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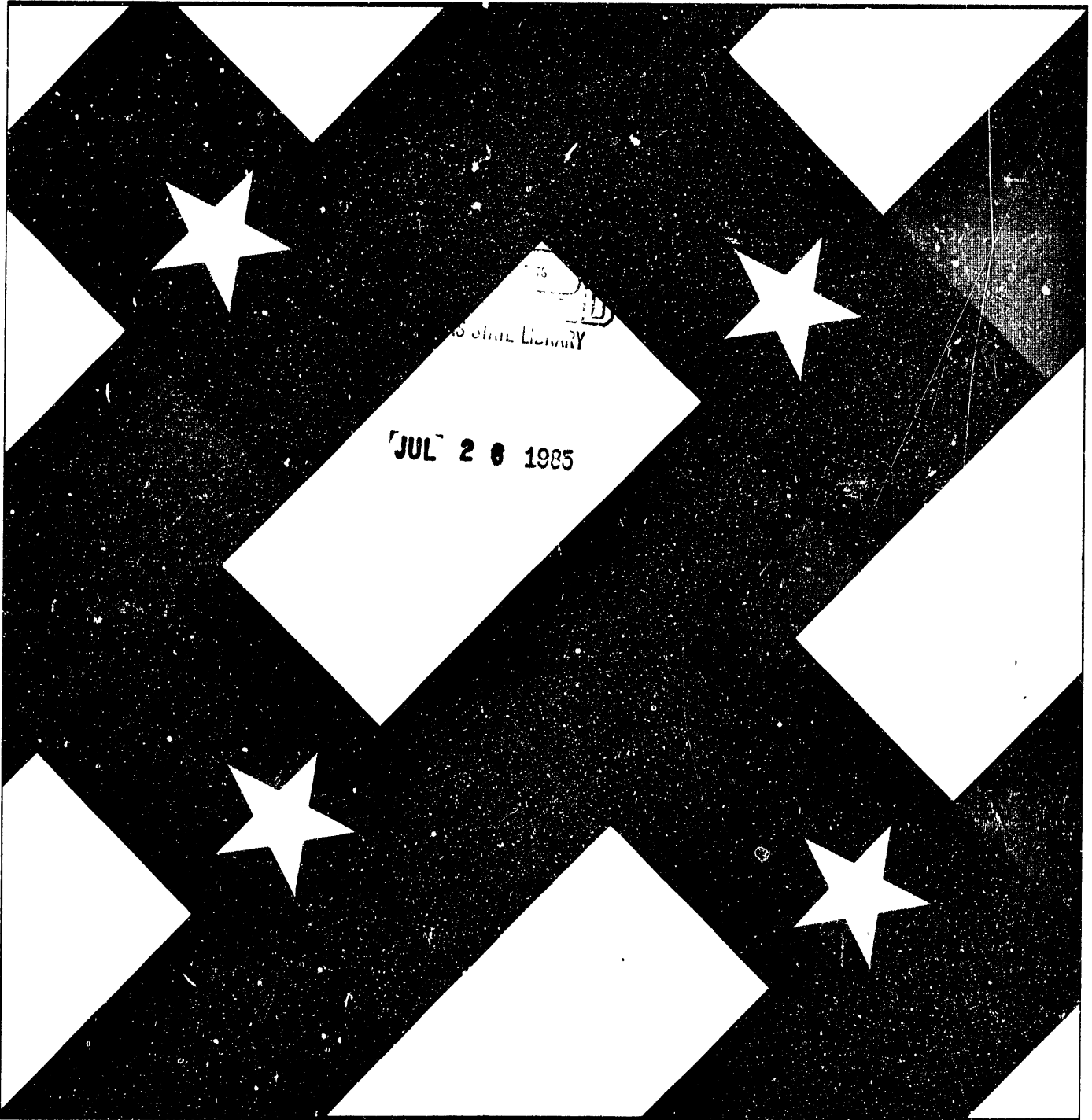
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Texas Register

Volume 10, Number 55, July 23, 1985

Pages 2249 - 2368



Highlights

The Texas Department of Agriculture adopts amendments concerning counties regulated under the Texas Agriculture Code. Effective date - August 6page 2354

The The Public Utility Commission of Texas adopts amendments concerning

substantive rules.
Effective date - August 6page 2354

The Texas Optometry Board adopts amendments concerning continuing education. Effective date - August 5page 2356

Office of
the Secretary
of State

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1985 with the exception of June 25, July 9, August 30, December 3, and December 31, by the Office of the Secretary of State.

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Information Available: The 11 sections of the *Register* represent various facets of state government. Documents contained within them include:

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- The Legislature—bills submitted to, signed by, and vetoed by the Governor and bills that are submitted to the Governor and enacted without his signature
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

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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: "10 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 10 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, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code*, rule 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 rule is designated by a TAC number. For example, in the citation 1 TAC §27.15:

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

TAC stands for the *Texas Administrative Code*;

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



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Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
512-475-7886

Myra A. McDaniel
Secretary of State

Director
Dave Harrell

Documents Section Coordinator
Jane Hooks

Document Editors
Cynthia Cooke,
Cynthia Y. Rodriguez-Perez

Open Meetings Specialists
Judy Brewster, Colleen M. Smith

Production Section Coordinator
Sue Bumpous

Production Editor
Melinda Vaughan

Circulation Section Coordinator
Dee Wright

Circulation Assistant
Kristina Hopkins Mohajer

TAC Editors
William Craig Howell
Hollis Glaser
Tracie L. Miller
Dennis W. Zabel
Richard Manning II

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The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *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) 475-3021.

Appointments Made July 12

26th Judicial District

To be district attorney, Williamson County, until the next general election and until his successor shall be elected and duly qualified:

Kenneth G. Anderson
310 Tallwood
Georgetown, Texas 78626

Mr. Anderson is replacing Edward J. Walsh of Georgetown, who resigned.

Golden Crescent Private Industry Council

For a term to continue for as long as he qualifies for this appointment:

Bob Neel
106 North Esplanade
Cuero, Texas 77954

Mr. Neel is being appointed pursuant to the Golden Crescent Private Industry Council By-laws, Article II, membership subsection (e).

Issued in Austin, Texas, on July 12, 1985

TRD-856352

Mark White
Governor of Texas

★ ★ ★



Withdrawn

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

TITLE 22. EXAMINING BOARDS

Part IV. Texas Cosmetology Commission

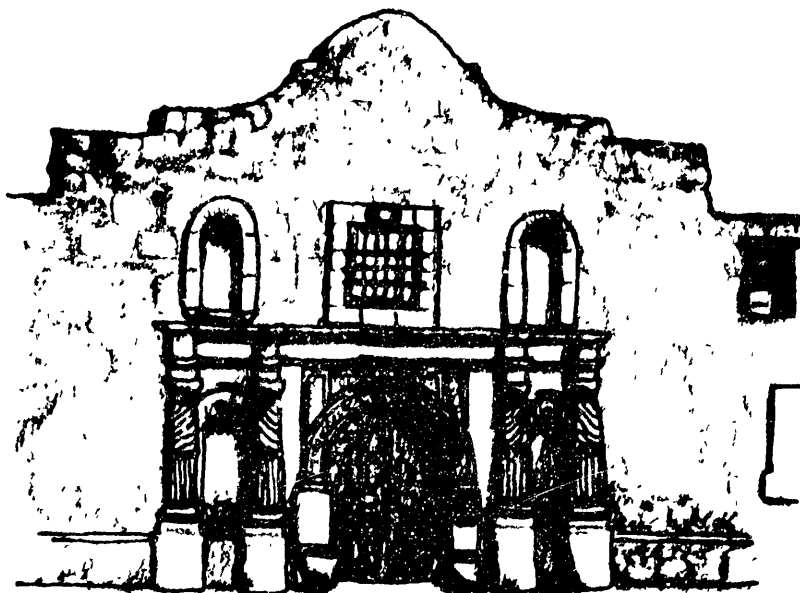
Chapter 83. Sanitary Rulings

★ 22 TAC §83.29

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), proposed new §83.29, submitted by the Texas Cosmetology Commission has been automatically withdrawn, effective July 16, 1985. The new section as proposed appeared in the January 15, 1984, issue of the *Texas Register* (10 TexReg 159).

TRD-858350
Filed July 16, 1985

★ ★ ★



Adopted Rules

An agency may take final action on a rule 30 days after a proposal has been published in the *Texas Register*. The rule 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 rule 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 rule with changes to the proposed text, the proposal will be republished with the changes.



TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 11. Herbicide Regulations

★ 4 TAC §§11.1, 11.2

The Texas Department of Agriculture (TDA) adopts amendments to §11.1 and §11.2, without changes to the proposed text published in the June 14, 1985, issue of the *Texas Register* (10 TexReg 1958).

