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Texas Register

Volume 14, Number 21, March 21, 1989

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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.

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Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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Jack M. Rains Secretary of State

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Dan Procter

Assistant Director

Dee Wright

Documents Section Supervisor

Patty Parris

Documents Editors

Lisa Bruhl

Janiene Hagel

Open Meetings Clerk

Brenda J. Kizzee

Production Section Supervisor

W. Craig Howell

Production Editor

Jody Allen

Typographers

Ann Franklin

Sharon Menger

Circulation/Marketing

Richard Kallus

Roberta Knight

TAC Editor

Dana Blanton

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General Land Office

1476-Consultant Contract Award Amendment

Texas Parks and Wildlife Department

1476-Consultant Contract Award

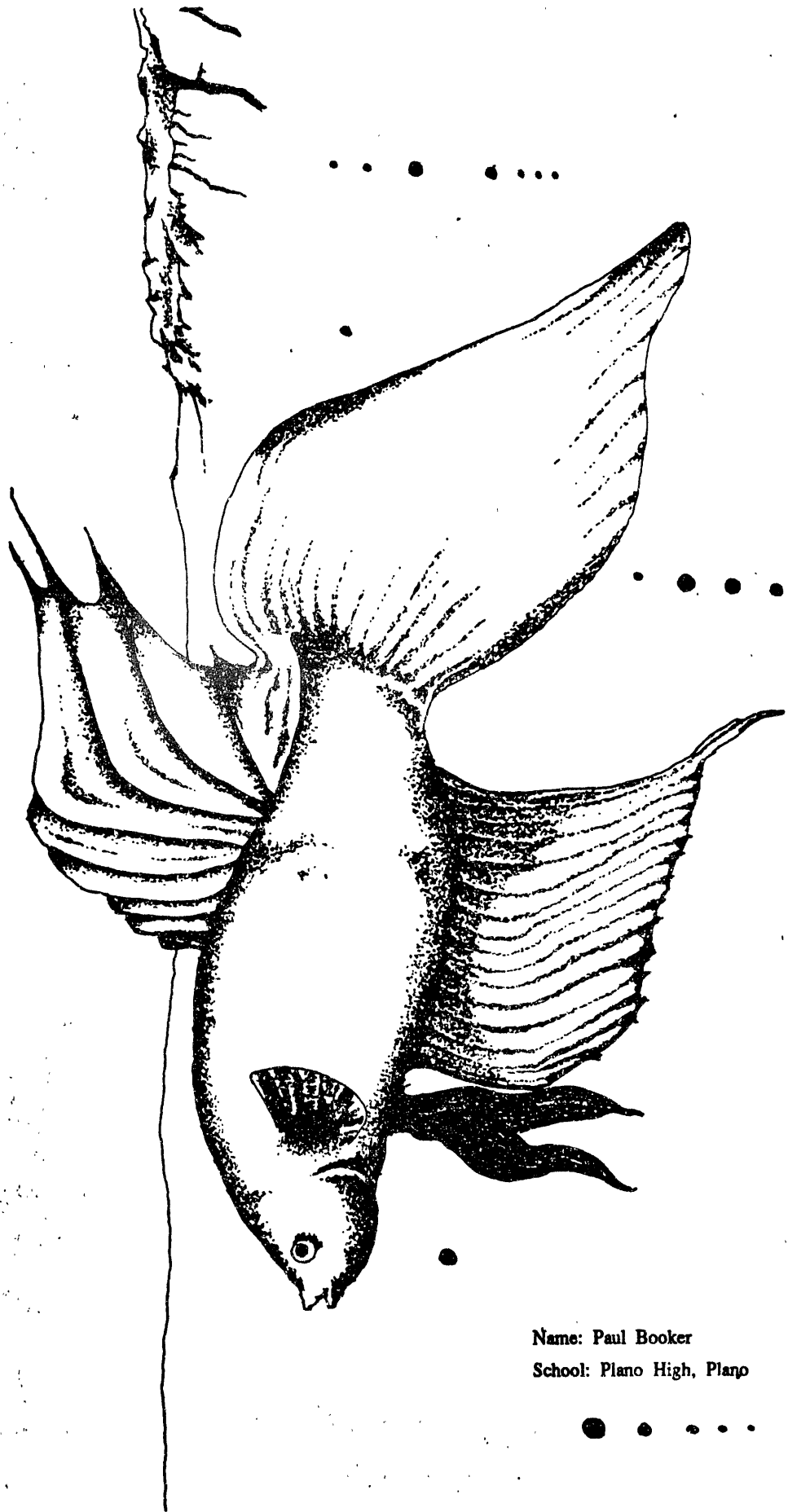
Texas Water Commission

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Name: Carlos Marin
School: Plano High, Plano



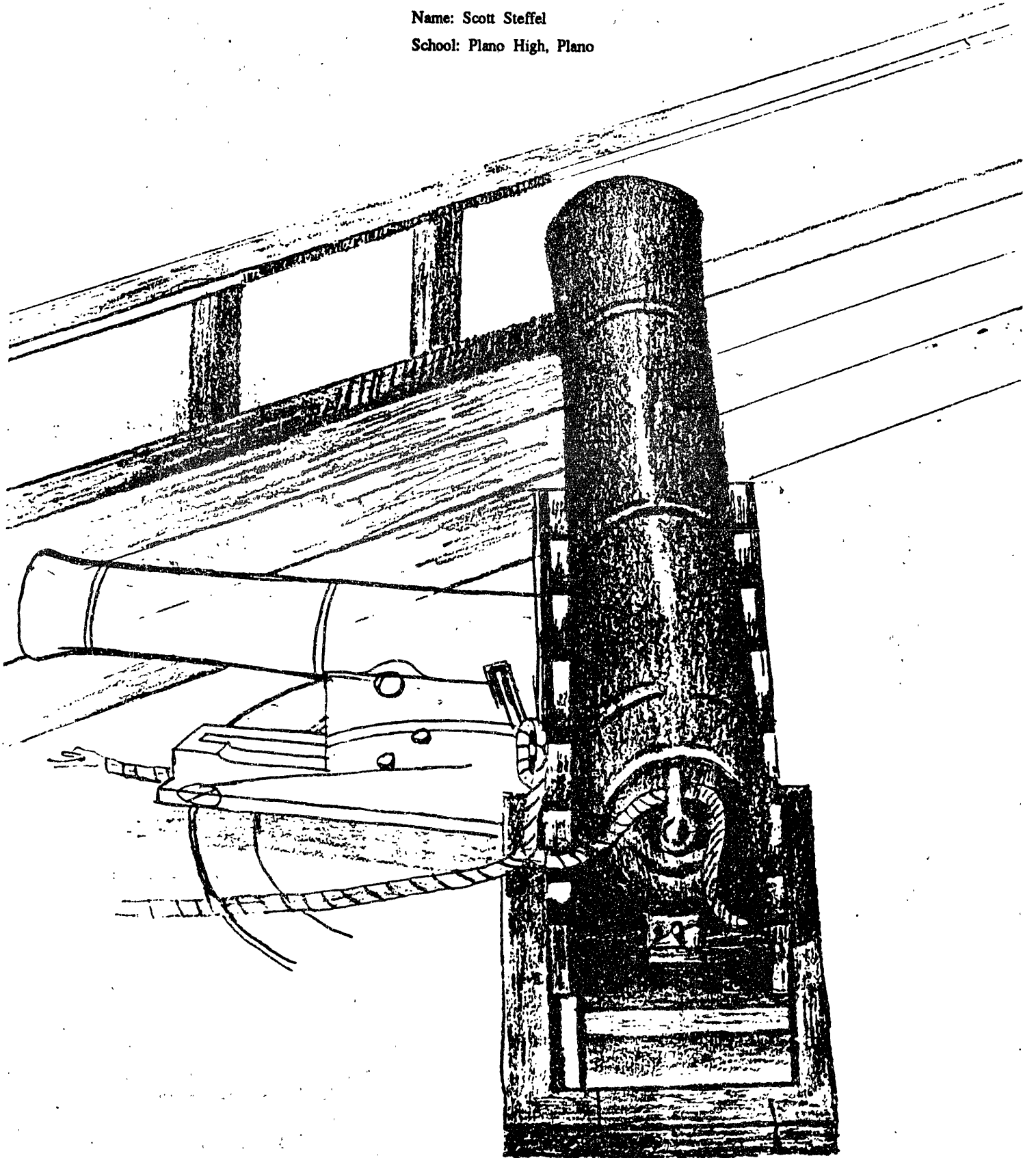
11/11/11



Name: Paul Booker
School: Plano High, Plano

Name: Scott Steffel

School: Plano High, Plano



TAC Titles Affected

TAC Titles Affected—March

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43 TAC §25.1—1294

43 TAC §25.91—1294

43 TAC §25.301-25.309—1295



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 March 14, 1989

To be a member of the Lower Colorado River Authority Board of Directors, for a term to expire February 1, 1995: John H. Hill, Cypress Mill Ranch, Cypress Mill, Texas 78654. Mr. Hill will be replacing Pinky Wilson Scanlan of La Grange, whose term expired.

To be a member of the Lower Colorado River Authority Board of Directors, for a term to expire February 1, 1995: Mr. Alexander Hamilton Massad, 2703 Hillview, Austin, Texas 78703. Mr. Massad will be replacing James A. Martini of Austin, whose term expired.

Issued in Austin, Texas on January 9, 1988.

TRD-8902426

William P. Clements, Jr.
Governor of Texas



Name: Scott Steffel

School: Plano High, Plano



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 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

Chapter 4. General Rules of Practice and Procedure

Subchapter A. Definitions and General Provisions

• 31 TAC §4.11

The General Land Office adopts on an emergency basis an amendment to §4. 11, concerning the purpose and scope of the sections in this chapter. The amendment is adopted on an emergency basis in order to assure that the proceedings held under this chapter relate only to the redetermination of audit assessments, and that no other substantive rights of persons or entities are affected by these sections.

The amendment is adopted on an emergency basis under the Natural Resources Code, §52.135 and §31.051, which provides the commissioner with the authority to make and enforce suitable rules and procedures for hearings consistent with the law.

§4.11. Purpose and Scope.

(a) These sections are intended to provide orderly and efficient procedures for the General Land Office to redetermine royalties, penalties, and interest due as a result of audit billing notices issued under the Texas Natural Resources Code, §52.135. These sections are not intended to cover [administer all laws within its ju-

isdiction except for] matters regarding determination of the existence of vacancies (areas of unsurveyed public school land) and those under the jurisdiction of the School Land Board. For proceedings involving vacancies see §1.61 of this title (relating to Scope), for proceedings regarding the School Land Board see §151.1 of this title (relating to Land and Mineral Estate Affected).

(b) These procedures shall apply to the initiation, conduct, and determination of contested cases before the General Land Office, as defined by §4.12 of this title (relating to definitions), where notice and hearing are required. They shall be fairly and impartially construed. These procedures shall not be construed so as to enlarge, diminish, or alter the jurisdiction, powers, or authority of the General Land Office or the substantive rights of any person.

(c) (No change.)

Issued in Austin, Texas, on March 14, 1989.

TRD-8902392 Garry Mauro
Commissioner
General Land Office

Effective date: March 14, 1989

Expiration date: July 12, 1989

For further information, please call: (512) 463-5009

• 31 TAC §4.12

The General Land Office adopts on an emergency basis an amendment to §4. 12, concerning the definitions of terms used in this chapter. The amendment redefines the term "contested case". The amendment is adopted

on an emergency basis in order to assure that the proceedings held under this chapter relate only to the redetermination of audit assessments, and that no other substantive rights of persons or entities are affected by these sections.

The amendment is proposed under the Natural Resources Code, §52.135 and §31.051, which provides the commissioner with the authority to make and enforce suitable rules and procedures for hearings consistent with the law.

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

Contested case—A proceeding involving [including, but not restricted to,] a dispute over the [involving an] amount of royalty, penalty, or interest paid to or assessed by the General Land Office [an action to determine whether a lease has terminated, an action to reinstate a forfeited lease or landowner's agency rights, or any other action in which the legal rights, duties, or privileges of a party are to be determined by the General Land Office after an opportunity for an adjudicative hearing].

Issued in Austin, Texas, on March 14, 1989.

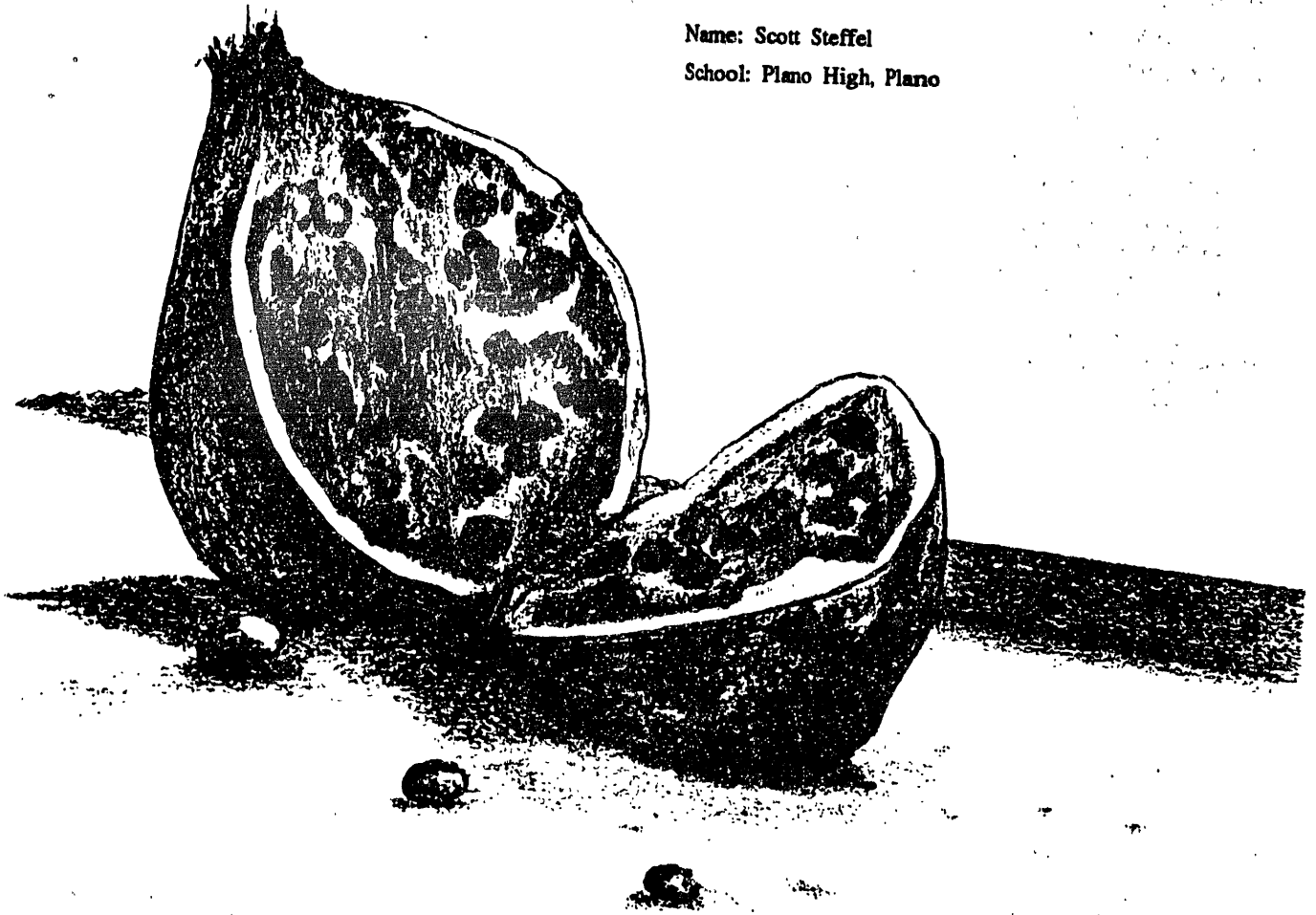
THD-8902390 Garry Mauro
Commissioner
General Land Office

Effective date: March 14, 1989

Expiration date: July 12, 1989

For further information, please call: (512) 463-5009

Name: Scott Steffel
School: Plano High, Plano



Proposed Sections

Before an agency may permanently adopt a new or amended section, or repeal an existing section, a proposal detailing the action must be published in the *Texas Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the section. Also, in the case of substantive sections, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

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

TITLE 16. ECONOMIC REGULATION

Part 7. Railroad Commission of Texas

Chapter 3. Transportation Division

Subchapter L. Insurance Requirements

• 16 TAC §5.186

The Railroad Commission of Texas proposes an amendment to §5.186, concerning cargo insurance exceptions. The amendment is proposed to add an exception to the requirements that motor carriers obtain and file cargo insurance. The exception would apply to agricultural permit holders transporting timber in its natural state.

