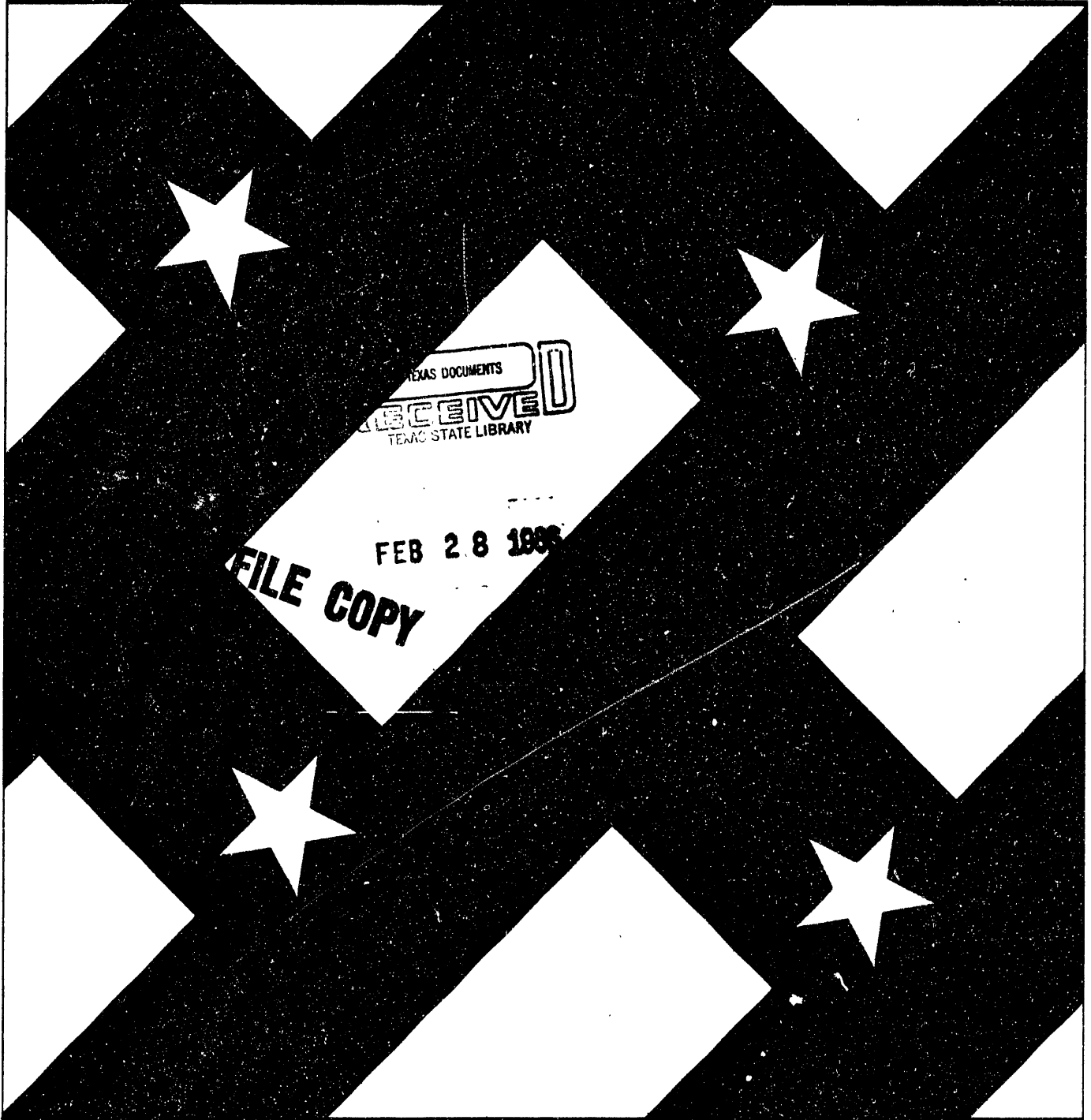


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Texas Register

Volume 11, Number 16, February 28, 1986

Pages 1021-1066



Highlights

The Public Utility Commission of Texas adopts an emergency section concerning rate design the promptly responds to declining natural gas prices. Effective date - February 21.....page 1035

The Texas Parks and Wildlife Department adopts

an emergency amendment limiting the harvest of trout in Guadalupe River. Effective date - February 24.....page 1035

The Texas Rehabilitation Commission proposes an amendment concerning appeal of grant awards. Earliest possible date of adoption - March 31.....page 1038

**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 1986 with the exception of June 24, September 2, December 2, and December 30 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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.

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: "11 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 11 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).



Texas Register Publications

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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) 463-1814.

Appointments Made February 13

Texas Board of Architectural Examiners

For a term to expire January 31, 1991:

James M. Langford
5146 Thornton Street
El Paso, Texas 79932

Mr. Langford is replacing Raymond A. Gill of Round Rock, whose term expired.

Texas County and District Retirement System

For terms to expire December 31, 1991:

Carl S. Smith
2342 Rice Boulevard
Houston, Texas 77005

Mr. Smith is being reappointed.

Giles W. Dalby
County Judge
Garza County Courthouse
Post, Texas 79356

Mr. Dalby is replacing Bill D. Hicks of Odessa, who is no longer eligible.

Fitting and Dispensing of Hearing Aids

For a term to expire December 31, 1991:

George Holland, Jr.
4502 West 16th Street
Lubbock, Texas 79416

Mr. Holland is being reappointed.

Texas Board of Health

For a term to expire February 1, 1991:

Joe N. Pyle
519 Woodcrest
San Antonio, Texas 78209

Mr. Pyle is being reappointed.

Texas Science and Technology Council

For a term to continue at the pleasure of this governor:

Michael Bell
701 North St. Mary's Street, #33
San Antonio, Texas 78205.

Issued in Austin, Texas, on February 13, 1986.

TRD-8601720

Mark White
Governor of Texas

★ ★ ★

Appointments Made February 14

Texas Alcoholic Beverage Commission

For a term to expire November 15, 1991:

Louis M. Pearce, Jr.
5725 Indian Circle
Houston, Texas 77057

Mr. Pearce is being reappointed.

Texas County and District Retirement System

For a term to expire December 31, 1989:

Henry Lee Grimes
P.O. Drawer I
Caddo Mills, Texas 75005

Mr. Grimes is replacing Norment Foley of Uvalde, whose term expired.

Teachers' Professional Practices Commission

For a term to expire August 31, 1987:

Jose Salgado
1813 Robert Wynn
El Paso, Texas 79936

Mr. Salgado is being reappointed.

State Seed and Plant Board

For a term to expire October 6, 1987:

David Koepp, Ph.D.
4604 88th Street
Lubbock, Texas 79424

Dr. Koepp is being reappointed.

Texas Water Well Drillers Board

For a term to expire September 15, 1989:

Linda R. Gambill
711 West California
Seymour, Texas 76380

Ms. Gambill is replacing Nestor Perez of Melvin, whose term expired.

Issued in Austin, Texas, on February 14, 1986.

TRD-8601720

Mark White
Governor of Texas

★ ★ ★

Appointments Made February 18

Texas Commission for the Deaf

For a term to continue at the pleasure of this governor:

William A. Floerke
Route 1, Box 11
Taft, Texas 78390

State Board of Dental Examiners

For a term to expire May 10, 1991:

Clara Hoffman
4233 Northview Lane
Dallas, Texas 75229

Ms. Hoffman is replacing Joseph E. Gardner, Jr., of Corpus Christi, whose term expired.

Texas County and District Retirement System

For a term to expire December 31, 1991:

Sam D. Seale
Route 3, Box 29
Port Lavaca, Texas 77979

Judge Seale is replacing Wilburn Rust of Austin, whose term expired.

Fire Fighters' Relief and Retirement Fund

For a term to expire September 1, 1991:

Donald Eernisse
719 South Hill
Alvin, Texas 77511

Mr. Eernisse is replacing E. L. Tinker Taylor of McKinney, who no longer qualifies.

Real Estate Research Advisory Committee

For a term to expire January 31, 1987:

Guy Chipman, Jr.
116 Grant Avenue
San Antonio, Texas 78209

Mr. Chipman is replacing Lawrence Miller, Jr., of Dallas, who is deceased.

State Seed and Plant Board

For a term to expire October 6, 1987:

E. C. A. (Ed) Runge
1104 Decon Drive
College Station, Texas 77840

Mr. Runge is being reappointed.

**Trinity River Authority
of Texas**

For a term to expire March 15, 1987:

Nobel Welch
P.O. Box 669
Terrell, Texas 75160

Mr. Welch is replacing Edward Nash of Kaufman, who is deceased.

**State Board of Vocational
Nurse Examiners**

For a term to expire September 6, 1991:

Salvador Ortiz-Carrillo, M.D.
510 Del Mar
Corpus Christi, Texas 78404

Dr. Ortiz-Carrillo is replacing Max E. Johnson of San Antonio, whose term expired.

Issued in Austin, Texas, on February 18, 1986.

TRD-8601720

Mark White
Governor of Texas

**Appointment Made
February 19**

**Texas State Board of Examiners
of Dieticians**

For a term to expire September 1, 1991:

Johnnie Ruth Stripling, Ph.D.
3005 North Whitten Avenue
Tyler, Texas 75702

Dr. Stripling is being reappointed.

Issued in Austin, Texas, on February 19, 1986.

TRD-8601720

Mark White
Governor of Texas

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Attorney General

Description of attorney general submissions. Under provisions set out in the Texas Constitution, Texas Civil Statutes (Article 4399), and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Register*.

Attorney General Order Withholding from Earnings for Child Support

The Attorney General is required by the Texas Family Code, §14.43(p), to promulgate a form that can be used to obtain a court order that orders employers to withhold income to pay child support. That required form is published following.

NO. _____

	§	
	§	
	§	

ORDER WITHHOLDING FROM EARNINGS FOR CHILD SUPPORT

The Court **ORDERS** you, the employer of the Obligor, to withhold income from the Obligor's disposable earnings from this employment as follows:

OBLIGOR
 Name: _____
 Address: _____
 City, State, Zip: _____
 Social Security No. _____

OBLIGEE
 Name: _____
 Address: _____
 City, State, Zip: _____
 Social Security No. _____

CHILDREN
 Name: _____
 Address: _____
 City, State, Zip: _____
 Social Security No. _____

Name: _____
 Address: _____
 City, State, Zip: _____
 Social Security No. _____

WITHHOLDING EARNINGS FOR CHILD SUPPORT:

The Court **ORDERS** that any employer of the Obligor shall begin withholding from Obligor's disposable earnings no later than the first pay period which occurs 14 days following the date this Order is served on the employer.

The amount of earnings to be withheld is:

(1) \$ _____ if the obligor is paid monthly

- (2) \$ _____ if the obligor is paid twice monthly (compute by multiplying the monthly amount by 50% or by dividing the monthly amount by 2)
- (3) \$ _____ if the obligor is paid every other week (compute by multiplying the monthly amount by 46.15% or by multiplying the monthly amount by 12 and dividing that figure by 26)
- (4) \$ _____ if the obligor is paid weekly (compute by multiplying the monthly amount by 23.08% or by multiplying the monthly amount by 12 and dividing that figure by 52)

The employer shall withhold earnings in the above amount until _____
 of earnings to be withheld is: In the first pay period following that date, the amount

- (1) \$ _____ if the obligor is paid monthly
- (2) \$ _____ if the obligor is paid twice monthly (compute by multiplying the monthly amount by 50% or by dividing the monthly amount by 2)
- (3) \$ _____ if the obligor is paid every other week (compute by multiplying the monthly amount by 46.15% or by multiplying the monthly amount by 12 and dividing that figure by 26)
- (4) \$ _____ if the obligor is paid weekly (compute by multiplying the monthly amount by 23.08% or by multiplying the monthly amount by 12 and dividing that figure by 52)

The employer shall withhold earnings in the above amount for so long as the Obligor is employed or until _____, whichever occurs first.

(Continue with any additional adjustments in the amount withheld on additional pages.)

MAXIMUM AMOUNT WITHHELD:

The maximum amount to be withheld shall not exceed the following percentage of the Obligor's disposable earnings (CHECK ONE ONLY):

- _____ 50% other spouse or dependent child; no arrears over 12 weeks
- _____ 55% other spouse or dependent child; arrears over 12 weeks past due
- _____ 60% no other spouse or dependent child; no arrears over 12 weeks
- _____ 65% no other spouse or dependent child; arrears over 12 weeks past due.

METHOD OF PAYMENT:

The Court ORDERS the employer to pay all amounts withheld on each regular pay day through:

Name of Agency: _____
Agency Address: _____
Account No.: _____

All payments shall be made payable to: _____
(Name of Oblige or Collecting Agency depending on local practice).

All payments shall identify the Obligor, Oblige, the Agency Account Number and the amount of an administrative fee withheld, if any.

CALCULATING DISPOSABLE EARNINGS:

The employer shall calculate the Obligor's disposable earnings which are subject to withholding for child support, as follows:

- a. Determine the "earnings" of the Obligor, which means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, including periodic payments pursuant to a pension, disability and retirement program and unemployment benefits.
- b. Subtract the following sums to calculate the Obligor's "disposable earnings":
 - (1) any amounts required by law to be withheld, i.e., Federal Income Tax and Federal FICA or OASI tax (Social Security), Railroad Retirement Act contributions;
 - (2) union dues;
 - (3) nondiscretionary retirement contributions by the Obligor; and
 - (4) medical, hospitalization, and disability insurance coverage for the Obligor and his or her children.

MORE THAN ONE ORDER WITHHOLDING:

If the employer is served with an Order Withholding from Earnings for Child Support relating to this Obligor in another case, the Court ORDERS the employer to withhold equal amounts on all orders until each Order is fully complied with or until the maximum amount to be withheld from the Obligor's disposable earnings is reached, whichever occurs first.

NOTICE OF CHANGE OF EMPLOYMENT:

The Court ORDERS an employer to notify this Court and the Oblige within seven days of the date that the Obligor terminates employment. The employer is ORDERED to provide the Obligor's last known address and the name and address of the Obligor's new employer, if known.

REFERENCE TO THE INCOME WITHHOLDING LAW:

Attached to this ORDER is a copy of Texas Family Code §14.43, which sets forth rights, duties, and potential liabilities of employers, in addition to the provisions of this ORDER.

SIGNED _____, 1986.

Judge Presiding

Emergency

Rules

An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule 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 30 days.

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

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility

Commission of Texas

Chapter 23. Substantive Rules Rates

★ 16 TAC §23.21

The Public Utility Commission of Texas adopts an amendment to §23.21, concerning cost of service, on an emergency basis to be in effect 120 days from the date it is filed with the *Texas Register*. The commission determined that this action is necessary because one nuclear plant (Palo Verde #1) may have already met commercial operation criteria and another (River Bend #1) is in advanced testing stages. Determining when these and other nuclear plants attain commercial operation determines when they can be considered for inclusion as plant in service from construction work in progress. That determination has a major impact on the rates of the utilities.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 1446c, §16, which provides the Public Utility Commission of Texas with the authority to make and enforce sections reasonably required in the exercise of its powers and jurisdiction, and to make decisions with respect to administering the provisions of this Act.

§23.21. Cost of Service.

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

(c) Return on invested capital. The return on invested capital is the rate of return times invested capital.

(1) (No change.)

(2) Invested capital; rate base. The rate of return is applied to the rate base. The rate base, sometimes referred to as invested capital, includes as a major component the original cost of plant, property, and equipment, less accumulated depreciation, used and useful in rendering service to the public. Components to be included in determining the overall rate base are as follows.

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

(E) Nuclear plant in service. For the purposes of determining when a new nuclear generating unit is in commercial operation and used and useful in providing electric service and thus eligible to be transferred

from construction work in progress. To utility plant in service, the following criteria must be proven by the utility.

(i) The startup test program shall be successfully completed. This shall include an uninterrupted run of at least 100 hours at 95%-100% net rated power furnished to the grid. One hundred percent net rated power is defined as the nominal net electrical output of the unit as used for the purpose of plant design. If the full warranted output performance test of the nuclear steam supply system (NSSS) requires a duration in excess of 100 hours at a power level between 95% and 100%, then that duration shall be the standards for this criteria.

(ii) The preoperational testing program shall be successfully completed.

(iii) The plant and associated transmission facilities have been tested and found to be supplying to the company's Texas customers their full share of its rated power and can do so with the single most critical transmission line out of service.

(iv) For each delay of over 100 hours in the start up test program and each nuclear regulatory commission violation incurred during the startup period (defined as the time period required to bring the unit from an inactive condition to the state ready for commercial operation), the cause should be satisfactorily explained and acceptable measures taken to prevent recurrence.

(v) The unit is supplying electricity to the utility's customers, with output scheduled by the load dispatcher subject to plant availability.

Issued in Austin, Texas, on February 19, 1986.

TRD-8601736

Rhonda Colbert Ryan
Secretary
Public Utility
Commission of Texas

Effective date: February 20, 1986
Expiration date: June 21, 1986
For further information, please call
(512) 458-0100.

★ ★ ★

Rates

★ 16 TAC §23.23

(Editor's note: The text of the following section proposed for repeal will not be pub-

lished. The section may be examined in the offices of the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Public Utility Commission of Texas adopts on an emergency basis the repeal of §23.23, concerning rate design. The commission has determined that this action is necessary because this section has been so extensively reworked that for purposes of clarity a new section is adopted.

The amendment is adopted on an emergency basis 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 to make decisions with respect to administering the provisions of this Act.

Issued in Austin, Texas, on February 21, 1986.

TRD-8601802

Rhonda Colbert Ryan
Secretary
Public Utility
Commission of Texas

Effective date: February 21, 1986
Expiration date: June 22, 1986
For further information, please call
(512) 458-0100.

★ ★ ★

The Public Utility Commission of Texas adopts on an emergency basis new §23.23, concerning rate design. The commission has determined that this action is necessary because most utilities are over-recovering fuel costs due to the declining market price of natural gas, and there is an urgent need for a rule that can promptly respond to those declining prices.

The amendment is adopted on an emergency basis 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 to make decisions with respect to administering the provisions of this Act.

§23.23. Rate Design.

(a) General. In fixing the rates of a public utility, the commission shall fix its overall revenues at a level which will permit such utility a reasonable opportunity to earn a reasonable return on its capital investment used and useful in rendering service to the public over and above its reasonable and necessary operating expenses.

(b) Electric.

(1) Rates shall not be unreasonably preferential, prejudicial, or discriminatory, but shall be sufficient, equitable, and consistent in application to each class of customers, taking into consideration the need to conserve energy and resources.

(2) The provisions of this paragraph apply to all generating electric utilities.

(A) All allowable fuel costs shall be determined at the time of the utility's general rate case. In determining allowable fuel costs, the commission shall consider all factors which impact the utility's fuel-related cost of supplying electricity to its ratepayers. These factors include generation mix and efficiency, the cost of fuel used to produce the utility's generation, purchased power costs, wheeling costs, hydro generation, and other costs or revenues associated with generated or purchased power as approved by the commission.

