

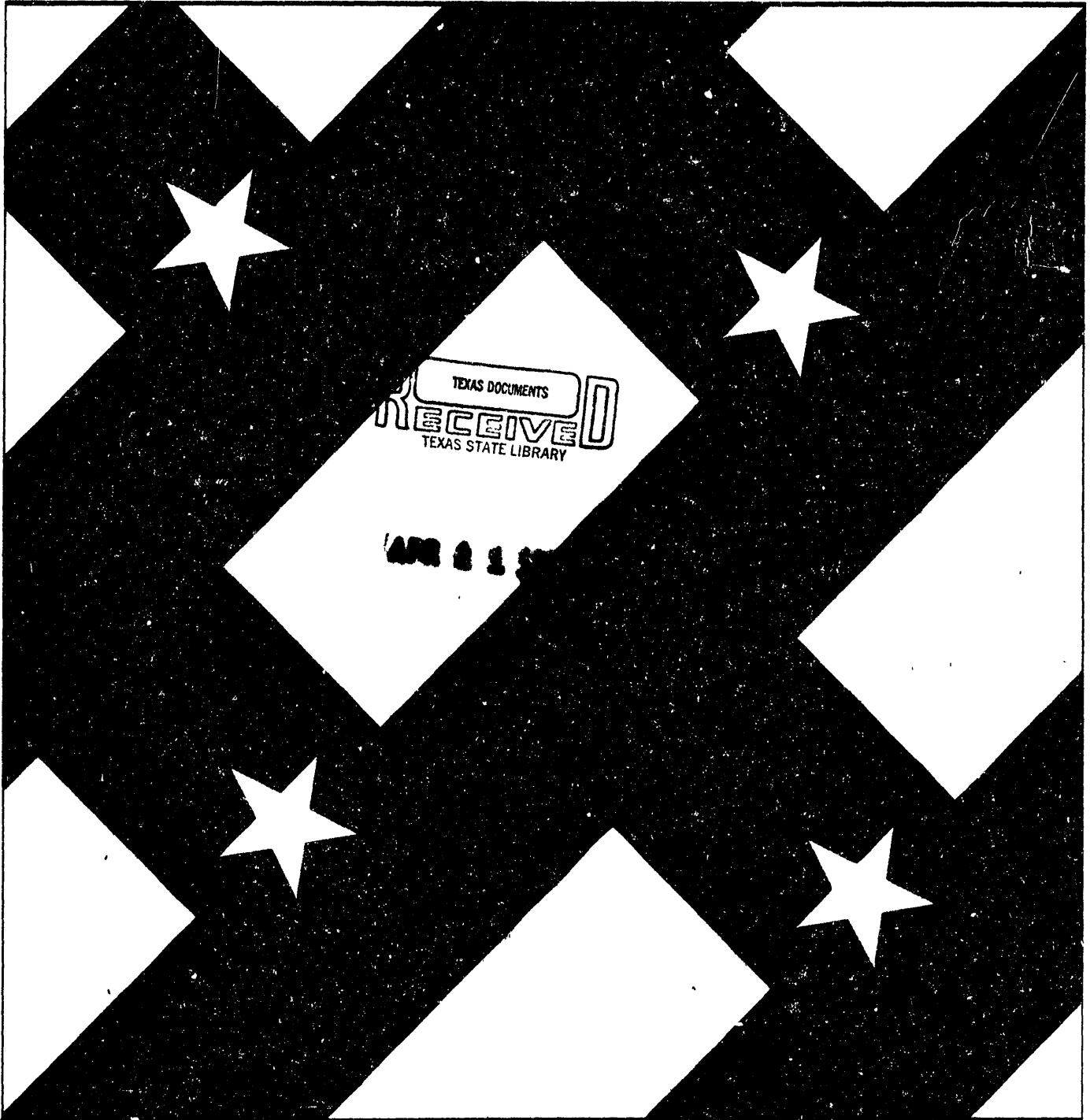
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Texas Register

Volume 11, Number 26, April 4, 1986

Pages 1633-1673



Highlights

The **Texas Board of Architectural Examiners** propose amendments concerning violations of unregistered landscape architects. Earliest possible date of adoption - May 26 . **page 1640**

The **State Board of Insurance** proposes a repeal concerning the State Fire Marshal and fire-

works rules. Earliest possible date of adoption - May 5 ... **page 1641**

The **Credit Union Department** adopts an amendment regarding chartering, operations, merger, and liquidations. Effective date - April 16 **page 1648**

**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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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 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).



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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 March 20

137th District Court

To be judge, until the next general election and until his successor shall be elected and duly qualified:

Madison Sowder
Route 1, Box 26
Idalou, Texas 79329

Mr. Sowder is replacing Robert C. Wright of Lubbock, who resigned.

298th District Court

To be judge, until the next general election and until his successor shall be elected and duly qualified:

Will Pryor
1803 Eastcliff Drive
Dallas, Texas 75217

Mr. Pryor is replacing Sidney Allen Fitzwater of Dallas, who resigned.

Texas Motor Vehicles Commission

For a term to expire January 31, 1989:

Vic Salvino
4611 Royal Lane
Dallas, Texas 75229

Mr. Salvino is replacing Bennie W. Bock, II of New Braunfels, who resigned.

State Board of Nurse Examiners

For a term to expire January 31, 1987:

Aimee Joanna Seamans
3714 Inwood Forest
San Antonio, Texas 78230

Ms. Seamans is replacing Marlene A. Hudgins of Amarillo, who resigned.

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

TRD-8602966 Mark White
Governor of Texas

★ ★ ★

Appointment Made March 21

Galveston Bar and the Houston Ship Channel

To be branch pilot, for a term to expire February 9, 1990:

Harold L. Lydick, Jr.
16112 Seahorse
Houston, Texas 77058

Captain Lydick is being reappointed.

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

TRD-8602966 Mark White
Governor of Texas

★ ★ ★

Appointment Made March 24

165th District Court

To be judge, until the next general election and until his successor shall be elected and duly qualified:

Kenneth Dale Harrison
322 Connought Way
Houston, Texas 77015

Judge Harrison is replacing Bob Smith of Houston, who is deceased.

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

TRD-8602966 Mark White
Governor of Texas

★ ★ ★

Appointments Made March 25

Governor's Committee for Disabled Persons

For a term to expire July 8, 1987, serving at the pleasure of this governor:

Joe H. Golman
6335 West Northwest Highway
Dallas, Texas 75225

Sonya Gonzalez Masinter
3206 Bluefield
San Antonio, Texas 78230

Kathy Weldon
4800 North Lamar Boulevard
Austin, Texas 78756

Mr. Golman, Ms. Masinter, and Ms. Weldon are being reappointed.

Texas World Trade Council

For a term to expire February 1, 1987:

Scott Mann, III
900 West 17th Street
Austin, Texas 78701

Mr. Mann is being appointed pursuant to Senate Bill 1409, 69th Legislature, 1985.

Trinity River Authority

To be a member of the board of directors, for a term to expire March 15, 1991:

Mary Ethel Jackson
P.O. Box 478
Buffalo, Texas 75831

Ms. Jackson is replacing A. W. Cullum, III of Dallas, whose term expired.

Veterans Affairs Commission

For a term to expire December 31, 1991:

Billy E. Kirby
P.O. Box 306
Clifton, Texas 76634

Mr. Kirby is replacing Jack W. Flynt of Dimmitt, whose term expired.

Issued in Austin, Texas, on March 25, 1986.

TRD-8602966 Mark White
Governor of Texas

★ ★ ★

Appointments Made March 26

44th Judicial District Court

To be judge, until the next general election and until his successor shall be elected and duly qualified:

James R. Jordan
2618 South Glenbrook
Garland, Texas 75041

Mr. Jordan is replacing H. Dee Johnson, Jr. of Dallas, who resigned.

**Governor's Committee for
Disabled Persons**

For a term to expire July 8, 1987, serving
at the pleasure of this governor:

Larry C. Gardner
5535 Second Street
Lubbock, Texas 79416

Mr. Gardner is replacing Sidney Braquet of
Houston, whose term expired.

Texas World Trade Council

For a term to expire February 1, 1987:

Stanley Marcus
One Nonesuch Road
Dallas, Texas 75214

Mr. Marcus is being reappointed pursuant
to Senate Bill 1409, 69th Legislature, 1985.

★ ★ ★

Veterans Affairs Commission

For a term to expire December 31, 1991:

Samuel Bier
2502 Spring Creek Drive
Austin, Texas 78704

Mr. Bier is being reappointed.

Issued in Austin, Texas, on March 28, 1986.

TRD-8602966

Mark White
Governor of Texas

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 22. EXAMINING BOARDS

Part I. Texas Board of Architectural Examiners Chapter 3. Landscape Architects Subchapter G. Violations of Unregistered Persons

★ 22 TAC §3.122, §3.123

The Texas State Board of Architectural Examiners proposes amendments to §3.122 and §3.123, concerning complaints alleging violations by persons not registered and procedures currently observed by the board. The amendments enforce the Landscape Architects Registration Act in the manner provided under §9(c) of the statute providing uniformity of violations by unregistered persons adopted by the board for enforcement in Texas Civil Statutes, Article 249a, §5(a), the Architects Registration Law.

Robert H. Norris, executive director, has determined that for the first five-year period the proposed sections 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 sections.

Mr. Norris also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be assurance of due process of legal rights of the public and landscape architects. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Robert H. Norris, Texas State Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas 78757.

The amendments are proposed under Texas Civil Statutes, Article 249c, §9(c), which provide the Texas State Board of Architectural Examiners with the authority to promulgate rules and prescribe forms to administer the Landscape Architects Registration Act.

§3.122. *Complaints; Alleged Violations.* Complaints alleging violations of law or law-

ful rules and regulations, the enforcement of which is a responsibility of [this] the board, [should] shall be addressed to the board office, substantiated by evidence, and signed by the complainant [,and, where appropriate, acknowledged] before [by a notary public. No verbal communications of complaints shall be investigated by the board. All unsworn complaints shall be kept in a file in the board office as required by Texas Civil Statutes, Article 249c, §9(c), regulation of the practice and landscape architecture.

§3.123. *Investigation.* Sworn written complaints alleging violations [reaching the board office] shall be confirmed and preliminarily investigated by the board's enforcement staff and the executive director. After preliminary investigation the executive director, with the assistance of staff and counsel, shall:

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

(3) refer the matter to the board [for hearing] counsel for injunctive relief.

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

Issued in Austin, Texas, on March 26, 1986.

TRD-8602955

Robert H. Norris
Executive Director
Texas Board of
Architectural Examiners

Earliest possible date of adoption:
May 5, 1986

For further information, please call
(512) 458-4126

★ ★ ★

Part XXII. Texas State Board of Public Accountancy Chapter 511. Certification as CPA

Certification by Examination

★ 22 TAC §511.21

The Texas State Board of Public Accountancy proposes an amendment to §511.21, concerning application. The amendment provides requirements for character ref-

erences to sit for the uniform certified public accountancy examination.

Bob E. Bradley, 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. Bradley 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 provision of character references for areas where applicants may have resided outside of Texas, rather than only Texas references. 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 William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendment is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules deemed necessary and advisable to facilitate the examining of candidates for certification as Certified Public Accountants.

§511.21. *Application.*

(a) All applications for certification by examination shall be made on forms prescribed by the board and shall also be in compliance with board rules and with all applicable laws [law]. Each applicant must also submit authenticated copies of transcripts showing compliance with the applicable education requirements. Each applicant shall submit with his initial application, and as instructed thereafter, references from a minimum of three certified public accountants or other substantial and representative business or professional individuals residing in Texas who can attest to applicant's moral character. The applicant must provide at least one character reference from each county in which the applicant resides for as much as three months during the five years preceding the filing with the board of the applicant's initial application for examination. Each reference (name and current mailing address) must be a person who:

(1) resided in the same county as the applicant; and

(2) was personally acquainted with the applicant during the period when the applicant resided in that county.

(b) Character references will [shall] not be accepted by the board [submitted] from [by] the following individuals:

(1) relatives [relative] of the applicant;

(2) students;

(3) university or college instructor, unless they have had significant contact with the applicant outside the classroom; or

(4) Persons [person] having a financial or business connection with the applicant, other than that of client or employer.

(c) Responses to the board inquiries of character references submitted must be in English and must be received by the board not less than 10 days prior to the applicant's initial examination; otherwise that application will be deemed incomplete and will be denied. It is the responsibility of the applicants to inform their character references of these requirements and to take such measures as are appropriate to insure that their character references make prompt and timely responses to the board's inquiries.

(d) Applications who are not citizens of the United States must provide all of the documentation in subsection (c) of this section, and in addition, must provide evidence satisfactory to the board that:

(1) they are legally in the United States; and

(2) either they have:

(A) lived in Texas at least 90 days immediately preceding the date of application to take the written examination conducted by the board for the purpose of granting a certificate of certified public accountant; or

(B) maintained permanent legal residence in Texas for at least six months immediately preceding the date of submission to the board of their initial application to take the written examination conducted by the board for the purpose of granting a certificate of certified public accountant.

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

Issued in Austin, Texas, on March 12, 1986.

TRD-8802997

Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption:

May 5, 1986

For further information, please call
(512) 451-0241.

★ ★ ★

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 27. State Fire Marshal Subchapter D. Fireworks Rules

★ 28 TAC §§27.401-27.407

The State Board of Insurance proposes the repeal of §§27.401-27.407, concerning the storage and sale of fireworks, granting of permits, minimum requirements for retail stands, and transportation on highways. These sections were rendered obsolete and without legal basis due to House Bill 1955, 69th Legislature, 1985, an Act Relating to the Regulation of Certain Fireworks, effective January 2, 1986. The sections were repealed on an emergency basis in the December 27, 1985, issue of the *Texas Register* (10 TexReg 4972).

Ernest A. Emerson, state fire marshal, has determined that for the first five-year period the proposed repeals 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 repeals.

Mr. Emerson also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be elimination of the confusion that was caused by duplicative fireworks sections in effect at the same time. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals.

Comments on the proposal may be submitted to Ernest A. Emerson, State Fire Marshal, 1110 San Jacinto, Austin, Texas 78701-1998.

The repeals are proposed under the Insurance Code, Article 5.43-4, §5 and §16, which authorizes the State Board of Insurance to adopt rules it considers necessary for the administration of the article and for the protection, safety, and preservation of life and property.

- §27.401. *Storage of Fireworks by Jobbers and Distributors. (Class A and Class B).*
- §27.402. *Storage of Class C Fireworks by Jobbers and Distributors.*
- §27.403. *Storage of Fireworks by Jobbers and Dealers for the Purpose of Transportation.*
- §27.404. *Granting of Permits for, and the Presentation of, Public Display of Fireworks.*
- §27.405. *Minimum Requirements for Retail Fireworks Stands.*
- §27.406. *Transportation of Fireworks on Highways.*
- §27.407. *Savings Clause.*

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

Issued in Austin, Texas, on March 28, 1986.

TRD-8803024

Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:

May 5, 1986

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

★ ★ ★

Subchapter E. Basic Design, Construction, and Safety Features of Retail Fireworks Stands

★ 28 TAC §§27.501-27.506

The State Board of Insurance proposes the repeal of §§27.501-27.506, concerning the basic design, construction, and safety features of retail fireworks stands. These sections were rendered obsolete and without legal basis due to House Bill 1955, 69th Legislature, 1985, an Act (relating to the Regulation of Certain Fireworks), effective January 2, 1986. The sections were repealed on an emergency basis in the December 27, 1985, issue of the *Texas Register* (10 TexReg 4983).

Ernest A. Emerson, state fire marshal, has determined that for the first five-year period the proposed repeals 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 repeals.

Mr. Emerson also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be elimination of the confusion that was caused by duplicative fireworks sections in effect at the same time. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals.

Comments on the proposal may be submitted to Ernest A. Emerson, State Fire Marshal, 1110 San Jacinto, Austin, Texas 78701-1998.

The repeals are proposed under the Insurance Code, Article 5.43-4, §5 and §16, which authorizes the State Board of Insurance to adopt rules it considers necessary for the administration of the article and for the protection, safety, and preservation of life and property.

- §27.501. *Purpose.*
- §27.502. *Definitions.*
- §27.503. *Fireworks Stand Design and Construction.*
- §27.504. *Stand Location.*
- §27.505. *Safety Requirements.*
- §27.506. *Supervisor Required.*

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

Issued in Austin, Texas, on March 28, 1986.

TRD-8603023 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:
May 5, 1986

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

★ ★ ★

TITLE 34. PUBLIC FINANCE

Part IV. Employees Retirement System Chapter 73. Benefits

★ 34 TAC §73.15

The Employees Retirement System of Texas (ERS) proposes an amendment to §73.15, concerning Proportionate Retirement Program—benefits. Section 73.15(d) refers to and incorporates by reference into the section a document entitled, "Computation of Retirement Benefits." The Retirement Division of ERS has revised that document by expanding it to cover situations not covered in earlier editions of the document. Also, the ERS address in the section is updated.

James T. Herod, general counsel, 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. Herod 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 up-to-date information concerning how the ERS computes retirement benefits under the State's proportionate retirement program. 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 James T. Herod, General Counsel, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207.

The amendment is proposed under Texas Civil Statutes, Title 110B, §13.401(a), which provide the Board of Trustees of the Employees Retirement System of Texas with the authority to adopt rules it finds necessary to implement the proportionate retirement program.

§73.15. Proportionate Retirement Program—Benefits.

(a)-(c) (No change.)

(d) The procedures to implement these principles are prescribed in the document entitled "Computation of Proportional Retirement Benefits," dated March 18, 1986 [July 1981]. This document, which is to be obtained from the Executive Director, Employees Retirement System; P.O. Box 13207, [Capitol Station] Austin, Texas 78711-3207 [78711]. The formulas apply only to computation of benefits in programs or systems in which the member does not meet the length-of-services requirement for retirements.

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

Issued in Austin, Texas, on March 26, 1986.

TRD-8602934 Clayton T. Garrison
Executive Director
Employees Retirement
System of Texas

Earliest possible date of adoption.

May 5, 1986

For further information, please call
(512) 476-6431

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 29. Purchased Health Services

Subchapter G. Hospital Services

★ 40 TAC §29.601

The Texas Department of Human Services proposes an amendment to §29.601, new §29.606 and §29.607, and the repeal of §29.9802, concerning purchased health services. The amendment to §29.601 and new §29.606 address reimbursement to hospitals for covered in-patient hospital services. Section 29.9802 is obsolete and is being replaced by new §29.607. Section 29.607 addresses hospital participation requirements without restating the specific provisions of the provider agreement.

In January 1985, the department engaged a consulting firm through a competitive procurement process to study various methods of inpatient hospital reimbursement, including methods used by other states. A project team, consisting of members of the consulting firm and the department's staff, also solicited external comments from hospital representatives and other interested parties through a series of hearings conducted throughout the state. There was a general consensus

throughout the external comment period that, if the department changed from the current retrospective Tax Equity and Fiscal Responsibility Act (TEFRA) payment methodology, a prospective Texas-based diagnosis-related group (DRG) inpatient hospital payment methodology should be implemented.

As a result of analyzing each payment system in terms of qualitative criteria, fiscal impact, external comment, and implementation alternatives, the project team recommended that the department implement a Texas-based DRG payment system.

After this recommendation was made, the project team identified issues specific to the DRG methodology, including alternative solutions to each issue. The project team analyzed each alternative using information gained from researching Medicare, the practices of other states, and appropriate statistical data. The project team then submitted its recommendations to a steering committee composed of department executives.

The Texas Medical Assistance Program will reimburse all Title XIX hospitals for covered inpatient hospital services provided to eligible patients using a Texas-based DRG payment system. Three hospital peer groups are established for payment purposes: teaching hospitals, children's hospitals, and all other hospitals. Based on recent Texas claims data, standard dollar amounts are established for each of the peer groups. Diagnosis-related groups are established and a relative weight assigned to each DRG.