Jackye S. Greenlee, assistant director-Central Operations, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Jan Barton, hearings examiner, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is a reduction in the amount of time spent and paper work involved in complying with the section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jan Barton, Hearings Examiner, Legal Division, and Raymond Bennett, Director, Transportation/Gas Utilities Division, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711.

The amendment is proposed under the Texas Motor Carrier Act, Texas Civil Statutes, Article 911b, §13, which authorizes the commission to set the amount of insurance covering loss of or damage to cargo for each class of service.

§5.186. Cargo Insurance Exceptions. The following are not required to obtain or file cargo insurance:

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

(4) a holder of an agricultural permit transporting timber in its natural state, provided that prior written notice shall be given to the shipper that the

carrier does not maintain cargo insurance.

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

Issued in Austin, Texas, on March 13, 1989.

TRD-8902400 Cril Payne
Assistant Director, Legal
Division-General Law
Railroad Commission of
Texas

Earliest possible date of adoption: April 21, 1989

For further information, please call: (512) 463-7152

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

Chapter 4. General Rules of Practice and Procedure

Subchapter A. Definitions and General Provisions

• 31 TAC §4.11

(Editor's Note: The General Land Office proposes for permanent adoption the new sections it adopts on an emergency basis in this issue. The text of the new section is in the Emergency Rules section of this issue.)

The General Land Office proposes an amendment to §4.11, concerning the purpose and scope of the sections in this chapter. The amendment clarifies that the sections in this chapter are intended to cover only proceedings involving the redetermination of assessments by the General Land Office as provided by the Texas Natural Resources Code, §52.135. Identical emergency action is being filed for simultaneous publication.

Dan Miller, assistant general counsel, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Miller also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the scope of the rules will be more clearly defined.

There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Dan Miller, Assistant General Counsel, General Land Office, Room 630, 1700 North Congress, Austin, Texas 78701

The amendment is proposed under the Natural Resources Code, §52.135 and §31.051, which provides the commissioner with the authority to make and enforce suitable rules and procedures for hearings consistent with the law.

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

Issued in Austin, Texas, on March 14, 1989.

TRD-8902331 Garry Mauro
Commissioner
General Land Office

Earliest possible date of adoption: April 21, 1989

For further information, please call: (512) 463-5009

• 31 TAC §4.12

(Editor's Note: The General Land Office proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is in the Emergency Rules section of this issue.)

The General Land Office proposes an amendment to §4.12, concerning definitions of terms used in this chapter. The amendment redefines the term "contested case". Identical emergency action is being filed for simultaneous publication.

Dan Miller, assistant general counsel, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Miller also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the rules of this chapter will apply only to procedures governing the redetermination of royalties. This will result in less burdensome procedures for all other hearings concerning agency action. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Dan Miller, Assistant General Counsel,

General Land Office, Room 630, 1700 North Congress, Austin, Texas 78701.

The amendment is proposed under the Natural Resources Code, §52.125 and §31.051, which provides the commissioner with the authority to make and enforce suitable rules and procedures for hearings consistent with the law.

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

Issued in Austin, Texas, on March 14, 1989.

TRD-8902389 Gary Mauro
Commissioner
General Land Office

Earliest possible date of adoption: April 21, 1989

For further information, please call: (512) 463-5009

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 3. Income Assistance Services

Subchapter V. Medicaid Eligibility

• 40 TAC §§3.2201, 3.2203, 3.2204

The Texas Department of Human Services (DHS) proposes amendments to §§3.2201, 3.2203, and 3.2204 concerning Medicaid eligibility of Aid to Families with Dependent Children (AFDC) Program recipients. The amendments specify that certain clients participating in DHS's Welfare Reform Waiver Project may receive 12 months of Medicaid coverage if their AFDC benefits are denied because of increased income or loss of income disregards. To implement the waiver project, DHS is simultaneously proposing in this issue of the *Texas Register* new sections in Chapter 10, concerning family support services.

Burton F. Raiford, deputy commissioner for support operations, has determined that for the first five-year period the proposed sections will be in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The Welfare Reform Waiver Project are in effect from April 1, 1989, until April 1, 1992. The effect on state government for the first five-year period the sections are in effect is an estimated additional cost of \$623,914 in fiscal year 1989; \$5,614,747 in FY 1990; \$1,299,880 in FY 1991; \$0 in FY 1992; and \$0 in FY 1993. With the federal share included, the total costs will be \$1,516,564 in FY 1989; \$14,415,268 in FY 1990; \$3,514,140 in FY 1991; \$0 in FY 1992; and \$0 in FY 1993. There will be no fiscal implications for local governments or small businesses.

Mr. Raiford also has determined that for each year of the first five years the sections are in

effect the public benefit anticipated as a result of enforcing the sections will be to provide extended Medicaid coverage to certain clients participating in the Welfare Reform Waiver Project. The anticipated economic cost to individuals who are required to comply with the sections as proposed will be \$194,121 in FY 1989; \$1,321,930 in FY 1990; \$343,979 in FY 1991; \$120,097 in FY 1992; and \$63,051 in FY 1993. The costs consist of the copay that providers assess clients for day care, and the medical and day care costs that some members of the control group may incur (because the control group is restricted to the existing transitional benefits—four or nine months of Medicaid and day care on a space available basis). It is federally required that the control group be restricted to the existing transitional benefits for the duration of the pilot.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-103, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The amendments are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§3.2201. Eligibility Requirement. Aid to families with dependent children clients must meet requirements for Medicaid eligibility as stipulated in the Social Security Act, §1902(a)(10). Clients participating as members of the experimental group in DHS's Welfare Reform Waiver Project may be eligible to receive Medicaid benefits for 12 months, according to §§10.7001-10.7008 of this title (relating to the Welfare Reform Waiver Project).

§3.2203. Four Months Post. Aid to families with dependent children clients must meet requirements for four months post-Medicaid as stipulated in the Social Security Act, §1902(e)(1). Clients participating as members of the experimental group in DHS's Welfare Reform Waiver Project may be eligible to receive Medicaid benefits for 12 months, according to §§10.7001-10.7008 of this title (relating to the Welfare Reform Waiver Project).

§3.2204. Nine Months Post. If DHS [DHR] denies an AFDC certified group because an employed group member or a disqualified legal parent is no longer eligible for the earned income disregard, the certified group is eligible for Medicaid benefits for the nine-month period following denial of benefits. Clients denied for this reason who are participating as members of the experimental group in DHS's Welfare Reform Waiver Project may be eligible to receive 12 months post-Medicaid benefits, according to §§10.7001-10.7008 of this title (relating to the Welfare Reform Waiver Project).

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

Issued in Austin, Texas, on March 15, 1989.

TRD 8902422 Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: May 15, 1989

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

Chapter 10. Family Self-Support Services

Welfare Reform Waiver Project

• 40 TAC §§10.7001-10.7008

The Texas Department of Human Services (DHS) proposes new §§10.7001-10.7008, concerning the Welfare Reform Waiver Project. This pilot project is a test of a proposed implementation of the federal Family Support Act of 1988. The pilot project will operate in four of DHS's 10 administrative regions from April 1, 1989, until April 1, 1992. During the pilot project, DHS will provide 12 months of Medicaid coverage and day care to selected clients who lose eligibility for the Aid to Families with Dependent Children (AFDC) program because of increased income or loss of income disregards. In addition, DHS will provide employment services to these AFDC-denied clients. As a related action, DHS is simultaneously proposing in this issue of the *Texas Register* amendments in Chapter 3, concerning income assistance services.

Burton F. Raiford, deputy commissioner for support operations, has determined that for the first five-year period the proposed sections are in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections are in effect is an estimated additional cost of \$623,914 in fiscal year 1989; \$5,614,747 in FY 1990; \$1,299,880 in FY 1991; in FY 1992, and nothing in FYs 1992 and 1993. With the federal share included, the total costs will be \$1,516,564 in FY 1989; \$14,415,268 in FY 1990; \$3,514,140 in FY 1991; and nothing in FYs 1992 and 1993. There will be no fiscal implications for local government or small businesses.

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to extend Medicaid benefits, day care, and employment services to certain AFDC-denied clients for a year before these transitional benefits are mandated by federal law. The pilot project will enable DHS to implement an effective statewide program. The anticipated economic cost to individuals who are required to comply with the sections as proposed will be \$194,121 in FY 1989; \$1,321,930 in FY 1990; \$343,979 in FY 1991; \$120,097 in FY 1992; and \$63,051 in FY 1993. The costs consist of the copay that providers assess clients for day care, and the medical and day care costs that some members of the control group may incur (because the control group is restricted to the existing transitional benefits—four- or nine-months of Medicaid and day care on a space-

available basis). It is federally required that the control group be restricted to the existing transitional benefits for the duration of the pilot.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-103, Texas Department of Human Services 222 E. P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The sections are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§10.7001. Description. The Welfare Reform Waiver Project operates in four of DHS's 10 administrative regions: Region 9 (San Antonio); Region 10 (Beaumont); Region 11 (Houston); and Region 3/12 (El Paso). Within the project regions, clients assigned to the experimental group receive extended Medicaid coverage and transitional day care. The special transitional benefits are available to the experimental group members effective April 1, 1989, because of the project waivers. The same benefits, however, will be available to all clients statewide on April 1, 1990. For clients assigned to the control group, eligibility for the special transitional benefits will be delayed until April 1, 1992.

§10.7002 Eligibility for Transitional Benefits.

(a) Special transitional benefits are available through the project to clients who meet the following requirements:

(1) they reside in one of the pilot regions; and

(2) they are assigned to be a member of the experimental group.

(b) Individuals who are assigned to the control group receive existing agency transitional benefits.

§10.7003. Method for Placing Clients in the Experimental and Control Groups.

(a) DHS uses the birth date of the caretaker to determine if the client is in the control or experimental group. Beginning April 1, 1989, approximately 10% of clients will be in the control group and 90% will be the experimental group. Households which do not have a caretaker are members of the experimental group.

(b) Households in the control or experimental group who transfer to Medicaid coverage between April 1, 1989, and April 1, 1990, will be monitored for the duration of the pilot.

§10.7004. Services Provided to Experimental Group. The following transitional benefits under waiver will be provided to

AFDC clients placed in the experimental group:

(1) Medicaid coverage for 12 months.

(A) An AFDC client who received AFDC in three of the previous six months and becomes ineligible because of increased earnings or loss of the earned income disregards is eligible for up to 12 months of Medicaid.

(B) Clients receiving 12 months of Medicaid must submit status reports in the fourth, seventh, and 10th months. Clients who submit incomplete reports or who fail to submit any reports without good cause will be denied.

(C) Clients who return their status report will be denied if information on the status report indicates one or more of the following:

(i) there is no eligible child in the home;

(ii) there are no earnings in one of the previous three months. However, a report of no earnings for a month on the status report returned in the fourth month does not cause ineligibility;

(iii) The average monthly income, less child care costs, exceeds 185% of the federal poverty level. This results in denial in the seventh and 10th months.

(2) Day care for 12 months.

(A) Children under the age of 11 years whose needs are included in the AFDC grant and who remain in the household, or children who are added to the family during the transitional period, are entitled to transitional day care subject to the conditions outlined in this undesignated head.

(B) Clients must meet the following basic requirements to be entitled to transitional benefits.

(i) Clients must request day care and care must be necessary for employment.

(ii) Clients must have received AFDC for three of the last six months.

(iii) Clients must be denied the AFDC grant and transferred to four- or nine-months extended Medicaid coverage between April 1, 1989, and March 31, 1990. Denial of the AFDC grant must be based on receipt of earned income or expiration of the earned income disregard.

(iv) Clients must have children under the age of 11 years for whom they are requesting child care.

(v) Clients must begin employment between April 1, 1989, and March 31, 1990. However, clients who begin working prior to April 1, 1989, but whose AFDC grants are denied as described in clause (iii) of this subparagraph are entitled to transitional day care beginning April 1, 1989.

(I) Clients must work at least 25 hours per week and earn at least \$200 per month to receive full day care.

(II) Clients must work at least 15 hours per week and earn at least \$100 per month to receive part day care.

(III) If clients lose their job, they may continue to receive day care temporarily while seeking work.

(IV) Training does not qualify clients for transitional day care unless the training provides wages.

(vi) There is no upper income limit for the client's earnings; however, a small fee is assessed based on their income. The fee is determined according to §10.3121 of this title (relating to Parent or Caretaker Fees in POS Facilities) and §10.3171 of this title (relating to Parent or Caretaker Fees in Provider Agreement Facilities) including the possibility of waivers and reductions.

(vii) Clients are presumed entitled to transitional day care prior to denial of the AFDC grant and are eligible to receive transitional day care if they meet all requirements listed in clauses (i), (ii), (iv), (v), and (vi) of this subparagraph. When presumed eligibility for transitional day care ends and the client is not eligible for the transitional services, the continued receipt of day care is contingent upon the clients' eligibility for care under §10.3102 of this title (relating to Eligibility and Priorities for Service in POS Facilities) and §10.3155 of this title (relating to Eligibility and Priorities for Service in Provider Agreement Facilities). Presumed entitlement begins on the day that the parent starts work and ends on the earliest of the following dates:

(I) the date the client is verified as eligible for transitional services via a notice of certification, monthly list of verified eligibles, or when his recipient status changes from AFDC grant payment to four- or nine-months extended Medicaid eligibility;

(II) the date the client is found ineligible for transitional day care services because he does not meet the eligibility requirements; or

(III) the end of the third calendar month after the client first received transitional day care.

(C) DHS determines the basis for payment for transitional day care services according to §10.3101 of this title (relating to Basis of Payment for Purchase of Service Contracts) and §10.3154 of this title (relating to Basis of Payment for Provider Agreements).

(D) Eligible clients receive transitional day care beginning with the date they are employed and ending when their eligibility for 12-months transitional Medicaid coverage expires, as long as they do not quit work without good cause.

§10.7005 Services Provided to Control Group. AFDC clients placed into the control group for purposes of this project receive Employment Services according to §§10.2301-10.2309 of this title (relating to employment services). These clients are eligible to receive post-Medicaid services according to §§3.2201, 3.2203, and 3.2204 of this title (relating to Medicaid Eligibility).

§10.7006 Moving In/Out of Regions Participating in Project.

(a) If experimental group households move from a pilot region to a nonpilot region, they are no longer eligible for special transitional benefits; however, they may receive benefits according to §3.2203 and §3.2204 of this title (relating to Four Months Post and Nine Months Post Medicaid). If control group households move from a pilot region to a nonpilot region, they are still eligible for the unused portions of benefits they receive according to §3.2203 and §3.2204 of this title (relating to Four Months Post and Nine Months Post Medicaid).

(b) Households which move from a nonpilot region to a pilot region can receive special transitional benefits if they meet experimental group criteria and are not already receiving post-Medicaid benefits according to §3.2203 and §3.2204 of this title (relating to Four Months Post and Nine Months Post).

§10.7007. Restriction of Services to Control Group. AFDC recipients in the control group are restricted to pre-1990 transitional benefits throughout the project regardless of whether their AFDC eligibility is continuous or interrupted.

§10.7008. Right to Appeal. AFDC clients may appeal DHS decisions according to DHS's fair hearing rules contained in Chapter 79 of this title (relating to Legal Services).

This agency hereby certifies that the proposal

has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on March 15, 1989.

TRD-8902423

Charles Stevenson
Acting Commissioner
Texas Department of
Human Services

Proposed date of adoption: May 15, 1989

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

Part VII. Texas Commission for the Deaf

Chapter 181. General Rules of Practice and Procedures

Subchapter H. Memoranda of Understanding with State Agencies

• 40 TAC §181.915

The Texas Commission for the Deaf proposes new §181.915, concerning general provisions pertaining to memoranda of understanding with the Texas Employment Commission. The proposal is made pursuant to House Bill 550 of the 70th Texas Legislature, which mandates specified state agencies to adopt by rule memoranda of understanding that describe their respective responsibilities, coordinate the delivery of services to persons who are deaf, and reduce duplication of services. In the course of developing memoranda gaps in the delivery of services and methods to reduce or eliminate such gaps will be identified.