(B) The utility shall recover its allowable fuel costs through a fixed fuel factor. The utility's fixed fuel factor shall be established during a general rate case or interim fuel proceeding as designated in subparagraph (D) of this paragraph, and shall be determined by dividing the utility's allowable fuel cost, as defined in subparagraph (A) of this paragraph, by the corresponding kilowatt-hour sales during the period in which the factor will be in effect. If due to unique circumstances, such a calculation is not appropriate for a particular utility, a different method of calculation may be used. When approved by the commission, the utility's fixed fuel factor may be designed to:

(i) include seasonal differentiation of fuel costs; and

(ii) account for system losses and for differences in line losses corresponding to the voltage level of service.

(C) The commission shall monitor the utility's actual and projected fuel-related costs and revenues on a monthly basis. The utility shall maintain and provide to the commission in a format specified by the commission, monthly reports containing all information required to monitor monthly fuel-related costs and revenues. This information includes, but is not limited to, generation mix, fuel consumption, fuel costs, purchased power quantities and costs and off-system sales revenues. The utility may also be required to file with the commission copies of contracts and other agreements for firm purchased power, fuel supply, and fuel transportation, including affiliate contracts.

(D) The utility's fixed fuel factor is subject to reduction on a monthly basis.

A lower interim fuel factor may be established and placed in effect in the first full billing cycle after it is approved by an order of the commission, under the following conditions.

(i) If the commission determines that the utility has materially over-recovered or projects that the utility will materially over-recover its allowable fuel cost under its existing fuel factor, and files a petition to lower the utility's existing fuel factor, a lower interim fuel factor may be established.

(ii) If the utility has materially over-recovered or projects to materially over-recover its fuel costs, the utility shall file a petition with the commission to lower its existing fuel factor and establish a new interim fuel factor. The petition shall clearly state all reasons for lowering the utility's existing fuel factor and supporting the new interim fuel factor. The commission may establish standards for the information and format that shall be contained in such petitions. Such a petition may be approved by the commission without a hearing.

(E) If fuel curtailments, equipment failure, strikes, embargoes, sanctions, or other reasonably unforeseeable circumstances have resulted in a substantial under-recovery of allowable fuel costs, the utility may file a petition with the commission requesting an emergency interim fuel factor. Such emergency requests shall state the nature of the emergency, the magnitude of change in fuel costs resulting from the emergency circumstances and other information required to support the emergency interim fuel factor. The commission shall issue an interim order within 30 days after such petition is filed to establish an interim emergency fuel factor. If within 120 days after implementation, the emergency interim factor is found by the commission to have been excessive, the utility shall refund all excessive collections with interest at the utility's composite cost of capital during the period the rates were in effect. Such interest shall be calculated on the cumulative monthly over-recovery balance. If, after full investigation, the commission determines that no emergency condition existed, a penalty of up to 10% of such over-collections may also be imposed on investor-owned utilities.

(F) Final reconciliation of any cumulative over or under-recovery of fuel costs shall be made at the time of the utility's general rate case or commission initiated fuel reconciliation proceeding and shall cover all months following the utility's last final reconciliation through the most current month for which records are available. In reconciliation of fuel costs, the utility shall have the burden of proving that it has generated electricity efficiently, maintained effective cost controls, and negotiated fuel and fuel-related contracts which have produced the lowest reasonable cost of fuel to its ratepayers as specified by subparagraph (I) of this paragraph. Such burden of proof shall extend to affiliates in the case of affiliate fuel

suppliers as specified by subparagraph (J) of this paragraph.

(i) When a material over-recovery of allowable fuel costs is found to exist during a general rate case or fuel reconciliation proceeding, refunds shall be made by the utility as specified by the methods outlined in subparagraph (H) of this paragraph. If the commission determines that refunds should have been made on an interim basis, such refunds may include a penalty of up to 10% of the amount that should have been refunded.

(ii) Under-recovery reconciliation shall be granted only for that portion of fuel costs increased by conditions or events beyond the control of the utility, and upon demonstration of proof by the utility that such conditions or events could not have been reasonably foreseen at the time the rates were established.

(iii) Interest shall be paid by the utility or to the utility in reconciliation of any over or under-recovery of fuel costs at the utility's composite cost of capital during the period the rates were in effect. Such interest shall be calculated on the cumulative monthly over or under-recovery balance.

(G) When a material over-recovery of allowable fuel costs occurs between a general rate case or fuel reconciliation proceeding, the utility shall petition for an interim refund. These interim refunds shall be made on a monthly basis, if practical, but at least once each calendar quarter if a material over-recovery exists at the end of the quarter. Such refund petitions may be approved by the commission without hearing.

(i) Interim refunds of over-recoveries of fuel costs occurring under a fixed or interim fuel factor, shall be subject to final review and reconciliation at the utility's next general rate case or fuel reconciliation proceeding.

(ii) When practical, interim refunds shall be petitioned for at the same time that an interim fuel factor is established as outlined in subparagraph (D) of this paragraph.

(H) All refunds shall be made using the following methods:

(i) interclass allocations of refunds shall be based on the historical kilowatt-hour usage of each rate class adjusted for line losses;

(ii) intraclass allocations of refunds shall depend on the voltage level at which the customer receives service from the utility. Customers who receive service at transmission voltage levels shall be given refunds based on their individual actual historical usage recorded during the periods in which the cumulative over-recovery occurred. All other customers shall be given refunds based on the historical kilowatt-hour usage of their rate class; and

(iii) all refunds shall be made through a one-time bill credit. Customers who receive service at transmission voltage levels shall be given a lump sum credit. All other customers shall be given a credit based

on a refund factor which will be applied to their kilowatt-hour usage over a one month period. This refund factor will be determined by dividing the amount of refund allocated to each rate class, by forecasted kilowatt-hour usage for the class during the month in which the refund will be made.

(I) The utility shall have the burden of demonstrating in each general rate case that for all nonaffiliated fuel and fuel-related contracts, its contract negotiations have produced the lowest reasonable cost of fuel to ratepayers. To the extent that the utility does not meet its burden of proof, the commission shall disallow the portion of fuel costs that it finds to be unreasonable.

(J) The utility shall have the burden of demonstrating in each general rate case that for all fuels acquired from or provided by affiliates of the utility, all fuel-related affiliate expenses are reasonable and necessary, and that the prices charged to the utility are no higher than prices charged by the supplying affiliate to its other affiliates or divisions or to unaffiliated persons or corporations for the same item or class of items.

(i) The affiliate fuel price shall be at cost; no return on equity or equity profit may be included in the affiliate fuel price. The commission may consider the inclusion of affiliate equity return in rate of return and rate base during the utility's general rate case; however, affiliate equity return or profit shall not be considered part of fuel cost.

(ii) Operational investigations of all affiliate fuel suppliers and fuel supply services shall be performed at the discretion of the commission. The commission may use the results of such investigations during a succeeding general rate case, fuel cost reconciliation proceedings, emergency request proceedings, and elsewhere as it deems appropriate.

(iii) The affiliated companies shall establish, maintain, and provide for commission audit all books and records related to the cost of fuel. These records shall explicitly identify all salaries, contract expenses, or other expenses paid or received among any affiliated companies, their employees, or contract employees.

(3) The provisions of this paragraph apply to all investor-owned electric distribution utilities, river authorities, and cooperative-owned electric utilities.

(A) An electric utility which purchases electricity at wholesale pursuant to rate schedules approved, promulgated, or accepted by a federal or state authority or from qualifying facilities may be allowed to include within its tariff a purchased power cost recovery factor (PCRF) clause which authorizes the utility to charge or credit its customers for the cost of power and energy purchased to the extent that such cost varies from the purchased power cost utilized to fix the base rates of the utility. Purchased electricity cost includes all amounts chargeable for electricity under the wholesale tariffs pursuant to which the electricity is purchased.

The terms and conditions of such (PCRF) clause shall be approved by an order of the commission.

(B) Any difference between the actual costs to be recovered through the PCRF and the actual PCRF revenues recovered shall be credited or charged to the utility's ratepayers in the second succeeding billing month.

(C) If the utility purchases power from an unregulated entity, such as a political subdivision of the State of Texas, the utility shall submit the purchased power contract to the commission for approval of the terms, conditions, and price. If the commission issues an order approving the purchase, a PCRF may be applied to such purchases.

(D) If PCRF revenue collections exceed PCRF costs by 10% in any given month and the total PCRF revenues have exceeded total PCRF costs by 5.0% or more for the most recent 12-month period:

(i) investor-owned electric distribution utilities shall be subject to a 10% penalty on excess collection;

(ii) cooperative-owned electric utilities shall report to the commission the justification for excess collection.

(E) The utility shall maintain and provide to the commission monthly reports containing all information required to monitor the costs recovered through the PCRF clause. This information includes, but is not limited to, the total estimated PCRF cost for the month, the actual PCRF cost on a cumulative basis, total revenues resulting from the PCRF, and the calculation of the PCRF.

(4) The provisions of this paragraph apply to all investor-owned generating electric utilities and river authorities.

(A) An electric utility which purchases electricity from qualifying facilities may be allowed to include within its tariff a PCRF clause which authorizes the utility to charge or credit its customers for the costs of capacity purchased from cogenerators and small power producers. These costs shall be included in the PCRF only to the extent that such costs vary from the costs utilized to fix the base rates of the utility and to the extent that they comply with §23.66(h) of this title (relating to Arrangements Between Qualifying Facilities and Electric Utilities). The terms and conditions of such PCRF shall be approved by an order of the commission.

(B) Purchased power costs that are recovered through the PCRF shall be excluded in calculating the utility's fixed fuel factor as defined in paragraph (2)(B) of this subsection.

(C) Costs recovered through a PCRF shall be allocated to the various rate classes in the same manner as the embedded costs of the utility's generation facilities were allocated in the utility's last rate case, unless otherwise ordered by the commission. Once allocated, these costs shall be collected from ratepayers through a demand or energy charge.

(D) Any difference between the actual costs to be recovered through the PCRF

and the PCRF revenues recovered shall be credited or charged to the customers in the second succeeding billing month.

(E) If PCRF revenue collections exceed PCRF costs by 10% in any given month and the total PCRF revenues have exceeded total PCRF costs by 5.0% or more for the most recent 1.2-month period, the electric utility shall be subject to a 10% penalty on excess collections.

(F) The utility shall maintain and provide to the commission monthly reports containing all information required to monitor costs recovered through the PCRF. This information includes, but is not limited to, total estimated PCRF cost for the month, the actual PCRF cost, total revenue resulting from the PCRF, and the calculation of the PCRF clause.

Issued in Austin, Texas, on February 21, 1986.

TRD-8601800

Rhonda Colbert Ryan
Secretary
Public Utility
Commission of Texas

Effective date: February 21, 1986

Expiration date: June 22, 1986

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

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter A. Statewide Hunting and Fishing

★ 31 TAC §65.63

The Texas Parks and Wildlife Commission, in a public hearing held February 20, 1986, adopted an emergency amendment to emergency §65.63(a)(5), a part of the Statewide Hunting and Fishing Proclamation. The emergency amendment prohibits retention of trout in a portion of the Guadalupe River in Comal County if the trout was caught with any method other than fly fishing. The restriction is intended to prevent overharvest of redband trout, an introduced desert species.

The commission found in public hearing that imminent peril to the public's wildlife resource through depletion required the emergency amendment. The original emergency section was found to be unenforceable and new emergency text is required for an enforceable section.

The amendment is adopted under the Texas Parks and Wildlife Code, Chapter 61, which provides the Texas Parks and Wildlife Commission with the authority to regular seasons, bag limits, means, methods, and places for taking wildlife resources.

§65.63. Freshwater Fish: Means and Methods.

(a) Only the following means and methods may be used to take or attempt to take fish.

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

(5) In the Guadalupe River in Comal County [only fly fishing is permitted] between the first concrete dam (weir) below the eastern most Texas State Highway 306 bridge and the Little Ponderosa bridge, freshwater trout may not be retained when taken by any method except fly fishing.

(A) Fly fishing means the use of only artificial wet or dry flies [only] as a lure. Artificial wet or dry flies may not have attached a hook with more than one point.

(B) [Live baits are prohibited] It is an offense to possess freshwater trout while fishing with any other device in that part of the Guadalupe River defined in this paragraph.

Issued in Austin, Texas, on February 24, 1986.

TRD-8601813

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: February 24, 1986

Expiration date: May 25, 1986

For further information, please call
(512) 479-4974.



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Proposed Rules

Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *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 rule. Also, in the case of substantive rules, 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 rule is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a rule.

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility

Commission of Texas

Chapter 23. Substantive Rules Rates

★ 16 TAC §23.21

(Editor's note: The Public Utility Commission of Texas proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the amendment is published in the Emergency Rules section of this issue.)

The Public Utility Commission of Texas proposes an amendment to §23.21, concerning cost of service. The proposed amendment for declaring a nuclear power plant operational. The amendment is also being adopted on an emergency basis.

Rhonda Colbert Ryan, secretary of the commission, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Ryan 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 by setting the parameters for declaring a nuclear plant in service, guidelines are established for utilities, regulatory personnel, and others. The time when a plant is considered in service is important in determining the rates of the utility.

Comments on the proposal may be submitted to Rhonda Colbert Ryan, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

The amendment is proposed 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.

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 February 19, 1986.

TRD-8601735 Rhonda Colbert Ryan
Secretary
Public Utility
Commission of Texas

Earliest possible date of adoption:
March 31, 1986
For further information, please call
(512) 458-0100.

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★ 16 TAC §23.23

The Public Utility Commission of Texas proposes the repeal of §23.23, concerning rate design. Fuel cost recovery rules have had to be thoroughly rewritten because of declining natural gas market prices. Also after March 1, 1986, regulation of water sewer utilities will pass to the Texas Water Commission.

Rhonda Colbert Ryan, secretary of the commission, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Ryan 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 extensive changes will be clearer by repealing §23.23 and adopting a new section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Rhonda Colbert Ryan, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

The repeal is proposed 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.

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 February 21, 1986.

TRD-8601799 Rhonda Colbert Ryan
Secretary
Public Utility
Commission of Texas

Earliest possible date of adoption:
March 31, 1986
For further information, please call
(512) 458-0100.

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(Editor's note: The Public Utility Commission of Texas proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is published in the Emergency Rules section of this issue.)

The Public Utility Commission of Texas proposes new §23.23, concerning the rate design and fuel recovery costs. The declining cost of the market price for natural gas has resulted in the utilities over-recovering large amounts of fuel costs.

Rhonda Colbert Ryan, secretary of the commission, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Ryan 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 general public will see some immediate reduction in rates. At the present, fuel rates are set once a year and with the market price of natural gas declining, the result has been large overrecovery of fuel costs. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Rhonda Colbert Ryan, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

The new section is proposed under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and en-

force rules reasonably required in the exercise of its powers and jurisdiction and in administering the provisions of this Act.

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 February 21, 1986.

TRD-8601801 Rhonda Colbert Ryan
Secretary
Public Utility
Commission of Texas

Earliest possible date of adoption:
March 31, 1986
For further information, please call
(512) 458-0100.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part II. Texas Rehabilitation Commission

Chapter 109. Developmental Disabilities Program

★ 40 TAC §109.6

The Texas Rehabilitation Commission proposes an amendment to §109.6, concerning appeal of grant awards. This amendment adds an appeals process for termination or suspension of grant funds.

Roger Webb, executive director, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or

local government or small businesses as a result of enforcing or administering the section.

Mr. Webb also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide Developmental Disabilities Program grantees a procedure by which suspension or termination of grants may be appealed. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Roger Webb, Executive Director, Texas Planning Council for Developmental Disabilities, 118 East Riverside Drive, Austin, Texas 78704.

The amendment is proposed under the Human Resources Code, Title 7, which provides the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

§109.6. Appeal of Grant Awards.

(a) Appeals from applicants for grants who did not receive funding, or from grantees whose grants have been suspended or terminated, shall be received, processed, and resolved with fairness and promptness. The person appealing shall be known as the appellant.

(b) The appellant [applicant] shall file an appeal in writing addressed to the execu-

tive director of the Development Disabilities Program. The written appeal must be post-marked within 15 days of the date of the written notice of denial, suspension, or termination. The executive director will acknowledge receipt of the letter with a copy to the commissioner, Texas Rehabilitation Commission.

(c) The executive director will investigate, compile, and study all relevant information about the appeal [application] and, within 30 days of the receipt of the appellant's [applicant's] letter, submit a written report to the commissioner. The report will contain recommended action and the evidence supporting the recommended action.

(d) The commissioner reviews the report of the executive director and approves the recommendations of the executive director, makes such modifications as he finds appropriate, orders further investigation, or takes other appropriate action. The commissioner notifies the appellant [applicant] of his decision. The decision of the commissioner is final.

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 February 10, 1986.

TRD-8601809 Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption:
March 31, 1986
For further information, please call
(512) 445-8128.

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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*.

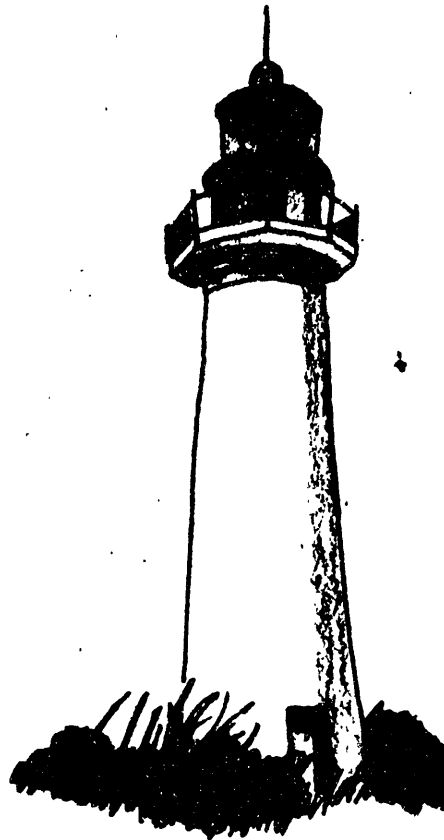
**TITLE 1.
ADMINISTRATION**
Part I. Office of the
Governor
Chapter 3. Criminal Justice
Division
Subchapter A. Criminal Justice
Administration of the Municipal
Court Judges and Personnel
Training Fund

★1 TAC §§3.401-3.433

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed repeal to §§3.401-3.433, submitted by the Office of the Governor, have been automatically withdrawn, effective February 21, 1988. The repeal as proposed appeared in the August 20, 1985, issue of the *Texas Register* (10 TexReg 3160).

TRD-8601759
Filed: February 21, 1988

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**TITLE 22. EXAMINING
BOARDS**
Part XIV. Texas Optometry
Board
Chapter 273. General Rules
★22 TAC §273.5

The Texas Optometry Board has withdrawn from consideration for permanent adoption the proposed amendments to §273.5, concerning general rules. The text of the amended new section as proposed appeared in the December 13, 1985, issue of the *Texas Register* (10 TexReg 4785).

Issued in Austin, Texas, on February 20, 1988.

TRD-8601745 Lois Ewold
Executive Director
Texas Optometry Board

Filed: February 20, 1988
For further information, please call
(512) 835-1838.

