

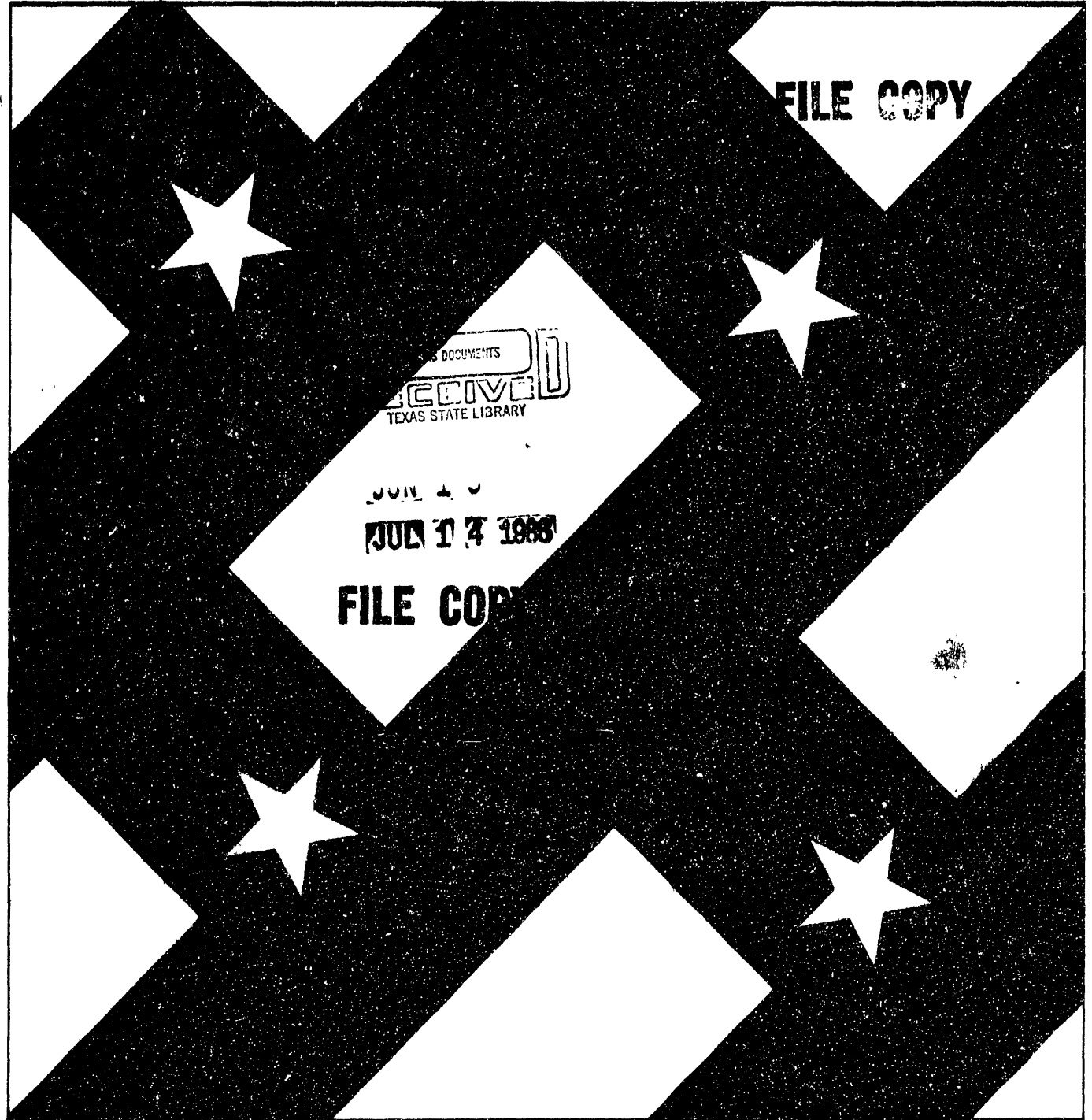
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# Texas Register

Volume 11, Number 50, July 7, 1986

Pages 3085-3133



## Highlights

The **Employees Retirement System of Texas** adopts on an emergency basis an amendment concerning health maintenance organizations. Effective date of adoption - June 26 ..... **page 3091**

The **Texas Parks and Wildlife Department** proposes an amendment concerning the taking,

possession, and transporting of threatened species. Earliest possible date of adoption - August 4 ..... **page 3094**

The **Texas Department of Human Services** proposes a new section concerning disability determination. Earliest possible date of adoption - August 4 ..... **page 3099**

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "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."

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

TAC stands for the *Texas Administrative Code*;

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



## Texas Register Publications

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

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Subscriptions—one year (96 regular issues and four index issues), \$80; six months (48 regular issues and two index issues), \$60. Single copies of most issues of the *Texas Register* are available at \$3.00 per copy.

*Illustrations courtesy of Texas Parks and Wildlife Department.*

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# Attorney General

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

## Requests for Opinions

**RQ-824.** Request from O. L. McCotter, Director, Texas Department of Corrections, Huntsville, concerning the authority of the Texas Department of Corrections to assume medical costs with regard to the hospitalization of a premature infant born to an inmate  
TRD-8606421

★ ★ ★

**RQ-825.** Request from Mike Driscoll, Harris County Attorney, Houston, concerning whether a physician may be represented by his authorized agent in small claims court.  
TRD-8606422

★ ★ ★

**RQ-826.** Request from Stephen Davidchik, Grayson County Attorney, Sherman, concerning whether an additional justice of the peace must be appointed in a justice precinct under Texas Civil Statutes, Article 2375.  
TRD-8606423

★ ★ ★

**RQ-827.** Request from David H. Cain, Chairman, House Committee on Transportation, House of Representatives, Austin, concerning the permissible level of indebtedness incurred by a county in the issuance of road bonds under the Texas Constitution, Article 3, §52(c).  
TRD-8606424

★ ★ ★

**RQ-828.** Request from Robert Bernstein, M.D., F.A.C.P., Commissioner, Texas Department of Health, Austin, concerning the applicability of the Life Safety Code to nursing homes under Texas Civil Statutes, Article 4442c, subsection 4A(d).  
TRD-8606425

★ ★ ★

**RQ-829.** Request from Jim Maple, Criminal District Attorney, Angleton, concerning whether the mayor of a Chapter 11 village is authorized to veto an ordinance or resolution adopted by the board of aldermen.  
TRD-8606426

★ ★ ★

**RQ-830.** Request from Kenneth H. Ashworth, Commissioner, Coordinating Board, Texas College and University System, Austin, concerning whether a junior college is required to provide certain services to a college guild.  
TRD-8606427

★ ★ ★

**RQ-831.** Request from Bob Bush, Chairman, House Committee on Judiciary, Austin, concerning whether a municipal housing authority may participate in the Consolidated Supply Program of the Department of Housing and Urban Development without complying with competitive bidding statutes.  
TRD-8606428

★ ★ ★

**RQ-832.** Request from Benjamin Euresti, Jr., Cameron County Attorney, Brownsville, concerning the use of funds received from the sale of vehicles forfeited under Texas Civil Statutes, Article 4476-15, §5.08.  
TRD-8606429

★ ★ ★

**RQ-841.** Request from Robert C. Lanier, Chairman, State Department of Highways and Public Transportation, Austin, concerning whether the Texas Highway Commission may temporarily close a portion of the Interstate 35 service road in Dallas for the purpose of allowing an inter-city "grand prix" race.  
TRD-8606420

★ ★ ★

## Opinions

**JM-500 (RQ-722).** Request from Chet Brooks, Chairman, Health and Human Resources Committee, Texas State Senate, Austin, concerning the proper location of a Class D pharmacy.

**Summary of Opinion.** A Class D pharmacy is one with a formulary that is limited to serving the purposes of a clinic that provides limited medical services. The Board of Pharmacy has discretion to determine which pharmacies can be licensed as Class D pharmacies.  
TRD-8606416

**JM-501 (RQ-702).** Request from Timothy D. Yeats, Howard County Attorney, Big Spring, concerning the permissible variances in signatures on a petition for a local option election under the Alcoholic Beverage Code.

**Summary of Opinion.** The provisions of the Alcoholic Beverage Code, §251.10, subsection (b) are mandatory. The registrar of voters has no authority to waive the signature requirement of §251.10(b)(6) if all other requirements of subsection (b) are met.  
TRD-8606417

**JM-503 (RQ-788).** Request from Bonnie Leggat, Criminal District Attorney, Marshall, concerning whether the provision of the Court Administration Act, Texas Civil Statutes, Article 200a-1, relating to grant jury terms, repeals subdivision 71, of Texas Civil Statutes, Article 199.

**Summary of Opinion.** The Court Administration Act does not change the terms of court provided for the 71st District Court by §24.173(b) of the Government Code.  
TRD-8606418

**JM-504 (RQ-761).** Request from Allen Ross Hightower, Chairman, Law Enforcement Committee, Texas House of Representatives, Austin, concerning whether the Texas Education Code, §16.102(e), which authorizes a school district to receive state funds in accordance with maximum price differential index, is applicable beyond the 1984-1985 academic year.

**Summary of Opinion.** The Texas Education Code, §16.102(e), authorizing certain school districts to receive state funds in accordance with a maximum price differential index, is not applicable after the 1984-1985 school year.  
TRD-8606419

**JM-506 (RQ-745).** Request from Jim D. Rudd, Chairman, House Appropriations Committee, Texas House of Representatives, Austin, concerning the requirements for election to continue as judicial officer by retired statutory county court judges.

**Summary of Opinion.** The Court Administration Act does not require a retired statutory county court judge who wishes to serve on assignment to make an election to serve within 90 days after his retirement, but requires compliance with former Title 110B, Texas Civil Statutes, §44.005.  
TRD-8606415

# Emergency

## Rules

An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

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

### TITLE 16. ECONOMIC REGULATION

#### Part II. Public Utility

##### Commission of Texas

#### Chapter 23. Substantive Rules

##### General Rules

###### ★ 16 TAC §23.11

The Public Utility Commission of Texas is renewing the effectiveness of the emergency adoption of amended §23.11 for a 60-day period effective June 27, 1986. The text of the amended §23.11 was originally published in the March 7, 1986, issue of the *Texas Register* (11 TexReg 1105).

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

TRD-8606409 Rhonda Colbert Ryan  
Secretary  
Public Utility Commission  
of Texas

Effective date: June 27, 1986  
Expiration date: August 26, 1986  
For further information, please call  
(512) 458-0100.

★ ★ ★

#### Quality of Service

###### ★ 16 TAC §23.66

The Public Utility Commission of Texas is renewing the effectiveness of the emergency adoption of amended §23.66 for a 60-day period effective June 27, 1986. The text of the amended §23.66 was originally published in the March 7, 1986, issue of the *Texas Register* (11 TexReg 1105).

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

TRD-8606408 Rhonda Colbert Ryan  
Secretary  
Public Utility Commission  
of Texas

Effective date: June 27, 1986  
Expiration date: August 26, 1986  
For further information, please call  
(512) 458-0100.

★ ★ ★

### TITLE 34. PUBLIC FINANCE

#### Part IV. Employees Retirement System of Texas

#### Chapter 81. Insurance

###### ★ 34 TAC §81.3

The Employees Retirement System of Texas adopts an amendment to §81.3 on an emergency basis, concerning health maintenance organizations (HMOs).

The amendment is adopted on an emergency basis because state employees, officers, and retirees who are members of affected HMOs will otherwise be denied the benefit of reduced rates until November 1, 1986, or may otherwise be adversely affected if the emergency amendment is not adopted.

The amendment is adopted on an emergency basis under the Texas Insurance Code, Article 3.50-2, §4 and §4A, which provides the Employees Retirement System of Texas with the authority to adopt rules necessary to implement the State Uniform Group Insurance Program and the Texas Insurance Code, Article 3.50-2, §5(e), which authorizes the system to contract with HMOs for coverages.

###### §81.3. Administration.

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

(c) Health maintenance organizations.

(1) (No change.)

(2) An HMO seeking board approval must satisfy the following conditions.

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

(D) The HMO must submit an annual application, with rates, by January 15 of each year to the board of trustees in the format prescribed by the Employees Retirement System of Texas. Once submitted, the rates may be modified effective on or before November 1 of the contract year if the board of trustees approves the modification and the HMO gives notice of modification as required by the letter of agreement between the Employees Retirement System of Texas and the HMO under which the HMO is currently operating. A request for expansion of service

area, as described in this section, shall require a separate application.

(E) (No change.)

(3)-(5) (No change.)

(d) (No change.)

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

TRD-8608320 Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: June 26, 1986  
Expiration date: October 24, 1986  
For further information, please call  
(512) 476-6431, ext. 178.

★ ★ ★

### TITLE 40. SOCIAL SERVICES AND ASSISTANCE

#### Part I. Texas Department of Human Services

#### Chapter 35. Pharmacy Services Subchapter UUUU. Support Documents

###### ★ 40 TAC §35.9804

The Texas Department of Human Services is renewing the effectiveness of the emergency adoption of amended §35.9804 for a 60-day period effective June 29, 1986. The text of the amended §35.9804 was originally published in the March 7, 1986, issue of the *Texas Register* (11 TexReg 112).

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

TRD-8608291 Cathy Roasberg  
Administrator  
Texas Department of  
Human Services

Effective date: June 29, 1986  
Expiration date: August 29, 1986  
For further information, please call  
(512) 450-3766.

★ ★ ★

# 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 IX. State Board of Medical Examiners

#### Chapter 175. Schedule of Fees

##### ★ 22 TAC §175.1

The State Board of Medical Examiners proposes an amendment to §175.1, concerning fees for licensure by examination, licensure by reciprocity, and examination fees for both FLEX Component I and FLEX Component II. Recent increases in the amount the State Board of Medical Examiners must pay for the examination prompt this increase.

Florence Allen, business manager, and Jean Davis, *Texas Register* liaison, have 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.

Jean Davis also has determined that for each year of the first five years the section is in effect there is no public benefit anticipated as a result of enforcing the section. The section pertains only to physicians, not the public in general. The anticipated economic cost to individuals who are required to comply with the proposed section will be a \$50 increase to physicians applying for licensure or applying to take either portion of the exam.

Comments on the proposal may be submitted to Jean Davis, P.O. Box 13562, Austin, Texas 78711. A public hearing on the proposed amendment is expected sometime the latter part of August.

The amendment is proposed under Texas Civil Statutes, Article 4495b, which provide the State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

§175.1. *Fees.* The board shall charge the following fees:

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

(3) licensure by examination (includes one FLEX and jurisprudence examination fee)—~~\$500~~ [\$450];

(4) licensure by reciprocity (includes one jurisprudence examination fee)—~~\$500~~ [\$450];

(5) examination fees (required and payable each time applicant is scheduled for examination):

(A) FLEX Component I—~~\$250~~ [\$225];

(B) FLEX Component II—~~\$250~~ [\$225];

(C) (No change.)

(6)-(13) (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 June 25, 1986.

TRD-8808312

G. V. Brindley, Jr.  
Executive Director  
State Board of Medical  
Examiners

Earliest possible date of adoption:  
August 4, 1986

For further information, please call  
(512) 452-1078.

★ ★ ★

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part II. Texas Parks and Wildlife Department

#### Chapter 57. Fisheries Endangered Species

##### ★ 31 TAC §57.133

The Texas Parks and Wildlife Department proposes an amendment to §57.133, concerning endangered species. The amendment incorporates changes that are necessary to bring the endangered species list up to date and corresponds with the list of the U.S. Fish and Wildlife Services. The amendment deletes most marine mammals, because their distributions are oceanic, they are not specifically identified as being from Texas under federal regulations, and listing them provides no additional

identified benefit to them; deletes species whose numbers and/or distribution are found to be greater than when previously listed; adds species whose numbers and/or distribution are found to be experiencing significant reductions as a result of habitat alteration; and partially fulfills the department's responsibility under Texas Parks and Wildlife Code, Chapter 68, to insure the continued existence of the state's fish and wildlife species.

The amendment is identical to the proposed amendment published in the December 27, 1985, issue of the *Texas Register* (10 TexReg 4999), which was automatically withdrawn after six months.

James E. Dickinson, director of finance, 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. Dickinson also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a means of insuring the perpetuation of species diversity and maintenance of a major segment of the state's natural resources. 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 Bruce C. Thompson, Program Leader, Nongame/Endangered Species, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4979 or (800) 792-1112, ext. 4979.

The amendment is proposed under the Texas Parks and Wildlife Code, Chapter 43, Subchapter C, and Chapter 68, which provides the Texas Parks and Wildlife Commission with the authority to adopt regulations concerning endangered species.