Section 181.915, concerning memorandum of understanding adopts by reference an agreement between the Texas Commission for the Deaf and the Texas Employment Commission.

Section 181.913(a) and §181.914(a) concerning terms of the memoranda which are hereby adopted by reference, identical to the terms of induction and purpose and description of programs and services contained in the November 25, 1988, edition of the *Texas Register* (13 TexReg 5901). Copies of the memoranda of understanding are available from the Texas Commission for the Deaf.

Larry D. Evans, executive director, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section. Fiscal implications to other state agencies that are party to the agreement will be discussed in their proposals of this memorandum for adoption in rule form.

Mr. Evans also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the coordination of effort by the designated state agency. There is no anticipated economic cost to indi-

viduals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to William F. Eckstein, Coordinator of Administrative Procedures and Program Services, P.O. Box 12904, Austin, Texas 78711.

The new section is proposed under the Texas Human Resources Code, §81.017, which provides the Texas Commission for the Deaf with the authority to adopt rules relating to memoranda of understanding with the designated state agencies.

§181.915. The Texas Employment Commission.

(a) Terms. Memorandum of understanding between the Texas Commission for the Deaf and the Texas Employment Commission includes the same terms, except the name of the designated agency, as stated in §181.912(a) and (b) of this subchapter relating to introduction and purpose and TCD description of programs/services. These terms will not be repeated in this publication for each agency involved in the memorandum of understanding. However, the Texas Commission for the Deaf and the Texas Employment Commission herein agree to the memorandum of understanding.

(b) The Texas Employment Commission. The Texas Employment Commission, hereafter referred to as TEC, provides services to the general public including testing, counseling, evaluation, special programs (targeted job tax credit, work incentive program, Job Training Partnership Act, food stamps, etc.), and placement services. TEC has field offices across the state which provide these services. Additionally, the offices are able to match job openings with applicants by various categories including industry, qualifications, experience, geographical preference, and interests.

(c) Specific programs for persons who are deaf.

(1) Disability specialists. All TEC services are available to persons who are deaf, and other persons who have disabilities through their disability specialists. The disability specialists are the TEC staff who assist in the application, testing, and counseling of clients who are deaf. Currently, TEC has 105 field offices each with a disability specialist who devotes from 10% to 100% of their time to serving these clients, depending on the number of applicants, the size of the office and other responsibilities. Support and coordination for these specialists are assigned to the TEC Job Services Operations Division. A state coordinator is designated in this division.

(2) Interpreter services. Interpreter services are provided to facilitate the application, testing, and counseling process of persons who are deaf. TEC has an interagency contract with TCD in the amount of \$25,000. This amount was set by line item funding from the Texas Legislature for the 1988-89 biennium.

(3) **Disabled Workers Program.** In Houston, in addition to the disability specialists available through TEC local offices, there is a special Disabled Workers Program entirely devoted to serving disabled persons. From April-December 1987, this office served 88 deaf applicants with 34 direct placements; 51 of these persons were employed after receiving services. This Job Training Partnership Act (JTPA) funded program is a cooperative effort between the John Gray Institute of Lamar University and TEC.

(4) **Targeted Jobs Tax Credit (TJTC) Program.** TEC certifies clients' eligibility for the TJTC program. Disabled applicants are one of nine targeted groups covered by this program. TJTC encourages the employment of disabled applicants by giving employers a tax credit for 40% of an eligible employee's first \$6,000 in salary.

(5) **TDDs in TEC facilities.** TEC has 34 locations across Texas which have TDDs.

(6) **Employment service policy** as it relates to persons with disabilities. An extensive policy relating to persons with disabilities is addressed in the *TEC Employment Service Manual* which is utilized by all TEC personnel serving deaf applicants. This policy deal, with procedures and services concerning the interviewing, counseling, testing, routing, and placement of disabled individuals seeking employment opportunities.

(7) **Other activities.** TEC conducts regional and statewide training throughout the year focusing on services provided through the disability specialists. TEC is an ex-officio member of the Governor's Committee for Disabled Persons. TEC sponsors and participates in activities in support of consumer organization such as their participation in Deaf Sympto 88.

(d) **Coordination of services.** The primary means of cooperation between TCD and TEC is the interagency contract for interpreter services. TEC has had such a contract with TCD for a number of years.

(e) **Duplication of services.** No duplication of services between the two agencies was identified.

(f) **Gaps in the delivery of services.** In the course of developing this document, the following gaps in the delivery of services were identified. Methods for reducing or eliminating these gaps are included. Many of these gaps concern accessibility of services for persons who are deaf and the methods included provide ways to enhance accessibility.

(1) **Case management services.** Because of the communication gap caused by deafness, many persons who are deaf are not informed about the health and human services that are required to be made accessible to them by the Rehabilitation Act of 1973, §504. (This act states that all pro-

grams which receive federal funding must make their services accessible to persons who are disabled.) Therefore, these persons do not seek necessary services and often suffer the consequences of not receiving them. Also, because of the communication difficulties of deafness, many health and human service agencies at the local level refuse to serve persons who are deaf. (Note: TCD will request from the legislature, monies for case worker services/personnel for each of its councils for the deaf in order to refer persons who are deaf to appropriate and necessary services and to coordinate the provision of these services. The case workers will serve as liaisons between the clients who are deaf and the various health and human service agencies.)

(2) **Telephone relay services and telecommunication devices for the deaf (TDD).**

(A) **Persons who are deaf have no comprehensive mechanism for accessing public services via the telephone system.** Current avenues of access by phone in Texas for persons who are deaf are extremely limited in scope and costly for all concerned. TCD's contracted relay services are primarily provided to 16 of the cities with councils and funds provided by TCD are typically expended within the first three quarters of each fiscal year.

(B) **Telephone relay services** is a system where special operators function something like an answering service. The person who is deaf calls the relay operator on a TDD. The operator receives the call on a TDD and then uses a regular telephone to transmit the caller's message to the desired party. The relay operator either can relay a message and later call the original caller back with an answer; or interpret the ongoing conversation as it occurs, communicating with the TDD user by TDD and the non-TDD user by voice.

(C) **Without telephone relay services, every service agency facility should have a TDD in order to make their services accessible.** Thirty-four of TEC's 130 field offices have TDDs. If the local office does not have a TDD, the person who is deaf in order to have any question answered or to receive any information must make an appointment (somehow); come to the office to talk to a staff person; and the staff person must arrange for an interpreter. This is a costly and time consuming process for the person who is deaf, the state worker, and the agency.

(D) **Methods to address this gap in services** are as follows.

(i) **TEC will study the effectiveness and accessibility to services afforded by the TDDs which the agency currently has.**

(ii) **TCD will seek funding from the Legislature for the 1990-91 biennium to expand telephone relay services.**

(iii) **In future editions of the directory of offices of TEC, the agency will identify all field offices which have TDDs.**

(3) **Interpreting services.**

(A) **Interpreting services are the primary means for making health and human services accessible to persons who have a profound hearing loss.** The limited interpreting services available through TCD's 17 contracted councils run short of funds each biennium; there is always a greater demand for services than there are funds available.

(B) **While current TEC contracted interpreter services facilitate the application, testing, and counseling of persons who are deaf, there are additional situations concerning the successful employment of persons who are deaf where interpreter services are needed.**

(C) **Methods to address this gap in services** are as follows.

(i) **TEC will study the feasibility of using interpreter services for purposes related to TEC services but in situations outside the immediate TEC offices.**

(ii) **After consultation with TCD, TEC will revise, as appropriate, the interpreter services procedure regarding when an interpreter should be requested and how to request an interpreter.**

(4) **Staff training and development.** Persons who are deaf have needs which are different from any other disabled group. Persons who have a profound hearing loss and use sign language have a unique culture. Most persons in this special population have difficulty using English because their native language is sign language. Deafness has social and psychological ramifications. In order to provide many health and human services, service providers need special understanding of these matters. Methods address this gap in the program are as follows.

(A) **Within the 1990-91 biennium, TEC will hold a statewide or regional conference for disability specialists which include training in deafness and its psychosocial impact on persons who are deaf.** TEC will coordinate with TCD to identify training resources and programs for this conference.

(B) **For each city with a population of 100,000 or more, TEC will encourage the disability specialist to learn**

sign language and to become familiar with deaf culture. However, such skills will not replace the need for interpreting services unless a disability specialist acquires at least Level III interpreting certification.

(C) TEC will conduct a survey to generally determine the sign language capabilities of its disability specialists.

(5) Sharing information.

(A) TCD and TEC have no established means for sharing information and coordinating their expertise to better serve clients who are deaf.

(B) It is often difficult to find employment for persons who are deaf because of employer bias.

(C) Methods to address this gap in services are as follows.

(i) TEC will work with TCD either to secure any quality existing brochures or to produce a brochure which provides basic information regarding persons who are deaf, deafness, etc. TEC will then purchase or print these brochures and distribute them to potential employers, TEC personnel, and clients.

(ii) TCD will assemble a reading list of available publications from other sources on the subject of employment of persons who are deaf. This list will be made available to TEC so that it can provide copies to potential employers of persons who are deaf.

(iii) TCD will produce a brochure at least biennially which provides information about the services provided by each of its contracted councils for the deaf. This brochure will describe the services contracted by TCD. Copies of this brochure will be provided to TEC by TCD so that they can then be distributed to potential employers of persons who are deaf.

(6) Statistics. There are no census statistics for Texas that reveal the number of persons who are deaf. This makes planning for services difficult. (Note: TEC and TCD will pursue mechanisms, both public and private, to identify the number of persons in our state who are deaf.)

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

Issued in Austin, Texas, on March 8, 1989.

TRD-8902394

Larry D. Evans
Executive Director
Texas Commission for the
Deaf

Earliest possible date of adoption: April 21, 1989

For further information, please call: (512) 463-9891

Part X. Texas Employment Commission

Chapter 301. Unemployment Insurance

Subchapter 32. Timeliness

• 40 TAC §301.32

The Texas Employment Commission proposes new §301.32, concerning rules for determining timeliness of appeals in unemployment insurance cases before the Texas Employment Commission.

J. Ferris Duhon, legal counsel, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Duhon also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a more secure basis for decisions on appeals timeliness in unemployment compensation benefits cases. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Carolyn Calhoun, Office of Special Counsel, Texas Employment Commission Building, 101 East 15th Street, Room 660, Austin, Texas 78778 (512) 463-2291.

The new section is proposed under Texas Civil Statutes, Article 5221ab, which provide the Texas Employment Commission with the authority to adopt, amend, or rescind such rules as it deems necessary for the effective administration of this Act.

§301.32. Timeliness.

(a) Appeal time frames generally are:

(1) established in the Texas Unemployment Compensation Act;

(2) extended one working day following a deadline which falls on a weekend or official state holiday.

(b) Presumption of receipt.

(1) A document mailed to a party is presumed to be received if the document was mailed to the complete, correct address of record unless:

(A) there is tangible evidence of nondelivery, such as the document being returned to the commission by the United States Postal Service; or

(B) credible and persuasive evidence is submitted to the commission to establish nondelivery, delayed delivery, or

misdelivery of the document.

(c) Address for proper mailing.

(1) For a claimant, the proper address is the address given by the claimant to the Texas Employment Commission (TEC) subject to later changes given by the claimant to TEC.

(2) For an employer, the proper address is the address of the physical location where the claimant last worked; or the official tax address on record with the commission; or a mailing address change specifically requested in protest, appeal, or other correspondence, or at a hearing.

(3) For governmental employers, the group account address must be used, if applicable.

(4) Mailing of notice to a party representative, whether or not an attorney, is required to bind parties to timeliness rules.

(5) If a party inadvertently provides TEC with his own incorrect mailing address, a TEC mailing to that address will be a proper mailing.

(6) TEC is not responsible for effectuating an address change when it is listed in correspondence or merely listed by a party on an appeal filed in person, unless specifically directed by the party.

(7) If the TEC improperly addresses a document, time frame for filing an appeal will begin to run as of the actual date of receipt by the party.

(8) Addresses will be positively verified by hearing officers, who will also explain to parties the importance of such address being correct and the fact that subsequent appeal deadlines run from the date of mailing, not the date of receipt by the party.

(d) Date appeal perfected for in-person appeals.

(1) The date on a signed and countersigned appeal form (either A-4 or interstate) is the appeal date.

(2) Receipt date is date of receipt at the earliest TEC or agent state location.

(3) If an appeal is received at a local (or agent state) office, but not dated then but only upon later receipt by appeals (or interstate) processing unit, appeal date will be set at a three business days earlier than receipt in appeals (or interstate).

(e) Date appeal perfected for mailed documents.

(1) The appeal date for a document received via United States Postal Service will be the postmark date or the postal meter date (where there is only one or the other); but where there is both a postmark date and a postal meter date and they conflict, the postmark date controls. (see Ap-

peal Number 87-18325-10-101987 under PR 430.20).

(2) The date a document is delivered to a common carrier (such as Federal Express, Purolator, etc.) controls as the date the appeal is perfected (delivery to carrier is equivalent to delivery to United States Postal Service; date of delivery to carrier is equivalent to postmark date).

(3) An appeal received in an envelope bearing no legible postmark or postal meter date will be considered to be perfected three business days before receipt by TEC, or on the date of the document, if less than three days earlier than date of receipt.

(4) If the mailing envelope is lost after delivery to TEC, appeal document date will control. If the document is undated, appeal date will be three business days before receipt by TEC, subject to sworn testimony establishing an even earlier date.

(f) Sworn testimony can establish a date for an appeal being perfected which is earlier than the postmark date. Only in the face of extremely credible evidence will a party be allowed to establish an appeal date earlier than a postal meter date or the date of the document itself.

(g) Credible and persuasive testimony subject to cross-examination establishing timeliness allows the commission or the Appeal Tribunal to rule on the merits.

(h) If a party submits an address change to TEC during the appeal period (but after TEC document was mailed to the

old address) address change date will control and will be considered as date appeal was perfected.

(i) The substantive nature of certain cases causes, or creates, exceptions to the general timeliness rules, even where notice is proper or response is clearly late.

(1) Cases fitting into the wage credits/rights to benefits category present a one-time exception to the timeliness rules. A late appeal to the Appeal Tribunal on such issues, if within the same benefit year, will be deemed timely. However, once a decision has been issued by the Appeal Tribunal, the appeal time limits in the Act, §6(b), will apply.

(2) In cases dealing with the imposition of fraud and forfeiture provisions of §16(e), there is a one-time exception at the Appeal Tribunal stage, if:

(A) claimant is out of claim status; and

(B) if claimant has moved.

(3) In cases where there is a continuing ineligibility or condition and there is a late appeal, the Appeal Tribunal or the commission can assume jurisdiction 14 days before the late appeal, and rule on the merits if the facts so warrant.

(4) If a chargeback ruling is required, but is omitted, the determination or decision can never become final for the employer; it does become final for the claimant.

(5) In a case where it is ultimately determined that there has been no separation from employment, all rulings are void and all rulings can be set aside at any time.

(6) When there has been a ruling protecting an employer's account on a separation in one benefit year, the employer is not required to timely protest or appeal a ruling on the same separation in a subsequent year.

(7) Timeliness sanctions will not apply when there has been misleading information on appeal rights from the commission or an agent state given to a party, if the party:

(A) specifically establishes how he was misled; or

(B) specifically establishes what he was told that was misleading, including, if possible, by whom the party was misled.

(8) There is no good cause exception to the timeliness rules.

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

Issued in Austin, Texas, on March 14, 1989.