★ ★ ★

Adopted

Rules An agency may take final action on a rule 30 days after a proposal has been published in the *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 1. ADMINISTRATION Part V. State Purchasing and General Services Commission Chapter 113. Central Purchasing Division Purchasing

★1 TAC §113.2, §113.9

The State Purchasing and General Services Commission adopts an amendment to §113.9 with changes to the proposed text published in the November 29, 1985, issue of the *Texas Register* (10 TexReg 4609). The amendment to §113.2 is adopted without change and will not be republished.

The change from the proposal in 2(A) of §113.9 clarifies that telegraphic bids are acceptable in bidding on automated term contracts, thus making this provision consistent with the changes adopted in §113.9(2)(B).

The amendments allow the commission to accept the lowest bid for automated term contracts, even though the requested manufacturer's price list is not provided, which is expected to effect significant monetary savings for state agencies purchasing under an automated term contract.

No comments were received regarding the amendments.

The amendments are adopted under Texas Civil Statutes, Article 601b, which provide the State Purchasing and General Services Commission with the authority to promulgate regulations necessary to institute and maintain an effective and economical purchasing system for all affected state agencies.

§113.9. *Term Contracts.* Texas Civil Statutes, Article 601b, §3.10 and §3.11, authorize the commission to establish term contracts for the purchase and rental of items used in large quantities by several state agencies for delivery during a specified period of time for estimated quantities only.

(1) (No change.)

(2) Bidding Instructions.

(A) Telegraphic bids are not acceptable in the discount-from-list type of bid

when bidding on a contract identified in the bid invitation as a nonautomated contract, because the price list from which they are bid is required to be in the commission's office prior to the bid opening date and hour.

(B) Discount-from-list type of bid provides for discounts from or add-on to a manufacturer's price list, which must accompany the bid. Price changes are acceptable under approved conditions. Requests for price increases must be documented with a new price list from the manufacturer, covering the items in question. The new net unit prices will be computed at the same percentage as reflected in the original bid and price list. Where discount-from-list bids are requested, firm price bids will not be accepted. As an alternate, when bidding on a contract identified in the bid invitation as an automated contract, should a company fail to submit a manufacturer's price list or submits a price list that fails to meet other requirements of the bid invitation, the bid will be considered; however, if an award is made, the vendor will not be entitled to a price increase during the term of the contract. The state, however, shall be granted any decreases in price if there are price reductions to the trade. Class 715—publications and/or approval programs term contracts will be awarded on the basis of a quoted discount, and bidders will not be required to furnish a current price list with their bids, nor will they be required to furnish a new price list in the event of price changes.

(C) (No change.)

(3) (No change.)

(4) (No change.)

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

Issued in Austin, Texas, on February 20, 1986.

TRD-8601737

John R. Neel
General Counsel
State Purchasing and
General Services
Commission

Effective date: March 13, 1986

Proposal publication date: November 29, 1985

For further information, please call
(512) 463-3446.

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TITLE 16. ECONOMIC REGULATION Part IV. Texas Department of Labor and Standards Chapter 69. Manufactured Housing Division Fee Structure

★16 TAC §69.29, §69.38

The Texas Department of Labor and Standards adopts an amendment to §69.29 and new §69.38, without changes to the proposed text published in the August 20, 1985, issue of the *Texas Register* (10 TexReg 3161).

The amendment and new section are adopted by the department pursuant to amendments adopted by the 69th Legislature, 1985, Texas Civil Statutes, Article 5221f.

The amendment and new section raise the fees for registrants under Texas Civil Statutes, Article 5221f, and assess a fee for educational seminars to defray the cost of the seminar which is required by the Act.

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

The amendment and new section are adopted under Texas Civil Statutes, Article 5221f, which provide the commissioner of the department with the authority to adopt rules and regulations and take all action necessary to assure compliance with the intent and purpose of the Act, and to provide for uniform enforcement of all provisions of the 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 February 20, 1986.

TRD-8601750

Allen Parker, Sr.
Commissioner
Texas Department of
Labor and Standards

Effective date: March 13, 1986

Proposal publication date: August 20, 1985

For further information, please call
(512) 463-3127.

General Requirements

★ 16 TAC §§69.123, 69.125, 69.126

The Texas Department of Labor and Standards adopts an amendment to §69.125, with changes to the proposed text published in the August 20, 1985, issue of the *Texas Register* (10 TexReg 3161). Amendments to §69.123 and §69.126 are adopted without changes, and will not be republished.

The amendments concern various miscellaneous items which are either clean-up items or changes necessitated by House Bill 1218, 69th Legislature, 1985.

The changes include an exemption from Texas Civil Statutes, Article 8861, for those persons registered under Texas Civil Statutes, Article 5221f, verification that a mobile home purchaser received a formaldehyde notice at time of purchase; new reporting requirements to the division of salespersons both by the salesperson and his principal; reporting of registrant ownership changes to assure registrant responsibilities; clarification of the effective date for education requirements; the deletion of the department having to give 30-day notice of a violation by a registrant; and the necessity of a hearing for an applicant whose certificate of registration has previously been revoked.

In the proposal, the amended §69.125(j) was inadvertently proposed as §69.125(l), when in fact the department had no intention of amending the existing §69.125(l), which is now retained with existing old language.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 5221f, which provide the commissioner of the department with the authority to adopt rules and regulations and take all action necessary to assure compliance with the intent and purpose of the Act, and to provide for uniform enforcement of all provisions of the Act.

§69.125. *Registration Requirements.*

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

(e) Installer registration

(1)-(6) (No change.)

(7) Registration of installers dealing in air conditioning installations in HUD-Code manufactured housing.

(i) A person or firm that is registered as a manufacturer, retailer, or installer and is regulated pursuant to Texas Civil Statutes, Article 5221f, and engages exclusively in air conditioning contracting for manufactured homes does not have to be licensed pursuant to Texas Civil Statutes, Article 8861.

(ii) Applicants for air conditioning installer registration shall include a certification that the registration applied for relates to HUD-Code manufactured homes only.

(f) (No change.)

(g) Salespersons.

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

(5) Retailers shall submit to the Registration Section of the division on a calendar quarterly basis for each location a report of all salespersons employed by the retailer as of the end of the reporting quarter and the date of new hires or deletions since the prior report.

(6) Responsibility for annual registration renewal shall be that of the salesperson. Copies of renewal forms shall be available at manufactured housing retailer and broker locations, or any Texas Department of Labor and Standards office. Renewal forms and payment of the renewal fee shall be made by the salesperson 30 days prior to the expiration of the current registration.

(7) Salespersons shall be issued a registration card by the department containing effective date and registration number. The salespersons shall be required to present a valid registration card upon request.

(h) Applicable registrant ownership changes.

(1) In addition to a proper endorsement where a new bond shall not be required for any change of ownership of a person registered with the department nor for any change of a location, the registrant shall supply the department with the following items:

(A) a statement of liability for performance of warranty service from date of sale;

(B) a registration application by the purchaser providing such information as the department may require;

(C) no registration fee shall be required resulting from change of ownership or location; however, education requirements of the Act, §7, must be met.

(2) A bond endorsement representing a change of ownership or location from a registered retailer to a purchaser shall not be deemed complete until the items in paragraph (1)(A) of this subsection have been received by the department.

(i) (No change.)

(j) Education requirements. Effective September 1, 1985, all applicants for registration as a retailer shall attend and complete 40 hours of educational instruction as required by the Texas Manufactured Housing Standards Act, Texas Civil Statutes, Article 5221f, and the rules and regulations of the department. The registration will not be issued until the owner, partner, corporate officer, or other person who will personally have the day-to-day management responsibility for the retail sales location or brokers office attends and completes this educational requirement. This rule shall not apply to the renewal of registrations.

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

Issued in Austin, Texas, on February 20, 1986.

TRD-8801751

Allen Parker, Sr.
Commissioner
Texas Department of
Labor and Standards

Effective date: March 13, 1986

Proposal publication date: August 20, 1985

For further information, please call
(512) 463-3127.

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Titling

★ 16 TAC §§69.202, 69.204, 69.205 69.207

The Texas Department of Labor and Standards adopts new §69.207 with changes to the proposed text published in the August 20, 1985, issue of the *Texas Register* (10 TexReg 3162). New §§69.202, 69.204, and 69.205 are adopted without changes to the proposed text, and will not be republished.

The department adopts the new sections pursuant to Texas Civil Statutes, Article 5221f, adopted by House Bill 1218, 69th Legislature, 1985.

The new sections increase the fee for a title document for a title search, and require other miscellaneous information. New §69.207 sets out the procedure for reinstating a canceled certificate of ownership.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 5221f, which provide the commissioner of the department with the authority to adopt rules and regulations and take all action necessary to assure compliance with the intent and purpose of the Act, and to provide for uniform enforcement of all provisions of the Act.

§69.207. *Reinstatement of Canceled Certificates of Ownership.* A certificate of ownership issued by the department to a manufactured home which has been canceled because the home has been affixed to real estate may be reinstated subject to the following documents being filed with the department:

(1) a properly executed affidavit of transaction releasing any lien resulting from a security interest in the home from the lender;

(2) if no lien or security interest exists, an affidavit executed before a notary public that no lien or security interest exists;

(3) a properly executed affidavit of disposition accompanied by a cashier's check or money order for \$15;

(4) box 27 of the affidavit of transaction must be marked as evidence to the department that no active title exists; and

(5) a certification from a title insurance company authorized to do business that no other liens exist on the realty.

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

Issued in Austin, Texas, on February 20, 1986.

TRD-8601749 Allen Parker, Sr.
Commissioner
Texas Department of
Labor and Standards

Effective date: March 13, 1986
Proposal publication date: August 20, 1985
For further information, please call
(512) 463-3127.

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TITLE 22. EXAMINING BOARD

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

Chapter 141. Definitions and Procedures

★22 TAC §§141.9, 141.12, 141.19, 141.29, 141.35

The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids adopts amendments to §§141.9, 141.12, 141.19, 141.29, and 141.35, without changes to the proposed text published in the December 17, 1985, issue of the *Texas Register* (10 TexReg 4840).

Section 141.9 is amended to reflect that board members are not to have prior knowledge of a complaint. Section 141.12 is amended to remove board members from the complaint process. Sections 141.19 and 141.29 are amended for clarification. Section 141.35 is amended to add a paragraph at the end of 141.35(a), which speaks to the number of trainees permitted to a sponsor.

The sections are amended to clarify the law.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4566, §1.04(a), which provide the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids with the authority to promulgate procedural rules and regulations.

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

Issued in Austin, Texas, on February 21, 1986.

TRD-8601791 Wanda F. Stewart
Executive Director
Texas Board of Examiners
in the Fitting and
Dispensing of Hearing
Aids

Effective date: March 14, 1986
Proposal publication date: December 17, 1985
For further information, please call
(512) 474-8998.

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★22 TAC §141.14

The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids adopts the repeal of §141.14, without changes to the proposed text published in the December 17, 1985, issue of the *Texas Register* (10 TexReg 4840).

This section is repealed, as it no longer applies to Texas Civil Statutes, Article 4566.

The provisions of this section are no longer necessary.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4566, §1.04(a), which provide the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids with the authority to promulgate procedural rules and regulations.

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

Issued in Austin, Texas, on February 21, 1986.

TRD-8601793 Wanda F. Stewart
Executive Director
Texas Board of
Examiners in the
Fitting and Dispensing
of Hearing Aids

Effective date: March 14, 1986
Proposal publication date: December 17, 1985
For further information, please call
(512) 474-8998.

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Chapter 145. Continuing Education

★22 TAC §145.1

The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids adopts an amendment to §145.1, without changes to the proposed text published in the December 17, 1985, issue of the *Texas Register* (10 TexReg 4841).

Texas Civil Statutes, Article 4566-1.04(l) and Article 4566-1.13(g), as amended by Senate Bill 901, 68th Legislature, 1983, allows the board to approve specific courses of instruction to establish minimum con-

tent requirements of courses and to provide programs for continuing education.

For a license to be renewed, a licensee must comply with the requirement of 10 clock hours of continuing education.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Articles 4566-1.04(l) and 4566-1.13(g), which allows the board to approve courses and set minimum content requirements.

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

Issued in Austin, Texas, on February 21, 1986.

TRD-8601792 Wanda F. Stewart
Executive Director
Texas Board of Examiners
in the Fitting and
Dispensing of Hearing
Aids

Effective date: March 14, 1986
Proposal publication date: December 17, 1985
For further information, please call
(512) 474-8998.

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Part XIV. Texas Optometry Board

Chapter 271. Examinations

★22 TAC §271.6

The Texas Optometry Board adopts new §271.6, with changes to the proposed text published in the December 13, 1985, issue of the *Texas Register* (10 TexReg 4785).

The new section provides that applicants for licensure may submit passing scores of the National Board Examination, which will be accepted by the Texas Optometry Board. The section is changed to provide eligibility for currently enrolled students on a five-year program. In addition, language is added that the board intended to determine within two years whether to continue the Texas Optometry Board Exam. Subsection (g) and (h) of the proposed section are removed, as the board felt that NBEO passing scores should be received in-house prior to an applicant taking the clinical examination and jurisprudence written examination given by the Texas Optometry Board.

The new section informs applicants that passing scores of the National Board Examination are accepted in Texas, and provides for the application and filing process, and report of scores. In addition, the new section informs the NBEO applicants that a Texas Optometry Board clinical examination and jurisprudence written examination will be required to be taken and passed prior to licensure.

The Board received two suggested changes in the rule as originally proposed from individuals or groups. Dr. Clinton DeWolfe suggested that the rule as originally proposed be amended so that students on a five-year program, who had taken Part I of the National Board Examination (NBE) in 1983, would be eligible for licensure via the NBE written examination. This suggested change was incorporated into the rule. Pearle Health Services, Inc. (PHSI) questioned whether adoption of the rule as originally proposed was within the legal authority of the board. The board concluded that it was, and that the attorney general of Texas in Opinion M-958, dated September 23, 1971, specifically so determined. PHSI also suggested that the Texas Optometry Board periodically review the new section to assure its adequacy. The board will continue to monitor the adequacy of the NBE, but determined that inclusion of such review process in the language of the rule itself was unnecessary. PHSI also proposed that the Texas Optometry Board accept passage of the NBE prior to January 1, 1984. It was determined that the cut-off date of January 1, 1984, was reasonably current and would assure that persons passing the NBE written examination were currently qualified for licensure in Texas, assuming that other licensure criteria were met.

Dr. Clinton DeWolfe commented for the new section. Pearle Health Services, Inc., commented against the new section.

This new section is adopted under Texas Civil Statutes, Article 4552, §2.14, which authorizes the Texas Optometry Board to promulgate procedural and substantive rules.

§271.6. National Board Examination.

(a) The board determines that the written examination by the National Board of Examiners in Optometry (NBE) complies in all material respects with the requirements of the Act, §3.05 and §3.06. Beginning June 1, 1986, "an applicant" for licensure shall have the option of taking and passing all Parts of the NBE written examination or taking and passing the written examination given by the Texas Optometry Board. The grading criteria for passage of the NBE is that an applicant must obtain a general scaled average score of at least 75 on each part of the examination, as determined by the NBE. An applicant may take either the written examination given by the NBE or the written examination given by the board, or both, and passage of either shall be acceptable. It is the intent of the board to determine, no later than February 1, 1988, whether or not to eliminate the written examination given by the Texas Optometry Board.

(b) The Texas Optometry Board will not accept scores from an NBE written examination if the final part was satisfactorily completed before January 1, 1984.

(c) Applicants choosing the option of taking and passing the NBE written examination, as well as those choosing to take the written examination given by the board, must comply with the application process and qualification criteria of the Act, §3.02, as well as all applicable board rules.

(d) Applicants choosing the option of taking and passing the written examination of the NBE must pay an examination fee of \$55 to the Texas Optometry Board. No fee for examination will be returned to any applicant after the application has been approved by the board.

(e) For those applicants choosing the option of taking and passing the written examination given by the NBE, those applicants shall, nevertheless, be required to apply for, take, and pass the practical examination given by the board, as well as a written jurisprudence examination given by the board in order to be eligible for licensure.

(f) Each applicant choosing the option of taking the written examination of the NBE shall submit a true and correct copy of the applicant's score report to the executive director, and such other evidence of having achieved a passing grade on each part of the NBE examination as the executive director in her discretion may determine. Such satisfactory evidence of passage of the NBE written examination must be submitted to the executive director prior to approval by the board of the applicant's request to take the jurisprudence and practical examinations given by the board.

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

Issued in Austin, Texas, on February 19, 1986.

TRD-8601744

Lols Ewald
Executive Director
Texas Optometry Board

Effective date: March 13, 1986

Proposal publication date: December 13, 1985
For further information, please call
(512) 835-1938.

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TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 39. Primary Health Care Services Program State Primary Care Program Advisory Committee

★25 TAC §§39.41-39.50

The Texas Department of Health adopts §§39.41, 39.43, 39.44, 39.46-39.50, without changes, and §39.42 and §39.45, with changes to the proposed text published

in the October 25, 1985 issue of the *Texas Register* (10 TexReg 4172).

House Bill 1844, 69th Legislature, 1985, requires the Texas Board of Health to adopt rules concerning the operational procedures of the State Primary Health Care Advisory Committee.

The sections cover the operational procedures of the committee, which include membership, meetings, quorum, subcommittees, parliamentary procedures, minutes, and public participation.

These sections were published as proposed new rules under Chapter 37, Maternal and Child Health Services, §§37.281-37.290. A commentator recommended that the rules more appropriately would come under the chapter heading of "Primary Health Care Services Program." The department agrees and has renumbered the sections to §§39.41-39.50.

Concerning §39.42, a commentator recommends that provisions pertaining to conflict of interest should be drafted so that applications are not compromised by any provider interests on the Advisory Committee. The department agrees and has added subsection (c) and reformatted §39.42.

Concerning §39.45, a commentator recommended that the committee chairperson be given the discretion of determining when materials will be distributed to the committee prior to the committee meeting. The department agrees and has included this provision.

The Texas Hospital Association and the State Primary Care Program Advisory Committee commented on the new sections. The commentators were for the adoption of the sections, but offered the recommendations previously mentioned.

The new sections are adopted under Texas Civil Statutes, Article 4438d, §14, which provide the Texas Board of Health with the authority to establish a Primary Care Advisory Committee and to adopt rules covering the committee's operation.

§39.42. Purpose.

(a) The advisory committee is created for the purpose of advising and assisting the Texas Board of Health and the Texas Department of Health in planning and administering the development of a comprehensive system of primary care.

(b) Committee responsibilities will include:

(1) evaluation of existing services and unmet needs in developing primary care networks;

(2) a review of project applications targeted at high need areas that encourage systematic and coordinated health delivery systems;

(3) review of the primary care plan(s);

(4) evaluation of ongoing program efforts;

(5) definitions of both short-range and long-range goals and objectives for the Primary Care Program; and

(6) development of review criteria and standards for Primary Care Program implementation.

(c) Members of the advisory committee that are affiliated with providers who are submitting proposals shall not engage in any activity the committee undertakes in reviewing and recommending proposals for funding.