The Texas Agriculture Code, §75.023(h) requires the commissioners' court to notify the TDA of a change in the status of the exemption of a county or portion of a county which has been approved by the commissioner's court through a public hearing process.

The amendments to §11.1, concerning counties regulated, remove Fannin County and add Deaf Smith, Foard, and Lamb Counties to counties being subjected to all provisions of the Texas Agriculture Code, Chapter 75 (1981), unless specifically exempted by §11.2, concerning county special provisions. The amendments to §11.2 concerning special provisions make changes in the provisions to prohibit the use of ester formulations of 2,4-D in Parmer County between April 15 and October 1 of each year and add special provisions for Foard, Deaf Smith, and Lamb Counties.

No comments were received regarding adoption of the proposal.

The amendments are adopted under the Texas Agriculture Code, §75.018 (1981) and §75.019 (1981), which provides the Texas Department of Agriculture with the authority necessary to promulgate rules to

enforce the provisions of the Texas Agriculture Code, Chapter 75.

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 July 15, 1985

TRD-856341

Delores Alvarado Hibbs
Hearings Officer
Texas Department of
Agriculture

Effective date: August 6, 1985

Proposal publication date: June 14, 1985

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

★ ★ ★

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas Chapter 23. Substantive Rules

General Rules

★ 16 TAC §23.3

The Public Utility Commission of Texas adopts amendments to §23.3, with changes to the proposed text published in the May 14, 1985, issue of the *Texas Register* (10 TexReg 1526).

The section clearly defines extended area service and local access and transport area. By clearly defining the terms, confusion as to their meaning is eliminated.

AT&T Communications commented in favor of the section and noted that the definition for local access and transport area should follow more closely the definition used in the modification of final judgment (MFJ) and the GTE final judgment.

The amendments are adopted under Texas Civil Statutes, Article 1446c, §16, which provides the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction, and in administering the provisions of this Act.

§23.3. *Definitions.* The following words and terms, when used in this chapter, shall have the following meanings, unless the

context clearly indicates otherwise:

Extended area service (EAS)—A telephone switching and trunking arrangement which provides for calling service by local exchange carriers between two or more contiguous exchanges within a local access and transport area (LATA), provided at local exchange rates rather than at toll message charges.

Local access and transport area (LATA)—A geographic area established for the provision and administration of communications service. It encompasses one or more designated exchanges, which are grouped to serve common social, economic, and other purposes. For purposes of these sections, market areas, as used and defined in the modified final judgment and the GTE final judgment, are encompassed in the term local access and transport area.

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 July 16, 1985

TRD-856342

Rhonda Colbert Ryan
Secretary of the
Commission
Public Utility
Commission of Texas

Effective date: August 6, 1985

Proposal publication date: May 14, 1985

For further information, please call
(512) 458-0100.

★ ★ ★

Customer Service and Protection

★ 16 TAC §23.49

The Public Utility Commission of Texas adopts new §23.49, with changes to the proposed text published in the May 14, 1985, issue of the *Texas Register* (10 TexReg 1526).

The new section sets out the procedures to be followed in requesting the establishment of extended area service between telephone exchanges. These procedures will provide to all parties to a request for extended area service an understanding of the basis for a recommendation either for or against the request by the commission staff. The section covers how to file, how the commission staff assesses the request, what information would be required of the affected telephone company or companies, and spe

cific guideposts to be used by the staff in determining whether or not to proceed with a request

Comments in favor of the new section were received from the City of The Colony, Southwestern Bell Telephone Company, General Telephone Company of the Southwest, and Lake Dallas Telephone Company

Comments received by Southwestern Bell and Lake Dallas Telephone Company presented their fears that ignoring the effects of lost toll revenues would cause upward pressure on local rates. General Telephone commented that the effects on intercompany contracts should be considered in determining costs, and that, if extended area service (EAS) is jointly provided by more than one utility, the costs should be divided on the basis of how they are incurred. The Colony suggested that an average toll revenue could be developed for inclusion in the analysis of EAS costs. In addition, the Colony suggested clarifying language in specific sections of the section.

Southwestern Bell's comments and those of Lake Dallas were rejected because the commission had previously decided the issue of inclusion of lost toll revenues. General Telephone's suggestions were rejected because they attempted to add to the section contractual matters not properly considered. Those portions of the the Colony's comments which were rejected were excluded because the commission had previously decided the issue of inclusion of lost toll revenues.

The new section is adopted under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction, and in administering the provisions of this Act.

§23.49. Telephone Extended Area Service.

(a) The guidelines set forth in this section are intended to establish consistent procedures for the processing of requests for extended area service (EAS) which may be pending on, or applied for after, the effective date of this section. The commission may authorize establishment of new EAS service only through examination of relevant issues and hearing as described in this section.

(b) Filing requirements.

(1) In order to be considered by the commission, a request for extended area service shall be initiated by one or both of the following actions:

(A) a petition signed by the greater of 5.0% or 100 of the subscribers in the exchange from which the petition originates; or

(B) a resolution adopted and filed with the commission by the governing body of a political subdivision provided that

said governing body properly represents the exchange requesting EAS.

(2) Consideration by the commission of a request for establishment of a particular extended area service arrangement shall not be undertaken more frequently than once in any three-year period.

(3) All requests for EAS, regardless of how initiated, shall state the name of the exchange(s) to which the extended area service is sought.

(4) The petition shall set forth the name and telephone number of each signatory and the name of the exchange from which the subscribers receive service.

(c) Community of interest.

(1) Upon receipt of a proper filing under the provisions set out in subsection (b)(1) of this section, the utility or utilities involved will be directed by the commission staff to initiate appropriate calling usage studies and, thereafter, within 90 days of receipt of such notification, file with the commission staff and a representative of the petitioning exchange the results of such studies. The data to be filed shall be based upon a minimum 60-day study of representative calling patterns, shall be in such form, detail, and content as the commission staff may reasonably require, and shall include, at a minimum, the following information:

(A) the number of messages and either minutes-of-use or billed toll revenues, expressed per customer account per month, over each interexchange route being studied and in each direction, segregated between business and residence users and combined for both,

(B) a detailed analysis of the distribution of calling usage among subscribers, over each route and in each direction showing the number of subscriber accounts placing zero calls, one call, etc., through 10 calls, the number of subscriber accounts placing between 11 and 20 calls, the number placing between 21 and 50 calls, and the number of subscriber accounts placing more than 50 calls, per month;

(C) data showing, by classes of service, the number of subscriber accounts in service for each of the exchanges being studied;

(D) the toll rates applicable between the exchanges, distance between rate centers, and the average revenue per message for the calls during the study period;

(E) the number of foreign exchange (FX) lines in service over each route and the average calling volumes carried on these lines expressed as both messages per month and hundred call seconds (CCS) units where measuring capabilities exist. If no measuring capability exists, estimated usage will be provided;

(F) a listing of known interexchange carriers providing service between the petitioning exchange and the exchange to which EAS is desired.

(2) A showing that a reasonable degree of community of interest between ex-

changes will be considered to exist from one exchange to the other when:

(A) there is an average (arithmetic mean) of no less than 10 calls per subscriber account per month from one exchange to the other; and

(B) no less than two-thirds of the subscribers' accounts place at least five calls per month from one exchange to the other.

(3) The request for establishment of EAS shall be docketed whenever a reasonable community of interest is found to exist as described in paragraph (2) of this subsection:

(A) on a bilateral basis between exchanges; or

(B) on a unilateral basis from the petitioning exchange to the other, if the petitioning exchange has expressed, in writing to the commission, its readiness to bear the entire cost of providing the requested EAS service.

(4) A request for establishment of EAS may be considered as either a nonoptional service or an optional service. The petitioning exchange shall express, in writing to the commission, which type of EAS is being sought.

(5) Following the docketing of a request, a prehearing conference will be scheduled to clarify the position of the petitioning exchange regarding whether the costs are to be considered for both the petitioning exchange and the exchange(s) to which EAS is sought as well as whether the service is to be considered on an optional or nonoptional basis.

(A) If the request is to be considered on a nonoptional basis, the utility or utilities involved will be directed by the commission staff to initiate appropriate costing analyses according to subsection (e) of this section.

(B) If the request is to be considered on an optional basis, the utility or utilities involved will be directed by the commission staff to initiate appropriate demand analyses according to subsection (d) of this section.

(C) If the petitioning exchange is uncertain as to how the request should be considered, the utility or utilities involved will be directed by the commission staff to initiate appropriate costing analyses according to subsection (e) of this section. Upon completion of those analyses, another prehearing conference will be held to determine whether the petitioning exchange desires for its request to be considered on an optional basis.