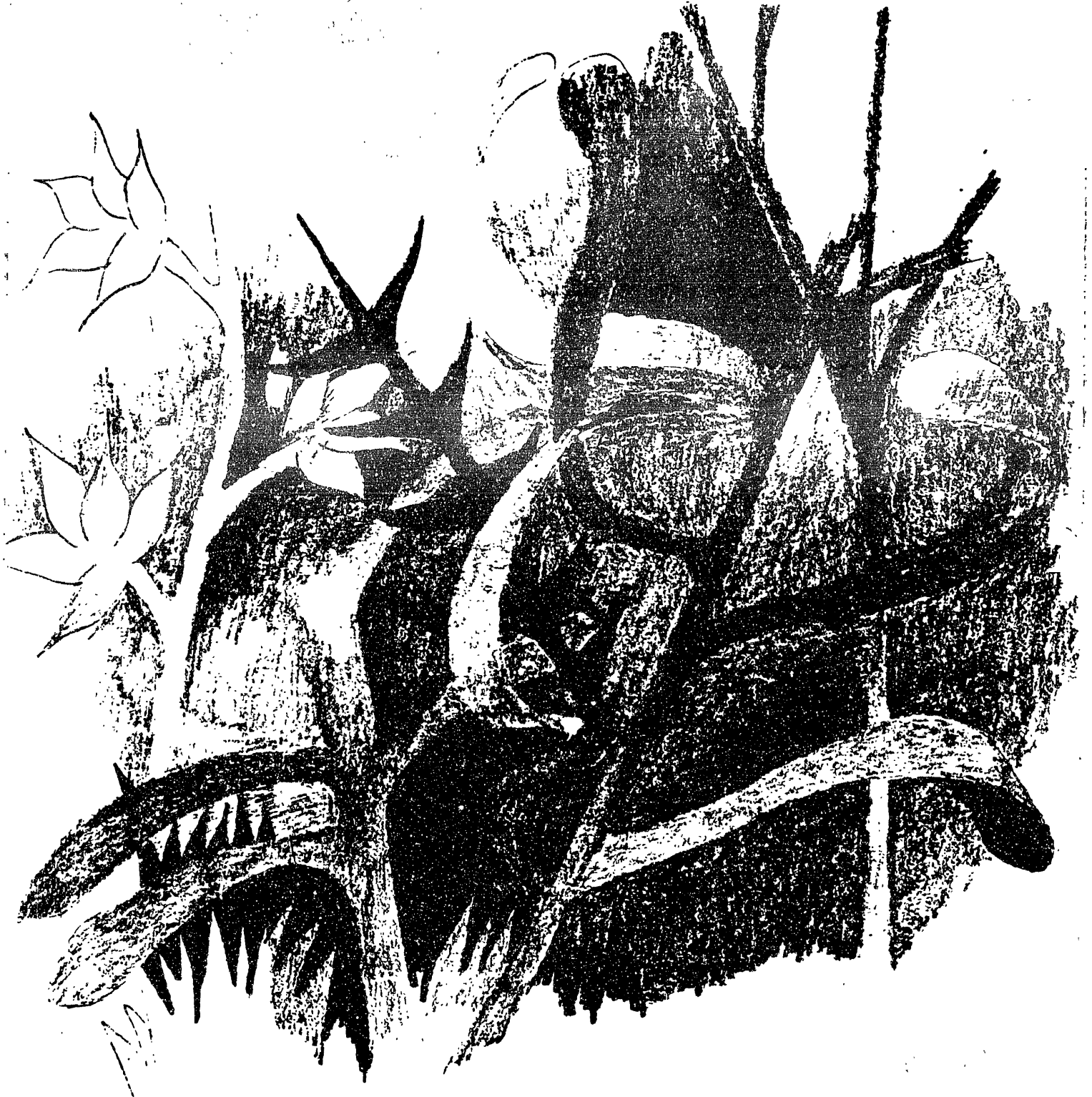
TRD-8902409

Carolyn Calhoon
Administrative Technical IV
Texas Employment
Commission

Earliest possible date of adoption: April 21, 1989

For further information, please call: (512) 463-2291

Name: Scott Steffel
School: Plano High, Plano



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 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 17. Marketing Division

Certification of Farmers Market

• 4 TAC §§17.70-17.74

The Texas Department of Agriculture adopts new §§17.70-17.74, without changes to the proposed text as published in the February 7, 1989, issue of the *Texas Register* (14 TexReg 669).

The new sections are necessary to define the requirements to become a certified farmers market.

The new sections set the standards for certification of a farmers market and provide an appeals process for farmers markets that fail to become certified.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Agriculture Code, Texas Civil Statutes, §11.001, which provide the Texas Department of Agriculture with the authority to promulgate rules necessary and proper to carry out its program and responsibilities.

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

Issued in Austin, Texas, on March 13, 1989.

TRD-8902380

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: April 3, 1989

Proposal publication date: February 7, 1989

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

TITLE 22. EXAMINING BOARDS

Part XIV. Texas Optometry Board

Chapter 279. Interpretations

• 22 TAC §279.9

The Texas Optometry Board adopts new §279.9, without changes to the proposed text

as published in the February 7, 1989, issue of the *Texas Register* (14 TexReg 673).

The new section is necessary in order to prevent and eliminate misleading and deceptive advertising in regard to contact lenses advertised for a specified price.

The new section will require an affirmative disclosure of the number of contact lenses to be available or included in the quoted, specified price in the advertisement.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4552, §2.14, which provide the Texas Optometry Board with the authority to promulgate procedural and substantive rules

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

Issued in Austin, Texas, on March 10, 1989.

TRD-8902368

Lois Ewald
Executive Director
Texas Optometry Board

Effective date: April 3, 1989

Proposal publication date: February 7, 1989

For further information, please call: (512) 835-1938

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 1. Texas Board of Health

Definition, Treatment, and Disposition of Special Waste from Health Care Related Facilities

• 25 TAC §§1.131-1.137

The Texas Department of Health adopts new §§1.131-1.137. Section 1.132 and §1.136 are adopted with changes to the proposed text as published in the October 21, 1988, issue of the *Texas Register* (13 TexReg 5310). Section 1.131 and §§1.133-1.135 and 1.137 are adopted without changes and will not be republished.

Increasing public concern over the improper disposal of waste attributed to health care facilities coupled with inconsistent or conflicting definitions of "infectious waste" within ex-

isting Department of Health rules have led to a need for a new definition of the waste which is to be regulated, and the treatment and disposal methods to be used. Because certain types of medically related waste call for regulation for reasons other than prevention of disease transmission, the regulated waste has been identified as "special waste from health care related facilities."

The new sections provide a uniform definition of the term "special waste from health care related facilities," and provide consistency in the methods of treatment and disposal of the waste and extends the application to many entities not covered by the existing rules governing the subject.

These sections will apply to programs within the department which license hospitals, ambulatory surgical centers, birthing centers, long term care facilities, emergency medical services, home health agencies, abortion clinics, and which regulate solid waste management. Within one year of the effective date of these rules, the appropriate regulatory programs of the department shall incorporate the methodology and definition into their respective rules and shall present for the board's consideration such other rules as are needed.

A public hearing was held in Austin on November 3, 1988. The proposed sections have been amended in response to oral and written comments received. The Department received approximately 55 comments on the proposed new sections.

The department's Bureau of Radiation Control, requested clarification of the applicability of rules concerning radioactive materials to items regulated under the proposed sections. Since contamination from radioactive materials is a greater potential risk to public health than that of transmission of disease from special waste, the rules for control of radiation are preeminent.

One commenter was opposed to the sections in their entirety. The commenter expressed the opinion that the department should spend the resources used to develop and implement the rules on education of the public that AIDS is an infectious disease. The commenter also objected to the description of an abortion facility as a health care related facility. The remaining comments varied from requests for clarification or interpretation of parts of the sections, suggestions for minor changes without any specific statement of opposition or support, suggestions for substantial changes with or without a specific statement of opposition or support, to full support for the sections with comments which expressed appreciation for the approach which the department used in developing the sections.

Three commenters felt that the sections are not inclusive enough and requested inclusion

of surgical suite, isolation ward, and dialysis unit wastes. One commenter specifically suggested inclusion of food utensils, bedding, and clothing from the treatment of patients whose blood or other body tissues or fluids may contain microbiological or viral materials. Another commenter expressed the opinion that the term "special waste from health care related facilities" (SWFHCRF) was not specifically defined. Several other commenters requested that the department specifically exclude isolation wastes, surgical wastes, dialysis wastes, and items contaminated with blood, such as surgical gowns, dressings, drapes or bandages. The department is of the opinion that if a waste is not specifically listed or identified, it is not included within the regulated waste stream. The department does not feel that a specific exclusion for these items is necessary nor does the department believe that these items should be included within the regulated waste stream.

Several commenters requested a definition of "bulk" with respect to blood, blood products, and body fluids. Volumes between 300 ml and 500 ml were suggested. Although the department is reluctant to engage in "volume splitting," the section has been modified to specify that "bulk" will mean volumes of blood, blood products, or body fluids equal to, or greater than, 100 ml.

One commenter noted that the proposed definition of "incineration" specified pathological waste, but that §1.136 identifies incineration as an option for nonpathological waste. The department notes the inconsistency and proposes to replace the term "pathological waste" with "SWFHCRF" in the definition of "incineration".

Two commenters asked that the department specify incinerator operating parameters, such as residence time, chamber temperature, and the number of chambers. Although the department understands the concerns of the commenters, the department will defer to the Texas Air Control Board (TACB) on specification of these items because these parameters have a direct bearing on incinerator emissions, and TACB is the lead agency with respect to air quality.

Two commenters expressed a concern that the department did not list or identify specific chemical agents, chemical processes, or process conditions in the term "chemical disinfection." Another commenter expressed this opinion but also requested that the department not prohibit new techniques by allowing for other methods as specially approved by the Texas Department of Health. The department believes that the term "chemical disinfection" as specified will allow the introduction of new techniques as they are developed. Section 1.136(c) assigns the responsibility of establishing the conditions necessary to insure the significant reduction of microbial activity of any waste treated to the treatment facility operator, rather than the department.

Other commenters expressed concerns that the minimum conditions proposed for steam sterilization 121°C, 15 psi, and 30 minutes may be inadequate in all cases, and some suggested times of 45 or 60 minutes. A concern about the efficacy of heat transfer in autoclaves which have been overpacked with waste was expressed. The department is cognizant that the efficacy of steam sterilization can be affected by factors, such as load-

ing, treatment time, temperature, steam pressure, and waste containment material. However, the department believes that the minimum conditions specified, in conjunction with the requirements of §1.136(c), adequately address the concerns expressed.

The department received several comments concerning §1.136. Several commenters expressed degrees of concern about allowing the disposal of certain wastes through a sanitary sewer system because of the increased biological oxygen demand which the waste would cause in the wastewater treatment plant. The department believes that the sections, as proposed, recognize the current disposal practices in many, but not all, pathological laboratories, dental offices, etc. The department does not have the authority to control discharges into a sanitary sewer; that authority rests with the sewer system operator. The rules require that any discharge into a sanitary sewer must comply with the appropriate local ordinance or rules. Each sewage system operator may allow, limit, or disallow the discharge of selected items as necessary to handle the waste load and satisfy their discharge requirements.

In response to a suggestion received from one commenter and endorsed by others, the department has added an option under methods for treatment and disposal of sharps (§1.136(a)(5)) to allow for encapsulation of sharps in a solid matrix. The specific recommendation was for gypsum plaster, but there are apparently other products on the market which can be used to accomplish encapsulation.

A request to allow small, hard items of tissue e.g. teeth to be disposed of by encapsulation in a solid matrix will be considered at a later date as will a request to allow the disposal in a sanitary landfill of body parts treated by chemical disinfection methods.

Twenty-two commenters requested that the reference to deposition in a sanitary landfill in accordance with §325.136 be deleted. The department has modified the sections to reference Chapter 325 of this title (relating to Solid Waste Management) instead of §325.136 of this title (relating to Disposal of Special Waste). The department intends to comply with the instructions set forth in §1.137 and revise §325.136. However, the department points out that some items, even after treatment, will still be considered special wastes.

One commenter noted a conflict between the existing rules for hospitals and the proposed "SWFHCRF" rules. The department notes the conflict, but cites §1.137(a), which directs those program units within the department which have licensing authority for certain facilities subject to application of these sections (see §1.135) to submit, within one year of the date of adoption of these sections, to the Board of Health for consideration changes to existing sections, or proposals for new sections, which will incorporate these sections into their program rules. The department also notes, in response to some questions, the difference in the facilities cited in §1.135 and §1.137(a). The department is charged by statute with the regulation and licensing of certain types of facilities; those are specified in §1.137(a). The department is also charged by statute with the regulation of municipal solid waste. Facilities other than those li-

censed by the department generate municipal solid waste. The facilities listed in §1.135, which are not licensed by the department, are subject to regulation with respect to the solid waste which they generate, even though they may have to comply with rules promulgated by other state or federal agencies insofar as the operation of the facility is concerned.

Three commenters expressed concern about the effect of the proposed sections regarding the treatment and disposal of animal waste on research programs involving large animals and diseases which are not zoonotic in nature at agricultural extension, service experiment stations and veterinary medical colleges. In proposing the inclusion within "SWFHCRF" of wastes derived from animals which have been intentionally exposed to pathogens, the department had in mind provisions to safeguard the public from animal carcasses, body parts, blood and blood products, and bedding which would be generated in research facilities involved in research on, or vaccine development for, diseases which are zoonotic in nature. These projects usually involve smaller animals in controlled environments, such as cages or small enclosures. The department is also concerned about the transmission of disease to healthy animals by pathogens found in the waste. The department did not intend to regulate large animal research projects involving diseases which are not transmissible to humans or diseases which require a specific pathway for transmission from animal to animal. The department believes that some of the concerns which were expressed by this group of commenters could stem from an overly inclusive interpretation of the rules which was not intended in the drafting of "SWFHCRF." To alleviate these concerns and to prevent any reduction or suspension of animal health research, the department has modified the allowable treatment and disposal options for animal waste to reflect the intent of the proposed sections.

In addition, the department has made minor editorial changes for clarification purposes.

At the public hearing two commenters requested that the coverage of the sections be broadened to include the remains of all animals from veterinary clinics and hospitals rather than only the remains of those animals intentionally exposed to pathogens. Written comments supporting this request were also submitted. After discussions with the commenters following the public hearing, the department believes that the problems cited are local in nature and may be dealt with at the local level by local ordinance or rule and by application of the general sanitation code. The imposition of state-wide requirements does not, at this time, seem appropriate. The department does point out that certain provisions of these sections will apply to all veterinary related activities, specifically the provisions for sharps and microbiological wastes. The department also received written comments before the close of the comment period which opposed this request.

Several other comments were received which are not applicable to these sections, but which will be applicable to the rules to be proposed in accordance with the instructions in §1.137(b).

The following groups or associations were for the sections; however, they raised questions or expressed concerns and made sugges-

tions for changes: AMI Twelve Oaks Hospital (Houston); Austin Area Infection Control Committee; Bayshore Medical Center (Pasadena); Dallas-Fort Worth Hospital Council; Diagnostic Center Hospital (Houston); El Paso City-County Health District; Greater Houston Hospital Council; Harris Methodist H.E.B. Hospital (Bedford); HCA-The Health Care Company (Houston); Health and Human Services Department (Houston); Humana Hospital Baytown; Humana Hospital San Antonio; Humana Hospital Southmore (Pasadena); Anderson Cancer Center (Houston); Medcon, Inc. (Houston); Medical Waste Systems, B.F.I.; Memorial Care Systems (Houston); Memorial, Northwest Hospital (Houston); Methodist Hospital (Houston); Methodist Hospitals of Dallas; Parkland Memorial Hospital (Dallas); Presbyterian Hospital of Dallas; Providence Memorial Hospital (El Paso); Record Storage and Disposal, Inc. (Friendswood); Richardson Medical Center (Richardson); Saint Joseph Hospital (Fort Worth); San Antonio Metropolitan Health District; Shriners Hospital for Crippled Children (Houston); Southwest Texas Methodist Hospital (San Antonio); Southwestern Institute for Forensic Sciences; Spring Shadlows Glen (Houston); Spohn Hospital (Corpus Christi); Texas A&M College of Veterinary Medicine; Texas Dental Association; Texas Department of Health (various program units); Texas Hospital Association; Texas Infectious Diseases Society; Texas Veterinary Medical Association; Valley Waste Management, Inc. (Houston); Walls Regional Hospital (Cleburne); and Waste Management of North America, Inc.

The following commenters requested reconsideration of part of the sections: a senator, from the 25th Senatorial District of Texas; and Texas Sheep and Goat Raisers' Association.