§39.45. Meetings.

(a) Regular meetings. The full committee shall meet at least four times per year, coinciding, when possible, with the meeting dates for the Texas Board of Health. Notice of the time, date, place, and purpose of regular meetings shall be provided to the members, by mail or telephone or both, at least seven days in advance of each meeting, except at the discretion of the chairperson.

(b) Special meetings. Special meetings of the committee shall be held as needed and called by the chairperson. Notice of the time, date, place, and purpose of special meetings shall be provided to the members, by mail or telephone or both, at least seven days in advance of each meeting.

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

Issued in Austin, Texas, on February 20, 1986.

TRD-8601810

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: March 13, 1986

Proposal publication date: October 25, 1985

For further information, please call

(512) 458-7770.

★ ★ ★



Chapter 97. Communicable Diseases

Vaccination Stamps

★ 25 TAC §§97.151-97.156

The Texas Department of Health adopts new §§97.151, 97.152, 97.155, and 97.156, without changes and §97.153 and §97.154, with minor changes to the proposed text published in the December 10, 1985, issue of the *Texas Register* (10 TexReg 4727).

The new sections describe the criteria the department will use in issuing vaccination stamps to physicians who administer yellow fever and cholera vaccines to persons who travel outside the United States.

The new sections cover the criteria by which the department will issue vaccination stamps to physicians who administer yellow fever and cholera vaccines to persons who travel outside the United States.

An individual commented that the publications adopted by reference in §97.153 and §97.154 should be more clearly identified. The agency agrees and has changed §97.153(c) and §97.154(a) accordingly.

No groups or associations commented on the sections; however, one individual made a recommendation.

The new sections are adopted under Texas Civil Statutes, Article 4419b-1, §2.02, which provide the Texas Board of Health with the authority to adopt rules to control communicable diseases, and Article 4414c, §2(a), which authorize the board to charge fees for public health services.

§97.153. Criteria for Issuing Yellow Fever Stamps to Physicians.

(a) Previous stamp holders.

(1) Physicians who have administered 20 or more doses of yellow fever vaccine for one year prior to the effective date of this section are authorized to receive a new yellow fever vaccination stamp. Physicians may apply for the stamp by sending an application form to the division in accordance with the requirements of subsection (d) of this section. Physicians shall return their old stamps to the division upon receipt of the new stamp.

(2) Physicians who have administered less than 20 doses of yellow fever vaccine for one year preceding the effective date of this section are required to return their old stamps to the division within 60 days after the effective date of this section. These physicians may be authorized to receive new stamps only for valid cause. The division will determine valid cause on an individual basis. The criteria which the division will use to determine valid cause are as follows.

(A) The number of doses of yellow fever vaccine administered on an annual basis. Physicians who administer less than 20 doses of yellow fever vaccine will be requested to relinquish their yellow fever vaccination stamp.

(B) The requirement to administer 20 doses of yellow fever on an annual basis may be waived if the stamp is issued to a physician who provides the vaccine in an underserved geographical area.

(b) Authorized use of a yellow fever vaccination stamp. Physicians may use the stamp only for the purposes of administering vaccines and validating immunization certificates.

(c) U.S. Public Health Services (PHS) requirements. Physicians shall administer yellow fever vaccines in accordance with the vaccine manufacturer and PHS requirements.

(1) The PHS requirements are found, as follows:

(A) 42 Code of Federal Regulations, Part 71, Foreign Quarantine, §71.3,

Designation of Yellow Fever Vaccination Centers; Validation Stamps, issued on January 11, 1985; and

(B) PHS publications entitled, "Division of Quarantine Circular No. 106," revised on January 7, 1983; Advisory Memorandum No. 66, issued on January 7, 1983; and Advisory Memorandum No. 72, issued on October 5, 1984.

(2) The department adopts the PHS requirements listed in paragraph (1)(A) and (B) of this subsection by reference. Copies of the requirements may be reviewed during regular working hours at the Immunization Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas.

(d) Application for yellow fever vaccination stamp. In order to receive a yellow fever vaccination stamp, a physician shall submit a completed application form to the division. Copies of the application forms may be obtained from the division.

(e) Site for use of the yellow fever vaccination stamp. A physician shall use the yellow fever vaccination stamp only at the site where the yellow fever vaccine is delivered. If the physician chooses to administer the vaccine at a site other than that designated on the current application request, prior approval must be obtained from the division stating the reason for vaccine administration at a non-designated site and the means for ensuring that appropriate temperatures are maintained and documented during transit of the vaccine. If a physician chooses to administer yellow fever vaccine at a non-designated site more than twice in a 12-month period, an application for permission to administer the vaccine at that site shall be filed with the division. The physician to whom the yellow fever vaccination stamp has been issued is not authorized to administer yellow fever vaccine on board ship or aircraft.

(f) Physician record keeping. The physician to whom the yellow fever stamp is issued is responsible for maintaining the following information:

(A) name, address, birthdate, sex, race, and occupation of the vaccine recipient;

(B) reason for immunizing the vaccine recipient;

(C) destinations of the vaccine recipient;

(D) time, date, and address of vaccine administration; and

(E) lot number and expiration date of the vaccine.

(g) Charges for the stamp.

(1) In January of each year, each physician is required to pay an annual charge of \$25 to cover the cost to the department in issuing and renewing stamps. The physician shall submit the \$25 by personal check, cashier's check, or money order to the division with the application form. If the division denies the application, the division will return the \$25 to the physician.

(2) The \$25 charge will be waived for public health departments, public health

districts, and public health regions.

(h) Non-assignability of stamps. A physician may not assign, loan, or give the stamp to another person.

(i) Loss or theft of stamps. A physician shall report immediately to the division any loss or theft of the stamp.

(j) Annual report. In January of each year, a physician shall report to the division the number of doses of yellow fever and cholera vaccines administered during the preceding year. Reporting forms are available from the division.

(k) Local health requirements. Local health departments and public health districts may choose to require additional measures for yellow fever vaccinations occurring within their jurisdictions.

§97.154. *Criteria for Issuing Cholera Vaccination Stamps.*

(a) U.S. Public Health Services (PHS) requirements. Physicians administering cholera vaccine shall follow the vaccine manufacturer and PHS requirements.

(1) The PHS requirements are found, as follows:

(A) 42 Code of Federal Regulations, Part 71, Foreign Quarantine, §71.3, Designation of Yellow Fever Vaccination Centers; Validation Stamps, issued on January 11, 1985;

(B) PHS publication entitled, "Division of Quarantine Circular No. 106," revised on January 7, 1983.

(2) The department adopts the PHS requirements listed in paragraph (1)(A) and (B) of this subsection by reference. Copies of the requirements may be reviewed during regular working hours at the Immunization Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas.

(b) Applications for cholera stamps. In order to receive a cholera vaccination stamp, a physician shall submit a completed application form to the division. Copies of the application forms are available from the division.

(c) Previous stamp holders. The division will contact each physician who is a stamp holder as of the effective date of this section to determine if he or she wants to continue administering cholera vaccine. Physicians who do not want to continue administering cholera vaccine will be requested to return their cholera vaccination stamp to the division. Physicians who want to continue as cholera vaccination stamp holders must complete the application form which is available from the division.

(d) Charges for the stamp.

(1) In January of each year, each physician is required to pay an annual charge of \$10 to cover the cost to the department in issuing and renewing stamps. The physician shall submit the \$10 by personal check, cashier's check, or money order to the division with the application form. If the division denies the application, the division will return the \$10 to the physician.

(2) The charge of \$10 per stamp will be waived for public health departments, public health districts, and public health regions.

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

Issued in Austin, Texas, on February 20, 1986.

TRD-8601812

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: March 13, 1986

Proposal publication date: December 10, 1985

For further information, please call
(512) 458-7284.

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Chapter 289. Occupational Health and Radiation Control

Control of Radiation

★25 TAC §289.1

The Texas Department of Health adopts an amendment to §289.1, with changes to the proposed text published in the November 29, 1985, issue of the *Texas Register* (10 TexReg 4615).

Final action on subsection(a)(16), which adopts by reference Part 12, titled "Fees for Certificates of Registration, Radioactive Material(s) Licenses, Emergency Planning and Implementation, and Other Regulatory Services," is not taken at this time.

The amendment increases the compatibility of Texas rules for control of radiation with those of the Nuclear Regulatory Commission (NRC); improves radiation monitoring, radioactive waste disposal alternatives, and public exposures to radiation; and implements requirements of the amended Radiation Control Act, Texas Civil Statutes, Article 4590f, regarding inspection intervals for radiation machines.

Section 289.1(a)(1), which adopts by reference Part 11, titled "General Provisions," is amended by the revision of several sections in Part 11. Specific section references pertain to those sections of Part 11. The revision of Part 11 affects changes and additions to the section as noted.

Section 11.2, Definitions, is amended and expanded to include words used throughout the rules that had not been used previously, including the definition of minimal threat, as used in the inspection frequency rules.

Section 11.5 and Appendices 11-C and 11-D are added to provide rules as man-

dated by Texas Civil Statutes, Article 4590f, as amended by House Bill 2091, 69th Legislature, 1985. These rules designate inspection frequencies for electronic products which can generate or emit fields of radiation during operation (e.g., x-ray and laser devices), and specify an inspection interval of five years for those devices which present a minimal threat to human health and safety. The inspection intervals for registrant categories not defined as minimal threat, based on the average number of health-related violations per inspection by registrant category as determined from compliance histories, will be reviewed at least every two years. Appropriate adjustments based on updated compliance data will be made to the inspection intervals. The rule allows and motivates categories of registrants to improve issues of compliance and thereby reduce inspection intervals and registration fees for that registrant category.

Section 11.7 is amended to require that the action level on all leaking sealed radioactive sources be designated at 0.005 microcuries, instead of a higher action level for some sources. To clarify agency policy, a 30-day time limit for submission of a formal report on leaking sources has been added.

The new §11.14 clarifies provisions of the Texas Open Records Act as they apply to information filed with the department.

Other changes made in Part 11 update references to appropriate federal and state agencies.

Section 289.1(a)(3), which adopts by reference Part 21, titled "Standards for Protection Against Radiation" is amended by addition of the following. Specific section references pertain to those sections of Part 21: a new §21.108 to provide by rule soil and vegetation contamination limits; a new §21.109 to provide by rule surface contamination limits for facilities and equipment; survey instrument calibration requirements to §21.201; requirements that personnel monitoring equipment be processed by a processor accredited by the National Voluntary Laboratory Accreditation Program for Personnel Dosimetry Processors of the National Bureau of Standards; an exemption from personnel monitoring of registrants in categories specified as minimal threat in Part 11; requirements for extremely high radiation areas; requirements for defacing radioactive material labels on empty containers; requirements for inventories of sources of radiation at a six-month interval; iodine-125 as an isotope in counting media or animal carcasses which may be disposed of without regard to its radioactivity when in concentrations of 0.05 microcuries per gram or less; other isotopes to Appendix 21-A, Concentrations in Air and Water Above Natural Background; and minor clarification changes in rules on disposal, waste manifests, and incident notifications.

Section 289.1(a)(4), which adopts by reference Part 22, "Notices, Instructions, and Reports to Workers; Inspections," is amended by the revision of §22.16 of Part 22, Requests by Workers for Inspections. Section 22.16 will be changed to allow, upon the request of a worker filing an inspection request, the deletion of the worker's name from any agency records released or made available by the agency, except for good cause shown. This change protects workers from being denied their right to work or their right to work under safe conditions.

Section 289.1(a)(11), which adopts by reference Part 41, entitled "Licensing of Radioactive Material," is amended to make Part 41 comparable to current U.S. Nuclear Regulatory Commission (NRC) rules, and to effect changes or additions as noted. Specific section references pertain to those sections of Part 41.

Exemptions from Part 41 are added for persons who receive, possess, use, or transfer specific products and devices containing radioactive material. The exemptions are consistent with current exemptions of the NRC and other states which license naturally occurring and accelerator-produced radioactive material (NARM).

Section 41.21, General Licenses-Source Material, now references persons in "commercial and industrial firms, research, educational, and medical institutions, and state and local government agencies," instead of the previous "pharmacist" and "physicians;" for compatibility with NRC regulation changes.

Section 41.22(i), General License for Use of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing, includes veterinarians, in accordance with NRC rule changes. Added to this section is authorization to use specific radioisotopes available and being used in current practice.

Section 41.26(b), Specific Licenses for Certain Groups of Medical Uses of Radioactive Material, is added for compatibility with NRC regulation changes.

Section 41.26(c), Release of Patients Containing Radiopharmaceuticals, Temporary Implants, or Permanent Implants, formalizes agency policies into rule. Patients containing more than 30 millicuries of a radiopharmaceutical may not be released from an inpatient facility. Survey procedures for releasing patients who had been treated with temporary implants and release limits for patients containing permanent implants are also specified.

Section 41.28(g), Manufacture and Distribution of Sources or Devices Containing Radioactive Material for Medical Use, provides consistency with amendments to NRC regulations. The rule provides regulatory language for licensing the manufacture and distribution of pro-

ducts consistent with language throughout Part 41.

Section 41.32, Expiration and Termination of Licenses, formalizes into rule agency license expiration and termination policies and increases the agency's ability to control the use of licensed radioactive material. The rule clarifies a licensee's authority and responsibility for radioactive materials and allows for orderly termination of specific licenses. The rule specifies that a license remains in effect, with respect to possession of residual radioactive materials present, until the agency notifies the licensee, in writing, that the license is terminated.

In addition to specific amendments to the rules, the word "rule" has been used throughout the texts. For consistency, the words "of these rules" have been added throughout the texts where references are made to entire parts of the Texas Regulations for Control of Radiation (TRCR). The words "section" and "of these rules" are now used only if references are made to an entire part of the TRCR. Masculine references to a licensee/ registrant (his, him) are no longer used throughout the texts, making the TRCR nonsexist. References to the Code of Federal Regulations throughout the texts are changed for grammatical correctness and consistency.

A total of 20 comments were received in writing or heard at the hearing on proposed amendments to Parts 11, 21, 22, and 41, held December 19, 1985. Some staff comments were also received. As a result of the comments received, the agency has made several minor changes to the proposed rules. The following is a summary of the comments received and the resulting agency responses.

Regarding Part 11, "General Provisions," several commenters questioned the accuracy and wording of several of the definitions. With regard to accuracy, the department responds that definitions were based on material from nationally-recognized standards or were taken verbatim from the Radiation Control Act, Texas Civil Statutes, Article 4590f. For clarity of intent the agency agreed to a minor change to one of the definitions.

One commentator suggested nonuniformity in the application of rules considering that the agency may impose by rule or order requirements on any licensee or registrant in addition to those established in rule. The comment questioned if such nonuniformity could affect a company's ability to be competitive in its bidding. The Texas Radiation Control Act, Texas Civil Statutes, Article 4590f, §4 (as amended by House Bill 2091, 69th Legislature, 1985), authorizes the agency, in part, to formulate and adopt rules and to issue such orders as may be necessary. Any rules, subject to public comment prior to adoption, would apply uniformly to all licensees and registrants within each category. Therefore, rules would not

disadvantage a single licensee in favor of another. Orders are issued only as appropriate and necessary to minimize danger to the public health and safety and the environment, rather than for arbitrary or capricious reasons. The department made no change to the rule as a result of the comment.

Two commenters questioned the rule concerning public records with regard to its compatibility with the Texas Open Records Act. The agency has made clarifying changes to the rule based on legal interpretation and the procedures the agency would follow in allowing exceptions to open records.

Some comments questioned the inclusion of specific categories in the listing of minimal threat radiation machines. Noting that some specific categories in the listing were not minimal threat devices as defined by the rule, the department deleted those categories from the appendix. However, changes made did not affect appropriate intervals for inspection. Therefore, the devices with their required inspection intervals were added to the rule addressing routine inspection intervals.

Several commenters addressed the established frequencies for inspection regarding the methodology and supporting data used to derive the frequencies. Inspection frequencies are set based on actual compliance histories for categories of licensees and registrants. Only health-related violations are considered in evaluating compliance histories. The nature of health-related violations vary within categories of registrants, based on the mode of use of radiation-producing machines and the incident history. For example, personnel monitoring violations for one group of practitioners may not be considered health-related violations while they are considered for another practitioner group. (A group for which personnel monitoring violations, can be excluded from health-related violations must have no known incidents of radiation overexposure.)

Some commenters were concerned that the rules were unfair to hospitals, since those facilities, by their nature, have more machines and thus more chance for violations. The establishment of inspection intervals was based on, from inspection data, the number of health-related violations per facility. Approximately 63% of all x-rays are made in hospitals. Health-related violations in larger facilities, which have greater workloads, are therefore of greater public health significance. The rule provides for re-evaluation of compliance histories and adjustment of the inspection intervals at two year intervals. Based on a staff comment regarding department policy and ability for the inspection of laser facilities other than laser light shows, a change from three to five years was made in the inspection inter-

val for those facilities. Other than this change and minor wording changes, the department made no other changes to the rules in Appendix 11-C as a result of the comments.

Regarding Part 21, "Standards for Protection Against Radiation," several comments addressed the allowable limits of radioactive contamination in soil and vegetation regarding their derivation and supporting technical analysis, the conservative nature of the limits, and the eligibility for exemption from the limits. The department acknowledges that the limits as set are conservative but that they track the water limits, upon which technical analyses have been performed prior to their implementation. Licensees and the agency have agreed that the rule is needed since no limit is currently available. The limits set considered concentration by biota and are based on technical analyses done for allowable concentrations in water. Soil limits established for Radium-226 were based on those of the U.S. Nuclear Regulatory Commission and the U.S. Environmental Protection Agency for Title I cleanup of uranium mill tailings. The department made no change to the rules in this section as a result of the comments. Under TRCR 11.3(a), the licensee may request exemption from the soil and vegetation limits by supporting the request with technical information.

Several comments addressed surface contamination limits for facilities and equipment. Commenters objected to the conservative nature of the limits and the unclear differentiation between fixed and removable contamination. The agency agreed that the limits are more restrictive than previous limits set by agency policy. However, the limits reflect the most current U.S. Nuclear Regulatory Commission and agency policy and guidance.

The department has been advised by the office of the State Attorney General to set the limits as rules rather than as a guide. The limits will also assure uniformity in regulating industry across the country. In response to a comment asking for a clearer explanation of the differences in fixed and removable contamination, the department made changes to the table in which the limits are set; however, no changes in the limits were made as a result of the comments.

One commentor was concerned that the survey meter calibration interval set in §21.201(c)(2) would be in conflict with industrial radiography requirements. The department disagrees with the comments because the rule states in part, "...unless a more restrictive time interval is specified in another part of these rules." Therefore, the department made no change to this section as a result of the comment.

One commentor stated that the requirement in §21.202 for the use of only per-

sonnel monitoring processors authorized by the department, rather than also allowing those approved by the U.S. Nuclear Regulatory Commission to be used, would reduce the agency's efforts in assuring compliance with the proposed rule. The department registers all personnel monitoring processors who provide Texas licensees and registrants with personnel monitoring; this requirement would not hinder compliance with the proposed rule requiring certification by the National Voluntary Laboratory Accreditation Program for Personnel Dosimetry Processors. The department made no change to the rules in this section as a result of the comment.