§57.133. *Closed Seasons.* Except as provided by §57.132 of this title (relating to Permits to Take Certain Fish or Wildlife), it shall be unlawful for any person to take, possess, transport, export, process, sell or offer for sale, or ship any species of fish or wildlife within this state listed as follows; and no person shall possess, transport, export, process, sell, or offer for sale goods made from the fish and wildlife listed as follows not born and raised in captivity:



**Mammals**

[Blue whale]  
[Finback whale]  
[Right whale]  
[Sperm whale]  
Black-footed ferret  
Jaguar  
Jaguarundi  
[Margay]  
Ocelot  
Red wolf  
Gray wolf  
Black bear  
Coati  
[Mexican wolf]  
[West Indian] manatee  
[Bighorn sheep]

[*Balaenoptera musculus*]  
[*Balaenoptera physalus*]  
[*Eubalaena* spp. (all species)]  
[*Physeter catodon*]  
*Mustela nigripes*  
*Felis [Panthera] onca*  
*Felis yagouaroundi [cacomitli]*  
[*Felis wiedii*]  
*Felis pardalis*  
*Canis rufus*  
*Canis lupus [monstrabilis]*  
*Ursus americanus*  
*Nasua nasua*  
[*Canis lupus baileyi*]  
*Trichechus manatus*  
[*Ovis canadensis*]

**Birds**

Brown pelican  
Bald eagle  
Aplomado falcon  
American peregrine falcon  
[Arctic peregrine falcon]  
Attwater's greater prairie-chicken  
Whooping crane  
Esquimo curlew  
Interior least tern  
Ivory-billed woodpecker  
Red-cockaded woodpecker  
[Bachman's warbler]

*Pelecanus occidentalis*  
*Haliaeetus leucocephalus*  
*Falco femoralis*  
*Falco peregrinus anatum*  
[*Falco peregrinus tundrius*]  
*Tympanuchus cupido attwateri*  
*Grus americana*  
*Numenius borealis*  
*Sterna Antillarum [albifrons] athalassos*  
*Campephilus principalis*  
*Picoides [Dendrocopos] borealis*  
[*Vermivora bachmani*]

**Reptiles**

Speckled racer  
Louisiana pine snake  
Coonhe [Harter's] water snake  
Western smooth green snake  
Northern cat-eyed snake  
Big Bend mud turtle  
Atlantic ridley [turtle]  
Atlantic Hawksbill [turtle]  
Leatherback [turtle]  
Loggerhead

*Drymobius m. margaritiferus*  
*Pituophis molanolicus rufiventri*  
*Nerodia [Natrix] harteri Pambolacola*  
*Ophiodrys vernalis blanchardi*  
*Leptodeira s. septentrionalis*  
*Klugeonotus hirtipes nurrayi*  
*Lepidochelys kempi*  
*Eretmochelys i. imbricata*  
*Dermochelys coriacea*  
*Caretta caretta*

**Amphibians**

Black-spotted newt  
[Cascade Cavern salamander]  
Blanco blind salamander  
Texas blind salamander  
Rio Grande lesser siren  
Houston toad  
White-lipped frog

*Notophthalmus meridionalis*  
[*Eurycea latitans*]  
*Typhlomolge robusta*  
*Typhlomolge rathbuni*  
*Siren intermedia Texana*  
*Bufo houstonensis*  
*Leptodactylus fragilis*

**Fishes**

Paddlefish  
Shovelnose sturgeon  
Amistad gambusia  
Blotched gambusia  
San Marcos gambusia  
Big Bend gambusia  
Clear Creek gambusia  
Pecos gambusia  
Comanche Springs pupfish  
Leon Springs pupfish  
Fountain darter  
Bluntnose shiner  
Phantom shiner  
Blackfin goby

*Polyodon spathula*  
*Scaphirhynchus platyrhynchus*  
*Gambusia amistadensis*  
*Gambusia sonilis*  
*Gambusia georgei*  
*Gambusia gaigei*  
*Gambusia heterochir*  
*Gambusia nobilis*  
*Cyprinodon elegans*  
*Cyprinodon bovinus*  
*Etheostoma fonticola*  
*Notropis simus*  
*Notropis orca*  
*Gobionellus atripinnis*

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 June 27, 1986.

TRD-8004336

Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Earliest possible date of adoption:

August 4, 1986

For further information, please call  
(512) 479-4772.

★ ★ ★

★ 31 TAC §§57.134-57.136

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 E. 14th Street, Austin.)

The Texas Parks and Wildlife Department proposes the repeal of §§57.134-57.136, concerning endangered species. The repeal eliminates unnecessary text.

The repeal is identical to the proposed repeal published in the December 27, 1985, issue of the *Texas Register* (10 TexReg 5000), which was automatically withdrawn after six months.

James E. Dickinson, director of finance, 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. Dickinson 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 the elimination of unnecessary text. 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 Bruce C. Thompson, Program Leader, Nongame/Endangered Species, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4979 or (800) 792-1112, ext. 4979.

The repeals are proposed under the Texas Parks and Wildlife Code, Chapter 43, Subchapter C, and Chapter 68, which provides the Texas Parks and Wildlife Commission with the authority to adopt regulations concerning endangered species.

- §57.134. *Penalties.*  
 §57.135. *Amendments.*  
 §57.136. *Effective Date.*

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 June 27, 1986.

TRD-8006335 Boyd M. Johnson  
 General Counsel  
 Texas Parks and Wildlife  
 Department

Earliest possible date of adoption:  
 August 4, 1986  
 For further information, please call  
 (512) 479-4772.

★ ★ ★

## Chapter 65. Wildlife

### Subchapter G. Regulations for Taking, Possessing, and Transporting Protected Nongame Species

#### ★31 TAC §§65.172-65.176

The Texas Parks and Wildlife Department proposes amendments to §§65.172-65.176, concerning the regulations for taking, possessing, and transporting threatened species. The amendments provide: change of regulatory terminology from "protected nongame" under Chapter 67 to "threatened" to eliminate confusion in that essentially

all indigenous wildlife is considered protected in some way under the Parks and Wildlife Code; deletion of most marine mammals because their distributions are oceanic, they are not specifically identified as being from Texas under federal regulations, and listing would provide no additional identified benefit to them; deletion of species whose numbers and/or distribution have been found to be greater than when previously listed; addition of species whose numbers and/or distribution have been found to be experiencing significant reductions as a result of habitat alteration; and partial fulfillment of the department's responsibility under the Texas Parks and Wildlife Code, Chapter 67, to insure the continued ability of nongame species of fish and wildlife to perpetuate themselves successfully.

The proposed amendments are resubmitted due to the six-month automatic withdrawal rule, and are identical to the proposed amendments published in the December 27, 1985, issue of the *Texas Register* (10 TexReg 5000).

Jim Dickinson, director of finance, 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. Dickinson also has determined that for each year of the first five years the sections are in effect the public benefit anti-

cipated as a result of enforcing the sections will be to provide a means of insuring the perpetuation of species diversity and thus the maintenance of a major segment of the state's natural resources. 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 Bruce C. Thompson, Program Leader, Nongame/Endangered Species, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4979 or (800) 792-1112, ext. 4979.

The amendments are proposed under the Texas Parks and Wildlife Code, Chapter 43, Subchapter C, and Chapter 67, which provides the Texas Parks and Wildlife Commission with the authority to adopt regulations concerning threatened species.

§65.172. *Closed Seasons.* Except as provided by §65.174 of this title (relating to Permit Required), §65.175 of this title (relating to Permit Exceptions), and §65.176 of this title (relating to Rule Exception), no person may take, possess, transport, export, sell or offer for sale, or ship any species of fish or wildlife within this state listed as **threatened** [protected nongame]; or possess, transport, export, sell, or offer for sale goods made from the fish and wildlife of this state listed as **threatened** [protected nongame].

§65.173. *Threatened [Protected Nongame] Species.* The following species are hereby designated as **threatened** [protected nongame] species:

#### Mammals

Bat, southern [lesser] yellow  
 Bat, Rafinesque's big-eared  
 [Bat, southeastern]  
 Bat, spotted  
 [Dolphin, bridled]  
 [Dolphin, rough-toothed]  
 Dolphin, atlantic spotted  
 Mouse, Palo Duro  
 Rat, coon's rice  
 Rat, Texas kangaroo  
 [Whale, dwarf sperm]  
 [Whale, false killer]  
 [Whale, goose-beaked]  
 [Whale, Gulf Stream beaked]  
 [Whale, killer]  
 [Whale, short-finned pilot]  
 [Whale, pygmy killer]  
 [Whale, pygmy sperm]

*Lasius ega [xanthinus]*  
*Plecotus rafinesquii*  
*[Myotis austroriparius mumfordi]*  
*Euderma maculatum*  
*[Stenella frontalis]*  
*[Steno bredanensis]*  
*Stenella plagiodon*  
*Peromyscus comanche*  
*Oryzomys couesi*  
*Dipodomys elator*  
*[Kogia simus]*  
*[Pseudorca crassidens]*  
*[Ziphius cavirostris]*  
*[Mesoplodon europaeus]*  
*[Orcinus orca]*  
*[Globicephala macrorhyncha]*  
*[Feresa attenuata]*  
*[Kogia breviceps]*

#### Birds

Becard, rose-throated  
 Egret, reddish  
 Falcon, Arctic peregrine  
 [Falcon, aplomado]  
 Hawk, common black  
 Hawk, gray  
 Hawk, white-tailed  
 Hawk, zone-tailed  
 Ibis, white-faced  
 Kite, American swallow-tailed  
 [Osprey]  
 Owl, ferruginous pygmy  
 Parula, tropical  
 Sparrow, beckman's

*Pachyrhamphus abglatae*  
*Egretta [Dichromanassa r.] rufescens*  
*Falco peregrinus tundrius*  
*[Falco femoralis septentrionalis]*  
*Buteogallus [a.] anthracinus*  
*Buteo nitidus [maximus]*  
*Buteo albicaudatus [hypospodius]*  
*Buteo albonotatus*  
*Plegadis chihui*  
*Elanoides [f.] forficatus*  
*[Pandion haliaetus carolinensis]*  
*Glaucidium brasilianum [cactorum]*  
*Parula pitayumi*  
*Aimophila aestivalis*

Sparrow, botteri's  
Stork, wood  
Tern, sooty  
[Tern, least]  
Tyrannulet, northern beardless  
Vireo, black-capped  
Warbler, golden-cheeked

*Atmophila botteri*  
*Mycteria americana*  
*Sterna fuscata*  
[*Sterna albifrons antillarum*]  
*Camptostoma imberbe*  
*Vireo atricapillus*  
*Dendroica chrysoparia*

#### Reptiles

[Loggerhead, Atlantic]  
Tortoise, Texas  
Turtle, alligator snapping  
Turtle, Atlantic green  
[Turtle, Big Bend mud]  
Gecko, reticulated [Big Bend]  
[Lizard, Big Bend canyon]  
[Lizard, Presidio canyon]  
Lizard, reticulate collared  
Lizard, Texas horned  
Lizard, mountain short-horned  
Copperhead, Trans-Pecos  
[Kingsnake, gray-banded]  
[Rattlesnake, rock]  
Rattlesnake, timber  
Snake, black-striped  
Snake, Big Bend blackhead  
[Snake, northern cat-eyed]  
Snake, northern scarlet  
Snake, Texas indigo  
Snake, Texas lyre  
Snake, Texas scarlet  
[Snake, Big Bend milk]  
[Snake, central plains milk]  
[Snake, Louisiana milk]  
Snake, Mexican milk  
[Snake, Louisiana pine]  
Snake, Baird's rat  
[Snake, Trans-Pecos rat]  
Snake, Brazos water

[*Caretta c. caretta*]  
*Gopherus berlandieri*  
*Macrolemys temminckii*  
*Chelonia m. mydas*  
[*Kinosternon hirtipes murrayi*]  
*Coleonyx reticulatus*  
[*Sceloporus merriami annulatus*]  
[*Sceloporus merriami longipunctatus*]  
*Crotaphytus reticulatus*  
*Phrynosoma cornutum*  
*Phrynosoma douglassi hernandesi*  
*Agkistrodon contortrix pictigaster*  
[*Lampropeltis mexicana alterna*]  
[*Crotalus lepidus*]  
*Crotalus horridus*  
*Contophanes i. imperialis*  
*Tamias rubra*  
[*Leptodeira s. septentrionalis*]  
*Camophora coccinea copel*  
*Drymarchon corais erebennus*  
*Trimorphodon biscutatus wilkinsonii*  
*Camophora coccinea lineri*  
[*Lampropeltis triangulum celsaeops*]  
[*Lampropeltis triangulum gentilis*]  
[*Lampropeltis triangulum amaura*]  
*Lampropeltis triangulum annulata*  
[*Pituophis melanoleucus ruthveni*]  
*Elaphe obsoleta tairdi*  
[*Elaphe subocularis*]  
*Nerodia h. harteri*

#### Amphibians

[Frog, Mexican cliff]  
[Frog, Mexican tree]  
[Frog, Rio Grande]  
Frog, sheep  
[Frog, white-lipped]  
[Newt, black-spotted]  
Salamander, Cascade Caverns  
[Salamander, Fern Bank]  
Salamander, Comal blind [Honey Creek]  
[Salamander, mole]  
Salamander, San Marcos  
[Salamander, Valdina Farnus]  
[Siren, Rio Grande]  
[Toad, giant]  
Toad, Mexican burrowing  
Treefrog, Mexican

[*Syrrophophus guttilatus*]  
[*Smilisca baudini*]  
[*Syrrophophus cystignathoides camp*]  
*Hypopachus variolosus*  
[*Leptodactylus labialis*]  
[*Notophthalmus m. meridionalis*]  
*Eurycea latitans*  
[*Eurycea neotenes pterophila*]  
*Eurycea tridentifera*  
[*Ambystoma talpoideum*]  
*Eurycea nana*  
[*Eurycea troglodytes*]  
[*Strom intermedia texana*]  
[*Bufo marinus*]  
*Rhinophrynus dorsalis*  
*Smilisca baudini*

#### Fishes

Blindcat, toothless  
Blindcat, widemouth  
Chub, Rio Grande  
Chubucker, creek  
Darter, blackside  
Darter, Rio Grande  
[Darter, river]  
[Darter, western sand]  
Gambusia, blotched  
Minnow, Devils River  
Pipefish, opossum  
Pupfish, Conchos  
Shiner, bluehead  
Shiner, Chihuahua  
[Shiner, Kiamichi]  
Shiner, proserpine  
Stoneroller, Mexican  
Sucker, blue

*Trogloglanis pattersoni*  
*Satan eurystomus*  
*Gila pandora*  
*Erimyzon oblongus*  
*Parachanna maculata*  
*Etheostoma grahami*  
[*Hadropterus shumardi*]  
[*Ammocrypta clara*]  
*Gambusia senilis*  
*Dionda diaboli*  
*Oostethus brachyurus*  
*Cyprinodon eximius*  
*Notropis hubbsi*  
*Notropis chihuahua*  
[*Notropis ortenburgeri*]  
*Notropis proserpinus*  
*Camposoma ornatum*  
*Cycleptus elongatus*

**§65.174. Permit Required.** No person may take, possess, or transport fish or wildlife from the wild, classified as threatened [protected nongame] by §65.173 of this title (relating to threatened [Protected Nongame] Species), for scientific or zoological purposes, unless a valid scientific or zoological permit has been obtained from the department as required by Texas Parks and Wildlife Code, §§43.021-43.030.

**§65.175. Permit Exceptions.**

(a) No permit is required to take or transport any species listed as threatened [protected nongame] to the nearest Department of Health or medical facility if the species poses an immediate threat to human safety or welfare.

(b) No permit is required to transport within this state mounted or preserved specimens of threatened [protected nongame] species obtained after the effective date of this subchapter, provided the transfer is without monetary consideration and is between public or private educational or research institutions, nonprofit municipal zoological gardens, or nonprofit foundations or associations, and provided the specimens to be transferred were originally obtained under a [the] valid scientific or zoological permit. A copy of the voucher or other instrument evidencing the transfer and indicating the species and numbers of specimens transferred will be forwarded to the department within 20 days following the transfer.

(c) No permit is required to possess and transport live, mounted, or preserved specimens of threatened [protected nongame] species legally collected in another state, except that the department may require adequate proof of the out-of-state acquisition of the specimens. A copy of a valid out-of-state permit authorizing the collection of the specimens must be carried by the person during transport within this state.

**§65.176. Rule Exception.** The provisions of this subchapter do not apply to the possession of live, mounted, or preserved specimens of listed threatened [protected nongame] species acquired from the wild in this state prior to the effective date of this subchapter nor to offspring of those specimens born and raised in captivity. Upon request by the department, adequate proof must be provided to establish the date and circumstances regarding adoption of any listed species.

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 June 27, 1986.

TRD-8606339 Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Earliest possible date of adoption:  
August 4, 1986  
For further information, please call  
(512) 479-4772.

**★31 TAC §65.177, §65.178**

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)*

The Texas Parks and Wildlife Department proposes the repeal of §65.177 and §65.178, concerning regulations for taking, possessing, and transporting threatened species. The repeals eliminate unnecessary text.

The proposal is resubmitted due to the six-month automatic withdrawal rule, and is identical to the proposed repeal published in the December 27, 1985, issue of the *Texas Register* (10 TexReg 5002).

James E. Dickinson, director of finance, 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. Dickinson 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 to eliminate text that is unnecessary. 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 Bruce C. Thompson, Program Leader, Nongame/Endangered Species, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4979 or (800) 792-1112, ext. 4979.

The repeals are proposed under the Texas Parks and Wildlife Code, Chapter 43, Subchapter C, and Chapter 68, which provides the Texas Parks and Wildlife Commission with the authority to adopt regulations concerning threatened species.

**§65.177. Penalties.**

**§65.178. Effective Date.**

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 June 27, 1986.

TRD-8606338 Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Earliest possible date of adoption:  
August 4, 1986  
For further information, please call  
(512) 479-4772.

★ ★ ★

**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**  
**Part I. Texas Department of Human Services**  
**Chapter 3. Income Assistance Services**  
**Subchapter LL. Disability Determination**

**★40 TAC §3.3801**

The Texas Department of Human Services (DHS) proposes in its Income Assistance Services chapter new §3.3801, under new subchapter LL, concerning disability determination. In this issue of the *Texas Register*, DHS is proposing the repeal of Chapter 31, Disability Determination. Section 3.3801 replaces Chapter 31.

Brian Packard, associate commissioner for budget, planning, and economic analysis, 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. Packard 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 more efficient completion of eligibility determination. 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 Cathy Rossberg, Administrator, Policy Development Support Division-375, Department of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The new section is proposed under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

**§3.3801. Bases for Disability Determination and Employment Services Program Exemptions.** DHS' Disability Determination Section determines:

(1) eligibility for Aid to Families with Dependent Children (AFDC) based on incapacity according to 45 Code of Federal Regulations §233.90(c)(1)(iv);

(2) exemptions from Employment Services Program participation according to 45 Code of Federal Regulations §224.20(b)(3)(4)(7) and (12);

(3) eligibility for medical assistance only (MAO) using the same definition of disability as used under the SSI program.

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 June 25, 1986.

TRD-8606304      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
August 4, 1986  
For further information, please call  
(512) 450-3766.

## Chapter 31. Disability Determination

*(Editor's note: The text of Chapters 31, 47, 49, and 69 proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Human Services, 701 West 51st Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)*

The Texas Department of Human Services (DHS) proposes the repeal of §§31.1, 31.11, 31.12, 31.21, 31.31, 31.41, 31.51, and 31.61, concerning eligibility for the Aid to Families with Dependent Children Program (AFDC) benefits on the basis of incapacity.

