture Executive Committee of the Texas Department of Agriculture will meet at Laguna Madre Room, Third Floor, Wyndham Hotel, Corpus Christi. According to the agenda, the committee will discuss and act on: status of licensing of fish farms by T.D.A.; review exotic permitting by TP&WD; funding of programs; Aquaculture liaison officer position.

Contact: Gil Moody, P.O. Box 12847, Austin, Texas 78711, (512) 463-7471.

Filed: January 19, 1990 2:36 p.m.

TRD-9000723

State Bar of Texas

Thursday, January 25, 1990, 12 noon The Executive Committee of the State Bar of Texas met at the Texas Law Center 1414 Colorado, Room 206-207, Austin. According to the emergency revised agenda, the committee discussed status report RE. MGT Inc. Management Study, Mario Martinez or Kirk Watson. The emergency status was necessary because it was not known before January 22, 1990, that the committee would be ready to report.

Contact: Paula Welch, 1414 Colorado Street, Austin, Texas 78711, (512) 463-1451.

Filed: January 22, 1990, 2:09 p.m.

TRD-9000761

Friday-Saturday, January 26-27, 1990, 9 a.m. The Board of Directors of the State Bar of Texas will meet at the Texas Law Center, Room 101, 1414 Colorado Street, Austin. According to the agenda, the board will hear reports of the Chairman of the Board, president, president elect, executive director, general counsel, immediate past president, immediate past Chairman of the Board, TYLA president; consideration of reports of committee on alternate methods of dispute resolution, committee on client security fund, committee on opportunities

for minorities in the profession, CLE committee, committee on women in the profession, committee on law focused education; Update on Buchmeyer video series; consider request for revision to section and division bylaws; consider recommendations of nominations committee and committee on lawyer advertising. Also reports of liaisons, Texlex, Bar Foundation and Committee on Legal Representation for those on death row.

Contact: Paula Welch, 1414 Colorado Street, Austin, Texas 78711, (512) 463-1451.

Filed: January 18, 1990, 4:42 p.m.

TRD-9000695

Texas School for the Blind and Visually Impaired

Friday, January 26, 1990, 9 a.m. The Board of Trustees of the Sexuality Committee of the Texas School for the Blind and Visually Impaired will meet at 1100 West 45th Street, Austin. According to the agenda, the committee will review procedures and draft policy.

Contact: Cyral A. Miller, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631, ext. 233.

Filed: January 18, 1990, 1:50 p.m.

TRD-9000640

Friday, January 26, 1990, 10 a.m. The Board of Trustees of the Curriculum Committee of the Texas School for the Blind and Visually Impaired will meet at 1100 West 45th Street, Austin. According to the agenda, the committee will update on the curriculum project and discuss independent living skills curriculum.

Contact: Cyral A. Miller, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631, ext. 233.

Filed: January 18, 1990, 1:50 p.m.

TRD-9000637

Friday, January 26, 1990, 10 a.m. The Board of Trustees of the Finance Commit-

tee of the Texas School for the Blind and Visually Impaired will meet at 1100 West 45th Street, Austin. According to the agenda, the committee will review auditor's report and budget matters.

Contact: Cyral A. Miller, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631, ext. 233.

Filed: January 18, 1990, 1:50 p.m.

TRD-9000638

Friday, January 26, 1990, 10 a.m. The Board of Trustees of the Personnel Committee of the Texas School for the Blind and Visually Impaired will meet at 1100 West 45th Street, Austin. According to the agenda, the committee will discuss the superintendent search, outreach director search and personnel policies.

Contact: Cyral A. Miller, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631, ext. 233.

Filed: January 18, 1990, 1:50 p.m.

TRD-9000639

Friday, January 26, 1990, 9 a.m. The Board of Trustees regular meeting of the Texas School for the Blind and Visually Impaired will meet at 1100 West 45th Street, Austin. According to the agenda, the board audiences with individuals or committees wishing to make a report or request; approval of minutes of November 17, 1989 meeting; discuss personnel issues; report and presentation of business requiring board approval; business for informational purposes, report of special committees, reports or discussion from board members and election of board officers.

Contact: Cyral A. Miller, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631, ext. 233.

Filed: January 18, 1990, 1:50 p.m.

TRD-9000641

Texas Cancer Council

Monday, January 29, 1990, 2 p.m. The Executive Committee of the Texas Cancer

Council will meet at 701 Brazos, Suite 1005, Austin Centre, Austin. According to the agenda, the committee will consider breast screening proposal by Harrington Cancer Center; executive session, direction for executive director; reconvene.

Contact: Emily Untermeyer, M.P.H., P.O. Box 12097, Austin, Texas, 78711, (512) 463-3190.

Filed: January 22, 1990, 3:09 p.m.

TRD-9000766

◆ ◆ ◆
**Texas Department of
Community Affairs**

Thursday, February 15, 1990, 1:30 p.m. The Texas Weatherization Policy Advisory Council of the Texas Department of Community Affairs will meet at 8317 Cross Park Drive, Room 1-96, Austin. According to the agenda, the council will approve minutes of previous meeting; review and discuss proposed FY 1990 weatherization program year; and other business.

Contact: Lucio Varela, 8317 Cross Park Drive, Austin, Texas 78754, (512) 834-6006.

Filed: January 19, 1990, 1:58 p.m.

TRD-9000725

◆ ◆ ◆
**Court Reporters Certification
Board**

Thursday, January 25, 1990, 1 p.m. The Task Force on Court Reporting Schools of the Court Reporters Certification Board held an emergency meeting at the Wyndham Southpark Hotel, 4140 Governor's Row, Austin. According to the agenda, the Task Force developed a memorandum of understanding with the Texas Higher Education Coordinating Board and the Texas Education Agency for the purpose of developing guidelines for coordinating the regulation of court reporting schools in Texas. The emergency status was necessary because this was the only time all parties involved could meet before the full Court Reporters Certification Board meeting.

Contact: Peg Liedtke, 510 South Congress Avenue, Suite 310, Austin, Texas 78704, (512) 463-1630.

Filed: January 19, 1990, 4:27 p.m.

TRD-9000728

◆ ◆ ◆
**Texas Department of
Criminal Justice Board of
Pardons and Paroles**

Monday-Friday, January 29-February 2, 1990, 10 a.m. The Texas Department of

Criminal Justice Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, a panel (composed of 3 board members) will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Karin Armstrong, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: January 19, 1990, 10:51 a.m.

TRD-9000714

Monday, January 29, 1990, 10 a.m. The Board of the Texas Department of Criminal Justice will meet at the Senate Chamber, State Capitol, Austin. According to the agenda, an executive session to discuss with the board attorneys concerning pending/contemplated litigation. (Closed in accordance with §2(e), Article 6252-17, V.A.T.S. and open session to discuss the request for financing from Public Finance Authority and Bond Review Board for 1990 Prison Bond issue; community corrections plans and intake allocation formula.

Contact: James A. Lynaugh, P.O. Box 99, Huntsville, Texas 77342-0099, (409) 294-2101.

Filed: January 19, 1990, 11:31 a.m.

TRD-9000722

◆ ◆ ◆
Texas School for the Deaf

Friday, January 26, 1990, 9 a.m. The Governing Board and School Administrators of the Texas School for the Deaf will meet in the Administration Building Conference Room at 1102 South Congress Avenue, Austin. According to the agenda, the board will conduct and training and orientation to the Budget Preparation Process.

Contact: Marilyn R. Stephan, 1102 South Congress Avenue, Austin, Texas 78704, (512) 440-5335.

Filed: January 18, 1990, 10:44 a.m.

TRD-9000629

Friday, January 26, 1990, 1 p.m. The Governing Board of the Texas School for the Deaf will meet in the Administration Building Board Room at 1102 South Congress Avenue, Austin. According to the agenda, the board will discuss business for information purposes; business requiring board action; and comments by members.

Contact: Marilyn R. Stephan, 1102 South Congress Avenue, Austin, Texas 78704, (512) 440-5335.

Filed: January 18, 1990 10:44 a.m.

TRD-9000630

Council on Disabilities

Friday, January 26, 1990, 10 a.m. The Council on Disabilities will meet at the Department of Health, N653, 1100 49th Street, Austin. According to the emergency revised agenda, the council will welcome new members, invocation, hear citizen comments, minutes of last meeting, election of secretary, committee reports; survey task force and state plan task force. New business, and general discussion. The emergency status was necessary because the tentative schedule was confirmed when new appointments were received.

Contact: Jerry Ann Robinson, 4900 North Lamar Boulevard, Austin, Texas, 78751, (512) 483-4353.

Filed: January 22, 1990, 9:52 a.m.

TRD-9000738

◆ ◆ ◆
Texas Education Agency

Wednesday, January 31, 1990, 1 p.m. The Cost of Education Index Advisory Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the agenda, the committee will approve minutes of November 28, 1989 meeting; report on state board of education proposed funding plan; report on the status of the cost of education index request for proposal and discussion of contractor to be selected for award; discussion of research methodology; review of selected salary data by analyze category; review of selected budge and personnel data by analyze category by per pupil amounts by percentage and determination of future meeting date.

Contact: Joe Wisnoski, 1701 North Congress Avenue, Room 3-101, Austin, Texas 78701, (512) 463-9704.

Filed: January 22, 1990, 9:45 a.m.

TRD-9000737

Friday, February 2, 1990, 8:30 a.m. The State Board of Education Advisory Committee for the Development of Performance Indicators of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will review and refine the recommendations for amendments to the rules, criteria, and performance indicators of Title 19, Chapter 97 of the Texas Administrative Code; initiate the development of a system of performance indicators that ensures quality education and facilitates the annual monitoring of data from local school districts.

Contact: Dr. Ruben D. Olivarez, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8998.

Filed: January 23, 1990, 9:36 a.m.

TRD-9000802

Wednesday, February 14, 1990, 9:30 a.m. The State Board of Education Advisory Committee on Open Enrollment of the Texas Education Agency will meet at 3737 Motley Drive, East I-30 at Motley Drive, Mesquite. According to the agenda, the presentation by Dr. Lauro Cavazos, Secretary of Education on open enrollment nationwide and the presentation by Dr. Jill Shugart, Superintendent of Garland ISD concerning open enrollment in the district.

Contact: Julian Shaddix, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9354.

Filed: January 19, 1990, 3:26 p.m.

TRD-9000727

Texas Employment Commission

Tuesday, January 30, 1990, 8:30 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda, the commission will discuss prior meeting notes; Executive session to discuss Kostel, Inc. v. Texas Employment Commission and Michael Key; actions, if any, resulting from executive session; discussion of testing and intake operations of TEC local offices; discussion and approval of bid for repairs to emergency lighting system in Trinity Building; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 5; and set date of next meeting.

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

Filed: January 22, 1990, 4:15 p.m.

TRD-9000773

State Committee of Examiners for Speech-Language Pathology and Audiology

Friday-Sunday, February 2-4, 1990, 9 a.m. The State Committee of Examiners for Speech-Language Pathology and Audiology will meet in the Southwestern Room, Hawthorn Suites Hotel Central/Airport, 935 La Posada, Austin. According to the agenda, the committee will discuss and/or take action on expiration of a license, complaints, investigations, complaints manual, data processing, Early Childhood Intervention Program transcripts, continuing education, diagnostic services, license renewal, supervisory responsibilities, "Certified Hearing Aid Audiologist" title, exemptions to licensing act, telephone survey sheets, intern forms, appointment of committees,

American Speech Hearing Association (ASHA) standards, complaints investigator, attendance at seminars; consider possible rule changes; hear secretary's report; and other matters not requiring action.

Contact: June Robertson, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7502.

Filed: January 18, 1990, 2 p.m.

TRD-9000658

Texas Department of Health

Friday, January 26, 1990, 3 p.m. The Public Health Promotion Committee of the Texas Board of Health of the Texas Department of Health will meet in the Longhorn Room, Guest Quarters Suite Hotel, 303 West 15th Street, Austin. According to the agenda, the committee will consider adoption of final rules concerning HIV/AIDS model workplace guidelines; report on hearing concerning model health education program/resource guidelines for HIV/AIDS education of school-age children; update on public information plan.

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

Filed: January 18, 1990, 2:02 p.m.

TRD-9000650

Friday, January 26, 1990, 3:30 p.m. The Nursing Homes Committee of the Texas Board of Health of the Texas Department of Health will meet in the Bluebonnet I Room, Guest Quarters Suite Hotel, 303 West 15th Street, Austin. According to the agenda, the committee will consider emergency and proposed rules on nurse aide registry and training; proposed rules concerning procedures on long term care and minimum licensing standards for nursing homes to require implementation of universal precautions; repeal rules on permitting medication aides in long term care facilities.

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

Filed: January 18, 1990, 2:01 p.m.

TRD-9000651

Friday, January 26, 1990, 4 p.m. The Emergency and Disaster Committee of the Texas Board of Health of the Texas Department of Health will meet in the Longhorn Room, Guest Quarters Suite Hotel, 303 West 15th Street, Austin. According to the agenda, the committee will consider repeal of EMS rules concerning processing of EMS vehicle permits, requests for training, and requirements for EMS vehicle permits; proposed rules concerning definitions, processing of EMS provider licenses, requests for training, and EMS providers licenses; adoption of final EMS rules concerning fees; report on trauma technical advisory

committee, discuss appointments of ex-officio members to the Texas Emergency Medical Services Advisory Committee and the Texas Trauma Advisory Committee.

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

Filed: January 18, 1990, 2:02 p.m.