Several commenters suggested that the wording in the requirement for inventory of sources of radiation would require impractical inventories be made. In particular, the rule would require inventory of loose radioactive material for uranium mills and in-situ operations. It was not the intent of the rule to apply to unquantifiable amounts of radioactive material. Since inventory of discrete sources of radiation is achieved with requirements in other parts of the rules, the department agrees with the commenters and has withdrawn this entire section as proposed.

Several comments were received in support of the rule which includes Iodine-125 in the rule authorizing disposal of specific wastes. The comments indicated this rule would reduce waste disposal costs for medical facilities without risk to the public health, safety, or the environment. The department agrees with the comment.

Several commenters objected to the rule which addressed keeping specific records for required time intervals. In several categories of record-keeping, the rule relaxes the previous rule which either required records be kept indefinitely or were silent on time intervals for record-keeping. The intervals for record-keeping assure that all exposure records for employees and records used for calculating exposure to the general public and employees will be kept. Established intervals also take into account inspection frequencies to assure that documentation of compliance with TRCR will be available at the time of routine inspections and can be discarded thereafter. Department staff noted an omission of one record-keeping requirement from the rule and made that addition during the comment period. Other than the minor change as described, the department made no changes to the rules in this section as a result of the comments.

One commentor objected to the phrase "1985 dollars" in conjunction with a dollar amount for damages which require notification to the agency. The department agrees that the referenced phrase was undefined and vague and has deleted the phrase from the rule.

Several comments were received in support of Part 22, "Notices, Instructions, and Reports to Workers; Inspections." The department agrees with the comments.

One commentor was concerned that the proposed rule would allow a worker to file nuisance complaints against a current or former employer and still have his name withheld from reports to the employer. The department disagrees with the comment because the intent of the rule was to protect the rights of the worker in legitimate complaints of unsafe working conditions. Complaints of a nuisance nature, upon investigation, would not place the company in violation with department rules, and might, in some cases, be cause for the agency to reveal the name of the worker. Therefore, the department made no changes to the rules in this section as a result of the comment.

Regarding Part 41, "Licensing of Radioactive Material". Several comments were received. The comments concern the release of patients containing radiopharmaceuticals, temporary implants, or permanent implants. Commenters objected to requiring unnecessary hospitalization or confinement of patients, and to the regulation of therapeutic uses of radioactive materials. All therapeutic uses of radioactive material are currently regulated by the department and NRC. The application of specific limits for release of patients containing radiopharmaceuticals was formerly regulated by radioactive material license condition. The limits set are consistent with NRC activity limits of a rule proposed July 31, 1985, Release of Patients Containing Radiopharmaceuticals or Permanent Implants (Federal Register, Vol. 50, No. 144).

Regarding the limit as it specifically applies to Iodine-131, one comment was received in favor and one comment against. The limit was needed to assure compliance with current rules on exposure limits to the public in unrestricted areas and the proposed rule on levels of surface contamination. Consistent with NRC rationale for rulemaking and the department's technical position, the patient containing greater than 30 millicuries of Iodine-131 is a source of external radiation and can be a source of contamination. Such a patient's access to the public should be controlled.

Two comments were received addressing application of the rule to diagnostic radiopharmaceuticals. For patient release limits, no differentiation was made between diagnostic and therapeutic radiopharmaceuticals. Patients containing any radiopharmaceutical in excess of 30 millicuries are a source of external radiation and radioactive contamination.

Several commenters were concerned about the application of the rule to Iodine-125 permanent implants since these sealed sources are of low energy and have a longer half-life, which under

the proposed rule would require a long hospitalization. The department agrees with this comment and has changed this portion of the rule from an activity limit to an exposure rate of 6 milliroentgens per hour at a distance of one meter from the implant location. This change was made since patients containing permanent implants are not a source of possible contamination. The only health concern is one of exposure to the public from radiation fields about the patient. The limit is consistent with NRC proposed limits published July 31, 1985.

Other than the change to an exposure limit for permanent implant patients, the department made no changes to the rules in this section as a result of the comments.

Staff and commenters recognized minor grammatical and typographical errors throughout the amendments. The department has made changes to correct these errors as appropriate.

The following groups or associations made comments on the section: University of Texas Health Science Center at Dallas; University of Texas at Austin; Tennessee Gas Pipeline; Medical Ancillary Services, Inc.; Society of Diagnostic Medical Sonographers; Numed, Inc.; St. Paul Medical Center; Texas Veterinary Medical Association; Dresser Industries, Inc.; Texas Low-Level Radioactive Waste Disposal Authority; Everest Exploration, Inc.; Chevron Resources Company; The Society of Nuclear Medicine, Technologist Section; and Arlington Diagnostic and Treatment Center. None of the commenters were against the section in its entirety; however, questions were raised, concerns expressed, and recommendations made concerning the rules.

The amendment is adopted under Texas Civil Statutes, Article 4590(f), §4(d)(3) and §7(c), which provide the Texas Department of Health with the authority to formulate, adopt, and promulgate rules which provide for licensing and registration relating to control, transport, and routing of radioactive material within the State of Texas; and adopt rules regarding the frequency of inspection by the agency of devices that have electronic circuits that can generate or emit physical fields of radiation during operation.

§289.1. Control of Radiation Generally.

(a) The Texas Department of Health adopts by reference the rules contained in the department's document entitled *Texas Regulations for Control of Radiation*, which consists of the following parts and the dates that have been amended:

(1) Part 11, "General Provisions," as amended in April 1986.

(2) (No change.)

(3) Part 21, "Standards for Protection Against Radiation," as amended in April 1986.

(4) Part 22, "Notices, Instructions, and Reports to Workers; Inspections," as amended in April 1986.

(5)-(10) (No change.)

(11) Part 41, "Licensing of Radioactive Material," as amended in April 1986.

(12)-(16) (No change.)

(b) (No change.)

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

Issued in Austin, Texas, on February 20, 1986.

TRD-8601811

Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: April 1, 1986 *

Proposal publication date: November 29, 1985
For further information, please call
(512) 835-7000.

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TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration Subchapter L. Motor Fuels Tax

★34 TAC §3.190

The Comptroller of Public Accounts adopts an amendment to §3.190, with changes to the proposed text as published in the October 8, 1985, edition of the *Texas Register* (10 TexReg 3883). The amendment requires the metering of gasoline and diesel fuel as a basis for computing taxes and that the temperature must be taken at the time cargo tanks are loaded, as a basis for volume adjustments. A provision also requires testing of meters and thermometers.

One change appears in subsection (c)(1)(C) and clarifies that metering is not required when a person delivers from his own storage facility into his own cargo tank and no single delivery in excess of 5,000 gallons is made from the cargo tank.

Another change is the addition of subsection (c)(1)(D) to clarify that cargo tanks used to transport fuel into this state may be measured. When temperature correction of the fuel is required, the purchaser and seller shall determine whether the temperature of the fuel shall be taken at the time of loading or unloading.

One comment was received from Patrick C. Long, Texas Tank Truck Carriers Association, Inc. This comment concerned the wording of 3.190(c)(1)(C), and the change referenced previously was made to satisfy his objection.

The amendment is adopted under the Texas Tax Code, §111.002, which provides

that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the motor fuels tax.

§3.190. Temperature Adjustment Conversion Table.

(a) Basis for temperature adjustment.

For purposes of computation of tax, sales of gasoline or diesel fuel, when purchased for resale in single deliveries of 5,000 gallons or more, must be temperature adjusted in volume to 60°F based on the gross metered gallons.

(b) (No change.)

(c) Metering.

(1) All sales or deliveries of gasoline or diesel fuel into cargo tanks must be metered except:

(A) deliveries by a person into his own cargo tank when the volume does not require temperature correction and the cargo tank is equipped with a meter to accurately measure in gallons the sale or delivery from the cargo tank;

(B) when deliveries are made as provided by §3.182 of this title (relating to Motor Fuel Transporting Documents);

(C) deliveries by a person from his own storage facility into his own cargo tank with a capacity of less than 5,000 gallons or into a compartmentalized tank from which no single delivery in excess of 5,000 gallons will be made. The capacity must be documented and determined by an independent party using generally accepted industry measurement standards; and

(D) imported diesel fuel and gasoline that is transported in a cargo tank measured according to the conditions stated in (C) of this subsection. When delivery of imported fuel must comply with Texas Tax Code §153.103 for gasoline and §153.204 for diesel fuel, the temperature may be taken at the time of loading or at the time of unloading, as determined by the seller and purchaser.

(2) All permitted distributors of gasoline and suppliers of diesel fuel must compute and pay tax based on gross gallons metered except as provided by Texas Tax Code, §153.103, for gasoline and Texas Tax Code, §153.204, for diesel fuel or the number of gallons delivered into a measured cargo tank as authorized by (1)(C) and (1)(D) of this subsection.

(d) Temperature. The temperature of gasoline or diesel fuel sold or delivered under the provisions of Texas Tax Code, §153.103 or §153.204, must be taken and recorded on the cargo manifest at the time of loading of the product. The temperature may be taken by either in-line thermometers or other devices designed to accurately measure the temperature of the delivered fuel at the time of loading.

(e) Testing and accuracy of meters and thermometers or other devices designed to accurately measure the temperature of fuel. Meters must be tested each 90 days or

after five million gallons through-put, whichever occurs first. The accuracy of any meter being used must be maintained within 1/10 of 1.0% of correct volume during all loading or unloading operations. The tests of meters shall be determined by the methods provided by the American Society of Mechanical Engineers-American Petroleum Institute for the Installation Proving and Operation of Meters in Liquid Hydrocarbon Service. Thermometers or other devices designed to accurately measure the temperature of fuel must be tested each 90 days and must conform to standards set by the American Society of Mechanical Engineers—American Petroleum Institute or National Bureau of Standards.

(f) Records. A record of all tests must be maintained, open for examination by the comptroller, for a period of four years.

(g) Posting of results. The results of the most recent test on all meters and thermometers or temperature measuring devices being used must be posted in a conspicuous place at each terminal where the tests are required.

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

Issued in Austin, Texas, on February 20, 1986.

TRD-8601748

Bob Bullock
Comptroller of Public
Accounts

Effective date: March 13, 1986

Proposal publication date: October 8, 1985

For further information, please call
(512) 463-4606.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE
Part III. Texas Commission on Alcohol and Drug Abuse

Chapt. 151. Licensure Additional Standards for Year Two Permit

★40 TAC §151.403, §151.404

The Texas Commission on Alcohol and Drug Abuse adopts the repeal of §151.403 and §151.404, without changes to the proposed text published in the December 27, 1985, issue of the *Texas Register* (10 TexReg 5003).

The sections are repealed because amendments to Texas Civil Statutes, Article 5561cc, require that all alcohol treatment programs be licensed, rather than voluntarily being licensed.

These standards are repealed because they have already been adopted as requirements for first year licensure permits.

No comments were received regarding the adoption of the repeal.

The repeal are adopted under Texas Civil Statutes, Article 5561cc, which require that licensure be mandatory.

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

Issued in Austin, Texas, on February 20, 1986.

TRD-8601798

Ross Newby
Executive Director
Texas Commission on
Alcohol and Drug
Abuse

Effective date: March 14, 1986

Proposal publication date: December 27, 1985

For further information, please call
(512) 463-5510.

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TITLE 43. TRANSPORTATION
Part I. State Department of Highways and Public Transportation
Chapter 11. Design Division
Access Driveways to State Highways

★43 TAC §§11.51-11.53

The State Department of Highways and Public Transportation adopts amendments to §11.51, §11.52, and new §11.53 without changes to the proposed text published in the November 8, 1985, issue of the *Texas Register* (10 TexReg 4328).

The State Department of Highways and Public Transportation is responsible for developing and perpetuating the public highways under its jurisdiction. To perform this function, the department has been empowered by law to promulgate rules and regulations for the free and safe movement of normal highway traffic. Physical obstructions and influence on traffic caused by the presence and use of access driveways make it necessary that they be regulated.

The person, firm, corporation, etc., requesting the driveway facility will obtain a driveway permit from the State Department of Highways and Public Transportation prior to the installation of the driveway. The driveway facility will be installed and maintained in accordance with regulations contained in the latest edition of "Regulations for Access Driveways to State Highways."

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

The amendments and new section are adopted under Texas Civil Statutes, Article 6666, which provide the State Department of Highways and Public Transportation with the authority to establish rules and regulations for the conducts of the work of the department.

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

Issued in Austin, Texas, on February 18, 1986.

TRD-8601734

Diane L. Northam
Administrative
Technician
State Department of
Highways and Public
Transportation

Effective date: March 13, 1986

Proposal publication date: November 8, 1985

For further information, please call
(512) 463-8630.

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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 Alcohol and Drug Abuse

Wednesday, March 5, 1986, 1 p.m. The Commission Members of the Texas Commission on Alcohol and Drug Abuse will review the approval of minutes; the audit appeal from the Golden Crescent Regional Planning Commission; the audit appeal from the Golden Triangle Community Services; the proposed policy on board/staff responsibilities; proposed amendments to at-large membership of the advisory council; the budget update for current biennium; awards of appreciation for former board members; the executive director's report; the chairman's report; and public comments.

Contact: Becky Davis, 1705 Guadalupe, Austin, Texas 78701, (512) 463-5510.

Filed: February 21, 1986, 3:06 p.m.
TRD-8601796

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Texas Department of Community Affairs

Monday, March 3, 1986, 10 a.m. The State Review Committee of the Texas Department of Community Affairs (TDCA) will meet in the TDCA First Floor Conference Room, 8317 Cross Park Drive, Austin. According to the agenda summary, the committee will discuss the economic development report; recommendations on economic development projects; the economic development program; proposed changes in the 1986 final statement for planning/capacity building; economic development and community development; and appeals.

Contact: Kelly Myrick, P.O. Box 13166, Austin, Texas 78711, (512) 834-6070.

Filed: February 21, 1986, 11:01 a.m.
TRD-8601756

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Texas Diabetes Council

Thursday, March 6, 1986, 10 a.m. The Texas Diabetes Council will meet in Room G-107, Texas Department of Health, 1100 West 49th Street, Austin. Items on the agenda summary include approval of minutes; the report from American Diabetes Association, Texas affiliate; update on activities; the third party reimbursement strategy; the diabetes and the Mexican-American initiative; an update on Sunset Commission schedule; and the election of the chairman.

Contact: Wendell Mayes, Jr., P.O. Box 50030, Austin, Texas 78763, (512) 477-6866.

Filed: February 24, 1986, 2:10 p.m.
TRD-8601837

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Texas Employment Commission

Friday, February 21, 1986, 3:30 p.m. The Texas Employment Commission (TEC) met in emergency session in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission considered the trial and/or settlement of Fidel B. Ibarra, Jr., *et al. v. TEC*, *et al.*; and action, if any, resulting from the executive session. The emergency status was necessary in order to consider the trial and/or settlement of Ibarra *v. TEC*.

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

Filed: February 21, 1986, 11:38 a.m.
TRD-8601761

Tuesday, March 4, 1986, 8:30 a.m. The Texas Employment Commission will meet in Room 644, 101 East 15th Street, Austin. According to the agenda summary, the commission will discuss prior meeting notes; internal procedures of commission appeals; higher level appeal in unemployment compensation cases on commission Docket 9; and set the date of the next meeting.

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

Filed: February 24, 1986, 10:48 a.m.
TRD-8601816

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Texas Health and Human Services Coordinating Council

Wednesday, March 5, 1986, 9 a.m. The Public/Private Policy Group of the Texas Health and Human Services Coordinating Council will meet in the Sergeants Room, State Capitol, Austin. According to the agenda summary, the council will discuss the program committee report; the cost committee report; the common documents committee report; old business; and new business.

Contact: Ms. Patrice Thomas, 311 East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: February 24, 1986, 10:53 a.m.
TRD-8601817

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Texas Historical Commission

Tuesday, March 4, 1986, 9 a.m. The State Preservation Board-Permanent Advisory Committee of the Texas Historical Commission will meet in the Library, 1511 Colorado Street, Austin. According to the agenda, the committee will discuss the scope of work for the master plan; consultant selection procedures; fundraising by the Capitol Committee, Inc.; and projects and work of the Office of the Architect of the Capitol.

Contact: Curtis Tunnell, 1511 Colorado Street, Austin, Texas 78701, (512) 463-6100.

Filed: February 21, 1986, 2:52 p.m.
TRD-8601794

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Texas Indian Commission

Monday, February 24, 1986, 4 p.m. The Texas Indian Commission met in emergency session in Room 214, 8705 Shoal Creek Boulevard, Austin. According to the agen-

da, the commission reviewed the authorization of the amendment to the annual contributions contract, and reviewed the Alabama-Coushatta Mineral Fund. The commission also met in closed executive session to discuss personnel matters. The emergency status was necessary in order to meet federal funding application deadline for CIAP amendment to annual contributions contract and to review status of mineral fund and request for emergency funding.

Contact: Joan Wilson, 8705 Shoal Creek Boulevard, Room 214, Austin, Texas 78758, (512) 458-1203.

Filed: February 21, 1986, 3 p.m.
TRD-8601795

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State Board of Insurance

Tuesday, February 25, 1986, 2 p.m. The State Board of Insurance met in emergency session in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board considered causing all non-rate-regulated insurers subject to Insurance Code, §5.35 and §5.36, to report statistics in accordance with the current Texas Property Statistical Plan for Residential and Commercial Risks. The emergency status was necessary because statistics have been collected since October 1, 1985, and this requirement, if adopted, needs to be effective immediately to make clear that time and manner of reporting shall be as set forth in the current Texas Property Statistical Plan for Residential and Commercial Risks.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701, (512) 463-6328.

Filed: February 25, 1986, 9:29 a.m.
TRD-8601857

Tuesday, February 25, 1986, 2 p.m. The State Board of Insurance made an emergency revision to the agenda for a meeting held in Room 414, 1110 San Jacinto Street, Austin. The revision concerned the filing by Surety Association of America of rider Senate Rule 6143a to be used with 3-D Policy Form A or commercial blanket bond issued to a health maintenance organization. The emergency status was necessary to permit health maintenance organizations to comply with statutory law.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: February 20, 1986, 10:39 a.m.
TRD-8601733

Tuesday, February 25, 1986, 2 p.m. The State Board of Insurance made an emergency revision to the agenda for a meeting held in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. The revision concerned matters from Research and Information Services including the approval of staff

assignments and attendance at National Association of Insurance Commissioners meeting; the approval of the TX-CL-MAP plan of operation; approval of professional fee contract to continue the S.C.R. 62 study of third party reimbursement for mental health residential treatment. The emergency status was necessary because of matters which need decisions by the board at the earliest possible time.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: February 24, 1986, 3:17 p.m.
TRD-8601840

Committees of the State Board of Insurance will meet in the State Insurance Building, 1110 San Jacinto Street, Austin. Days, times, committees, rooms, and agendas follow.