The new sections are adopted under Texas Civil Statutes, Article 4414b, §1.05, which provide the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the Commissioner of Health, and under statutes which authorize the board to adopt rules in certain areas, as follows: Texas Civil Statutes, Article 4419b-1, §8, concerning the control of communicable disease; Article 4437f, §5, concerning the licensing of hospitals; Article 4437f-2, §3, concerning the licensing of ambulatory surgical centers; Article 4437f-3, §3, concerning the licensing of birthing centers; Article 4442c, §7, concerning the licensing of long term care facilities; Article 4447o, concerning the licensing of emergency medical services; Article 4447u, §4, concerning the licensing of home health agencies; Article 4477 concerning maintaining a system of vital statistics; Article 4477-7, §4, concerning solid waste management; and Article 4512-8, §3, concerning the licensing of abortion clinics.

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

Anatomical remains—The remains of a human body donated for the purposes of teaching or research to a medical school, a teaching hospital, or a medical research fa-

cility, after the completion of the activities for which the body was donated.

Animal waste—Animal waste includes:

(A) carcasses of animals intentionally exposed to pathogens;

(B) body parts of animals intentionally exposed to pathogens;

(C) whole milk, blood, and blood products, serum, plasma, and other blood components from animals intentionally exposed to pathogens; and

(D) bedding of animals intentionally exposed to pathogens.

Blood and blood products—All waste bulk human blood, serum, plasma, and other blood components.

Bulk—Full blood or body fluids shall mean a volume of 100 ml or more.

Burial—The act of depositing a pathological waste in a grave, a crypt, vault or tomb, or at sea.

Burial park—A tract of land which has been dedicated to the purposes of, and used and intended to be used, for the interment of pathological waste in graves.

Cemetery—A tract of land which has been dedicated to the purposes of, and used and intended to be used for, the permanent interment of pathological waste, and includes:

(A) a burial park for earth interments;

(B) a mausoleum for crypt or vault interments;

(C) a crematory or crematory and columbarium for cinerary interments; and

(D) a combination of one or more thereof.

Chemical disinfection—The use of a chemical agent to reduce significantly microbial activity.

Columbarium—A structure or room or other space in a building or structure of most durable and lasting fireproof construction; or a plot of earth, containing niches, used, or intended to be used, to contain cremated pathological waste.

Contagious—Capable of transmission from human to human.

Cremation—The interment of pathological waste by reduction (by burning) to cremated remains in a crematory and the deposition of the cremated remains in a grave, vault, crypt, or niche, or the distribution of the cremated remains over or in water or over land.

Crematory—A building or structure containing one or more furnaces used, or

intended to be used, for the reduction (by burning) of pathological waste to cremated remains.

Crypt or vault—The chamber in a mausoleum of sufficient size to inter the uncremated pathological waste.

Deposition in a sanitary landfill—Deposition in a sanitary landfill in accordance with Chapter 325 of this title (relating to Solid Waste Management).

Discharge to sanitary sewer system—A discharge or flushing of waste into sanitary sewer system which is done in accordance with provisions of local sewage discharge ordinances.

Encapsulation—The treatment of waste using materials which, when fully reacted, will encase such waste in a solid protective matrix.

Entombment—The permanent interment of pathological waste in a crypt or vault.

Grave—A space of ground in a burial park intended to be used for the permanent interment in the ground of pathological waste.

Incineration—To consume special waste from health care related facilities by burning under conditions in conformance with standards prescribed by the Texas Air Control Board.

Interment—The disposition of pathological waste by cremation or burial.

Mausoleum—A structure or building of most durable and lasting fireproof construction used, or intended to be used, for the permanent interment in crypts and vaults of the remains of pathological waste.

Microbiological waste—Microbiological waste includes:

(A) cultures and stocks of infectious agents and associated biologicals;

(B) cultures of specimens from medical, pathological, pharmaceutical, research, clinical, commercial, and industrial laboratories;

(C) discarded live and attenuated vaccines;

(D) disposable culture dishes; and

(E) disposable devices used to transfer, inoculate, and mix cultures.

Niche—A recess in columbarium, used, or intended to be used, for the permanent interment of the cremated remains of pathological waste.

Pathological waste—Pathological waste includes, but is not limited to:

(A) human materials removed during surgery, labor and delivery, autopsy, or biopsy, including:

- (i) body parts;
- (ii) tissues or fetuses;
- (iii) organs; and
- (iv) bulk blood and body fluids;

(B) products of spontaneous human abortions, including body parts, tissues, fetuses, organs, and bulk blood and body fluids; regardless of the period of gestation;

(C) laboratory specimens of blood and tissue after completion of laboratory examination; and

(D) anatomical remains.

Sharps—Sharps includes the following materials when contaminated:

- (A) hypodermic needles;
- (B) hypodermic syringes with attached needles;
- (C) scalpel blades;
- (D) razor blades and disposable razors used in surgery, labor and delivery, or other medical procedures;
- (E) pasteur pipettes; and
- (F) broken glass from laboratories.

Special waste from health care related facilities—A solid waste which if improperly treated or handled may serve to transmit an infectious disease(s) and which is comprised of the following:

- (A) animal waste;
- (B) bulk blood and blood products;
- (C) microbiological waste;
- (D) pathological waste; and
- (E) sharps.

Steam sterilization—The act of autoclaving at temperature of at least 121 degrees C., and a pressure of at least 15 pounds per square inch for at least 30 minutes.

Thermal inactivation—The act of subjecting to dry heat of at least 160 degrees C. under atmospheric pressure for at least two hours.

§1.136. *Approved Methods of Treatment and Disposition.*

(a) Introduction. The following treatment and disposition methods for special waste from health care related facilities are approved by the board for the waste specified. Where a special waste from a health care related facility is also subject to the sections in Chapter 289 of this title (relating to Occupational Health and Radiation Control), the sections in Chapter 289 shall prevail over the sections in this undesignated head.

(1) Animal waste. Animal waste shall be subjected to one of the following methods of treatment and disposal.

(A) Carcasses of animals intentionally exposed to pathogens shall be subjected to one of the following methods of treatment and disposal:

- (i) steam sterilization followed by deposition in a sanitary landfill;
- (ii) incineration followed by deposition of the residue in a sanitary landfill;
- (iii) carcasses of animals intentionally exposed to pathogens which are not contagious may be buried on site under the supervision of a veterinarian licensed to practice veterinary medicine in the State of Texas; or
- (iv) carcasses of animals intentionally exposed to pathogens which are not contagious may be sent to a rendering plant.

(B) Body parts of animals intentionally exposed to pathogens shall be subjected to one of the following methods of treatment and disposal:

- (i) steam sterilization followed by deposition in a sanitary landfill;
- (ii) steam sterilization followed by grinding and discharging into a sanitary sewer system;
- (iii) incineration followed by deposition of the residue in a sanitary landfill; or
- (iv) body parts of animals intentionally exposed to pathogens which are not contagious may be buried on site under the supervision of a veterinarian licensed to practice veterinary medicine in the State of Texas.

(C) Bulk whole blood, serum, plasma, and/or other blood components from animals intentionally exposed to pathogens shall be subjected to one of the following methods of treatment and disposal:

- (i) steam sterilization followed by deposition in a sanitary landfill;
- (ii) steam sterilization followed by grinding and discharging into a sanitary sewer system;

(iii) incineration followed by deposition of the residue in a sanitary landfill;

(iv) thermal inactivation followed by deposition in a sanitary landfill;

(v) thermal inactivation followed by grinding and discharging into a sanitary sewer system;

(vi) chemical disinfection followed by deposition in a sanitary landfill;

(vii) chemical disinfection followed by grinding and discharging into a sanitary sewer system; or

(viii) bulk blood, serum, plasma, and/or other blood components of animals intentionally exposed to pathogens which are not contagious may be buried on site under the supervision of a veterinarian licensed to practice veterinary medicine in the State of Texas.

(D) Bedding of animals intentionally exposed to pathogens shall be subjected to one of the following methods of treatment and disposal:

- (i) steam sterilization followed by deposition in a sanitary landfill;
- (ii) incineration followed by deposition of the residue in a sanitary landfill; or

(iii) bedding of animals intentionally exposed to pathogens which are not contagious may be buried on site under the supervision of a veterinarian licensed to practice veterinary medicine in the State of Texas

(2) Bulk human blood and blood products. Bulk human blood and blood products shall be subjected to one of the following methods of treatment and disposal:

(A) discharging into a sanitary sewer system;

(B) steam sterilization followed by deposition in a sanitary landfill;

(C) incineration followed by deposition of the residue in a sanitary landfill;

(D) chemical disinfection followed by deposition in a sanitary landfill; or

(E) chemical disinfection followed by grinding and flushing into a sanitary sewer system.

(3) Microbiological waste. Microbiological waste shall be subjected to one of the following methods of treatment and disposal.

(A) Cultures and stocks of infectious agents and associated biologicals shall be subjected to one of the following methods of treatment and disposal:

(i) steam sterilization followed by deposition in a sanitary landfill;

(ii) incineration followed by deposition of the residue in a sanitary landfill;

(iii) thermal inactivation followed by deposition in a sanitary landfill; or

(iv) chemical disinfection followed by deposition in a sanitary landfill.

(B) Cultures of specimens from medical, pathological, pharmaceutical, research, clinical, commercial, industrial and veterinary laboratories shall be subjected to one of the following methods of treatment and disposal:

(i) steam sterilization followed by deposition in a sanitary landfill;

(ii) incineration followed by deposition of the residue in a sanitary landfill;

(iii) thermal inactivation followed by deposition in a sanitary landfill; or

(iv) chemical disinfection followed by deposition in a sanitary landfill.

(C) Discarded live and attenuated vaccines shall be subjected to one of the following methods of treatment and disposal:

(i) steam sterilization followed by deposition in a sanitary landfill;

(ii) incineration followed by deposition of the residue in a sanitary landfill;

(iii) thermal inactivation followed by deposition in a sanitary landfill; or

(iv) chemical disinfection followed by deposition in a sanitary landfill.

(D) Disposable culture dishes shall be subjected to one of the following methods of treatment and disposal:

(i) steam sterilization followed by deposition in a sanitary landfill;

(ii) incineration followed by deposition of the residue in a sanitary landfill;

(iii) thermal inactivation followed by deposition in a sanitary landfill; or

(iv) chemical disinfection followed by deposition in a sanitary landfill.

(E) Disposable devices used to transfer, inoculate, and mix cultures shall be subjected to one of the following methods of treatment and disposal:

(i) steam sterilization followed by deposition in a sanitary landfill;

(ii) incineration followed by deposition of the residue in a sanitary landfill;

(iii) thermal inactivation followed by deposition in a sanitary landfill; or

(iv) chemical disinfection followed by deposition in a sanitary landfill.

(4) Pathological waste. Pathological waste shall be subjected to one of the following methods of treatment and disposal.

(A) Human materials removed during surgery, labor and delivery, autopsy, or biopsy shall be subjected to one of the following methods of treatment and disposal:

(i) body parts:

(I) interment;

(II) incineration followed by deposition of the residue in a sanitary landfill; or

(III) steam sterilization followed by interment;

(ii) tissues or fetuses:

(I) incineration followed by deposition of the residue in a sanitary landfill;

(II) grinding and discharging to a sanitary sewer system;

(III) interment; or

(IV) steam sterilization followed by interment;

(iii) organs:

(I) incineration followed by deposition of the residue in a sanitary landfill;

(II) grinding and discharging to a sanitary sewer system;

(III) interment; or

(IV) steam sterilization followed by interment;

(iv) bulk human blood and body fluids removed during surgery, labor and delivery, autopsy, or biopsy:

(I) discharging into a sanitary sewer system;

(II) steam sterilization followed by deposition in a sanitary landfill;

(III) incineration followed by deposition of the residue in a sanitary landfill;

(IV) thermal inactivation followed by deposition in a sanitary landfill;

(V) thermal inactivation followed by grinding and discharging into a sanitary sewer system;

(VI) chemical disinfection followed by deposition in a sanitary landfill; or

(VII) chemical disinfection followed by grinding and discharging into a sanitary sewer system.

(B) The products of spontaneous human abortion shall be subjected to one of the following methods of treatment and disposal:

(i) body parts, tissues, or organs regardless of the period of gestation:

(I) grinding and discharging to a sanitary sewer system;

(II) incineration followed by deposition of the residue in a sanitary landfill;

(III) steam sterilization followed by interment; or

(IV) interment;

(ii) blood and body fluids:

(I) discharging into a sanitary sewer system;

(II) steam sterilization followed by deposition in a sanitary landfill;

(III) incineration followed by deposition of the residue in a sanitary landfill;

(IV) thermal inactivation followed by deposition in a sanitary landfill;

(V) thermal inactivation followed by grinding and discharging into a sanitary sewer system;

(VI) chemical disinfection followed by deposition in a sanitary landfill; or

(VII) chemical disinfection followed by grinding and discharging into a sanitary sewer system.

(C) Laboratory specimens of blood and/or tissues shall be subjected to one of the following methods of treatment and disposal:

(i) discharging with grinding if needed into a sanitary sewer system;

(ii) steam sterilization followed by deposition in a sanitary landfill;

(iii) steam sterilization followed by grinding and discharging into a sanitary sewer system; or

(iv) incineration followed by deposition of the residue in a sanitary landfill.

(D) Anatomical remains shall be subjected to one of the following methods of treatment and disposal:

(i) interment;

(ii) incineration followed by interment; or

(iii) steam sterilization followed by interment.

(5) Sharps. Sharps shall be subjected to one of the following methods of treatment and disposal.

(A) Hypodermic needles shall be subjected to one of the following methods of treatment and disposal:

(i) chemical disinfection, and if the item can cause puncture wounds, placement in a puncture-resistant, leak-proof container, and deposition in a sanitary landfill;

(ii) steam sterilization, and if the item can cause puncture wounds, placement in a puncture-resistant container, and deposition in a sanitary landfill;

(iii) incineration, and if the item can cause puncture wounds, placement in a puncture-resistant container, and deposition in a sanitary landfill; or

(iv) encapsulation in a matrix which will solidify and significantly

reduce the possibility of puncture wounds and deposition in a sanitary landfill.

(B) Hypodermic syringes with attached needles shall be subjected to one of the following methods of treatment and disposal:

(i) chemical disinfection, and if the item can cause puncture wounds, placement in a puncture-resistant, leak-proof container, and deposition in a sanitary landfill;

(ii) steam sterilization, and if the item can cause puncture wounds, placement in a puncture-resistant container, and deposition in a sanitary landfill;

(iii) incineration, and if item can cause puncture wounds, placement in a puncture-resistant container, and deposition in a sanitary landfill; or

(iv) encapsulation in a matrix which will solidify and significantly reduce the possibility of puncture wounds and deposition in a sanitary landfill.

(C) Razor blades and disposable razors used in surgery, labor and delivery, or other medical procedures; and scalpel blades shall be subjected to one of the following methods of treatment and disposal:

(i) chemical disinfection, and if the item can cause puncture wounds, placement in a puncture-resistant, leak-proof container, and deposition in a sanitary landfill;

(ii) steam sterilization, and if the item can cause puncture wounds, placement in a puncture-resistant container, and deposition in a sanitary landfill;

(iii) incineration, and if item can cause puncture wounds, placement in a puncture-resistant container, and deposition in a sanitary landfill; or

(iv) encapsulation in a matrix which will solidify and significantly reduce the possibility of puncture wounds and deposition in a sanitary landfill.

(D) Pasteur pipettes shall be subjected to one of the following methods of treatment and disposal:

(i) chemical disinfection, and if the item can cause puncture wounds, placement in a puncture-resistant, leak-proof container, and deposition in a sanitary landfill;

(ii) steam sterilization, and if the item can cause puncture wounds, placement in a puncture-resistant container, and deposition in a sanitary landfill; or

(iii) incineration, and if item can cause puncture wounds, placement in a puncture-resistant container, and deposition in a sanitary landfill.

(E) Broken glass from laboratories shall be subjected to one of the following methods of treatment and disposal:

(i) chemical disinfection, and if the item can cause puncture wounds, placement in a puncture-resistant, leak-proof container, and deposition in a sanitary landfill;

(ii) steam sterilization, and if the item can cause puncture wounds, placement in a puncture-resistant container, and deposition in a sanitary landfill; or

(iii) incineration, and if item can cause puncture wounds, placement in a puncture-resistant container and deposition in a sanitary landfill.

(b) Records. The facility treating the wastes shall maintain records to document the treatment of the special waste from health care related facilities processed at the facility as to method and conditions of treatment.

(c) Facility responsibility. The facility treating the wastes shall be responsible for establishing the conditions necessary for treatment by each method used at the facility to insure the significant reduction of microbial activity of any waste treated.