These sections constitute all of Chapter 31, Disability Determination. In this issue of the *Texas Register*, DHS is proposing in its Income Assistance Services chapter, new §3.3801, concerning disability determination. The new section replaces the sections being repealed. The new section deletes procedural material and cites by reference the federal regulations governing disability determination as it applies to eligibility for AFDC, exemptions from the Employment Services Program, and eligibility for medical assistance only (MAO).

Brian Packard, associate commissioner for budget, planning, and economic analysis, 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. Packard 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 more efficient completion of eligibility determination using new §3.3801. 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 Cathy Rossberg, Administrator, Policy Development Support Division-375, Department of Human Services 153-E, P.O. Box 2980, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

## Supplemental Security

### ★40 TAC §31.1

The repeal is proposed under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

#### §31.1 *Income Criteria.*

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 June 25, 1986.

TRD-8606297      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
August 4, 1986  
For further information, please call  
(512) 450-3766.

★                      ★                      ★

## Alcoholism and Drug Abuse

### ★40 TAC §31.11, §31.12

The repeals are proposed under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

#### §31.11. *Eligibility Requirements for Alcoholics.*

#### §31.12. *Eligibility for Drug Abusers.*

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 June 25, 1986.

TRD-8606298      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
August 4, 1986  
For further information, please call  
(512) 450-3766.

★                      ★                      ★

## Aid to Families with Dependent Children

### ★40 TAC §31.21

The repeal is proposed under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

#### §31.21. *Automatic Extension of Medical Eligibility.*

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 June 25, 1986.

TRD-8606299      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
August 4, 1986  
For further information, please call  
(512) 450-3766.

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## Definitions

### ★40 TAC §31.31

The repeal is proposed under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

#### §31.31. *Blindness.*

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 June 25, 1986.

TRD-8606300      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
August 4, 1986  
For further information, please call  
(512) 450-3766.

★                      ★                      ★

## Bill Payment

### ★40 TAC §31.41

The repeal is proposed under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

#### §31.41. *Conflict of Interest.*

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 June 25, 1986.

TRD-8606301      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
August 4, 1986  
For further information, please call  
(512) 450-3766.

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## Medical Records

### ★40 TAC §31.51

The repeal is proposed under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

**§31.51. Mental Health-Mental Retardation Centers.**

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 June 25, 1986.

TRD-8606302 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
August 4, 1986  
For further information, please call  
(512) 450-3766.



**Medical Eligibility**

**★40 TAC §31.61**

The repeal is proposed under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs.

**31.61. Out-of-State Examinations.**

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 June 25, 1986.

TRD-8606303 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
August 4, 1986  
For further information, please call  
(512) 450-3766.



**Chapter 47. Primary Home Care**

**Support Documents**

**★40 TAC §47.9801**

The Texas Department of Human Services (DHS) proposes the repeal of §47.9801, concerning contractual agreements for home health agencies, in its Primary Home Care chapter. This section is obsolete and does not apply to primary home care.

Brian Packard, associate commissioner for budget, planning, and economic analysis, 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.

Mr. Packard 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 that primary home care rules will be clearer

and more concise. 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 Cathy Rossberg, Administrator, Policy Development Support Division-430, Texas Department of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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.

**§47.9801. Contractual Agreement for Participation as a Home Health Agency.**

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 June 23, 1986.

TRD-8606305 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
August 4, 1986  
For further information, please call  
(512) 450-3766.



**Chapter 48. Community Care for Aged and Disabled Case Management**

**★40 TAC §48.3901**

The Texas Department of Human Services (DHS) proposes an amendment to §48.3901, concerning case management, in its Community Care for Aged and Disabled chapter. This amendment clarifies that confidential information about adult protective services cases may not be disclosed, unless the disclosure is necessary to carry out the authority and responsibility of the department as specified in the Human Resources Code, Title 2, Chapter 48.

Brian Packard, associate commissioner for budget, planning, and economic analysis, 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. Packard 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 ensured compliance with confidentiality and disclosure requirements in the Adult Protective Services 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 Cathy Rossberg, Administrator, Policy Development Support Division-444, Texas Department of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas 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.

**§48.3901. Application for Services.**

(a) Confidentiality—Client information collected to determine eligibility for services, either by DHS [DHR] staff or contracted agencies, is confidential. Adult protective services case information may not be disclosed in a manner that identifies any client, unless the disclosure is necessary to carry out the authority and responsibility of the department as specified in the Human Resources Code, Title 2, Chapter 48.

(b)-(f) (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 June 30, 1986.

TRD-8606394 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
August 4, 1986  
For further information, please call  
(512) 450-3766.



**Family Care Services**

**★40 TAC §48.9201**

The Texas Department of Human Services (DHS) proposes new §48.9201, concerning minimum standards for agencies contracted to provide family care services in its Community Care for Aged and Disabled chapter. The department is simultaneously proposing the repeal of obsolete standards that were located in §69.194, in the department's Purchased Social Services chapter.

The section reflects current requirements for providers of family care services, and is located in a more appropriate chapter.

Brian Packard, associate commissioner for budget, planning, and economic analysis, 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. Packard also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that contractors' obligations to pro-

vide quality services to clients are clearly outlined and are located in a more appropriate chapter. 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 Cathy Roseberg, Administrator, Policy Development Support Division-431, Department of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

**§48.9201. Minimum Standards for Agencies Contracted to Provide Family Care Services for Aged and Disabled Adults.**

(a) The contract agency must initiate service within 14 calendar days from the date of referral.

(b) The contract agency must notify the DHS caseworker of the status of all new referrals within 21 calendar days from the date of referral.

(c) The contract agency must perform services as authorized on the approval for CCAD services-referral response form.

(d) The contract agency must ensure that once services are initiated, no client is without services for more than 14 consecutive days, except when an interruption is authorized in writing by the DHS caseworker.

(e) Supervisors must meet with the attendant in the client's home on or before the initiation of services to instruct the attendant in delivering services according to the task assignment plan, to teach safety and emergency procedures, and to provide the client a written copy and explanation of the complaint procedures.

(f) Supervisors must conduct home visits for each client at least once every other month to determine if the attendant is performing tasks according to the task assignment plan and to remedy areas of deficiency.

(g) Attendants must not give personal care services until they have shown competence in this area to the satisfaction of their supervisor.

(h) The contract agency must investigate and respond in writing to all written complaints received from DHS staff within 14 calendar days of receipt.

(i) Supervisors must be licensed nurses or have completed two years full-time study at an accredited college or university. Substitution of a year of full-time employment in a supervisory capacity in a health care facility or agency for each year of college is allowed for individuals with a high school diploma or general equivalency diploma (GED).

(j) Supervisors must have at least 14 hours of training in the following areas before assuming responsibilities:

- (1) basic principles of supervision;

- (2) interpersonal skills for dealing with clients and families;

- (3) client characteristics and needs; and

- (4) contract policies and procedures as they relate to DHS.

(k) Supervisors who are not licensed nurses must receive an additional 10 hours of training in the following areas before assuming responsibilities:

- (1) basic nutritional and special dietary needs;

- (2) special skin care needs; and

- (3) first aid, safety, and emergency procedures.

(l) Supervisors must receive at least six hours of ongoing training each quarter, during each year of employment, in all of the following areas:

- (1) principles of supervision;

- (2) interpersonal skills for dealing with clients and families;

- (3) client characteristics and needs;

- (4) contract policies and procedures as they relate to DHS; and

- (5) training skills.

(m) Supervisors who are not licensed nurses must receive ongoing training during each year of employment, in the following areas:

- (1) basic nutritional and special dietary needs;

- (2) special skin care needs; and

- (3) first aid, safety, and emergency procedures.

(n) The contract agency must maintain accessible and available records on each client that will contain at least:

- (1) the authorization for services (approval for CCAD services-referral response form);

- (2) names of all supervisors and attendants responsible for direct services to the client;

- (3) service delivery record form;

- (4) record of all supervisory visits (to include the date, training given, safety and emergency procedures, attendant's ability to perform personal care tasks, and significant events concerning the client and/or attendant); and

- (5) the record of termination or closure (community care notification letter form).

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 June 30, 1986.

TRD-8606395

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:

August 4, 1986

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

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## Chapter 49. Child Protective Services

The Texas Department of Human Services (DHS) proposes the repeal of §49.1109 and new §49.1109 and §49.1110, concerning child support referrals and collections. The new sections include the requirements for enforcement of child support collection for children receiving Title IV-E (AFDC) foster care assistance, as required under Title IV-D of the Social Security Act. These cases are referred to the attorney general's child support enforcement program for enforcement and collection of child support.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed repeal and new 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 repeal and new sections.

Mr. Packard also has determined that for each year of the first five years the repeal and new sections are in effect the public benefit anticipated as a result of enforcing the repeal and new sections will be to increase financial support for children in foster care. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal and new sections.

Comments on the proposal may be submitted to Cathy Roseberg, Administrator, Policy Development Support Division (004), Texas Department of Human Services, P.O. Box 2960, Austin, Texas 78769, mail code 153-E, within 30 days of publication in the *Texas Register*.

### Subchapter K. Court-Related Services

#### ★ 40 TAC §49.1109

The repeal is proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer financial assistance programs, and Chapter 41, which authorizes the department to enforce laws for the protection of children.

#### §49.1109. Collection and Disbursement of Child Support.

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 June 28, 1986.

TRD-8606306

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:

August 4, 1986

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

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★ 40 TAC §49.1109, §49.1110

The new sections are proposed under the Human Resources Code, Title 2, Chapter 31, which authorizes the department to administer financial assistance programs, and Chapter 41, which authorizes the department to enforce laws for the protection of children.

§49.1109. *Mandatory Child Support Referrals for AFDC Foster Care Children.*

(a) DHS must refer all AFDC foster care cases to the attorney general's child support enforcement program after determining eligibility unless parental rights are terminated, the parent is incapacitated or deceased, or DHS determines that pursuit of child support is not in the best interest of the child.

(b) Both legal parents of an AFDC foster care child must be included in the referral unless one of the exemptions in subsection (a) of this section applies. A parent is included even if the parent is missing or lives in another state. If the parent has more than one child receiving AFDC foster care, the parent must be included in the referral for each child.

(c) DHS, as the child's managing conservator, may request deferment of child support collection action for six months based on the best interest of the child.

§49.1110. *Collection and Disbursement of Child Support.*

(a) DHS must use child support collected for a child in substitute care for the care and maintenance of the child.

(b) In AFDC foster care cases, if the amount collected exceeds the monthly amount of the foster care maintenance payment but not the monthly child support obligation, the excess is paid to the child's managing conservator (DHS) to be:

- (1) set aside for the child's future needs; or
- (2) made available to meet the child's day-to-day needs.

(c) If the amount collected exceeds the foster care maintenance payment and the monthly child support obligation, the state retains the excess as reimbursement for past

unreimbursed Title IV-E foster care maintenance payments or Title IV-A AFDC assistance payments.

(d) When foster care maintenance payments end, the assignment of support rights also ends except for the amount of any unpaid support that accrued under the assignment. The child support unit may try to collect unpaid support and keep it for unreimbursed foster care maintenance payments.

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 June 26, 1986.

TRD-8806307      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
August 4, 1986  
For further information, please call  
(512) 450-3768.

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Chapter 69. Purchased Social Services

Subchapter J. Standards

★ 40 TAC §§69.191-69.194

The Texas Department of Human Services (DHS) proposes the repeal of §§69.191-69.194 in its Purchased Social Services chapter. Sections 69.191-69.193, concerning standards and definitions for alternate care providers, are obsolete. The department is simultaneously modifying §69.194, concerning standards for family care providers, and is proposing the standards as a new section in the department's Community Care for Aged and Disabled chapter.

Brian Packard, associate commissioner for budget, planning, and economic analysis, 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. Packard 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 that obsolete standards will be removed and current standards will be located in a more appropriate chapter. There is no anticipated economic cost to individuals who are required to comply with the repeals.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-431, Department of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

§69.191. *Instructions for the Minimum Standards for Agencies Contracting to Provide Alternate Care Service for Aged, Blind, or Disabled Adults.*

§69.192. *Definitions.*

§69.193. *Standards for All Agencies Contracting to Provide Alternate Care Services.*

§69.194. *Standards for Agencies Contracting to Provide Family Care Services for Aged and Disabled Adults.*

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 June 30, 1986.

TRD-8806398      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
August 4, 1986  
For further information, please call  
(512) 450-3768.

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# Withdrawn

## Rules

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

### TITLE 31. NATURAL RESOURCES AND CONSERVATION Part II. Texas Parks and Wildlife Department Chapter 57. Fisheries Endangered Species

#### ★31 TAC §57.133

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendment to §57.133, submitted by the Texas Parks and Wildlife Department, has been automatically withdrawn, effective June 30, 1986. The amendment as proposed appeared in the December 27, 1986, issue of the *Texas Register* (10 TexReg 4999).

TRD-8606486  
Filed: June 30, 1986

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#### ★31 TAC §§57.134-57.136

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed repeal of §§57.134-57.136, submitted by the Texas Parks and Wildlife Department, has been automatically withdrawn, effective June 30, 1986. The repeals as proposed appeared in the December 27, 1986, issue of the *Texas Register* (10 TexReg 5000).

TRD-8606487  
Filed: June 30, 1986

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### Chapter 65. Wildlife Subchapter G. Regulations for Taking, Possessing, and Transporting Protected Nongame Species

#### ★31 TAC §§65.172-65.176

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the

proposed amendments to §§65.172-65.176, submitted by the Texas Parks and Wildlife Department, have been automatically withdrawn, effective June 30, 1986. The amendments as proposed appeared in the December 27, 1986, issue of the *Texas Register* (10 TexReg 5000).

TRD-8606488  
Filed: June 30, 1986

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#### ★31 TAC §§65.177, §65.178

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed repeal to §§65.177 and §65.178, submitted by the Texas Parks and Wildlife Department, has been automatically withdrawn, effective June 30, 1986. The repeals as proposed appeared in the December 27, 1986, issue of the *Texas Register* (10 TexReg 5002).

TRD-8606489  
Filed: June 30, 1986

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### TITLE 34. PUBLIC FINANCE Part I. Comptroller of Public Accounts Chapter 5. Funds Management (Fiscal Affairs) Deferred Compensation—Vendor Participation

#### ★34 TAC §5.111

The Comptroller of Public Accounts has withdrawn from consideration the emergency effectiveness of §5.111, concerning deferred compensation—vendor participation. The text of the amendment appeared in the January 14, 1986, issue of the *Texas Register* (11 TexReg 214). The effective date of the amendment is June 27, 1986.

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

TRD-8606412 Bob Bullock  
Comptroller of Public Accounts

Filed: June 27, 1986  
For further information, please call (512) 463-4004.

★ ★ ★

#### ★34 TAC §§5.112-5.114

The Comptroller of Public Accounts has withdrawn from consideration the emergency effectiveness of §§5.112-5.114, concerning deferred compensation—vendor participation. The text of the amendments appeared in the January 14, 1986, issue of the *Texas Register* (11 TexReg 215). The effective date of the amendments is June 27, 1986.

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

TRD-8606410 Bob Bullock  
Comptroller of Public Accounts

Filed: June 27, 1986  
For further information, please call (512) 463-4004.

★ ★ ★

#### ★34 TAC §§5.112-5.115

The Comptroller of Public Accounts has withdrawn from consideration the emergency effectiveness of §§5.112-5.115, concerning deferred compensation—vendor participation. The text of the amendments appeared in the January 14, 1986, issue of the *Texas Register* (11 TexReg 215). The effective date of the amendments is June 27, 1986.

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

TRD-8606413 Bob Bullock  
Comptroller of Public Accounts

Filed: June 27, 1986  
For further information, please call (512) 463-4004.

★ ★ ★

# Adopted

## Rules

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

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

### TITLE 10. COMMUNITY DEVELOPMENT

#### Part I. Texas Department of Community Affairs

##### Chapter 9. Texas Community Development Program

###### Subchapter A. Allocation of Program Funds

###### ★ 10 TAC §9.3

The Texas Department of Community Affairs (TDCA) adopts an amendment to §9.3, without changes to the proposed text published in the May 30, 1986, issue of the *Texas Register* (11 TexReg 2498).

The amendment concerns the allocation of community development block grant (CDBG) nonentitlement area funds to eligible units of general local government under the economic development project fund.

The amendment adds subsection (a)(5) to codify the TDCA's policy of not considering economic development applications in which the business to be assisted is under-going reorganization or bankruptcy.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413(201), §4A, which provide the TDCA with the authority to allocate CDBG nonentitlement area funds to eligible counties and municipalities in accordance with rules and regulations adopted by the TDCA.

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 June 30, 1986.

TRD-8608387

Douglas C. Brown  
General Counsel  
Texas Department of  
Community Affairs

Effective date: July 21, 1986  
Proposal publication date: May 30, 1986  
For further information, please call:  
(512) 834-8080.

★ ★ ★

### TITLE 22. EXAMINING BOARDS

#### 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 adopts an amendment to §511.21 with changes to the proposed text published in the April 4, 1986, issue of the *Texas Register* (11 TexReg 1640).

The amendment insures appropriate documentation of college credits and character references of all applicants taking the Uniform CPA Examination.

The amendment provides requirements for college credits, character references, and status and residency of noncitizens of the United States for applicants taking the Uniform CPA Examination.

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 promulgate rules deemed necessary or advisable to insure high standards of professional competency and learning.

###### §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. 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 six months during the five years preceding the filing with the board of the applicant's initial application for examination. Each ref-

erence (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 not be accepted by the board from the following individuals:

(1) relatives 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 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) Applicants 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 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 June 27, 1986.

TRD-8606407

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

Effective date: July 18, 1986

Proposal publication date: March 4, 1986

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

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## Educational Requirements

### ★ 22 TAC §511.55

The Texas State Board of Public Accountancy adopts an amendment to §511.55, with changes to the proposed text published in the March 4, 1986, issue of the *Texas Register* (11 TexReg 1077).

The amendment provides new educational requirements that insure a stronger foundation for audit training of prospective CPAs.

The amendment establishes an accounting core of subjects to provide a stronger foundation for audit training of prospective CPAs.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provides the Texas State Board of Public Accountancy with the authority to promulgate rules deemed necessary or advisable to insure high standards of professional competency and learning.