TRD-9000649

Friday, January 26, 1990, 5 p.m. The Environmental Health Committee of the Texas Board of Health of the Texas Department of Health will meet in the Bluebonnet I Room, Guest Quarters Suite Hotel, 303 West 15th Street, Austin. According to the agenda, the committee will consider adoption of final rules concerning riding stables; proposed rules concerning labeling and advertising with respect to the cholesterol and saturated fat content of foods, used and scrap tires, haulers of sludge and septic tanks; discuss bottled water rules.

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

Filed: January 18, 1990, 2:01 p.m.

TRD-9000652

Friday, January 26, 1990, 6 p.m. The Disease Control Committee of the Texas Board of Health of the Texas Department of Health will meet in the Longhorn Room, Guest Quarters Suite Hotel, 303 West 15th Street, Austin. According to the agenda, the committee will consider adoption of final rules to establish criteria that constitute exposure of state employees to HIV, establish a fee to cover the cost of providing a HIV counseling and testing course; discuss appointments to the HIV medication program advisory committee; appointments to the AIDS services advisory committee.

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

Filed: January 18, 1990, 2:01 p.m.

TRD-9000653

Saturday, January 27, 1990, 7:30 a.m. The Executive Committee of the Texas Board of Health of the Texas Department of Health will meet at 1100 West 49th Street, Room M-749, Austin. According to the agenda, the committee will discuss items of procedure for the January 27, 1990 Texas Board of Health meeting.

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

Filed: January 18, 1990, 2:00 p.m.

TRD-9000657

Saturday, January 27, 1990, 8 a.m. The Chronically Ill and Disabled Children's Services and Maternal and Child Health Committee of the Texas Board of Health of the Texas Department of Health will meet at

1100 West 49th Street, Room M-652, Austin. According to the agenda, the committee will consider adoption under federal mandate of amendments to the USDA Supplemental Food Program for Women, Infants, and Children's Policy and Procedure Manual; discuss proposed amendments to the chronically ill and disabled children's services rules concerning authorization of days for inpatient hospitalization and inpatient rehabilitation.

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

Filed: January 18, 1990, 2:01 p.m.

TRD-9000655

Saturday, January 27, 1990, 9 a.m. The Personnel Committee of the Texas Board of Health of the Texas Department of Health will meet at 1100 West 49th Street, Room M-721, Austin. According to the agenda, the committee will consider in executive session appointments to the Lay Midwifery Board, HIV Medication Program Advisory Committee, AIDS Services Advisory Committee, Ex-Officio members to the Texas Emergency Medical Services Advisory Committee and the Texas Trauma Advisory Committee; recommendation of appointments to the Lay Midwifery Board; HIV Medication Program Advisory Committee; AIDS Services Committee; Ex-Officio members to the Texas Emergency Medical Services Advisory Committee and the Texas Trauma Advisory Committee; discuss of appointments to the Children's Vision Screening Advisory Committee; Chronically Ill and Disabled Children's Services General Advisory Committee; AIDS Education Advisory Committee.

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

Filed: January 18, 1990, 2:01 p.m.

TRD-9000656

Saturday, January 27, 1990, 10 a.m. The Alternate Care Committee of the Texas Board of Health of the Texas Department of Health will meet at 1100 West 49th Street, Room M-741, Austin. According to the agenda, the committee will consider adoption of final rules concerning the registry of health-related services, permitting of home health medication aides; discuss proposed amendments to the rules concerning respiratory care practitioners.

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

Filed: January 18, 1990, 2:01 p.m.

TRD-9000654

Saturday, January 27, 1990, 10:30 a.m. The Texas Board of Health of the Texas Department of Health will meet at 1100 West 49th Street, Room M-739, Austin. According to the agenda, the board will

approve minutes; hear reports (Commissioner; AIDS); hear comments concerning occupational registries; propose and/or adopt rules (registry of health-related services; medication aides; special wastes from health care facilities; nurse aide registry; long term care; nursing homes; WIC Program; HIV; emergency medical services; riding stables; food products; HIV/AIDS model workplace guidelines); approve expenditures; approve signature authority; consider appointments to advisory boards and committees; discuss amendments to chronically ill and disabled children's services rules; announcements and comments.

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

Filed: January 18, 1990, 2:02 p.m.

TRD-9000648

Sunday, February 4, 1990, 9 a.m. The Texas Radiation Advisory Board of the Texas Department of Health will meet at the Conference Room, Bureau of Radiation Control, 1212 East Anderson Lane, Austin. According to the agenda, the board will approve minutes of previous meeting; hear chairman's report; elect officers; discuss update on Texas Low-Level Radioactive Waste Disposal Authority activities; hear committee reports (executive; uranium; fee; strategic action); discuss rules and regulatory guide update; discuss program activities (general; division of compliance and inspection; licensing; registration and standards); set next meeting date.

Contact: L. Don Thurman, 1100 West 49th Street, Austin, Texas 78756, (512) 835-7000.

Filed: January 18, 1990, 10:45 a.m.

TRD-9000634

Texas Statewide Health Coordinating Council

Friday, February 2, 1990, 9 a.m. The Texas Statewide Health Coordinating Council will meet at the Texas Tech University Health Sciences Center School of Medicine, 3601 Fourth Street, Lubbock. According to the agenda, the council will approve minutes of last meeting; hear bureau chief's report; discuss, review and adopt '91-92 preliminary state health plan; set date of next meeting

Contact: Don Kretsinger, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: January 18, 1990, 10:43 a.m.

TRD-9000632

Texas Health and Human Services Coordinating Council

Friday, January 26, 1990, 9 a.m. The Child Abuse Program Evaluation Work Group Commission on Children, Youth and Family Services of the Texas Health and Human Services Coordinating Council will meet at the Child Advocates, Inc., 2515 West Main, Suite 300, Houston. According to the agenda, the commission will make introductions; description of the commission on children, youth and family services; discussion of division of work assignments; formation of work group; and establishment of meetings: dates and times.

Contact: Tom Olsen, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: January 18, 1990, 1:53 p.m.

TRD-9000642

State Department of Highways and Public Transportation

Tuesday, January 30, 1990, 9:30 a.m. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet at the Dewitt C. Greer State Highway Building, 11th and Brazos Streets, 1st Floor Auditorium, Rooms 101 and 101-A Austin. According to the agenda, the commission will hold public hearings on highway, bridge and FM road requests in Anderson, Titus, Galveston and various counties will be held to execute contract awards and routine minute orders and memos, consider authorization and related matters on public transportation; staff reports/recommendations; decisions on presentations from public hearing docket; highway signing policy statement; hearing officer's proposal for decision; proposed rules relating to Highway Trunk System. Public transit definitions and property management standards, and the final adoption of rules on House Bill 2060 and the issuance of truck permits; presentation on county road district. Executive Session on real property acquisition and litigation on Save Barton Creek Association et al v. FHWA et al. Agenda available in Room 203, Dewitt C. Greer Building.

Contact: Office of the Engineer, Room 203, 11th and Brazos Streets, Austin, Texas 78701-2483. (512) 463-8616.

Filed: January 22, 1990, 2:02 p.m.

TRD-9000760

Texas Historical Commission

Friday, January 26, 1990, 1 p.m. The Old San Antonio Road Preservation Commis-

sion of the Texas Historical Commission will meet at the Bastrop State Park Dining Hall, Bastrop. According to the agenda, the commission will hold an emergency meeting in order to hear a presentation of research staff and information on the preservation study; discuss Advisory Board nominees; proposal of Texas/Mexico symposium in Laredo; discuss the National Trust's Heritage Corridor Initiative and OSARPC; discuss the official stationary for OSARPC; and other business.

The emergency status was necessary because agenda items were not available earlier.

Contact: Curtis Tunnell, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: January 19, 1990, 9:38 a.m.

TRD-9000704

Friday, January 26, 1990, 1 p.m. The State Marker Committee of the Texas Historical Commission will hold an emergency meeting at the Guest Quarters Suite Hotel, 15th Street Cafe, 303 West 15th Street, Austin. According to the agenda, the committee will discuss marker policies; overall integrity of market topics, placement of markers, new markers; the Flippen Homestead and the founding of Highland Park, RTHL alterations; Spinks-Mayes Building (Houston County), Lewis House (Denton County), McKee-Roberts-Baumann Residence (Gillespie County). The emergency status was necessary because of the inability to finalize agenda prior to deadline.

Contact: Frances Rickard, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: January 22, 1990, 1:38 p.m.

TRD-9000759

Friday, January 26, 1990, 3 p.m. The Publications/Outreach Committee of the Texas Historical Commission will meet at the Guest Quarters Suites Hotel, 15th Street Cafe, 303 West 15th Street, Austin. According to the agenda, the committee will hold an emergency meeting to discuss the T. R. Fehrenbach Book Award; Medallion Update; and Public Outreach.

The emergency status was necessary because the committee was unable to determine the agenda prior to deadline.

Contact: Roni Morales, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: January 18, 1990, 4:15 p.m.

TRD-9000690

Texas Housing Agency

Friday, January 26, 1990, 10 a.m. The Texas Housing Agency will meet in the THA Conference Room, Suite 300, 811 Barton Springs, Austin. According to the agenda, the agency will consider and re-

ceive report presented to the rating agency regarding agency's operations; report presented as a bond finance instructional seminar; and report regarding the agency's operations and accomplishments during the 1980 decade as well as the agency's goals and objectives for the future in the 1990 decade.

Contact: Tish Gonzalez, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: January 18, 1990, 4:27 p.m.

TRD-9000691

Texas Commission on Human Rights

Tuesday, January 30, 1990, 11 a.m. The Texas Commission on Human Rights will meet in the John H. Reagan Building, Room 107, 105 West 15th Street, Austin. According to the agenda, the commission will discuss and vote on agenda item(s) covered in executive session as necessary or required; discussion of newspaper coverage; Administrative reports (executive director's report, complaint monitoring report, operations report, finance report); Status of substantial review of the Texas Fair Housing Act by HUD and Special Projects submitted to HUD; review of TCHR Act procedural rules for final approval; review of proposed rules for the Texas Fair Housing Act for submission to *Texas Register*; review of cash flow statement; Attorney General's opinion related to confidentiality of case files; performance and a funds management report; status of EEO compliance training; commissioner issues; unfinished business.

Contact: William M. Hale, P.O. Box 13493, Austin, Texas 78711, (512) 837-8534.

Filed: January 19, 1990, 10:47 a.m.

TRD-9000713

Department of Information Resources

Friday, January 26, 1990, 9 a.m. The Open Board Meeting of the Department of Information Resources will meet at the John H. Reagan Building, 105 West 15th Street #106, Austin. According to the agenda, the board will discuss approval of October 6, 1989 minutes; approval of December 8, 1989 minutes; policy issues; House Bill 2736 Requirements, discussion and adoption of rules relating to the Agency Strategic Plan, initial operating plan, final operating plan and procurement review, instructions for agency strategic plan, initial operating plan, final operating plan; discussion of agency annual performance report requirements; discussion of state strategic plan mission statement, other business; public testimony;

Contact: Molly D. Yates 3307 Northland Drive #300, Austin, Texas 78701, (512) 371-1120.

Filed: January 19, 1990, 10:45 a.m.

TRD-9000734

State Board of Insurance

Tuesday, January 30, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 342, Austin. According to the agenda, the commission will conduct a public hearing on docket number 10673 to consider whether disciplinary action should be taken against Gary Ray Chandler, Irving/Garland, Texas, who holds a Group I, legal reserve life insurance agent's license and a Group II, insurance agent's license.

Contact: Wendy L. Ingham, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: January 22, 1990, 2:58 p.m.

TRD-9000795

Tuesday, January 30, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the agenda, the commission will conduct a public hearing on docket number 10683 to consider whether disciplinary action should be taken against Kenneth Lavon Kimbro, Garrison, Texas, who holds a Group II, insurance agent's license.

Contact: Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: January 22, 1990, 2:58 p.m.

TRD-9000794

Wednesday January 31, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the agenda, the commission will conduct a public hearing on docket number 10686 to consider whether disciplinary action should be taken against Johnny Lee Cooke, Austin, Texas, who holds a Group II insurance agent's license and a Local Recording Agent's license.

Contact: Lisa Lyons, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: January 22, 1990, 2:58 p.m.

TRD-9000793

Wednesday, January 31, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 342, Austin. According to the agenda, the commission will conduct a public hearing on docket number 10681 to consider whether application for

restatement with amendments to the Articles of Incorporation of Capital National Life Insurance Company, Austin, Texas, changing the name of the company, increasing the authorized capital, moving the home office of the company, pertaining to the liability of directors, and the deletion and redesignation of certain articles.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: January 22, 1990, 2:58 p.m.

TRD-9000792

Wednesday, January 31, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 460, Austin. According to the agenda, the commission will conduct a public hearing on docket number 10682 to consider the application of Cristobal Zubia, El Paso, Texas, for a Local Recording Agent's license.

Contact: Earl Corbitt, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: January 22, 1990, 2:58 p.m.

TRD-9000791

Wednesday, January 31, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 342, Austin. According to the agenda, the commission will conduct a public hearing on docket number 10647 to consider whether disciplinary action should be taken against Ted C. Connell, Killeen, Texas, who holds a Group II, insurance agent's license.

Contact: J.C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: January 22, 1990, 2:58 p.m.

TRD-9000790

Wednesday, January 31, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the agenda, the commission will conduct a public hearing on docket number 10660 to consider whether disciplinary action should be taken against Rosa Salinas, McAllen/Edinburg, Texas, who holds a Group I, legal reserve life insurance agent's license and a Local recording Agent's license.