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

Issued in Austin, Texas, on March 14, 1989.

TRD-8902418

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

Effective date: April 4, 1989

Proposal publication date: October 21, 1988

For further information, please call: (512) 458-7542.

◆ ◆ ◆
TITLE 28. INSURANCE
Part I. State Board of
Insurance

Chapter 3. Life, Accident, and
Health Insurance and
Annuities

Subchapter A. Preparation and
Submission of Individual
Life Insurance and Annuity
Forms

• 28 TAC §3.1

The State Board of Insurance adopts an amendment to §3.1, without changes to the proposed text as published in the January 20, 1989, issue of the *Texas Register* (14 TexReg 444).

Section 3.1, concerns riders, endorsements, amendments, insert pages, and other supplement forms for life insurance policies. The amendment is necessary for more effective regulation of acceleration-of-life insurance-benefits riders through a more expeditious review process. The expedited process will permit an acceleration-of-life-insurance-benefits rider to be reviewed independently of the basic contract to which it will be attached.

The amendment adds an acceleration-of-life-insurance-benefits rider to a list of examples of severable forms provided that the rider complies with §3.129, of this title (relating to Acceleration of Life Insurance Benefits) and provided that a list is filed of form numbers of approved policies to which the rider will be attached.

Commenting for the amendment were Business Men's Assurance Company of America, Metropolitan Life Insurance Company, and Transamerica-Occidental Life Insurance Company. They commented that the long term life care product is a sensible approach to providing long-term care for a younger market at an affordable price.

The amendment is adopted under the Insurance Code, Article 3.42(k), which authorizes the State Board of Insurance to adopt such reasonable rules and regulations as are necessary to implement and accomplish the specific provisions of the article, which requires filing, review and/or approval of life insurance forms.

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

Issued in Austin, Texas, on March 14, 1989.

TRD-8902427

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: April 5, 1989

Proposal publication date: January 20, 1989

For further information, please call: (512) 463-6327

◆ ◆ ◆
TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part VI. Texas Commission for the Deaf

Chapter 181. General Rules of Practice and Procedure

Subchapter G. Cooperative Activities

• **40 TAC §181.900**

The Texas Commission for the Deaf adopts an amendment to §181.900, without changes to the proposed text as published in the September 20, 1988, issue of the *Texas Register* (14 TexReg 4680).

The Texas Commission for the Deaf adopts the amendment to §181.900, concerning a memorandum of understanding between the Texas Department of Human Services, the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, the Texas Rehabilitation Commission, the Texas Commission for the Blind, the Texas Education Agency, and the Texas Commission for the Deaf.

The memorandum of understanding clarifies the financial and service responsibilities of each agency in relation to disabled persons,

and addresses how each agency will share data relating to services delivered to disabled persons. The memorandum, which is hereby adopted by reference, is identical to that contained in the January 5, 1989, issue of the *Texas Register* (14 TexReg 115) as adopted with changes by the Texas Department of Human Services under 40 TAC §§72.201-72.210.

No comments were received regarding adoption of the amendment

The amendment is adopted under the Human Resources Code, Title 4, Chapter 81, §81.006(b)(3), which provides the Texas Commission for the Deaf with the authority to adopt rules governing the provision of services to individuals who are deaf and hearing impaired. The section is also adopted under Senate Bill 298, §22.011, 70th Legislature, 1987, which requires a memorandum of understanding between the agencies named in the memorandum

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

Issued in Austin, Texas, on March 9, 1989.

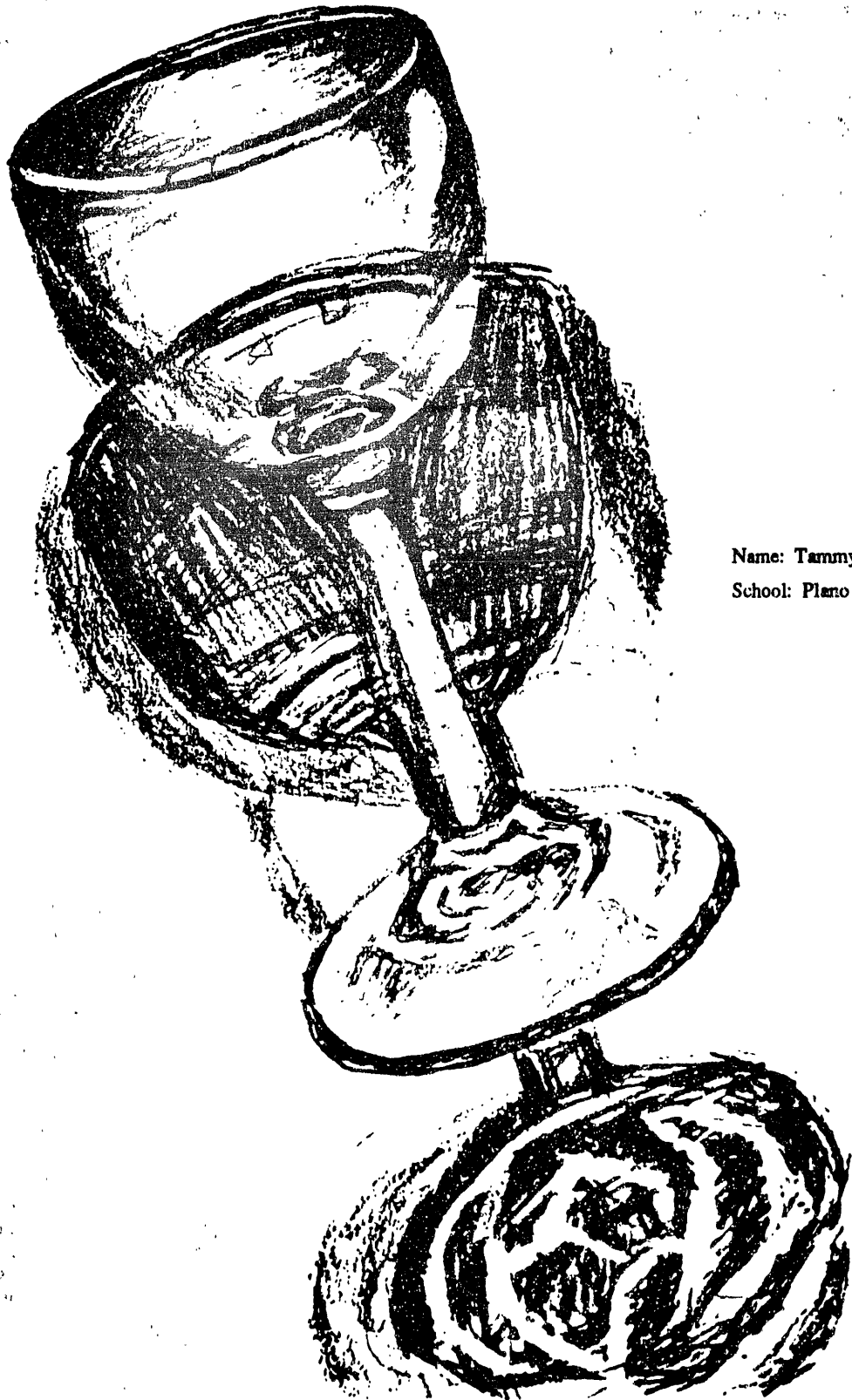
TRD-8902397

Larry D. Evans
Executive Director
Texas Commission for the Deaf

Effective date: April 4, 1989

Proposal publication date: September 20, 1988

For further information, please call: (512) 469-9891



Name: Tammy Kim

School: Plano High, Plano

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

Thursday, March 23, 1989, 1:30 p.m. The Produce Recovery Fund Board for the Texas Department of Agriculture will meet in the Ninth Floor Conference Room, Texas Department of Agriculture, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will deliberate Docket 18-87-APA Triangle J. Farms, Inc. vs. Gerald E. Mann, and consider request for rehearing filed by Gerald E. Mann in Docket 22-87-APA, Margaret and Johnny Collins vs. Gerald E. Mann.

Contact: Margaret Alvarez, P.O. Box 12847, Austin, Texas 78711, (512) 463-7604.

Filed: March 15, 1989, 2:36 p.m.

TRD-8902446

Monday, March 27, 1989, 10:30 a.m. The Texas Department of Agriculture will meet on the First Floor, Texas Department of Agriculture District Office, 122 Heimann, San Antonio. According to the agenda summary, the department will conduct an administrative hearing to review alleged violation of Texas pesticide laws by Wyatt Birkner doing business as Birkner Flying Service, holder of commercial applicator license.

Contact: Robert A. Caine, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: March 15, 1989, 2:36 p.m.

TRD-8902445

Texas Alcoholic Beverage Commission

Monday, March 20, 1989, 10:30 a.m. The Texas Alcoholic Beverage Commission met in emergency session in Room 320, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission approved minutes of the February 27, 1989, meeting; hear administrator's and staffs' reports of agency activity; and approved affidavit of destruction of

tested alcoholic beverages. The emergency status was necessary to receive and consider staff reports in light of recently filed legislation so that staff may be adequately prepared as resource persons prior to legislative committee hearings.

Contact: W.S. McBeath, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: March 14, 1989, 2:18 p.m.

TRD-8902405

Texas Antiquities Committee

Friday, March 31, 1989, 9:30 a.m. The Texas Antiquities Committee will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the committee will approve minutes of the previous meeting of February 3, 1989; hear presentation of resolution for Dr. Mike Hoods, formerly of the General Land Office; hear report of fiscal year 1990-1991 appropriations; hear 71st legislative update concerning pending legislation; designate state archeological landmarks (SALs) in Harris County; approve nomination of SALs in Lampasas, Mills, and San Saba Counties; hear a staff report; and consider exceptions and/or motions for rehearing in the matter of the Bowie County Commissioner's Court application for a partial demolition permit for the "Old" Bowie County Courthouse. The committee will also meet in executive session to contemplate litigation and to confer with counsel regarding advice relating to matters of where there is a duty of a public body's counsel to his client.

Contact: Molly Godwin, P.O. Box 12276, Austin, Texas 78711, (512) 463-6098.

Filed: March 15, 1989, 10:39 a.m.

TRD-8902430

State Bar of Texas

Thursday, March 16, 1989, 9 a.m. The Executive Committee for the State Bar of Texas met for an emergency agenda revision in Rooms 206 and 207, Texas Law

Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee added report of president by James B. Sales, and consideration of co-sponsorship of reception for the 71st Legislature. The emergency status was necessary as the items were unknown at the time of original posting.

Contact: Paula Welch, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1451.

Filed: March 14, 1989, 1:28 p.m.

TRD-8902401

Texas Commission for the Blind

Thursday, March 30, 1989, 6 p.m. The Beaumont District Office of the Texas Commission for the Blind will meet at the Holiday Inn, Beaumont Plaza, IH 10 South at Waldon Road, Beaumont. According to the agenda summary, the district will hold a public consumer forum to give local consumers the opportunity of speaking to agency staff about services to blind and visually disabled Texans, and commenting on the agency's state plan. Consumers will also have the opportunity of participating in a question and answer period about local agency services.

Contact: Cecilia Berrios, P.O. Box 12855, Austin, Texas 78711, (512) 459-2611.

Filed: March 15, 1989, 3:38 p.m.

TRD-8902447

Texas Bond Review Board

Tuesday, March 21, 1989, 10 a.m. The Texas Bond Review Board will meet for an emergency agenda revision in the Senate Reception Room, State Capitol, Austin. According to the agenda summary, the board will delete from the agenda 'University of Texas System-general revenue subordinate lien notes, series 1989B'; and add 'Texas Department of Mental Health and Mental Retardation-redirection of bond proceeds.'

The emergency status was necessary to allow timely consideration of an unexpected agenda item by the board in order to redirect previously approved bond proceeds, and remove one item from the agenda that will not be considered by the board.

Contact: Tom K. Pollard, Room 506, Sam Houston Building, Austin, Texas, (512) 463 1741.

Filed: March 16, 1989, 8:20 a.m.

TRD-8902450

Texas Department of Commerce

Wednesday-Thursday, April 5-6, 1989, 9 a.m. The State Community Development Review Committee for the Texas Department of Commerce will meet in the Bass Lecture Hall, LBJ School of Public Affairs Building, Austin. According to the agenda summary for Wednesday, the committee will present minutes, hear funding recommendations on the planning/capacity building fund applications, funding recommendations on the special impact fund, funding recommendations on the community development fund, and appeals for the community development fund. On Thursday, the committee will consider continuation of appeals for community development fund.

Contact: Ruth Cedillo, (512) 320-9507.

Filed: March 15, 1989, 1:38 p.m.

TRD-8902440

Texas School for the Deaf

Friday, March 24, 1989, 1 p.m. The Governing Board of the Texas School for the Deaf will meet in the Boardroom, 1102 South Congress Avenue, Austin. According to the agenda summary, the board will approve minutes of the previous meeting; hear audience comment; consider business requiring board action; recess for Committee of the Whole for policy review; reconvene for business requiring board action; consider business for information purposes; and hear comments by members. The board will also meet in executive session to discuss legal matters.

Contact: Martha Withers, 1102 South Congress Avenue, Austin, Texas (512) 440-5335.

Filed: March 15, 1989, 11:07 a.m.

TRD-8902435

Division of Emergency Management, Department of Public Safety

Tuesday, March 28, 1989, 1:30 p.m. The State Emergency Management Council for

the Division of Emergency Management, Department of Public Safety, will meet at the DPS Headquarters, 5805 North Lamar, Austin. According to the agenda, the council will consider hazardous material incident coordination, hazardous material response training, state emergency response commission (SERC) information workshops, regional response team guidance for review of SARA Title III plans, local emergency planning committee liability, SERC operating procedures, emergency notification, and environmental protection agency border initiative.

Contact: Michael L. Scott, 5805 North Lamar, Austin, Texas, (512) 465-2138.

Filed: March 14, 1989, 10:47 p.m.

TRD-8902396

Texas Employment Commission

Wednesday, March 22, 1989, 8:30 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will consider prior meeting notes, internal procedures of commission appeals; consider and act on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 12; and set date of next meeting.

Contact: Courtenay Browning, 101 East 15th Street, Austin, Texas 78778, (512) 463-2226.

Filed: March 14, 1989, 3:08 p.m.

TRD-8902410

Office of the Governor-Criminal Justice Division

Wednesday, March 22, 1989, 9 a.m. The Texas Crime Stoppers Advisory Council for the Office of the Governor-Criminal Justice Division, will meet in the Third Floor Conference Room, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda summary, the council will approve minutes, consider prijatel, update on crime stoppers legislation, and 1989 crime stoppers conference awards.

Contact: David Cobos, (512) 463-1784.

Filed: March 14, 1989, 2:42 p.m.

TRD-8902407

Texas Department of Health

Friday, March 31, 1989, 7:30 a.m. The Municipal Solid Waste Management and Resource Recovery Advisory Council of the Texas Department of Health will meet in Room T-607, 1100 West 49th Street,

Austin. According to the agenda summary, the council will approve minutes of last meeting and discuss division director's report (1988 annual report and fees, status of budget process, AACOG regional plan, medical/infectious waste rules, memorandum of understanding on sludge); sludge and yard waste composting and leaf collection in Austin; sludge and yard waste composting in Seguin; state permitting policy concerning recycling and composting; report of the task force on waste management policy concerning recommendations and legislation; general solid waste management legislation; and report of conference planning committee.

Contact: Hector Mendieta, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7271.

Filed: March 14, 1989, 4:11 p.m.

TRD-8902415

Texas Health and Human Services Coordinating Council

Tuesday, March 21, 1989, 8 a.m. The Confidentiality Work Group for the Texas Health and Human Services Coordinating Council will meet in emergency session on the Seventh Floor, Conference Room B, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the work group will call order, approve minutes, adopt final report, and discuss old and new business. The emergency status was necessary as the agenda was not finalized until March 14, 1989.

Contact: Carol Kirchem Price, 311-A East 14th Street, Austin, Texas, (512) 463-2195.

Filed: March 15, 1989, 2:33 p.m.

TRD-8902444

Wednesday, March 22, 1989, 8:45 a.m. The Children and Youth Services State Coordinating Committee for the Texas Health and Human Services Coordinating Council will meet in Room T-607, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will approve minutes; update on Robert Wood Johnson grant application (Regenia Hicks); further discussion on committee's involvement with CASSP project (Regenia Hicks); update on community resource coordination pilot project (Tom Olsen); update on legislation affecting the committee (House Bills 2472 and 2473) (Tom Olsen); discuss legislation pertaining to children and youth issues (members); and discuss old and new business.