**§511.55. Qualification under Current Act.** An applicant must meet one of the following education and experience requirements in order to qualify to sit for the examination under the Public Accountancy Act of 1979, as amended, Texas Civil Statutes, Article 41a-1, 1981.

(1) If an applicant holds from an accredited college or university recognized by the board, as identified in §511.52 of this title (relating to Recognized Colleges and Universities), a master's degree with a major in accounting, or business administration, or the equivalent, or a five-year professional degree in accounting, or an LLB degree, or the JD degree, and has also completed at least 50 semester hours in the study of accounting and related business subjects with at least 30 of the 50 hours in accounting, and with at least 20 of the 30 hours in accounting core subjects as identified in §511.57(1) of this title (relating to Definition of Accounting Courses), the applicant will be eligible to apply for the entire examination. However, one year of qualifying experience is required before a certificate will be issued.

(2) If an applicant holds from an accredited college or university recognized by the board, as identified in §511.52 of this title (relating to Recognized Colleges and Universities), a baccalaureate degree (the BBA de-

gree, for example) or its equivalent, and has also completed at least 50 semester hours in the study of accounting and related business subjects with at least 30 of the 50 hours in accounting and with at least 20 of the 30 hours in accounting core subjects as identified in §511.57(1) of this title (relating to Definition of Accounting Courses), the applicant will be eligible to apply for the entire examination. However, two years of qualifying experience are required before a certificate will be issued.

(3) If an applicant has acquired credit from an accredited college or university recognized by the board, as identified in §511.52 of this title (relating to Recognized Colleges and Universities), for at least 60 semester hours with at least 20 of the hours in accounting core subjects as identified in §511.57(1) of this title (relating to Definition of Accounting Courses) the applicant will be eligible to apply for the entire examination. However, six years of qualifying experience are required before the certificate will be issued. As used in this section, qualifying experience means acceptable experience described in substantive §511.122 and §511.123 of this title (relating to Acceptable Experience and Comparable Experience). The provisions of this section relating to accounting core subjects will be effective for applicants initially applying to take the Uniform CPA Examination given in May 1987, and thereafter.

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 June 25, 1986.

TRD-8606282

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

Effective date: July 16, 1986

Proposal publication date: March 4, 1986

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

★ ★ ★

### ★ 22 TAC §511.57

The Texas State Board of Public Accountancy adopts the repeal of §511.57, without changes to the proposed text published in the March 7, 1986, issue of the *Texas Register* (11 TexReg 1139).

The repeal allows the adoption of a new section. The new section includes new educational requirements to strengthen the audit training area of potential candidates for the Uniform CPA Examination.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provides the Texas State Board of Public Accountancy with the authority to promulgate rules deemed necessary or advisable to

insure high standards of professional competency and learning.

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 June 27, 1986.

TRD-8606404

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

Effective date: July 18, 1986

Proposal publication date: March 7, 1986

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

★ ★ ★

The Texas State Board of Public Accountancy adopts new §511.57, with changes to the proposed text published in the March 7, 1986, issue of the *Texas Register* (11 TexReg 1139).

There is a demonstrated need to strengthen the educational requirements for examination candidates in the audit area.

The new educational requirements insure a stronger foundation for audit training of prospective CPAs.

Three individuals expressed that income tax courses should be included in the core courses, due to the wide involvement in the Uniform CPA Examination, and university curriculum. Further, one individual expressed concern because business law was not included in the core curriculum.

Those making comments against the new section include: Letha L. Sparks, Southwestern University; Robert L. Grinaker, University of Houston; Claude R. Wilson, Jr., Attorney, Golden, Potts, Boeckman and Wilson; Gary E. White, Director of Accounting Programs; Texas Tech University.

The section was changed to include income tax courses in core curriculum, but inasmuch as business law has never been recognized as an accounting course, it was not included.

The new section is adopted 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 or advisable to insure high standards of professional competency and learning.

**§511.57. Definition of Accounting Courses.** The board will accept as accounting courses all passing semester hours (without repeat) shown on official transcripts in the following subject areas:

(1) accounting core courses:

- (A) elementary accounting, intermediate accounting, advanced accounting;
- (B) cost accounting;
- (C) auditing, internal accounting control and evaluation;

(D) report writing (principally writing financial reports, internal control reports, and management letters);

(E) financial statement analysis;

(F) accounting theory; and

(G) up to six semester hours of income tax;

(2) other accounting courses:

(A) income tax accounting (not to exceed 10 semester hours including hours in §511.57(1)(G));

(B) accounting systems, accounting consultation;

(C) accounting for specialized businesses or industries (such as governmental organizations, fiduciaries, banks, etc.);

(D) CPA coaching courses in auditing, practice, and theory (if offered for credit); and

(E) any other course which is principally accounting or auditing in nature but which may be designated by some other name (and the verification of which is obtained in writing from the particular college or university).

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 June 27, 1986.

TRD-8606405 Bob E. Bradley  
Executive Director  
Texas Department of  
Public Accountancy

Effective date: July 18, 1986  
Proposal publication date: March 17, 1986  
For further information, please call  
(512) 451-0241.

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#### ★ 22 TAC §511.58

The Texas State Board of Public Accountancy adopts an amendment to §511.58, without changes to the proposed text published in the March 4, 1986, issue of the *Texas Register* (11 TexReg 1078).

With the addition of many nonaudit related courses, minimal training in the audit area may occur. The amendment establishes new educational requirements that insure a stronger foundation for audit training of prospective CPAs.

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 promulgate rules deemed necessary or advisable to insure high standards of professional competency and learning.

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 June 27, 1986.

TRD-8606406 Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: July 18, 1986  
Proposal publication date: March 4, 1986  
For further information, please call  
(512) 451-0241.

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#### Experience Requirements

##### ★ 22 TAC §511.122

The Texas State Board of Public Accountancy adopts the repeal of §511.122, without changes to the proposed text published in the March 18, 1986, issue of the *Texas Register* (11 TexReg 1386).

The repeal allows the adoption of a new section. The new section reflects the experience requirement as to hours per allowable year which is consistent with the majority of other licensing jurisdictions.

The new section provides the prevailing experience requirements in the public accounting community. This insures uniformity with the majority of jurisdictions.

No comments were received regarding adoption of the repeal.

The repeal is adopted 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 for the approval of experience requirements necessary for certification as a CPA.

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 June 27, 1986.

TRD-8606402 Bob E. Bradley  
Executive Director  
Texas Department of  
Public Accountancy

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

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The Texas State Board of Public Accountancy adopts new §511.122, without changes to the proposed text published in the March 18, 1986, issue of the *Texas Register* (11 TexReg 1386).

The present section is not consistent with the prevailing requirement within the various licensing jurisdiction in the accounting profession.

The new section provides uniformity with the various jurisdiction as to the hour requirements for each year of experience

and provides a position of experience for each individual applicant.

No comments were received regarding adoption of the new section.

The new section is adopted 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 for the approval of experience requirements necessary for certification as a CPA.

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 June 27, 1986.

TRD-8606403 Bob E. Bradley  
Executive Director  
Texas Department of  
Public Accountancy

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

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## TITLE 28. INSURANCE

### Part I. State Board of Insurance

#### Chapter 5. Property and Casualty Insurance

##### Subchapter D. Fire and Allied Lines Insurance

##### ★ 28 TAC §5.3003, §5.3004

The State Board of Insurance adopts amendments to §5.3003 and §5.3004, without changes to the proposed text published in the April 22, 1986, issue of the *Texas Register* (11 TexReg 1866).

Section 5.3003 and §5.3004 concern prohibited practices by regulated insurers subject to the provisions of the Texas Insurance Code, Article 5.26. The amendments to these sections are necessary to address clearly and to implement prohibitions against practices which make for the avoidance, circumvention, or subverting of mandatory rating laws for fire and allied lines insurance and for multiperil insurance as specified in the Insurance Code, Articles 5.25, 5.26, and 5.81.

These amendments reinforce prohibitions against contracts and other accommodative arrangements and devices which constitute an evasion of rate regulatory laws. These amendments make clear that practices between regulated insurers which own or control nonregulated insurers are often the practices which are subject to these prohibitions. These amended sections make clear that these prohibitions extend to practices of insurers subject to the provisions of the Insurance Holding Company System Regulatory Act, the In-

insurance Code, Article 21.49-1. The amendments aid in bringing to a stop the avoidance of mandatory rating laws for fire and allied lines insurance and multiperil insurance. They also aid in the prevention of illegal discrimination between insureds, as is made illegal by the Insurance Code, Article 5.41, and as occurs when some insureds of some insurers pay rates promulgated or approved by the board and some do not. These sections are applicable to multiperil insurance written under the Insurance Code, Article 5.81, if fire and allied lines insurance as specified in the Insurance Code, Article 5.25, is a part of the multiperil policy if a rate is effectuated under the procedures specified in the Insurance Code, Chapter 5, Subchapter C. These amended sections interpret, clarify, and simplify extant law and rules, especially the Insurance Code, Articles 5.26, 5.41, and 5.81, and present §5.3001 and §5.3002. Section 5.3001 and §5.3002 address the same or similar subject matter as §5.3003 and §5.3004 and provide similar regulation. These amendments eliminate one definition of the term "affiliate," and thus make unnecessary the rebuttable presumption of §5.3004 prior to these amendments.

Two comments were filed on the proposed amendments on behalf of nine persons as defined by the Administrative Procedure and Texas Register Act. The comments do not directly address the effect of these amendments, but do present objections to the substance of the sections which these amendments modify. Commenting against §5.3003 and §5.3004 were representatives of State Farm Mutual Automobile Company, State Farm Life Insurance Company, State Farm Fire and Casualty Company, Foremost Insurance Company, Houston General Insurance Company, Ranger Insurance Company, Houston General Lloyds, Foremost Lloyds, and Reliance Lloyds.

The State Farm Companies presented comments which suggested the board has authority to regulate insurers' reinsurance agreements only to protect insurer solvency and that §5.3003 and §5.3004 exceed that authority. State Farm feels these sections adversely affect its customers who purchase multiple policies at a package premium based on regulated and nonregulated rates. State Farm suggests that the problems addressed by these sections will be solved by the board's rule requiring regulated insurers, under the Insurance Code, Chapters 17-19, to report property statistics for residential and commercial property. The board disagrees with these comments. Similar comments were considered by the board prior to adoption of §5.3003 and §5.3004, and the board set forth its disagreements with those comments in board Order 47336, July 17, 1986, and in the July 26, 1985, issue of the *Texas Register* (10 TexReg 2413). The board is of the opinion that its statutory authority is sufficient to authorize adoption of these

sections. The sections are necessary to help avoid further insolvencies in the property and casualty industry in Texas and to restore and maintain the integrity of the rate-regulated system. Although the collection of data from regulated insurers assists the board in setting adequate rates; alone, this data does not correct the problem that resulted from regulated companies' evasion of the rate structure through subterfuge. Foremost Insurance Company, Houston General Insurance Company, Ranger Insurance Company, Houston General Lloyds, Foremost Lloyds, and Reliance Lloyds presented comments which suggest that §5.3003 and §5.3004 exceed the board's statutory authority and are contrary to various statutes and constitutional provisions. The board disagrees with these comments. The board is of the opinion that it was granted broad authority to regulate the insurance business and, in particular, to guard against insolvencies and to regulate rates under the scheme the legislature devised. Where the legislature granted broad regulatory powers to an administrative agency, the agency has the authority to promulgate rules which are necessary to perform its statutory duty in harmony with, or which come within the framework of, the objective of the statutes which its authority is derived. The board is of the opinion that §5.3003 and §5.3004 are consistent with the objectives of the Texas Insurance Code. These amendments are not adopted to regulate reinsurance or to regulate rates of insurers which are exempt from regulation by statute. The amendments are adopted to identify a practice which unlawfully circumvents the rating laws. As stated herein, the board is of the opinion that its statutory authority, as set forth in the following, is sufficient to authorize adoption of these amendments. The amendments are not contrary to statutory or constitutional provisions. The sections, as amended, adequately define the practices prohibited. The amendments do not invalidate existing contracts, nor do they unlawfully discriminate against insurance affiliates. The legislature recognized the potential for abuse by affiliated companies by enacting the Insurance Code, Article 21.49-1; affiliated insurers are subjected to different requirements thereunder than nonaffiliated insurers. Section 5.3003 and §5.3004 apply to all affiliated insurers, as do the statutes set forth in the Insurance Code, Article 21.49-1. The sections clarify the prohibition of practices whereby affiliated insurers attempt to circumvent the rate-regulation laws. Article 21.49-1, §8, prohibits affiliated companies from doing indirectly what they may not do directly.

The amendments are adopted under the Texas Insurance Code, Article 1.04, which authorizes the State Board of Insurance to determine policy and rules; the Insurance Code, Article 1.10(1), which requires the board to see that all laws respecting insurance and insurance companies are faithfully executed; the Insurance Code,

Article 5.25, which authorizes and requires the State Board of Insurance to prescribe, fix, determine, and promulgate the rates of premiums to be charged and collected by certain fire insurance companies transacting business in this state; the Insurance Code, Article 5.26, which provides that the maximum rates or premiums for certain companies transacting the business of fire insurance in this state is to be exclusively fixed, determined, and promulgated by the board, and which provides for lawful deviations by insurers from such maximum rates; the Insurance Code, Article 5.41, which provides that no company shall engage or participate in insuring or reinsuring of any property in this state except in compliance with the Insurance Code, Chapter 5, Subchapter C, that no rate-regulated company shall knowingly write insurance at a lesser rate than the rates provided for in Subchapter C, and that it is unlawful to grant or contract for any valuable consideration or any inducement or anything of value not specified in the policy; the Insurance Code, Article 5.81, which authorizes multiperil policies of insurance, including fire and allied lines insurance, and which authorizes the board to make, approve, and enforce such rules and regulations as in its best judgment are necessary and desirable in carrying out the purposes and objectives of that article; and the Insurance Code, Article 21.49-1, which authorizes the State Board of Insurance to review and approve or disapprove transactions between a domestic insurer and any person in its holding company system.

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 June 27, 1986.

TRD-8606354

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: July 18, 1986  
Proposal publication date: April 22, 1986  
For further information, please call  
(512) 463-6327.

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## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part XIII. Board for Lease of University Land

#### Chapter 401. Organization of the Board

##### ★31 TAC §401.1

The Board for Lease of University Land adopts an amendment to §401.1, without changes to the proposed text published in the March 21, 1986, issue of the *Texas Register* (11 TexReg 1440).

The amendment is adopted to conform with the Texas Education Code, §66.62.

The amendment acknowledges the addition to the board of a member of the Texas A&M Board of Regents; establishes two-year terms for regent members; authorizes the chief clerk of the General Land Office to serve as acting chairman; provides for appointment of substitute members; and requires members to meet statutory membership qualifications.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §66.79, which authorizes the Board for Lease of University Land to promulgate rules and regulations for the sale of oil and gas from university lands and to protect the university, its lands, and the income from the lands.

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 June 27, 1986.

TRD-8606388 Maxine R. Dean  
Secretary  
Board for Lease of  
University Lands

Effective date: July 18, 1986  
Proposal publication date: March 21, 1986  
For further information, please call  
(512) 499-4290.

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★31 TAC §401.2

The Board for Lease of University Land adopts an amendment to §401.2, without changes to the proposed text published in the March 21, 1986, issue of the *Texas Register* (11 TexReg 1441).

The amendment is adopted to conform with the Texas Education Code, §66.62.

The amendment acknowledges the statutory designation of the land commissioner as chairman of the board, deletes language concerning election of a chairman, specifies a time for election of a vice chairman, and clarifies the circumstances under which the vice chairman may discharge the duties of the chairman.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §66.79, which authorizes the Board for Lease of University Lands to promulgate rules and regulations for the sale of oil and gas from university lands and to protect the university, its lands, and the income from the lands.

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 June 27, 1986.

TRD-8606389 Maxine R. Dean  
Secretary  
Board for Lease of  
University Lands

Effective date: July 18, 1986  
Proposal publication date: March 21, 1986  
For further information, please call  
(512) 499-4290.

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★31 TAC §401.3, §401.4

The Board for Lease of University Lands adopts amendments to §401.3 and §401.4, without changes to the proposed text published in the March 21, 1986, issue of the *Texas Register* (11 TexReg 1441).

The amendments are adopted to avoid confusion in references to the board and to the boards of regents of the university systems by reciting the complete titles of these boards where appropriate. The amendment to §401.3 simplifies board procedures by eliminating mandatory appointment of an assistant secretary.

The amendments delete the requirement that the board appoint an assistant secretary and instead delegate to the secretary of the board the option to appoint an assistant. Editorial changes to these sections clarify references to the boards of regents of the University of Texas System by the complete title of that board.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §66.79, which authorizes the Board for Lease of University Lands to promulgate rules and regulations for the sale of oil and gas from university lands and to protect the university, its lands, and the income from the lands.

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 June 27, 1986.

TRD-8606390 Maxine R. Dean  
Secretary  
Board for Lease of  
University Lands

Effective date: July 18, 1986  
Proposal publication date: March 21, 1986  
For further information, please call  
(512) 499-4290.

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★31 TAC §401.5

The Board for Lease of University Lands adopts an amendment to §401.5, without changes to the proposed text published in the March 21, 1986, issue of the *Texas Register* (11 TexReg 1442).

The amendment is adopted to conform with the Texas Education Code, §66.62 and §66.83.

The amendment provides that three members of the board shall constitute a quorum, which conforms with the addition of a fourth member, pursuant to 1985 amendments to the Texas Education Code, §66.62. A policy on public hearings is added to this rule in compliance with the Texas Education Code, §66.83.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §66.79, which authorizes the Board for Lease of University Lands to promulgate rules and regulations for the sale of oil and gas from university lands and to protect the university, its lands, and the income from the lands.

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 June 27, 1986.

TRD-8606391 Maxine R. Dean  
Secretary  
Board for Lease of  
University Lands

Effective date: July 18, 1986  
Proposal publication date: March 21, 1986  
For further information, please call  
(512) 499-4290.

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TITLE 34. PUBLIC  
FINANCE  
Part IV. Employees Retirement  
System of Texas  
Chapter 73. Benefits

★34 TAC §73.15

The Employees Retirement System of Texas adopts an amendment to §73.15, without changes to the proposed text published in the April 4, 1986, issue of the *Texas Register* (11 TexReg 1642).