Payment is primarily based on the patient's principal diagnosis at the time of discharge. The appropriate standard dollar amount is multiplied by the relative weight of the DRG associated with the patient's diagnosis to determine the payment amount to the hospital. There are no separate add-on payments or outliers because the data used to compute the standard dollar amounts and the relative weights represent all hospital stays within program limits. Unlike the Medicare prospective payment system, the department makes no distinction between urban and rural hospitals. There is also no federal/national portion within the payment.

Clifton Martin, associate commissioner for programs, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The estimated savings to the state are \$517,936 in fiscal year 1986; \$10,257,649 in fiscal year 1987; \$15,997,965 in fiscal year 1988; \$16,788,188 in fiscal year 1989; and \$16,493,501 in fiscal year 1990. The estimated loss of revenue to units of local government is \$825,307-\$1,092,974 in fiscal year 1986; \$16,345,090-\$21,646,201 in fiscal year 1987; \$27,164,971-\$35,975,232 in fiscal year 1988; \$28,506,791-\$37,752,236 in fiscal year 1989; and \$29,900,026-

\$39,597,331 in fiscal year 1990. The estimated loss of revenue to small businesses is \$149,894-\$162,386 in fiscal year 1986; \$2,968,62-\$3,216,007 in fiscal year 1987; \$4,933,746-\$5,344,892 in fiscal year 1988; \$5,177,709-\$5,609,185 in fiscal year 1989; and \$5,430,492-\$5,883,032 in fiscal year 1990.

Mr. Martin also has determined that for each year of the first five years the rules are in effect the public benefit will be that hospitals will know the amount of reimbursement they can expect to receive from the Texas Medicaid Program for services provided to Texas Medicaid recipients. Implementation of the DRG system should improve efficiency and economy of hospitals, thus saving taxpayer dollars. There are no economic costs to persons required to comply with the rules as proposed.

A copy of this proposal is being sent to each department field office and will be available for public review. The department will hold a hearing to accept comments on the proposal at 9 a.m. on Thursday, April 17, 1986, in the Department of Human Services public hearing room, 701 West 51st Street, Austin. Written comments are invited and may be sent to Cathy Rossberg, Administrator, Policy Development Support Division-159, Department of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this Register.

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

§29.601. Payment for Hospital Services.

(a) The Department of Human Services or its designated agent reimburses hospitals approved for participation in the Texas Medical Assistance Program for covered Title XIX hospital services provided to eligible Medicaid [Title XIX] recipients. [Effective for all accounting periods beginning on or after October 1, 1983, the amount, manner, and method of reimbursement, including settlement of underpayments, overpayments, adjustments, and penalties, are determined according to applicable provisions of the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act.] The Texas Title XIX State Plan for Medical Assistance provides for reimbursement of covered hospital services to be determined as specified in paragraphs (1)-(3) of this subsection. [under similar methods and procedures in Title XVIII of the Social Security Act, as amended, effective October 1, 1982, by Public Law 97-248, within certain limitations identified and described in the following:]

(1) The amount payable for in-patient hospital services is [to be] determined as specified in §29.606 of this title (relating to Reimbursement Methodology for In-patient Hospital Services) [described in subsec-

tion (a) of this section except for the use of overall limits on operating costs which are comparable to those established under the Social Security Act, §1886(a), and other provisions as may be specified by the department. The department or its designated agent may, for reimbursement purposes, establish target rates and stipulate payments per discharge incentives, penalties, and percentage of payments, not to exceed the Medicare upper limit test].

(2) The amount payable for out-patient hospital services is determined under similar methods and procedures used in the Social Security Act, Title XVIII, as amended, effective October 1, 1982, by Public Law 97-248 [described in subsection (a) of this section], except as may be otherwise specified by the department. Reimbursement for out-patient hospital surgery is limited to the lesser of the amount reimbursed to ambulatory surgical centers (ASCs) for similar services, the hospital's actual charge, the hospital's customary charge, or the allowable cost determined by the department or its designee.

(3) (No change.)

(b)-(d) (No change.)

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

Issued in Austin, Texas, on March 31, 1986.

TRD-8603025

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

May 5, 1986

For further information, please call
(512) 450-3766

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★ 40 TAC §29.606, §29.607

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

§29.606. Reimbursement Methodology for In-Patient Hospital Services.

(a) Introduction. The Texas Medical Assistance Program reimburses hospitals for covered in-patient hospital services using a prospective payment system.

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

(1) Diagnosis related group (DRG)—The taxonomy of diagnoses as defined in the Medicare DRG system or as otherwise specified by the department or its designee.

(2) Case mix index—The peer group weighted average relative weight.

(3) Relative weight—The arithmetic mean of the dollars for a specific DRG di-

vided by the arithmetic mean of the dollars for all cases.

(4) Standard dollar amount—The peer group mean cost per case divided by the peer group case mix index less a budgetary adjustment factor of 10%. The department or its designee applies cost-of-living indexes to the standard dollar amounts established for the base year to calculate standard dollar amounts for prospective years. A reduction adjustment factor is not applied to the mean cost per case for the anticipated net impact of final hospital cost settlements.

(5) Peer groups—Children's hospitals, teaching hospitals, and other hospitals.

(6) Children's hospital—A hospital recognized by Medicare as a children's hospital, exempted by Medicare from the Medicare prospective payment system, and designated by the department or its designee as a children's hospital.

(7) Teaching hospital—A hospital of at least 150 beds which is not defined as a children's hospital and where the ratio of direct medical education cost to total reimbursable cost is in the upper 50th percentile for hospitals with positive ratios.

(8) Other hospital—A hospital not defined as a children's hospital or a teaching hospital. Except for border hospitals with a Texas provider number, all out-of-state hospitals are classified in this peer group.

(c) Calculating relative weights and standard dollar amounts. The department or its designee uses recent Texas claims data to calculate both the relative weights and standard dollar amounts. A relative weight is calculated for each DRG and applied to all peer groups. A separate standard dollar amount is calculated via the arithmetic mean and adjusted by the case mix index for each peer group and reduced by a budgetary adjustment factor of 10%. If a specific DRG has less than 10 observations for Medicaid data, the department or its designee uses the corresponding Medicare relative weight. The department or its designee makes no distinction between urban and rural hospitals, and there is no federal/national portion within the payment.

(d) Add-on payments and outliers. There are no separate add-on payments or outliers. The department or its designee:

(1) includes capital costs in the standard dollar amount for each peer group;

(2) includes the cost of both direct and indirect medical education in the standard dollar amount for each peer group;

(3) includes the cost of malpractice insurance in the standard dollar amount for each peer group; and

(4) disallows return on equity and removes it from the data base.

(e) Calculating the payment amount. The department or its designee reimburses each hospital for covered inpatient hospital services by multiplying the standard dollar amount established for the hospital's peer group by the appropriate relative weight. The

patient's DRG classification is primarily based on the patient's principal diagnosis at discharge. The resulting amount is the payment amount to the hospital.

(f) Patient transfers. If a patient is transferred, the department or its designee establishes payment amounts as specified in paragraphs (1)-(4) of this subsection unless the policy in subsection (g) of this section is applicable. If appropriate, the department or its designee manually reviews transfers for medical necessity and appropriate payment.

$$\frac{(\text{DRG relative weight} \times \text{standard dollar amount})}{\text{DRG mean length of stay (LOS)}} \times \text{LOS}$$

The LOS is the lesser of the DRG mean LOS, the claim LOS, or 30 days.

(3) If the department or its designee determines that the transferring hospital provided a greater amount of care than the receiving hospital, the department or its designee reverses the payment amounts. The transferring hospital is paid the total payment amount of the patient's DRG, and the receiving hospital is paid the DRG *per diem*.

$$\frac{(\text{DRG relative weight} \times \text{standard dollar amount})}{\text{DRG mean length of stay (LOS)}} \times \text{Eligible LOS}$$

DRG mean LOS The eligible LOS is the lesser of days eligible or DRG mean LOS. Days eligible equals the lesser of the number of days of eligibility or the number of days remaining under the patient's current 30-day in-patient hospital limit.

(h) Split billing. The department or its designee does not allow interim billings by providers. The hospital may bill the department or its designee when the patient is no longer eligible, exceeds his 30-day in-patient hospital limit, or is discharged. The department or its designee bases payment on the diagnosis codes known at billing. The payment is final.

(i) Rebasing and updating the standard dollar amounts.

(1) The department or its designee rebases the standard dollar amount for each peer group at least every three years and whenever the relative weights are recalibrated. Interim adjustments are not made unless the department or its designee determines that special circumstances warrant an adjustment.

(2) The department or its designee updates the standard dollar amount each year for each peer group by applying a cost-of-living index to the standard dollar amount established for the base year. The index used to update the standard dollar amounts is the lesser of the following two measures:

(A) the change in total adjusted charges per case for the latest year available

(1) If the patient is transferred to a skilled nursing facility or intermediate care facility, the department or its designee pays the transferring hospital the total payment amount of the patient's DRG.

(2) If the patient is transferred to another hospital, the department or its designee pays the receiving hospital the total payment amount of the patient's DRG. The department or its designee pays the transferring hospital a DRG *per diem*. The DRG *per diem* is based on the following formula:

(4) The department or its designee makes multiple transfer payments by applying the *per diem* formula to the transferring hospitals and the total DRG payment amount to the discharging hospital.

(g) Patient ineligibility. If a patient loses his eligibility for Title XIX benefits during his hospital stay, the department or its designee bases the payment to the hospital on the number of days the patient was eligible using the following formula:

compared to total adjusted charges per case for the previous year, or

(B) the change in the Texas medical consumer price index-urban for the latest year available compared to the Texas medical consumer price index-urban for the previous year.

(j) Recalibrating the relative weights. If data analysis indicates that recalibration is necessary, the department or its designee recalibrates the relative weights at least every three years.

(k) Revising the diagnosis-related groups. The department or its designee parallels the taxonomy of diagnoses as defined in the Medicare DRG prospective payment system unless a revision is required based on Texas claims data or other factors as determined by the department or its designee.

(l) Appeals.

(1) A hospital may appeal individual claims as specified in other department rules.

(2) A hospital may not appeal the prospective payment methodology used by the department or its designee, including:

(A) the peer grouping methodologies;

(B) the DRGs established;

(C) the methodology for classifying hospital discharges with the DRGs;

(D) the relative weights assigned to the DRGs; and

(E) the amount of payment as being inadequate to cover costs.

(m) Cost Report. Each hospital must submit a cost report at periodic intervals as prescribed by Medicare or as otherwise prescribed by the department or its designee. The department or its designee uses data from these reports in rebasing years.

(n) Cost Settlement. If a hospital has already begun its fiscal year when the policies contained in this section are implemented, cost settlement for that fiscal year is based on reimbursement for covered inpatient hospital services under similar methods and procedures used in Title XVIII of the Social Security Act, as amended, effective October 1, 1982, by Public Law 97-248.

§29.607. *Provider Participation.* A hospital must be licensed by the Texas Department of Health or the appropriate licensing authority as an acute care, general, or special hospital. A hospital must be enrolled and participating in the Medicare Program as a hospital to participate in the Texas Medical Assistance Program (Medicaid). The hospital must also sign a written provider agreement with the department or its designee to participate in the Texas Medical Assistance Program. The provider agreement is prescribed by the department or its designee. By signing the provider agreement, the hospital agrees to comply with the terms of the agreement and all requirements of the Texas Medical Assistance Program, including regulations, rules, handbooks, standards, and guidelines published by the department or its designee. The hospital also agrees to comply with the utilization review plan approved by the department or its designee.

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

Issued in Austin, Texas, on March 31, 1986.

TRD-8603026

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

May 5, 1986

For further information, please call

(512) 450-3766.

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Subchapter UUUU. Support Documents

★40 TAC §29.9802

The repeal is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

§29.9802. *Contractual Agreement for Participation as a Title XIX Hospital.*

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

Issued in Austin, Texas, on March 31, 1986.

TRD-8603027

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

May 5, 1986

For further information, please call

(512) 450-3786.

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Part III. Texas Commission on Alcohol and Drug Chapter 153. DWI Education Program Standards and Procedures

★ 40 TAC §§153.4, 153.32, 153.36,
153.38, 153.41

The Texas Commission on Alcohol and Drug Abuse proposes amendments to §§153.4, 153.32, 153.36, 153.38, and 153.41, concerning clarification on program certification requirements, program course content, operation requirements, program staffing, data collection, and recordkeeping. The amendments enhance standardization and uniformity in all certified DWI education programs.

Larry Goodman, Fiscal and Administrative Services Division administrator, has determined that for the first five-year period the proposed sections 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 sections.

Mr. Goodman also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be increased standardization and uniformity in the certification and operation of state-approved DWI Education Programs designed to rehabilitate persons who have driven while intoxicated. There is no anticipated economic cost to individuals who are required to comply with the proposed sections

Comments on the proposal may be submitted to Patricia Kubsch, Texas Commission on Alcohol and Drug Abuse, 1705 Guadalupe, Austin, Texas 78701.

The amendments are proposed under the Code of Criminal Procedure, Article 42.12, §6(d), which provides the Texas Commission on Alcohol and Drug Abuse with the authority to publish the rules and regulations for approved DWI education programs and the authority to monitor and coordinate the approved educational programs.

§153.4. *Program Certification.* A certificate issued under this Act expires two years from the date of issuance. A program seeking certification must comply with the provisions of this Act and with the rules, regulations, and standards of the commission adopted under this Act. Programs seeking initial certification must establish that a need exists in the proposed county or counties to be served and must provide proof of support for the program from all courts [the appropriate adjudicating court(s)] in which misdemeanor DWI cases are adjudicated and from the appropriate probation department(s). A certificate may be issued when the commission receives a completed prescribed application form. The certificate will become effective on the date of issuance. A program shall be monitored by the commission or its designated representative prior to issuing program certification or during the two-year certification period. Certified programs will be listed as potential referral schools in the Statewide DWI Education Program directory. Noncertified programs are not eligible to receive referrals. Applications for certification are available from the Commission's Statewide DWI Education Program Director, Texas Commission on Alcohol and Drug Abuse, 1705 Guadalupe, Austin, Texas 78701-1214 [78701].

§153.32. *Program Course Content.* The DWI Education Program course shall consist of the content contained in the state-approved curriculum entitled *Texas DWI Education Program* as adopted by reference by the Texas Commission on Alcohol and Drug Abuse and [or an equivalent curriculum] approved by the commission, the Texas Department of Public Safety, the Traffic Safety Section of the State Department of Highways and Public Transportation, and the Texas Adult Probation Commission. The state-approved curriculum is available for review, free of charge, at the Texas Commission on Alcohol and Drug Abuse offices, 1705 Guadalupe, Austin, Texas 78701, and at the Texas Register of the Secretary of State, located on the fifth floor, Sam Houston Building, Austin, Texas 78701-1214 [78701].

§153.36. *Program Operation Requirements.* All certified programs designed to rehabilitate persons who have been placed on probation for driving while intoxicated under the provisions of this Act shall:

(1) utilize the state-approved curriculum as adopted by the Texas Commission on Alcohol and Drug Abuse in §153.32 of this title (relating to Program Course Content) and [or an equivalent curriculum] approved by the commission, the Texas Department of Public Safety, the State Department of Highways and Public Transportation, and the Texas Adult Probation Commission [in the instruction]. The state-approved curriculum entitled the *Texas DWI Education Program* shall be presented in the manner and sequence as prescribed within;

(2) (No change.)

(3) insure that program instructors have attended and successfully completed the Administrator/Instructor DWI Education Training Program approved by the commission, the Texas Department of Public Safety, the Traffic Safety Section of the State Department of Highways and Public Transportation, and the Texas Adult Probation Commission [offered by Sam Houston State University or other approved training institutions];

(4) utilize all required films, transparencies, and other required resources in instruction. [;] Any supplemental films used in the program must have prior approval from the commission and can only be used if:

(A) the program uses the required film(s) in the appropriate modules;

(B) the program exceeds the minimum of eight hours of instruction or the program completes all required data gathering prior to the first class; and

(C) the supplemental film used relates directly to the objectives of the curriculum module in which it is used;

(5)-(12) (No change.)

§153.38. *Program Staff.* Program staff should be selected using the following criteria.

(1) Instructors.

(A) Instructors should have professional experience and training in such fields as education, criminal justice, counseling, psychology, or social work. The instructor should be knowledgeable in the areas of traffic safety, alcohol abuse and addiction, and must have successfully completed the Administrator/Instructor DWI Education Training Program approved by the commission, the Texas Department of Public Safety, the Traffic Safety Section of the State Department of Highways and Public Transportation, and the Texas Adult Probation Commission [offered by Sam Houston State University or other approved training institutions].

(B)-(D) (No change.)

(E) Prior to the initial certification and recertification of the program by the commission, each program shall have at least one trained instructor who has successfully completed the Administrator/Instructor DWI Education Training Program approved by the commission, the Texas Department of Public Safety, the Traffic Safety Section of the State Department of Highways and Public Transportation, and the Texas Adult Probation Commission [offered by Sam Houston State University or other approved training institutions].

(2) Administrators.

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

(D) The administrator shall successfully complete the Administrator/Instructor DWI Education Training Program approved by the commission, the Texas Department of Public Safety, the Traffic Safety Section of the State Department of High-

ways and Public Transportation, and the Texas Adult Probation Commission [offered by Sam Houston State University or other approved training institutions].

§153.41. Record Keeping and Reporting.
(a) Data Collection.

(1) The program administrator is responsible for collecting the following data on each class participant for use by the program in developing class profiles:

- (A)-(F) (No change.)
- [(G)] county of arrest;
- [(G)][(H)] driver's license number;
- [(H)][(I)] social security number;
- [(I)][(J)] present employment;
- [(J)][(K)] educational attainment;
- [(K)][(L)] date of enrollment in class;
- [(L)][(M)] date of completion;
- [(M)][(N)] pre-test score;
- [(N)][(O)] post-test score;
- [(O)][(P)] screening test score;
- [(P)][(Q)] instructor evaluation of

client; and

- [(Q)][(R)] referral recommendation.
- (2) (No change.)

(3) All class records may be destroyed annually, except class rosters. Class rosters must be retained for at least three years.

- (b) (No change.)

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

Issued in Austin, Texas, on March 27, 1986

TRD-8603000 Ross Newby
 Executive Director
 Texas Commission on
 Alcohol and Drug Abuse

Earliest possible date of adoption:
 May 5, 1986
 For further information, please call
 (512) 463-5510.



**Part IX. Texas Department
 on Aging
 Chapter 265. Grant-Related
 Income**

★40 TAC §265.1

The Texas Department on Aging proposes the repeal of §265.1, concerning grant-related income. In response to a recommendation by the federal regional Administration on Aging staff and a waiver granted by the United States commissioner on aging to extend the time period three months for expending program income under the deduction and cost sharing alternatives, this department is discontinuing allowability of the additional costs alternative identified in the current section.

Russell Gregorczyk, director of fiscal management, has determined that for the first five-year period the proposed repeal 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 repeal.

Tim Shank, deputy executive director, also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be to permit the adoption of a new section that will provide greater flexibility in the expenditure of program grant-related income. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to Edwin R. Floyd, Chief of Administrative Services, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The repeal is proposed under the Human Resources Code, which provides the Texas Department on Aging with the authority to develop rules governing the function of the department.

§265.1. Allowable Use of Program Income.

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

Issued in Austin, Texas, on March 25, 1986.

TRD-8602964 O. P. (Bob) Bobbitt
 Executive Director
 Texas Department on
 Aging

Earliest possible date of adoption:
 May 5, 1986
 For further information, please call
 (512) 444-2727.



Statutes and Regulations

★40 TAC §265.1

The Texas Department on Aging proposes new §265.1, concerning grant-related income. This proposed section outlines the allowable uses of program income in Older Americans Act programs. In response to a recommendation by the federal regional Administration on Aging staff and a waiver granted by the United States Commission on Aging to extend the time period three months for expending program income under the deduction and cost sharing alternatives, this department is discontinuing allowability of the additional costs alternative identified in the existing §265.1.