(d) Demand analyses.

(1) Upon a positive finding according to subsection (c)(5)(B) of this section, the utility or utilities involved shall conduct analyses of anticipated demand for the requested optional service. The data to be filed shall be in such form, detail, and content as the commission staff may reasonably require and shall include, at a minimum, the following information:

(A) the number of subscribers who are expected to take the requested service at the estimated rates recommended pursuant to subsection (f) of this section and the associated probability of that level of subscribership;

(B) the anticipated stimulation effects which would be applied to the present traffic volumes generated by the subscribers anticipated by subparagraph (A) of this paragraph; and

(C) the total volume of traffic upon which to base the anticipated switching and trunking requirements resulting from subparagraph (A) and subparagraph (B) of this paragraph

(2) On or before 120 days from the prehearing conference, the utility(ies) shall file with the commission staff and other parties to the proceeding the summary results of these analyses, together with supporting schedules and detail as will permit the identification of study components and verification and understanding of study results.

(e) Determination of costs.

(1) Following a determination that the request is to be considered on a nonoptional basis or, upon the completion of the demand analyses set out in subsection (d) of this section, the utility or utilities involved will be advised by the commission to initiate the studies necessary to determine the changes in costs which may reasonably be expected to result from establishment of the requested extended area service. These studies will consider and develop, for each route, the relevant costs as follows:

(A) net increases in capital costs resulting from required additions to network capacity less reductions in required quantities of facilities and equipment presently utilized for toll services between the exchanges. The added investment will be based upon the additional switching and trunking requirements necessary to accommodate the incremental usage at prescribed levels of service, as may be determined from realistic estimates of call stimulation factors and holding time effects due to extended area service. Appropriate annual carrying charges will be applied to the added investment to obtain the additional annual costs attributable to EAS;

(B) analysis of increases and decreases in expenses resulting from the new service and the net effect on operating expenses;

(C) a separate schedule showing local revenue increases resulting from exchange regrouping, if applicable

(2) The utility(ies) may analyze the effect on toll revenues in order to present, at the time of the hearing, evidence on the overall revenue effects of providing the requested EAS service

(3) The utility(ies) shall file with the commission staff and other parties to the proceeding the summary results of these studies together with supporting schedules

and detail as will permit the identification of study components and verification and understanding of study results:

(A) if the request is for nonoptional EAS service, the results shall be filed on or before 90 days from the date of the prehearing conference; or

(B) if the request is for an optional EAS service, the results shall be filed on or before 90 days from the date of the filing of the results of the demand analyses conducted pursuant to subsection (d) of this section

(f) Extended area service rate additives.

(1) Coincident with the filing of cost study results, the utility(ies) shall submit recommendations for proposed incremental rate additives, by classes of service, necessary to support the cost of the added service

(2) The commission staff will review the utility recommendations according to the following guidelines to determine the flat rate increment to be used affected exchange(s).

(A) No increase in rates shall be incurred by the subscribers of nonbenefiting exchanges, that is by subscribers whose calling scopes are not affected by the requested EAS service

(B) New EAS will be priced using those flat rate increments designed to recover the added costs for each route, and the total increment chargeable to subscribers within an exchange will be the sum of the increments of all new extended area service routes established for that exchange after the effective date of this section.

(C) Additional annual revenues derived from local rate band regrouping shall be deducted from the cost of implementing the service in the exchange generating the regrouping revenues.

(D) Unless the petitioning exchange has met the requirements of subsection (c)(3)(B) of this section, the additional cost for each new EAS route will be divided between the two participating exchanges on each route according to the ratio of calling patterns between the two exchanges.

(E) If the petitioning exchange has met the requirement of subsection (c)(3)(B) of this section, then an EAS flat rate increment shall be developed which places the entire cost of the new service on the subscribers in the petitioning exchange

(F) In establishing the EAS flat rate increment, all classes of customer access line rates within each exchange shall be increased by equal percentages.

(g) Nonoptional service analysis. If the service being considered is to be nonoptional, the petitioning exchange must show the following:

(1) a majority of the subscribers in the petitioning exchange would benefit from the plan, based on rates developed in subsection (f) of this section compared with toll

usage ascertained according to subsection (c)(1) of this section; and

(2) a majority of the subscribers in the petitioning exchange are willing to subscribe to the nonoptional service at the rates developed in subsection (f) of this section.

(h) Optional subscription threshold. If the service being considered is to be optional for subscribers, a threshold demand level shall be established in the proceeding, below which the affected utility(ies) will not be expected to place facilities for the service. The threshold demand level must be attained through a reasonable presubscription process by subscribers prior to the design or construction of facilities for the service.

Issued in Austin, Texas, on July 16, 1985

TRD-856343

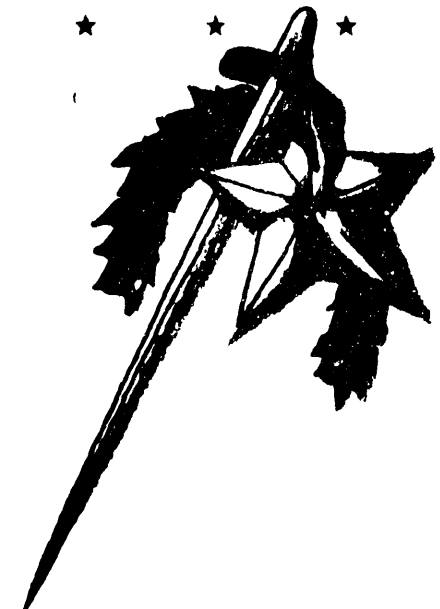
Rhonda Colbert Ryan
Secretary of the
Commission
Public Utility
Commission of Texas

Effective date: August 6, 1985

Proposal publication date: May 14, 1985

For further information, please call

(512) 458-0100



**TITLE 22. EXAMINING
BOARDS
Part XIV. Texas Optometry
Board
Chapter 275. Continuing
Education**

★ 22 FAC §275.2

The Texas Optometry Board adopts an amendment to §275.2, with changes to the proposed text published in the March 22, 1985, issue of the *Texas Register* (10 TexReg 976)

Licensees will be able to obtain continuing education credit by correspondence

courses, and the rule will furnish guidance as to the number of hours that will be accepted. The board has voted not to adopt the portion of the section regarding the limitation of hours on practice management courses, as the attorney general does not feel such limitation is within the authority of the board's statutes.

This section informs licensees, as well as providers, of the allowance of continuing education credit by approved correspondence courses as part of the criteria for approval of continuing education.

No comments were received regarding adoption of the amendments.

The amendment is adopted under Texas Civil Statutes, Article 4552, §2.14, which authorize the Texas Optometry Board to promulgate procedural and substantive rules.

§275.2. Required Education.

(a)-(d) (No change)

(e) Correspondence courses. A recommended maximum of four hours of credit per calendar year for correspondence courses sponsored and graded by accredited optometry colleges.

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 July 12, 1985

TRD-856281

Lois Ewald
Executive Director
Texas Optometry Board

Effective date August 5, 1985
Proposal publication date March 22, 1985
For further information, please call
(512) 835-1938

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State Board of Insurance Exempt Filings

TITLE 28. INSURANCE

Part 1. State Board of Insurance

Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.)

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.

The State Board of Insurance has adopted a restated automobile plan for the State of Texas which is part of the Texas Automobile Manual.

The restated plan editorially attempts to arrange various provisions of the present plan in more logical groupings based on subject matter along with use of uniform terminology.

Substantive changes were made in a number of sections. The changes to Part 2 require insureds to comply with payment obligations. In Part 4, additions are made to the determination of assignments, minimum assessment is in-

ing Committee is given the authority to impose penalties against subscribers delinquent in payment of minimum or additional assessments. Minimum premiums are raised from \$7.50 to \$25. The Part 6 change is to state the means by which a servicing agent is designated, since there is not a similar provision in the present plan. The Part 7 changes raise the minimum charges from \$7.50 to \$25, require copies of each cancellation notice to be furnished to the servicing agent, make clear that no coverage attaches, if the initial premium payment is dishonored by the bank or financial institution on which drawn, and require that the plan office be notified of the amount of unearned premium upon cancellation of a policy. In Part 8, there are changes in respect to the annual meeting of subscribers, and the voting margin necessary for amendment approval is changed from 2/3's to a majority. The indemnification provisions are rewritten entirely.

The restated plan amendment is effective September 1, 1985. This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

This agency hereby certifies that the 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 July 15, 1985

TRD-856323

James W. Norman
Chief Clerk
State Board of Insurance

Effective date September 1, 1985
For further information, please call
(512) 475-2950

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The State Board of Insurance considered a filing by Verex Assurance, Inc., of new and revised rates for nonowner-occupied (investor) properties.