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

Filed: March 14, 1989, 3:06 p.m.

Board of Pardons and Paroles

Thursday, March 23, 1989, 9:30 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will discuss parole file committee report; halfway house and PPT beds; recommendation for board of pardons, paroles community corrections; and legislative update.

Contact: Juanita Llanas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-7249.

Filed: March 14, 1989, 4:15 p.m.

TRD-8902417

Public Utility Commission of Texas

Wednesday, March 22, 1989, 9 a.m. The Hearings Division for the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will consider Dockets 6668, 8425, 8644, 7297, 6771, 8342, 8352, and 8332, regarding administrative matters; discuss regional public comment meetings in Dockets 6753, 6668, 8425, 8431, and 8646, which concern the rates of HL&P and CP&L; discuss reports on utilities' earnings in 1988; rules, regarding publication of proposed amendments to Substantive Rule §23.44, new construction; consider publication of a new rule to implement the Texas Enterprise Zone Act, and also consider for final adoption Substantive Rule §23.54 (Project 7950), private pay telephone.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 14, 1989, 3:41 p.m.

TRD-8902412

Wednesday, March 22, 1989, 2 p.m. The Administrative Division for the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will consider approval of minutes, reports, discussion and action of budget and fiscal matters; report on agency matters relating to 71st legislative session, staff presentation of management audit of Coleman Company Electric Cooperative, discuss commissioners' responding to letters received on subjects of pending cases; proposed final order meeting dates; acid rain legislation, consideration of in-house continuing legal education seminars; report on status of fuel reconciliation for investor-owned utilities; commission approval of amendment to the contract with RMI for a prudence audit of

CP&L's participation in the S.T.N.P.; staff report on possible conflict of interest of any prudence of management audits of utilities being conducted; adjournment for executive session to consider personnel and litigation matters; reconvene for decisions on matters considered in executive session; and set time and place for next meeting.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 14, 1989, 3:41 p.m.

TRD-8902411

Tuesday, March 23, 1989, 10 a.m. The Hearings Division for the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will consider Docket 8649 Application of Southwestern Bell Telephone Company to revise tariff regarding price advisement during 976 or SPIDS messages and in advertising 976 and SPIDS messages.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 14, 1989, 3:41 p.m.

TRD-8902413

March 28, 1989, 9 a.m. The Hearings Division for the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will consider Docket 8529 Application of Southwestern Bell Telephone Company for authority to extend MicroLink II Packet Switching Digital Services to the Laredo Exchange.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 14, 1989, 3:41 p.m.

TRD-8902442

Monday, April 3, 1989, 9 a.m. The Hearings Division for the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will consider Docket 8384-Appeal of Central Texas Electric Cooperative, Inc. from Ordinance 4-083 of the City of Fredericksburg.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 14, 1989, 3:41 p.m.

TRD-8902443

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

Friday, March 31, 1989, 10 a.m. The Committee for the Texas Committee on

Purchases of Products and Services of Blind and Severely Disabled Persons will meet in the Executive Conference Room, Texas Commission for the Blind, Administrative Building, 4800 North Lamar Boulevard, Austin. According to the agenda summary, the committee will call order and introduce visitors; accept minutes from the December 2, 1988, meeting; discuss state use day resolution and appropriations bill rider, rules changes by the Texas Committee, and enforcement of mandatory purchasing; and discuss and act on new services, renewal services, and new products, and on product changes and revisions.

Contact: Michael T. Phillips, P.O. Box 12366, Austin, Texas 78711, (512) 459-2603.

Filed: March 15, 1989, 1:41 p.m.

TRD-8902441

Structural Pest Control Board

Tuesday, March 21, 1989, 8:30 a.m. The Training and Evaluation Committee for Continuing Education of the Structural Pest Control Board will meet in Suite 201, 9101 Burnet Road, Austin. According to the agenda, the committee will develop evaluation criteria and establish logistics for handling submitted programs.

Contact: David A. Ivie, 9101 Burnet Road, Suite 201, Austin, Texas 78758, (512) 835-4066.

Filed: March 14, 1989, 10:41 a.m.

TRD-8902428

Texas State Technical Institute

Sunday, March 19, 1989, 10 a.m. The Board of Regents of Texas State Technical Institute met in emergency session at Texas Radisson Plaza Hotel, Austin. According to the agenda summary, the board considered minute orders and/or reports for review by the members of the board. The emergency status was necessary because matters must be resolved by March 20, 1989, to meet legal and other requirements.

Contact: Theodore A. Talbot, 3801 Campus Drive, Waco, Texas 76705, (817) 799-3611, ext. 3909.

Filed: March 14, 1989, 4:39 p.m.

TRD-8902420

Monday, March 20, 1989, 9 a.m. The Board of Regents of Texas State Technical Institute met in emergency session at Texas Radisson Plaza Hotel, Austin. According to the agenda summary, the board considered revised minute orders and/or reports presented to the board. The emergency status was necessary because matters must be re-

solved by March 20, 1989, to meet legal and other requirements.

Contact: Theodore A. Talbot, 3801 Campus Drive, Waco, Texas 76705, (817) 799-3611, ext. 3909.

Filed: March 14, 1989, 4:39 p.m.

TRD-8902421

The University of Texas at Austin

Monday, March 20, 1989, 2 p.m. The Intercollegiate Athletics for Women of the University of Texas at Austin met in Belmont Hall 606 Conference Room, U.T. Campus, 21st and San Jacinto Streets, Austin. According to the agenda summary, the university called order, approved minutes of the previous meeting, discussed old and new business, and met in executive session.

Contact: Donna Lopiano, BEL 606, U.T. Campus, Austin, Texas, (512) 471-7693.

Filed: March 14, 1989, 3:44 p.m.

TRD-8902414

Texas Water Commission

The Texas Water Commission will meet in Room 118, 1700 North Congress Avenue, Austin. Dates, times, rooms, and agendas follow.

Monday, March 27, 1989, 10 a.m. The commission will meet in Room 118, to consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: March 14, 1989, 11:08 a.m.

TRD-8902398

Thursday, March 30, 1989, 10 a.m. The commission will meet in Room 118, to will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: March 14, 1989, 11:08 a.m.

TRD-8902399

Thursday, March 30, 1989, 10 a.m. The commission will meet in Room 118, to determine whether an emergency order should be issued to the City of Amarillo, P.O. Box 1971, Amarillo, Texas 79186. The order, if issued, would authorize a discharge of treated and partially treated domestic and industrial wastewater effluent at a volume not to exceed 6,500,000 gallons per day average from the city's Hollywood Road WWTP which is located approximately four miles east-southeast of the intersection of State Highway Spur 335 (Hollywood Road) and Farm to Market Road 1541 (Washington Street) in Randall County. The effluent is to be discharged via pipeline to a playa lake located on the plant site in the Red River Basin. The applicant has stated that such a request is justified to make necessary and unforeseen repairs to the air diffusers in aeration basins 1 and 2.

Contact: Sharon J. Smith, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: March 14, 1989, 4:10 p.m.

TRD-8902419

Regional Meetings

Meetings Filed March 14, 1989

The Austin-Travis County Mental Health and Mental Retardation Center, Operation and Planning Committee, met in Suite 500, 611 South Congress Avenue, Austin, on March 17, 1989, at 7:30 a.m. Information may be obtained from Sharon Taylor, (512) 447-4141.

The Central Counties Center for Mental Health and Mental Retardation, Public Hearing/Board of Trustees, will meet at the Chateau Ville Restaurant, 2503 Main, Gatesville, on March 21, 1989, at 7:15 p.m. (public hearing) and 7:45 p.m. (board of trustees). Information may be obtained from Michael K. Muegge, 304 South 22nd, Temple, Texas.

The Dallas Central Appraisal District, Appraisal Review Board, will meet in Suite 500, 1420 West Mockingbird Lane, Dallas, on March 31, 1989, at 10 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247. (214) 631-0520.

The Guadalupe-Blanco River Authority, Board of Directors, met for an emergency agenda revision at the Authority's Offices, 933 East Court Street, Sequin, on March 16, 1989, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Sequin, Texas 78156-0271, (512) 379-5822.

The Rockwall County Appraisal District, Board of Directors, met in emergency session at the Rockwall County Appraisal Dis-

trict, 106 North San Jacinto, Rockwall, on March 14, 1989, at 7:30 p.m. Information may be obtained from Ray Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 771-2034.

TRD-8902388

Meetings Filed March 15, 1989

The Comal Appraisal District, Board of Directors, met at 430 West Mill Street, New Braunfels, on March 20, 1989, at 5:30 p.m. and 7:30 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597.

The Deep East Texas Council of Governments, Board of Directors, will meet at the "Inn of the Twelve-Clan", Alabama-Coushatta Indian Reservation, Livingston, on March 23, 1989, at 11 a.m. Information may be obtained from Katie Bayliss, 274 East Lamar Boulevard, Jasper, Texas 75951, (409) 384-5704.

The Dewitt County Appraisal District, Board of Directors, will meet at 103 Bailey Street, Cuero, on March 21, 1989, at 7:30 p.m. Information may be obtained from John Haliburton, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The Education Service Center, Region XIII, Board of Directors, met in Room 205, ESC, Region XIII, 5701 Springdale Road, Austin, on March 20, 1989, at 12:45 p.m. Information may be obtained from Dr. Joe Parks, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300.

The Heart of Texas Private Industry Council, Private Industry Council emergency agenda revision meeting, was held in HOTCOG Conference Room, 320 Franklin Avenue, Waco, on March 16, 1989, at 5:30 p.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 78701-2297, (817) 756-6631.

The Henderson County Appraisal District, Board of Directors and Appraisal Review Board, met at 1751 Enterprise, Athens, on March 20, 1989, at 7:30 p.m. Information may be obtained from Helen Merchbanks, 1751 Enterprise, Athens, Texas (214) 675-9296.

The Houston-Galveston Area Council, Project Review Committee and Board of Directors will meet in the Conference Room, Fourth Floor, 3555 Timmons Lane, Houston, on March 21, 1989, at 9 a.m. and 10 a.m., respectively. Information may be obtained from Rowena Ballas and Marjorie Baker, P.O. Box 22777, Houston, Texas 77227-2777, (713) 627-3200 and (713) 993-4596.

The Lamar County Appraisal District, will meet at 521 Bonham Street, Paris, on March 21, 1989, at 5 p.m. Information may

be obtained from Betty Hanna, 521 Bonham Street, Paris, Texas 75460, (214) 785-7822.

The Lamb County Appraisal District, Board of Directors and Appraisal Review Board, met in the Boardroom, 330 Phelps Avenue, Littlefield, on March 16, 1989, at 7 p.m. Information may be obtained from Muriene J. Godfrey, P. O. Box 552, Littlefield, Texas 79339-0552, (806) 385-6474.

The Middle Rio Grande Development Council, Board of Directors, will meet in the Kennedy Room, Civic Center, Del Rio, on March 22, 1989, at 1 p.m. Information may be obtained from Michael M. Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The Nolan County Central Appraisal District, Board of Directors, will meet in

Suite 317A, Nolan County Courthouse, Sweetwater, on March 21, 1989, at 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The Pecan Valley Mental Health Mental Retardation Region, Board of Trustees, will meet at the Pecan Valley MHMR Region Clinical Office, 104 Charles Street, Granbury, on March 22, 1989, at 8 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

TRD-8902425

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Meetings Filed March 16,
1989

The Central Plains Mental Health Mental Retardation Center, Board of Trustees,

will meet at 208 South Columbia, Plainview, on March 23, 1989, at 6:30 p.m. Information may be obtained from Rick Van Hersh, 2700 Yonkers, Plainview, Texas, (806) 293-2636.

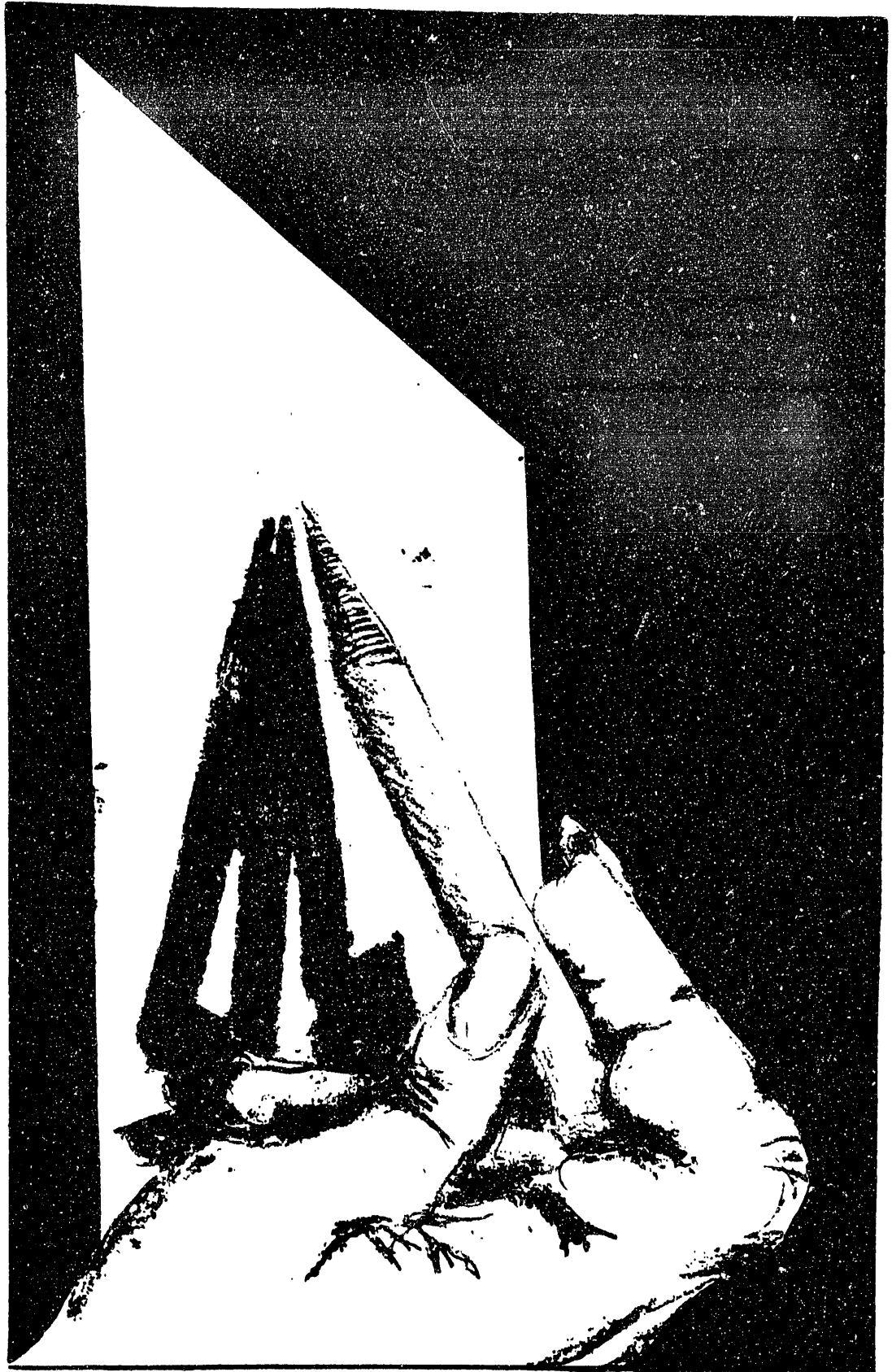
The Edwards Underground Water District, Ad-Hoc Committee for Bylaws, will meet at 1615 North St. Mary's Street, San Antonio, on March 29, 1989, at 10 a.m. Information may be obtained from Russell L. Master, 1615 North St. Mary's Streets, San Antonio, Texas 78215, (512) 222-2204.

The Martin County Appraisal District, Board of Directors, will meet at Guy's Restaurant, Stanton, on March 23, 1989, at 7 a.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823.

TRD-8902449
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Name: Paul Booker

School: Plano High, Plano



In Addition

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

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

Texas Department of Agriculture Notice of Bid Opening

On Monday, March 27 at 9 a.m., the Texas Department of Agriculture, Family Farm and Ranch Security Program of the Marketing Division will open sealed bids received on land located in Falls County in the Ninth Floor Conference Room, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. For further information, contact Mike Miller, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, (512) 463-7574.