Russell Gregorczyk, director for fiscal management, 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.

Tim Shank, deputy executive director, has also determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be increased flexibility in using program income funds to ease the beginning of year cash flow problems of area agencies on aging and service providers. 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 Edwin R. Floyd, Chief of Administrative Services, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The new section is proposed under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to develop rules governing the function of the department.

§265.1. Allowable Use of Program Income.

(a) Definition. Program income is the gross income earned by the grantee from grant-supported activities. Such earnings exclude interest earned on advances and may include, but will not be limited to, income from service fees, sale of commodities, usage or rental fees, and royalties on patents and copyrights. In order to further clarify the definition of program income, the following examples would be considered program income:

- (1) contributions received from program participants where the participant received a direct benefit (for example, where a service was rendered to the participant);
- (2) revenues from the sale of items either purchased or produced whole or in part with Title III funds. It does not matter whether the shop or sale is operated in a Title III program setting or a non-program setting;
- (3) tuition or related fees generated as a result of a program funded whole or in part under Title III. For example, if the instructor or any materials were paid or purchased using Title II funds, any fees or tuition collected would be general program income; and
- (4) revenues that are not general program income, which include:

- (A) donations in general made by the third parties. If the donor does not receive anything in return, it is not program income, as opposed to a contribution where the donor receives a benefit in return;
- (B) revenues from fund-raising activities. If fund-raising is in the form of a sale, and if the items sold are not purchased or produced with Title III funds, the income derived is not program income; and
- (C) funds received from local governments or other sources in excess of minimum matching requirements. These

funds are other resources, not program income.

(b) Policies.

(1) It is the policy of the Texas Department on Aging (TDoA) to encourage the generation of program income by grantees and service providers in order to expand aging program services in Texas.

(2) It is the policy of the TDoA to require the budgeting of program income for TDoA staff review and prior approval in accordance with established budgeting and budget amendment procedures. Additionally, reporting of program income collected and program income expended is required for inclusion on the quarterly financial status report (Standard Form 269) submitted by each grantee.

(3) It is the policy of the TDoA that program income shall be used for current costs. The only allowable exception is that program income collected in the final quarter of the current fiscal year (July, August, September) may be deferred for expenditure during the first quarter of the next fiscal year (October, November, December) for the sole purpose of easing first-of-year cash flow problems caused by delays in receiving new federal awards. Any program income earned in a prior year and expended after the end of the first quarter of the current year will be deemed as unallowable costs.

(4) It is the policy of TDoA to allow the use of programs income in accordance with one or a combination of alternatives identified in 45 Code of Federal Regulations Part 74-42 as follows.

(A) Deduction alternative.

(i) Under this alternative, the income is used for allowable costs of the project or program. If there is a cost-sharing or matching requirement, costs borne by the income may not count toward satisfying that requirement. Therefore, the maximum percentage of federal participation is applied to the net amount determined by deducting the income from total allowable costs and third party in-kind contributions.

(ii) To illustrate this alternative, assume a project in which the grantee incurs \$100,000 of allowable costs and receives no third part in-kind contributions. If the grantee earns \$10,000 in general program income and this alternative applies, that \$10,000 must be deducted from the \$100,000 before applying the maximum percentage of federal participation. If that percentage is 90%, the most that could be paid to the grantee would therefore be \$81,000 (90% times \$90,000).

(B) Cost sharing or matching alternative.

(i) Under this alternative, the income is used for allowable costs of the project or program, but in this case, the costs borne by the income may count toward satisfying a cost sharing or matching requirement. Therefore, the maximum percentage of federal participation is applied to total allowable costs and third party in-kind contribution.

(ii) To illustrate this alternative, assume the same situation as in subsection (a)(ii) of this section. Under this alternative, the 90% maximum percentage of participation would be applied to the full \$100,000, and \$90,000 could therefore be paid to the grantee. (It should be noted that if \$20,000 of general program income is

earned, only \$80,000 could be paid, since a grant cannot pay for costs which have been borne by general program income.)

(c) Procedures.

(1) In accordance with the Older Americans Act of 1965, as amended, (Public Law 89-83(a)(13)(C)(ii), page 307), nutrition service generated program income will be used to increase the number of meals served by the project involved, to facilitate access to such meals, and to provide other supporting services directly related to nutrition services. Additionally, aging service generated program income will be used to expand the aging services of the provider under which the program income was generated.

(2) Program income must be anticipated and budgeted within each area's plan for aging services. Additionally the method or methods of using program income must be identified in the area plan for review and approval by this department.

(3) Program income collected and program income expended must each be reported quarterly on the grantee's financial status report (Standard Form 269).

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

Issued in Austin, Texas, on March 26, 1986.

TRD-8602965

O. P. (Bob) Bobbit
Executive Director
Texas Department on
Aging

Earliest possible date of adoption.

May 5, 1986

For further information, please call
(512) 444-2727

★ ★ ★

Adopted

Rules

An agency may take final action on a rule 30 days after a proposal has been published in the *Texas Register*. The rule becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the rule with changes to the proposed text, the proposal will be republished with the changes.

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union

Department

Chapter 91. Chartering, Operations, Merger, and Liquidations

Direction of Affairs

★ 7 TAC §91.506

The Credit Union Department adopts an amendment to §91.506, without changes to the proposed text published in the February 7, 1986, issue of the *Texas Register* (11 TexReg 685).

This amendment is necessary to eliminate superfluous language and clarify the bond coverage required by the Texas Share Guaranty Credit Union.

The section now establishes without question that the Texas Share Guaranty Credit Union will obtain coverage under the share insurance corporation bond.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration 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 March 26, 1986

TRD-8602945 John R Hale
Commissioner
Credit Union Department

Effective date April 16, 1986
Proposal publication date: February 7, 1986
For further information, please call
(512) 837-9236

★ ★ ★



Chapter 95. Texas Share Guaranty Credit Union General

★ 7 TAC §95.4, §95.5

The Credit Union Department adopts amendments to §95.4 and §95.5, without changes to the proposed text published in the February 7, 1986, issue of the *Texas Register* (11 TexReg 685)

The amendments are necessary to bring the existing sections into conformity with the current statute and to simplify, clarify, and strengthen various subsections to better enable the Texas Share Guaranty Credit Union to fulfill its responsibilities.

The amendments clarify the authority of the Texas Share Guaranty Credit Union and its process for contracting insurance.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration 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 March 26, 1986

TRD-8602944 John R Hale
Commissioner
Credit Union Department

Effective date: April 16, 1986
Proposal publication date: February 7, 1986
For further information, please call
(512) 837-9236

★ ★ ★

Powers

★ 7 TAC §§95.101-95.103

The Credit Union Department adopts amendments to §§95.101-95.103, without changes to the proposed text published in the February 7, 1986, issue of the *Texas Register* (11 TexReg 686).

The amendments are necessary to bring the existing sections into conformity with

the current statute and to simplify, clarify, and strengthen various subsections to better enable the Texas Share Guaranty Credit Union to fulfill its responsibilities.

The amendments clarify the Texas Share Guaranty Credit Union's powers that are in addition to those enumerated in the statute, the special authorization conferred by the commission, and special guarantee authorization which can be used to bolster the financial situation of a member credit union.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration 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 March 26, 1986.

TRD-8602943 John R Hale
Commissioner
Credit Union Department

Effective date April 16, 1986
Proposal publication date February 7, 1986
For further information, please call
(512) 837-9236

★ ★ ★

Direction of Affairs

★ 7 TAC §§95.201-95.204

The Credit Union Department adopts amendments to §§95.201-95.204, without changes to the proposed text published in the February 11, 1986, issue of the *Texas Register* (11 TexReg 784).

The amendments are necessary to bring the existing sections into conformity with the current statute and to simplify, clarify, and strengthen various subsections to better enable the Texas Share Guaranty Credit Union to fulfill its responsibilities.

The amendments establish the board of directors, their election, and the calling of meeting of the board to include the notice required.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration 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 March 26, 1986.

TRD-8602942 John R. Hale
Commissioner
Credit Union Department

Effective date: April 16, 1986
Proposal publication date: February 7, 1986
For further information, please call
(512) 837-9236.

★ ★ ★



★7 TAC §95.202

The Credit Union Department adopts the repeal of §95.202, without changes to the proposed text published in the February 11, 1986, issue of the *Texas Register* (11 TexReg 784).

The repeal of this section is necessary for conformity with the current statute and to simplify, clarify, and strengthen various subsections to better enable Texas Share Guaranty Credit Union to fulfill its responsibilities.

The repeal of this section eliminates duplication of a provision from the statutes.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of this 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 March 26, 1986.

TRD-8602939 John R. Hale
Commissioner
Credit Union Department

Effective date: April 16, 1986
Proposal publication date: February 11, 1986
For further information, please call
(512) 837-9236.

★ ★ ★

★7 TAC §95.204

The Credit Union Department adopts the repeal of §95.204, without changes to the proposed text published in the February 11, 1986, issue of the *Texas Register* (11 TexReg 785).

The repeal of this section is necessary for conformity with the current statute and to simplify, clarify, and strengthen various subsections to better enable Texas Share Guaranty Credit Union to fulfill its responsibilities.

The repeal of this section eliminates duplication of the standard established in the Texas Share Guaranty Credit Union's by-laws.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of this 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 March 26, 1986

TRD-8602938 John R. Hale
Commissioner
Credit Union Department

Effective date: April 16, 1986
Proposal publication date: February 11, 1986
For further information, please call
(512) 837-9236.

★ ★ ★

★7 TAC §95.206

The Credit Union Department adopts the repeal of §95.206, without changes to the proposed text published in the February 11, 1986, issue of the *Texas Register* (11 TexReg 785).

The repeal of this section is necessary for conformity with the current statute and to simplify, clarify, and strengthen various subsections to better enable Texas Share Guaranty Credit Union to fulfill its responsibilities.

The repeal of this section eliminates duplication between this section and the Texas Share Guaranty Credit Union's by-laws.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of this 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 March 26, 1986.

TRD-8602937 John R. Hale
Commissioner
Credit Union Department

Effective date: April 16, 1986
Proposal publication date: February 11, 1986
For further information, please call
(512) 837-9236.

★ ★ ★

★7 TAC §95.207

The Credit Union Department adopts the repeal of §95.207, without changes to the proposed text published in the February 11, 1986, issue of the *Texas Register* (11 TexReg 785).

The repeal of this section is necessary for conformity with the current statute and to simplify, clarify, and strengthen various subsections to better enable Texas Share Guaranty Credit Union to fulfill its responsibilities.

The repeal of this section eliminates duplication between this section and the Texas Share Guaranty Credit Union's by-laws.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of this 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 March 26, 1986

TRD-8602936 John R. Hale
Commissioner
Credit Union Department

Effective date: April 16, 1986
Proposal publication date: February 11, 1986
For further information, please call
(512) 837-9236.

★ ★ ★

Finance and Accounts

★7 TAC §§95.301-95.306,
95.308-95.313

The Credit Union Department adopts amendments to §§95.301-95.306, and 95.308-95.313, without changes to the proposed text published in the February 11, 1986, issue of the *Texas Register* (11 TexReg 785).

The adoption is necessary to bring existing sections into conformity with the current statute and to simplify, clarify, and strengthen various subsections to better enable the Texas Share Guaranty Credit Union to fulfill its responsibilities.

The adoption establishes operational procedures for the Texas Share Guaranty Credit Union that are applicable for membership to applicants and those procedures applicable to credit unions that are currently members.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration 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 March 26, 1986.

TRD-8602941 John R. Hale
Commissioner
Credit Union Department

Effective date: April 16, 1986
Proposal publication date: February 11, 1986
For further information, please call
(512) 837-9236.

★ ★ ★

★ 7 TAC §95.313

The Credit Union Department adopts the repeal of §95.313, without changes to the proposed text published in the February 11, 1986, issue of the *Texas Register* (11 TexReg 789).

The repeal of this section is necessary for conformity with the current statute and to simplify, clarify, and strengthen various subsections to better enable Texas Share Guaranty Credit Union to fulfill its responsibilities.

The repeal of this section eliminates a section that is not applicable to the Texas Share Guaranty Credit Union.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of this 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 March 26, 1986.

TRD-8602935 John R. Hale
Commissioner
Credit Union Department

Effective date April 16, 1986
Proposal publication date: February 11, 1986
For further information, please call
(512) 837-9236.

★ ★ ★

Chapter 97. Commission
Policies and Administrative
Rules
Supervision Fees

★ 7 TAC §97.112

The Credit Union Department adopts an amendment to §97.112, without changes to the proposed text published in the February 7, 1986, issue of the *Texas Register* (11 TexReg 688)

The amendment is necessary to insure that the Texas Share Guaranty Credit Union's annual supervision fee can be increased with the credit union's increase in assets.

The amendment permits the commission to establish a realistic annual supervision fee for Texas Share Guaranty Credit Union based upon its current assets.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration 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 March 26, 1986.

TRD-8602940 John R. Hale
Commissioner
Credit Union Department

Effective date: April 16, 1986
Proposal publication date: February 7, 1986
For further information, please call
(512) 837-9236

★ ★ ★

TITLE 22. EXAMINING
BOARDS
Part XXII. Texas State Board
of Public Accountancy
Chapter 519. Practice and
Procedure

★ 22 TAC §519.27

The Texas State Board of Public Accountancy adopts an amendment to §519.27, with changes to the proposed text published in the January 7, 1986, issue of the *Texas Register* (11 TexReg 90).

The amendment provides proper legal citation to the current Public Accountancy Act.

The amendment operates to permit members of the public to locate the statutory authority cited in the sections.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to issue rules relating to hearings in disciplinary actions providing the proper legal citation of the current Public Accountancy Act.

§519.27. Hearings in Disciplinary Actions.

(a) General rule. Hearings in disciplinary actions shall be governed by the provisions of this section, the other provisions of this chapter, the Public Accountancy Act of 1979, as amended, Texas Civil Statutes, Article 41a-1, 1981, §22, and the Administrative Procedure and Texas Register Act.

(b)-(j) (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 March 25, 1986.

TRD-8602996 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: April 18, 1986
Proposal publication date: January 7, 1986
For further information, please call
(512) 451-0241.

★ ★ ★

Chapter 523. Continuing
Professional Education
Mandatory Continuing
Education Program

★ 22 TAC §523.62

The Texas State Board of Public Accountancy adopts an amendment to §523.62, without changes to the proposed text published in the January 7, 1986, issue of the *Texas Register* (11 TexReg 90).

The amendment provides legal citation to the current Public Accountancy Act.

The amendment operates to enable members of the public to locate the statutory authority cited in the sections.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to issue rules relating to mandatory continuing education, providing the proper legal cita-

tion for the current Public Accountancy 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 March 25, 1986

TRD-8602995

Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date April 18, 1986

Proposal publication date: January 7, 1986

For further information, please call
(512) 451-0241

★ ★ ★

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 101. General Rules

★31 TAC §101.24

The Texas Air Control Board (TACB) adopts an amendment to §101.24, with changes to the proposed text published in the January 31, 1986, issue of the *Texas Register* (11 TexReg 585-586). The amendment clarifies applicability, allows additional time for fee payment in certain cases, and requires the payment of a one-time supplemental inspection fee.

Regular inspection fees were due and payable for fiscal year 1986 during December, 1985, and January, 1986, with some late payments to arrive after January 31. The total revenue collected as inspection fees, as of March 28, is insufficient to maintain the TACB at its budgeted level through the end of the fiscal year. To correct this revenue shortfall, the TACB now requires and will collect a supplemental inspection fee for fiscal year 1986 based upon the fees required in §101.24(a).

The amendment clarifies the applicability of this section to all accounts, not just those which have been assigned account numbers, and specifies that all accounts subject to the inspection fee requirement must have account numbers. The amendment clarifies the intent of the section by specifying references to subsection (a) and to the provisions of subsection (c).

A new paragraph provides additional time for payment of fees by those accounts which recently have been assigned account numbers. A new paragraph also requires payment of a supplemental inspection fee by all accounts specified in subsection (a), sets the supplemental fee at 45% of the regular inspection fee due, and establishes a payment period of April, 1986.

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

Nineteen commenters testified concerning the proposed revisions to §101.24. Those commenting in favor were the American Lung Association, the Sierra Club, Lone Star Chapter, and the League of Women Voters of Texas. Those commenting against the proposal were Sun Exploration and Production Company, Mitchell Energy and Development Corporation, Cities Service Oil and Gas Corporation, Dow Chemical Company, El Paso Natural Gas Company, ARCO Oil and Gas Company (ARCO), Exxon Company, U.S.A. (Exxon), Transco Energy Company (Transco), Cabot Corporation, Texaco, Inc., the Texas Chemical Council (TCC), the Texas Aggregates and Concrete Association, Lone Star Gas Company, the Texas Independent Producers and Royalty Owners Association, Chevron U.S.A., Inc., (Chevron), the Texas MidContinent Oil and Gas Association (TMOGA), and Mobil Producing Texas and New Mexico, Inc.

A summary of comments and a discussion of issues related to the proposed amendment follows. Testimony was received from 23 commenters during the comment period. While some commenters addressed issues and potential revisions which are beyond the scope of this rulemaking process, others addressed the specific revisions to §101.24 contained in the January 31 proposal. Comments received which related directly to specific revisions contained in the January 31 proposal have been divided into parts corresponding to the four subsections of §101.24.

Many comments and suggestions were received regarding ways to amend §101.24, and regarding TACB's fee collection procedures and the urgency of collecting from all unpaid accounts. Suggested amendments which represent substantial revisions to the current fee system are beyond the scope of the current rulemaking and will be considered by the TACB staff during the May, 1986 review of §101.24. The review is required by §101.24(a). Those commenters concerned with the adequacy of fee collection efforts should be assured that the staff is making every effort to contact all unpaid accounts both by letter and by telephone. As of March 26, 1986, 37 accounts remained unresolved. Of these, payments are expected from approximately 10 accounts to total about \$20,000. The following are specific suggestions for other changes to §101.24: expand fee applicability to include smaller accounts and those currently exempted; aggregate all

pollutants for fee calculation; clarify rule to state that methane, ethane, and possibly other air contaminants not generally subject to emission limitations are not considered as other pollutants; review inspection fee rule annually, collect inspection fees in January and February based upon previous year emissions; review fee calculation formula and change it as necessary; explain or clarify TACB procedure for assignment of account numbers; and add an exemption for accounts which emit less than 50 tons per year and have potential for less than 100 tons per year of regulated pollutants.

Several commenters requested postponement of rulemaking and fee collection to May, June, or later in 1986. The date for rule consideration cannot be postponed without introducing uncertainty concerning whether there would be adequate time for the staff to complete all notification and collection activities before the agency depletes available funding this fiscal year.

One commenter challenged the supplemental fee as a tax which is invalid because it is not assessed in the manner required for taxes. The supplemental fee is directly related to the initial inspection fee assessment, and the comment, therefore, represents a challenge to the fee program as a whole. The agency view is that the validity of such a program relative to constitutional requirements pertaining to taxation is a proper question for the courts rather than this agency, and, accordingly, withdrawal of the proposal on that basis would be inappropriate.

The revision to §101.24(a) is intended to clarify the applicability of §101.24 to all accounts, including those without account numbers, and that an account which lacks an account number but is of the size and type required to remit a fee should obtain a number from the TACB. A commenter suggested the deletion of the two proposed new sentences and the addition of a new sentence to require the assignment of account numbers only to accounts which are subject to inspection fee requirements and which remit an inspection fee. Additional language would give the account owner/operator the option of requesting assignment of an account number.

Exxon suggested the deletion of TACB's two proposed new sentences and offered replacement language which would give the owner/operator the option to request assignment of an account number. Exxon explained that an account owner/operator should not have to decide whether or not to contact TACB for assignment of an account number. Chevron submitted wording changes similar to those submitted by TMOGA and Exxon. Transco requested that TACB clarify language referring to facilities without assigned account numbers, but did not elaborate. ARCO commented orally that

the TACB proposal for this subsection clarifies the requirement to pay inspection fees by accounts without assigned account numbers.