The amendment provides up-to-date information concerning the method the Employees Retirement System uses in computing retirement benefits under the state's proportionate retirement program.

Subsection (d) of §73.15 refers to and incorporates, by reference, a document entitled, "Computation of Retirement Benefits" which is revised by expanding it to cover situations not covered in earlier editions of the document. Also, the amendment shows an update address for the system.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Title 110B, §13.401(a), which provide the Board of Trustees of the Em-



ployees Retirement System of Texas with the authority to adopt rules it finds necessary to implement the proportionate retirement program.

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

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

TRD-8606319 Clayton H. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: July 17, 1986  
Proposal publication date: April 4, 1986  
For further information, please call  
(512) 476-6431, ext. 178.

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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services Chapter 3. Income Assistance Services

The Texas Department of Human Services (DHS) adopts in its Income Assistance Services chapter, amendments to §3.704 and §3.902, concerning types of resources and income considered in determining eligibility for the Aid to Families with Dependent Children Program (AFDC). The amendments address consideration of income tax refunds, cash contributions, and irregular and unpredictable income.

The justification for the amendments is to conform with final federal regulations published March 18, 1986.

The sections as amended will function as DHS' policy for considering income and resources in the AFDC Program.

#### Subchapter G. Resources

##### ★40 TAC §3.704

The amendment is adopted under the Human Resources Code, Title 2, Chapters 31 and 32, which authorizes the department to administer public assistance programs. The amendment is adopted under federal requirements to be effective July 1, 1986.

##### §3.704. Types.

(a) (No change.)  
(b) Aid to families with dependent children. Exclusions from resources in AFDC are:

- (1)-(4) (No change.)
- (5) lump sum payments. DHS counts income tax refunds as resources as stipulated in 45 Code of Federal Regulations §233.20(a)(3)(iv)(E).
- (6)-(10) (No change.)
- (c)-(d) (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 June 25, 1986.

TRD-8606295 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: July 1, 1986  
For further information, please call  
(512) 450-3786.

★ ★ ★

#### Subchapter I. Income

##### ★40 TAC §3.902

The amendment is adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs. The amendment is adopted under federal requirements to be effective July 1, 1986.

##### §3.902. Types.

(a) Aid to families with dependent children. The DHS counts the following as income:

- (1) (No change.)
- (2) cash gifts and contributions. DHS counts these as income, unless they are exempt as stipulated in Code of Federal Regulations §233.20(a)(3)(iv)(F).
- (3)-(30) (No change.)
- (b) Aid to families with dependent children. Exclusions from income for AFDC are:

- (1)-(6) (No change.)
- (7) job training and training allowances. DHS exempts monthly incentive payments paid by the Texas Employment Commission (TEC) to participate in institutional and work-experience training. DHS also exempts training-related expenses payments received from TEC. DHS exempts supplemental payments from other state agencies that are for training-related expenses;
- (8) native and Indian claims. DHS exempts tax-exempt portions of payments made under the Alaska Native Claims Settlement Act and funds distributed or held in trust by the Indian Claims Commission for members of Indian tribes under Public Law 92-254 or Public Law 93-135;
- (9) nutrition program assistance. DHS exempts the value of supplemental food assistance under the Child Nutrition Act of 1966 and special food service program for children under the National School Lunch Act. DHS exempts benefits received under the Older Americans Act of 1965, Title VIII, Nutrition Program for the Elderly;
- (10) relocation assistance benefits. DHS exempts benefits received under the Uniform Relocation Assistance and Real Property Acquisition Act, Title II;
- (11) SSI;
- (12) third-party funds. DHS exempts money received and used for care and main-

tenance of a third-party beneficiary who is not a household member;

(13) vendor payments. DHS does not count payments made by a person or organization outside the household directly to the applicant's creditor or person providing the service.

(c)-(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 June 25, 1986.

TRD-8606296 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:  
July 1, 1986  
For further information, please call  
(512) 450-3786

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#### Subchapter KK. Support Documents

##### ★40 TAC §3.3702

The Texas Department of Human Services (DHS) adopts an amendment to §3.3702, which adopts by reference the federal regulations that establish the basis of issuance tables for the Food Stamp Program. These regulations, issued by the United States Department of Agriculture (USDA), appear in *Federal Register* Document Number 86-12425, with a federally mandated effective date of July 1, 1986.

These regulations incorporate into the food stamp issuance tables new limits on gross and net income that certain households may have and still be eligible for food stamps. By adjusting the income eligibility limits, USDA takes into account changes in the cost of living.

The justification for the section is to comply with federal regulations. The section will function as DHS' section governing the food stamp basis of issuance tables.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 33, which authorizes the department to administer public assistance programs. This amendment is adopted under federal requirements effective July 1, 1986.

§3.3702. *Food Stamp Basis of Issuance Tables.* The Texas Department of Human Services adopts by reference the food stamp rules and tables contained in *Federal Register* Document 86-12425, Volume 51, Number 106, Page 19880, which amends 7 Code of Federal Regulations Part 272 and Part 273.

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 June 30, 1986.

TRD-8808387

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: July 1, 1986  
For further information, please call  
(512) 450-3766.

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## Chapter 79. Legal Services

The Texas Department of Human Services adopts the repeal of §§79.1601-79.1614, and new §§79.1601-79.1614, without changes to the proposed text published in the May 23, 1986, issue of the *Texas Register* (11 *TaxReg* 2418).

The new sections are justified in that they clarify hearing procedures, allow for contractors' hearings to be conducted before an administrative law judge, add discovery processes, and give nursing facilities placed on vendor hold the right to a hearing even if the hold is released before the hearing.

The sections will function to expedite the scheduling and completion of hearings, to ensure the uniformity of decisions, and to enhance the parties' understanding of their appeal rights and the procedures used to protect these rights.

No comments were received regarding adoption of the repeals and new sections.

### Subchapter Q. Contract Appeals

#### ★ 40 TAC §§79.1601-79.1614

The repeals are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public 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 June 30, 1986.

TRD-8808388

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: July 21, 1986  
Proposal publication date: May 23, 1986  
For further information, please call  
(512) 450-3766.

★ ★ ★

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

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

Issued in Austin, Texas, on June 30, 1986.

TRD-8808389

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: July 21, 1986  
Proposal publication date: May 23, 1986  
For further information, please call  
(512) 450-3766.

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## Part IX. Texas Department on Aging

### Chapter 275. Implementation of the Omnibus Hunger Act of 1985

#### Statutes and Regulations

##### ★ 40 TAC §§275.1-275.9

The Texas Department on Aging adopts new §§275.1-275.9. Sections 275.2, 275.4, and 275.5 are adopted with changes to the proposed text published in the April 18, 1986, issue of the *Texas Register* (11 *TaxReg* 1802). The other sections are adopted without changes and will not be republished.

The new sections implement Senate Bill 526, Omnibus Hunger Act of 1985, with the intent of providing food assistance for elderly persons to prevent any older Texan from going hungry, to promote the good health and well-being of disabled and homebound elderly, and to minimize the long-term costs of medical care and institutionalization. The new sections provide policies and procedures to area agencies on aging which must be used to apply for these funds to establish home-delivered meal programs in planning and service areas throughout the state.

The new sections establish procedures for submission of responses to requests for proposals from the Texas Department on Aging by area agencies on aging who desire to establish home-delivered meal programs under the Omnibus Hunger Act of 1985. The new sections establish deadlines for submission of these responses, program eligibility requirements, allowable cost information, reporting requirements, and grievance procedures.

A commenter suggested that additional language be considered to address the effects of state and federal funding reductions which would provide the area agencies with additional discretion to provide meals to participants who have been terminated from other programs. The TDoA agrees with the comment made by South Plains Association of Governments and altered the wording accordingly in §275.5(2) to provide the suggested flexibility. In §275.4, the wording and dates were altered to provide better readability and an improved time-frame for fiscal year 1987 funding. In §275.5, a minor wording change was made to improve readability.

The new sections are adopted under Senate Bill 526, 69th Legislature, 1985, which provides the Texas Department on Aging with the authority to administer the Omnibus Hunger Act of 1985.

**§275.2. Method of Allocation.** The Texas Department on Aging (TDoA) will allocate fiscal year 1987 funds for home-delivered meals services under the Omnibus Hunger Act through a request for proposal (RFP) process to only the 28 area agencies on aging (AAA's). Notification of RFP information will be sent by TDoA on July 1, 1986, to the AAAs. The deadline for area agency on aging responses to the RFP for fiscal year 1987 funding will be August 1, 1986. RFPs received after that deadline will not be considered for fiscal year 1987 funding. Notification of awards for fiscal year 1987 will be on September 1, 1986.

**§275.4. Utilization of Deobligated Funds and Fiscal Year 1987 Funding Procedures.** The Texas Department on Aging will take the following actions to achieve expenditure of deobligated Omnibus Hunger Act funds.

(1) The following deadlines are established for AAA's currently using funding authorized under this Act.

(A) May 1, 1986. The TDoA will publish notice for AAA's to submit proposals (RFPs) for utilization of previously deobligated funds.

(B) May 15, 1986. The TDoA will accept applications from AAA's for deobligated funds of the Omnibus Hunger Act until this date.

(C) June 1, 1986. Successful AAA applicants for Omnibus Hunger Act funding must implement their home-delivered meal program by this date.

(D) August 31, 1986. This date will be the date by which all Omnibus Hunger Act programs funded for fiscal year 1986 will be completed.

(2) The following procedures and deadlines will be implemented for funding of Omnibus Hunger Act programs in fiscal year 1987.

(A) July 1, 1986. TDoA will publish notice on a statewide basis for AAA's to submit RFP's to provide home-delivered meals services funded under the Omnibus Hunger Act.

(B) August 1, 1986. This is the deadline for RFP's to be received from the AAA's to provide services under the Omnibus Hunger Act.

(C) September 1, 1986. Notification of grant awards for the second year (fiscal year 1987) of the Omnibus Hunger Act Home-Delivered Meal Program will be sent to successful AAA applicants detailed in subparagraph (B) of this paragraph.

(3) Those AAA's that have had funds deobligated under §275.3(2) and (3), of this title (relating to Deadline and Reporting Requirements for Implementation of the Omnibus Home-Delivered Meal Program) are not barred from responding to the RFP



process established in paragraph (2) of this section.

**§275.5. Program Eligibility.** Home-delivered meals may be served to homebound elderly persons meeting the following criteria:

(1) elderly persons whose names have been on a written waiting list to be served when resources are available; or

(2) elderly persons who have not regularly participated in any local home-delivered meal program, particularly low-income elderly persons in need of nutrition maintenance; or

(3) elderly persons released from hospitals should be individually assessed to determine the length of meal service needed and meal service should be initiated immediately but no later than three days after hospital discharge. If such persons were released within 30 days of meal service, they shall be counted as hospital discharge participants on monthly reports. Persons released more than 30 days before meal service and who were not on a waiting list shall be counted as other new participants.

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.

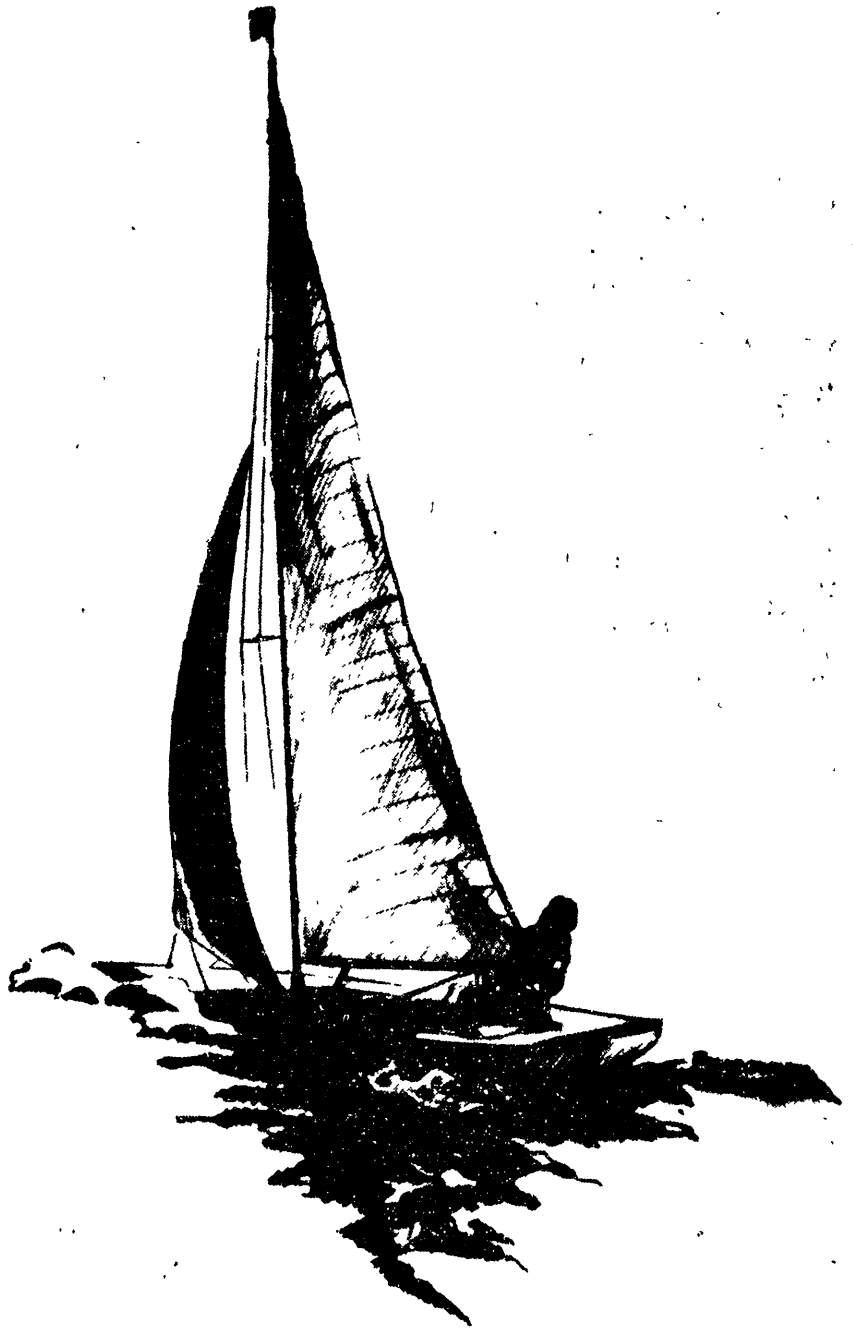
Issued in Austin, Texas, on June 25, 1986.

TRD-8608292

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

Effective date: July 17, 1986  
Proposed publication date: April 18, 1986  
For further information, please call  
(512) 444-2727.

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# Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Register*.

**Emergency meetings and agendas.** Any of the governmental entities named above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published.

**Posting of open meeting notices.** All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agendas than what is published in the *Register*.

## Texas Air Control Board

**Friday, July 11, 1986.** Committees of the Texas Air Control Board will meet at John Knox Hall, Fort Fisher's Texas Ranger Hall of Fame and Museum, IH 35 Frontage Road at the Brazos River. Times, committees, and agendas follow.

**9 a.m.** The Monitoring and Research Committee will approve contracts.

**Contact:** Paul M. Shinkawa, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

**Filed:** June 30, 1986, 1:51 p.m.  
TRD-8606474

**9:15 a.m.** The Fee Review Committee will consider proposed revisions to the current inspection fee rule; and discuss options for a tiered system for permit continuance fees.

**Contact:** Paul M. Shinkawa, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

**Filed:** June 30, 1986, 1:51 p.m.  
TRD-8606472

**9:45 a.m.** The Regulation Development Committee will consider proposed revisions to §101.24 (Inspection Fees); joint rulemaking with the Texas Department of Health on the proposed new Regulation XI (Municipal Solid Waste Facilities); the proposed revision to the State Implementation Plan (SIP) for Dallas, Tarrant, and El Paso Counties; and consider a proposed change to the SIP concerning Regulation V, §115.191(8)(B), compliance date revision.

**Contact:** Paul M. Shinkawa, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

**Filed:** June 30, 1986, 1:51 p.m.  
TRD-8606473

**10:30 a.m.** The Texas Air Control Board will approve the minutes of the May 23, 1986, meeting; hear public testimony; reports; the enforcement report; consider agreed enforcement orders; action on proposed agency con-

tracts; hear the staff report; the hearing examiner's report; and consider new business.

**Contact:** Paul M. Shinkawa, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

**Filed:** June 30, 1986, 1:51 p.m.  
TRD-8606471

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## Advisory Commission on State Emergency Communications

**Wednesday, July 9, 1986, 9:30 a.m.** The Advisory Commission on State Emergency Communications will meet in Room 104, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the commission will review information and consider issues related to a statewide 9-1-1 emergency telephone service; approve the previous minutes; consider policy issues, including a financing approach, state-level administration, and local planning and implementation; review the draft legislation; and consider the commission's work plan and schedule of future meetings.

**Contact:** Jay Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

**Filed:** June 26, 1986, 11:46 a.m.  
TRD-8606321

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## Texas State Board of Registration for Professional Engineers

**Wednesday and Thursday, July 16 and 17, 1986, 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 hear report from board members and staff; interview applicants; take action on applications for registration; read communications; and consider any other business which comes before the board.

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

**Filed:** June 30, 1986, 1:49 p.m.  
TRD-8606475

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## Texas Housing Agency

**Thursday, June 26, 1986, 2 p.m.** The Board of Directors of the Texas Housing Agency (THA) met in emergency session in Suite 700, THA Conference Room, 411 West 13th Street, Austin. According to the agenda summary, the board considered a resolution for current refunding; a budget authority for implementation of the Mortgage Credit Certificate Program; rules regarding statewide multi-family residential development reservation procedures; and elected officers. The emergency status was necessary because this agenda is limited to items that, if delayed, would be subject to extremely adverse consequences to the agency, including a reduced ability to promote affordable housing in Texas and to secure adequate office space on favorable terms.