Contact: Will McCann, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: January 22, 1990, 2:58 p.m.

TRD-9000789

Friday, February 2, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 342, Austin. According to the agenda, the commission will

conduct a public hearing on docket number 10698 to consider the application of Security National Life Insurance Company, a Utah corporation, for admission and a Certificate of Authority to transact the business of insurance in the State of Texas.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: January 22, 1990, 2:58 p.m.

TRD-9000788

Friday, February 2, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 342, Austin. According to the agenda, the commission will conduct a public hearing on docket number 10678 to consider whether disciplinary action should be taken against Joseph James Walker, Houston, Texas, who holds a Group I, legal reserve life insurance agent's license and a Local Recording Agent's license.

Contact: Wendy L. Ingham, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: January 22, 1990, 2:58 p.m.

TRD-9000787

Friday, February 2, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the agenda, the commission will conduct a public hearing on docket number 10696 to consider whether disciplinary action should be taken against J.O. Duncan, Jr., Dallas, Texas, who holds a Local Recording Agent's license.

Contact: O.A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: January 22, 1990, 2:57 p.m.

TRD-9000786

Monday, February 5, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 460, Austin. According to the agenda, the commission will conduct a public hearing on docket number 10685 to consider the approval of amendment to the Articles of Agreement of Nobel' Lloyds Insurance Company, Dallas, Texas.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: January 22, 1990, 2:57 p.m.

TRD-9000785

General Land Office

Monday, January 29, 1990, 2 p.m. The Coastal Management Advisory Committee

of the General Land Office will meet in the William B. Travis State Office Building, Room 1-100, 1701 North Congress Avenue, Austin. According to the agenda, the committee will hold the first meeting of the Texas Coastal Management Advisory Committee, as authorized by Senate Bill 1571 during the 71st Legislative Session.

Contact: Sally S. Davenport, 1700 North Congress Avenue, Room 735, Austin, Texas 78701, (512) 463-5059.

Filed: January 18, 1990, 3:10 p.m.

TRD-9000681

School Land Board

Tuesday, January 30, 1990, 9 a.m. The School Land Board will meet at the General Land Office, Stephen F. Austin Building, Room 831, 1700 North Congress Avenue, Austin. According to the agenda, the board will consider nominations, terms, conditions and procedures for a special oil and gas lease sale; pooling applications, Wildcat, Galveston County, Berclair Field, Bee and Goliad Counties; Executive session-consideration of land trade per Water Code Section 61.117, Port of Houston; Executive session-pending and proposed litigation; consideration of terms and conditions for oil and gas leases.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: January 22, 1990, 3:42 p.m.

TRD-9000767

Texas Department of Mental Health and Mental Retardation

Thursday, February 1, 1990, 10:30 a.m. The Board Personnel Committee of the Texas Department of Mental Health and Mental Retardation will meet at the central office auditorium, 909 West 45th Street, Austin. According to the agenda, the committee will consider approval of appointment of Superintendent at Richmond State School.

Contact: Dennis R. Jones, 909 West 45th Street Austin, Texas 78756.

Filed: January 22, 1990, 4:10 p.m.

TRD-9000768

Thursday, February 1, 1990, 11 a.m. The Board Business and Asset Management Committee of the Texas Department of Mental Health and Mental Retardation will meet at the central office auditorium, 909 West 45th Street, Austin. According to the agenda, the committee will approve of selection of Architects/Engineers for TDMHMR construction projects; approval of memorandum of understanding/finance

agreement with TPPA; approval of construction projects to be funded from FY 88-89 general revenue construction appropriation; approval of paving allocation and selection of engineers for projects funded by State Highway Fund #006; approval of projects for construction of community facilities for difficult-to-place persons with mental retardation; FY 1990 operating budget adjustments; memorandum of agreement with GLO concerning the land development process; approval of a lease for the West 38th Street PUD; Master Plan Part I/Facility Assessment. If deaf interpreters required, notify TDMHMR (512) 465-4585, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street Austin, Texas 78756.

Filed: January 22, 1990, 4:12 p.m.

TRD-9000770

Thursday, February 1, 1990, 2 p.m. The Board Planning and Policy Development of the Texas Department of Mental Health and Mental Retardation will meet at the central office auditorium, 909 West 45th Street, Austin. According to the agenda, the board will discuss proposed naming of swimming pool at Lubbock State School the Kenneth May Thera-pool; establishment of sick leave pool; review of strategic plan directions; proposed TDMHMR mission, values and goals; Adoption of new section in rules governing interagency agreements. If deaf interpreters required, notify TDMHMR (512) 465-4585, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street Austin, Texas 78756.

Filed: January 22, 1990, 4:12 p.m.

TRD-9000771

Thursday, February 1, 1990, 3 p.m. The Board Audit Committee of the Texas Department of Mental Health and Mental Retardation will meet at the central office auditorium, 909 West 45th Street, Austin. According to the agenda, the board will review audit reports issued since December 8, 1989; review and discuss quarterly format; hear committee chair's report. If deaf interpreters required, notify TDMHMR (512) 465-4585, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street Austin, Texas 78756.

Filed: January 22, 1990, 4:11 p.m.

TRD-9000769

Friday, February 2, 1990, 9 a.m. The Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will meet at the central office auditorium, 909 West 45th Street, Austin. According to the agenda, the board will hear citizen's comments (limited to three minutes); discuss issues to be considered. If deaf interpreters required, notify

TDMHMR (512) 465-4585, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street Austin, Texas 78756.

Filed: January 22, 1990, 4:12 p.m.

TRD-9000772

State Pension Review Board

Wednesday, January 31, 1990, 3:30 p.m. The Performance Evaluation Subcommittee of the State Pension Review Board will meet at 5001 Spring Valley Road, Dallas. According to the agenda, the subcommittee will hold an emergency meeting to discuss performance evaluations.

The emergency status was necessary in order to obtain a quorum.

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: January 19, 1990, 10:45 a.m.

TRD-9000715

State Property Tax Board

Thursday, January 25, 1990, 8 a.m. The State Property Tax Board met at 4301 Westbank Drive, Building B, Suite 100 Austin. According to the emergency revised agenda, the board held an executive session: Discussed candidates for appointment of Executive Director and interviewed candidates pursuant to Article 6252-17, Section 2(g), Texas Revised Civil Statutes; reconvened in open session to act and vote on matters considered in executive session. The emergency status was a necessary change in the meeting time from 9 a.m. to 8 a.m., to enable the board to fully consider the unexpectedly large number of qualified executive director candidates.

Contact: Ron Patterson, 9501 North IH-35, P.O. Box 15900, Austin, Texas 78761-5900.

Filed: January 22, 1990, 3:06 p.m.

TRD-9000764

Texas State Board of Public Accountancy

Monday, January 22, 1990, 12 noon The Public Hearing Committee of the Texas State Board of Public Accountancy held an emergency meeting at 1033 La Posada, Suite 340, Austin. According to the agenda, a public hearing on three-year non-pay licensees. The emergency status was necessary because of the failure of the attorney to notify hearings officer.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: January 22, 1990, 9:44 a.m.

TRD-9000736

Public Utility Commission of Texas

Friday, January 26, 1990, 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 agenda, a prehearing conference on docket numbers 9251 and 9088—application of GTE Southwest, Inc. for approval of revisions to the Centranet service tariff; application of GTE Southwest, Inc. to establish Centranet rates for Exxon Chemical Company.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:55 p.m.

TRD-9000684

Friday, January 26, 1990, 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 agenda, a prehearing conference on docket numbers 9251 and 9088—application of GTE Southwest, Inc. for approval of revisions to the Centranet service for Williamson County and San Felipe Del Rio Consolidated Independent School District.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:54 p.m.

TRD-9000685

Thursday, February 1, 1990, 9 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 agenda, a prehearing conference on docket numbers 9220 and 9300; inquiry of the commission into the prudence and efficiency of the planning and management of the construction of the Comanche Peak Nuclear generating station; application of Texas Utilities Electric Company for authority to change rates.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:54 p.m.

TRD-9000686

Thursday, February 1, 1990, 9 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 agenda, a prehearing conference on docket number 9300; application of Texas Utilities Electric Company for authority to change rates.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 22, 1990, 3:14 p.m.

TRD-9000775

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8973—Taylor Telephone Coop., Inc., Substantive Rule 23.54.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 3:00 p.m.

TRD-9000659

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8969—Coleman County Telephone Coop., Inc., Rule 23.54 §8, Sheets 6-9.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:59 p.m.

TRD-9000660

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8976—Five Area Telephone Coop., Inc., Substantive Rule 23.54.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:59 p.m.

TRD-9000661

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8975—Eastex Telephone Coop., Inc., Substantive Rule 23.54.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:59 p.m.

TRD-9000662

Thursday, February 1, 1990, 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 agenda, a prehearing con-

ference on docket number 8974—South Plains Coop., Inc., Substantive Rule 23.54.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:59 p.m.

TRD-9000663

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8963—San Marcos Telephone Company, Rule 23.54 §7, Sheets 5, 6, 7 and 8.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:59 p.m.

TRD-9000664

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8962—Alto Telephone Company, Rule 23.54, Sheets 70, 71, 72, 72.1 and 75.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:59 p.m.

TRD-9000665

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8961—Conroe Telephone Company, Rule 23.54, Sheets 102, 103, 104, 104.1 and 107.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:58 p.m.

TRD-9000666

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8977—Lake Dallas Telephone Company, Substantive Rule 23.54.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:57 p.m.

TRD-9000667

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8998—Cameron Telephone Company, Substantive Rule 23.54.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:58 p.m.

TRD-9000668

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 9039—Kerrville Telephone Company, Substantive Rule 23.54.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:58 p.m.

TRD-9000669

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8967—GTE Southwest Inc., Rule 23.54., §23, Sheets 5, 6, 6A, 7 and 8.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:58 p.m.

TRD-9000670

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8966—Hill Country Telephone Coop., Rule 23.54, §10, Sheets 1, 7-9 and 10.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:58 p.m.

TRD-9000671

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8981—Muenster Telephone Corp of Texas, Substantive Rule 23.54.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:57 p.m.

TRD-9000672

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8960—Lufkin Telephone Exchange, Rule 23.54, Sheets 113, 114, 115, 115.1 and 118.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:57 p.m.

TRD-9000673

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8982—Central Texas Telephone Coop., Inc. Substantive Rule 23.54.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:57 p.m.

TRD-9000674

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 9004—Central Telephone Company of Texas, Substantive Rule 23.54.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:56 p.m.

TRD-9000675

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8996—Guadalupe Valley Telephone Coop., Inc. Substantive Rule 23.54.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:56 p.m.

TRD-9000676

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8980—Wes-Tex Telephone Coop., Inc. Substantive Rule 23.54.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:56 p.m.

TRD-9000677

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8978—Fort Bend Telephone Company, Substantive Rule 23.54.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:56 p.m.

TRD-9000678

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8965—United Telephone Company, Rule 23.54, §21, Sheets 1-6A.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:55 p.m.

TRD-9000679

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8964—Contel of Texas, Rule 23.54, Schedule A-1, Sheets 1, 41, and 44.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:55 p.m.

TRD-9000680

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8968—Colorado Valley Telephone Coop., Inc. Substantive Rule 23.54, §20, Sheets 1-8.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:55 p.m.

TRD-9000682

Thursday, February 1, 1990, 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 agenda, a prehearing conference on docket number 8979—Comanche County Telephone Company, Substantive Rule 23.54.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1990, 2:55 p.m.

TRD-9000683

Monday, February 26, 1990, 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 agenda, a prehearing conference on docket number 9234—Southwestern Electric Power Company standard avoided cost calculation for purchases of capacity and energy from qualifying facilities. Pursuant to Public Utility Commission Substantive Rule 23.66(h).

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 22, 1990, 3:12 p.m.

TRD-9000784

Monday, February 26, 1990, 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 agenda, a prehearing conference on docket number 9230—Houston Power and Light standard avoided cost calculation for purchases of capacity and energy from qualifying facilities. Pursuant to Public Utility Commission Substantive Rule 23.66(h).

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 22, 1990, 3:12 p.m.

TRD-9000782

Monday, February 26, 1990, 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 agenda, a prehearing conference on docket number 9231—Central Power and Light standard avoided cost calculation for purchases of capacity and energy from qualifying facilities. Pursuant to Public Utility Commission Substantive Rule 23.66(h).

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 22, 1990, 3:12 p.m.

TRD-9000781

Monday, February 26, 1990, 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 agenda, a prehearing conference on docket number 9227—West Texas Utilities standard avoided cost calculation for purchases of capacity and energy from qualifying facilities. Pursuant to Public Utility Commission Substantive Rule 23.66(h).

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 22, 1990, 3:12 p.m.

TRD-9000780

Monday, February 26, 1990, 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 agenda, a prehearing conference on docket number 9228—El Paso Electric standard avoided cost calculation for purchases of capacity and energy from qualifying facilities. Pursuant to Public Utility Commission Substantive Rule 23.66(h).

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 22, 1990, 3:13 p.m.

TRD-9000779

Monday, February 26, 1990, 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 agenda, a prehearing conference on docket number 9229—Southwestern Public Service standard avoided cost calculation for purchases of capacity and energy from qualifying facilities. Pursuant to Public Utility Commission Substantive Rule 23.66(h).

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 22, 1990, 3:13 p.m.