The intent of this provision is to require accounts to obtain account numbers if the aggregated emissions at the account site reach the levels specified in §101.24(a), triggering the inspection fee requirement. This intent has been clarified by specifically indicating that only owners and operators of accounts subject to an inspection fee requirement are responsible for contacting the TACB to obtain an account number. The only revisions made to §101.24(b) are two simple wording changes intended to clarify existing language by specifying references to subsection (a) and to subsection (c). Several commenters recommended deletion of the entire sentence which contains the changes. Such a deletion would be compatible with a major restructuring of §101.24, however, TACB is not proposing to rewrite §101.24 in this rulemaking process. The proposed wording changes are needed to clarify the meaning of the section in its current format and are adopted as proposed.

A second paragraph has been added to the existing §101.24(c), which is intended to allow additional time for fee payment by accounts which have been assigned account numbers after the effective date of the original §101.24. Since that date, October 21, 1985, some account representatives have indicated that the current wording of this subsection could be misinterpreted to mean that accounts which never were assigned numbers are not required to pay inspection fees by virtue of not having an account number from which to determine the month due. The new paragraph allows for the possibility that such a misunderstanding could occur and specifies that payment should be made during April, 1986. Several commenters revised the proposal to indicate that older, existing accounts which have been assigned account numbers since October 21, 1985, have more time to pay inspection fees. TMOGA and Exxon gave an April, 1986 due date. Chevron suggested September, which is too late for the current fiscal year fee collection. All three commenters indicated that the new paragraph needs additional wording to specify that all newly-constructed facilities which are assigned account numbers in 1986 or later will be subject to the next scheduled fee collection deadline, as applicable. The April, 1986, deadline is intended only for the older, existing accounts which were never assigned account numbers, but have been emitting air contaminants in previous years. New facilities which start production in 1986 will be involved in the next annual payment schedule and have no requirement to pay fees for 1985 since these facilities had no emissions before 1986.

A new paragraph has been added to §101.24(d) to require the one-time payment of a supplemental inspection fee by all accounts subject to the provisions of subsection (a). A supplemental fee is necessary to compensate for a shortfall in current inspection fee revenues and is the most effective remedial step to be taken in a timely manner. The supplemental fee is established at 45%, based upon fee revenue data current as of March 26, 1986.

The majority of the comments on the proposal were directed at the proposed revisions and several potential future revisions to §101.24(d). The American Lung Association, the TCC, the League of Women Voters, Dow Chemical, and the Sierra Club gave their general support for the collection of reasonable fees to fund the TACB. Fourteen commenters recommended changes in the proposed new paragraph for subsection (d). Many of the commenters favored either no supplemental inspection fee or a significant delay in its implementation. The alternative proposed by many commenters would be an overhaul of §101.24, and the complete recalculation of revenue potential from accounts statewide. Such action will be considered after the staff reviews the section in May, but cannot be completed soon enough to prevent the depletion of agency funds during the final months of fiscal year 1986. The current budgetary time constraints preclude June or July adoption of revisions to the inspection fee rule, as was suggested by many commenters.

Several commenters requested that provision be made to carry over excess fee revenues into the next fiscal year. Allowance for carry-over would have to be provided by the legislature, not the TACB.

The amendment is adopted under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§101.24 Inspection Fees.

(a) Applicability. The owner or operator of each account, as defined in this subsection, for which actual emissions of total suspended particulates (TSP), nitrogen oxides, volatile organic compounds (VOC), or any other air contaminant equal to or exceeding 50 tons per year (tpy) and for which

potential emissions of TSP, nitrogen oxides, VOC, or any other air contaminant equal or exceed 100 tpy shall remit to the Texas Air Control Board (TACB) an annual fee for inspections performed in enforcement of the Texas Clean Air Act (TCAA) and the rules of the board. A separate fee is required for each account. The amount of the fee shall be determined by the highest aggregate emission rate of any air contaminant at an account applied to the following table. For purposes of this section, an account shall be defined as all of the facilities located at a property. Where contiguous properties or properties contiguous except for intervening roads, railroads, rights-of-way, canals, water-courses and the like are under common ownership but contain separate operations, or are managed independently, or are carried on the records of this agency under separate account numbers, a separate fee will be charged and collected for such account. Provisions of this section apply to all accounts, including accounts which have not been assigned specific TACB account numbers. The owner or operator of an account subject to an inspection fee requirement is responsible for contacting the TACB to obtain an account number. Provisions of this section shall not apply to those accounts which contain only nonregulated, nonpermitted facilities which have received no TACB notices of violations (NOVs) within the most recent five-year period. In this context, nonregulated means that facilities are not subject to any of the requirements of Chapters 111-113 of this title (relating to Control of Air Pollution for Visible Emissions and Particulate Matter, Control of Air Pollution from Sulfur Compounds, and Control of Air Pollution from Toxic Materials); Chapter 115 of this title (relating to Control of Air Pollution from Volatile Organic Compounds); Chapter 117 of this title (relating to Control of Air Pollution from Nitrogen Compounds); and Chapter 119 of this title (relating to Control of Air Pollution from Carbon Monoxide). Non-permitted means that facilities have not been issued a construction permit, special permit, special exemption, or operating permit pursuant to the requirements of Chapter 116 of this title (relating to Permits). By May 31, 1986, the executive director shall review the fees assessed and the costs recovered pursuant to this section and present to the board a report of the results of such review which shall include recommended changes to the section as may be appropriate.

Emission Rate
(tpy rounded down
to the nearest ton)

Base Fee

Incremental Fee*

50-99	\$ 500	\$12.00/ton
100-249	1,100	9.00/ton
250-999	2,450	3.00/ton
1,000 up**	4,700	1.50/ton

*incremental fee to be applied to each ton in excess of the initial tonnage in that category

**maximum fee is \$10,000

(b) Payment. Fees shall be remitted in the form of a check or money order made payable to the Texas Air Control Board and delivered to the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. A completed inspection fee form shall accompany fees remitted. The inspection fee form shall include at least the company name, property address, TACB account number, and a statement of the aggregate emission rate for that single air contaminant which is emitted in the largest quantity at the account during the calendar year preceding the beginning of the December-January payment cycle. The maximum fee shall be required if no statement of the aggregate emission rate is included with the inspection fee form. All fees paid pursuant to subsection (a) of this section shall be remitted in accordance with the provisions of [schedule provided in] subsection (c) of this section.

(c) Schedule.

(1) Fees shall be due and payable according to the following schedule. The last numeric character of the TACB account number indicates the month in which payment is due.

Last numeric character of account number	Month in which fees are due
1, 2, 3, 4, or 5	December
6, 7, 8, 9, or 0	January

(2) Fees shall be due and payable during the month of April, 1986, from those accounts which were assigned TACB account numbers after October 21, 1985.

(d) Additional Fees.

(1) A supplemental inspection fee shall be paid by the owner or operator of every account to which subsection (a) of this section applies and shall be the amount of 45% of the inspection fee due according to the provisions of subsection (a). This supplemental fee shall be due and payable during the month of April 1986.

(2) An additional fee shall be paid by the owner or operator of an account for each inspection fee payment not received by the 10th day of the month following the month due. The additional fee to be remitted shall be 10% of the unpaid fee for the first month, or part thereof, after the month the inspection fee is due. Thereafter, failure to have remitted the full inspection fee shall result in action under the TCAA, §4.041 or §4.02. Each day the fee remains unpaid shall be considered a separate violation.

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

Issued in Austin, Texas, on March 28, 1986

TRD-8603015

Allen Eil Bell
Executive Director
Texas Air Control Board

Effective date: May 8, 1986
Proposal publication date: January 31, 1986
For further information, please call
(512) 451-5711.



Part X. Texas Water
Development Board
Chapter 355. Research and
Planning Fund

Research and Planning Fund

★ 31 TAC §§355.101-355.110

The Texas Water Development Board adopts amendments to §§355.101-355.110. The amendments to §355.106 and §355.105 are adopted with changes to the proposed text published in the February 14, 1986, issue of the *Texas Register* (11 Tex-Reg 835). The amendments to §§355.101-355.103, and §§355.106-355.110 are adopted without changes to the proposed text and will not be republished.

The amendments are designed to incorporate the provisions for funding regional facilities from the research and planning fund under new Texas Water Code §15.406 (Supp. 1986). Section 15.406 became effective when the constitutional amendment proposed by §1 and §2, House Joint Resolution 6, 69th Legislature, 1985, was adopted on November 5, 1985. The board may enter into contracts with political subdivisions to pay from the research and planning fund all or part of the cost of developing regional facility plans. Regional facility is defined in §355.101 to include water supply, wastewater collection and treatment, or other systems which incorporate multiple service areas into one areawide facility or a system which serves an area regardless of the number of political subdivisions involved. Because §§355.101-355.110 already establish the eligibility criteria, application requirements and procedures used by the Texas Water Development Board for planning contracts for flood control projects, these sections are amended to include planning contracts for regional facilities. The amendments to these sections identify the application requirements, eligibility requirements for applicants, the procedures, priorities, and criteria for selecting planning projects, the administrative process for evaluation and selection of proposals from different applicants, and contract requirements for regional facility plans. These amendments make funding under the research and planning fund as uniform as possible.

Comments were received from the Sierra Club, Lone Star Chapter; National Audu-

bon Society; Texas Water Alliance; Trinity River Authority; Texas Department of Agriculture; and Texas Agricultural Extension Service. No one was against the adoption, however, specific comments were made regarding some amendments.

The Sierra Club requested that §355.103 (2)(E) be rewritten to exclude consideration for funding regional wastewater collection and treatment plans in high growth areas; state funds would be used to remedy existing problems and local funds would be used in those areas encouraging growth. Both the Trinity River Authority and the Texas Water Alliance advocated planning funds for regional water and wastewater collection and treatment plans in developing areas because money for planning is also needed there. No changes to the amendments were made based on these comments because developing areas should be able to secure planning funds. The priorities, criteria, and proposal limitations in §355.105 and §355.106 are sufficient to insure that appropriate projects are selected.

The National Audubon Society felt the amendments should include a requirement for definition and justification for regional systems. The board believes the requirement in §355.106(c)(2)(G)(i), requiring planning contract proposals for regional facilities to include the geographical area in the plan and the justification for the boundaries, is sufficient to meet this concern.

The Trinity River Authority requested that planning funds for regional facilities not be restricted for water supply systems converting from ground to surface water to cases in which ground water use must be abandoned. They believe coordinated use of surface and ground water may be appropriate in some areas.

The Sierra Club felt that applicants in these areas should demonstrate that there are critical problems with ground water, i.e., shortage, contamination, or subsidence, that require converting from ground to surface water. No changes to the amendments were made in response to these comments. There is no restriction in the amendments requiring a full conversion to surface water. In fact, §355.106 (c)(2)(G) is written with sufficient flexibility so that the planning will produce the best solution to regional water supplies from all sources of water. Likewise, this section requires the planning to include a study on the physical adequacy of existing, proposed, and potential supply sources which should handle Sierra Club's concerns relating to a demonstration of a critical problem.

The Department of Agriculture suggested the board consider smaller, decentralized wastewater systems that are more environmentally benevolent than are large centralized plans. The National Audubon Society also suggested that environmental

requirements relating to fish and wildlife mitigation should be added. The board did not change the amendments because there are no statutory requirements for these limitations. Each planning proposal should look at options for the sizing of the plants without fixed sizing restrictions.

Based on comments received by the Texas Water Alliance, §355.104(a)(5)(C) and (6)(C) were changed to remove the requirement that all affected political subdivisions in a planning area acknowledge, in writing, that they are aware of the planning proposal submitted to the board. This requirement could lead to the delay and blockage of critical planning projects. The board agrees and changed the section to require notice of the proposal be given to all affected political subdivisions by certified mail. Section 355.105(d) was added to allow all affected political subdivisions a minimum of 30 days from the date the application is filed to submit comments to the board.

The Sierra Club and the National Audubon Society felt the flood control planning sections needed to include a requirement that the entity consider and evaluate nonstructural approaches to flood control. The board made no changes to these sections because the definition of flood control planning, §355.101, and the application requirements, §355.105(c), include nonstructural flood control planning as part of the planning process.

The Department of Agriculture and Texas Agricultural Extension Service made proposals for future research and planning topics, i.e., land application of wastewater and land use planning. The board believes these proposals are not appropriate to be included in the sections.

The amendments are adopted under the Texas Water Code, §6.101 and §15.403, which provides the board with the authority to adopt rules to carry out the provisions of the research and planning fund, including the new program for regional facility planning in Water Code, §15.406, added by the 69th Legislature, 1985.

§355.104. *Criteria For Eligibility.*

(a) To be eligible for money from the research and planning fund, the applicant must demonstrate:

(1) a specific application of the proposed research or planning proposal to the water planning, management, conservation, and development of the state's water resources or flood control, regional water supply, or regional wastewater planning needs;

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

(4) an indication that the project does not duplicate existing projects, with the exception that revising out-of-date flood control and regional water supply and wastewater plans would be eligible;

(5) for flood control planning, as far as practicable:

(A) the applicant has the legal authority to plan for and control flooding;

(B) the consideration of the flood protection needs of the entire watershed in which the project is located as opposed to a piecemeal consideration of a flooding problem; and

(C) all affected political subdivisions in the planning area have been notified by certified mail that an application for planning assistance is being filed with the board. The notification shall include a brief description of the planning area and the purposes of the planning project, and shall state that any comments must be filed with the board and the applicant within 30 days. Evidence of this notification must be provided to the board within the application;

(6) for regional water supply or wastewater planning:

(A) the applicant has the legal authority to plan, develop, and operate regional facilities;

(B) the effect on overall regional planning, development, and operation in the state and within the study area; and

(C) all affected political subdivisions in the study area are aware of the planning area have been notified by certified mail that an application for planning assistance to develop regional water supply or wastewater plans for the area is being filed with the board. The notification shall include a brief description of the planning area and the purposes of the planning project, and shall state that any comments must be filed with the board and applicant within 30 days. Evidence of this notification must be provided to the board with the application; and

(D) in the case of wastewater planning, information on the designation of a lead water quality planning agency.

(b) In addition to these general criteria, funding of specific research proposals will be contingent upon meeting the standards set forth with regard to §355.107 of this title (relating to Evaluation and Selection of Proposals).

§355.105. *Procedures, Priorities, and Criteria for Selection of Candidate Proposals.*

(a) Procedure.

(1) The selection of research or planning proposals is based on consideration of the following:

(A) the kinds of problems being encountered in Texas which the research or planning proposal would address;

(B)-(C) (No change.)

(D) the need of political subdivisions of the state for planning assistance.

(2) (No change.)

(b) Priorities. Priorities will be established by assessment of the planning, management, conservation, and development needs of Texas through, as appropriate, consultation with identified experts and concerned citizens in the research and planning areas of interest to the board.

(c) Criteria.

(1) Proposals will be selected for consideration on the basis of the following factors:

(A)-(B) (No change.)

(C) probability that the research or planning will result in significant water conservation, water quality protection, or flood protection within 15 years;

(D)-(F) (No change.)

(G) documentation indicating the proposal does not duplicate previous or current research, with the exception that revising out-of-date flood control and regional water supply and wastewater plans would be eligible.

(2) Proposals having statewide or regional application generally will be given higher priority when considered than those having exclusively local impacts.

(d) Comments. For flood control and water supply or wastewater planning applications, the board will allow a minimum of 30 days from the date the application is filed to receive comments from affected political subdivisions.

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

Issued in Austin, Texas, on March 27, 1986.

TRD-8602963

Suzanne Schwartz
General Counsel
Texas Water
Development Board

Effective date: April 18, 1986

Proposal publication date: February 14, 1986

For further information, please call
(512) 463-7850.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services Chapter 16. ICF/SNF Compliance with State and Local Laws

★40 TAC §16.1503

The Texas Department of Human Services (DHS) adopts amendments to §§16.1503, 16.6111, and 16.6118, without changes to the proposed text published in the January 24, 1986, issue of the *Texas Register* (11 TexReg 461).

The amendments to §16.1503 and §16.6118 clarify the right of recipient-patients to exercise their will in making written as well as nonwritten directives to reject life-sustaining procedures. The amendment to §16.6111 helps to safeguard recipient-patients' trust-fund accounts against potential exploitation.

The amendments to §16.1503 and §16.6118 specify that terminally ill adult recipient-patients may exercise their will in making written as well as nonwritten directives to reject life-sustaining procedures. The amendment to §16.6111 requires a specific designation on recipient-patients' trust fund accounts

The department received one written comment on the proposed amendments. The Texas Association of Private ICF-MR Providers supported the proposed change in designation of trust-fund accounts. The association also expressed disappointment that a similar rule change has not been made to safeguard ICF-MR recipient-patients and recommended that this action be taken. The department has initiated an amendment to the ICF-MR standards for participation so that the trust funds of ICF-MR recipient-patients will be similarly safeguarded.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

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

Issued in Austin, Texas, on March 31, 1986.

TRD-8603028 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: April 21, 1986
Proposal publication date: January 24, 1986
For further information, please call
(512) 450-3766.

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Recipient-Patient Rights

★40 TAC §16.6111 §16.6118

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

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

Issued in Austin, Texas, on March 31, 1986.

TRD-8603029 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: April 21, 1986
Proposal publication date: January 24, 1986
For further information, please call
(512) 450-3766.

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Part XII. Texas Advisory Board of Occupational Therapy

Chapter 361. Statutory Authority and Definitions

★40 TAC §361.2

The Texas Advisory Board of Occupational Therapy adopts an amendment to §361.2, without changes to the proposed text published in the February 11, 1986, issue of the *Texas Register* (11 TexReg 797).

The amendment defines the functions of the newly created Application Review Committee and the Continuing Education Committee.

The amendment allows review of any license application in question by a committee of the Texas Advisory Board of Occupational Therapy.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to adopt rules consistent with this Act to carry out its duties in administering this 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 March 27, 1986.

TRD-8603005 Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Effective date: June 2, 1986
Proposal publication date: February 11, 1986
For further information, please call
(512) 445-8368.

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Chapter 363. Application of Rules

★40 TAC §363.1

The Texas Advisory Board of Occupational Therapy adopts an amendment to §363.1, without changes to the proposed text published in the February 11, 1986, issue of the *Texas Register* (11 TexReg 797).

The amendment clarifies that any exemptions under this section must be requested in writing, rather than assumed by an individual without the consent of the Texas Advisory Board of Occupational Therapy.

The amendment increases consumer protection by requiring that persons who are exempt from this law be given such written permission from the Texas Advisory Board of Occupational Therapy after review.

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No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to adopt rules consistent with this Act to carry out its duties in administering this 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 March 27, 1986

TRD-8603006 Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Effective date: June 2, 1986
Proposal publication date: February 11, 1986
For further information, please call
(512) 445-8368.

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Chapter 367. Types of Licenses

★40 TAC §367.1

The Texas Advisory Board of Occupational Therapy adopts an amendment to §367.1, without changes to the proposed text published in the February 11, 1986, issue of the *Texas Register* (11 TexReg 797).

The amendment clarifies the role of the Application Review Committee, and the role of the executive director of the Texas Advisory Board of Occupational Therapy

The amendment increases consumer protection by providing that any license application in question will be reviewed by a committee of the Texas Advisory Board of Occupational Therapy.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to adopt rules consistent with this Act to carry out its duties in administering this 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 March 27, 1986

TRD-8603007 Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Effective date: June 2, 1986
Proposal publication date: February 11, 1986
For further information, please call
(512) 445-8368.

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Chapter 374. Continuing Education

★40 TAC §374.1

The Texas Advisory Board of Occupational Therapy adopts an amendment to §374.1, without changes to the proposed text published in the February 11, 1986, issue of the *Texas Register* (11 TexReg 798).

The amendment clarifies the role of the Continuing Education Committee and the role of the executive director of the Texas Advisory Board of Occupational Therapy.