**Contact:** Dan A. McNeil, P.O. Box 13941, Austin, Texas 78701, (512) 474-2974.

**Filed:** June 26, 1986, 12:03 p.m.  
TRD-8606324

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## Texas Department of Human Services

**Thursday, July 10, 1986, 9:30 a.m.** The Subcommittee of the Advisory Council for Social Work Certification of the Texas Department of Human Services will meet in Room 6-W, West Tower, 701 West 51st Street, Austin. According to the agenda summary, the subcommittee will review rule revisions regarding continuing competence standards and practices.

**Contact:** Michael O. Doughty, P.O. Box 2960, Austin, Texas 78769, (512) 450-3255.

**Filed:** June 27, 1986, 3:16 p.m.  
TRD-8606361

**Friday, July 11, 1986, 9:30 a.m.** The Advisory Council for Social Work Certification of the Texas Department of Human Services will meet in Room 6-W, West Tower, 701 West 51st Street, Austin. According to the agenda summary, the council will approve the minutes; hear committee reports; review goals and objectives; the staff report; and the report from the assistant commissioner.

**Contact:** Michael Doughty, P.O. Box 2960, Austin, Texas 78769, (512) 450-3255.

**Filed:** June 27, 1986, 3:15 p.m.  
TRD-8606375

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### State Board of Insurance

**Tuesday, July 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 9297—application for amendment to the articles of incorporation of Combined Underwriters Life Insurance Company, Tyler, Texas.

**Contact:** James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

**Filed:** June 30, 1986, 2:30 p.m.  
TRD-8606469

**Tuesday, July 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 take final action on 28 TAC §5.3501, (11 TexReg 2176); an amendment to 28 TAC §5.4001, (11 TexReg 2416); extend emergency effectiveness of 28 TAC §§5.7001, 5.7013-5.7015; consider board orders on several different matters; fire marshal personnel matters; commissioner personnel matters; and consider pending and contemplated litigation.

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

**Filed:** June 30, 1986, 3:26 p.m.  
TRD-8606470

**Tuesday, July 8, 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 9301—application of Collateral Protection, Inc., Gilbert Smith and John Certa to acquire control of Nauton Life Insurance Company, Hye, Texas.

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

**Filed:** June 30, 1986, 2:30 p.m.  
TRD-8606468

**Wednesday, July 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 9296—proposed plan of merger of Southwest International Reinsurance Company, Irving, Texas, into Southwest International Reinsurance Company of New York, New York City, New York.

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

**Filed:** June 30, 1986, 2:30 p.m.  
TRD-8606477

**Friday, July 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 9306—application for original charter of Memorial Service Life Insurance Company, Abeline, Texas.

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

**Filed:** June 30, 1986, 2:30 p.m.  
TRD-8606467

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### Texas Advisory Commission on Intergovernmental Relations

**Friday, July 11, 1986.** Committees of the Texas Advisory Commission on Intergovernmental Relations will meet at the John H. Reagan Building, 105 West 15th Street, Austin. Times, committees, rooms, and agendas follow.

**8:30 a.m.** In Room 102, the Special Committee on Operations and Funding will review the status of fiscal year 1986 finances; consider the operating budget for fiscal year 1987; and consider potential new grants and contracts.

**Contact:** Jay G. Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

**Filed:** June 30, 1986, 2:43 p.m.  
TRD-8606479

**9:30 a.m.** In Room 102, the New Federalism Committee will consider progress reports on projects including high-level radioactive waste issues, low-level radioactive waste issues, and the State Data Center.

**Contact:** Jay G. Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

**Filed:** June 30, 1986, 2:44 p.m.  
TRD-8606457

**9:30 a.m.** In Room 103, the State-Local Issues Committee will review the county purchasing manual and will hear progress reports on other projects including the Dallas Alliance; risk management for police departments; business and industry data sources; the 9-1-1 emergency telephone service and the Cancer/Indigent Health Care.

**Contact:** Jay G. Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

**Filed:** June 30, 1986, 2:43 p.m.  
TRD-8606458

**10:30 a.m.** In Room 103, the Texas Advisory Commission on Intergovernmental Relations will consider the executive director's report; committee reports including the Operations and Funding Committee, the New Federalism Committee, and the State-Local Issues Committee; and review the county purchasing manual.

**Contact:** Jay G. Stanford, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

**Filed:** June 30, 1986, 2:43 p.m.  
TRD-8606478

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### Texas Department of Labor and Standards

Divisions of the Texas Department of Labor and Standards will meet in Room 105, E. O. Thompson Building, 920 Colorado Street, Austin. Days, times, divisions, and agendas follow.

**Tuesday, July 1, 1986, 9 a.m.** The Manufactured Housing Division met in emergency session to discuss license and registration; suspensions; and alleged violations of various rules and regulations of the department. The emergency status was necessary to consider the possible violation of Texas Civil Statutes, Article 5221f which jeopardizes individual safety and the public's welfare.

**Contact:** Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 475-6560.

**Filed:** June 27, 1986, 9:08 a.m.  
TRD-8606332

**Wednesday, July 2, 1986, 9 a.m.** The Labor, Licensing and Enforcement and Manufactured Housing Division met in emergency session to consider license and registration; suspensions; and alleged violations of various rules and regulations of the department. The emergency status was necessary to consider the possible violation of Texas Civil Statutes, Article 5221f which jeopardizes individual safety and the public's welfare.

**Contact:** Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 475-6560.

**Filed:** June 27, 1986, 9:08 a.m.  
TRD-8606331

**Thursday, July 3, 1986, 9 a.m.** The Manufactured Housing Division/Boiler Division met in emergency session to discuss license

and registration; suspensions; and alleged violations of various rules and regulations of the department. The emergency status is necessary to consider the possible violation of Texas Civil Statutes, Article 5221f which jeopardizes individual safety and the public's welfare.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 475-6560.

Filed: June 27, 1986, 9:07 a.m.  
TRD-8606333

**Monday, July 7, 1986, 9 a.m.** The Manufactured Housing Division will meet in emergency session to consider license and registration; suspensions; and alleged violations of various rules and regulations of the department. The emergency status is necessary in order to consider the possible violation of Texas Civil Statutes, Article 5221f which jeopardizes individual safety and the public's welfare.

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

Filed: June 30, 1986, 3:53 p.m.  
TRD-8606464

**Wednesday, July 16, 1986, 9 a.m.** The Labor, Licensing, and Enforcement Division will consider license and registration; and alleged violations of various rules and regulations of the department concerning Motor Vehicle Storage.

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

Filed: June 30, 1986, 3:53 p.m.  
TRD-8606563

**Thursday, July 17, 1986, 9 a.m.** The Labor, Licensing, and Enforcement Division will consider license and registration; and alleged violations of various rules and regulations of the department concerning Motor Vehicle Storage.

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

Filed: June 30, 1986, 3:53 p.m.  
TRD-8606462

**Thursday, July 24, 1986, 9 a.m.** The Manufactured Housing Division will consider license and registration; suspensions; and alleged violations of various rules and regulations of the department.

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

Filed: June 30, 1986, 3:53 p.m.  
TRD-8606461

**Thursday, July 31, 1986, 9 a.m.** The Labor, Licensing, and Enforcement Division will consider license and registration; and alleged violations of various rules and regulations of the department concerning Motor Vehicle Storage.

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

Filed: June 30, 1986, 3:53 p.m.  
TRD-8606460

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### Texas State Board of Medical Examiners

**Thursday, July 3, 1986, 11 a.m.** The Finance Committee of the Texas State Board of Medical Examiners met in emergency session via conference call from 1101 Camino LaCosta, Austin. According to the agenda, the committee discussed the meeting of the Budget and Oversight Subcommittee and possible actions. The committee also met in executive session under the authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Attorney General Opinion H-484 (1974). The emergency status was necessary because the information for the subcommittee must be submitted soon.

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

Filed: June 30, 1986, 4:40 p.m.  
TRD-8606481

**Thursday, July 10, 1986, 10 a.m.** The Texas State Board of Medical Examiners will meet at 1101 Camino LaCosta, Austin. According to the agenda, the board will conduct a hearing on possible Medical Practice Act violations. The board also will meet in executive session under the authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 4.05(d), 5.06(e)(1) and Attorney General Opinion H-484 (1974).

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

Filed: June 30, 1986, 11:04 a.m.  
TRD-8606431

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### Pan American University

**Tuesday, July 8, 1986.** Committees of the Board of Regents of Pan American University (PAU) will meet in the boardroom, Administration Building, Pan American University, Edinburg. Times, committees, and agendas follow.

**10:30 a.m.** The Finance Committee will consider proposed budgets for PAU and PAU-Brownsville, fiscal year 1986-1987; the proposed appropriations request for PAU and PAU-Brownsville; request budget changes; proposed changes to the financial aid policies; signature authorization; and informational items.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

Filed: June 27, 1986, 1:52 p.m.  
TRD-8606368

**1:30 p.m.** The Development Committee will consider a request for funds from the Foundation for Greater PAU Projects; gifts-in-kind—Richard Kidd Productions; and informational items.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

Filed: June 27, 1986, 1:52 p.m.  
TRD-8606369

**1:40 p.m.** The Academic Affairs Committee will consider informational items. The committee also will meet in executive session to discuss the employment of faculty; the approval of employment terms for the Dean of the School of Education and the Dean of Academic Affairs of PAU-Brownsville; promotions at PAU-Brownsville; an extension of an administrative appointment-department chair; contemplated litigation (proposed settlement); an emeritus faculty request at PAU-Brownsville; and the president's supplemental salary for PAU and PAU-Brownsville.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

Filed: June 27, 1986, 1:53 p.m.  
TRD-8606370

**1:50 p.m.** The Brownsville Committee of the Board of Regents will consider a request for approval of the PAU-Brownsville 1986-1987 holiday calendar; and informational items.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

Filed: June 27, 1986, 1:53 p.m.  
TRD-8606371

**2 p.m.** The Board of Regents will hear reports from the Finance Committee; the Development Committee; the Academic Affairs Committee; the Brownsville Committee; and the Committee of the Whole; consider a request for approval of the PAU 1986-1987 holiday calendar; the president's informational items; and the date of the next meeting. The board also will meet in executive session.

Contact: Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

Filed: June 27, 1986, 2:14 p.m.  
TRD-8606372

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### Board of Pardons and Paroles

**Tuesday, July 1, 1986, 9:30 a.m.** The Board of Pardons and Paroles made an emergency revision to the agenda for the meeting held at 8610 Shoal Creek Boulevard, Austin. The

revision concerned an internal investigation by the executive director. The emergency status was necessary because board members could not adjust their schedules to meet at any other reasonable time to consider this item.

**Contact:** Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

**Filed:** June 30, 1986, 2:54 p.m.  
TRD-8606447

**Monday-Friday, July 7-11, 1986, 1:30 p.m. daily except 11 a.m. Friday.** A three member 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 prisoners/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:** June 27, 1986, 10:51 a.m.  
TRD-8606341

**Tuesday, July 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:** Mrs. Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 274-9.

**Filed:** June 27, 1986, 10:53 a.m.  
TRD-8606340

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### **Texas State Board of Public Accountancy**

Committees of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. Days, times, committees, and agendas follow.

**Monday, July 7, 1986, 9 a.m.** The Hearing Panel will review testimony and other related material presented at the panel hearing conducted on June 13, 1986, relating to board continuing education requirements and/or failure to comply with such requirements; and will determine recommended board action in cases involving non-compliance.

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

**Filed:** June 26, 1986, 1:43 p.m.  
TRD-8606328

**Tuesday, July 8, 1986, 9 a.m.** The Technical Standards Committee will consider recommendations regarding specific complaints against licensees; discuss independence; the quality of reports; an ethics inquiry; and other miscellaneous matters.

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

**Filed:** June 27, 1986, 9:57 a.m.  
TRD-8606345

**Tuesday, July 8, 1986, 9:30 a.m.** The Continuing Education Committee will review exemption requests; suspensions; requests for additional credit; sponsor registrations; substantive rules; and other matters pertaining to continuing education.

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

**Filed:** June 27, 1986, 9:57 a.m.  
TRD-8606344

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### **Public Utility Commission of Texas**

**Monday, July 21, 1986, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will consider Docket 6740—application of Southwest Texas Telephone Company for a rate increase.

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

**Filed:** June 27, 1986, 2:38 p.m.  
TRD-8606373

**Friday, July 25, 1986, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will consider the permanent adoption of substantive rules §23.11 (General Reports); §23.66 (Arrangements between Qualifying Facilities and Electric Utilities); §23.21 (Nuclear Plant in Service); and §23.68 (Customer Premises Equipment).

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

**Filed:** June 27, 1986, 2:38 p.m.  
TRD-8606374

**Monday, July 28, 1986, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will consider the merits in Docket 6797—application of Sam Rayburn G&T, Inc. for authority to change rates.

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

**Filed:** June 26, 1986, 2:36 p.m.  
TRD-8606329

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### **Railroad Commission of Texas**

**Monday, July 7, 1986, 9 a.m.** The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will consider and act on division agendas as follows.

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

**Contact:** Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

**Filed:** June 27, 1986, 1:22 p.m.  
TRD-8606366

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

**Contact:** Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

**Filed:** June 27, 1986, 1:22 p.m.  
TRD-8606360

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) 463-6787.

**Filed:** June 27, 1986, 1:18 p.m.  
TRD-8606357

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:** June 27, 1986, 1:21 p.m.  
TRD-8606362

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:** June 27, 1986, 1:20 p.m.  
TRD-8606359

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:** June 27, 1986, 1:16 p.m.  
TRD-8606332

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:** June 27, 1986, 1:22 p.m.  
TRD-8606365

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:** June 27, 1986, 1:21 p.m.  
TRD-8606363

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:** June 27, 1986, 1:17 p.m.  
TRD-8606355

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:** June 27, 1986, 1:22 p.m.  
TRD-8606364

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 Lillie, 1124 IH 35 South, Austin, Texas 78704, (512) 463-7149.

**Filed:** June 27, 1986, 1:20 p.m.  
TRD-8606358

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:** June 27, 1986, 1:16 p.m.  
TRD-8606353

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:** June 27, 1986, 1:18 p.m.  
TRD-8606356

**Wednesday, July 16, 1986, 1:30 p.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the division will conduct a statewide oil and gas hearing.

**Contact:** Paula Middleton, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6729.

**Filed:** June 27, 1986, 1:23 p.m.  
TRD-8606367

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### Texas Rehabilitation Commission

**Friday, July 11, 1986, 9:30 a.m.** The Advocacy and Public Information Committee and the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet in Room 123, 118 East Riverside Drive, Austin. According to the agenda, the committee will approve the minutes; review federal legislation including the Education of the Handicapped Act; the Community and Family Living Amendments; and the Tax Reform Bill; review the Sunset Commission Issues; state policy and legislative issues including state budget cuts; strategies for the upcoming Texas legislative session; and consider public information activities including the Channel 24 special series on deinstitutionalization.

**Contact:** Roger Webb, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8004.

**Filed:** June 30, 1986, 1:50 p.m.  
TRD-8606476

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### Texas Sesquicentennial Commission

**Monday, June 30, 1986, 9:30 a.m.** The Medallion Subcommittee of the Texas Sesquicentennial Commission met in emergency session in the conference room, Commission for the Deaf, 510 South Congress Avenue, Austin. According to the agenda, the subcommittee discussed the percentage of royalties on bullion proof sets; contracts; and other related business. The emergency status was necessary in order to finalize royalties and contracts on bullion coins.

**Contact:** Patrick Terry, P.O. Box 1986, Austin, Texas 78767, (512) 463-1986.

**Filed:** June 27, 1986, 1:12 p.m.  
TRD-8606351

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### Texas Southern University

**Tuesday, July 1, 1986, 9:30 a.m.** The Finance Committee of the Board of Regents of Texas Southern University met in Room 203, Sterling Student Life Center, 3100 Cleburne Avenue, Houston. According to the agenda, the committee considered the 1986-1987 annual budgets; the 1987-1989 biennial legislative appropriation request; and other fiscal matters pending before the committee.

**Contact:** Everett O. Bell, Texas Southern University, Houston, Texas 77004, (713) 529-8911.

**Filed:** June 27, 1986, 10:05 a.m.  
TRD-8606347

**Tuesday, July 1, 1986, 11 a.m.** The Board of Regents met in Room 203, Sterling Student Life Center, 3100 Cleburne Avenue, Houston. According to the agenda, the board considered the minutes; a report from the Finance Committee on the 1986-1987 annual university budgets and matters relating thereto; the 1987-1989 biennial legislative appropriation requests; and other fiscal matters pending or which may properly come before the board. The board also met in executive session for a consultation with the legal counsel on litigation pending and for evaluation of university personnel.

**Contact:** Everett O. Bell, Texas Southern University, Houston, Texas 77004, (713) 529-8911.

**Filed:** June 27, 1986, 10:05 a.m.  
TRD-8606348

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### University of Texas System

**Monday, July 7, 1986, 1:30 p.m.** The Board of Regents of the University of Texas System will meet in the Continental Room, 1717 North Akard Street, Dallas. According to the agenda, the board will meet in executive session to consider personnel matters related to the selection of a chief administrative officer for the University of Texas Health Science Center at Dallas pursuant to Texas Civil Statutes, Article 6252-17, §2(g).

**Contact:** Arthur H. Dilly, P.O. Box N, Austin, Texas 78713-7328, (512) 499-4402.

**Filed:** June 30, 1986, 1:16 p.m.  
TRD-8606437

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### Texas Commission on Uniform State Laws

**Friday, August 1 and Friday, August 8, 1986, 9 a.m. and 12:30 p.m. respectively.** The Texas Commission on Uniform State Laws will meet at the Westin Hotel at Copley Place, 10 Huntington Avenue, Boston, Massachusetts. According to the agenda summary, the commission will consider reports of the national offices and national committees deliberation upon the proposed new uniform acts, and participate in votes by states upon the proposed new uniform acts.

**Contact:** Richard F. Dole, Jr., 9144 Kenilworth, Houston, Texas 77024, (713) 749-4312.

**Filed:** June 27, 1986, 9:58 a.m.  
TRD-8606346

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## Texas Water Commission

**Tuesday, July 1, 1986, 10 a.m.** The Texas Water Commission made an emergency revision to the agenda for the meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The revision concerned consideration of a motion by the City of Garland to extend the time to file an answer to the executive director's preliminary report concerning Duck Creek Wastewater Treatment Plant and Rowlett Creek Wastewater Treatment Plant; and a petition for the Texas Water Commission order assessing administrative penalties and requiring certain actions of the City—Permits 10090-01 and 10090-01.