TRD-9000778

Monday, February 26, 1990, 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 agenda, a prehearing conference on docket number 9233—Texas-New Mexico Power standard avoided cost calculation for purchases of capacity and energy from qualifying facilities. Pursuant to Public Utility Commission Substantive Rule 23.66(h).

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 22, 1990, 3:13 p.m.

TRD-9000777

Monday, February 26, 1990, 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 agenda, a prehearing conference on docket number 9232—Texas Utilities Electric standard avoided cost calculation for purchases of capacity and energy from qualifying facilities. Pursuant to Public Utility Commission Substantive Rule 23.66(h).

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 22, 1990, 3:13 p.m.

TRD-9000776

Wednesday, March 21, 1990, 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 agenda, a prehearing conference on docket 8672—Application of Southwestern Bell Telephone Company to provide Plexar custom service to specific customers.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 22, 1990, 3:15 p.m.

TRD-9000774

◆ ◆ ◆

Railroad Commission of Texas

Monday, January 22, 1990, 9 a.m. The Railroad Commission of Texas held an emergency meeting in 12th Floor Conference Room 12-126, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission reviewed transportation docket numbers 029281ZZT, 029282ZZT, 029283ZZT, 029284ZZT, 029285ZZT, and 029286ZZT; considered whether the commission should enter interim orders authorizing an increase or adjustment of fuel adjustment charges or the establishment of fuel adjustment charge provisions, as requested by the Building Materials Carriers Bureau, A.O. Easley Trucks, Inc. and Long Transport, Inc., the Common Carrier Motor Freight Association and Chemical Express Carriers, Inc. The emergency status was necessary because of an urgent public necessity existing due to the recent dramatic fuel cost increases experienced by the motor carriers. Such a reasonably unforeseeable situation requires immediate action by the commission.

Contact: Harold Bartz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7104.

Filed: January 18, 1990, 4:50 p.m.

TRD-9000698

Monday, January 22, 1990, 11 a.m. The Railroad Commission of Texas held an emergency meeting in 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission considered the use of state funds to contain fluids and bring under control the subject blowout well. Occidental Energy Eaves Lease Well Number 1 I.D. No.119484) Speaks, SW (Catahoula) Field Lavaca County, Texas. The emergency status was necessary because the well was out of control allowing gas and produced water to escape causing an imminent threat to the

public's health and safety.

Contact: Willis C. Steed, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6830.

Filed: January 22, 1990, 8:40 a.m.

TRD-9000733

Monday, January 29, 1990, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room 12-126, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The commission will consider and act on the administrative services division director's report on division administration, budget, procedure, and personnel matters. Discussion of the development of a natural gas clearing house that would match companies that need gas to fuel new plants with producers that have gas to sell-possible action.

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

Filed: January 19, 1990, 10:19 a.m.

TRD-9000709

The commission will consider and act on the automatic data processing division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

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

Filed: January 19, 1990, 10:20 a.m.

TRD-9000707

The commission will consider and act on the executive director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. Consider reorganization of various commission divisions; consolidation of positions; and appointment, reassignment and/or termination of various positions, including division directors. Consideration of reorganization of the well plugging program. The commission will meet in executive session to consider the appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of personnel.

Contact: Cril Payne, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7274.

Filed: January 19, 1990, 10:19 a.m.

TRD-9000708

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

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78753, (512) 463-6710.

Filed: January 19, 1990, 10:19 a.m.

TRD-9000710

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

Contact: Mary Anne Wiley, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6828.

Filed: January 19, 1990, 10:19 a.m.

TRD-9000711

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 its entirety or for particular action at a future time of date. The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received. The commission will meet in executive session to receive legal advice regarding pending and/or contemplated litigation.

Contact: Cue Boykin, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: January 19, 1990, 10:22 a.m.

TRD-9000712

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

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

Filed: January 19, 1990, 10:20 a.m.

TRD-9000705

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

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

Filed: January 19, 1990, 10:209 a.m.

TRD-9000706

Texas Rehabilitation Commission

Thursday-Friday, February 8-9, 1990, 9:30 and 8:30 a.m. respectively. The Texas Planning Council for Developmental Disabilities (Planning and Evaluation Committee) of the Texas Rehabilitation Commission will meet at TRC-4900 North Lamar Boulevard, DD Conference Room,

Suite 4240, Austin. According to the revised agenda, on February 8, 1990 the council will discuss approval of the summary reports, of August 21, 1989; November 10, 1989; designation of nominating committee representative; university affiliated program report (UAP); review of FY 1989 state plan year-end report; review of status of FY 1990-1991 state plan and 1990 report and discussion of proposed state plan amendments; review of proposed annual project summary report. On February 9, 1990 the council will continue discussion of items from committee agenda of February 9, 1990, as necessary; review ethnic status report summary; update on FY 1990 funding activities.

Contact: Roger A. Webb, 4900 North Lamar Boulevard, Austin, Texas 788751-2316, (512) 483-4081.

Filed: January 18, 1990

TRD-9000644

The Texas A&M University System

Wednesday, January 24, 1990, 10 a.m. The Planning and Building Committee of the The Texas A&M University System, Board of Regents, met at the MSC Annex, Texas A&M University, College Station. According to the agenda, the committee met for the purpose of reviewing and considering current construction projects. Please note that this meeting is in addition to, not in lieu of, the meeting of the Planning and Building Committee on Thursday, January 25, 1990.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77840, (409) 845-9603.

Filed: January 18, 1990, 10:47 a.m.

TRD-9000631

Thursday, January 25, 1990, 1 p.m. The Committee for Academic Campuses of the The Texas A&M University System, Board of Regents, met at the MSC Annex, Texas A&M University, College Station. According to the agenda, the committee met for confirmation of agreement between Texas A&M and Koriyama, Japan; establishment of centers, institutes; establishment of fees; authorization of degree programs; establishment of graduate school; establishment of cooperative doctoral degree program; adoption of resolution for Tarleton football team; create center for business and economic analysis; guidelines for matching private grants under the endowed faculty scholars program.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77840, (409) 845-9603.

Filed: January 19, 1990, 10:42 a.m.

TRD-9000721

Thursday, January 25, 1990, 2 p.m. The Planning and Building Committee of the The Texas A&M University System, Board of Regents, met at the MSC Annex, Texas A&M University, College Station. According to the agenda, the committee met for initiation of major construction projects; report of contract actions by the Chancellor; report of contract actions by the Presidents or Deputy Chancellors; report of construction project appropriations/authorization by the Chancellor; action on bids; appropriations; presentation of the campus master plan; presentation for LoTrak project.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77840, (409) 845-9603.

Filed: January 19, 1990, 10:43 a.m.

TRD-9000718

Thursday, January 25, 1990, 4 p.m. The Committee for Service Units of the The Texas A&M University System, Board of Regents, met at the MSC Annex, Texas A&M University, College Station. According to the agenda, the committee met for the granting of the titles of emeritus, Texas agricultural experiment station.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77840, (409) 845-9603.

Filed: January 19, 1990, 10:43 a.m.

TRD-9000717

Thursday-Friday, January 25-26, 1990, 4:30 p.m. and 9 a.m. respectively. The Executive Committee of the The Texas A&M University System, Board of Regents, will meet at the MSC Annex, Texas A&M University, College Station. According to the agenda, the committee will discuss appropriation of funds; transfer funds; approval of budget guidelines; acceptance of gifts and grants; budget and fiscal transfers; emeritus titles; policy for sick leave pool; academic tenure; terminations; appointments and promotions; system councilors; consideration of pending or proposed real estate acquisitions disposals, leases or other matters related to real estate negotiations resolution for Bush Memorial Library and Museum; resolution for Cain Foundation appointment; appoint of Dean.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77840, (409) 845-9603.

Filed: January 19, 1990, 10:42 a.m.

TRD-9000719

Friday, January 26, 1990, 3 p.m. The Board of Regents, of the The Texas A&M University System, will meet at the MSC Annex, Texas A&M University, College Station. According to the agenda, the board will discuss construction matters for the system parts; titles of emeritus; confirmation of agreement of TAMU campus at Koriyama; establishment of centers; institutes; establishment of fees; establishment

of degree programs; establishment of graduate school; resolutions; appropriation of funds; authorization to transfer funds; budget guidelines; gifts, grants, loans, and bequests; budget and fiscal transfers; salary increases; new positions; sick leave pool policy; tenure; terminations; appointments; promotions; system councilors; board of consultants; appointment of Dean; guidelines for private grants; consideration of pending of proposed real estate acquisitions, disposals, leases or other matters related to real estate negotiations.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77840, (409) 845-9603.

Filed: January 19, 1990, 10:42 a.m.

TRD-9000720

Texas Southern University

Monday, January 29, 1990, 5:30 p.m. The Personnel and Academic Affairs Committee Board of Regents of the Texas Southern University will meet at Hannah Hall Board Conference Room 117, 3100 Cleburn Avenue, Houston. According to the agenda, this board meeting is, rescheduled from January 16, 1990, to consider: personnel actions; report on progress of academic activities and programs.

Contact: Everett O. Bell, Texas Southern University, 3100 Cleburn Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: January 19, 1990, 2:30 p.m.

TRD-9000724

The University of Texas at Austin

Thursday, January 25, 1990, 2 p.m. The Intercollegiate Athletics for Women of the University of Texas at Austin met at Bellmont Hall-Dana X. Bible Center, 213C, U.T. Campus, 21st and San Jacinto Streets, Austin. According to the agenda, the approval of minutes of December 6, 1989 meeting; announcements/information reports; old and new business and the executive session.

Contact: Dr. Donna Lopiano, BEL 606, U.T., Austin, Texas, (512) 471-7693.

Filed: January 22, 1990, 10:28 a.m.

TRD-9000751

Texas Veterans Commission

Friday, February 9, 1990, 10 a.m. The Texas Veterans Commission will meet at the E. O. Thompson Building, 6th Floor, 10th and Colorado Streets, Austin. According to the agenda, the commission will consider reports of the commission; make deci-

sions regarding administrative matters pertaining to Texas' veterans' programs.

Contact: Doug Brown, P.O. Box 12277, Austin, Texas 78711, (512) 463-5538.

Filed: January 23, 1990, 9:05 a.m.

TRD-9000798

Texas Water Commission

Wednesday, January 31, 1990, 9 a.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted and at such meeting verbally postpone or continue to this date and 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: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: January 18, 1990, 3:17 p.m.

TRD-9000701

Wednesday January 31, 1990, 2 p.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted and at such meeting verbally postpone or continue to this date and 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: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: January 18, 1990, 3:17 p.m.

TRD-9000700

Wednesday January 31, 1990, 2 p.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted and at such meeting verbally postpone or continue to this date and 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: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: January 23, 1990, 8:32 a.m.

TRD-9000796

Monday, February 5, 1990, 10 a.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 1111A, Austin. According to the agenda, the commission will hold a hearing on rescheduled hearing of Jenks Branch Water Supply, docket number 8146-G.

Contact: Chris Gee, P.O.Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: January 18, 1990, 3:16 p.m.

TRD-9000702

Regional Meetings

Meetings Filed January 18, 1990

The Texas Panhandle Mental Health Authority Board of Trustees met at 1200 Wallace Boulevard, Killgore Atrium, Amarillo, January 25, 1990, at 10:30 a.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79104, (806) 353-7235.

The Middle Rio Grande Development Council Texas Review and Comment System Committee met at Fort Clark Springs Restaurant, Highway 90, Brackettville, January 24, 1990, at 10 a.m. Information may be obtained from Dora T. Flores, P. O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

TRD-9000625

Meetings Filed January 19, 1990

The Alamo Area Council of Governments Budget and Workplan Committee will meet at 118 Broadway, Suite 400, San Antonio, January 31, 1990, at 12 noon. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Alamo Area Council of Governments Area Judges of the Alamo Service Delivery Area will meet at 118 Broadway, Suite 420, San Antonio, January 31, 1990, at 12 noon. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Alamo Area Council of Governments Executive Committee will meet at 118 Broadway, Suite 400, San Antonio, January 31, 1990, at 1 p.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Atascosa County Appraisal District Board of Directors held an emergency meeting at the Courthouse, Commissioners Court, Circle Drive #41, Jourdanton, January 22, 1990, at 9 a.m. The emergency

status was because of the need to meet a contract deadline. Information may be obtained from Vernon A. Warren, (512) 769-2730.

The Austin-Travis County Mental Health Mental Retardation Center Finance and Control Committee met at 1430 Collier Street, Austin, January 24, 1990, at 12 noon. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, 78704, (512) 447-4141.

The Austin-Travis County Mental Health Mental Retardation Center Board of Trustees met at 1430 Collier Street, Austin, January 25, 1990, at 7 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, 78704, (512) 447-4141.

The Bexar Appraisal District Agricultural Appraisal Advisory Board met at 535 South Main, San Antonio, January 23, 1990, at 6:30 p.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204.

The Central Texas Council of Governments Central Texas Private Industry Council met at 302 East Central, Belton, January 25, 1990, at 10 a.m. Information may be obtained from A.C. Johnson, P.O. Box 729, Belton, Texas 76313.

The Coastal Bend Council of Governments Membership Committee will meet at 901 Leopard Street, Corpus Christi, January 26, 1990, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743.

The Coryell County Appraisal District Board of Directors met at 113 North 7th Street, Gatesville, January 24, 1990, at 7 p.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Dallas Area Rapid Transit Personnel Committee met at 601 Pacific Avenue, Conference Room 7A, Dallas, January 23, 1990, at 11 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit Minority Affairs Committee met at 601 Pacific Avenue, Board Room, Dallas, January 23, 1990, at 3 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit Board of Directors met at 601 Pacific Avenue, Board Room, Dallas, January 23, 1990, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Ellis County Appraisal District met at 406 Sycamore Street, Waxahachie, January 23, 1990, at 7 p.m. Information may be obtained from Russell A. Garrison, P.O.

Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Gray County Appraisal District Agriculture Advisory Board met at 815 North Sumner, Pampa, January 24, 1990, at 5 p.m. Information may be obtained from W.Pat Bagley, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791.

The Hunt County Tax Appraisal District Appraisal Review Board met at 4801 King Street, Board Room, Greenville, January 24, 1990, at 8:30 a.m. Information may be obtained from Joe P. Davis, or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Jasper County Appraisal District Board of Directors met at 116 North Austin, Jasper, January 23, 1990, at 6:30 p.m. Information may be obtained from David W. Luther, County Courthouse Annex, Jasper, Texas 75951, (409) 384-2544.

The Lamar County Appraisal District Regular Board met at 521 Bonham Street, Paris, January 22, 1990, at 5 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (214) 785-7822.

The Lamar County Appraisal District Special Board met at 521 Bonham Street, Paris, January 25, 1990, at 5 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (214) 785-7822.

The Leon County Central Appraisal District Board of Directors met at the Leon County Central Appraisal District Office, January 22, 1990, at 7 p.m. Information may be obtained from Robert M. Winn, P.O. Box 53, Centerville, Texas 75833, (214) 536-2252.

The Lower Rio Grande Valley Development Council Annual Membership and Board of Directors met at 311 East Tler, Harlingen, January 25, 1990, at 1:30 p.m. Information may be obtained from Robert A. Chandler, 4900 North 23rd Street, McAllen, Texas 78504, (512) 682-3481.

The Mental Health Mental Retardation Authority of Brazos Valley Board of Trustees met at the Brazos Center, 3232 Briarcrest Drive, Bryan, January 25, 1990, at 1:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467.

The Mental Health Mental Retardation Regional Center of East Texas Board of Trustees met at 2323 West Front Street, Board Room, Tyler, January 25, 1990, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Middle Rio Grande Development Council Board of Directors met at Fort Clark Springs Restaurant, Highway 90, Brackettville, January 24, 1990, at 1:30 p.m. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo

Springs, Texas 78834, (512) 876-3533.

The North Central Texas Council of Governments Executive Board met at Centerpoint Two, 2nd Floor, 616 Six Flags Drive, Arlington, January 25, 1990, at 12:45 p.m. Information may be obtained from Edwina J. Shires, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.

The North Texas Private Industry Council, Inc. will meet at 10th and Indiana, Wichita Falls, January 31, 1990, at 12:15 p.m. Information may be obtained from Art Frerich, 4515 Allendale Road, Wichita Falls, Texas 76310, (817) 691-0020.

The Parmer County Appraisal District Board of Directors will meet at 305 Third Street, Bovina, February 8, 1990, at 11:30 a.m. Information may be obtained from Ron Procter, Box 56, Bovina, Texas 79009, (806) 238-1405.

The San Antonio River Authority Consultant Selection Policies Committee met at the general office, 100 East Guenther Street, San Antonio, January 25, 1990, at 3 p.m. Information may be obtained from Fred N. Pfeiffer, P. O. Box 830027, San Antonio, Texas 78283-0027, (512) 227-1373.

The Tarrant Appraisal District Board of Directors will meet at 2315 Gravel Road, Fort Worth, January 26, 1990, at 9 a.m. Information may be obtained from Olive Miller, (817) 595-6005.

TRD-9000699

◆ ◆ ◆
Meetings Filed January 22,
1990

The Gulf Bend Mental Health and Mental Retardation Center Board of Trustees met at 1404 Village Drive, Victoria, January 25, 1990, at 12 noon. Information may be obtained from Bill Dillard, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0611.

The 24th Judicial District Community Justice Council met at 108 East Forrest Street, Victoria, January 23, 1990, at 7 p.m. Information may be obtained from J. W. Hutcherson, 108 East Forrest Street, Victoria, Texas 77901, (512) 575-0201.

The Lamb County Appraisal District Appraisal Review Board met at 331 LFD Drive, Board Meeting Room, Littlefield, January 25, 1990, at 7 p.m. Information may be obtained from Vaughn E. McKee, P.O. Box 552, Littlefield, Texas 79339-0552, (806) 385-6474.

The Mopac South Transportation Corporation Board of Directors met at 600 Congress Avenue, Suite 2400, Austin, January 25, 1990, at 5:30 p.m. Information may be obtained from John C. Boehm, 2400 One American Center, Austin, Texas 78701, (512) 474-5201.

The Texas Municipal League Group Benefits Risk Pool Board of Trustees, will meet at the Four Seasons Hotel, Houston, January 26-27, 1990, at 10 a.m. Information may be obtained from Rhonda Ruckel, 211 East 7th Street, Suite 1020, Austin, Texas 78701, (512) 478-6601.

The Panhandle Ground Water Conservation District #3 Board of Directors held a public meeting met at the Water District Office, 300 South Omohundro, White Deer, January 25, 1990, at 7 p.m. Information may be obtained from Gary L. Walker, P.O. Box 637, White Deer, Texas 79097, (806) 883-2501.

The Panhandle Regional Planning Commission Board of Directors met at 2736 West Tenth, Board Room, Amarillo, Janu-

ary 25, 1990, at 1:30 p.m. Information may be obtained from Pamela Nielsen, P.O. Box 9257, Amarillo, Texas 79105-9257, (806) 372-3381.

The Region VIII Education Service Center Board of Directors met at the Region VIII Education Service Center, F.M. 1734, Mt. Pleasant, January 25, 1990, at 7 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75455, (214) 572-8551.

The Wood County Appraisal District Appraisal Review Board held an emergency meeting at the Wood County Appraisal District Office, Conference Room, 217 North Main, Quitman, January 23, 1990, at 9 a.m. The emergency status was necessary because the last supplemental to the 1989 tax roll needed to be approved. Information

may be obtained from W. Carson Wages, 217 North Main, Quitman, Texas 75783.

TRD-9000729

◆ ◆ ◆
**Meetings Filed January 23,
1990**

The Bexar Appraisal District Board of Directors will meet at 535 South Main, San Antonio, January 29, 1990, at 5 p.m. Information may be obtained from Bexar Appraisal District, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Lee County Appraisal District Board of Directors will meet at 218 East Richmond Street, Giddings, January 31, 1990, at 9 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

TRD-9000797

◆ ◆ ◆

In Addition

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

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

Texas Air Control Board Notice of Public Hearing

Notice is hereby given that pursuant to the requirements of the Texas Clean Air Act (TCAA), §382.017(a); 40 Code of Federal Regulations 51.102 of the United States Environmental Protection Agency (EPA) regulations concerning state implementation plans (SIPs); the Administrative Procedure and Texas Register Act, Article 6252-13a, §5, Texas Civil Statutes; and the procedural rules of the Texas Air Control Board (TACB), §103.11(4), the TACB will conduct a public hearing to receive testimony concerning revisions to its rules.

The TACB proposes amendments to §116.1, concerning permit requirements; §116.3, concerning consideration for granting permits to construct and operate; and §116.6, concerning exempted facilities. A new subsection (c) is being added to §116.1 to require that any application for permit or permit amendment with an estimated capital cost of the project over \$2 million be submitted under seal of a registered professional engineer. Also, §116.3(a)(1) is being reformatted to add a distance limit for most proposed lead smelters. Finally, a new paragraph (5) is being added to §116.6(a) to prohibit the owner or operator of a proposed facility from circumventing TACB permit requirements, especially those for public notification and comment.

The hearing will be held at 10 a.m. on February 27, 1990, in the auditorium of the TACB located at 6330 U.S. Highway 290 East, Austin, Texas 78723. The hearing is structured for the receipt of oral or written comments. Interrogation or cross-examination is not permitted; however, a TACB staff member will be available to answer questions informally.

Written comments not presented at the hearing may be submitted to the TACB Central Office in Austin prior to and including February 27, 1990. Material received by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the central office of the TACB located at 6330 U.S. Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. For further information, call Barry Irwin at (512) 451-5711.

Issued in Austin, Texas on January 17, 1990

TRD-9000623 Allen Eli Bell
Executive Director
Texas Air Control Board

Filed: January 18, 1990

For further information, please call: (512) 451-5711, ext. 354

Ark-Tex Council of Governments Consultant Proposal Requests

Pursuant to Texas Civil Statutes, Article 6252-11c, the

Ark-Tex Council of Governments (ATCOG) is in the process of selecting a computer-assisted instruction system that will improve student performance in basic academic subjects.

The computer-assisted instructional system selected will be expected to meet the requirements set forth in the request for proposal (RFP). The vendor may respond to either a hardware solution or a software solution or both. The courseware management system must run under a UNIX (R) operating system.

Those firms interested in receiving either or both request for proposals should contact Brenda Davis, Accountant/Auditor, P.O. Box 5307, Texarkana, Texas 75505, (214) 832-8636. The deadline for requesting the above proposal is January 31, 1990.

The contract will be awarded based on the applicant's abilities, experience, and qualifications as defined in detail in the request for proposal. Selection will be made by the Ark-Tex Private Industry Council (ATPIC).

Issued in Wake Village, Texas on January 19, 1990.

TRD-9000731 James D. Goerke
Executive Director
Ark-Tex Council of Governments

Filed: January 19, 1990

For further information, please call: (214) 832-8636

Pursuant to Texas Civil Statutes, Article 6252-11c, the Ark-Tex Council of Governments (ATCOG) is in the process of selecting a computer-assisted instruction system that will improve student performance in basic academic subjects.

ATCOG is offering two request for proposals. One request requires that the courseware management system run under a UNIX (R) operating system. The other request requires hardware that consists of MS-DOS-based microcomputers connected to a file server in a local area network that features high-performance network interfaces. On both requests, the vendor may propose either hardware or software or both.

Those firms interested in receiving either or both request for proposals should contact Brenda Davis, Accountant/Auditor, P.O. Box 5307, Texarkana, Texas 75505, (214) 832-8636. The deadline for requesting the above proposal is January 31, 1990.

The contract will be awarded based on the applicant's abilities, experience, and qualifications as defined in detail in the request for proposal. Selection will be made by the Ark-Tex Private Industry Council (ATPIC).

Issued in Wake Village, Texas on January 19, 1990.

TRD-9000730 James D. Goerke
Executive Director
Ark-Tex Council of Governments

Filed: January 19, 1990

For further information, please call: (214) 832-8636

◆ ◆ ◆
**Attorney General's
Office—Environmental Division**
Solid Waste Enforcement Notice

Notice is hereby given by the State of Texas of the following proposed resolution of an environmental enforcement lawsuit under the Texas Solid Waste Disposal Act. The following is a summary of the nature of the lawsuit and the proposed agreed final judgment.

Case Title and Court. State of Texas, Plaintiff vs. Kaspar Electroplating Corporation, Kaspar Wire Works, Inc., and Donald D. Kaspar, Defendants; Cause Number 14,996, in the District Court of Lavaca County, Second 25th Judicial District.

The Complaint. Kaspar Electroplating Corporation and Kaspar Wire Works, Inc. operate an electroplating company and a wire and sheet metal fabrication company, respectively, in Lavaca County. Donald D. Kaspar is an officer of those corporations and operates a ranch near Shiner, Lavaca County.

The state alleges that defendants improperly disposed of hazardous waste on the Kaspar Ranch, in violation of the Texas Solid Waste Disposal Act and regulations of the Texas Water Commission. The state also alleges that defendants committed violations of the Act and the regulations at the plants by failing properly to identify all wastes generated at the site; improperly disposing of Class I industrial solid wastes by discharging them into the Shiner city sewer; storing hazardous waste without a permit for more than 90 days; failing to maintain required plans, to record inspections, and to file required reports; failing to maintain adequate financial assurance; failing to maintain adequate liability insurance and other violations.

The Judgment. The proposed agreed final judgment requires the defendants to pay \$26,666.67 in civil penalties and \$13,333.33 in attorney's fees, plus costs of court.

For a complete description of the allegations and proposed settlement, the original petition and proposed agreed final judgment should be consulted.

Comments and requests for copies of these pleadings may be directed to Thomas H. Edwards, Texas Attorney General's Office, Environmental Protection Division, P.O. Box 12548, Austin, Texas 78711-2548 (512) 463-2012.

Issued in Austin, Texas on January 17, 1990

TRD-9000628 Lou McCreary
Executive Assistant Attorney General
Office of the Attorney General

Filed: January 18, 1990

For further information, please call: (512) 463-2040

◆ ◆ ◆
**Texas Department of Community
Affairs**
Notice of Public Hearing

The Texas Department of Community Affairs (TDCA) announces that a public hearing will be held to receive comments on the proposed 1990 program year state plan for Texas Weatherization Assistance for Low-Income Persons (WAFLIP) Program.

The public hearing will be held at 10 a.m. on Thursday, February 15, 1990, in Room 1-96, 8317 Cross Park Drive (near the intersection of U.S. Highways 290E and 183), Austin. At the hearing, TDCA representatives will provide descriptions of the Weatherization Assistance Program and the proposed use of United States Department of Energy funds, the Low-Income Home Energy Assistance Block Grant, and Petroleum Violation Escrow funds for the program year which begins on April 1, 1990.