The amendment increases consumer protection by providing that any license application in question will be reviewed by a committee of the Texas Advisory Board of Occupational Therapy.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Occupational Therapy with the authority to adopt rules consistent with this Act to carry out its duties in administering this 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 March 27, 1986.

TRD-8603008

Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Effective date: June 2, 1986
Proposal publication date: February 11, 1986
For further information, please call
(512) 445-8368

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The Texas Advisory Board of Occupational Therapy adopts an amendment to §379.1, without changes to the proposed text published in the February 11, 1986, issue of the *Texas Register* (11 TexReg 798).

The amendment assures that occupational therapy assistants are supervised in their work as required by statute.

The amendment increases consumer protection by assuring that the occupational therapy assistant remains under the supervision of the occupational therapist during each year of licensure.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8851, §5(e), which provide the Texas Advisory Board of Oc-

cupational Therapy with the authority to adopt rules consistent with this Act to carry out its duties in administering this 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 March 27, 1986.

TRD-8603009

Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Effective date: June 2, 1986
Proposal publication date: February 11, 1986
For further information, please call
(512) 445-8368.

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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 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 each 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*.

State of Texas Aircraft Pooling Board

Friday, April 11, 1986, 1 p.m. The State of Texas Aircraft Pooling Board will meet in Room 107, John H. Reagan Building, Austin. According to the agenda, the board will approve minutes of the previous meeting; orient new board member; elect new chairman of the board; discuss Phase II expansion; other aircraft pooling board's operational matters; and consider the disposal and replacement of aircraft.

Contact: Sherry Johnson, 4900 Old Manor Road, Austin, Texas 78723, (512) 477-8900.

Filed: March 27, 1986, 2:47 p.m.
TRD-8602959

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Texas Commission on Alcohol and Drug Abuse

Tuesday, April 8, 1986, 1 p.m. The Texas Commission on Alcohol and Drug Abuse will meet in the Conference Room, 1705 Guadalupe, Austin. According to the agenda, the commission will approve minutes; approve fiscal year 1986 budget modifications; and act on fiscal year 1987 budget.

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

Filed: March 31, 1986, 9:49 a.m.
TRD-8603032

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Texas Antiquities Committee

Friday, April 18, 1986, 9 a.m. The Texas Antiquities Committee will meet in Room 109, 105 West 15th Street, Austin. According to the agenda summary, the committee will approve minutes of the March 14, 1986 meeting; designate state archeological landmarks including historic structure Randall County Courthouse; and consider the staff report. The committee will also meet in executive session.

Contact: Dr. William Zedler, P.O. Box 12276, Austin, Texas 78711, (512) 463-6098.

Filed: March 31, 1986, 1:49 p.m.
TRD-8603047

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Interagency Council on Early Childhood Intervention

Monday, April 7, 1986, 10 a.m. The Interagency Council on Early Childhood Intervention will meet in the Second Floor Conference Room, 1101 East Anderson Lane, Austin. According to the agenda summary, the council will review and approve minutes; fiscal year 1988-1989 budget request; and discuss fiscal year 1986-1987 budget reductions.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2671.

Filed: March 27, 1986, 10:38 a.m.
TRD-8602951

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Texas Employment Commission

Tuesday, April 8, 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 review prior meeting notes; internal procedures of commission appeals; act on tax liability cases and higher level appeals in unemployment compensation cases listed in commission Docket 14; and set the date of the next meeting.

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

Filed: March 31, 1986, 2:17 p.m.
TRD-8603046

Wednesday, April 9, 1986, 9 a.m. The Texas Employment Commission will meet in Room 644, 101 East 15th Street, Austin. According to the agenda, the commission will consider drug testing techniques and employment law implications.

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

Filed: March 31, 1986, 2:18 p.m.
TRD-8603045

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Texas State Board of Registration for Professional Engineers

Tuesday, April 15, 1986, 2:30 p.m. The Ad-Hoc Committee of the Texas State Board of Registration for Professional Engineers will meet at 1917 IH 35 South, Austin. According to the agenda, the committee will review provisions of the Texas Engineering Practice Act.

Contact: Kenneth J. Bartosh, 1917 IH 35 South, Austin, Texas 78741, (512) 440-7723.

Filed: March 27, 1986, 1:31 p.m.
TRD-8602954

Wednesday and Thursday, April 16 and 17, 8:30 a.m. daily. The Texas State Board of Registration for Professional Engineers will meet in the boardroom, 1917 IH 35 South, Austin. According to the agenda summary, the board will receive reports from board members and staff; interview applicants; take action on applications for registration; consider the reading of communications; and any other business which comes before the board.

Contact: Kenneth J. Bartosh, 1917 IH 35 South, Austin, Texas 78741, (512) 440-7723.

Filed: March 27, 1986, 1:31 p.m.
TRD-8602953

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Office of the Governor

Friday, April 4, 1986, 9:30 a.m. The Border Economic Development Task Force of the Office of the Governor will meet in emergency session in the University Center Ballroom, Pan American University, 1100 University Drive, Edinburg. According to the agenda, the task force will conduct a public hearing. The emergency status is necessary because of unavoidable delays in obtaining meeting space.

Contact: Tom Adams, Room 412, Sam Houston Building, Austin, Texas 78711, (512) 463-1796.

Filed: March 28, 1986, 4:24 p.m.
TRD-8603021

Friday, April 4, 1986, 1 p.m. The Governor's Victims of Crime Advisory Council of the Criminal Justice Division of the Office of the Governor will meet in Room 220, State Capitol, Austin. According to the agenda summary, the council will discuss organization; review federal legislation and guidelines for funding programs under the Victims of Crime Act of 1984; and consider suggested standards, procedures, and guidelines for implementation of the Victims of Crime Act relating to the distribution of grant funds in Texas.

Contact: Suzanne McDaniel Willms, P.O. Box 12428, Austin, Texas 78711, (512) 463-1886.

Filed: March 27, 1986, 2:36 p.m.
TRD-8602928

Friday, April 4, 1986, 4 p.m. The Border Economic Development Task Force of the Office of the Governor will meet in emergency session in Room III, Building I, Texas State Technical Institute, Industrial Airpark, Harlingen. According to the agenda, the task force will adopt the Laredo meeting minutes; establish the task force subcommittees; discuss the task force and subcommittee meeting schedule; border task force testimony before the U.S. International Trade Commission on April 7 and 8; and conduct an open discussion. The emergency status is necessary because of unavoidable delays in obtaining meeting space.

Contact: Tom Adams, Room 412, Sam Houston Building, Austin, Texas 78711, (512) 463-1796.

Filed: March 28, 1986, 4:25 p.m.
TRD-8603020

Saturday, April 5, 1986, 8:30 a.m. The Border Economic Development Task Force of the Office of the Governor will meet in the Tandy Building, Texas Southmost College, 83 Fort Brown, Brownsville. According to the agenda, the task force will conduct a public hearing.

Contact: Tom Adams, Room 412, Sam Houston Building, Austin, Texas 78711, (512) 463-1796.

Filed: March 28, 1986, 4:25 p.m.
TRD-8603022

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Texas Department of Health

Thursday, April 17, 1986, 10 a.m. The Advisory Committee on Nursing Home Affairs of the Texas Department of Health will meet in Room G-107, 1100 West 49th Street, Austin. According to the agenda summary,

the committee will approve minutes; review long term care's status on elimination of social services function and reduction in force due to the change in federal match ratio; the impact to long term care of a 13% reduction in state appropriation expenditures; activities of the personal care home study committee; implementation of the new federal survey process (PACS) of June 1, 1986; trustee trust fund rules; admission policies and procedures for residents with communicable diseases (AIDS); policies and procedures for a facility response to comatose patients (DNR codes); the sub-committee report on administrative penalties; and schedule the next meeting.

Contact: Howard C. Allen, 1100 West 49th Street, Austin, Texas 78756, (512) 458-6212.

Filed: March 31, 1986, 4:09 p.m.
TRD-8603060

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University of Houston System

Tuesday, April 1, 1986, 4 p.m. The Executive Committee of the Board of Regents of the University of Houston System met in the Zodiac Room, Conrad N. Hilton College, 4800 Calhoun, University of Houston, University Park. According to the agenda, the committee discussed the employment of a head basketball coach for University Park.

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

Filed: March 28, 1986, 12:14 p.m.
TRD-8602989

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State Board of Insurance

Tuesday, April 1, 1986, 10 a.m. The State Board of Insurance made an emergency addition to the agenda for the meeting held in Room 414, 1110 San Jacinto Street, Austin. The addition concerns a discussion of the performance report for the six month period ending February 1986. The emergency status was necessary because the report needs to be considered as soon as possible to meet the filing deadline.

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

Filed: March 31, 1986, 3:32 p.m.
TRD-8603058

Monday, April 7, 1986, 9 a.m. The Commissioner's Hearing Section of The State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 9239—application for Steakley Life Insurance Company, Waco, to purchase 35,000 shares of its outstanding capital stock.

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

Filed: March 28, 1986, 1:54 p.m.
TRD-8602998

Tuesday, April 8, 1986, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 9231—application of TN Bancshares, Inc., to acquire control of Coronado Life Insurance Company, El Paso.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701, (512) 463-6525.

Filed: March 31, 1986, 3:13 p.m.
TRD-8603038

Tuesday, April 8, 1986, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider an extension of the emergency amendments to 28 TAC §5.2003 and §5.2004 and proposal of the amendments on a permanent basis; board orders on several different matters as itemized on the complete agenda; Fire Marshal personnel matters; Commissioner personnel matters; pending and contemplated litigation; NAIC annual assessment; and the proposed rule regarding admission of foreign insurance companies to do business in Texas.

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

Filed: March 31, 1986, 3:33 p.m.
TRD-8603057

Wednesday, April 9, 1986, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 9238—application for amendment to the Articles of Incorporation of Insurance Corporation of America, Houston.

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

Filed: March 31, 1986, 1:14 p.m.
TRD-8603039

Thursday, April 10, 1986, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 9232—application of RDI Service Corporation, Fort Worth, to acquire control of United Fidelity Life Insurance Company, Fort Worth.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701, (512) 463-6525.

Filed: March 31, 1986, 1:14 p.m.
TRD-8603040

Friday, April 11, 1986, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 9230—application of Brenham Bancshares, Inc., to acquire control of Associated Investors Life Insurance Company, Dallas.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701, (512) 463-6525.

Filed: March 31, 1986, 1:14 p.m.
TRD-8603041

Friday, April 11, 1986, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 9233—disciplinary action against Landon Doyle Lockwood, doing business as Central Insurance Agency, Abilene, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Solicitor for Local Recording Agent's license issued by the State Board of Insurance.

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

Filed: March 31, 1986, 1:14 p.m.
TRD-8603042

Monday, April 14, 1986, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 9203—disciplinary action against Johnson & Higgins of Texas, Inc., Houston, who holds a Managing General Agent's license issued by the State Board of Insurance regarding issuance and delivery of Comprehensive General Liability Policy 2-YE-743-624 of American Manufacturers Mutual Insurance Company to Houston Distributing Company Inc., Houston, which failed to comply with the Texas Insurance Code and Commercial Lines Manual.

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

Filed: March 31, 1986, 1:14 p.m.
TRD-8603043

Monday, April 14, 1986, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 353, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 9235—disciplinary action against William F. Banks, who holds a Group I, Legal Reserve Life Insurance Agent's license and Group II, Health and Accident Insurance Agent's license issued by the State Board of Insurance.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701, (512) 463-6525.

Filed: March 31, 1986, 1:14 p.m.
TRD-8603044

Texas Department of Labor and Standards

Friday, April 11, 1986, 10 a.m. The Vehicle Storage Facility Advisory Board of the Texas Department of Labor and Standards will meet at the Allen Parkway Inn, 2121 Allen Parkway, Houston. According to the agenda, the board will consider opening remarks; the report of the meeting with Highways and Public Transportation; licensing activities; a legal update; rule changes; public comments; select the location of the next meeting; and consider closing remarks.

Contact: Monica G. Simien, E. O. Thompson Building, Austin, Texas 78711, (512) 475-6560.

Filed: March 28, 1986, 3:24 p.m.
TRD-8603017

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Board of Law Examiners

Thursday-Saturday, April 10-12, 1986, 8:30 a.m. daily. The Board of Law Examiners will meet at the Texas Law Center, 1414 Colorado Street, Austin. Items on the agenda include the minutes from the February and March 1986, meetings; the budget and current status of fiscal year 1986; discuss the February, 1986 exams; the exam procedures; the foreign law consultants; the policy on reinvestigations; consider the questions of eligibility and special requests; and hearings on moral character and fitness.

Contact: Wayne E. Denton, Suite 505, Texas Law Center, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1621.

Filed: March 31, 1986, 10:26 a.m.
TRD-8603036

Board of Pardons and Paroles

Monday-Friday, April 7-11, 1986, 1:30 p.m. daily, except 11 a.m. on Friday. A Board 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 prisoner/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

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

Filed: March 28, 1986, 10:50 a.m.
TRD-8602968

Tuesday, April 8, 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/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

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

Filed: March 28, 1986, 10:50 a.m.
TRD-8602967

Texas Parks and Wildlife Department

Tuesday, April 8, 1986, 10 a.m. The Operation Game Thief Committee of the Texas Parks and Wildlife Department will meet at 4200 Smith School Road, Austin. According to the agenda, the committee will approve minutes from the October 22, 1985 meeting; consider the financial report; the payment of rewards; and set the date of the next meeting.

Contact: M. Stanley Brooks, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4850.

Filed: March 28, 1986, 11:03 a.m.
TRD-8602969

Texas Pork Producers Board

Friday, April 11, 1986, 3 p.m. The Texas Pork Producers Board of the Texas Department of Agriculture will meet in the Guadalupe County Coliseum, 810 South Guadalupe, Seguin. According to the agenda, the board will review minutes of the last meeting; the treasurer's report; the Finance and Check-off Committee report; the Research, Education, and Promotion Committees reports; new business; and announcements.

Contact: Ken Horton, P.O. Box 10168, Austin, Texas 78766, (512) 453-0615.

Filed: March 28, 1986, 2:37 p.m.
TRD-8603001

Public Utility Commission of Texas

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.

Thursday, April 10, 1986, 10 a.m. A prehearing conference in Docket 6746—application of West Texas Utilities Company for approval of tariff provision regarding estimates of usage for customer deposits.

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

Filed: March 28, 1986, 2:07 p.m.
TRD-8603004

Thursday, April 10, 2 p.m. A prehearing conference in Docket 6032—petition of Central Power and Light Company for an amendment to the monthly interim fuel factor.

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

Filed: March 31, 1986, 3:26 p.m.
TRD-8603054

Friday, April 11, 1986, 9 a.m. A prehearing conference in Docket 6761—application of AT&T Communications of the Southwest, Inc., to remove the tariff restriction on its reach out Texas offering.

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

Filed: March 28, 1986, 2:08 p.m.
TRD-8603003

Monday, April 14, 1986, 10 a.m. A prehearing conference in Docket 6755—inquiry of the Public Utility Commission of Texas into the prudence and efficiency of the planning and management of the construction of the Riverbend Nuclear Generating Station; complaint of the Office of Public Utility Counsel to investigate the rates of Gulf States Utilities Company.

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

Filed: March 28, 1986, 2:08 p.m.
TRD-8603002

Wednesday, April 23, 1986, 10 a.m. A prehearing conference in Docket 6668—inquiry of the Public Utility Commission of Texas into the prudence and efficiency of the planning and management of the construction of the South Texas Nuclear Project.

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

Filed: March 31, 1986, 3:30 p.m.
TRD-8603056

Friday, May 2, 1986, 10 a.m. A prehearing conference in Docket 6753—inquiry of the Public Utility Commission of Texas into the treatment of the proceeds from the South Texas Project Settlement.

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

Filed: March 31, 1986, 3:29 p.m.
TRD-8603055

Railroad Commission of Texas

Monday, March 31, 1986, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency revision to the agenda for the meeting held in the 12th Floor Conference Room, 1701 North Congress Avenue, Austin. The revision concerns Docket 99,590—application of Terra Resources Inc., for rule 37, Dean Lee lease, Well No. 1, Flint (Paluxy); Flint, East (Paluxy); Gresham (Travis Peak); (Rodessa, Lower) and Wildcat Fields, Smith County; and Docket No. 6-86,433—application for Rainbow Res. and Hinton Production Co., to assign an immediate “@” to wells in the Henderson, North (Cotton Valley) Field,

Rusk County. The emergency status was necessary because these items must be considered on less than seven days notice as a matter of urgent public necessity. These items were properly noticed for the meeting on March 24, 1986 and were passed.

Contact: William D. Coffey, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6887.

Filed: March 28, 1986, 10:57 a.m.
TRD-8602983

Monday, March 31, 1986, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency revision to the agenda for the meeting held in the 12th Floor Conference Room, 1701 North Congress Avenue, Austin. The revision concerns consideration of whether to use state funds to plug unknown operator, Veale Parks Lease, unidentified well, Stephens County. The emergency status was necessary because this item must be taken on less than seven days notice as a matter of urgent public necessity. The well is leaking approximately 70 barrels of salt water per day. The water is going into a pit and is being hauled off at the present time. The well could be a threat to the public's health, safety, and welfare.

Contact: Willis Steed, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6830.

Filed: March 28, 1986, 11:01 a.m.
TRD-8602986

Monday, March 31, 1986, 9 a.m. The Transportation Division of the Railroad Commission of Texas made an emergency revision to the agenda for the meeting held in the 12th floor conference room, 1701 North Congress Avenue, Austin. The revision concerns consideration of adoption of emergency rule 05.587A1NR concerning emergency motor bus authority (911a); and 05.588A1NR concerning emergency limited common carrier authority (911b). The emergency status was necessary because of imminent peril to the public health, safety, and welfare since the only motor bus company performing service between Dallas and Fort Worth with service to intermediate points has ceased. This effectively isolates several major cities from the commerce of the state as they will have no passenger service nor bus package express available to them.

Contact: Mike James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7094.

Filed: March 28, 1986, 11:01 a.m.
TRD-8602985

Monday, April 7, 1986, 9 a.m. The Railroad Commission of Texas will meet in the first floor auditorium east, 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: March 28, 1986, 10:50 a.m.
TRD-8602973

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: March 28, 1986, 10:55 a.m.
TRD-8602977

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: March 28, 1986, 11:02 a.m.
TRD-8602987

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

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

Filed: March 28, 1986, 10:49 a.m.
TRD-8602972

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: March 28, 1986, 10:54 a.m.
TRD-8602976

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

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

Filed: March 28, 1986, 10:49 a.m.
TRD-8602971

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: March 28, 1986, 10:56 a.m.
TRD-8602980

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: March 28, 1986, 11:00 a.m.
TRD-8602984

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: March 28, 1986, 10:57 a.m.
TRD-8602982

Consideration of Damson Oil Corporation's application to inject fluid into a reservoir productive of oil or gas on the James (Caddo) unit lease, Well 14, James Field, Young County, Docket 9-84,255.

Contact: Doug Johnson, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: March 28, 1986, 10:48 p.m.
TRD-8602970

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: March 28, 1986, 10:56 a.m.
TRD-8602979

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: March 28, 1986, 10:56 a.m.
TRD-8602978

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, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-7149.

Filed: March 28, 1986, 11:02 a.m.
TRD-8602988

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

Contact: J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, (512) 463-7149.

Filed: March 28, 1986, 10:54 a.m.
TRD-8602975

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

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

Filed: March 28, 1986, 10:57 a.m.
TRD-8602981

Addition to the previous agenda:

Consideration of Emergency Motor Bus Authority (Metroplex to Universities) 05.589A1NR; Emergency Motor Bus Authority (911a) 05.587A1NR; Emergency Limited Common Carrier Authority (911b) 05.588A1NR.

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

Filed: March 28, 1986, 10:54 a.m.
TRD-8602974

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Secretary of State

Monday, March 31, 1986, 2 p.m. The Elections Division of the Secretary of State's Office met in emergency session in Room 916, 201 East 14th Street, Austin. According to the agenda, the division discussed examination of a voting device for certification pursuant to §122.093 and §122.095 of the Texas Election Code. Application was made by Governmental Data Systems, Rockford, Illinois for certification of the election tabulation program, operating on the IBM PC, which will run the precinct election processing system, certified on March 15, 1982. The emergency status was necessary because of inability to verify attendance by all examiners until Friday, March 28, 1986.