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

**Filed:** June 30, 1986, 11:19 a.m.  
TRD-8606432

**Tuesday, July 8, 1986, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider water district bond issues; a rescission of an escrow requirement; the use of surplus funds; an amendment to the certificate of convenience and necessity; a rate increase matter; the proposed water quality permits; amendments and renewals; amendments to certificates of adjudication; a board of irrigators complaint; an amendment to contract on a superfund matter; and consider the rules on levees and other improvements.

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

**Filed:** June 26, 1986, 11:48 a.m.  
TRD-8606325

**Tuesday, July 8, 1986, 2 p.m.** The Office of Hearings Examiner 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 Docket 6587—application for an amendment of a water certificate of convenience and necessity by Lake Country Water Company.

**Contact:** Kay Trostle, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** June 27, 1986, 3:43 p.m.  
TRD-8606385

**Thursday, July 10, 1986, 9:30 a.m.** The Texas Water Drillers Board of the Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider and approve of the minutes of its May, 1986 meeting; the certification of applicants for registration; applications for driller-trainee registration; and whether to set the following complaints for formal public hearing before the board or for other appropriate legal: Jim Bradford, Ray B. Bonnet, Ronnie Davis,

Michael Gieresch, Randy Gilbert, Bill Goyne, Henry C. Griffin, Waymon Hicks, Kenny Hoeffling, Thomas M. Johnson, C. D. Mitchell, John E. Mitchell, John Poldreck, David Powell, Lawrence Pumphrey, Charles A. Raymond, Jr., and J. R. Wilburn. The board also will consider rules changes and staff reports.

**Contact:** Roger Schultz, P.O. Box 13087, Austin, Texas 78711, (512) 463-8095.

**Filed:** June 27, 1986, 9:02 a.m.  
TRD-8606343

**Tuesday, August 12, 1986, 9 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Room 215, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider the application of Community Treatment, Inc., P.O. Box 5470, San Antonio, Texas 78201, for an amendment to Permit 10827 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 3,500,000 gallons per day to 8,500,000 gallons per day at the Medio Creek Plant. The applicant proposes to expand the existing facilities to handle the increased flow.

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

**Filed:** June 27, 1986, 3:26 p.m.  
TRD-8606384

**Tuesday, August 12, 1986, 9 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Room 1149A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider the application of County Line 324 Joint Venture, in care of Dick Obenhaus, 702 Colorado Street, Austin, Texas 78701 for Proposed Permit 13282 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 475,000 gallons per day. The applicant proposes to construct wastewater treatment facilities which will service a residential subdivision.

**Contact:** Robert Caine, P.O. Box 13087, Austin, Texas 78701, (512) 463-7875.

**Filed:** June 30, 1986, 4:13 p.m.  
TRD-8606485

**Wednesday, August 13, 1986, 9 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Room 215, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider the application of Texas A&M University, Physical Plant Department, 600 University Drive, College Station, Texas 77843 for Proposed Permit 02836 to authorize a discharge of cooling tower blowdown commingled with low volume wastewaters at a volume not to

exceed an average flow of 930,000 gallons per day from the Texas A&M Central Utilities Power Plant.

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

**Filed:** June 27, 1986, 3:23 p.m.  
TRD-8606381

**Wednesday and Thursday, August 13 and 14, 1986, 9 a.m. daily.** The Office of Hearings Examiner of the Texas Water Commission will meet in the classroom, Rolling Hills Water Treatment Plant, 2500 Southeast Loop 820, Fort Worth. According to the agenda summary, the office will consider the application of City of Keene, 100 North Mockingbird, Keene, Texas 76059 for a renewal of Permit 10611-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 355,000 gallons per day from the wastewater treatment facilities which are located immediately east of FM Road 2280, (North Old Betsy Road) and approximately 2000 feet north of Oakdale Street in Johnson County, Texas. The effluent is discharged into Turkey Creek; thence to Lake Alvarado; thence to the North Fork of Chambers Creek; thence to Chambers Creek in Segment 0814 of the Trinity River.

**Contact:** Martin Wilson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** June 30, 1986, 12:59 p.m.  
TRD-8606383

**Wednesday and Thursday, August 13 and 14, 1986, 9 a.m. daily.** The Office of Hearings Examiner of the Texas Water Commission will meet in the classroom, Rolling Hills Water Treatment Plant, 2500 Southeast Loop 820, Fort Worth. According to the agenda summary, the office will consider the application of Churchill Equity Investment, Inc., 5424 Rufe Snow drive, Suite 207, North Richland Hills, Texas 76118 for a Proposed Permit 13292-11 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 70,000 gallons per day from the Walnut Creek Wastewater Treatment Plant. The applicant proposed to build a wastewater treatment plant to serve a residential subdivision.

**Contact:** Martin Wilson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** June 27, 1986, 3:25 p.m.  
TRD-8606382

**Wednesday, August 13, 1986, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider the petition for creation of Northwest Harris County Municipal Utility District 37, containing 112 acres of land.

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



**Filed:** June 26, 1986, 10:22 a.m.  
TRD-8606326

**Monday, August 18, 1986, 9:30 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will receive testimony and public comments concerning new §307.1 and §307.2, of the rules titled Supplemental Surface Water Quality Standards, 31 TAC, Chapter 307; and proposed revisions to the continuing planning process, as developed according to section 106 of the Federal Clean Water Act.

**Contact:** J. D. Head, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

**Filed:** June 30, 1986, 4:08 p.m.  
TRD-8606465

**Wednesday, August 20, 1986, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Agendas follow.

The commission will consider the petition for creation of Cinco Municipal Utility District 10, containing 395.568 acres of land.

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

**Filed:** June 27, 1986, 3:23 p.m.  
TRD-8606380

The commission will consider the petition for creation of Cinco Municipal Utility District 11, containing 385.080 acres of land.

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

**Filed:** June 27, 1986, 3:22 p.m.  
TRD-8606379

The commission will consider the petition for creation of Cinco Municipal Utility District 12, containing 369.011 acres of land.

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

**Filed:** June 27, 1986, 3:22 p.m.  
TRD-8606378

The commission will consider the petition for creation of Cinco Municipal Utility District 13, containing 350.385 acres of land.

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

**Filed:** June 27, 1986, 3:21 p.m.  
TRD-8606377

The commission will consider the petition for creation of Cinco Municipal Utility District 14, containing 356.435 acres of land.

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

**Filed:** June 27, 1986, 3:21 p.m.  
TRD-8606376

**Tuesday, August 26, 1986 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Agendas follow.

The commission will consider Application 5024A of Reynolds Metals Company who seeks to amend Permit 5024 to divert water from Port Bay, tributary of Copano Bay, tributary of Aransas Bay, and to add additional diversion located on the west shore of Port Bay, San Antonio, Nueces Coastal Basin, Aransas County.

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

**Filed:** June 30, 1986, 4:14 p.m.  
TRD-8606484

The commission will consider Application 12-4190A of Lester Clark who seeks to amend Certificate of Adjudication 12-4190 to establish a diversion rate from the Clear Fork Brazos River, all being more fully set out in the application, for irrigation purposes, Brazos River Basin, Stephens County.

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

**Filed:** June 30, 1986, 4:14 p.m.  
TRD-8606483

The commission will consider Application 5068 of Roy B. Ware who seeks a permit to divert water from an exempt capacity reservoir created by a dam on Antelop Creek, tributary of the Colorado River, Colorado River Basin, for irrigation, San Saba County.

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

**Filed:** June 30, 1986, 4:15 p.m.  
TRD-8606482

The commission will consider Application 12-4189A of Lester Clark who seeks to amend Certificate of Adjudication 12-4189 to establish a diversion rate and to authorize diversion from any point on the south, or right, bank of the Clear Fork Brazos River all being more fully set out in the application, Brazos River Basin, Stephens County.

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

**Filed:** June 30, 1986, 4:16 p.m.  
TRD-8606480

**Wednesday, September 10, 1986, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will discuss the draft federal fiscal year 1987 water quality management annual work program. The program is a key management document which sets forth the commission's resource allocation and project commitments for programs funded by a federal grant under Section 106 of the Clean Water Act. The meeting was rescheduled from July 2, 1986, (11 TexReg 2117).

**Contact:** John W. Janak, P.O. Box 13087, Austin, Texas 78711, (512) 463-8412.

**Filed:** June 26, 1986, 10:22 a.m.  
TRD-8606323

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## Regional Agencies Meetings Filed June 26

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

**The Panhandle Ground Water Conservation District 3,** Board of Directors, met at 300 South Omohundro, White Deer, on June 30, 1986, at 7:30 p.m. Information may be obtained from Richard S. Bowers, P.O. Box 637, White Deer, Texas 79079, (806) 883-2501.

TRD-8606322

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## Meetings Filed June 27

**The Archer County Appraisal District,** Board of Directors, will meet at the appraisal district office, 211 South Center, Archer City, on July 9, 1986, at 5 p.m. Information may be obtained from Jean James, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

**The Bell County Tax Appraisal District,** Appraisal Review Board, will meet in the Tax Appraisal District Building, 411 East Central, Belton, on July 8, 1986, at 9:30 a.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 410.

**The Bexar Appraisal District,** Appraisal Review Board, met at 535 South Main, on July 1-3, 1986, at 8:30 a.m. The board will also meet at the same location, on July 7-11, 14-18, 21-25, and 28-30, 1986, at 8:30 a.m. Information may be obtained from Bexar Appraisal Review Board, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

**The Bosque County Appraisal,** Board of Directors, met at the Bosque County courthouse, Meridian, on July 1, 1986, at 2 p.m. Information may be obtained from David G. Cooper, P.O. Box 393, Meridian, Texas 76665, (817) 435-2804.

**The Brown County Appraisal District,** Appraisal Review Board, will meet at 403 Fisk Avenue, Brownwood, on July 7, 1986, at 1 p.m. The Board of Directors, will also meet



at the same location, on the same date, at 7 p.m. Information may be obtained from Alvis Sewalt, 403 Flak Avenue, Brownwood, Texas 76801, (915) 643-5676.

The **Brazos River Authority**, Administrative Policy Committee will meet at 4400 Cobbs Drive, Waco, on July 7, 1986, at 9 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

The **Capital Area Planning Council**, Health Planning Advisory Committee, will meet in Suite 100, 2520 IH 35 South, Austin, on July 10, 1986, at 10 a.m. Information may be obtained from Manuel Fernandez, Capital Area Planning Council, 2520 IH 35 South, Suite 100, Austin, Texas 78704, (512) 443-7653.

The **Comal Appraisal District**, Appraisal Review Board, will meet at 6444 North Loop 337, New Braunfels, on July 11, 14, and 22-24, 1986, at 9 a.m. Information may be obtained from Glen L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The **Dewitt County Appraisal District**, Appraisal Review Board, will meet at the district office, 103 Bailey Street, Cuero, on July 8, 1986, at 9 a.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The **Gonzales County Appraisal District**, Appraisal Review Board, met at 928 St. Paul Street, Gonzales, on July 2, 1986, at 10 a.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The **High Plains Underground Water Conservation District No. 1**, Board of Directors, will meet in the conference room, 2930 Avenue Q, Lubbock, on July 8, 1986, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

The **Hockley County Appraisal District**, Board of Directors, will meet at 1103-C, Houston Street, Levelland, on July 14, 1986, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The **Middle Rio Grande Development Council**, Board of Directors, met at 600 North Sixth Street, Carrizo Springs, on July 2, 1986, at 1:30 p.m. Information may be obtained from Mike Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

TRD-8606330

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## Meetings Filed June 30

The **Bexar-Medina-Atascosa Counties Water Control & Improvement**, Board of Directors, will meet at the district office, Natalia, on July 7, 1986, at 8 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The **Canadian River Municipal Water Authority**, Board of Directors, will meet at the headquarters building, Sanford Dam, Sanford, on July 9, 1986, at 11 a.m. Information may be obtained from John C. Williams, P.O. Box 99, Sanford, Texas 79078, (806) 865-3325.

The **Cass County Appraisal District**, Appraisal Review Board, met at 208 West Houston Street, Linden, on July 3, 1986, at 9 a.m. The board will also meet at the same location, on July 7, 1986, at 9 a.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.

The **Dallas Area Rapid Transit**, Board of Directors, met at 601 Pacific Avenue, Dallas, on July 1, 1986, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202.

The **Denton County Appraisal District**, Board of Directors, met at 3911 Morse, Denton, on July 3, 1986, at noon. Information may be obtained from John D. Brown, 3911 Morse, Denton, Texas 76205, (817) 566-0904.

The **East Texas Council of Governments**, Executive Committee, met at 3800 Stone Road, Kilgore, on July 3, 1986, at 2 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The **Fisher County Appraisal District**, Board of Directors, will meet at the Fisher County Tax/Appraisal Office, Roby, on July 8, 1986, at 7:30 p.m. Information may be obtained from Teddy Kral, P.O. Box 516, Roby, Texas 79543, (915) 776-2733.

The **Hunt County Tax Appraisal District**, Appraisal Review Board, will meet in the boardroom, 4815-B King Street, Greenville, on July 8, 9, and 17, 1986, at 8:30 a.m. The Board of Directors will also meet at the same location, on July 10, 1986, at 7 p.m. Information may be obtained from Joe Pat Davis or Jeanette Jordan, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The **Martin County Appraisal District**, Appraisal Review Board, will meet at 708 West St. Anna Street, Stanton, on July 17, 1986, at 8 p.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2328.

The **Sea Patrick County Appraisal District**, Board of Directors, will meet in the courthouse annex, Sinton, on July 10, 1986, at 9:30 a.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.

The **Tarrant County Appraisal District**, Appraisal Review Board, will meet in Suite 505, 1701 River Run, Fort Worth, on July 7, 10, and 14, 1986, at 8:30 a.m. Information may be obtained from Linda Danford, 1701 River Run, Suite 309, Fort Worth, Texas 76107, (817) 332-3151.

TRD-8606433

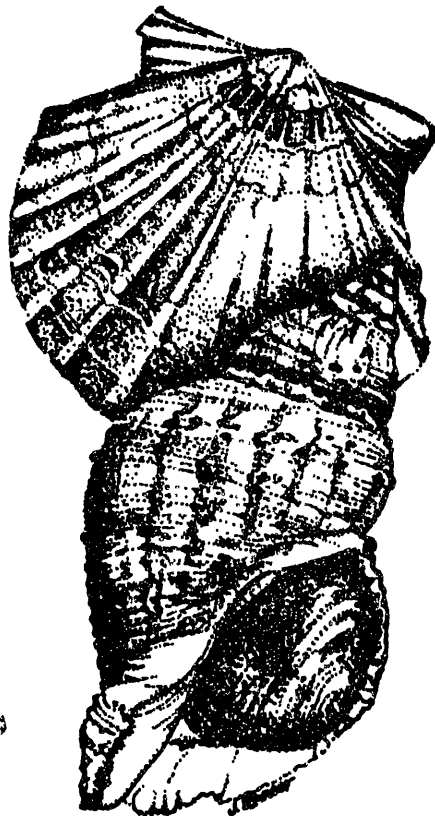
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## Meetings Filed June 31

The **Edwards Underground Water District**, Executive Committee, will meet at 1615 North St. Mary's Street, San Antonio, on July 8, 1986, at 9 a.m. The Board of Directors will meet at the same location, on the same date, at 10 a.m. Information may be obtained from Thomas P. Fox, 1615 North St. Mary's Street, San Antonio, Texas 78215, (512) 222-2204.

TRD-8606490

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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.

## Office of the Attorney General Solid Waste Enforcement Notice

Notice is hereby given by the State of Texas of the following proposed resolution of an environmental enforcement lawsuit under the Texas Solid Waste Disposal Act. The following is a summary of the nature of the lawsuit and the proposed agreed final judgment.

### Case Title and Court

State of Texas, Plaintiff v. Schnee-Morehead, Inc., defendant, Cause 84-12690-M. In the District Court of Dallas County, 298th Judicial District.

### The Complaint

Schnee-Morehead, Inc., is in the business of manufacturing acrylic polymers used in compounding of sealants for aircrafts, architectural buildings, and mobile homes. The Schnee-Morehead facility is located at 111 North Nursery Road, Irving.

The state alleges that Schnee-Morehead managed hazardous waste at the facility improperly, thereby creating a threat of soil and waste contamination.

### Judgment Civil Penalty

The proposed agreed final judgment requires the defendant to pay the state \$28,000 in civil penalties and \$12,000 for reimbursement of the state's investigative costs.

### Injunctive Relief

The proposed judgment also requires the defendant to conduct a soil excavation and removal program or a biotreatment program. The defendants are also required to dispose or recycle drums of hazardous waste on the facility, manage drums of solid waste properly, and revise cost estimates for closure and financial assurance for closure, and provide financial assurance for closure.

For a complete description of the allegations and proposed settlement, the original petition and proposed agreed final judgment should be consulted.

Comments and requests for copies of these pleadings may be directed to Nancy Olinger, Texas Attorney General's Office, Environmental Protection Division, P.O. Box 12548, Austin, Texas 78711-2548, (512) 463-2012.

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

TRD-8608414 Lou McCreary  
Special Assistant  
Office of the Attorney General

Filed: June 27, 1986  
For further information, please call (512) 463-2087.

## State Banking Board Notice of Hearing Cancellation

The date of the hearing for the domicile change application for Dallas International Bank, Dallas, Texas, previously scheduled for June 25, 1986, has been rescheduled. The hearing is hereby rescheduled to begin on July 22, 1986, at 9 a.m., at the Texas Department of Banking, 2601 North Lamar, Austin, Texas.

The rescheduling of the hearing in this matter shall not alter the deadline for filing of a petition in intervention

by any party under State Banking Board rules. Any such petition shall be considered timely if received by June 16, 1986.

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

TRD-8608271 William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: June 25, 1986  
For further information, please call (512) 479-1200.

## Texas Department of Health Intent to Revoke Certificates of Registration

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following registrants, pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8. The agency intends to revoke the certificates of registration, order the registrants to cease and desist use of such radiation machine(s), and order the registrants to divest themselves of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. The complaints are shown following this notice.