The owner-occupied property rates approved effective November 15, 1984, by Board Order 45642 are higher than those presently in effect for nonowner-occupied property.

Risks associated with nonowner-occupied (investor) properties are greater than risks associated with owner-occupied properties.

The investor rates currently in use in Texas are discriminatory in nature, because the higher risk loans should pay higher premiums.

This filing is effective 15 days after it is published in the Texas Register.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Acts.

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 July 12, 1985

TRD-856324

James W. Norman
Chief Clerk
State Board of Insurance

Effective date August 8, 1985
For further information, please call
(512) 475-2950

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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 *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 agendas than what is published in the *Register*.

Texas Commission on Alcoholism

Saturday, July 27, 1985, 10:30 a.m. The Texas Commission on Alcoholism will meet in the conference room, 1705 Guadalupe, Austin. Items on the agenda include the approval of minutes, proposed policy (draft) of grant and review process, proposed rules regarding DWI and donations, the Advisory Council Report, the executive director's report, the chairman's report, and public comment. The commission also will meet in executive session.

Contact: Becky Davis, 1705 Guadalupe, Austin, Texas 78701, (512) 475-2577

Filed: July 17, 1985, 10:14 a.m.
TRD-856359

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State Bar of Texas

Thursday, July 25, 1985, 10 a.m. The Executive-Budget Committee of the State Bar of Texas will meet at the Texas Law Center, 1414 Colorado Street, Austin. Items on the agenda summary include the report of the president concerning general, MCLE, and interest on lawyers trust accounts; budgetary matters; reports of the executive director, president-elect, immediate past president, board chairman, supreme court liaison, and general counsel; reports regarding the 1985 and 1986 conventions; a report on mandatory professional liability insurance; position on taxation section; a report on the China trip; a report of a tax question; and discussion of the Board of Law Examiner's contract.

Contact: Evelyn Avent, 1414 Colorado Street, Austin, Texas 78711, (512) 475-4647.

Filed: July 17, 1985, 11:06 a.m.
TRD-856362

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State Board of Canvassers

Thursday, August 8, 1985, 11:15 a.m. The State Board of Canvassers will meet in Room 127, Capitol Building, Austin. According to the agenda, the board will conduct the official canvass of the August 3, 1985, second special election in U.S. Representative District 1, in accordance with the Texas Election Code, Article 8.38 and Article 4.11, Subdivision 4.

Contact: Kim Tolar, 915 Sam Houston Building, Austin, Texas 78711, (512) 475-3091

Filed: July 17, 1985, 11:04 a.m.
TRD-856361

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Texas Economic Development Commission

Wednesday, July 24, 1985, 2:30 p.m. The Texas Small Business Industrial Development Corporation (TSBIDC), of the Texas Economic Development Commission, will meet in Room 201, Love Field, 8608 Cedar Springs, Dallas. According to the agenda, the corporation will approve the minutes; consider and take action on an inducement resolution for William B. Shaw, 2238 Elder Oaks, Dallas, Texas, requesting \$750,000 in bond proceeds for the construction of a warehouse in Lone Star Business Park; consider and take action on a bond resolution for All State Packing Corporation, Inc., 8825 Highway 81 South, San Antonio, Jerrie M. Quiroz, corporate security and general manager, project is requesting \$750,000 in bond proceeds for construction of an addition and the purchase of equipment; conduct discussions on the selection of a trustee; conduct discussions and consider possible modification of program guidelines for the Private Placement Program; review an update on TSBIDC capital; and discuss the date and location of the next meeting.

Contact: John H. Kirkley, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059.

Filed: July 16, 1985, 3:07 p.m.
TRD-856340

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General Land Office

Wednesday, July 24, 1985, 10 a.m. The Veterans Land Board (VLB) of the General Land Office will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda summary include the approval of the June 12, 1985, VLB meeting minutes; consideration of VLB rules and fees; consideration of a request by James L. Ashcroft for reinstatement of VLB Account No. 457-83909, Richard C. Lindley; consideration of forfeiture action on delinquent VLB accounts; a progress report on LaMoca Ranch Subdivision; and general business.

Contact: Richard Keahey, Room 636, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-6755

Filed: July 16, 1985, 1:38 p.m.
TRD-856335

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Good Neighbor Commission

Friday, July 26, 1985, 9 a.m. The Good Neighbor Commission (GNC) will meet at City Hall, Dallas. Items on the agenda include approval of minutes #121; reports of GNC special committees; commissioner's reports; staff reports; status reports on GNC projects; selection of the date and location of the fourth quarter meeting; and other business.

Contact: Lauro Cruz, P.O. Box 12007, Austin, Texas 78711, (512) 475-3581.

Filed: July 16, 1985, 1:14 p.m.
TRD-856334

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Texas Department of Highways and Public Transportation

Thursday and Friday, July 25 and 26, 1985, 9 a.m. daily. The State Highway and Public Transportation Commission of the Texas Department of Highways and Public Transportation will meet in the auditorium, Room 101 and Room 101-A, first floor, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, the commission will receive presentations by the public for various highway, bridge, and farm-to-market road requests concerning McLennan, Smith, Hays, Bell, Williamson, Collin, Aransas, San Patricio, Hartley, and Hidalgo Counties; execute contract awards and routine minute orders; consider decisions on presentations from public hearing dockets; and review staff reports relative to planning and construction programs and projects.

Contact: M. G. Good, Dewitt C. Greer Building, Room 203, 11th and Brazos Streets, Austin, Texas, (512) 475-3525.

Filed: July 17, 1985, 2:47 p.m.
TRD-856373

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University of Houston System

Tuesday, July 23, 1985, 2 p.m. The Board of Regents of the University of Houston System will meet in Room 510, Enterprise Bank Building, 4600 Gulf Freeway, Houston. Items on the agenda summary include consideration of the fiscal year operating budget; changes in tuition and fees; various banking resolutions; awarding of various contracts; approval of leases; gift acceptance reports; master of science in the Applied Mathematics Program; a faculty emeritus appointment; a dual employment request; a resolution; personnel recommendations; various reports; the appointment of consultants; investments; revisions of policies; adoption of protocol statements; the establishment of council; and a consent docket.

Contact: Michael T. Johnson, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: July 17, 1985, 10:45 a.m.
TRD-856360

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State Board of Insurance

Wednesday, July 17, 1985, 8:30 a.m. The State Board of Insurance met in emergency session in Room 414, State Insurance Building, 1100 San Jacinto Street, Austin. According to the agenda, the board considered any manual rules, rates, rating plans, classification plans, or policy or endorsement forms necessary to provide medical professional liability coverage in the

Texas Medical Liability Underwriting Association for registered nurses, certified registered nurse anesthetists, and certified nurse midwives. The emergency status was necessary because a severe restriction in the voluntary insurance market might have required that coverage be made on an emergency basis under the Insurance Code, Article 5.97.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: July 16, 1985, 3:47 p.m.
TRD-856344

Wednesday, July 24, 1985, 2:30 p.m. The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider a decision on agenda items from the fire and allied lines hearing held on June 26, 1985.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: July 16, 1985, 3:47 p.m.
TRD-856345

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Texas Commission on Jail Standards

Wednesday, July 24, 1985, 9 a.m. The Texas Commission on Jail Standards made an emergency addition to the agenda of a meeting to be held in Room 100, Employees Retirement Building, 18th and Brazos Streets, Austin. The addition concerned new business regarding Nacogdoches County. The emergency status is necessary because subsequent inspection of the jail found in violation of a remedial order requiring action.

Contact: Robert O. Viterna, 411 West 13th Street, Suite 900, Austin, Texas 78701, (512) 475-2716.

Filed: July 17, 1985, 2:05 p.m.
TRD-856374

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Board of Law Examiners

Sunday-Tuesday, July 28-30, 1985, 9 a.m. on Sunday, and 8:15 a.m. on Monday and Tuesday. The Board of Law Examiners will meet Sunday at the Hazitat Inn, 500 Highland Mall Boulevard, Austin, and Monday and Tuesday at the Texas Law Center, 1414 Colorado Street, Austin. Items on the agenda include approval of the June 1985 meeting minutes; review and amendment of the fiscal 1985 budget; consideration of the fiscal year 1986 budget; consideration of amendments to proposed rules; approval of a lease contract; approval of a new bank account; questions of eligibility and special requests; hearings on moral character and fitness; a discussion of

the July 1985 bar exam; and personnel matters.

Contact: Wayne E. Denton, Texas Law Center, 1414 Colorado, Suite 505, Austin, Texas 78701, (512) 475-4137.