Tuesday, March 4, 1986, 9 a.m. In Room 342, the Commissioner's Hearing Section will consider Docket 9193—application of Patrick Emarie Harris, San Antonio, for a Group I, legal reserve life insurance agent's license.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: February 24, 1986, 1:01 p.m.
TRD-8601830

Tuesday, March 4, 1986, 10 a.m. In Room 414, the board will meet with the Concurrent Causation Committee and Business Owners Policy Committee; consider board orders on several different matters as itemized on the complete agenda; the fire marshal's report on personnel matters; the commissioner's report on personnel matters; and pending and contemplated litigation.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998. (512) 463-6328.

Filed: February 24, 1986, 3:18 p.m.
TRD-8601841

Tuesday, March 4, 1986, 1:30 p.m. In Room 342, the Commissioner's Hearing Section will consider Docket 9200—whether disciplinary action should be taken against Thomas Alan George, Tahoe City, California, who holds a Group I, insurance agent's license issued by the State Board of Insurance.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: February 24, 1986, 1:01 p.m.
TRD-8601829

Wednesday, March 5, 1986, 1:30 p.m. In Room 342, the Commissioner's Hearing Section will consider Docket 9201—whether disciplinary action should be taken against Oliver Eugene Dirr, Jr., doing business as Steadfast Insurance Agency, Houston, who

holds a local recording agent's license issued by the State Board of Insurance.

Contact: O. A. Cassity, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: February 24, 1986, 1:02 p.m.
TRD-8601828

Thursday, March 6, 1986, 9 a.m. In Room 342, the Commissioner's Hearing Section will consider Docket 9204—application of Waco Financial Corporation and Michael J. Vaughn to acquire control of Citizens Fidelity Insurance Company, Waco.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: February 24, 1986, 1:02 p.m.
TRD-8601827

Thursday, March 6, 1986, 1:30 p.m. In Room 342, the Commissioner's Hearing Section will consider Docket 9169—proposed plan of merger of Scor Reinsurance Company, Irving, into Scor Reinsurance Company of New York, New York City, New York.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6524.

Filed: February 24, 1986, 1:02 p.m.
TRD-8601826

Thursday, March 6, 1986, 1:30 p.m. In Room 353, the Commissioner's Hearing Section will consider Docket 9208—application of William Kester Lankford, Amarillo, for a Group I, legal reserve life insurance agent's license.

Contact: O. A. Cassity, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: February 24, 1986, 1:03 p.m.
TRD-8601825

Friday, March 7, 1986, 1:30 p.m. In Room 342, the Commissioner's Hearing Section will consider Docket 9211—application of Alliance Health Plan, Inc., Houston, for a certificate of authority to operate a health maintenance organization.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: February 24, 1986, 1:03 p.m.
TRD-8601824

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Texas Department of Labor and Standards

Monday, March 3, 1986, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 105, 920 Colorado Street, Austin. According to the agenda, the divi-

sion will review license and registration; and suspensions and alleged violation of various rules and regulations of the department.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: February 21, 1985, 12:10 p.m.
TRD-8601774

Tuesday, March 4, 1986, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 105, 920 Colorado Street, Austin. According to the agenda, the division will discuss license and registration; and suspensions and alleged violations of various rules and regulations of the department concerning Austin Housing.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: February 21, 1986, 12:08 p.m.
TRD-8601773

Wednesday, March 5, 1986, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in the Municipal Court Room, 100 East Freddie Gonzales, Edinburg. According to the agenda, the division will discuss license and registration; and suspensions and alleged violation of various rules and regulations of the department concerning Siesta Village.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: February 21, 1986, 12:07 p.m.
TRD-8601772

Tuesday, March 11, 1986, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 105, 920 Colorado Street, Austin. According to the agenda, the division will discuss license and registrations, suspensions and alleged violations of various rules and regulations of the department concerning consumer complaints.

Contact: Craig Sandling, P.O. Box 12147, Austin, Texas 78711, (512) 463-7347.

Filed: February 21, 1986, 12:06 p.m.
TRD-8601771

Wednesday, March 12, 1986, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 105, 920 Colorado Street, Austin. According to the agenda, the division will discuss license and registration, suspensions and alleged violations of various rules and regulations of the department concerning consumer complaints.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: February 21, 1986, 12:20 p.m.
TRD-8601769

Wednesday, March 12, 1986, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards

will meet in Room 105, 920 Colorado Street, Austin. According to the agenda, the division will discuss license and registration; and suspensions and alleged violations of various rules and regulations of the department.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: February 21, 1986, 12:20
TRD-8601770

Wednesday, March 19, 1986, 9 a.m. The Labor, Licensing, and Enforcement Division of the Texas Department of Labor and Standards will meet in Suite 209, 4615 North Freeway, Houston. According to the agenda, the division will discuss license and registration, suspensions and alleged violations of various rules and regulations of the department concerning wage complaints.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: February 21, 1986, 11:59 a.m.
TRD-8601768

Wednesday, March 19, 1986, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Suite 3322-B, Commerce Square, Southwest Loop 323, Tyler. According to the agenda, the division will review informal hearings of various consumer complaints in regards to manufactured homes which do not comply with Texas Civil Statutes, Article 5221f.

Contact: Sharon Choate, P.O. Box 12157, Austin, Texas 78711, (512) 463-7332.

Filed: February 21, 1986, 11:59 a.m.
TRD-8601767

Monday, March 24, 1986, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 105, 920 Colorado Street, Austin. According to the agenda, the division will discuss license and registration, suspensions and alleged violations of various rules and regulations of the department.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: February 21, 1986, 11:57 a.m.
TRD-8601766

Wednesday, March 26, 1986, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet at 3014 Sandage, Fort Worth. According to the agenda, the division will review informal hearing of various consumer complaints in regard to manufactured homes which do not comply with Texas Civil Statutes, Article 5221f.

Contact: Sharon Choate, P.O. Box 12157, Austin, Texas 78711, (512) 463-7332.

Filed: February 21, 1986, 11:56 a.m.
TRD-8601765.

Wednesday, March 26, 1986, 9 a.m. The Labor, Licensing, and Enforcement Division of the Texas Department of Labor and Standards will meet in Room 105, 920 Colorado Street, Austin. According to the agenda, the division will discuss license and registration, suspensions and alleged violations of various rules and regulations of the department.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: February 21, 1986, 11:54 a.m.
TRD-8601764

Tuesday, March 25, 1986, 9 a.m. The Labor, Licensing, and Enforcement Division of the Texas Department of Labor and Standards will meet in Room 105, 920 Colorado Street, Austin. According to the agenda, the division will discuss license and registration, suspensions and alleged violations of various rules and regulations of the department.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: February 21, 1986, 11:54 a.m.
TRD-8601763

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Lamar University System

Thursday, February 27, 1986, 1:15 p.m. The Board of Regents of the Lamar University System met in executive session in the Lamar Room, Gray Library, Beaumont. According to the agenda, the board reviewed the budget in accordance with the Governor's executive order of February 18, 1986.

Contact: Dr. George McLaughlin, P.O. Box 11915, Beaumont, Texas 77710, (409) 880-2304.

Filed: February 24, 1986, 12:59 p.m.
TRD-8601831

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Texas State Board of Medical Examiners

Thursday-Saturday, February 20-22, 1986, 8 a.m. daily. The Texas State Board of Medical Examiners made an emergency addition to the agenda for the meeting held at 1101 Camino LaCosta Street, Austin. The addition concerned Governor White's executive order regarding budgetary matters. The emergency status was necessary because Governor White's order had just been received and merits immediate board attention.

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: February 21, 1986, 11:09 a.m.
TRD-8601731

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State Board of Morticians

Tuesday-Wednesday, March 4-5, 1986, 8:30 a.m., 9 a.m. respectively. The State Board of Morticians will meet in Conference Room B, Building B, 8100 Cameron Road, Austin on March 4, and at 1001 IH 35 South, Austin, on March 5. According to the agenda summary, on March 4, the board will discuss the budget with an accounting consultant; a request for permission to take the examination by a convicted felon; formal hearings on action of licensee; practical examination grades to be certified; a request to have the examination read; a request to waive embalmer apprenticeship; a request for an extension of the six month period to register as an apprentice; the consumer brochure; reciprocal interview and recommendations; the committee, executive secretary, and investigator's reports. On March 5, the board will discuss written funeral director and embalmer examinations; and certification of written examination grades and any items not discussed on March 4, 1986.

Contact: John W. Shocklee, Suite 550, Building B, 8100 Cameron Road, Austin, Texas 78753, (512) 834-9992.

Filed: February 21, 1986, 4:20 p.m.
TRD-8601803

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Board of Pardons and Paroles

Monday-Friday, March 3-4, 1986, 1:30 p.m. daily Monday-Thursday, and 11 a.m. Friday. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners and inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713.

Filed: February, 21, 1986, 11:03 a.m.
TRD-8601758

Tuesday, March 4, 1986, 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 consider and act on the review of minutes; the Sunset Commission recommendations; rules update; the interagency agreement with TDC; the Department of Mental Health and Mental Retardation, and board; the interagency agreement with Texas Employment Commission; the NIC letter, the executive director's report; and personnel matters.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2704.

Filed: February 24, 1986, 4:29 p.m.
TRD-8601854

Tuesday, March 4, 1986, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions, other than out-of-country conditional pardons, including full pardons and restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

Contact: Gladys Sommers, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2704.

Filed: February 21, 1986, 11:02 a.m.
TRD-8601757

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Polygraph Examiners Board

Thursday-Friday, March 6-7, 1986, 9 a.m. daily. The Polygraph Examiners Board will meet at the Department of Public Safety, 5805 North Lamar Boulevard, Austin. According to the agenda, the board will approve January meeting minutes; discuss adoption of §391.9 (second vote); adoption of §401.1 (second vote); amendment to §391.3; applications for original licensure; appearance of Charles Miller requesting board opinion of §17(e); a request for reciprocity from Oklahoma Polygraph Board and Arizona Polygraph Board; proposed new §395.17; administration of the Polygraph Examiners Board Licensing Examination; and any other polygraph related business which may come before the board.

Contact: Dawn M. Heikkila, P.O. Box 4087, Austin, Texas 78773, (512) 465-2058.

Filed: February 25, 1986, 9:23 a.m.
TRD-8601858

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Public Utility Commission on Texas

Friday, February 21, 1986, 10 a.m. The Hearings Division of the Public Utility Commission met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division considered the emergency adoption of substantive Rule §23.(b) and (c) Rate Design. The emergency status was necessary because the recent volatility in the gas market requires faster return to ratepayers of the benefits resulting from the volatility.

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

Filed: February 20, 1986, 4:30 p.m.
TRD-8601752

Friday, February 21, 1986, 1:30 p.m. The Hearings Division of the Public Utility Commission met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin.

According to the agenda, the division considered the emergency repeal of substantive Rule §23.23(a)-(c) and emergency adoption of substantive Rule §23.23(a) and (b). The emergency status was necessary because the recent volatility in the gas market requires faster return to ratepayers of the benefits resulting from the volatility.

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

Filed: February 21, 1986, 11:26 a.m.
TRD-8601760

Thursday, February 27, 1986, 9 a.m. The Hearings Division of the Public Utility Commission made an emergency addition to the agenda for a meeting held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The addition concerned Dockets 5132 and 5589—complaint of the City of Cleburne and Johnson County Rural Water Supply Corporation against 60 water utility systems in Johnson County and complaint of Johnson County Rural Water Supply Corporation against Pratt Phillips and Wayne Wilshire. The emergency status was necessary because of the jurisdictional deadline.

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

Filed: February 20, 1986, 2:44 p.m.
TRD-8601746

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

Wednesday, March 12, 1986, 10 a.m. A prehearing conference in Docket 6660—appeals of Gulf States Utilities Company from rate proceedings of the Cities of Port Neches, *et al.*

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

Filed: February 24, 1986, 2:56 p.m.
TRD-8601834

Friday, March 14, 1986, 10 a.m. A prehearing conference in Docket 5307—application of Houston Lighting and Power Company for a proposed transmission line and associated substations in Austin, Harris, Waller, and Washington Counties.

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

Filed: February 24, 1986, 2:53 p.m.
TRD-8601836

Monday, June 16, 10 a.m. A hearing on the merits in Docket 5307—application of Houston Lighting and Power Company for a proposed transmission line and associated substations in Austin, Harris, Waller, and Washington Counties.

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

Filed: February 24, 1986, 2:56 p.m.
TRD-8601835

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State Purchasing and General Services Commission

Monday, March 3, 1986, 1:30 p.m. The Texas School Bus Specifications Committee of the State Purchasing and General Services Commission will meet in Room 916, L.B.J. Building 111 East 17th Street, Austin. According to the agenda, the committee will discuss optional accessories; required accessories; and engines.

Contact: Troy Martin, Room 1007, 111 East 17th Street, Austin, Texas 78711, (512) 463-3411.

Filed: February 21, 1986, 8:57 a.m.
TRD-8601754

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Railroad Commission of Texas

Monday, March 3, 1986, 9 a.m. The Railroad Commission of Texas will meet in the Twelfth Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7149.

Filed: February 21, 1986, 11:15 a.m.
TRD-8601783

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: February 21, 1986, 11:19 a.m.
TRD-8601775

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-7149.

Filed: February 21, 1986, 11:18 a.m.
TRD-8601778

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6710.

Filed: February 21, 1986, 11:17 a.m.
TRD-8601780

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters. The commission also will consider the signing of final orders in LP-Gas Docket 467—Progresso Coop Gin, Inc., 469—Jay Mac Mechanical Co., Inc., 472—Panhandle Forklift and Equipment, Inc., and 473—Blocker Oil Co., Inc.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6931.

Filed: February 21, 1986, 11:14 a.m.
TRD-8601785

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6713.

Filed: February 21, 1986, 11:16 a.m.
TRD-8601782

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: February 21, 1986, 11:18 a.m.
TRD-8601777

Consideration of All American Pipeline Company's application for a pipeline permit across various counties in Texas.

Contact: Susan Cory, P.O. Box 12967, Austin, Texas 78711, (512) 463-6923.

Filed: February 21, 1986, 11:16 a.m.
TRD-8601781

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

Filed: February 21, 1986, 11:15 a.m.
TRD-8601784

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6976.

Filed: February 21, 1986, 11:18 a.m.
TRD-8601776

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 463-7149.

Filed: February 21, 1986, 11:17 a.m.
TRD-8601779

Various matters falling within the Transportation Division's transportation regulatory jurisdiction.

Contact: Mike James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: February 21, 1986, 11:20 a.m.
TRD-8601762

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Teacher Retirement System of Texas

Tuesday, March 11, 1986, noon. The Medical Board of the Teacher Retirement System of Texas will meet in the board room, 1001 Trinity Street, Austin. According to the agenda, the board will discuss members' files that are due a re-examination report.

Contact: Don Cadenhead, 1001 Trinity Street, Austin, Texas 78701, (512) 397-6400.

Filed: February 24, 1986, 11:03 a.m.
TRD-8601820

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Texas Savings and Loan Department

The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. Days, times, and agendas follow.

Monday, March 18, 1986, 9 a.m. The department will accumulate a record of evidence in regard to the application of Alice Savings and Loan Association, Alice, Jim Wells County, to change its name to Multi-banc Savings Association, from which record the commissioner will determine whether to grant or deny the application.

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

Filed: February 24, 1986, 4:02 p.m.
TRD-8601849

Wednesday, March 19, 1986, 9 a.m. The department will accumulate a record of evidence in regard to the application of Laredo Savings and Loan Association, Laredo, Webb County, to change its name to Excell Banc Savings Association, from which record the commissioner will determine whether to grant or deny the application.

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

Filed: February 24, 1986, 4:04 p.m.
TRD-8601850

Thursday, March 20, 1986, 9 a.m. The department will accumulate a record of evidence in regard to the application of Lockhart Savings Association for a branch office at 103 North First Street, Pflugerville, Travis County, from which record the commissioner will determine whether to grant or deny the application.

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

Filed: February 24, 1986, 3:58 p.m.
TRD-8601848

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Texas State Soil and Water Conservation Board

Monday, February 24, 1986, 8 a.m. The Texas State Soil and Water Conservation Board met in emergency session in the conference room, 311 North Fifth Street, Temple. According to the agenda, the board reviewed Executive Order MW-36 issued February 18, 1986; district director appointments; the 1986 fiscal year and 1987 fiscal year agency operating budgets; the date for the next regular state board meeting; and proposed rules under TAC Chapter 521 agricultural conservations. The emergency status was necessary because the issuance of Executive Order MW-36 on February 18, 1986 required immediate action.

Contact: Harvey Davis, P.O. Box 658, Temple, Texas 76503, (817) 773-2250.

Filed: February 20, 1986, 3:03 p.m.
TRD-8601747

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The Texas A&M University System

Friday, February 21, 1986, 4:15 p.m. The Committee for the Search for a Chancellor, Board of Regents of The Texas A&M University System met in emergency session at the MSC Annex, Texas A&M University, College Station. According to the agenda, the committee considered any and all things leading to the selection of an individual for the position of Chancellor of The Texas A&M University System. The emergency status was necessary because the position had to be filled at an early date and a meeting had been called at such a time that a quorum of the committee could be obtained.

Contact: Vickie Burt, The Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: February 20, 1986, 2:20 p.m.
TRD-8601741

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Texas Southern University

Wednesday, February 26, 1986, 9:30 a.m. The Board of Regents of Texas Southern University will meet in emergency executive session in Room 117, Hannah Hall, 3100 Cleburne Avenue, Houston. According to the agenda, the board will discuss budget issues. The emergency status was necessary because of budget issues and the executive session.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: February 24, 1986, 8:36 a.m.
TRD-8601808

Friday, March 7, 1986. Committees of the Board of Regents of Texas Southern University will meet in Room 117, Hannah Hall, Texas Southern University, 3100 Cleburne Avenue, Houston. Times, committees, and agendas follow.

9:30 a.m. The Personnel and Academic Affairs Committee will consider the ratification of appointments of instructional personnel for the fall school term; the academic personnel changes; enrollment projections and reports; and the report on academic plans and projections.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: February 24, 1986, 2:15 p.m.
TRD-8601838

10:15 a.m. The Student Affairs Committee will review the university's administration report on impact of tuition installment payments on enrollment; consider enrollment reports for the spring semester 1986; and the projections for the summer of 1986 and the fall semester of 1986.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: February 24, 1986, 2:15 p.m.
TRD-8601842

10:30 a.m. The Development Committee will receive reports from the administration on university fund raising efforts; and receive reports on special funds budget.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: February 24, 1986, 2:15 p.m.
TRD-8601844

11 a.m. The Building and Grounds Committee will consider payments to architects and contractors; the improvement to land; the construction change orders; the purchase of real estate; receive bids on construction project reports on the central plant expansion and renovations; and reports on other ongoing construction projects.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: February 24, 1986, 2:15 p.m.
TRD-8601845

1:30 p.m. The Finance Committee will consider matters relating to the issuance of Rosewood site dormitory project bonds and Proposition II bonds; and the short term university investments and monthly fiscal reports on the university operations.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: February 24, 1986, 2:15 p.m.
TRD-8601846

Friday and Saturday, March 7-8, 1986, 3 p.m. and 9:30 a.m. respectively. The Board of Regents of Texas Southern University will meet in Room 117, Hannah Hall, Texas Southern University, 3100 Cleburne Avenue, Houston. According to the agenda, the board will consider reports from the board's standing committees; receive reports from the president; consider minutes, the purchase and value of real estate; and consult with the university attorney regarding contemplated and/or pending litigation.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: February 24, 1986, 2:15 p.m.
TRD-8601847

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Texas Woman's University

Tuesday, February 25, 1986, 1:30 p.m. The Board of Regents of the Texas Woman's University made an addition to the agenda for the meeting held on the 16th floor. Administration and Conference Tower, Denton. The addition concerned the report from the university's administration regarding a contingency plan for compliance with Governor Mark White's executive order of February 18, 1986.