Contact: Sharon Hanko, Room 908, 201 East 14th Street, Austin, Texas 78701, (512) 463-5650.

Filed: March 31, 1986, 10:22 a.m.
TRD-8603035

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University System of South Texas

Thursday, April 10, 1986, 8:30 a.m. The Board of Directors of the Academic Programs Review Committee of the University System of South Texas will meet in Room 136, 6300 Ocean Drive, Corpus Christi. According to the agenda, the board will consider the proposed policy on short courses within the university system.

Contact: Dr. Lawrence K. Pettit, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

Filed: March 31, 1986, 2:30 p.m.
TRD-8603051

Thursday, April 10, 1986, 9 a.m. The Board of Directors of the Finance and Development Committee of the University System of South Texas will meet in Room 136, 6300 Ocean Drive, Corpus Christi. According to the agenda, the board will consider a response to the governor regarding Executive Order MW-36.

Contact: Lawrence K. Pettit, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2215.

Filed: March 31, 1986, 2:30 p.m.
TRD-8603052

Thursday, April 10, 1986, 10 a.m. The Board of Directors of the University System of South Texas will meet in Room 127, 6300 Ocean Drive, Corpus Christi. According to the agenda summary, the board will consider the minutes of the February 6, 1986 meeting; small class reports; spring semester 1986 budget changes; the change of the building use fee at Laredo State University; termination of the residence hall management agreement with Laredo Junior College; gifts and donations; personnel action; reports from standing committees, presidents, and the chancellor; discuss personnel matters; acquisition of real estate; and legal matters within the University System of South Texas.

Contact: Dr. Lawrence K. Pettit, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2215.

Filed: March 31, 1986, 2:30 p.m.
TRD-8603050

Texas Southern University

Wednesday, April 2, 1986, 11 a.m. The Finance Committee of the Board of Regents of Texas Southern University met in Room 117, Hannah Hall, 3100 Cleburne Avenue, Houston. According to the agenda, the committee considered biennium budget adjustments.

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

Filed: March 27, 1986, 10:41 a.m.
TRD-8602949

Texas Senate

Friday, April 11, 1986, 9 a.m. The Interagency Council on Sex Offender Treatment of the Committee on Health and Human Resources of the Texas Senate will meet in the Lieutenant Governor's Committee Room, State Capitol, Austin. According to the agenda, the committee will analyze data and recommendations which might be included in a council report to the 70th Legislature.

Contact: Linda Christofilis, Senate Committee on Health and Human Resources, State Capitol, Austin, Texas 78701, (512) 463-0360.

Filed: March 27, 1986, 10:39 a.m.
TRD-8602950

Texas Sesquicentennial Commission

Friday, March 28, 1986, 10 a.m. The Fireworks Subcommittee of the Texas Sesquicentennial Commission met in emergency session in Suite 116, 510 South Congress Avenue, Austin. According to the agenda, the subcommittee sanctioned fireworks for the sesquicentennial. The emergency status was necessary in order to sanction the fireworks company.

Contact: Patrick Terry, Suite 116, 510 South Congress Avenue, Austin, Texas 78704, (512) 463-1986.

Filed: March 27, 1986, 3:37 p.m.
TRD-8602961

Tuesday, April 1, 1986, 9 a.m. The Media Sub-committee of the Texas Sesquicentennial Commission met in emergency session in Room 513, Employee Retirement System Building, Austin. According to the agenda, the sub-committee reviewed applications for media events including the recording of Fooloff, 1986; a video tape by Mr. Ely; material on "Silenced Canon"; a play "Texian Woman"; material for Sons of Confederate Veterans; and other business. The emergency status was necessary in order to review media broadcasting.

Contact: Karen S. Mosman, 510 South Congress Avenue, Suite 116, Austin, Texas 78704, (512) 463-1986.

Filed: March 31, 1986, 3:26 p.m.
TRD-8603053

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Texas Water Commission

Wednesday, April 2, 1986, 10 a.m. The Texas Water Commission made an emergency addition to the agenda for a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerned the applications by Denton County Municipal Utility Districts 2 and 3 for approval of fire protection plans. The emergency status was necessary because as each of the referenced districts has called an election for April 5, 1986, on the subject matter, they have requested the commission to consider the applications prior to that time.

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

Filed: March 28, 1986, 1:20 p.m.
TRD-8602991

Wednesday, April 2, 1986, 10 a.m. The Texas Water Commission made an emergency addition to the agenda for a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerned an application by Reynolds Metal Company for an emergency water rights permit, San Antonio-Nueces Coastal Basin, San Patricio and Aransas Counties. The emergency status was necessary because in order for the applicant to comply with a directive from the Texas Air Control Board, the applicant is requesting the commission to consider this request as soon as possible.

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

Filed: March 28, 1986, 1:19 p.m.
TRD-8602990

The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times and agendas follow.

Tuesday, April 8, 1986, 10 a.m. The commission will consider water district bond issues; release from escrow; use of surplus funds; proposed water quality permits; amendments; renewals; water use applications; water rate matters; consideration of motion for rehearing; and adoption of rules regarding control of air pollution from hazardous waste.

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

Filed: March 28, 1986, 1:21 p.m.
TRD-8602992

Tuesday, April 15, 1986, 2 p.m. The commission will consider applications by Deer Creek Ranch Water System for a rate increase; Donald A. Page for a renewal of Water Quality Permit 10924-01; and Mike Nations for Proposed Water Quality Permit 13201-01.

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

Filed: March 28, 1986, 1:22 p.m.
TRD-8602993

Wednesday, May 7, 1986, 10 a.m. The commission will consider a petition for creation of Fern Bluff Municipal Utility District, containing 694.866 acres of land.

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

Filed: March 27, 1986, 3:28 p.m.
TRD-8602960

Wednesday, May 7, 1986, 2 p.m. The commission will consider a petition for creation of Williamson County Municipal Utility District 8, containing 438.58 acres of land.

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

Filed: March 31, 1986, 2:44 p.m.
TRD-8603048

Wednesday, May 7, 1986, 2 p.m. The commission will consider a petition for creation of Williamson County Municipal Utility District 7, containing 458.49 acres of land.

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

Filed: March 31, 1986, 2:44 p.m.
TRD-8603049

Tuesday, May 20, 1986, 10 a.m. The commission will consider Tascosa Country Club Inc., 5049 request for a permit to construct a dam and reservoir on an unnamed tributary of West Amarillo Creek, tributary of Canadian River, Canadian River Basin, Potter County.

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

Filed: March 28, 1986, 1:23 p.m.
TRD-8602994

Wednesday, June 4, 1986, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider an application by the City of Gatesville for an amendment to a water certificate of convenience and necessity, Docket 6571.

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

Filed: March 28, 1986, 1:23 p.m.
TRD-8602999

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Regional Agencies Meetings Filed March 28

The Brazos River Authority, Water Control Committee, will meet at 4400 Cobbs Drive, Waco, on April 7, 1986, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555.

The Brown County Appraisal District, Board of Directors, will meet at 403 Fisk Avenue, Brownwood, on April 7, 1986, at 7 p.m. Information may be obtained from Alvis Sewalt, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676.

The Callahan County Appraisal District, Board of Directors, will meet on the first floor, Courthouse, Callahan County, on April 8, 1986, at 7 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 806, Baird, Texas 79504, (915) 854-1165.

The Dallas Area Rapid Transit, Finance Committee, met at 601 Pacific Avenue, Dallas, on March 31, 1986, at 4 p.m. The Board of Directors will meet at the same location, on April 1, 1986, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Garza County Appraisal District, Board of Directors, will meet at the Courthouse, Post, on April 10, 1986, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.
TRD-8602962

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Meetings Filed March 31

The Archer County Appraisal District, Board of Directors, will meet at 211 South Center Street, Archer City, on April 9,

1986, at 5 p.m. Information may be obtained from Connie Steinberger, P.O. Box 5, Windthorst, Texas 76389, (817) 423-6230.

The Canadian River Municipal Water Authority, Board of Directors, will meet at 2902 West Fourth, Plainview, on April 9, 1986, at 10:30 a.m. Information may be obtained from John C. Williams, P.O. Box 99, Sanford, Texas 79078.

The Carson County Appraisal District, Board of Directors, will meet at 102 Main Street, Panhandle, on April 9, 1986, at 9 a.m. The Appraisal Review Board will meet at the same location, on April 10, 1986, at 9 a.m. Information may be obtained from Dianne Lavake, P.O. Box 970, Panhandle, Texas 79068.

The Central Appraisal District of Erath County, Board of Directors, will meet at 1390 Harbin Drive, Stephenville, on April 9, 1986, at 10 a.m. Information may be obtained from Trecia Perales, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

The Deep East Texas Council of Governments-Area Agency on Aging, Aging Advisory Council Technical Review Committee, will meet at the Senior Citizens Center, 2801 Valley Avenue, Lufkin, on April 7, 1986, at 9 a.m. Information may be obtained from Martha Jones, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704.

The Deep East Texas Regional Review Committee, will meet at the Ramada Inn, U.S. Highway 59 South, Nacogdoches, on April 9, 1986, at 2 p.m. Information may be obtained from Randy Blanks, P.O. Box 1423, Lufkin, Texas 75961, (409) 634-2247.

The Education Service Center Region II, Board of Directors, will meet in the administrative conference room, 209 North

Water, Corpus Christi, on April 16, 1986, at 6:30 p.m. Information may be obtained from Gerald V. Cook, 209 North Water, Corpus Christi, Texas, (512) 883-9288.

The Ellis County Tax Appraisal District, will meet at 406 Sycamore Street, Waxahachie, on April 10, 1986, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Gregg Appraisal District, Board of Directors, will meet at 2010 Gilmer Road, Longview, on April 8, 1986, at 10 a.m. The Board of Review will meet at the same location, on April 9, 1986, at 2 p.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Hockley County Appraisal District, Board of Directors, will meet at 1103-C Houston Street, Levelland, on April 14, 1986, at 7 p.m. The Appraisal Review Board will meet at the same location, on April 15, 1986, at 10:30 a.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas, (806) 894-9654.

The Hood County Appraisal District, Board of Directors, will meet at 1902 West Pearl, Granbury, on April 8, 1986, at 7:30 p.m. Information may be obtained from Ben H. Griffin, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471.

The Lavaca County Central Appraisal District, Board of Directors, will meet at 113 North Main, Hallettsville, on April 14, 1986, at 4 p.m. Information may be obtained from Joe Pat Davis, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The North Central Texas Council of Governments for North Central Texas Job Training, Consortium Private Industry

Council, will meet in the boardroom, 616 Six Flags Drive, Arlington, on April 8, 1986, at 10 a.m. Information may be obtained from Mike Gilmore, P.O. Drawer COG, Arlington, Texas 77005-5888, (817) 640-3300.

The Palo Pinto Appraisal District, Board of Directors, will meet at the Courthouse, Palo Pinto, on April 7, 1986, at 9 a.m. The Appraisal Review Board will meet at the same location, on April 9, 1986, at 3 p.m. Information may be obtained from Jack Samford, (817) 659-3651, ext. 223.

The Permian Basin Regional Planning Commission, Board of Directors, will meet in the Conference Room, Midland Air Terminal, Midland, on April 9, 1986, at 1:30 p.m. Information may be obtained from Pam K. Weatherby, (915) 563-1061.

The Trinity River Authority of Texas, Basin Planning Committee, will meet at 5300 South Collins, Arlington, on April 4, 1986, at 8:30 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

TRD-8603037

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Meetings Filed April 1

The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees, will meet at 500 North IH 35, Austin, on April 5, 1986, at 9 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78701.

TRD-8603070

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In Addition

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

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

Texas Department of Agriculture Notice of Exemption from Interim 24-Hour Re-entry Interval Established for Agricultural Pesticides

The Texas Department of Agriculture adopted the Texas Pesticide Regulations, §7.30 on July 26, 1985. This section, at subsections (c)(5) and (c)(6), establishes an interim 24-hour re-entry interval after each application of a pesticide with registered agricultural use; when used on crops requiring workers to perform labor-intensive activities, unless the pesticide has been granted an exception from this requirement by the Department.

Effective April 1, 1986, the following pesticide formulations have been granted an exemption from this requirement: DIPEL WP (EPA Registration No. 275-18); DIPEL 2X (EPA Registration No. 275-37); DIPEL FMU (EPA Registration No. 275-23); DIPEL LDM (EPA Registration No. 275-26); DIPEL 4L (EPA Registration No. 275-36); and DIPEL 8L (EPA Registration No. 275-51).

Issued in Austin, Texas, on March 27, 1986.

TRD-8602956 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of Agriculture

Filed: March 27, 1986
For further information, please call (512) 463-5783.

★ ★ ★ Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of March 10-21, 1986.

Information relative to the following applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously mentioned address, and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Colorado Materials Co., Kyle; rock crusher; Comal County; New Braunfels; 17076; new source;

Acme Brick Co., Bridgeport; dryer facility; 102 Main Bridgeport; 17083; new source

North Texas Aggregates, Inc., Chico; rock crusher; Chico, Wise County; 8469C;

David Buster, Inc., Mt. Pleasant; hot mix asphalt; 1540 NW Loop 286, Mt. Pleasant; 9440C modification

David Buster, Inc., Pittsburgh; hot mix asphalt; 1540 NW Loop 286, Pittsburgh; 9440C; modification

Louisiana-Pacific Corporation, Corrigan; Wafer Board Plant—Third Dryer; Highway 59, Corrigan; 17101; new source

Louisiana-Pacific Corporation, New Waverly; wafer board plant, Highway 75 (North), New Waverly; 17102; new source

Louisiana-Pacific Corporation, New Waverly; polystyrene foam plant modification; 3000 Pegasus Drive, New Waverly; 17103; new source

Milpark, Corpus Christi; barite grinding; 324 Manning Road, Corpus Christi; Nueces County; 7544B; modification

El Paso Refining Company, Ltd., El Paso; crude pipe still and delayed coking unit; 6500 Trowbridge, El Paso, El Paso County; 8096A; modification

El Paso Refining Company, Ltd., El Paso; gasoline storage tank; 6500 Trowbridge, El Paso, El Paso County; 651A; modification

Texas Industries, Inc., Frisco; rock crusher; Van Horn, Hudspeth County; 7029A; modification

Lopez-Gloria Construction Services, Inc., Victoria; concrete batch plant; FM Road 1432/State Highway 185, Victoria, Victoria County; 8103A; modification

Lopez-Gloria Construction Services, Inc., Port Arthur; concrete batch plant; SDHPT Row, Port Arthur; Jefferson County; 6507A; modification

Lopez-Gloria Construction Services, Inc., Jacinto City; concrete batch plant; Penn City and Beltway 8, Jacinto City; Harris County; 6434A; modification

Metro Stone Company, Melissa; rock crusher; one mile north of Melissa on Highway 121 and FM Road 2933, Collin County; 8602I; modification

Colorado Materials Co., Austin; hot mix asphalt; Mopac South extension, Travis County; 7310B; modification

Hill Petroleum Company, Houston; crude unit; 9701 Manchester, Houston, Harris County; 7461A; modification

Hill Petroleum Company, Houston; naphtha reformer; 9701 Manchester, Houston, Harris County; 7463A; modification

Hill Petroleum Company, Houston; desulfurization unit; 9701 Manchester, Houston, Harris County; 7462A; modification

Hill Petroleum Company, Houston; cogeneration unit; 9701 Manchester, Houston, Harris County; 9356A; modification

Hill Petroleum Company, Houston; crude oil and product tankage; 9701 Manchester, Houston, Harris County; 2477A; modification

Hill Petroleum Company, Houston; Naphtha A hydrobon; 9701 Manchester, Houston, Harris County; 2499A; modification

Hill Petroleum Company, Houston; distill; 9701 Manchester, Houston, Harris County; 2500A; modification

Hill Petroleum Company, Houston; propylene fractionation; 9701 Manchester, Houston, Harris County; 2504A; modification

Hill Petroleum Company, Houston; platformer; 9701 Manchester, Houston, Harris County; 2505A; modification

Shell Western E & P Inc., Sheridan; gas fired boiler #4; Sheridan, Colorado County; 2505A; modification

Hill Petroleum Company, Houston; 20 STG tanks; 9701 Manchester, Houston, Harris County; 2509A; modification

Hill Petroleum Company, Houston; 20 STG tanks; 9701 Manchester, Houston, Harris County; 8483A; modification

Hill Petroleum Company, Houston; tank 508, tank 5, tank 507; 9701 Manchester, Houston, Harris County; 2343A; modification

Hill Petroleum Company, Houston; tanks #505, 506, 28, 843, 841, 838, 836; 9701 Manchester, Houston, Harris County; 2902A; modification

Hill Petroleum Company, Houston; solvent deasphalt; 9701 Manchester, Houston, Harris County; 2498A; modification

Hill Petroleum Company, Houston; FCC; 9701 Manchester, Houston, Harris County; 2501A; modification

Hill Petroleum Company, Houston; LPG (Merox); 9701 Manchester, Houston, Harris County; 2502A; modification

Hill Petroleum Company, Houston; FCC Cat Gas; 9701 Manchester, Houston, Harris County; 2503A; modification

Hill Petroleum Company, Houston; M.E.A.; 9701 Manchester, Houston, Harris County; 2506A; modification

Hill Petroleum Company, Houston; sulfur recovery; 9701 Manchester, Houston, Harris County; 2507A; modification

Hill Petroleum Company, Houston; sour water stripper; 9701 Manchester, Houston, Harris County; 2508A; modification

Hill Petroleum Company, Houston; butadiene hydrotreater; 9701 Manchester, Houston, Harris County; 7144A; modification

Hill Petroleum Company, Houston; FCC flare; 9701 Manchester, Houston, Harris County; 7158A; modification

Hill Petroleum Company, Houston; "C" udex heater; 9701 Manchester, Houston, Harris County; 8092A; modification

Patterson Petroleum Inc.; Polar; amine unit; Polar, Kent County; 7662A; modification

FRC Energy Company; Ingleside; gasoline storage tank; FM Road 2725 & Bishop Road, San Patricio County; 5879A; modification

FRC Energy Company; Ingleside; crude oil topping plant and barge; FM Road 2725 & Bishop Road, San Patricio County; 6027B; modification

FRC Energy Company; Ingleside; tankage sludge system; FM Road 2725 & Bishop Road, San Patricio County; 6027C; modification

Chevron U.S.A., Houston; gasoline and diesel products loading terminal; 17724 Hardy Road, Houston, Harris County; 9058B; modification

W. A. Moncrief, Jr., Loop; gasoline plant, Loop, Gaines County; 569A; modification

Mobile Production Texas and New Mexico, Inc., Midkiff; IC engine replacement; Midkiff, Midland County; 17116; new source

Aubrey-National, Inc., Arlington; Spray Coating Operation; 650 106th Street, Tarrant County; 17126; new source

VCC Agrichemicals, Inc., Beaumont; semiworks; Beaumont, Jefferson County; 3714C; modification

VCC Agrichemicals, Inc., Beaumont; Dicamba manufacturing plant; Beaumont, Jefferson County; 978B; modification

VCC Agrichemicals, Inc., Beaumont; calcium bromide production facility; Beaumont, Jefferson County; 978C; modification

VCC Agrichemicals, Inc., Beaumont; Banvel formulation and packout; Beaumont, Jefferson County; 3715C; modification

VCC Agrichemicals, Inc., Beaumont; semiworks; Beaumont, Jefferson County; 2825A; modification

VCC Agrichemicals, Inc., Beaumont; Benzoic Acid; Beaumont, Jefferson County; 2760A; modification

Conoco, Inc., Mt Pleasant; product storage tanks; West First Street, Mt. Pleasant; Titus County; 7431A; modification

Con-dor Pipe Line Company, Mt. Pleasant; crude storage tanks; West First Street, Mt. Pleasant; Titus County; 6140A; modification

Robert E. Landreth, Lamesa; crude oil production/tank battery; three miles southwest of Dawson County; 5656A; modification

Quinoco Petroleum, Gail; oil and water tanks; Gail, Borden County 209A; modification

Total Petroleum, Inc., Gail; salt water storage; 3 miles south of the junction of FM Road 612 and 2350, Borden County; 7476A; modification

Quinoco Petroleum, Lamesa; crude oil emulsion treating facility; Lamesa, Dawson County; 4860A; modification

Quinoco Petroleum, Lamesa; crude oil storage; 15 miles northeast on U.S. Highway 180, Dawson County; 3943A;

McDonald Petroleum, Wilson; crude oil product tank battery; Wilson, Lynn County; 8216A; modification

U.S. Industrial Chemicals Co., Port Arthur; polyethylene production facilities; Highway 73 and Highway 823, Port Arthur, Jefferson County; 17127; new source

United Structures of America, Houston; prefabricated building fab. facility; 1912 Buschong, Houston, Harris County; 17131; new source

Issued in Austin, Texas, on March 25, 1986.