Filed: July 17, 1985, 2:21 p.m.
TRD-856371

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Long Term Care Coordinating Council for the Elderly

Tuesday, July 30, 1985, 9:30 a.m. The Long Term Care Coordinating Council for the Elderly will meet in Room T-160, Texas Department of Health (DOH), 1100 West 49th Street, Austin. Items on the agenda summary include approval of the April 11, 1985, meeting minutes; a discussion of the implication of actions of the 69th Legislature, 1985, by Robert Bernstein, M.D., commissioner of the DOH, O.P. (Bob) Bobbitt, executive director of the Texas Department of Aging, Marlin Johnston, commissioner of the Texas Department of Human Resources, and Gary Miller, M.D., commissioner of the Texas Department of Mental Health-Mental Retardation; a summary of legislation affecting older Texans; a status report concerning the Information and Referral Task Group; a status report concerning the Alzheimer's Task Group; and the appointment and initial work of council task forces for fiscal year 1986.

Contact: Ann Ammon or Peggy Davidson, P.O. Box 12786, Austin, Texas 78711, (512) 475-2717.

Filed: July 17, 1985, 11:28 a.m.
TRD-856366

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Texas State Board of Medical Examiners

Friday, August 9, 1985, 7 p.m. The Finance Committee of the Texas State Board of Medical Examiners will meet at the Marriot Hotel, Dallas/Fort Worth Airport, Arlington. According to the agenda, the committee will discuss financial matters and the fiscal year 1986 budget. The committee also will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, as related to Article 4495v, §4.05(d), §5.06(e)(1), and attorney general Opinion H-484 (1974).

Saturday, August 10, 1985, 9 a.m. The Texas State Board of Medical Examiners will meet at the Marriott Hotel, Dallas/Fort Worth Airport, Arlington. According to the agenda, the board will discuss the Texas Research League report and related actions in response to recommendations; conduct board meetings and elections; consider a possible attorney general opinion request regarding counsel functions; and discuss the

rules in anticipation of new law changes (public hearing on any proposed rules to be held at later meeting). The committee also will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §4.05(d), §5.06(e)(1), and attorney general Opinion H-484 (1974), and to consider resolutions.

Contact: Jean Davis, P.O. Box 12562, 1101 Camino La Costa, Suite 201, Austin, Texas 78701, (512) 452-1078.

Filed: July 16, 1985, 1:51 p.m.
TRD-856336, 856337

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Public Utility Commission of Texas

The Hearing Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

Thursday, August 1, 1985, 10 a.m. A prehearing conference in Docket 6376—inquiry of the Public Utility Commission of Texas concerning the amount of fuel overrecoveries and fixed fuel factor of Gulf States Utilities Company.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 17, 1985, 3:58 p.m.
TRD-856376

Thursday, August 15, 1985, 10 a.m. A hearing on the merits in Docket 6290—application of Domestic Utility Company, Inc., for authority to change rates. This meeting was rescheduled from August 12, 1985, as published in the *Texas Register* 10 TexReg 2037.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 16, 1985, 3:18 p.m.
TRD-856347

Friday, September 20, 1985, 10 a.m. A hearing on the merits in Docket 6339—complaint of Texas American Bank-Houston against Southwestern Bell Telephone Company.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 16, 1985, 3:18 p.m.
TRD-856348

Tuesday, September 24, 1985, 10 a.m. A hearing on the merits in Docket 5798—application of the Sabine River Authority for a rate increase.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 17, 1985, 3:59 p.m.
TRD-856377

Monday, October 7, 1985, 10 a.m. A hearing on the merits in Docket 6350—application of El Paso Electric Company for authority to change rates.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 17, 1985, 3:38 p.m.
TRD-856378

Monday, October 28, 1985, 10 a.m. A hearing on the merits in Docket 6076—application of General Telephone Company of the Southwest for a tariff change to provide for tenant resale service.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 16, 1985, 3:17 p.m.
TRD-856349

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Texas Savings and Loan Department

Wednesday, August 7, 1985, 9 a.m. The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. According to the agenda, the the department will accumulate a record of evidence in regard to the application of New Commonwealth Savings Association, Houston, Harris County, for an interim charter from which record the commissioner will determine whether to grant or deny the application.

Addition to the previous agenda:

The board will accumulate a record of evidence in regard to the merger of New Commonwealth Savings Association and Commonwealth Savings Association, from which record the commissioner will determine whether to grant or deny the application.

Contact: Russell R. Oliver, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

Filed: July 16, 1985, 10:35 a.m.
TRD-856326, 856327

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Texas 1886 Sesquicentennial Commission

Friday, July 26, 1985, 1 p.m. The Executive Committee of the Texas 1886 Sesquicentennial Commission will meet in the conference room for the deaf, 510 South Congress Avenue, Austin. According to the agenda, the committee will consider commemorative products, sanctioning, and executive session; and make policy and rule recommendations concerning promotional program/commemorative products policy, the Sponsorship Program, and the Industrial

Corporate Products Program. The commission also will meet in executive session (if needed).

Contact: Randy M. Lee, P.O. Box 1986, Austin, Texas 78768, (512) 475-1986.

Filed: July 16, 1985, 1:52 p.m.
TRD-856338

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University System of South Texas

Wednesday, July 24, 1985, 1 p.m. The Presidential Search Committee of the Board of Directors of the University System of South Texas will meet in the library conference room, Corpus Christi State University, 6300 Ocean Drive, Corpus Christi. According to the agenda, the board will discuss possible candidates for president at Texas A&I University. The board also will meet in executive session.

Contact: William C. English, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: July 17, 1985, 2:21 p.m.
TRD-856375

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Boards for Lease of State-Owned Lands

Thursday, July 18, 1985, 1 p.m. The Board for Lease of Texas Department of Corrections of the Boards for Lease of State-Owned Lands met in emergency rescheduled session in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The emergency status was necessary to permit a board member to attend to assure quorum for approval of tracts to be offered for lease sale. The meeting originally was scheduled for July 18, 1985, at 1:30 p.m.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas 78701, (512) 475-0352.

Filed: July 17, 1985, 3:10 p.m.
TRD-856372

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Advisory Council for Technical-Vocational Education

Friday, July 26, 1985, 10 a.m. The Planning committee of the Advisory Council for Technical-Vocational Education will meet in Suite 424, TEC Annex Building, 12th and Trinity Streets, Austin. According to the agenda, the committee will review and discuss committee functions and responsibilities; review the State Board of Education's Long Range Plan for Public Education; review the state plan for vocational education; review the master plan for vocational education in Texas; discuss the State Board of Ed-

ucation rule on on-the-job training; review future meeting dates and activities to be undertaken relevant to adult education; and conduct other business.

Contact: Val Blaschke, P.O. Box 1886, TEC Annex Building, Suite 424, 12th and Trinity Street, Austin, Texas 78767, (512) 475-2046.

Filed: July 17, 1985, 9:38 a.m.
TRD-856353

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Teachers' Professional Practices Commission of Texas

Monday, July 29, 1985, 9 a.m. A three-member panel of the Teachers' Professional Practices Commission of Texas will meet in Room 111 (Hearing Room), Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda, the panel will hear a complaint filed by an active certified member of the teaching profession against another active certified member of the teaching profession pursuant to the Texas Education Code, §§13.201-13.218.

Contact: James A. Salmon, 201 East 11th Street, Austin, Texas 78701, (512) 834-4091.

Filed: July 17, 1985, 1:29 p.m.
TRD-856368

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Texas Water Commission

Monday, September 23, 1985, 10 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will require Douglas Anderson to appear and show cause why two unpermitted dams should not be breached or otherwise modified, Brazos River Basin, Shackelford County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: July 16, 1985, 3:34 p.m.
TRD-856346

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Regional Agencies Meetings Filed July 16

The Central Counties Center for Mental Health and Mental Retardation Services, Board of Trustees, will meet at 302 South 22nd Street, Temple, on July 25, 1985, at 7:45 p.m. Information may be obtained from Steven B. Schnee, Ph.D., P.O. Box 518, Temple, Texas 76503, (817) 778-4841.

The Dallas Area Rapid Transit Authority, Board of Directors, met in the north ballroom, Dallas Sheraton Hotel, 400 North Olive Street, Dallas, on July 19, 1985, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Houston-Galveston Area Council, Health Planning Advisory Committee, will meet in the conference room, fourth floor, 3555 Timmons, Houston, on July 26, 1985, at 10 a.m. Information may be obtained from Aquina Janice, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200.

The Mills County Appraisal District, will meet at the Mills County Courthouse, Goldthwaite, on July 25, 1985, at 7:30 p.m. Information may be obtained from Donald E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The Texas Municipal League, Risk and Insurance Management Services Board of Trustees, met at the Marriott Galvez Hotel, 2024 Seawall Boulevard, Galveston, on July 21 and 22, 1985, at 2 p.m. on Sunday and 8:30 a.m. on Monday. Information may be obtained from William I. Martin, Jr., 211 East Seventh Street, Suite 1020, Austin, Texas 78701-3283, (512) 478-6601.