Local officials and citizens are encouraged to participate in the hearing process. Written and oral comments received will be used to prepare the Weatherization Assistance Program State Plan. Written comments from those who cannot attend the hearing in person may be provided by February 16, 1990, to Willie L. Scott, Executive Director, Texas Department of Community Affairs, 8317 Cross Park Drive, Austin, Texas 78754-5124.

Copies of the proposed state plan will be available during the second week in February. A copy may be requested by calling Lucio Varela at (512) 834-6006 or by writing Mr. Varela at the address given below.

Issued in Austin, Texas, on January 18, 1990.

TRD-9000726 Roger A. Coffield
General Counsel
Texas Department of Community Affairs

Filed: January 19, 1990

For further information, please call: (512) 834-6010

◆ ◆ ◆
Public Notice

The Texas Department of Community Affairs (TDCA) announces the imminent availability of funds under the Emergency Shelter Grants Program (ESGP). TDCA is applying to the United States Department of Housing and Urban Development (HUD) for \$1,925,000 in ESGP funds. The ESGP is authorized by under the Stewart B. McKinney Homeless Assistance Act of 1987 (Title IV of Public Law 100-77) as amended by Public Law 100-628.

TDCA will award funds to local governments and private nonprofit organizations on a competitive basis for the rehabilitation or conversion of buildings for use as emergency shelter for the homeless, for the payment of certain operating and social service expenses in connection with emergency shelter for the homeless, and for homeless prevention activities. The definition of emergency shelter includes both temporary and transitional shelters. TDCA will accept proposals for transitional housing projects and encourages their submission.

TDCA has set a minimum grant amount of \$30,000 and a maximum amount of \$200,000. ESGP entitlement cities and counties (See 53 FedReg 52,600, December 28, 1988-CHAP Requirements, for a complete list) are eligible for funding under the state program but only up to the amount that represents the difference between the \$200,000 maximum less their HUD allocations.

To be eligible, an applicant must be: a unit of general local government (county or incorporated city), or a private nonprofit organization providing assistance to the homeless. Nonprofit organizations must obtain a certification from the relevant unit of general local government approving the proposed project. Applicants must plan to utilize ESGP funds for eligible activities as set forth in HUD's implementing regulations (24 Code of Federal Regulations Part 576, 54 FedReg 46,794, November 7, 1989); be able to supplement (match) the ESGP grant amount with an

equal amount of funds from other sources; and ensure that all of its grant amount can be obligated within 180 days after grant award from TDCA. Environmental assessment requirements as set forth in 24 Code of Federal Regulations Part 58 apply to ESGP.

TDCA anticipates that the request for proposal (RFP) for this program will be available in mid-February 1990; the proposal due date to TDCA will be late March 1990; and the date for the obligation of ESGP funds will be mid-May 1990. The RFP packet will contain a specific timetable of events and deadlines. Because of the critical deadlines HUD has placed on the obligation of ESGP funds, potential recipients should begin planning now for the possible receipt and obligation of the ESGP funds. To request a copy of the RFP, write to: Planning and Program Support Section, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711-3166, or call the Planning and Program Support Section at (512) 834-6058.

Issued in Austin, Texas, on January 18, 1990.

TRD-9000716

Roger A. Coffield
General Counsel
Texas Department of Community Affairs

Filed: January 19, 1990

For further information, please call: (512) 834-6010

◆ ◆ ◆

**Office of Consumer Credit
Commissioner**

Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

<u>Type of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer⁽³⁾/Agri- cultural/Commercial⁽⁴⁾ thru \$250,000</u>	<u>Commercial⁽⁴⁾ over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	01/22/90-01/28/90	18.00%	18.00%
Monthly Rate ⁽¹⁾ Art. 1.04(c)	01/01/90-01/31/90	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	01/01/90-03/31/90	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 ⁽³⁾	01/01/90-03/31/90	18.00%	N.A.
Lender Credit Card Quar- terly Rate - Art. 15.02(d) ⁽³⁾	01/01/90-03/31/90	15.19%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) ⁽²⁾	01/01/90-03/31/90	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 ⁽³⁾	01/01/90-03/31/90	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from:	01/01/90-03/31/90	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	01/01/90-01/31/90	10.00%	10.00%

- (1) For variable rate commercial transactions only.
- (2) Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S.
- (3) Credit for personal, family or household use.
- (4) Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on January 16, 1990.

TRD-9000633 Al Endsley
Consumer Credit Commissioner

Filed: January 18, 1990

For further information, please call: (512) 479-1280

Texas Education Agency Consultant Proposal Request

Description: The Texas Education Agency requests proposals (RFP #701-90-031) for conducting a study on the feasibility, configuration, and design of an integrated telecommunications system pursuant to the provision of Texas Civil Statutes, Article 6252-11c and the Texas Education Code, §14.043.

The purpose is to investigate information delivery needs of the public school system and to recommend engineering and governing configurations for a telecommunications-based delivery system for service to the public school system. Research and recommendations are needed to aid the agency in developing an efficient telecommunications-based information delivery system for instructional and administrative services over the next decade. It is anticipated that the delivery system will be configured to use a mix of extant and to-be-developed telecommunications technologies, possibly including public, private, and school-agency resources. Both engineering and administrative concerns should be addressed in the proposed study.

The project will produce specific information to guide the agency as it expands the capabilities of the public school system to deliver by telecommunications a range of services. Following the feasibility studies and using the results, the agency intends to develop one or more RFPs for expanding certain telecommunications services to all agencies of the public school system.

To help insure objectivity, the successful proposer on the feasibility study shall not be eligible to receive a contract for the anticipated next phase, which will be to implement the initial elements of the system.

Eligible Applicants: Any private or public entity or agent with credentials to qualify for studies in the arena of integrated telecommunications and electronic delivery of information services.

Dates of Projects: The project starting date will be March 23, 1990. The project ending date will be August 10, 1990.

Project Amount: The funding available for this phase of the program is approximately \$100,000. The amount of the sole award may vary depending on the final conditions of the contract.

Selection Criteria: The proposal must show evidence of experience in analyzing and designing telecommunications systems. The Texas Education Agency reserves the right to select the proposal containing the best bid considering the outcomes desired. Other selection criteria will be in regard to the quality of the technical component, quality of the management component, related experience of the organization, personnel qualifications, quality of task and activity plan, adequacy and appropriateness of financial resources dedicated to the project, and the quality of the self-evaluation component.

Further Information: A copy of the complete request for proposal (RFP #701-90-031) may be obtained by writing or calling the Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304.

For clarifying information about this request, contact: Gary Haseloff, Program Director, Division of Educational Technology, Texas Education Agency, (512) 463-9087.

Deadline for Receipt of Proposals: The deadline for submitting a proposal is 5 p.m., March 5, 1990.

Issued in Austin, Texas, on January 19, 1990.

TRD-9000750

W. N. Kirby
Commissioner of Education

Filed: January 22, 1990

For further information, please call: (512) 463-9701

Governor's Office of Budget and Planning Request for Proposals

The Energy Management Center (EMC) in the Governor's Office of Budget and Planning invites proposals from private firms, state and local government agencies, institutions of higher education, non-profit organizations, and individuals to conduct alternative energy demonstration projects. All renewable energy technologies are eligible for this demonstration program, including photovoltaics, wind, solar thermal, hybrid systems, biomass, and biofuels.

Notice of Invitation. Alternative energy systems offer many advantages that make them attractive power options for numerous applications. Many Texans, however, are unfamiliar with renewable energy technologies. For this reason, the Texas Legislature established a \$4.5 million Alternative Energy Demonstration Program, funded by oil overcharge funds returned to the state pursuant to the Exxon court order. The primary purpose of the program is to accelerate acceptance of renewable energy technologies through the demonstration of technically feasible and economically practical applications. Demonstration projects will be solicited in three separate funding cycles.

Proposals are now being solicited for the second cycle of renewable energy demonstration projects. All proposed projects must be within the State of Texas, and the prime contractor must be Texas based.

Demonstration projects should illustrate, in an exemplary way, the applicability of one or more particular renewable energy techniques or technologies to a specific segment of the population.

Services to be Performed. Contractors will be selected to perform the following services.

1. Design and install a technically feasible and economically practical demonstration of one or more renewable energy techniques or technologies.
2. Identify members of the specific population sector (target audience) that would be likely to replicate this application.
3. Photograph the installation process and the completed demonstration project.
4. Monitor the demonstration project for two years subsequent to installation and collect performance data.
5. Develop at least two articles for publication in user trade journals or newsletters.
6. Assist the EMC in the preparation of a technology transfer fact sheet describing the project.
7. Arrange and conduct a minimum of six tours of the demonstration facility.
8. Assist members of the target audience who choose to implement the demonstrated techniques or technologies.

9. File quarterly performance and visitor reports with the agency.

10. Prepare a final report summarizing installed project cost and energy savings achieved by this project, and establishing baseline performance for this application of an alternative energy technology.

Restrictions on the Use of Funds. This program is funded with oil overcharge funds appropriated to the Alternative Energy Demonstration Program by the 71st Texas Legislature. Oil overcharge funds are monetary settlements returned to the states as a result of litigation by the United States Department of Energy against certain oil companies for alleged violations of price controls in effect between 1973 and 1981. The courts returned these funds to the states for use in certain energy programs deemed to provide restitution to citizens aggrieved by the overcharges.

Funds are subject to program guidelines of the United States Department of Energy's Energy Extension Service (EES) and the U.S. v. Exxon court order, and may not be used to pay indirect or administrative costs. The funds may be used to supplement existing programs, but may not supplant funds already allocated to the programs.

Projects selected will be funded on a cost reimbursement basis. All expenses must be properly documented and permissible under the contract and under federal guidelines, and all are subject to approval by the governor's office. No advance payments are allowable.

Contact Person. To obtain a copy of the proposal format, or for more information, contact Judith Carroll, Energy Management Center, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, (512) 463-1871. No copies of the proposal format will be sent via facsimile machine.

Closing Date. Six copies of the proposal should be sent to: Kim Munyon, Energy Management Center, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711.

The Energy Management Center is located in room 620 of the Sam Houston State Office Building, 201 East 14th Street, Austin, Texas 78701. Proposals should be sent by certified mail or by courier and must be received no later than 3 p.m. on April 11, 1990. Proposals received after that time will not be considered. Proposals sent by facsimile machine will not be accepted.

Selection Criteria. Proposals must adhere to the format provided by the Energy Management Center, and each of the application requirements must be addressed. Proposals will be evaluated using the following criteria.

I. Transferability (40%)

A. The proposed demonstration project must accelerate technology acceptance by a particular user group that represents a potentially significant market.

B. Members of the target audience must be able to replicate this application of a renewable energy technique or technology.

C. The proposed project must offer a unique opportunity to reach the target audience.

D. The project team must include a credible representative of the identified user group.

E. The proposal must contain components for information dissemination to the target audience.

II. Energy Impact (15%)

The proposed demonstration project must save or displace

the use of fossil fuels. Calculations for energy and cost savings or fuel displacement should be included and must be clearly explained.

III. Technical Feasibility and Practicality (30%)

A. The proposal must establish the economic competitiveness of this application now or within four years.

B. The description of the proposed renewable energy demonstration project must include all pertinent information necessary to establish practicality and technical feasibility.

C. The proposed system design must be clearly illustrated and must use only proven, commercially available equipment. The design should address all applicable codes and standards.

D. The proposed demonstration project must be safe, long lasting and maintainable.

E. The proposed system design should include any metering equipment necessary to measure project performance for two years after the installation date.

F. The project team must be qualified and experienced.

IV. Soundness of Proposed Budget (15%)

A. The proposal should contain a detailed cost breakdown, and all project costs must be reasonable.

B. Participants will be required to share project costs at a minimum of 25%. Cost-sharing should be adjusted upward in proportion to user (owner) savings.

Final selection of contractors will be based on the recommendations of a proposal review panel. The EMC reserves the right to reject any or all proposals and is under no legal requirement to execute a contract on the basis of this request for proposals. If two or more proposals are ranked so closely that a decision cannot be made, the review panel may request finalists to provide additional information or to meet with Energy Management Center staff in Austin prior to final selection. No respondent, however, will be reimbursed for any costs incurred in the preparation, submission, or clarification of a proposal.

Issued in Austin, Texas, on January 16, 1990.

TRD-9000622
Sheila W. Beckett
Director
Governor's Office of Budget and Planning

Filed: January 18, 1990

For further information, please call: (512) 463-1931

Texas Department of Health

Intent To Revoke a Radioactive Material License

Pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8, the Bureau of Radiation Control, Texas Department of Health, filed a complaint against Coastal Inspection Company, P.O. Box 2000, Alvin, Texas 77511, holder of Radioactive Material License Number LO3716. The agency intends to revoke the radioactive material license, order the licensee to cease and desist use of such radioactive materials, and order the licensee to divest himself of the radioactive material, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of the complaint, no order will issue.

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

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on January 17, 1990.

TRD-9000645

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

Filed: January 18, 1990

For further information, please call: (512) 835-7000

◆ ◆ ◆
**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:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Friendswood	Immuno Diagnostic Center	L04365	Friendswood	0	11/29/89

AMENDMENTS TO EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Beaumont	Baptist Hospital of Southeast Texas	L00821	Beaumont	20	01/19/90
Irving	Murdock Engineering Company	L02880	Irving	4	12/
Pasadena	Humana Hospital Southmore	L03501	Pasadena	7	01/03/90
Throughout Texas	Sunbelt Laboratories, Inc.	L03926	El Paso	6	12/20/89
Throughout Texas	General Electric Medical Systems	L02800	Irving	13	12/26/89
Throughout Texas	Four Seasons Industrial X-Ray	L02855	Beeville	13	12/29/89
Throughout Texas	Goolsby Testing Laboratories, Inc.	L03115	Humble	24	12/29/89
Throughout Texas	Halliburton Logging Services, Inc.	L02113	Houston	58	12/29/89

TERMINATIONS OF LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
El Paso	Robert A. Alvarez, D.P.M.	L03722	El Paso	2	12/29/89
Throughout Texas	Soil and Foundation Engineers, Inc.	L04004	Corpus Christi	2	01/03/90

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, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on January 18, 1990

TRD-9000635

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

Filed: January 18, 1990

For further information, please call: (512) 835-7000.