Contact: Dr. Mary Evelyn Blagg Huey, Texas Woman's University, Denton, Texas 76204, (817) 383-1466.

Filed: February 21, 1986, 11:12 a.m.
TRD-8601786

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Board of Vocational Nurse Examiners

Monday-Tuesday, March 17-18, 1986, 8 a.m. The Board of Vocational Nurse Examiners will meet in the Mesquite Room, Executive Motor Inn, 925 East Anderson Lane, Austin. According to the agenda summary, on March 17, the board will review the executive director's report, the report of the

director of education (program matters, proposed changes to rules and regulations, §§233.1, 233.11, and 233.43, suggest revisions to minimum standards, and program actions), consider unfinished business (House Bill 900), and new business (approval of staff travel and administrative hearings). On March 18 the board will discuss administrative hearings and any additional business. The board will also meet in executive session to discuss personnel matters.

Contact: Joyce A. Hammer, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071.

Filed: February 21, 1986, 1:56 p.m.
TRD-8601787

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Texas Water Commission

Monday, March 3, 1986, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet in Room 215, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the office will consider the administrative penalty hearing on Permits 10273-01 and 10273-02 of the City of San Marcos.

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

Filed: February 21, 1986, 4:30 p.m.
TRD-8601804

Monday, March 3, 1986, 10 a.m. The Office of Hearings Examiner will meet in Room 215, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the office will consider Permits 10273-01 and 10273-02 of the City of San Marcos.

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

Filed: February 21, 1986, 4:29 p.m.
TRD-8601805

Tuesday, March 4, 1986, 10 a.m. The Texas Water Commission will meet in Room 118, 1700 North Congress Avenue, Austin. According to the agenda, the commission will discuss water district bond issues; the release from escrow; a change in plans; the use of surplus funds; the proposed water quality permits; amendments and renewals; amendment to certificates of adjudication; motions for rehearing; and consideration of emergency rules relating to water rates.

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

Filed: February 20, 1986, 1:50 p.m.
TRD-8601740

Wednesday, March 5, 1986, 10 a.m. The Texas Water Commission made an addition to the agenda for the meeting to be held in Room 118, 1700 North Congress Avenue, Austin. The addition concerns consideration

of the executive director's petition for an emergency order pursuant to §4(3)(10) of the Texas Solid Waste Disposal Act concerning the Olin Corporation/S.P. Oliver Waste Site.

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

Filed: February 20, 1986, 1:51 p.m.
TRD-8601739

Wednesday, March 19, 1986, 2 p.m. The Texas Water Commission will meet in Room 118, 1700 North Congress Avenue, Austin. According to the agenda, the commission will discuss the application by the City of Leander for an amendment to Permit 12644-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed a 750,000 gallon-per-day average flow, Williamson County; and application by Jack Brock for proposed permit 13122-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day from the proposed JB Wastewater Treatment Plant in Tarrant County.

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

Filed: February 20, 1986, 1:51 p.m.
TRD-8601738

Tuesday, March 25, 1986, 9 a.m. The Office of the Hearings Examiners of the Texas Water Commission will meet in Room 512, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider application of Capitol View Joint Venture, 8100 Balcones Drive, Suite 253, Austin, Texas 78759 for an amendment to Permit 12972-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 250,000 gallons per day to an average flow of 1,250,000 gallons per day. The applicant proposes to construct a wastewater treatment facility in phases to provide service for approximately 401 acres of residential and mixed land use. The proposed permit would also revise limitations for nitrogen levels from 3 mg/l to 2 mg/l.

Contact: Martin Wilson, P.O. Box 13087, Austin, Texas 78701, (512) 463-7875.

Filed: February 24, 1986, 4:08 p.m.
TRD-8601856

Tuesday, April 1, 1986, 9 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet in the district court room, Walker County Courthouse, 1100 University Avenue, Huntsville. According to the agenda summary, the office will consider application of C. M. Acker, P.O. Box 1355, Huntsville, Texas 77340 for Permit 13207-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 35,000 gallons per

day from the proposed Buddy Acker Mobile Home Park Wastewater Treatment Plant.

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

Filed: February 24, 1986, 4:09 p.m.
TRD-8601853

Thursday, April 3, 1986, 9 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet in the Council Chambers, 120 West Third Street, Mount Pleasant. According to the agenda summary, the examiners will consider the application of the City of Mount Pleasant for an amendment to Permit 10575-03 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 1,000,000 gallons per day to 1,200,000 gallons per day from the Southwest Wastewater Treatment Plant. The increase is to accommodate a planned expansion. The applicant proposes to increase treatment capacity in order to accommodate a planned expansion at Pilgrim Industries, the plant's major source of wastewater.

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

Filed: February 24, 1986, 4:08 p.m.
TRD-8601855

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Texas Water Development Board

Monday, March 3, 1986, 10 a.m. The Texas Water Development Board Representative of the Texas Water Development Board will meet in the W. B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the representative will conduct a public hearing on proposed revisions to the board's financial program rules including proposed new 31 TAC Chapter 363; the repeal of current 31 TAC Chapter 363; and portions of 31 TAC Chapter 355, all as published in the *Texas Register* of January 17 and 28, 1986; and proposed new chapter 367 relating to Agricultural Conservation Programs (grants for equipment purchase and pilot loan program); and amendments to the Research and Planning Fund rules, Chapter 355, to allow funding of regional planning as published in the *Texas Register* of February 14, 1986.

Contact: Charles E. Nemir, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: February 21, 1986, 8:27 a.m.
TRD-8601753

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Regional Agencies Meetings Filed February 20

The Amarillo Mental Health and Mental Retardation Regional Center, Executive Committee of the Board of Trustees, and

the regular Board of Trustees, met in the boardroom, 1901 Medi Park, Amarillo, on February 27, 1986, at noon and 1 p.m., respectively. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235

The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees, Personnel Committee Meeting, met in emergency session at Michael-Michael's, 2531 West Anderson Lane, Austin, on February 24, 1986, at 12:30 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 240.

The Callahan County Appraisal District, Board, will meet at Zentner's Daughter Restaurant, South Danville Drive, Abilene, on March 4, 1986, at 9 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 806, Baird, Texas 79504, (915) 854-1165.

The Lee County Appraisal District, Board of Directors, met at 218 East Richmond Street, Giddings, on February 26, 1986, at 9 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Leon County Central Appraisal District, Board of Directors, met at the district office, Centerville, on February 24, 1986, at 7:30 p.m. Information may be obtained from Tom G. Holmes, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Mills County Appraisal District, met at the Mills County Courthouse, Goldthwaite, on February 27, 1986, at 6:30 p.m. Information may be obtained from Doran E. Lemke, Mills County Courthouse, Goldthwaite, Texas 76844, (915) 648-2253.

The Rio Grande Valley Municipal Water Authority, will meet at the Valley Chamber of Commerce, Weslaco, on March 5, 1986, at 3:30 p.m. Information may be obtained from E. G. Lantz, (512) 542-8764.

The Sabine Valley Regional Mental Health and Mental Retardation Center, Board of Trustees, met at 701 South Grove, Marshall, on February 27, 1986, at 7 p.m. Information may be obtained from Ronald R. Cookston, P.O. Box 6800, Longview, Texas 75608, (214) 297-2191.

The Trinity River Authority of Texas, Board of Directors, met at 5300 South Collins, Arlington, on February 26, 1986, at 10 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

TRD-8601727

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Meetings Filed February 21

The Austin-Travis County Mental Health and Mental Retardation Center, Board of Directors, met in the boardroom, 1430 Collier Street, Austin, on February 27, 1986, at 9 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Bastrop County Appraisal District, Board of Directors, met at 1200 Cedar Street, Bastrop, on February 27, 1986, at 7:30 p.m. Information may be obtained from Lorraine Perry, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The Blanco County Appraisal District, Board of Directors, met in emergency session at the Courthouse Annex, Johnson City, on February 21, 1986, at 1:30 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

The Dallas Area Rapid Transit, Mobility Impaired Task Force, and the Board of Directors, met at 601 Pacific Avenue, Dallas, on February 25, 1986, at 4 p.m. and 6:30 p.m., respectively. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Hays County Central Appraisal District, Board of Directors, met on the first floor, Courthouse Annex, San Marcos, on February 24, 1986, at 5:30 p.m. Information may be obtained from Lynnell Sedlar, Courthouse Annex, First Floor, San Marcos, Texas 78666.

The Heart of Texas Council of Governments, Executive Committee, will meet in the conference room, 320 Franklin Avenue, Waco, on February 28, 1986, at 10 a.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701, (817) 756-6631.

The Heart of Texas Mental Health and Mental Retardation Region, Board of Trustees, met at 110 South Twelfth Street, Waco, on February 25, 1986, at 11:30 a.m. Information may be obtained from Jan Batty, 110 South Twelfth Street, Waco, Texas.

The North Central Texas Council of Governments, Executive Board, met on the second floor, Centerpoint Two, 616 Six Flags Drive, Arlington, on February 27, 1986, at 12:45 p.m. Information may be obtained from Edwina J. Hicks, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.

The Palo Pinto, Appraisal District, Board of Directors, met in the County Courtroom, Courthouse, Palo Pinto, on February 26, 1986, at 5 p.m. Information may be obtained

from Jack Sarnford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 325-4414.

The Red River Industrial Development Authority, Board of Directors, met at 520 Hamilton Building, Eighth and Lamar Streets, Wichita Falls, on February 24, 1986, at 11 a.m. Information may be obtained from Ronald J. Glenn, 520 Hamilton Building, Wichita Falls, Texas 76301, (817) 723-8697.

TRD-8601755

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Meetings Filed February 24

The Bexar-Medina-Atascosa Counties Water Control and Improvement District 1, Board of Directors, will meet at the district office, Highway 81, Natalia, on March 3, 1986, at 8 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The Jasper County Appraisal District, Board of Directors, will meet at the Administrative Building, 130 Park Street, Jasper, on March 3, 1986, at 6:30 p.m. Information may be obtained from David W. Luther, Courthouse Annex, Jasper, Texas 75951, (409) 384-2544.

The West Central Texas Council of Government, Regional Network, and Regional Alcohol and Drug Abuse Advisory Committee, met at 1025 East North 10th Street, Abilene, on February 25, 1986, at 10 a.m. and noon, respectively. The Public Hearing on Regional Needs and Priorities Alcohol/Drug Abuse Committee, will meet at the same location, on February 28, 1986, at 9 a.m. Information may be obtained from Sue Smith, (915) 672-8544.

TRD-8601819

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Meetings Filed February 25

The Cass County Appraisal District, Board of Directors, met at 208 West Houston Street, Linden, on February 27, 1986, at 7 p.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.

The Dawson County Central Appraisal District, Board of Directors, will meet at 611 North Dallas Avenue, Lamesa, on March 5, 1986, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Deep East Texas Private Industry Council, Deep East Texas Service Delivery Area, will meet at the Holiday Inn, Highway 59 South, Lufkin, on March 5, 1986, at 2 p.m. Information may be obtained from Don E. Boyd, 109 Ratcliff, Lufkin, Texas 75901.

The Tyler County Tax Appraisal District, Board of Directors, will meet at 103 Pecan, Woodville, on March 4, 1986, at 4 p.m. Information may be obtained from Mary Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Wheeler County Appraisal District, Board of Directors, will meet at the district office, Courthouse Square, Wheeler, on February 3, 1986, at 2 p.m. Information may be obtained from Marilyn Copeland, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.

TRD-8601859

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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.

State Banking Board Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing on Tuesday, April 8, 1986, at 9 a.m. at 2601 North Lamar, Austin, Texas, on the charter application for Bank of the Southeast, San Antonio, Texas.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, State Banking Department, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on February 20, 1986.

TRD-8601788 William F. Aldridge
Director of Corporate Activities
State Banking Board

Filed: February 21, 1986
For further information, please call (512) 475-4451.

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As no opposition has been noted in the application for Allied Bank South Austin, N. A., Austin, to convert to a state charter under the name of Allied Bank South Austin, the hearing previously scheduled for Friday, February 28, 1986, has been canceled.

Issued in Austin, Texas, on February 19, 1986.

TRD-8601742 William F. Aldridge
Director
State Banking Department

Filed: February 20, 1986
For further information, please call (512) 475-4451.

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As no opposition has been noted in the application for Allied Bank North Austin, N. A., Austin, to convert to a state charter under the name of Allied Bank North Austin, the hearing previously scheduled for Thursday, February 27, 1986, has been canceled.

Issued in Austin, Texas, on February 19, 1986.

TRD-8601743 William F. Aldridge
Director
State Banking Department

Filed: February 20, 1986
For further information, please call (512) 475-4451.



Texas Department of Banking Notice of Application

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 January 31, 1986, the Banking Commissioner received an application to acquire control of the State Bank and Trust Company, San Marcos, Texas, by Clovis R. Barker, Dr. Van E. Rea, James A. Cauthorn, and Terry P. Gilmore of San Marcos, Texas.

On February 20, 1986, notice was given that the application would not be denied.

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

Issued in Austin, Texas, on February 20, 1986.

TRD-8601789 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: February 21, 1986
For further information, please call (512) 475-4451.

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Texas Department of Community Affairs

Notice for Request for Proposals

The Texas Department of Community Affairs (TDCA), administering agency for the community services block grant (CSBG) in Texas for federal fiscal year 1986, announces a request for proposals (RFP) to solicit proposed services and operations on behalf of low-income Native-American Indians in the state.

Selected offerors will be expected to deliver services in accordance with the CSBG Act, 42 United States Code 9901, *et seq.*, Public Law 97-35, §§671-683. Services and activities solicited via this RFP are to be titled as follows:

Fiscal Year 1986
Community Services Block Grant
Native-American Indians Operations.

Service concepts must address the causes of poverty among Native-American Indians and assist them in improving their lifestyle and upgrading their economic well-being. Total funding available pursuant to this notice totals \$125,000.

The designated areas with funding allotments are as follows:

<u>Region</u>	<u>Service Area</u>	<u>Funding Allotment</u>
I Alabama-Coushatta Group	Polk County -	\$34,700
II Kickapoo Group	Maverick County	\$27,800
III Urban Groups	Dallas County, Tarrant County, and other urban counties with a concentration of target population	\$62,500

A separate proposal must be submitted for each region.

The contracts for selected offerors will begin on or about April 14, 1986, and terminate March 31, 1987, or at the option of TDCA.

Qualifications. Offerors eligible to respond to this request are political subdivisions of the state, organizations established to serve Native-American Indians, and private nonprofit community-based organizations. Offerors must be able to document their capability to accomplish the proposed services. Preference will be given to those organizations who possess systems or capabilities to provide the following: comprehensive planning, including input from low-income Native-American Indians; resources mobilization; and coordination with state, federal, and local agencies and community-based organizations to develop working cooperative agreements. Furthermore, offerors will be requested to include documentation of their legal authority and eligibility to contract with TDCA.

Deadlines. The request for proposals period will close at 5 p.m. on March 28, 1986, except for proposals received officially postmarked on or before March 25, 1986.

Complete proposals may be mailed to the Economic Opportunity Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711. Proposals hand-carried may be delivered to the TDCA Economic Opportunity Division at 8317 Cross Park Drive, Austin, Texas 78754, by 5 p.m. on March 28, 1986.

General Information. The TDCA reserves the right to accept or reject any or all proposals submitted. The TDCA is under no legal requirement to execute a contract on the basis of this notice and intends this material only as a means of identifying the various contractor alternatives. The TDCA intends to use responses as a basis for further negotiation of specific program details with potential contractors.

If the TDCA selects a contractor(s) to provide the delivery of services, the TDCA will base its choice(s) upon criteria including, but not limited to the following: proposal order and content according to RFP packet instructions; description of offeror's background and experience; proper selection of allowable CSBG Act activities/services; analysis of needs and priorities; description of service area; adequacy of measurable activities/units in program narrative work program; interagency coordination; budgeting and cost-effectiveness; description of program operations and staffing responsibilities; description of offeror's reporting capabilities; and description of evaluation to determine program and client services effectiveness.

This request does not commit the TDCA to pay for any costs incurred prior to the execution of contracts, and is subject to the availability of federal fiscal year 1986 CSBG funds from the United States Department of Health and Human Services. The TDCA specifically reserves the right to vary all provisions at any time prior to the execution of a contract(s) if the TDCA deems such variances to be in the best interest of the state, and to otherwise act as it determines in its sole discretion.

For a request for proposals packet or additional information regarding this notice, please contact Barbora A. Cigainero, Texas Department of Community Affairs, Economic Opportunity Division, P.O. Box 13166, Austin, Texas 78711, (512) 834-6224.

Issued in Austin, Texas, on February 24, 1986.

TRD-8601814 Doug C. Brown
General Counsel
Texas Department of Community Affairs

Filed: February 24, 1986

For further information, please call (512) 834-6060.

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Request for Proposals

Notice of Invitation for Proposals. The Texas Department of Community Affairs (TDCA), as the agency responsible for implementation and management of the Job Training Partnership Act (JTPA) program in Texas, announces a request for proposals to perform a study of illiteracy and to design instruments to evaluate functional literacy in Texas. The services requested are associated with a state-wide initiative to promote functional literacy which has been approved by the State Job Training Coordinating Council, and are required for the continuation of essential employment and training services in Texas.

The services requested include the following:

- (1) an assessment of the scope of the illiteracy problem;
- (2) an assessment and evaluation of the knowledge areas and skills essential to functional literacy;
- (3) development of an evaluation instrument for the measurement of functional literacy;
- (4) production of a report to be submitted to the 70th Legislature on the scope of the illiteracy problem and strategies for addressing the problem.

The services requested are part of an on-going evaluation of functional literacy in Texas and represent a continuation of similar services provided by the Adult Performance Level Project, College of Education, University of Texas at Austin. TDCA intends to award the contract for these services to the Adult Performance Level Project unless a better offer is submitted.

The period of performance is estimated to be April 1, 1986, through July 30, 1987, or until completion of the specified services

The total amount of funds available for the services requested is presently estimated to be \$290,000.

Proposals will be reviewed and evaluated on criteria such as appropriateness of proposed methodology; cost effectiveness; and bidder qualification.

The proposal deadline is March 21, 1986.