TRD-856333

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Meetings Filed July 17

The Bastrop County Appraisal District, Appraisal Review Board, met at 1200 Cedar Street, Bastrop, on July 22, 1985, at 7:30 p.m. and will meet at the same location on July 26, 1985, at 7:30 p.m. The Board of Directors will meet at the same location on July 25, 1985, at 7:30 p.m. Information may be obtained from Lorraine Perry, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The Central Appraisal District of Rockwall County, Appraisal Review Board, will meet at 106 North San Jacinto, Rockwall, on July 23, 1985, at 9 a.m. Information may be obtained from Rav E. Helm, 106 North San Jacinto, Rockwall, Texas 76087, (214) 722-2034.

The Deep East Texas Council of Governments, Board of Directors, will meet in the

Pineland Library, Pineland, on July 25, 1985, at 1:30 p.m. Information may be obtained from Betty Snowden, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704.

The Eastland County Appraisal District, Appraisal Review Board, will meet in the Commissioners' Courtroom, Eastland County Courthouse, Eastland, on July 23, 1985, at 10 a.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597.

The Lampasas County Appraisal District, Review Board, met at 403 East Second Street, Lampasas, on July 22, 1985, at 9 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Mills County Appraisal District, will meet in the Mills County Courthouse, Goldthwaite, on July 25, 1985, at 7:30 p.m. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The North Texas Municipal Water District, Board of Directors, will meet at 505 East Brown Street, Wylie, on July 25, 1985, at 4 p.m. Information may be obtained from Carl W. Riehn, P.O. Drawer C, Wylie, Texas 75098, (214) 442-5405.

The Northeast Texas Municipal Water, Board of Directors, met at 1003 Linda Drive, Daingerfield, on July 22, 1985, at 7 p.m. Information may be obtained from Homer Tanner, P.O. Box 680, Daingerfield, Texas 75638, (214) 645-2241.

The Wise County Appraisal District, Appraisal Review Board, met at 201 East Walnut, Decatur, on July 18, 1985, at 10 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.

TRD-856367

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Meetings Filed July 18

The Education Service Center Region 8, Board of Directors, will meet at the Ramada Inn Restaurant, Highway 271, Mount Pleasant, on July 25, 1985, at 11:30 a.m. Information may be obtained from Scott Ferguson, 100 North Riddle, Mount Pleasant, Texas 75455.

The Cass County Appraisal District, Board of Review, will meet at 208 West Houston Street, Linden, on July 24, 1985, at 9 a.m. Information may be obtained from Janelle Clements, P.O. Box 167, Linden, Texas, (214) 756-7545.

TRD-856390

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In Addition

The *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 Commission on Alcoholism Notice of Meeting

The Advisory Council of the Texas Commission on Alcoholism will meet on July 27, 1985, at 1:30 p.m. and on July 28, 1985, at 9 a.m.. The meetings will be held at the Joe C. Thompson Center in Austin.

Issued in Austin, Texas, on July 9, 1985.

TRD-856339 Roas Newby
Executive Director
Texas Commission on Alcoholism

Filed: July 16, 1985
For further information, please call (512) 475-2577.

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Comptroller of Public Accounts Decision 15,544

For copies of the following opinion, contact Bob Bullock, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Summary of Decision. All gross receipts of a seller are presumed subject to sales tax, and the seller bears the burden of proving otherwise; but the laws accord a seller a viable means of avoiding liability for any receipts on which tax was not collected, to wit, the good faith receipt of either an exemption certificate or a resale certificate (from a purchaser who will resell the item in the regular course of its business), each of which must meet certain prescribed requirements. In this particular case, the taxpayer claimed that certain nontaxed receipts were for non-taxable services (consulting and design work); however, petitioner was unable to present convincing evidence, and in fact, it appeared that the receipts were for molds made by petitioner—hence, taxable. Penalty will not be waived for any reporting period within an audit for which the taxpayer's return was filed late, for in such circumstance, even had the taxpayer properly reported and remitted the tax in issue (which he did not), taxpayer would have owed a penalty amount for its delinquency.

Issued in Austin, Texas, on June 28, 1985.

TRD-857322 Bob Bullock
Comptroller of Public Accounts

Filed: July 16, 1985
For further information, please call (512) 475-1938.

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Texas Economic Development Commission Private Activity Bond Allocation Report

Private activity bonds (PABs) which were induced on or after June 19, 1984, are subject to a cap, as stipulated in the Federal Deficit Reduction Act of 1984. This cap is equal to \$150 per capita or approximately \$2.3 billion for the State of Texas for calendar year 1985.

Executive Order MW-27B states that the procedure for allocating this cap will be on a first-come, first-served basis, with the Texas Economic Development Commission (TEDC) being the tracking agency for the program. The information that follows is a summary report of the allocation activity for the week of July 8-12, 1985.

Total allocated principal amount of private activity bonds authorized to be allocated by MW-27B through July 12, 1985:

\$292,642,667.88

Comprehensive listing of bond issues which have received a reservation date as per MW-27B during the week of July 8-12, 1985:

Issuer	User	Amount
City of El Paso Industrial Development Authority, Inc.	Lyall Electric, Inc.	\$3 million
Lower Neches Valley Authority Industrial Development Corporation	Ehrhart and Penland Enterprises	\$2 million

Total principal amount of Private Activity Bonds issued in accordance with MW-27B through July 12, 1985:
\$274,124,667.88

Comprehensive listing of bonds issued as per MW-27B during the week of July 8-12, 1985:

<u>Issuer</u>	<u>User</u>	<u>Amount</u>
Waxahachie Industrial Development Corporation	Dart Container Corporation of Texas	\$6.4 million
Harris County Industrial Development Corporation	Amelang-Gilchrist Project	\$3.7 million
Grapevine Industrial Development Corporation	Ampad Corporation	\$1 million
Trinity River Industrial Development Authority	Loma Corporation and Lancaster Colony Corporation	\$2.6 million
Matagorda County Navigation District I	Central Power and Light Company	\$81.7 million

Issued in Austin, Texas, on July 17, 1985.

TRD-856351 Rebecca J. Hefflin
Acting Executive Director
Texas Economic Development Commission

Filed: July 17, 1985
For further information, please call (512) 472-5059.

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**Texas Department of Health
Intent to Revoke a Certificate of
Registration**

The Texas Department of Health (DOH), Bureau of Radiation Control, is seeking the revocation of Certificate of Registration 11-12635, issued to Bio Data Systems, Inc., because the agency determined that the registrant is no longer located at 1902 Bayport Boulevard, # 214, Seabrook, Texas 77586. The registrant has not notified the agency of a change of address, and no forwarding address is available.

All attempts by the agency to contact the registrant by telephone, by certified mail, and by inspection have been unsuccessful. Therefore, the DOH, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation*, Part 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Director, Radiation Control Program, 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked 14 days after the end of the 30-day period of notice.

Issued in Austin, Texas, on July 11, 1985.

TRD-856284 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: July 15, 1985
For further information, please call (512) 458-7236.

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The Texas Department of Health (DOH), Bureau of Radiation Control, is seeking the revocation of Radioactive Material License 5-2638, issued to National Construction Consultants, Inc., because the agency determined that the licensee is no longer located at 3617 West Pioneer Parkway, P.O. Box 13029, Arlington, Texas 76013. The licensee has not notified the agency of a change of address, and no forwarding address is available.

All attempts by the agency to contact the licensee by telephone, by mail, and by inspection have been unsuccessful. Therefore, the DOH, Bureau of Radiation Control, recommends that the radioactive material license be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation*, Part 13.8, this notice affords the opportunity for a hearing to show cause why the radioactive material license should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Director, Radiation Control Program, 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a hearing be timely filed, the radioactive material license will be revoked 14 days after the end of the 30-day period of notice.

Issued in Austin, Texas, on July 11, 1985

TRD-856282 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: July 15, 1985
For further information, please call (512) 458-7236.

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Suspension Order

Notice is hereby given that the Texas Department of Health, Bureau of Radiation Control, duly filed a complaint against QA Special Services, Inc., holder of Radioactive Material License 11-2137, pursuant to *Texas Regulations for Control of Radiation*, Part 13.8. Having been duly notified of the facts or conduct alleged to warrant the suspension and having elected to accept the proposed suspension by letter, dated June 20, 1985, the licensee has waived the opportunity to show compliance. The agency ordered that Radioactive Material License 11-2137 be suspended for 90 days from July 1, 1985-September 28, 1985. It is further ordered that the licensee divest itself of all licensable quantities of radioactive material for the duration of said period of license suspension.