◆ ◆ ◆
Revocation of Certificate of Registration

The Texas Department of Health, having duly filed a complaint pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following certificate of registration.

Neighborhood Minor Emergency Centers, Inc., R13920, Round Rock, January 8, 1990.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on January 17, 1990.

TRD-9000646

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

Filed: January 18, 1990

For further information, please call: (512) 835-7000

◆ ◆ ◆
Revocation of Radioactive Material Licenses

The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following radioactive material licenses.

Dallas Central Diagnostic Imaging Center, LO3932, Dallas, January 8, 1990; and Jerry Quinn, D.P.M., LO3635, Houston, January 8, 1990.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on January 17, 1990.

TRD-9000647

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

Filed: January 18, 1990

For further information, please call: (512) 835-7000

State Department of Highways and Public Transportation

Request for Proposals

Pursuant to Texas Civil Statutes, Article 4413(56), the Oil Overcharge Restitutionary Act, the State Department of Highways and Public Transportation issues the following notice for solicitation of proposals and/or applications from small cities and public transportation providers (excluding recipients of dedicated sales tax revenue for public transportation) to utilize funds available under the Park and Ride Facilities (P&R) Program, administered by the department for the Office of the Governor.

Notice of Invitation: The State Department of Highways and Public Transportation (SDHPT), in conjunction with the Governor's Energy Management Center (GEMC), is issuing this request for proposals. The United States Department of Energy recently approved a program submitted by the GEMC, which authorizes \$3.5 million currently available from the stripper well cases, for small cities and public transportation providers (excluding recipients of dedicated sales tax revenue for public transportation) as the 20% or 25% local capital match needed for Urban Mass Transportation Administration (UMTA) grant funding. The actual leverage capacity, or local participation matching funds requirement, is dependent on the availability and the ultimate source (section) of UMTA funds in the respective fiscal year.

The P&R program is expected to realize significant energy savings as single occupancy vehicle use declines with the increased availability of park and ride facilities in small urbanized and rural areas. The P&R program has been designed to provide facilities throughout the state for commuters to congregate and make connections with interstate or intrastate transportation providers, rural and urban transit systems, car pools, or van pools. Sites that are located on the fringe of large urban areas and sites that encourage multi-modal or inter-modal transportation or tie into developed transit systems are encouraged.

Small cities and public transportation providers (excluding recipients of dedicated sales tax revenue for public transportation) may apply for P&R facilities grants to include: design and engineering costs not to exceed 15% of project costs (if the design and engineering costs are anticipated to exceed this amount, a written justification must be provided); construction costs of new facilities (i.e. site preparation, paving, curb/gutter, sidewalks, striping, lighting, passenger shelters, ticket offices); and expansion of existing facilities. Land costs (i.e., acquisition, leasing) will not be eligible for funding. P&R funds must be used for public mass transportation projects. These monies shall not be used to supplant or replace existing matching funds. That is, if a current or prospective grant recipient has prior match commitments from another source, those monies may not be released and replaced by P&R funds. If P&R funds are to serve as the nonfederal match of the facility, a grant must be submitted to the appropriate agency, UMTA or SDHPT, on or before October 15, 1990.

Selection Criteria: As this is a competitive grant program, the SDHPT staff will recommend projects to the commission for funding based on the measures identified in this proposal. Only those measures will be evaluated.

Response Date: Written proposals must be received by the Public Transportation Division, 11th and Brazos, Austin, Texas 78701-2483 before 5 p.m. on April 2, 1990.

Agency Contact: Copies of and questions concerning the request for proposals should be referred to Jorge Castillo,

(512) 483-3647 or Maureen McCoy, (512) 483-3648, Public Transportation Division, State Department of Highways and Public Transportation.

Issued in Austin, Texas on January 17, 1990

TRD-9000610 Diane L. Northam
Administrative Procedures Technician
State Department of Highways and Public
Transportation

Filed: January 17, 1990

For further information, please call: (512) 463-8630

◆ ◆ ◆
Texas Department of Human Services
Public Notice

The Texas Department of Human Services (TDHS) intends to contract with the shelters listed in this notice to procure family violence services. If there are other eligible

providers, TDHS will determine the appropriateness of additional contracts. To be eligible to apply for a contract, a public or private non-profit organization must operate a shelter center for victims of family violence. For at least nine months before the date TDHS awards a contract to a shelter center, the center must have been incorporated (if private) and been portraying itself to the public as a facility that specifically, although not necessarily solely, serves family violence victims; offered shelter services that included at least food and clothing, a 24-hour hotline, community education, and information and referral; and had the continuous capacity to offer 24-hour-a-day shelter for at least five victims of family violence. Continuous capacity is defined to include a break in services due to extenuating circumstances for not longer than one month. Shelter centers must have written documentation that they meet the previously listed criteria. If you are eligible during fiscal year 1991 and meet the previously listed requirements, contact the regional director for family care in your region by March 9, 1990.

Region 01/02

Fred Seale, RDFC
P.O. Box 10528
Lubbock, TX 79408 (217-7)
(806) 741-0541 ext. 506

Region 04

David Maberry
P.O. Box 6635
Abilene, TX 79608 (001-1)
(915) 695-5750, ext. 241

Region 06

Karen Eells, RDFC
P.O. Box 15995
Austin, TX 78761 (016-1)
(512) 835-2350, ext. 406

Region 08

Sarah Webster, RDFC
P.O. Box 960
Edinburg, TX 78540 (108-1)
(512) 383-5344, ext. 254

Region 10

Josephine Robinson, RDFC
P.O. Box 767
Nacogdoches, TX 75963 (244-1)
(409) 569-7931, ext. 329

Noah Project
P.O. Box 875
Abilene, Texas 79601

Rio-Pecos Family Crisis Center
P.O. Box 1470
Alpine, Texas 79831

Rape Crisis/Domestic Violence
Center of Amarillo, Inc.
804 S. Bryan, #214
Amarillo, Texas 79106

Bastrop County Women's Shelter
P.O. Box 736
Bastrop, Texas 78602

Region 03/12

Eddie Wilson, RDFC
P.O. Box 10276
El Paso, TX 79994 (111-1)
(915) 595-1700, ext. 286

Region 05

Ethel Crear, RDFC
P.O. Box 5128
Arlington, TX 76011-5128 (012-5)
(817) 640-5090, ext. 378

Region 07

Sammie Bedford, RDFC
P.O. Box 9039
Paris, TX 75461-9039
(214) 784-0841

Region 09

Rose Orsborn, RD/Contracts
P.O. Box 23990
San Antonio, TX 78223-0990 (2778-5)
(512) 337-3254, ext 1163

Region 11

Gene Daniel, RDFC
1300 E. 40th Street
Houston, TX 77022 (172-1)
(713) 696-7370

Women's Center of Brazoria County
P.O. Box 476
Angleton, Texas 77515

Arlington Women's Shelter, Inc.
P.O. Box 1207
Arlington, Texas 76004

Center for Battered Women
P.O. Box 19454
Austin, Texas 78760

Matagorda County Women's Crisis
Center
P.O. Box 1820
Bay City, Texas 77414

Baytown Area Women's Center
P.O. Box 3735
Baytown, Texas 77522

Friendship of Women, Inc.
P.O. Box 3112
Brownsville, Texas 78520

Johnson County Family Crisis
Center
P.O. Box 43
Cleburn, Texas 76031

The Family Place
P.O. Box 4216
Dallas, Texas 75208

Safe Place, Inc.
Box 317
Dumas, Texas 79029

Women's Haven of Tarrant County
P.O. Box 1456
Fort Worth, Texas 76102

Women In Need, Inc.
P.O. Box 349
Greenville, Texas 75401

Medina County Family Life
Center
Box 393
Hondo, Texas 78861

The Roseate, A Better
Choice, Inc.
Department 382, Box 90020
Houston, Texas 77290

Hill Country Crisis
Council, Inc.
P.O. Box 1817
Kerrville, Texas 78029

Families in Crisis, Inc.
P.O. Box 25
Killeen, Texas 76540

Women's Center of East
Texas, Inc.
P.O. Box 347
Longview, Texas 75606

Highland Lakes Family Crisis
Center, Inc.
P.O. Box 805
Marble Falls, Texas 78654

Permian Basin Center for
Battered Women and
Their Children
P.O. Box 2942
Midland, Texas 79702

Family Services Association
of Beaumont
P.O. Box 6606
Beaumont, Texas 77705

Twin City Mission, Inc.
P.O. Box 3490
Bryan, Texas 77805

Women's Shelter of Corpus Christi Area
Box 3368
Corpus Christi, Texas 78463-3368

Denton County Friends of the
Family, Inc.
P.O. Box 623
Denton, Texas 76202

The El Paso Shelter for Battered
Women
P.O. Box 10559
El Paso, Texas 79996

Women's Resource & Crisis Center
of Galveston County, Inc.
P.O. Box 1545
Galveston, Texas 77553

Family Crisis Center
220 Haine Drive, #32
Harlingen, Texas 78550

Houston Area Women's Center
4 Chelsea Place
Houston, Texas 77006

Walker County Family Violence Center
P.O. Box 1893
Huntsville, Texas 77340

Kilgore Community Crisis Center, Inc.
713 Harris Street
Kilgore, Texas 75662

Catholic Social Services of Laredo
P.O. Box 3305
Laredo, Texas 78041

Women's Protective Services, Inc.
1706 23rd Street, Suite 104
Lubbock, Texas 79411

Mujeres Unidas/Women Together
Foundation, Inc.
420 N. 21st Street
McAllen, Texas 78501

Hope, Inc.
P.O. Box 1622
Mineral Wells, Texas 76067

Women's Shelter of East Texas, Inc.
P.O. Box 569
Nacogdoches, Texas 75963

Tra-Lee Crisis Center
for Women, Inc.
P.O. Box 2880
Pampa, Texas 79065

The Bridge Over Troubled Water
P.O. Box 3488
Pasadena, Texas 77501

Hale County Crisis Center
P.O. Box 326
Plainview, Texas 79073-0326

Fort Bend County Women's
Refuge, Inc.
P.O. Box 183
Richmond, Texas 77469

Family Shelter
P.O. Box 5018
San Angelo, Texas 76902

Hays County Women's Center
P.O. Box 234
San Marcos, Texas 78667

Grayson Women's Crisis
Line, Inc.
P.O. Box 2112
Sherman, Texas 75091

East Texas Crisis Center
3027 W.E. Loop 323
Tyler, Texas 75701

Family Abuse Center
P.O. Box 1812

Montgomery County Women's Center
Box 8666, The Woodlands
77387-8666

Family Haven Crisis & Resource
Center, Inc.
P.O. Box 1453
Paris, Texas 75460

Panhandle Crisis Center
Box 502
Perryton, Texas 79070

Collin County Women's Shelter
2701-C West 15th, Suite 212
Plano, Texas 75075

Williamson County Crisis Center
211 Commerce Cove, #103
Round Rock, Texas 78664

Women's Shelter of Bexar County, Inc.
P.O. Box 10393
San Antonio, Texas 78210

Guadalupe County Women's Shelter
P.O. Box 1302
Seguin, Texas 78155

Domestic Violence Prevention, Inc.
P.O. Box 712
Texarkana, Texas 75504

Women's Crisis Center
P.O. Box 395
Victoria, Texas 77902

First Step, Inc.
P.O. Box 773
Waco, Texas 776703

Issued in Austin, Texas, on January 22, 1990.

TRD-09000741 Cathy Rossberg
Agency Liaison, Policy Communication
Services Section
Texas Department of Human Services

Filed: January 22, 1990

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

◆ ◆ ◆
**Texas State Library and Archives
Commission**

Consultant Contract Reports

Senate Bill 737 of the 65th Texas Legislature (Texas Civil Statutes, Article 6252-11c) requires state agencies and regional councils of governments to file with the Office of the Secretary of State invitations to bid and details on bidding on private consultant contracts expected to exceed \$10,000. Within 10 days of the award of the contract, the agency is required to file with the secretary of state a description of the study to be conducted, the name of the

consultant, the amount of the contract, and the due dates of the reports. Additionally, the Act directs the contracting agencies to file copies of the resulting reports with the Texas State Library. The library is required to compile a list of the reports received and submit the list quarterly for publication in the *Texas Register*.

Following is a list of reports received for the fourth quarter of 1989. The reports may be examined in Room 300, Texas State Library, 1201 Brazos Street, Austin.

Agency: Board of Public Accountancy

Consultant: August Schneiderheinz, CPA

Title: 1. Texas State Board of Public Accountancy new computer system request for bid.

2. Texas State Board of Public Accountancy new computer system RFB evaluation of vendors.

Agency: Coordinating Board, Texas College and University System

Consultant: Center of Studies in Health Policy Incorporated

Title: 1. Development of a strategy for funding nurs-

ing programs over a health science center in the state of Texas.

2. Nursing program structure and organization: the critical base, breakeven points, and planning strategies; comments and constructions.