TDCA retains the right to accept or reject any or all proposals. TDCA is under no legal requirement to execute a resulting contract on the basis of its making this request for proposals, and intends the material provided herein only as a means of identifying and considering various contractor alternatives and the general cost of services desired.

This request for proposals does not commit TDCA to pay for any costs incurred prior to execution of a contract or prior to fund availability from the U.S. Department of Labor for this procurement. TDCA specifically reserves the right to vary the provisions set forth herein at any time prior to execution of a contract where TDCA deems such variance to be in the best interest of the State of Texas, and to act otherwise as it deems in its sole discretion.

Interested bidders may obtain proposal instruction from the Texas Department of Community Affairs, Training and Employment Development Division, 8317 Cross Park Drive, P.O. Box 13166, Austin, Texas 78711, Attention: Jim Boyd.

Issued In Austin, Texas, on February 20, 1986.

TRD-8601806 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: February 21, 1986

For further information, please call (512) 834-6080.



Texas Community Development Program

Purpose/Activities/Applicants. The purpose of the Texas Community Development Program (TCDP) is the development of viable communities by providing decent housing, a suitable living environment, and expanding economic opportunities principally for persons of low and moderate income. All proposed activities under the program must either principally benefit persons of low and moderate income, aid in the elimination of slums or blight, or meet other community development needs of particular urgency.

Eligible applicants for the TCDP are units of general local government not participating or designated as eligible to participate in the entitlement portion of the Federal Community Development Block Grant Program.

Allocation System. Assistance under the TCDP is currently available in six funding categories: the community development project fund; the area revitalization fund; the economic development fund, the planning capacity building fund, the emergency/urgent need fund, and the special impact fund. Specific information on each fund is as follows.

(1) The community development fund is established for public facility and housing assistance, with regional allocations to each of the 24 state planning regions. The size of the regional allocation will be based on a formula reflecting population, extent of poverty, and extent of unemployment. Scoring for the fund will be shared between TDCA and regional review committees. Applications are submitted once a year, with \$500,000 grant maximum for single applications, a \$600,000 grant maximum for joint applications, and a \$50,000 grant minimum.

(2) The area revitalization fund is available for comprehensive community development activities within a designated target area. Funds will be distributed through an annual application cycle, with competition occurring on a statewide basis. The grant maximum under this fund is \$600,000 and the minimum is \$150,000. At least 25% of

any area revitalization grant request must be earmarked for housing assistance.

(3) The economic development fund will provide grants through statewide competitions (three per year) for projects which create or retain permanent employment for low and moderate income persons. The grant maximum under this fund is \$350,000 and the minimum is \$50,000.

(4) The planning/capacity building fund is established as statewide competition (twice a year) for local governments to improve local capacity or prepare needed plans/studies. The grant maximum under this fund is \$25,000 and there is no minimum.

(5) The emergency/urgent need fund will be available for eligible activities which relieve emergency situations due to natural disasters or contamination problems. Applications for this fund are accepted year-round, and distribution of funds are coordinated with other state agencies. There is no grant maximum under this fund, and the minimum is \$50,000.

(6) The special impact fund is being proposed for projects in severely distressed unincorporated areas of counties. Applications for this fund may be submitted by counties in lieu of applications to the community development project fund or area revitalization fund. The grant maximum under this fund will be \$300,000.

The department is also considering the establishment of an interim financing fund to make short-term grants to localities for loans to businesses. With the agreement of the applicant locality, TDCA will recapture program income to allow for further use under the regular statewide competitions.

Amount of funds available statewide. The state's final allocation of funds available for the 1986 program year has not yet been determined. The most recent estimates provided to the state from the U.S. Department of Housing and Urban Development are \$47,137,000 and \$56,327,000. The first amount (\$47,137,000) reflects the 10% reduction in this year's federal appropriation and new population estimates plus an additional reduction based on a proposed deferral of an additional \$500 million from the 1986 federal fiscal year appropriation. The second amount (\$56,327,000) reflects only the 10% reduction in this year's federal appropriation and new population estimates. Further reductions of these amounts are possible due to the Balanced Budget and Deficit Control Act of 1985 (Gramm-Rudmann-Hollings).

Review Process. Each of the state's 24 regional review committees (RRCs) shall consist of 12 members appointed by the Governor for two-year staggered terms. Each RRC shall review and score all applications within its region for community development projects, and may comment on applications submitted under the area revitalization, economic development, planning/capacity building funds, and special impact funds. In addition, a State Community Development Review Committee composed of 12 members, also appointed by the Governor for two year terms, will oversee the Texas Community Development Program.

Performance Requirements/Project Selection Criteria. A locality must meet the following requirements in order to submit an application, under any fund, to the TCDP:

(1) demonstrate the ability to administer the proposed project;

(2) demonstrate the financial management capacity to operate and maintain any improvements resulting from the project;

(3) levy a local sales or property tax;

(4) demonstrate satisfactory performance on prior TCDP contracts; and

(5) resolve any and all outstanding compliance and audit findings.

All projects under the community development, area revitalization, economic development, and special impact funds will be evaluated and rated in accordance with a numerical point system based on the following major criteria groups:

- (1) distress conditions within the applying jurisdiction;
- (2) benefit to low and moderate income persons;
- (3) project design; and
- (4) other considerations.

The final assignment of points for an application will be the total of points received in the four criteria groups. The planning/capacity building fund competition will use benefit to low/moderate income persons as a threshold factor but not as a basis for point awards. The planning/capacity building competition will use the other three factors previously mentioned as numerical criteria.

A complete copy of the proposed final statement is available upon request. Please write or call Ms. Theresa Quintana, CDHD, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711-3166, 1-800-252-9642 or (512) 834-6253.

Issued in Austin, Texas, on February 18, 1986.

TRD-8601708 Douglas C. Brown,
General Counsel
Texas Department of Community
Affairs

Filed: February 19, 1986
For further information, please call (512) 834-8030.

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Comptroller of Public Accounts Gasoline and Alcohol Mixture Determination of Credits Allowable for April-June 1986

Pursuant to the Tax Code, §153.123, the Comptroller of Public Accounts is required to publish the credit against the gasoline tax allowable for the first sale or use of gasoline and alcohol mixture blended from products produced in a state allowing a reciprocal credit for Texas-produced products.

The comptroller has determined that \$0.05 per gallon credit for the first sale or use of gasoline and alcohol mixture blended with alcohol produced in Texas or from Texas products will be available for the months of April-June 1986.

The maximum credit allowed to be claimed for the first sale or use in April-June 1986, of a gasoline and alcohol mixture blended from alcohol produced outside Texas and not from Texas-produced products will be \$0.02 per gallon if from one of the following states: Alaska, North Dakota, Kansas, Nebraska, North Carolina, Illinois, Florida, South Dakota, Alabama, Iowa, and Washington.

Based upon the credit allowed by the following states, the maximum allowed by Texas will be: Nevada—\$0.01 per gallon.

No credit will be allowed for mixtures containing alcohol produced outside the United States, or those states which do not allow credit or exemptions for Texas-produced alcohol.

Inquiries should be directed to Tax Administration Division, Tax Policy Section, Comptroller of Public Accounts, Austin, Texas 78774, (512) 463-4600 or toll free anywhere in Texas at 1-800-252-5555.

Issued in Austin, Texas, on February 24, 1986.

TRD-8601815 Bob Bullock
Comptroller of Public Accounts

Filed: February 24, 1986
For further information, please call (512) 463-4806.

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Office of Consumer Credit Commissioner Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 02/24/86-03/02/86	18.00%	18.00%
Monthly Rate— Article 1.04(c)(1) 02/01/86-03/31/86	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 01/01/86-03/31/86	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11(3) 01/01/86-03/31/86	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d)(3) 01/01/86-03/31/86	14.58%	N/A
Standard Annual Rate— Article 1.04(a)(2)(2) 01/01/86-03/31/86	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11(3) 01/01/86-03/31/86	18.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 01/01/86-03/31/86	18.00%	N/A
Judgment Rate—Article 1.05, §2 03/01/86-03/31/86	10.00%	10.00%

(1) For variable rate commercial transactions only.

(2) Only for open-end credit as defined in Texas Civil Statutes Article 5069-1.01(f).

- (3) Credit for personal, family, or household use.
(4) Credit for business, commercial, investment, or other similar purpose.

Issued in Austin, Texas, on January 22, 1986.

TRD-8600728. Al Endsley
Consumer Credit
Commissioner

Filed: February 20, 1986
For further information, please call (512) 479-1280.

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Board of Nurse Examiners Correction of Error

Proposed rules submitted by the Board of Nurse Examiners contained an error as published in the February 11, 1986, issue of the *Texas Register* (11 TexReg 792).

Sections 218.8-218.10 should read as follows.

§218.8. Patient/Client Health Teaching and Health Counseling. It is the responsibility of the registered professional nurse to promote patient/client education and to involve the patient/client and significant others in implementation of health goals. While unlicensed personnel may provide information to the patient/client, the ultimate responsibility for patient/client health teaching and health counseling must reside with the registered professional nurse.

§218.9. Supervision of Tasks Delegated to Unlicensed Personnel by Other Licensed Personnel. If a registered professional nurse functions in a supervisory role over an unlicensed person performing tasks delegated by a physician, dentist, podiatrist, or other individual health care practitioner licensed by the state, that registered professional nurse is responsible for assuring herself or himself that the unlicensed person can properly and adequately perform the delegated task without jeopardizing the patient's/client's welfare.

§218.10. Exclusion from Rules. Nothing in this section shall be applicable nor restrict or limit the delegatory functions of other health care practitioners who are authorized delegatory powers under their respective acts.

Pecos River Compact Commission Agenda for February 27, 1986, Meeting of Pecos River Commission

In accordance with the rules of the internal organization, the 59th (37th annual) meeting of the Pecos River Commission will be held on Thursday, February 27, 1986, at 10 a.m., at the Carlsbad Public Library Annex.

The library is located on Halagueno Street between Fox and Mermod Street across from the front entrance of the federal building. The library annex is located to the left as one enters the main entrance. Those attending may use the double doors located south of the main entrance of the library.

All agencies presenting reports at the annual meeting are requested to make such reports in writing.

Each agency is requested to deliver or mail 15 copies of their reports to this office prior to the meeting. Additional copies of these reports should be made available if distribution is desired at the meeting.

Items on the agenda include: reports of the chairman, secretary, and treasurer; an audit report; reports of commission committees (budget, legal, and engineering); and reports from cooperating agencies and others.

Issued in Austin, Texas, on February 6, 1986.

TRD-8601692 Billy L. Woody
Commissioner
Pecos River Compact Commission

Filed: February 19, 1986
For further information, please call (512) 463-7928.

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Texas Water Commission Consultant Proposal Requests

As required by Texas Civil Statutes, Article 6252-11c, the Texas Water Commission announces that it wishes to retain the services of radar technician to maintain and operate an Enterprise SWR-75 weather research radar and to manage weather data, and invites offers of consulting services for the work described. This project is conducted by the Texas Water Commission through a cooperative agreement with the United States Bureau of Reclamation. The Texas Water Code, Chapter 18, §18.19 and §18.20 specifically directs the commission's activities in this program.

The commission completed a design document for a series of experiments that will lead ultimately to the development of an operational rain-enhancement technology for West Texas, a region that would benefit greatly from increased rainfall. This weather modification research program is known as the Southwest Cooperative Program. The design of the research effort is integrated with current operational seeding efforts in the Big Spring and San Angelo, Texas areas, and incorporates accepted methods of scientific experimentation.

The approach of the cloud seeding experiments for rain enhancement involves attempts to document each step of the rain-making physical process from the introduction of the nucleant to clouds to rain falling on the ground. Such an undertaking requires highly-trained personnel, sophisticated instrumentation such as the Enterprise radar and instrumented aircraft, and substantial funding.

The problem to be addressed by the series of research experiments is whether seeding for dynamic effects can be used to increase rainfall from small, multiple-cell convective systems in West Texas. A believable solution to this problem expected after five years of randomized experimentation. This will be achieved through the guidance of a plausible conceptual model and credible physical statistical evidence collected by radar and aircraft.

The conceptual model guiding the experimentation is discussed in the Southwest Cooperative Program Design.

The experiment will be conducted over a circular target area centered on Sterling City, Texas and covering nearly 15,000 square kilometers. The target area will have the research volume-scan Enterprise radar located at its center in Sterling City, Texas and be instrumented with recording rain gauges. The rain gauges will be used to estimate total area rainfall.

The consultant is expected to: oversee the setup of the Enterprise radar; conduct daily calibration tests of the Enterprise radar; perform routine preventive maintenance of the Enterprise radar; perform maintenance when and if

the Enterprise radar breaks down such that the radar is in working order within a reasonable amount of time; operate the Enterprise radar when necessary; and, manage the Enterprise radar data.

The consultant is expected to be on site and available for work seven days a week throughout the duration of the research program.

Budget and Contract Term. The maximum budget allowable for this contract is \$20,000. The total contract period of performance will be approximately 3½ months. The consultant is expected to begin work on April 15, 1986, and complete all responsibilities by August 1, 1986.

Closing Date. The closing date for receipt of offers is March 14, 1986.

Procedures for Selecting Consultant. The Texas Water Commission will select a candidate for award of this contract on the basis of demonstrated competence and qualifications, such as, but not limited to, experience in this or similar work and ability to complete the work in the designated time frame. The selected candidates will be ranked by conducting a detailed evaluation of the candidates' proposals, using criteria such as, but not limited to, demonstrated technical competence based on previous organizational experience and available facilities and equipment, and the proposed management plan and schedule.

Because the success of the Southwest Cooperative Program depends on quality radar data, the Texas Water Commission will not accept offerors with less than five years experience maintaining and operating the Enterprise radar system.

Additional Information. A copy of the Southwest Cooperative Program design document or additional information on the required services or procedures for making an offer can be obtained by writing Robert F. Riggio, Texas Water Commission, Room 225, Stephen F. Austin Building, 1700 North Congress Avenue, P.O. Box 13087, Austin, Tex., 78711, (512) 463-7933.

Issued in Austin, Texas, on February 18, 1986.

TRD-8601718 James K. Rourke, Jr.
General Counsel
Texas Water Commission

Filed: February 19, 1986

For further information, please call (512) 463-8070.

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Provisions. As required by Texas Civil Statutes, Article 6252-11c, the Texas Water Commission announces that it wishes to retain the services of a consultant to perform meteorological studies in the Texas high plains, and invites offers of consulting services for the work described. This project is conducted by the Texas Water Commission through a cooperative agreement with the U.S. Bureau of Reclamation. The Texas Water Code, Chapter 18, §18.19 and §18.20 specifically directs the commission's activities under this program.

Project Requirements.

(a) Scope of work.

(1) The contractor will provide aircraft, crew, equipment, and supplies (except as otherwise hereinafter provided) as required to conduct a cloud seeding research program over west central Texas.

(2) The contractor will be expected to provide an aircraft pilot who is experienced in cloud seeding flight procedures.

(3) The contractor will be expected to keep on site, for the duration of the project, an individual who is thoroughly familiar with the pyrotechnic seeding system. This individual can be the pilot.

(4) The contractor shall be prepared to conduct the first seeding flight on April 15, 1986, and be available for additional flights each day thereafter, including Saturdays, Sundays, and holidays, through July 31, 1986.

(b) Aircraft requirements.

(1) One aircraft is required.

(2) As a minimum, the fully outfitted aircraft for the mission shall offer the following:

(A) twin turboprop or turbocharged engines for maximum performance and time on station at altitudes of 18,000—22,000 feet (pressure altitude);

(B) minimum time of four hours on station at operating altitude;

(C) true air speed greater than 225 knots;

(D) initial rate of climb of 2,000 feet per minute;

(E) pressurization for maximum safety and comfort;

(F) deicing/anti-icing capability to stay at flight level 18,000—22,000 feet when in light/moderate ice accumulation. The accumulation is of short encounters (less than 45 seconds). The aircraft should not have to descend to a lower altitude unless severe ice is accumulated (ice accumulation definition is from the United States Air Force instrument flight rules supplement);

(G) equipment to carry and eject at least 180 pyrotechnic flares externally from the aircraft (photoflash racks);

(H) seating for at least two individuals.

(3) As a minimum, the aircraft shall be provided with:

(A) full instrument flight rules equipment in accordance with Federal Aviation Administration requirements including, but not limited to instrumentation capable of fixing aircraft position to within ±2 miles; two very high frequency transceivers for communication; and one FM transceiver for communications between aircraft and Southwest Cooperative Program control headquarters;

(B) transponder equipment (because knowing the exact location of the treated cell is critical to the success of the project, the aircraft will be equipped with a Loran receiver or comparable equipment);

(C) storm avoidance radar in the nose;

(D) other instrumentation deemed necessary or desirable to conduct the cloud seeding missions.

(4) Proposals offering less than the minimum aircraft requirements established above may be rejected as being nonresponsive to this request for proposal. However, proposals offering aircraft which exceed the minimum requirements will be given additional consideration by application of the weighted guidelines hereinafter set forth. Additional consideration will be given to proposals that offer the following:

(A) Johnson-Williams liquid water sensor (hot wire) with real-time readout capability;

(B) deiced thermometer to measure outside air temperature to within ±0.5°C;

(C) a method of inferring aircraft vertical velocity;

(D) data system to record liquid water, air temperature, aircraft vertical velocity, and aircraft position at a sampling rate of once per second;

(E) some form of documentary photography of cloud forms, precipitation shafts, and other phenomena;

Base of Operation. All project aircraft shall be based at the same airport in San Angelo.

Anticipated Level of Effort Required. The project is planned to begin April 15, 1986, and end July 31, 1986, both dates inclusive. During this period, it is estimated that the contractor will be on a standby basis for a period of 85 days. During the 85-day period, flights will be required on approximately 27 separate days; approximately 120 flight hours will be required. This schedule represents the anticipated level of effort which will be required during the project period. The Texas Water Commission reserves the right to require a greater or lesser level of effort during this project. The contractor should state his availability for August 1986, should the Southwest Cooperative Program decide to extend cloud seeding operations.

Proposals. Proposals shall have two parts: a technical and managerial proposal, three copies, and a cost proposal, two copies. One set of proposals shall be sent to Robert F. Riggio, Chief, Weather and Climate Section, Water Rights of Uses Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711. In addition, three copies of the technical and managerial proposal shall be sent to

Gerald M. Jurica, Ph. D., Atmospheric Science Group, Texas Tech University, Box 4320, Lubbock, Texas 79409.

Closing Date. The closing date for receipt of proposals is March 14, 1986. Proposals will be privately opened and will not be available for public inspection.

Selection of Contractor and Award of Contract. To give consideration to superior but higher priced proposals and to provide the Texas Water Commission with the maximum return for each contract dollar, award will be made to that offeror/contractor whose proposal offers the best value to the Texas Water Commission. The three best proposals will be selected and ranked by the Texas Water Commission. Negotiations will be conducted with these offerors in the order of ranking, until an acceptable selection has been made.

Issued in Austin, Texas, on February 18, 1986.

TRD-8601719

James K. Rourke, Jr.
General Counsel
Texas Water Commission

Filed: February 19, 1986

For further information, please call (512) 463-8070.