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). A copy of the order is as follows.

By complaint dated April 12, 1985, published in the *Texas Register* (10 TexReg 1734), and duly acknowledged by Paul F. Granier, president of QA Special Services, Inc. (the licensee), the licensee was afforded an opportunity for hearing on the bureau's intent to suspend Radioactive Material License 11-2137. Having been duly notified of the facts or conduct alleged to warrant the suspension and having elected to accept the proposed suspension by letter dated June 20, 1985, the licensee has waived the opportunity to show compliance.

All requirements of due process of law having been satisfied, it is now, therefore, ordered that Radioactive

Material License 11-2137 be and is hereby suspended for 90 days beginning July 1, 1985, and ending September 28, 1985.

It is further ordered that QA Special Services, Inc., divest itself of all licensable quantities of radioactive material for the duration of the said period of license suspension.

Issued in Austin, Texas, on July 11, 1985.

TRD-856283 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: July 15, 1985
For further information, please call (512) 835-7236.



State Department of Highways and Public Transportation Consultant Proposals Requests

In accordance with Texas Civil Statutes, Article 6252-11c, the State Department of Highways and Public Transportation files the following notice of three requests for proposals for consulting services.

Notice of Invitation. Under the provisions of the Federal Highway Administration Notice N 5180.19 dated December 2, 1983, the State of Texas was allocated funds for Minority Business Enterprises Supportive Services Programs. Services to be provided by the consultant shall be technical assistance and specific direct training which will increase the abilities of minority contractors and sub-contractors to participate in the Federal-Aid Highway Construction Program. The objective is to enable minority contractors or subcontractors to establish themselves as competitive contractors or subcontractors on highway construction projects through submission of bids based upon their costs of doing business and to manage income and expenditures related to the performance of a contract. The duration of the three contracts will be one year. Each contract will apply to a different geographical location in the State of Texas. The contract services will be provided to minority business enterprises located in the northwest and western part of the state; to minority business enterprises located in the north and northeastern part of the state; and to minority business enterprises located in the south and central part of the state.

Agency Contact. To obtain additional information, please contact Ed Gibson, Administrative Assistant, State Department of Highways and Public Transportation, 11th and Brazos Streets, Austin, Texas 78701-2483, (512) 475-8855.

Response Date. To be considered, proposals must arrive at the State Department of Highways and Public Transportation, Construction Division, EEO Section, 11th and Brazos, Austin, Texas 78701-2483 before 5 p.m. on August 15, 1985. If mailing proposals, offerors should allow normal delivery time to ensure timely receipt.

Selection Criteria. Proposals will be reviewed by the construction division staff and evaluated based on the offeror's response to the following: services to be provided,

operational approach, work plan, staffing, and reasonableness of fees and other costs.

Final selection will be based on the department's evaluation of this criteria.

Issued in Austin, Texas, on July 15, 1985.

TRD-856319-21 Diane L. Northam
Administrative Technician
State Department of Highways and
Public Transportation

Filed: July 16, 1985
For further information, please call (512) 475-2141.



Public Utility Commission of Texas Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Public Utility Commission of Texas publishes this notice of consultant contract awards. The request for proposals was published in the March issue of the *Texas Register* (10 TexReg 190).

Contractors will develop, produce, and release a statewide promotional campaign designed to educate and motivate Texans to take energy management action in their homes and to increase citizen participation in energy-related services available through the Energy Efficiency Division of the Public Utility Commission.

The contractors selected to perform this service are Vance-Mathews, Incorporated and Texas Energy Research Associates. Each contract is assigned a specific statement of work.

The total value and period of each contract are as follows: Vance-Mathews, Inc., \$26,650, May 28-October 31, 1985; Texas Energy Research, \$25,000, May 28-October 31, 1985.

Copies of all written evaluations and follow-up reports will be due on or before October 31, 1985.

Issued in Austin, Texas, on May 31, 1985.

TRD-856325 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 16, 1985
For further information, please call (512) 458-0100.



Texas Savings and Loan Department Application for Change of Control of an Association

Texas Civil Statutes, Article 852a, §11.20, require any person who intends to acquire control of a state-chartered savings and loan association to file an application with the savings and loan commissioner for approval of the transaction. A hearing may be held if the application is denied by the commissioner.

On July 11, 1985, the savings and loan commissioner received an application for approval of the acquisition of control of Sabine Valley Savings and Loan Associa-

tion Center, by J. Eric T. Sandberg, Jr., Austin, and Robert Randall Flippin, San Augustine.

Any inquiries may be directed to the Texas Savings and Loan Department, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Issued in Austin, Texas, on July 11, 1985.

TRD-858315 Russell R. Oliver
General Counsel
Texas Savings and Loan
Department

Filed: July 16, 1984
For further information, please call (512) 475-7991.

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Texas Civil Statutes, Article 852a, §11.20, require any person who intends to acquire control of a state-chartered savings and loan association to file an application with the savings and loan commissioner for approval of the transaction. A hearing may be held if the application is denied by the commissioner.

On July 10, 1985, the savings and loan commissioner received an application for approval of the acquisition of control of Longview Savings Association, Longview, by Thomas S. Mackine, Dallas, Texas.

Any inquiries may be directed to the Texas Savings and Loan Department, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Issued in Austin, Texas, on July 15, 1985

TRD-858316 Russell R. Oliver
General Counsel
Texas Savings and Loan
Department

Filed: July 15, 1984
For further information, please call (512) 475-7991.

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Loan Office Application

Application to establish and operate a loan office has been filed with the Texas savings and loan commissioner as follows:

Docket Number and Application	Applicant's Agent/Attorney
Number 85-132, Gibraltar Savings Association, Houston, Harris County, for 9722 Great Hills Trail, Austin, Travis County, Texas	Richard Byer, Lapin, Totz & Mayer, 1415 Post Oak Park Drive, Houston, Texas 77027

Number 85-133, Gibraltar Savings Association, Houston, Harris County, for 14951 Dallas North Parkway, Suite 200, Dallas, Dallas County, Texas	Richard Byer Lapin, Totz & Mayer 1415 Post Oak Park Drive, Houston, Texas 77027
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Number 85-134 Gibraltar Savings Association, Houston, Harris County, for 1603 Babcock, Suite 115, San Antonio, Bexar County, Texas	Richard Byer Lapin, Totz & Mayer 1415 Post Oak Park Drive, Houston, Texas 77027
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Number 85-135
Gibraltar Savings Association, Houston, Harris County, for 500 West 13th Street, Suite 101, Fort Worth, Tarrant County, Texas

Richard Byer
Lapin, Totz & Mayer
1415 Post Oak Park Drive, Houston, Texas 77027

Number 85-122
Laredo Savings and Loan Association, Laredo, Webb County, for One River Walk Place, 700 North St. Mary's, San Antonio, Bexar County, Texas (This is an amended application changing the address).

John Minne, President
Laredo Savings and Loan Association, Town Lake, 5219 McPherson, Laredo, Texas 78041-5219

This application is filed pursuant to the Texas Savings and Loan Act, Texas Civil Statutes, Article 852a, §2.13. The applicable rules of the Texas Savings and Loan Department are 53.5-53.7, which are published in the department's book entitled *Texas Laws and Regulations for Savings and Loan Associations*. These rules are also published in Title 7 of the Texas Administrative Code, and they are on file with the Secretary of State's Office, Texas Register Division, Austin, Texas.

The applicant association asserts that there is a need for the proposed office; the association has no serious supervisory problems which would affect its ability to properly operate such office; the applicant association will have adequate income to support the proposed operation; and a separate enclosed office area will be provided (such enclosure may be counters or railings of less than ceiling height).

Any association that objects to a loan office application must file its objection in writing with the Texas Savings and Loan Commissioner, 2601 North Lamar, Suite 201, Austin, Texas 78705, within 15 days of the date of this notice, that is no later than July 31, 1985.

An objection should include the docket number of the application, and a copy of the objection should be mailed to the applicant's agent or attorney previously listed.

Issued in Austin, Texas, on July 16, 1985.

TRD-858328-32 Russell R. Oliver
General Counsel
Texas Savings and Loan Department

Filed: July 16, 1985
For further information, please call (512) 479-1250.

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Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of July 8-12, 1985.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting

of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-2678.