Agency: Texas Employment Commission

Consultant: Roy B. Allen

Title: Response to CIS state office letter dated May 16, 1989.

Agency: Texas Education Agency

Consultant: Price Waterhouse

Title: Public Education At-Risk System

Agency: Governor's Office of Budget and Planning

Consultant: Planergy, Inc.

Title: Energy management for small businesses.

Agency: Houston-Galveston Area Council

Consultant: S. H. Putman and Associates

Title: Empal, Dram and Lancon model calibration and verification.

Agency: Department of Human Services

Consultant: Austin Data Management Associates

Title: 1. Social Work/Administration System: technical documentation.

2. Social Work/Administration System: user documentation.

Consultant: Children's Action Alliance

Title: Texas preparation for adult living program: program evaluation 1989.

Consultant: Touche Ross and Company

Title: Report on management audit of the Department's administrative structure, effectiveness and efficiency.

Agency: North Central Texas Council of Governments

Consultant: NuStats, Inc.

Title: Final report from the census of Tarrant County mobility impaired residents.

Agency: Texas College of Osteopathic Medicine

Consultant: Coopers and Lybrand

Title: Salary administrative plan for classified employees.

Issued in Austin, Texas, on January 15, 1990.

TRD-9000587 Raymond Hitt
Assistant Director
Texas State Library and Archives
Commission

Filed: January 17, 1990

For further information, please call: (512) 463-5440

Texas National Research Laboratory Commission

Request for Proposals

The Texas National Research Laboratory Commission, the state agency responsible for the acquisition of an estimated 17,000 acres of land for the superconducting super collider

project in Ellis County, is requesting proposals from firms experienced with eminent domain, right-of-way and relocation in accordance with Public Law 91-646. Interested firms are encouraged to obtain the approved request for proposals (RFP) by calling or writing: Kenneth S. Welch, Associate Director for Administration, Texas National Research Laboratory Commission, 1801 North Hampton Road, Suite 400, De Soto, Texas 75115, (214) 709-6481.

Requests for the RFP may be faxed to: (214) 709-5491. Proposals must be received at the commission office in De Soto no later than 5 p.m. February 12, 1990.

Issued in De Soto, Texas on January 22, 1990.

TRD-9000742 Kenneth S. Welch
Associate Director for Administration
Texas National Research Laboratory
Commission

Filed: January 22, 1990

For further information, please call: (512) 709-6481

Texas State Board of Pharmacy Public Hearing Notice

The Texas State Board of Pharmacy will conduct a public hearing beginning at 9 a.m., February 13, 1990, at the Wyndham Hotel South, 4140 Governor's Row, Austin. The purpose of the hearing is to receive testimony regarding the following proposed section which was published in the October 24, 1989, issue of the *Texas Register*.

Section 281.24, regarding grounds for discipline for a pharmacist license, as it pertains to unprofessional conduct, gross immorality, fraud, deceit, and misrepresentation.

The board has determined that the section is necessary to help ensure that the practice of pharmacy in Texas is conducted in a manner which protects the health and safety of the citizens of Texas.

The public is encouraged to attend the hearing and to present evidence or opinions regarding the proposed section. Written testimony is encouraged. The board would appreciate receiving a copy of all written testimony before the hearing. The testimony and questions regarding the public hearing should be addressed to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, Texas State Board of Pharmacy, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754-4533.

Issued in Austin, Texas, on January 19, 1990.

TRD-9000636 Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Filed: January 18, 1990

For further information, please call: (512) 832-0661

State Preservation Board Request for Proposals

The State Preservation Board requests proposals for asbestos abatement of the Texas State Capitol in Austin. The engineer or engineering firm selected will perform a site survey to locate and map asbestos-containing materials (ACM), assess potential for hazards, provide construction documents, and provide project management for abatement work (including QA/QC) at the Texas State Capitol. A walk-through of the site will take place at 2 p.m. on

Thursday, February 1, 1990, starting in the rotunda of the building. Individuals interested in submitting a proposal should contact David Stauch, Director of Construction, State Preservation Board, (512) 463-5495. The deadline for receipt of proposals is 2 p.m. on Thursday, February 8, 1990. The State Preservation Board will review the proposals received and will award the contract on the basis of expertise and previous experience.

Issued in Austin, Texas, on January 18, 1990.

TRD-9000697 Michael Schneider
Staff Services Officer
State Preservation Board

Filed: January 18, 1990

For further information, please call: (512) 463-5495

◆ ◆ ◆
Public Utility Commission of Texas
Notice of Refunds

The Public Utility Commission of Texas (commission) has ordered GTE Southwest Incorporated (GTESW) to calculate and to issue refunds to certain of its past and current interexchange carrier customers. The refunds are associated with GTESW's provision of jointly-provided switched transport access, where GTESW was the billing carrier, for the period from January 1984 to February 22, 1989. The commission has determined that GTESW's billing of jointly-provided switched transport for this period was in violation of its existing tariffs.

Former or current interexchange carrier customers may be eligible for a refund.

Persons requesting information regarding the refunds may contact David Carson, 2702 Loop 306, Mail Code 7504, San Angelo, Texas 76904, (915) 942-4781.

Persons wishing to inquire with the Public Utility Commission, may contact Public Information Division, (512) 458-0100, or (512) 458-0221, teletypewriter for the deaf or hearing impaired.

Issued in Austin, Texas, on January 18, 1990.

TRD-9000687 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: January 18, 1990

For further information, please call: (512) 458-0100

◆ ◆ ◆
Project Number 8290

On December 13, 1989, the Public Utility Commission of Texas (commission) issued a final order adopting 16 TAC §23.56. The commission amended subsection (d)(4)(B) of the staff's proposed section by deleting a sentence that specified that the intrastate long distance rates to be charged relay service customers shall be the rates in effect for the relay service carrier's other customers. The purpose of this order is to correct the preamble of the previous final order to modify the 17th paragraph of the preamble which begins with the line "Concerning §23.56(d)(4)(B), dealing with rates for long distance calls,...." The last two sentences of that paragraph are deleted and replaced with the following sentence: "The commission is of the opinion that this matter is best handled in the context of the Request for Proposals rather than the rule, and therefore made no changes to the language proposed in the original publication."

The commission final order as quoted in the preceding paragraph was processed in accordance with applicable statutes and rules, that the preamble to the final order was erroneously adopted based on the mistaken belief that it reflected the commission's action concerning §23.56(d)(4)(B), and that this mistake was in the nature of a clerical error and not judgment.

The Order NUNC Pro Tunc is hereby entered and the staff shall publish it in the *Texas Register*.

Issued in Austin, Texas, on January 17, 1990.

TRD-9000689 Jo Campbell
Commissioner
Public Utility Commission of Texas

Filed: January 18, 1990

For further information, please call: (512) 458-0100

◆ ◆ ◆
Texas Racing Commission
Notice of Application Period

The Texas Racing Commission announces that March 1-March 30, 1990, the commission will accept application documents in support of a Class 1 pari-mutuel racetrack license in Harris County and Class 2 pari-mutuel racetrack licenses statewide.

Under Texas Racing Commission rules, the commission may designate an application period of not more than 60 days in which application documents for a racetrack license may be filed.

On December 11, 1989, the Texas Racing Commission adopted a timeline for beginning the application process and designated the period from 8 a.m., March 1- 5 p.m., March 30, 1990, as the application period for a Class I racetrack license in Harris County and Class 2 racetrack licenses statewide.

For more information contact Lisa Gonzales, Hearings Coordinator, at (512) 476-7223. The Texas Racing Commission offices are located at the First State Bank Building, Suite 625, 400 West 15th, Austin, Texas 78701 or write P.O. Box 12080, Austin, Texas 78711.

Issued in Austin, Texas on January 17, 1990

TRD-9000588 Paula Cochran Carter
General Counsel
Texas Racing Commission

Filed: January 17, 1990

For further information, please call: (512) 476-7223

◆ ◆ ◆
The University of Texas System
Consultant Contract Award

The University of Texas Harris County Psychiatric Center (UTHCPC), in accordance with provisions of Texas Civil Statutes, Article 6252-11c, awards for consultant services to assist in the development of a long-range plan to upgrade the information processing capability of the agency. Award is made as a result of a request for proposals published in the August 29, 1989, issue of the *Texas Register* (14 TexReg 4427). Award is to Price Waterhouse, 950 Seventh Street, #2600, Denver, Colorado 80202.

The objective of the consulting contract is the determination of the most cost-effective software and hardware strategy considering costs of staff, capital, and other resources necessary to ensure successful implementation of

the selected strategy. The deliverables of the engagement are a long-range plan which conforms to the Automated Information and Telecommunications Council guidelines. Contractor is to commence work on January 15, 1990, with deliverables and a completion date of March 30, 1990. Contract fees are not to exceed \$74,750.

Issued in Austin, Texas, on January 18, 1990.

TRD-9000688 Arthur H. Dilly
Executive Secretary to the Board
The University of Texas System

Filed: January 18, 1990

For further information, please call: (512) 499-4402



Texas Water Commission Meeting Notice

A meeting of the Scientific/Technical Advisory Committee of the Galveston Bay National Estuary Program is sched-

uled for: Thursday, February 1, 1990, 10 a. m., Forest Room-Bayou Building, University of Houston-Clear Lake, 2700 Bay Area Boulevard, Houston.

STAC will hear staff reports on proceedings from the Management and Policy Committee meetings relevant to STAC operations. STAC will initiate discussions concerning development of FY 1991 technical studies during the Characterization Phase of the Management Conference. STAC will review and finalize Management Committee suggested revisions of FY 1990 technical studies.

Issued in Houston, Texas, on January 19, 1990.

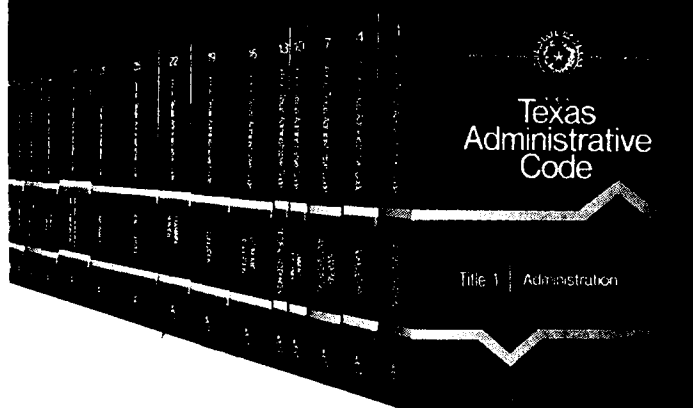
TRD-9000735 Frank S. Shipley, Ph.D.
Program Manager
Galveston Bay National Estuary Program

Filed: January 22, 1990

For further information, please call: (713) 488-9495



The only COMPLETE, OFFICIAL and
UP-TO-DATE
source of administrative rules for Texas!



★ SAVE 40%

WEST'S® TEXAS ADMINISTRATIVE CODE

West Publishing Company, official publisher of the *Texas Administrative Code* for 1989, is proud to announce that the complete TAC is now ready—and is being offered to you right now at a full set savings of 40%! Or, choose only those volumes essential to your daily practice.

COMPLETE, FOR RESEARCH CONVENIENCE!

The TAC is your convenient access to the rules and regulations of Texas state agencies. Each title is divided into parts, and each part corresponds to a state agency. The chapters and sections within each part thus contain all permanent rules and regulations for that particular agency in one convenient publication.

DEPENDABLE SUPPLEMENTATION TO KEEP YOU UP-TO-DATE!

West's TAC includes rules and regulations soon after their adoption into

Texas law. You'll find the exact currency dates of the provisions contained within the preface of each volume.

Timely Supplementation! Semi-annual supplements bring subscribers current within 120 days of the adoption of new rules and changes in existing rules. The supplementation will be softbound, cumulative, companion volumes to the 16-volume TAC set. This eliminates the time-consuming need for complicated collation and substitution of pages that was required by the looseleaf format of the previous publisher.

OFFICIAL, FOR YOUR ASSURANCE OF CONFIDENCE!

Only with West's *Texas Administrative Code* do you get absolute assurance that all code provisions appear as finally reviewed and corrected by the Secretary of State's Office.

TITLES INCLUDED IN THIS COMPLETE AND OFFICIAL SET:

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

SAVE 40% ON YOUR FULL SET PURCHASE!

Get complete details from your West representative, or call toll free **1-800-328-9352**. (In MN call collect 0-612-688-3600.)



**WEST
PUBLISHING
COMPANY**

50 W. Kellogg Blvd.
P.O. Box 64526
St. Paul, MN 55164-0526

Second Class Postage

PAID

Austin, Texas
and additional entry offices

To order a new subscription, or to indicate a change of address, please use this form. When notifying us of an address change, please attach the mailing label from the back of a current issue. Questions concerning existing subscriptions should also include the subscription number from the mailing label.

For information concerning the Texas Register, please call (512) 463-5561, or write to P.O. Box 13824, Austin, Texas 78711-3824.

You may also use this form to request back issues of the Texas Register. Please specify the exact dates and quantities of the issues requested. Each copy of a back issue is \$4.

Change of Address
(Please attach mailing label)

Back Issues Requested
(Please specify dates)

Please enter my subscription to the Texas Register as indicated below. (I will look for my first issue in about two weeks.)

1 year (100 issues) \$90

Payment enclosed

6 months (50 issues) \$70

Bill me

Name

Organization

Occupation

Telephone

Address

City

State

Zip Code

Please make checks payable to the Secretary of State. Subscription fees are not refundable.

For office use only