TRD-8602931 Paul M. Shinkawa
Director of Hearings
Texas Air Control Board

Filed: March 26, 1986
For further information, please call (512) 451-5711.

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Notice of Cancellation of Contested Case

Pursuant to the authority conferred by the Texas Civil Statutes, Texas Clean Air Act, Article 4477-5, notice is hereby given that Contested Case Hearing 208, scheduled to begin at 7 p.m., April 7, 1986, at the City Council Chambers, 130 South Chestnut Street, McKinney, Texas 75069, is cancelled.

The hearing was scheduled by notice issued March 10, 1986, pursuant to the requests of certain elected officials pursuant to the Texas Clean Air Act, §3.271(c), to consider the application by Farris Concrete Company for Standard Exemption 71 to construct a concrete batch plant to be located on the east side of Highway 5, ½-mile north of Melissa, Texas. Such requests have since been withdrawn, the Contested Case Hearing is accordingly cancelled and no contested case proceedings will be conducted pertaining to the qualification by Farris Concrete Company under Standard Exemption 71.

Issued in Austin, Texas, on March 26, 1986.

TRD-8603012 Allen Ell Bell
Executive Director
Texas Air Control Board

Filed: March 28, 1986
For further information, please call (512) 451-5711.

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State Banking Board Notice of Hearing Cancellation

The date of the hearing for the change of domicile application for the First Bank of Terrell (In Organization), Terrell, Texas, previously scheduled for April 1, 1986, has been cancelled. The hearing has not been rescheduled as of this date.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, State Banking Department, 2601 North Lamar, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on March 26, 1986.

TRD-8602957 William F. Aldridge
Director of Corporate Activities
State Banking Department

Filed: March 27, 1986
For further information, please call (512) 479-1200.

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Texas Department of Banking Notice of Application Withdrawal

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 27, 1986, the banking commissioner received an application to acquire control of the Aledo State Bank, Aledo, by James D. Atchley, Houston.

On March 26, 1986, notice was given that the application would be withdrawn.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on March 27, 1986.

TRD-8603018 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: March 28, 1986
For further information, please call (512) 479-1200.

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Texas Department of Community Affairs Announcement of Contract Awards

The Texas Department of Community Affairs (TDCA) announces that the units of general local government listed have each been selected as a contract recipient for economic development under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413 (201), §4A for the second 1985 competition.

La Feria	\$ 355,000
San Juan	230,000
La Villa	500,000
Cameron County	420,000
Seadrift	500,000
Strawn	391,000

Cooper	250,000
Childress	400,000
Harrison County	80,000
Ladonia	200,000
Jefferson	200,000

A contract is not effective until executed by the unit of general local government and the executive director of the TDCA.

Issued in Austin, Texas, on March 26, 1986.

TRD-8802952 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: March 27, 1986

For further information, please call (512) 834-8000.

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Texas Department of Health Intent to Revoke a Radioactive Material License

The Bureau of Radiation Control, Texas Department of Health, filed a complaint against Basin Industrial X-Ray, Inc., holder of Radioactive Material License 8-2280, pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8. The inadequacies of the licensee's radiation safety program were assessed during 18 inspections, conducted by the agency, of their licensed operations. During the period September 1977—December 1985, 56 violations of TRCR and/or conditions of the license were found, 13 of which were repeated violations. The licensee has had 10 incidents of personnel exposure to radiation in excess of the regulatory limits. Three of these overexposures were determined to be in excess of 25 rem to the whole body. The radiation safety program inadequacies were known to the licensee and acknowledged by the licensee's management in correspondence as well as at an enforcement conference held on November 20, 1984. Corrective measures to overcome the safety program deficiencies were either shortlived or ineffective. The licensee's continuing violations of TRCR and conditions of the license have caused injury to employee(s) and constitute a serious and continuing threat to the health and safety of the licensee's employees and to the general public. The agency intends to revoke the radioactive material license and order the licensee to cease and desist the use of radioactive material. The complaint is shown following this notice.

This notice affords the opportunity for a hearing to show cause why the radioactive material license should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the radioactive material license will be revoked at the end of the 30-day period of notice.

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

COMPLAINT

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the Agency), through its Division Director, and makes

the following complaint against Basin Industrial X-Ray, Incorporated (the Licensee). The license has been in existence since January 10, 1977, and has been amended twelve times at the request of the licensee. The license authorizes the licensee to acquire, possess, and use certain radioactive materials in the conduct of industrial radiographic operations.

Over the period of September, 1977-December, 1985, the agency has identified 56 violations of the *Texas Regulations for Control of Radiation* (TRCR), and conditions of the license. This pattern of violations ultimately led to an employee being severely injured by overexposure to radiation. The violations are summarized and specifically identified below.

The following inspections and investigation reports identify the number of violations of the TRCR and License Conditions as determined during agency inspections and/or special investigations of the licensee's operations:

Inspection of September 14, 1977, reported October 13, 1977—one violation; inspection of December 7, 1977, reported February 10, 1978—one violation; inspection of October 3, 1978, reported November 15, 1978—two violations; inspection of October 3, 1978, reported November 15, 1978—two violations; inspection of April 17, 1979, reported May 11, 1979—one violation; inspection of February 26, 1980—one violation; inspections of March 16, 1982, reported April 9, 1982—three violations; inspection of April 8, 1982, reported May 24, 1982—five violations; November 29, 1982 (violation observed while inspecting other licensees), memo dated December 2, 1982, and personal (Charles Fewell) follow up—one violation; inspection of May 11, 1983, reported June 16, 1983—six violations; inspection of February 24, 1984, reported September 10, 1984—three violations; inspection of July 12, 1984, reported October 11, 1984—11 violations; inspection of August 1, 1984, reported September 10, 1984—three violations; inspection of January 22, 1985, reported March 14, 1985—one violation; inspection of March 14, 1985, reported April 29, 1985—two violations; inspection of July 18, 1985, reported September 30, 1985—two violations; inspection of October 4, 1985, reported November 22, 1985—one violation; incident investigation of December 3, 1985, (Odessa, Texas)—six violations, inspection of December 11, 1985, (Corpus Christi, Texas)—six violations.

The *Texas Regulations for Control of Radiation*, Part 41.26(e)(1)(ii), requires periodic training of radiographers and radiographer's assistants as a condition for granting a license to conduct industrial radiography.

Contrary to this requirement, records of testing and training maintained by the licensee do not verify that continuing periodic training of radiographers and radiographers' assistants has been conducted.

License Condition 22 (Operating and Emergency Procedures Manual, §3.1 and §4.2) indicates, in part, that field inspection of radiographic performance by radiographers will be conducted at least quarterly and so recorded.

Contrary to this requirement, records were not available to verify that quarterly field inspections of radiographers' performance had been conducted by licensee management.

License Condition 12 designates only Jim Davis as the Radiation Safety Officer assistant for the Odessa site.

On November 9 and 10, 1985, Edwin L. Matteson performed the duties of the Radiation Safety Officer assistant for the Odessa site, without authorization.

The *Texas Regulations for Control of Radiation*, Parts 31.303(c) and (d), require a physical radiation survey be made and recorded to determine that each source is in its shielded position prior to securing the radiographic exposure device for transport and/or storage.

Contrary to this requirement, during inspection on July 12, 1984, the agency inspector observed that the physical radiation surveys made to determine that the source was in its shielded position were recorded as four milliroentgens per hour for all surveys conducted during the period of time during which the iridium-192 source decayed from 75 curies to 25 curies of activity. The agency concludes that the surveys were not being conducted. Instead, results were being carried forward by copying from previous reports, or recalled from previous measurements.

The *Texas Regulations for Control of Radiation*, Part 31.303(b), requires a physical radiation survey be made after each radiographic exposure to determine that the sealed source of radiation has been returned to its shielded position.

Contrary to this requirement, on April 17, 1979, physical radiation surveys were not performed by James L. Roberts after each radiographic exposure to determine that the sealed source of radiation had been returned to the shielded position.

Mr. Roberts was reminded by an agency inspector of the requirement to perform a physical radiation survey after each radiographic exposure. However, on two separate occasions, between April 17, 1979, and May 11, 1979, he was seen to have failed to conduct the required surveys.

Contrary to this requirement, on March 22, 1982, physical radiation surveys were not performed by Wallace P. Bohot after each radiographic exposure to determine that the sealed source of radiation had been returned to its shielded position.

Contrary to this requirement, on November 9, 1985, physical radiation surveys were not performed by Stephen W. Tuggle or Gary B. Bailey after each radiographic exposure to determine that the sealed source of radiation had been returned to its shielded position.

The *Texas Regulations for Control of Radiation*, Part 31.102, requires each source of radiation be provided with a lock or lockable container designed to prevent unauthorized exposure of a sealed source, and a be kept locked at all times except when under the direct surveillance of a radiographer or radiographer's assistant.

Contrary to this requirement, on March 14, 1985, the agency inspector, Robert O. Adcock, observed a radiographic exposure device belonging to the licensee that was not locked, and could not be locked, so as to prevent unauthorized exposure of the sealed source. Statements by licensee representatives, Darren Darby, radiographer, and Jamie Glasscock, radiographer's assistant, indicated that the radiographic exposure device had been in the unlocked mode for approximately two weeks prior to the date of observation by the agency inspector.

The *Texas Regulations for Control of Radiation*, Part 31.201(a) and License Condition 13, does not permit an individual to act as a radiographer prior to the successful completion of the specified program of training and testing.

Contrary to this requirement, on November 9, 1985, Gary B. Bailey was permitted to act as a radiographer although he had not completed the required training and testing.

The *Texas Regulations for Control of Radiation*, Part 31.201(b), prohibits an individual from performing the duties of a radiographer's assistant prior to the successful completion of a specified program of training, testing, and demonstrated competence; and an individual cannot perform radiographic operations when not under the personal supervision of a radiographer.

Contrary to this requirement, on November 9, 1985, Gary B. Bailey was permitted to act as a radiographer's assistant although he had not completed the required training and testing.

The *Texas Regulations for Control of Radiation*, Part 31.201(b), prohibits an individual from performing the duties of a radiographer's assistant prior to the successful completion of a specified program of training, testing, and demonstrated competence; and an individual cannot perform radiographic operations when not under the personal supervision of a radiographer.

Contrary to this requirement, on November 9, 1985, Gary B. Bailey was permitted to act as a radiographer's assistant although he had not completed the required training.

The *Texas Regulations for Control of Radiation*, Part 31.203(b), requires that direct-reading pocket dosimeters be read and that the radiation exposure dose be recorded daily.

Contrary to this requirement, on March 22, 1982, Wallace P. Bohot recorded the radiation dose to his direct-reading pocket dosimeter as four milliroentgens; whereas, in fact the dosimeter was discharged beyond its range of 200 milliroentgens.

On November 9, 1985, Stephen W. Tuggle and Gary B. Bailey recorded the radiation doses to their direct reading pocket dosimeters as 10 milliroentgens; whereas, in fact, the direct-reading pocket dosimeters for both of these individuals were discharged beyond their range of 200 milliroentgens.

The *Texas Regulations for Control of Radiation*, Part 31.203(b) and License Condition 22 (Operating and Emergency Procedures Manual §5.1.5(b)) require that an individual's film badge be immediately processed if his pocket dosimeter is discharged beyond its range. Further, License Condition 22 (Operating and Emergency Procedures Manual, §5.1.5(b)) also requires that the individual whose pocket dosimeter is discharged beyond its range not receive additional radiation exposure until the results of the exposure to his film badge are reported and show that his total radiation exposure is not in excess of allowable limits.

Contrary to the requirements of Part 31.203(b), on November 9, 1985, the film badges of Stephen W. Tuggle and Gary B. Bailey were not immediately processed after their pocket dosimeters had been discharged beyond their range of 200 milliroentgens.

Contrary to the requirements of the Licensee's Operating and Emergency Procedures Manual, §5.1.5(b) prior to the receipt and evaluation of the results of the processing of their film badges after their pocket dosimeters had been discharged beyond their range of 200 milliroentgens, Mr. Tuggle performed radiographic source recovery operations on the morning of November 10, 1985, and radiographic operations on November 10 and November 11, 1985; and Mr. Bailey, performed radiographic operations on November 11, 1985.

The *Texas Regulations for Control of Radiation*, Part 21.101(b)(1), limits the whole-body radiation exposure to three rem in any calendar quarter.

Contrary to this requirement, during the period that started with the second calendar quarter of 1980 through 1985, the licensee had 10 known overexposures to radiation that resulted in whole body radiation doses in excess of three rem in any one calendar quarter. The following names of individuals, whole body dose in rem, and calendar quarter and year for the actual overexposures, as recorded by the film badges were:

P. Hawkins, 12.070, 2nd, 1980; R. Bladeraz, 3.655, 2nd, 1980; W. Bobot, 43.800, 2nd, 1982; J. Lucero, 4.270, 1st, 1984; J. Matteson, 4.080, 1st, 1984; J. Garcia, 3.500, 1st, 1985; J. Matteson, 7.120, 3rd, 1985; S. Tuggle, 28.028, 4th, 1985; G. Bailey, 128.270, 4th, 1985; T. Conner, 3.380, 4th, 1985.

Filed: March 28, 1986

For further information, please call (512) 458-7236.

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The *Texas Regulations for Control of Radiation*, Part 21.101(b)(2), limits the accumulated occupational radiation exposure of an individual to a whole body radiation dose which does not exceed 5(N-18) rem (where N equals the individual's age in years at his last birthday).

Contrary to this requirement, on November 9, 1985, Gary B. Bailey received a dose (indicated by his film badge results) of 128.270 rem. This dose exceeded the 5(N-18) rem, or 55 rem, limit for this individual by 73.270 rem since Mr. Bailey was 29 years old at the time of the radiation exposure.

The *Texas Regulations for Control of Radiation*, Part 21.403(a), requires the licensee to notify the agency immediately of any incident involving any source of radiation possessed by the licensee that may have caused, or threatens to cause; a dose to the whole body of any individual of 25 rem or more of radiation; a dose to the skin of the whole body of any individual of 150 rem or more of radiation; a dose to the skin of the whole body of any individual of 150 rem or more of radiation; or a dose to the feet, ankles, hands, or forearms of any individual of 375 rem or more of radiation.

Contrary to this requirement, an incident occurred on November 9, 1985, which resulted in a whole body radiation exposure of 128.270 rem to Gary B. Bailey; a whole-body radiation exposure of 28.028 rem to Stephen W. Tuggle; and a radiation exposure to the hand of Gary B. Bailey in excess of 375 rem. The incident was not reported to the agency by the licensee until December 2, 1985.

SUMMARY

The inadequacies of the licensee's radiation safety program were assessed during 18 inspections of their licensed operations conducted during the period September, 1977, through December, 1985. Of the 56 violations of the *Texas Regulations for Control of Radiation* and/or Conditions of the License, 13 violations were repeated violations. The licensee has had 10 incidents of personnel exposures to radiation in excess of the regulatory limits. Three personnel radiation overexposures were determined to be in excess of 25 rem to the whole body. The radiation safety program inadequacies were known to the licensee and acknowledged by the licensee's management in correspondence as well as at an enforcement conference held on November 20, 1984. Corrective measures to overcome the safety program deficiencies were either shortlived or ineffective. The licensee's continuing violations of the *Texas Regulations for Control of Radiation* and the Conditions of Radioactive Material License 8-2280 have caused injury to employee(s) and constitute a serious and continuing threat to the health and safety of the licensee's employees and to the general public of the State of Texas.

Therefore, as provided in the *Texas Regulations for Control of Radiation*, Part 13.8(c), the agency requests that an order be issued revoking Radioactive Material License 8-2280 and ordering the licensee to cease and desist from using radioactive material forthwith.

Issued in Austin, Texas, on March 26, 1986.

TRD-8603010

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

Public Hearing

This notice affords an opportunity for public hearing on the following two applications for solid waste sites filed with the Texas Department of Health.

(1) Fort Bend County reclamation company has filed Application 1797 with the Texas Department of Health for a permit to operate a proposed Type IV municipal solid waste disposal site (brush, construction-demolition waste, and rubbish only) to be located 1.2 miles northwest of the city limits of Sugar Land, 0.5 mile west of State Highway-6, 1,800 feet south of Boss Gaston Road and abutting the southwest corner of Fort Bend County Reclamation Company's existing Type IV municipal solid waste disposal site, in Fort Bend County. The site consists of approximately 75.226 acres of land, and is to daily receive approximately 350 tons of solid waste under the regulatory jurisdiction of the Texas Department of Health. The application adequately addresses land use, access, groundwater, and surface water protection, site development and operation, and other regulatory requirements, so that the disposal site should not significantly endanger the health, welfare, or physical property of area residents or the environment.

(2) Energy Combustion Corporation has filed Application 1673 with the Texas Department of Health for a permit to operate a proposed Type V municipal solid waste processing site (incinerator) to be located at 11128 Alameda Road in Houston, approximately 1.5 miles south of Loop 610 on the west side of Alameda Road, in Harris County. The applicant proposes to operate a commercial processing service for infectious and pathological wastes for area medical facilities. The waste is to be reduced by incineration, and the resulting ash is to be hauled to an approved Type I landfill in the Houston area. The site consists of approximately 0.28 acre of land, and is to daily receive approximately three tons of solid waste under the regulatory jurisdiction of the Texas Department of Health.

The applications are being processed and the final decision will be made by the department pursuant to the provisions of the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, the Texas Department of Health Municipal Solid Waste Management Regulations, and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

No public hearing will be held on these applications unless a person affected has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, has suffered or will suffer actual injury or economic damage by the granting of the application. If a hearing is requested by a person affected, notice of such hearing will be provided to the requester and will also be published in a newspaper of general circulation in the area where the site is located at least 30 days prior to the date of such hearing. If no request for a hearing is received within 30 days of the date of publication of the said notice in a newspaper of general circulation, the department will make a decision. If a hearing is requested, it will be conducted and the final decision will be rendered, in accordance with the

applicable rules contained in the department's municipal solid waste management regulations, including all changes in effect as of August 20, 1985.

Requests for a public hearing and/or requests for a copy of the technical summary of the applications prepared by the Bureau of Solid Waste Management shall be submitted in writing to the Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Copies of the complete applications may be reviewed at the Bureau of Solid Waste Management or at the department's Public Health Region 11 headquarters located at 1110 Avenue G, Rosenberg, Texas 77471; (713) 342-8685.

Issued in Austin, Texas, on March 27, 1986.

TRD-8602947 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: March 27, 1986
For further information, please call (512) 459-7271.