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

Period of month July 8-12, 1985

Daniel Industries, Inc., Houston; flow measuring equipment manufacturing facility; north of Interstate Highway 10, on Old Katy Road, approximately 1,000 feet west of the intersection of Old Katy Road and Bunker Hill Road; 02731; new permit

City of Georgetown; wastewater treatment plant; approximately 1.2 miles northeast of the Williamson County Courthouse and approximately 1,000 feet southeast of the Granger Road crossing of the San Gabriel River in Williamson County; 10489-02; renewal

City of Port Arthur; wastewater treatment plant; on Pleasure Island adjacent to the Sabine-Neches Waterway, approximately 1.6 miles northeast of Gulfgate Bridge in Jefferson County; 10364-09; renewal

Shippers Stevedoring Company, Houston; wastewater treatment facility; approximately two miles south of IH-10, near the confluence of the Houston Ship Channel and Carpenter Bayou in Harris county; 12375-01; renewal

City of Galveston; wastewater treatment plant; at 7000 Jones Drive in Galveston, Galveston County; 10688-02; renewal

Harris County Municipal Utility District 148, Houston; wastewater treatment plant; at 11750 Currin Forrest Drive, approximately 1,600 feet south-southeast of the intersection of North Lake Houston Parkway and Forrest Drive in Harris County; 11818-01; renewal

Trinity Bay Conservation District, Anahuac; wastewater treatment plant; near the point where Buccaneer Drive crosses the South Fork of Mayhaw Bayou in Winnie, Chambers County; 10851-01; renewal

City of Brady; wastewater treatment facility; approximately 1,800 feet east of the crossing of Sixth Street and the Atchison Topeka and Santa Fe Railroad spur and on the west bank of Brady Creek in McCulloch County; 10132-01; renewal

City of Groves; wastewater treatment plant; on the western corner of the intersection of Mockingbird Lane and Georgia Avenue in Groves, Jefferson County; 10094-02; renewal

North Forest Municipal Utility District, Houston; wastewater treatment facility; at 16230 Medberry Road

and approximately 5,100 feet south of FM Road 1960 in Harris county; 10905-01; renewal

Howard H. Chen, trustee, Houston; multi-family residential development; approximately 1,100 feet west-southwest of the intersection of Gulf Freeway and Scarsdale Boulevard and approximately 14 miles southeast of downtown Houston, in Harris County; 13174-01; new permit

Ben F. Barnes and John B. Connally, Austin; wastewater treatment plant; approximately 2.75 miles southeast of the intersection of FM Road 2244 and State Highway 71 in Travis County; 13141-01; new permit

Tri-Shores Development Company, Magnolia Beach; wastewater treatment plant; southeast of the intersection of Blackburn Avenue and Wedig Street in Magnolia Beach, approximately 0.8 mile northeast of the intersection of State Highway 316 and FM Road 2760 in Calhoun County; 13159-01; new permit

Conoco, Inc., Falls City; inactive uranium mill; adjacent to the south side of FM Road 791, approximately eight miles west of the Falls City, Karnes County; 02741; amendment

City of Yantis; wastewater treatment facility; approximately one mile south of the intersection FM Road 17 and State Highway 154 in Wood County; 12187-01; renewal

Standard Realty Investors, Inc., Laredo; sewage treatment plant; approximately 2.3 miles west of Espejo Road and approximately 9.5 miles south-southwest of the City of Laredo in Webb County; 13149-01; new permit

Montgomery County Utility District 3, Conroe; wastewater treatment facility; immediately south of State Highway 105, approximately 8.5 miles due west of the intersection of State Highway 105 and IH-45 in Montgomery County; 11203-01; renewal

The U.S. Department of the Air Force, Eldorado; sewage treatment plant; approximately nine miles north of the City of Eldorado and 1.5 miles east of U.S. Highway 277 in Schleicher County; 13166-01; new permit

Domestic Utility Company, Houston; wastewater treatment plant; 813 Hollyvale, east of Interstate Highway 45 in northern Houston in Harris County; 11762-01; amendment

Texas Utilities Generating Company, Tatum; wastewater treatment plant; adjacent to Martin Lake, east of FM Road 2658 and approximately five miles southwest of Tatum, Rusk-Panola Counties; 01784; amendment

Northwest Harris County Municipal Utility District, Bellaire; wastewater treatment facility; approximately 4,500 feet south of the intersection of FM Road 2920 and Kuykendahl Road, approximately 9,500 feet northeast of the intersection of Stuebner Airline Road and Spring Cypress Road in Harris County; 13152-01; new permit

Dr. John W. Harris, Bryan; wastewater treatment plant; approximately three miles east of the intersection of FM Road 2818 and State Highway 6, north of the Carter Lake Dam in Brazos County; 13153-01; new permit

Texas Parks and Wildlife Department, Houston; wastewater treatment plant; approximately three miles

east of FM Road 762 and 1.3 miles north of FM Road 1462 and approximately 2,700 feet south of the Park Interpretive Building in Brazos Bend State Park in Fort Bend County; 12234-02; renewal

Houston County Water Control and Improvement District 1, Crockett; water treatment plant; approximately one mile southwest of Latexo, and approximately 1 1/4 miles northwest of the intersection of U.S. Highway 287 and State Highway 19 and FM Road 2160 in Houston County; 10871-01; renewal

City of Freeport; wastewater treatment plant; immediately south of State Highway 288 on the east bank of the Brazos River Diversion Canal in Brazoria County; 10882-01; amendment

C. R. Freeman, Jr., San Marcos; sewage treatment plant; approximately 6,000 feet east of the intersection of FM Road 1984 and the Missouri-Kansas-Texas Railroad tracks in Caldwell County; 13164-01; new permit

County of Hildago, Edinburg; sewage treatment plant; approximately two miles north of the intersection of FM Road 88 and FM Road 1422, east of FM Road 88, adjacent to the Monte Alto Reservoir in Hildago County; 10973-01; renewal

Global Fuel, Inc., Houston; Class I hazardous/industrial solid waste storage and processing facility; on 8.5484 acres of land at 2505 Collingsworth Street in Houston, Harris County; HW50092-001; new permit

Commodore Cove Improvement District, Freeport; wastewater treatment facility; approximately 5.5 miles northeast of Freeport and 1.8 miles east of FM Road 523 on County Road 792 in Brazoria County; 10798-01; renewal

City of Sherman; wastewater treatment plant; just south of the Dorchester Road Bridge over Post Oak Creek on the south side of the Creek, southwest of Sherman, Grayson County; 10329-01; renewal

Chacko Thomas & Associates, Inc., Baytown; wastewater treatment plant; at the intersection of Bayou Vista Drive and Bayou Woods Drive in Baytown, approximately two miles south of IH 10 in Chambers County; 11774-01; renewal

Warren Independent School District, Warren; wastewater treatment plant; on the west side of FM Road 92 approximately 1/2 mile north of FM Road 1943 in the community of Fred, Tyler County; 11309-01; renewal

Sabine Valley Regional Mental Health-Mental Retardation Center, Longview; wastewater treatment facility; on the north side of Highway 154, approximately

five miles northwest of the intersection of State Highway 154 and U.S. Highway 80 in Harrison County; 11361-01; renewal

Central Independent School District, Lufkin; wastewater treatment facility; northwest of Lufkin, immediately south of U.S. Highway 69, approximately 0.4 mile due northwest of the intersection on U.S. Highway 69 and FM Road 843 in Angelina County; 12214-01; renewal

City of Gustine; wastewater treatment facility; approximately three miles southwest of the intersection of State Highway 36 and FM Road 1702 in Comanche County; 10841-01; renewal

Bissonnet Municipal Utility District, Houston; wastewater treatment facility; on the northeast corner of the intersection of Synoff and Old Richmond Road (Bissonnet) in Harris County; 11461-01; renewal

Point Aquarius Municipal Utility District, Conroe; wastewater treatment plant; approximately one mile southwest of the intersection of FM Road 1097 and Aquarius Boulevard in the development known as Point Aquarius in Montgomery County; 11219-01; renewal

Dickinson Industries, Inc., Houston; wastewater treatment plant; at 10110 Airline Drive at the northeast corner of the intersection of Airline Road and Aldine Mail Road in Harris County; 10825-01; amendment

Harris County Water Control and Improvement District 76, Houston; wastewater treatment plant; approximately 700 feet south of the intersection of U.S. Highway 59 and Hamill Road in Harris County; 10451-01; amendment

City of Leander; wastewater treatment plant; just south of FM Road 2243 and approximately 4,000 feet generally east of the intersection of U.S. Highway 183 and FM Road 2243 in Williamson County; 12644-01; amendment

TPI Industries, Inc., Austin; wastewater treatment plant; on the west side of County Road 176; approximately 1/2 mile north of its intersection with State Highway 21, approximately 11 miles north of Lockhart, in Caldwell County; 02786; new permit

Issued in Austin, Texas, on July 12, 1985.

TRD-856307

Mary Ann Hafner
Chief Clerk
Texas Water Commission

Filed: July 15, 1985

For further information, please call (512) 463-7888.

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