Issued in Austin, Texas on March 13, 1989.

TRD-8902393 Doiores Alvarado Hibbs
Director of Hearings
Texas Department of Agriculture

Filed: March 14, 1989

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

Texas Department of Banking Notice of Applications

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a state bank to file an application with the Banking Commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On March 8, 1989, the banking commissioner received an application to acquire control of First State Bank, Grandview, by Steven D. Pedro, Fort Worth, and Richard D. Smith, Aledo.

Additional information may be obtained from: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705 (512) 475-4451.

Issued in Austin, Texas, on March 10, 1989.

TRD-802367 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: March 13, 1989

For further information, please call (512) 468-1200.

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a state bank to file an application with the Banking Commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On March 9, 1989, the banking commissioner received an application to acquire control of The Enloe State Bank, Enloe, by Noel S. Bailey, Cooper.

Additional information may be obtained from: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705 (512) 475-4451.

Issued in Austin, Texas, on March 9, 1989.

TRD-8902352 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: March 13, 1989

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

Texas Department of Health Clinical Health Services

Department rules (25 TAC §1.91(b)) relating to fees for clinical health services provide that the commissioner of health may adjust the income guidelines upon which the fees are based in order that they will conform to changes in federal guidelines. The federal guidelines were changed on February 9, 1989, when the Secretary of Health and Human Services issued the 1989 poverty income guidelines for all states, except Alaska and Hawaii Volume 54, *Federal Register*, page 7097, February 16, 1989). Under authority of §191(b), and in accordance with the federal changes, the commissioner on March 10, 1989, approved the following adjusted income guidelines and schedule of changes:

certificates of registration will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas from 8 a.m. -5 p.m., Monday-Friday (except holidays).

Issued in Austin, Texas on March 14, 1989.

TRD-8902387 Robert A. Maclean, M.D.
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: March 14, 1989

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.

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
Arlington	HCA South Arlington Medical Center	L02228	Arlington	21	02/17/89
Arlington	Radiation Safety Services	L04027	Arlington	4	02/10/89
Austin	Texas Nuclear Corporation	L01825	Austin	22	02/16/89
Beaumont	Beaumont Medical Surgical Hospital	L02102	Beaumont	25	02/17/89
Beaumont	Syncor International Corporation	L02987	Beaumont	17	02/24/89
Carrollton	Trinity Medical Center	L03765	Carrollton	6	02/23/89
Corpus Christi	Spohn Hospital	L02495	Corpus Christi	20	02/23/89
Corpus Christi	Champlin Refining and Chemicals, Inc.	L00243	Corpus Christi	24	02/19/89
Dallas	Dallas Nephrology Associates	L02604	Dallas	8	02/23/89
Denton	Texas Woman's University	L00304	Denton	31	02/17/89
Houston	Sam Houston Memorial Hospital	L01878	Houston	21	02/17/89
Houston	Gulf Coast Veterinary Specialists	L04236	Houston	1	02/23/89
Houston	Exploration Technologies, Inc.	L03981	Houston	1	02/17/89
Humble	The Nuclear Imaging Center	L03758	Humble	2	02/17/89
Humble	Northeast Medical Center Hospital	L02412	Humble	23	02/17/89
Irving	Syncor International Corporation	L02048	Irving	57	02/23/89
La Porte	PPG Industries, Inc.	L02206	La Porte	13	02/10/89
Lampasas	Rollins-Brook Hospital	L03480	Lampasas	2	02/17/89
Lubbock	Diagnostic Radiology Associates	L03948	Lubbock	5	02/17/89
Midland	Perfojet Services, Inc.	L01112	Midland	15	02/17/89
Midlothian	Chaparral Steel Company	L02015	Midlothian	12	02/02/89
Orange	Polysar Gulf Coast Inc.	L00976	Orange	27	02/18/89
Pampa	Hoechst Celanese	L04210	Pampa	1	02/01/89
Plano	Cardiovascular Imaging Center, Inc.	L03704	Plano	6	02/23/89
Port Arthur	Star Enterprise	L00067	Port Arthur	23	02/09/89
Port Arthur	St. Mary Hospital of Port Arthur	L01212	Port Arthur	37	02/17/89
San Antonio	San Antonio State Chest Hospital	L02218	San Antonio	13	02/17/89
San Antonio	Southwest Foundation for Biomedical Research	L00468	San Antonio	31	02/19/89
Stinnett	Texas Sulfur Products Company, Inc.	L02313	Phoenix, Arizona	4	02/19/89
Taylor	Johns Community Hospital	L03657	Taylor	11	02/23/89
Temple	King's Daughters Hospital	L00666	Temple	29	02/17/89
Throughout Texas	Tru-Tec	L03913	La Porte	19	02/03/89
Throughout Texas	East Texas Testing Laboratory	L01423	Tyler	24	02/02/89
Throughout Texas	Basin Industrial X-Ray, Inc.	L02280	Corpus Christi	24	02/21/89

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Throughout Texas	Technical Welding Laboratory, Inc.	L02187	Pasadena	48	02/21/89
Throughout Texas	Brazos Valley Inspection Services, Inc.	L02859	Bryan	24	02/21/89
Throughout Texas	Collin County Courthouse	L04019	McKinney	2	02/13/89
Throughout Texas	BJ-Titan Services Company	L02684	Houston	17	02/09/89

Throughout Texas	Diamond Wireline Services, Inc.	L04158	Corpus Christi	2	02/18/89
Throughout Texas	Duval and Associates Consulting and Construction Co.	L04234	Garland	1	02/13/89
Throughout Texas	Suntrac Services, Inc.	L03062	Webster	5	02/18/89
Throughout Texas	Hooper Engineering Laboratories, Inc.	L02309	Dallas	7	02/19/89
Throughout Texas	Dick Heine, Inc.	L04235	Tyler	2	02/17/89
Throughout Texas	S & E Engineering	L04138	Houston	1	02/17/89
Throughout Texas	Texaco, Inc.	L00247	Bellaire	55	02/18/89
Throughout Texas	Rone Engineers	L02356	Dallas	7	02/19/89
Throughout Texas	Exxon Chemical Americas	L01135	Baytown	44	02/19/89
Throughout Texas	CBI NA-CON, Inc.	L01902	Houston	15	02/28/89
Throughout Texas	Panhandle N.D.T. & Inspection, Inc.	L02627	Borger	19	02/27/89
Throughout Texas	BIX Testing Laboratories	L02143	Baytown	36	02/24/89
Tyler	James E. Nunnally	L01342	Tyler	12	02/23/89
Waller	Progressive Metals, Inc.	L02831	Waller	14	02/21/89

RENEWALS OF EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Austin	Texas Department of Health	L01594	Austin	13	02/18/89
Harlingen	Texas State Technical Institute	L02156	Harlingen	6	02/17/89
Houston	GeoChem Research, Inc.	L03448	Houston	4	02/09/89
Houston	Core Laboratories, Inc.	L02628	Houston	7	02/19/89

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. Lacher, 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 March 10, 1989.

TRD-8902385 Robert A. MacLean
Deputy Commissioner
Texas Department of Health

Filed: March 14, 1989

For further information, please call (512) 835-7000.

Texas Department of Human Services Public Notice

The Texas Department of Human Services (DHS) has scheduled an orientation session for the Texas Board of Human Services. DHS will give an informational orientation on the Families and Children's Programs and the field management operations. The orientation session will begin at 8:30 a.m. on Tuesday, March 21, 1989, and continue on Wednesday, March 22, 1989, starting at 8:30 a.m. Staff will only provide information on the programs and there will be no deliberations by the board members on the information presented. The orientation session will be held in the department's Commissioner's Conference Room, Sixth Floor, West Tower, 701 West 51st Street, Austin. For additional information, please contact Carol Sue Kubicek at (512) 450-3030.

Issued in Austin, Texas, on March 15, 1989.

TRD-8902424 Charles Stevenson
Acting Commissioner
Texas Department of Human Services

Filed: March 15, 1989

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

Request for Proposals

The Texas Department of Human Services (DHS) is requesting proposals for community based treatment services in DHS Region 11.

Description. Specific activities to be performed are psychological/developmental testing; psychological/psychiatric evaluation; counseling/therapy; substance abuse program; and court testimony.

Limitations. The contract period will be from September 1, 1989, through August 31, 1990. The total amount of the contracts awarded will be contingent on the region's allocation of contract funds. Contracts in Harris County will be awarded for the complete range of services; outside of Harris County, only for the substance abuse program.

Contact person. Finley L. Morton, Contract Coordinator, Children's Protective Services, Texas Department of Human Services, Mail Code 175-1, P.O. Box 16017, Houston, Texas 77222, (713) 696-7386.

Evaluation and selection. Procedures to be used to evaluate offers will include: evaluation of accessibility of services to clients, client flow/time frames; unique and innovative aspects of the program; provider contribution; staff qualifications; examples of work; and cost. Final selection will be made by the Regional Director for Protective Services for Families and Children based on the evaluation of the above listed criteria and staff recommendations.

Closing date. The closing date for receiving proposals is 4 p.m., May 5, 1989.

Issued in Austin, Texas on March 14, 1989.

TRD-8902408 Charles Stevenson
Acting Commissioner
Texas Department of Human Services

Filed: March 14, 1989

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

State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration:

1. Application for a name change by Sunweath Life Insurance Company, a domestic life insurance company. The home office is in San Antonio. The proposed new name is First American Life Insurance Company.

2. Application for admission to do business in Texas of Bankers Life Insurance Company of Florida, a foreign life insurance company. The home office is in St. Petersburg, Florida.

Issued in Austin, Texas, on March 13, 1989.

TRD-8902354 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: March 13, 1989

For further information, please call (512) 463-8327.

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General Land Office
Consultant Contract Award Amendment

In accordance with Texas Civil Statutes, Article 6252-11c, the General Land Office files this report announcing the amendment of a contract for consultant services with D.D. Shine, Shine and Associates, P.O. Box 305, Silsbee, Texas 77656. The consultant proposal request was published in the October 29, 1985, issue of the *Texas Register* (10 TexReg 4244).

Circumstances have delayed Shine and Associates' work in supervising and conducting a gradient boundary line survey of the Canadian River and the survey will require additional work beyond that originally contemplated. The contract originally specified that it was not to exceed \$50,000. The amendment modifies the contract to pay consultant an amount not to exceed \$100,000.

Issued in Austin, Texas on March 14, 1989.

TRD-8902402 Gary Mauro
 Commissioner
 General Land Office

Filed: March 14, 1989

For further information, please call (512) 463-5009

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Texas Parks and Wildlife Department
Consultant Contract Award

This consultant service selection is filed under Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the December 23, 1988, issue of the *Texas Register* (13 TexReg 6368).

The services of an existing consultant will be continued. His services to the agency consist of: consulting with hunters, fishermen, boat owners, and park visitors regarding department programs; providing information to the executive director regarding his findings; disseminating information that will assist the department in enhancing its programs; and engaging such other activities that may be assigned by the executive director.

The name and address of the consultant is Elton Borner, 711 West Corsicana Street, Athens, Texas 75751. The total value of this award is \$25,100. The contract is effective March 9, 1989, and will terminate on August 31, 1989.

Issued in Austin, Texas on March 14, 1989.

TRD-8902404 Charles D. Travis
 Executive Director
 Texas Parks and Wildlife Department

Filed: March 14, 1989

For further information, please call (512) 389-4805

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Texas Water Commission
Notice of Application For Waste
Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of March 6-March 10, 1989.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons requested by the requester, would be adversely affected by granting of the application. If the commission determines that the request sets out an issue which is relevant to the discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Capitol Station, Austin, Texas 78711. (512) 463-7905.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

Fallbrook Utility District, Houston; wastewater treatment facilities; located north of Halls Bayou, approximately one mile west of United States Highway 75, 1, 300 feet south of West Road and 2,800 feet east of Staebner-Airline Road, Harris County; 10919-01; renewal.

The City of White Oak; wastewater treatment facilities; located immediately east of State Highway 42 and 4,200 feet south of United States Highway 80, Gregg County; 10940-01; amendment.

Pilar Tiampo, Spring; wastewater treatment plant; located on the south side of FM Road 1960, approximately 7,500 feet west of the intersection of FM Road 1960 and United States Highway 59, Harris County; 02684; renewal.

Jamie C. Tiampo Trust of 1980 and James John Tiampo, Spring; wastewater treatment facilities; located approximately 5,500 feet west of the intersection of United States Highway 59 and FM Road 1960, on the north side of FM Road 1960, Harris County; 02685; renewal.

Commodore Savings Association, Dallas; wastewater treatment plant; located approximately 1.4 miles northeast of the intersection of Interstate Highway 35 West and State Highway 114; 2.4 miles northwest of the intersection of State Highway 114 and United States Highway 377, Denton County; 12771-01; renewal.

City of Austwell; wastewater treatment plant; located southwest of the intersection of Stevens and Main Streets in the City of Austwell, Refugio County; 11117-01; renewal.

City of Mineola, wastewater treatment facilities; located approximately 0.3 mile west of United States Highway 69, at a point two miles southeast of the center of the City of Mineola, Wood County; 10349-01; renewal.

Twenty One Twenty Development Company, Vidor; wastewater treatment plant; located west of Anderson Gully, south of Orange Street, and approximately 1,200 feet east of the intersection of Orange and Pine Burr Streets, Orange County; 12012-01; renewal.

Bayview Municipal Utility District, Bacliff; wastewater treatment facilities; located at 3206 State Highway 146, approximately 0.5 mile west of State Highway 146 and 1.5 miles north of the intersection of FM Road 517 and State

Highway 146 in the City of Bacliff, Galveston County; 10770-01; renewal.

City of Roma; wastewater treatment facilities; located south of United States Highway 83 at West Sixth Street, in the City of Roma, Starr County; 11212-01; renewal.

Albert C. Lueck II doing business as Estrella Dairy, Dublin; dairy; located on the east side of FM Road 219, approximately 2.5 miles south of the intersection of FM Road 1702 and FM Road 219, southeast of the City of Dublin, Erath County; 03077; new.

Woodridge Limited Partnership, Karnack; wastewater treatment facilities; located approximately 1,600 feet southeast of the intersection of FM Road 134 and State Highway 43, Harrison County; 13474-01; new.

Southern Pacific Transportation Company, Cleveland; wastewater treatment plant; located adjacent to the company railroad track, approximately two miles south of the City of Cleveland and on the east side of United States Highway 59, Liberty County; 03066; new.

Rogers R. Maloan, Tower Oaks Car Wash, Houston; car wash; located at 11000 Tower Oak Boulevard, approximately 450 feet west of the intersection of Jones Road and Tower Oak Boulevard in northwest Houston, Harris County; 03055; new.

Alexa Enterprises, Inc., doing business as Engel Utility Company, Mabank; wastewater treatment facilities; located approximately 1/2 mile north-northeast of Enchanted Oaks, about one mile south of FM Road 90 where FM Road 90 turns abruptly east, approximately 10 miles south of Mabank, Henderson County; 11890-01; amendment.

Weatherford Farms and Greenhouses, Inc., Stafford; greenhouse which primarily produces potted plants; located on the east side of Murphy Road and approximately 1.4 miles south of the Southwest Freeway (United States Highway 59) in the City of Stafford, Fort Bend County; new; 03060.

J. Wayne Robinson, Houston; sewage treatment plant; located on the east right-of-way line of Northwinds, approximately 1,590 feet south of the intersection of Northwinds and FM Road 529, Harris County; 12830-01; renewal.

City of Cisco; water treatment facilities; located approximately 800 feet downstream of the Lake Cisco Dam, approximately 400 feet west of State Highway 6 and approximately 3.5 miles north of the intersection of United States Highway 80 and State Highway 6, Eastland County; 10424-02; renewal.

Texas A&M University, Bryan; research and extension center plant; located on the south portion of the Texas A&M University Research and Extension Center (formerly Bryan Air Force Base), approximately three miles south-east of the intersection of State Highway 21 FM Road 50 Brazos County; 10968-02; renewal.

Issued in Austin, Texas, on March 10, 1989.

TRD-8902366 Brenda W. Foster
Chief Clerk
Texas Water Commission

Filed: March 13, 1989

For further information, please call (512) 463-7906