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Proposed Radioactive Material License Issuance

Notice is hereby given by the Texas Department of Health that it proposes to issue the following radioactive material licenses:

Radioactive Material Licenses 3-3905, 9-3903, and 5-3904 to be issued to Nuclear Pharmacy, Inc., for their facilities located in: El Paso (3-3905; mailing address: Nuclear Pharmacy, Inc., 1810 Murchison Road, Suite 205, El Paso, Texas 79902); San Antonio (9-3903; mailing address: Nuclear Pharmacy, Inc., 7342 Oak Manor, Suite B-130, San Antonio, Texas 78229); and Irving (5-3904; mailing address: Nuclear Pharmacy, Inc., 2030 Century Center Boulevard, Suite 14, Irving, Texas 75062).

The licenses are summarized as follows: authorizes Nuclear Pharmacy, Inc., of El Paso, San Antonio, and Irving to each receive radioactive waste from other persons and to store indoors, process, and transfer radioactive waste to an authorized disposal site within the limits for a Class A processing facility; limits the total radioactive waste from other persons that may be stored and processed by each licensee to 150 cubic feet/year and the following activity limits: Group I—10 mCi; Group II—100 mCi; Group III—1 Ci; and Group IV—10 Ci; exempts each licensee from the major requirements of TRCR Part 44, Licensing of Radioactive Waste Processing and Storage Facilities, under TRCR 44.6(b)(2), and further exempts them from the TRCR 44.6(b)(2) 50 cubic feet/year storage and processing limit; and imposes certain procedures for the processing and storing of radioactive waste and establishes radiation safety procedures and practices.

The Division of Licensing, Registration, and Standards has determined that: the proposed issuances have no significant impact on the human environment; the licensees are qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety, and the environment; the licensees' equipment, facilities, and procedures are adequate to minimize danger to public health and safety, and the environment; the issuance of the licenses will

not be inimical to public health and safety, or have a detrimental impact on the environment; and the licensees satisfy any applicable special requirements in Part 44 of the TRCR.

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by Texas Civil Statutes, Article 4590f, §11(B)(a), as amended, and as set out in TRCR 13.5(a). A person affected is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who as a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons that the person considers himself affected, and state the relief sought. If the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing be timely filed, the licenses will be issued 14 days following the end of the 30-day period of notice.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the issuance of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. For further information, please call (512) 835-7000.

Issued in Austin, Texas, on March 27, 1986.

TRD-8603014 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: March 28, 1986
For further information, please call (512) 458-7236.

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Notice is hereby given by the Texas Department of Health that it proposes to issue the following radioactive material licenses:

Radioactive Material Licenses 10-3909, 5-3907, 2-3908, and 6-3910 to be issued to Nuclear Pharmacy, Inc., for their facilities located in: Beaumont (10-3909; mailing address: Nuclear Pharmacy, Inc., 105 IH 10, South, Beaumont, Texas 77706); Fort Worth (5-3907; mailing address: Nuclear Pharmacy, Inc., 200 West Magnolia Street, Suite 203, Fort Worth, Texas 76104); Lubbock (2-3908; mailing address: Nuclear Pharmacy, Inc., 2420 Quaker Avenue, Suite 203, Lubbock, Texas 79410); and Austin (6-3910; mailing address: Nuclear Pharmacy, Inc., 6448 Highway 290 East, Building F, 102, Austin, Texas 78723).

The license is summarized as follows: authorizes Nuclear Pharmacy, Inc. of Beaumont, Fort Worth, Lubbock, and Austin to each receive radioactive waste from other persons and to store indoors, process, and transfer radioac-

tive waste to an authorized disposal site within the limits for a Class A processing facility; limits the total radioactive waste from other persons that may be stored and processed by each licensee to 50 cubic feet/year and the following activity limits: Group I—10mCi; Group II—100mCi; Group III—1Ci; Group IV—10Ci; exempts each licensee from the major requirements of TRCR Part 44, Licensing of Radioactive Waste Processing and Storage Facilities, under TRCR 44.6(b)(2); and imposes certain procedures for the processing and storing of radioactive waste and establishes radiation safety procedures and practices.

The Division of Licensing, Registration, and Standards has determined that: the proposed issuances have no significant impact on the human environment; the licensees are qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety, and the environment; the licensees' equipment, facilities, and procedures are adequate to minimize danger to public health and safety, and the environment; the issuance of the licenses will not be inimical to public health and safety, or have a detrimental impact on the environment; and the licensees satisfy any applicable special requirements in Part 44 of the TRCR.

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by Texas Civil Statutes, Article 4590f, §1113(a), as amended, and as set out in TRCR 13.5(a). A person affected is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or now has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons that the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing be timely filed, the licenses will be issued 14 days following the end of the 30-day period of notice.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the issuance of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. For further information, please call (512) 835-7000.

Issued in Austin, Texas, on March 27, 1986.

TRD-8603013 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: March 28, 1986
For further information, please call (512) 458-7238.

Radioactive Material License Amendment

Notice is hereby given by the Texas Department of Health that it has amended the following radioactive material license: Issued to Everest Exploration, Inc., (mailing address: Everest Exploration, Inc., P.O. Box 1339, Corpus Christi, Texas 78403) for their Mt. Lucas Project located in Live Oak County, three miles south of Dinero. This amendment allows expansion of mining into the Mt. Lucas West tract and delineates certain operational monitoring requirements.

The Division of Licensing, Registration, and Standards has determined that the amendment has no significant impact on the human environment; the applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety, and the environment; the applicant's equipment, facilities and procedures are adequate to minimize danger to public health and safety, and the environment; the amendment of the license will not be inimical to public health and safety, or have a detrimental impact on the environment; and the applicant satisfies any applicable special requirements in Parts 41 and 43 of the TRCR.

The basis for these conclusions is set out in a document entitled *Environmental Assessment and License Conditions Related to Expansion of the Everest Exploration, Inc.-Mt. Lucas Project, License No. 8-3068 Live Oak County* (TBRC EA-7-1A).

Copies of this document are available upon written request from the Bureau of Radiation Control, 1100 West 49th Street, Austin, Texas 78756.

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by Texas Civil Statutes, Article 4590f, §11(b), as amended, and as set out in TRCR 13.3(a). A person affected is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury. A person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons that the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing be timely filed, the license amendment will remain in effect. A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the amendment of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. For further information, please call (512) 835-7000.

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Issued in Austin, Texas, on March 27, 1986.

TRD-8603018 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: March 28, 1986
For further information, please call (512) 458-7236.

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Rescindment of Revocation

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded an order of revocation issued November 15, 1985, to Medical Center Clinic, P.O. Box 1164, Highway 70 North, Clarendon, Texas 79226, holder of Certificate of Registration 1-02647.

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

Issued in Austin, Texas, on March 26, 1986.

TRD-8603011 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: March 28, 1986
For further information, please call (512) 458-7236.

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Texas Department of Human Services Amended Consultant Contract Awards

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) furnishes this notice of amended contract awards. The notice for request for proposals was published in the August 24, 1984 issue of the *Texas Register* (9 Tex 4603). The notices of contract awards were published in the December 25, 1984 (9 TexReg 6487) and February 5, 1985 (10 TexReg 437) issues of the *Texas Register*. The amended contract awards are the result of a request for proposals published in the November 26, 1985 issue of the *Texas Register* (10 Tex-Reg 4592).

Name of Contractors and Value of Contracts. The following amended contracts shall not exceed the amounts stated. Jerry Kleinpeter, Ph.D., 1901 MediPark, Suite 2060, Amarillo, Texas, 79106—\$79,890; Amarillo Guidance and Counseling Center, 900 South Lincoln, Amarillo, Texas, 79101—\$11,000. All other information remains the same.

Issued in Austin, Texas, on March 31, 1986.

TRD-8603030 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: March 31, 1986
For further information, please call (512) 450-3766.



Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS), Region 6 requests proposals for consulting services.

Description of Services. The following services are to be provided to the Protective Services for Children and Families Program: psychological testing; psychological evaluation; counseling/therapy; court testimony; and case specific consultation.

Geographic areas of service will be as follows: Area #1, McLennan, Bosque, Falls, Freestone, Hill, Hamilton and Limestone Counties; Area #2, Brazos, Burleson, Fayette, Grimes, Lee, Leon, Madison, Milam, Robertson, and Washington Counties; Area #3, Bell, Coryell, Lampasas, Mills, and San Saba Counties; Area #4, Bell, and Limestone Counties. Services in this area will be provided for therapeutic foster home residents only. It is anticipated services may eventually be extended to Brazos and McLennan Counties.

Limitations. The contract will be effective September 1, 1986-August 31, 1987. The contract will not exceed \$40,000 per geographic area, contingent on available funds, and final allocation for purchased services. Final allocation will be completed by June 16, 1986.

Contact persons. Steve Cearley, Contract Specialist, 504 North Sixth Street, P.O. Box 977, Waco, Texas, 76703, (817) 756-5571, ext. 221; Patricia Arbuckle, Contract Specialist, 302 East 24th Street, P.O. Box 191, Bryan, Texas, 77806, (409) 823-0921.

An offeror's conference will be held at 10 a.m. on April 14, 1986, in the conference room of the DHS office, 302 East 24th Street, Bryan, Texas, and at 10 a.m. on April 18, 1986, in Room 169, DHS office, 504 North Sixth Street, Waco, Texas.

Ranking and scoring of proposals will be based upon the following criteria and considerations: staff qualifications; range of services; accessibility of services to clients; client flow/time frames; unique and innovative aspect of program; provider contribution; example of work; and costs.

Final selection will be based upon the department's evaluations of the above criteria.

Closing date. Closing date to receive offers is May 2, 1986.

Issued in Austin, Texas, on March 31, 1986.

TRD-8603031 Marlin W. Johnston
Commissioner
Texas Department of Human Services

Filed: March 31, 1986
For further information, please call (512) 450-3766.

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North Central Texas Council of Governments Request for Proposal for Aging Programs

The North Central Texas Council of Governments (NCTCOG) gives notice that proposals will be accepted for the delivery of aging programs in the following 14 counties of the north central Texas region: Collin, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, and Wise.

NCTCOG is requesting proposals for the delivery of aging programs as follows.

Senior Center Services. A total of \$417,710 for supportive services and \$643,959 for nutrition services for all of the following: congregate meals; home-delivered meals; transportation; information and referral; nutrition education; nutrition outreach; outreach; physical fitness; recreation; telephone reassurance; health screening; and volunteer opportunities.

Legal Services. A total of \$7,500 for services provided through an attorney and/or paralegal trained in legal matters.

In-Home Services. A total of \$7,500 for homemaker services, including housecleaning, laundry, essential shopping, and personal care, including assisting an elderly person with bathing, dressing, personal appearance, feeding, and toileting.

Omnibus Home-Delivered Meals Services. A total of \$67,684 for home-delivered meals.

Approval and funding of applications under this request for proposal (RFP) is contingent on appropriations received by NCTCOG from the Texas Department on Aging for the period October 1, 1986, through September 30, 1987. A meeting for all interested proposers will be held Tuesday, April 8, 1986, at 10 a.m. in the NCTCOG Offices, 616 Six Flags Drive, Centerpoint Two, Arlington.

The RFP must be submitted to NCTCOG by 1 p.m., May 9, 1986. To request a copy of the RFP, contact: Dale F. Farris, Jr., Manager of Aging Programs, North Central Texas Council of Governments, 616 Six Flags Drive, Centerpoint Two—Second Floor, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.

Issued in Arlington, Texas, on March 24, 1986.

TRD-8602927 William J. Pitstick
Executive Director
North Central Texas Council of
Governments

Filed: March 26, 1986
For further information, please call (817) 640-3300.

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Texas Water Commission Enforcement Order

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Atchison, Topeka, and Santa Fe Railway Company on March 26, 1986, assessing \$36,800 in administrative penalties.

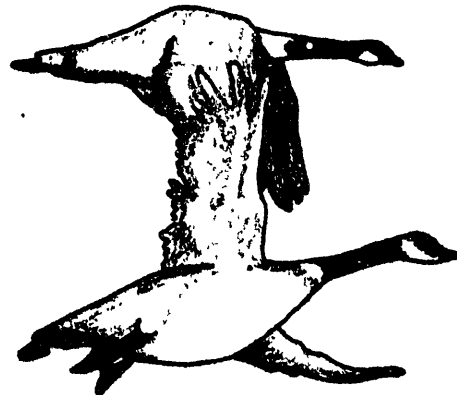
Information concerning any aspect of this order may be obtained by contacting Cindy Smiley, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

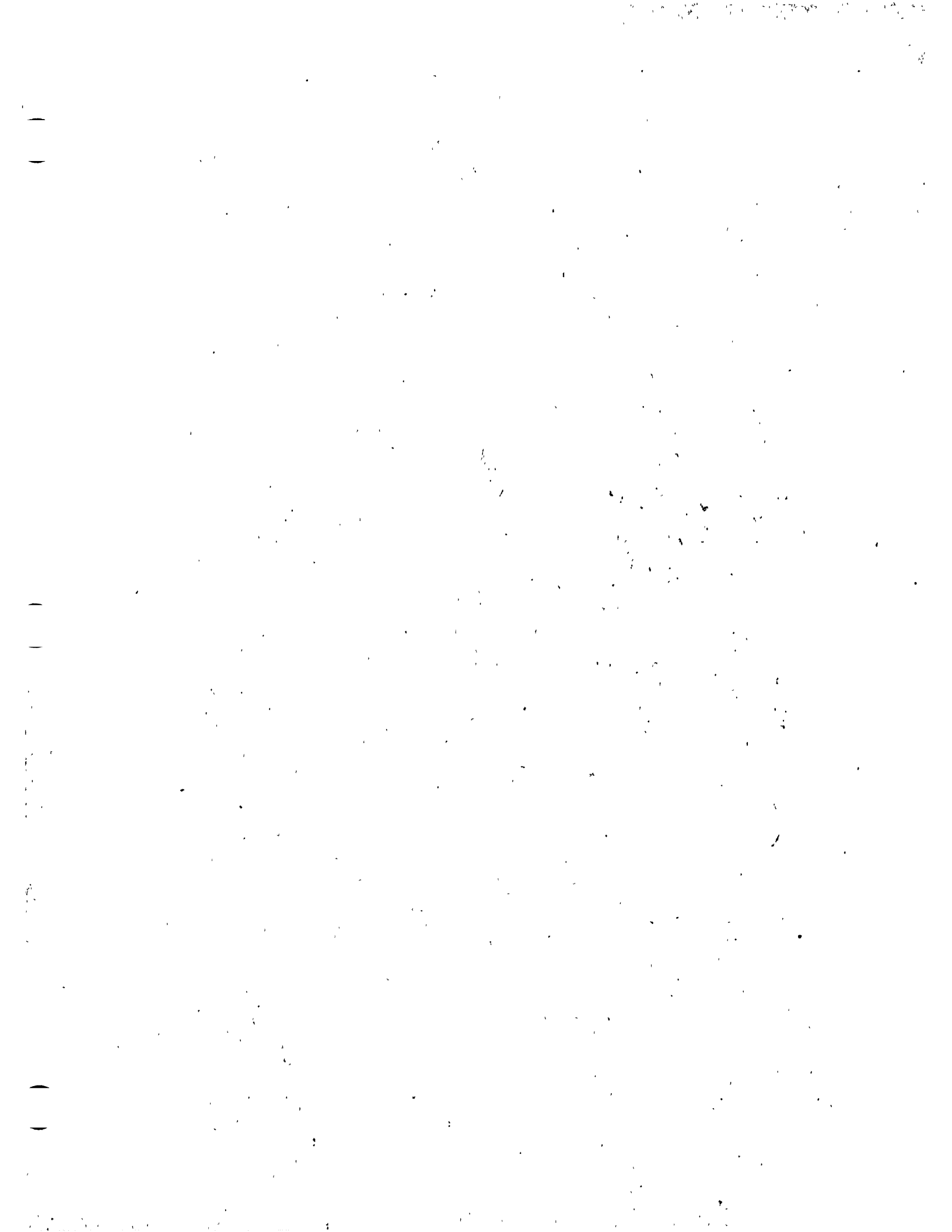
Issued in Austin, Texas, on March 28, 1986.

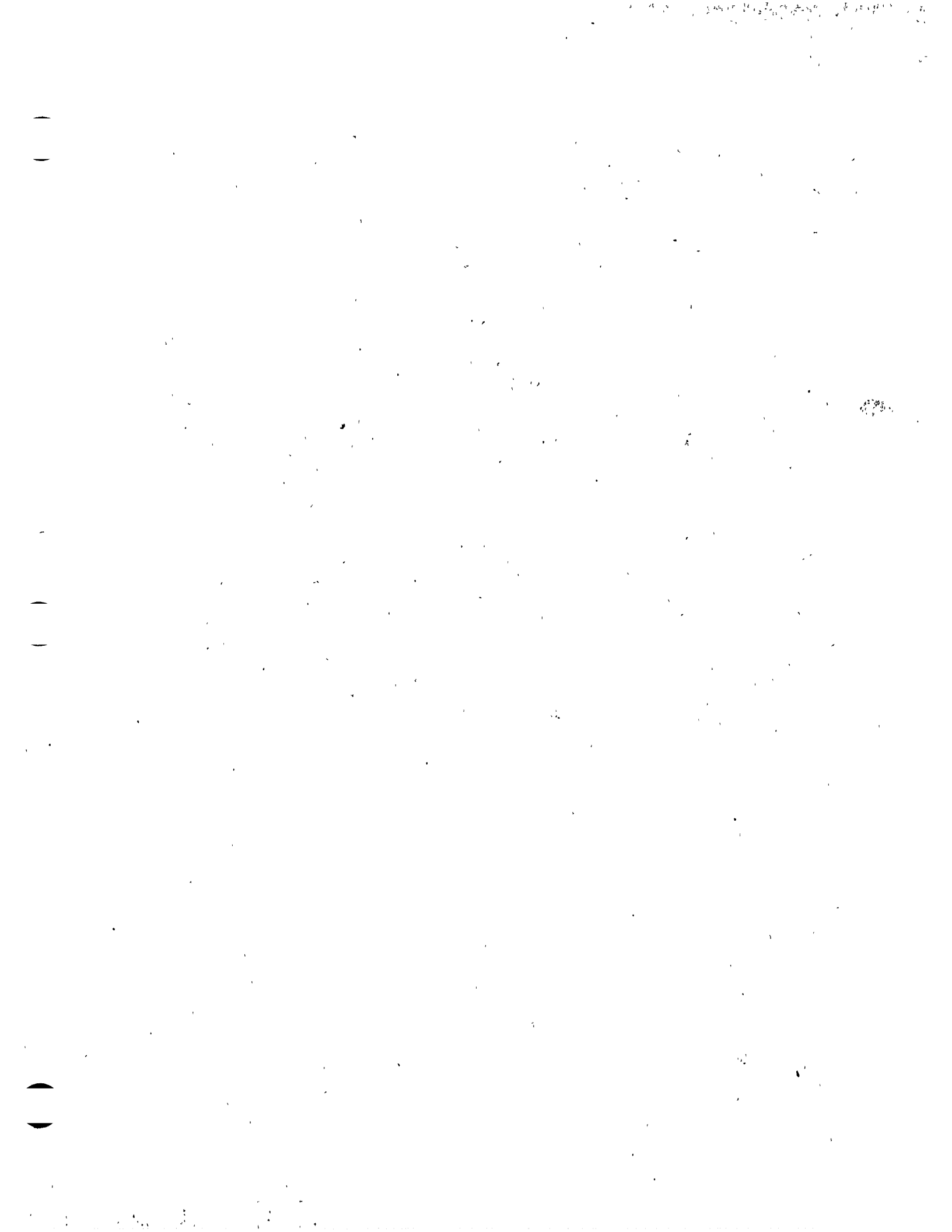
TRD-8603019 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: March 28, 1986
For further information, please call (512) 463-7898.

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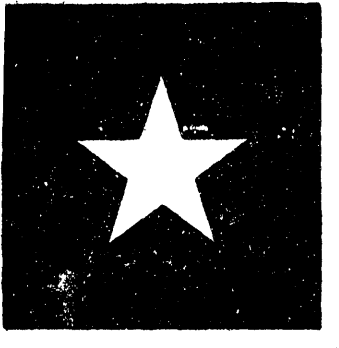


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