This notice affords the opportunity for a hearing to show cause why the certificates of registration 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 certificates of registration will be revoked at the end of the 30-day period of notice.

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

### 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 L. B. Summers, M.D. and Associates, 2066 River Oaks, Abilene, Texas 79605, (the registrant), holder of Certificate of Registration 4-09613.

*Texas Regulations for Control of Radiation* (TRCR) 12.11(b) requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On May 3, 1985, the registrant was billed \$105 for fees due on Certificate of Registration 4-09613 covering the period from April 1984-January 1986. On March 18, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

## II

On December 18, 1985, the registrant was billed \$60 for fees due on Certificate of Registration 4-09613 covering the period from January 1986-December 1986. Payment of fees has not been received.

## III

*Texas Regulations for Control of Radiation (TRCR) 42.7* requires that the registrant shall file application for renewal in accordance with TRCR 42.3. On January 31, 1986, Certificate of Registration 4-09613 expired. Application for certificate of registration has not been received.

## IV

*Texas Regulations for Control of Radiation (TRCR) 42.8* requires that the registrant shall notify the agency within 30 days of any change which would render the information on the certificate of registration no longer accurate. On March 18, 1986, the agency directed the attention of the registrant to this requirement. An application for certificate of registration was enclosed for the registrant's use in reporting an address change. Receipt of the correspondence was acknowledged. Application for certificate of registration has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)*, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

## 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 Leroy L. Sterling, D.D.S., 1423 31st Street, P.O. Box 2370, Galveston, Texas 77553, (the registrant), holder of Certificate of Registration 11-10638.

*Texas Regulations for Control of Radiation (TRCR) 12.11(b)* requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On March 19, 1985, the registrant was billed \$60 for fees due on Certificate of Registration 11-10638 covering the period from April 1984-October 1985. On March 6, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

## II

On November 15, 1985, the registrant was billed \$40 for fees due on Certificate of Registration 11-10638 covering the period from October 1985-September 1986. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Con-*

*trol of Radiation 13.8(a)*, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

## 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 Harry E. Taylor, D.D.S., 800 Fifth Avenue, Suite 408, Fort Worth, Texas 76104, (the registrant), holder of Certificate of Registration 5-11602.

*Texas Regulations for Control of Radiation (TRCR) 12.11(b)* requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On May 8, 1985, the registrant was billed \$92 for fees due on Certificate of Registration 5-11062 covering the period from April 1984-February 1986. On March 18, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)*, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

## 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 C. J. Gossett, D.D.S., 2409 Yorktown, Ennis, Texas 75119, (the registrant), holder of Certificate of Registration 5-09707.

*Texas Regulations for Control of Radiation (TRCR) 12.11(b)* requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On May 8, 1985, the registrant was billed \$92 for fees due on Certificate of Registration 5-09707 covering the period from April 1984-February 1986. On March 6, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the certificate of registration of the

registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

#### 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 The Family Clinic, First and Main Streets, Blanco, Texas 78606, (the registrant), holder of Certificate of Registration 6-11094.

*Texas Regulations for Control of Radiation* (TRCR) 12.11(b) requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On May 13, 1985, the registrant was billed \$115 for fees due on Certificate of Registration 6-11094 covering the period from April 1984-March 1986. On March 18, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

#### II

On February 14, 1986, the registrant was billed \$60 for fees due on Certificate of Registration 6-11094 covering the period from March 1986-February 1987. Payment of fees has not been received.

#### III

An inspection of the registrant's program conducted on August 12, 1982, by an agency representative revealed violations of TRCR 21.202 and TRCR 22.11(a). On November 10, 1982, the agency issued a notice of violations to the registrant, requesting that the registrant notify the agency within 30 days after receiving the notice of steps taken to correct the violations and results achieved; any delay in shipment of supplies; and the date when full compliance would be achieved. A response to the notice of violations has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

#### 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 Kevin G. Schachterle, D.C.,

College Station Chiropractic Center, 909 Southwest Parkway, P.O. Box 10071, College Station, Texas 77840, (the registrant), holder of Certificate of Registration 6-11490.

*Texas Regulations for Control of Radiation* (TRCR) 12.11(b) requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On March 13, 1985, the registrant was billed \$80 for fees due on Certificate of Registration 6-11490 covering the period from April 1984-August 1985. On March 7, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

#### 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 Kenneth H. Curl, Jr., D.D.S., 4910 Willowbend, Suite D, Houston, Texas 77035, (the registrant), holder of Certificate of Registration 11-11642.

*Texas Regulations for Control of Radiation* (TRCR) 12.11(b) requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On March 19, 1985, the registrant was billed \$105 for fees due on Certificate of Registration 11-11642 covering the period from April 1984-October 1985. On March 7, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

#### II

On November 15, 1985, the registrant was billed \$70 for fees due on Certificate of Registration 11-11642 covering the period from October 1985-September 1986. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with

this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

#### 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 Michael D. Tipton, Ph.D., 3318 Queenswood Lane, Garland, Texas 75040, (the registrant), holder of Certificate of Registration 5-11809.

*Texas Regulations for Control of Radiation (TRCR) 12.11(b)* requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On May 8, 1985, the registrant was billed \$183 for fees due on Certificate of Registration 5-11809 covering the period from April 1984-February 1986. On March 7, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

#### II

On January 15, 1986, the registrant was billed \$100 for fees due on Certificate of Registration 6-11809 covering the period from February 1986-January 1987. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)*, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

#### 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 F. Stuart McGinney, D.D.S., 405 Main Street, Box 183, Rocksprings, Texas 78880, (the registrant), holder of Certificate of Registration 9-11953.

*Texas Regulations for Control of Radiation (TRCR) 12.11(b)* requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On May 13, 1985, the registrant was billed \$96 for fees due on Certificate of Registration 9-11953 covering the period from April 1984-March 1986. On dated March 6, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)*, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

#### 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 Chiropractic Natural Health Plaza, P.C., 2755 Valwood Parkway, Dallas, Texas 75234, (the registrant), holder of Certificate of Registration 5-11967.

*Texas Regulations for Control of Radiation (TRCR) 12.11(b)* requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On May 13, 1985, the registrant was billed \$115 for fees due on Certificate of Registration 5-11967 covering the period from April 1984-March 1986. On March 6, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation 13.8(c)*, requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation 13.8(a)*, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

#### 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 Raymond C. Brown, D.V.M., Route 3, Box 129, Quanah, Texas 79252, (the registrant), holder of Certificate of Registration 4-01162.

*Texas Regulations for Control of Radiation (TRCR) 12.11(b)* requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On May 13, 1985, the registration was billed \$77 for fees due on Certificate of Registration 4-01162 covering the period from April 1984-March 1986. On February 24, 1986, the agency informed the registrant of

the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

## II

*Texas Regulations for Control of Radiation (TRCR) 42.7* requires that the registrant shall file application for renewal in accordance with TRCR 42.3. On February 26, 1985, the agency notified the registrant of the requirement, and furnished an application for renewal. On March 31, 1985, Certificate of Registration 4-01162 expired. Application for renewal of Certificate of Registration 4-01162 has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

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

TRD-8806350      Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: June 27, 1986

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

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The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following, pursuant to *Texas Regulations for Control of Radiation (TRCR) 13.8*. The agency intends to revoke the certificates of registration, order the registrants to cease and desist use of such radiation machine(s), and order the registrants to divest themselves of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. The complaints are shown following this notice.

This notice affords the opportunity for a hearing to show cause why the certificates of registration 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 certificates of registration will be revoked at the end of the 30-day period of notice.

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

## 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 Michael L. Vickers, D.V.M., Highway 281 North, P.O. Drawer 559, Falfurrias, Texas 78355, (the registrant), holder of Certificate of Registration 8-11696.

*Texas Regulations for Control of Radiation (TRCR) 21.202* requires that each registrant shall supply personnel monitoring equipment to, and requires the use of such equipment by each individual who uses or operates any source of radiation and by each individual who enters a radiation area. During an inspection of the registrant's program conducted by an agency representative on May 4, 1983, a violation of TRCR 21.202 was identified. On June 3, 1983, the agency issued a notice of violations of TRCR 21.202 to the registrant, requesting that the registrant notify the agency within 30 days after receiving the notice of steps taken to correct the violation and the results achieved; any delay in shipment of supplies or installation of equipment; and the date full compliance would be achieved. On September 26, 1983, the agency issued a second notice of violation by certified mail to the registrant, requiring a written response within 10 days of receipt of the notice. Receipt of the correspondence was acknowledged. On December 15, 1983, the agency notified the registrant by certified mail that a response had not been received. Copies of the notice of violation and second notice were enclosed. Written responses to the violation of TRCR 21.202 was not received.

On July 10, 1984, an inspection of the registrant's program by an agency representative revealed that the violation of TRCR 21.202 had not been corrected. On July 12, 1983, the agency received correspondence indicating intended action to correct the violation. On July 30, 1984, the agency wrote to the registrant notifying that the corrective action should bring the facility into compliance with TRCR. On August 31, 1984, the agency requested that the registrant notify the agency within 30 days of steps taken to correct the violation. On February 1, 1985, the agency notified, by certified mail, the registrant that an answer to the violation had not been received, and requiring a written response to conclude the action. Receipt of the correspondence was acknowledged. A written response to the violation had not been received. On May 17, 1985, the agency notified the registrant, by certified mail that, in view of the fact that a report that the violation had been corrected had not been received, revocation of the certificate of registration was being contemplated. Receipt of the correspondence was acknowledged. No response to the correspondence has been received.

## II

*Texas Regulations for Control of Radiation (TRCR) 12.11(b)* requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On April 3, 1985, the registrant was billed \$63 for fees due on Certificate of Registration 8-11696 covering the period from April 1984-November 1985. On March 18, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

## III

On November 25, 1985, the registrant was billed \$40 for fees due on Certificate of Registration 8-11696 covering the period from November 1985-October 1986. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

#### 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 Sam L. Mallett, D.D.S., 410 East Shaw, P.O. Box 374, Pasadena, Texas 77501, (the registrant), holder of Certificate of Registration 11-09954.

*Texas Regulations for Control of Radiation* (TRCR) 12.11(b) requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On May 13, 1985, the registrant was billed \$77 for fees due on Certificate of Registration 11-09954 covering the period from April 1984-March 1986. On March 6, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

#### II

On February 14, 1986, the registrant was billed \$40 for fees due on Certificate of Registration 11-09954 covering the period from March 1986-February 1987. Payment of fees has not been received.

#### III

TRCR 42.7 requires that application renewal for certificate of registration be filed in accordance with TRCR 42.3. On March 31, 1986, Certificate of Registration 11-09954 expired. Application for renewal of certificate of registration has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

#### 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 Edward F. Sones, D.C., 1407 Federal Road, Houston, Texas 77015, (the registrant), holder of Certificate of Registration 11-11790.

#### I

*Texas Regulations for Control of Radiation* (TRCR) 12.11(b) requires payment of an annual fee for a certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the month of issuance of the certificate of registration. On April 25, 1986, the registrant was billed \$100 for fees due on Certificate of Registration 11-11790 covering the period from April 1984-December 1985. On March 7, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of fees has not been received.

#### II

On November 27, 1985, the registrant was billed \$60 for fees due on Certificate of Registration 11-11790 covering the period from December 1985-November 1986. Payment of fees has not been received.

#### III

TRCR 42-8 requires that the registrant shall notify the agency in writing within 30 days of any change which would render the information on the certificate of registration no longer accurate. On March 7, 1986, the agency notified the registrant of the requirement by certified mail. Application for certificate of registration was enclosed for this registrant's use in reporting change of address. Receipt of the correspondence was acknowledged. Application for certificate of registration has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(c), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with *Texas Regulations for Control of Radiation* 13.8(a), either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will be issued.

Issued in Austin, Texas, on 25, 1986.

TRD-8606349

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

Filed: June 27, 1986

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

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### Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.



**NEW LICENSES ISSUED:**

Location	Name	License #	City	Amendment #	Date of Action
Houston	Eastman Whipstock	11-3902	Houston	0	05/12/86

**AMENDMENTS TO EXISTING LICENSES ISSUED:**

Location	Name	License #	City	Amendment #	Date of Action
Arlene	Hendrick Medical Center	04-21	Arlene	18	05/09/86
Amarillo	Pashanale Diagnostic Imaging Center, Ltd.	01-3737	Amarillo	2	05/12/86
Arp	Baker Tank Company	07-2399	Arp	10	05/14/86
Austin	Texas Water Commission	06-2631	Austin	3	05/09/86
Austin	ASOMA Instruments, Inc.	06-2788	Austin	17	05/06/86
Austin	Synacor International Corporation	06-2117	Austin	6	05/13/86
Bay City	Ebasco Services, Inc.	11-3370	Bay City	8	05/09/86
Beaumont	Synacor International Corporation	10-2987	Beaumont	12	05/13/86
Brownsville	Lee Works, M.D.	08-176	Brownsville	10	04/15/86
Corpus Christi	Corpus Christi Petrochemical Company	08-2447	Corpus Christi	7	05/14/86
Crosby	Energy Technology, Inc.	11-3400	Crosby	4	05/12/86
Dallas	Southwestern Institute of Forensic Sciences at Dallas	05-2184	Dallas	3	05/09/86
Dallas	RHD Memorial Medical Center	05-2314	Dallas	15	05/09/86
Dallas	Medical City Dallas Hospital	05-1975	Dallas	43	05/09/86
Dallas	Central Diagnostic Center	05-3068	Dallas	1	05/09/86
Diboll	Temple-Eastex Incorporated	10-1438	Diboll	8	05/16/86
Duncanville	Duncanville Diagnostic Center	05-3717	Duncanville	2	05/09/86
El Paso	Synacor International Corporation	03-1999	El Paso	55	05/13/86
Fort Worth	Pengo Wireline	05-3079	Fort Worth	25	05/12/86
Fort Worth	Synacor International Corporation	05-2905	Fort Worth	15	05/13/86
Fort Worth	William C. Conner Research Center	05-1281	Fort Worth	19	05/15/86
Fort Worth	Texas Christian University	05-1095	Fort Worth	15	05/09/86
Fort Worth	Tracoco	05-3783	Fort Worth	2	05/14/86
Georgetown	Pre-Test Laboratory	06-2524	Georgetown	5	05/14/86
Granbury	Hood General Hospital	05-2903	Granbury	6	05/12/86
Houston	Avilas Engineering Corporation	11-3016	Houston	3	05/02/86
Houston	Welch	11-387	Houston	64	05/09/86
Houston	Herbert C. Allen, Jr., M.D.	11-488	Houston	13	05/02/86
Houston	Houston Inspectors	11-3482	Houston	3	05/12/86
Houston	Trisky Engineering Testing Corporation	11-2385	Houston	14	05/12/86
Houston	Texas Instruments, Inc.	11-3489	Houston	4	05/15/86
Houston	Synacor International Corporation	11-1911	Houston	60	05/15/86

Houston	Donald P. Ford, M.D.	11-385	Houston	9	05/15/86
Irving	Orguson Technika Corporation	05-1376	Irving	42	05/12/86
Irving	Synacor International Corporation	05-2048	Irving	45	05/13/86
Lubbock	Synacor International Corporation	02-2737	Lubbock	21	05/13/86
Midland	The Allison Cancer Center	12-3325	Midland	3	05/12/86
Mineral Wells	Perry Equipment Corporation	05-330	Mineral Wells	24	05/09/86
Odessa	Temperature Evaluation Logging Company, Inc.	12-2219	Odessa	10	05/16/86
Port Arthur	Park Place Hospital	10-1707	Port Arthur	14	05/15/86
San Antonio	Regist Hospital System	09-455	San Antonio	40	05/02/86
San Antonio	Synacor International Corporation	09-2053	San Antonio	31	05/13/86
Snyder	Production Logging, Inc.	04-2698	Snyder	8	05/15/86
Temple	King's Daughters Hospital	05-666	Temple	25	05/12/86
Throughout Texas	PRO-LOG Services, Inc.	12-3561	Midland	5	05/02/86
Throughout Texas	Southwestern Laboratories	05-1934	Dallas	13	04/30/86
Throughout Texas	DJ Inspection Services, Inc.	11-2067	Houston	13	05/02/86
Throughout Texas	Woodward-Clyde Consultants	11-827	Houston	17	04/30/86
Throughout Texas	Resource Systems Company	11-2909	Rosenburg	9	04/30/86
Throughout Texas	M-W Instruments, Inc.	05-1198	Dallas	9	08/06/86
Throughout Texas	Rabe-Kintner Consultants, Inc.	09-1571	San Antonio	17	05/09/86
Throughout Texas	Royal Wireline, Inc.	08-3110	Mercedes	8	05/09/86
Throughout Texas	Schlumberger Well Services	11-109	Houston	25	05/09/86
Throughout Texas	CRC Wireline, Inc.	05-315	Grand Prairie	58	05/06/86
Throughout Texas	H & G Inspection Company, Inc.	11-2181	Houston	27	05/09/86
Throughout Texas	C & J Wireline Company, Inc.	12-3804	Andrews	2	05/15/86
Throughout Texas	The Atchison, Topeka and Santa Fe Railway Company	01-1760	Amarillo	12	05/15/86
Throughout Texas	Alamo Testing Laboratories	09-3463	San Antonio	3	05/16/86
Throughout Texas	Texas Performors	09-3544	Seguin	3	05/15/86
Throughout Texas	CBI Ne-Con, Inc.	11-3855	Arlene	2	05/13/86
Throughout Texas	Chrymoe Services, Inc.	11-3778	Houston	1	05/12/86
Throughout Texas	CBI Ne-Con, Inc.	11-3855	Houston	2	05/13/86
Throughout Texas	CBI NA-CON, Inc.	11-1902	Houston	7	05/12/86
Throughout Texas	Houston Pipe Benders, Inc.	11-2777	Houston	5	05/13/86
Throughout Texas	Gulf Coast Testing and Inspection Co.	11-2378	Houston	12	05/13/86
Waco	Texas State Technical Institute	06-1926	Waco	14	05/09/86



Webb	Providence Hospital	06-1638	Waco	20	05/09/86
Webster	Gulf Nuclear, Inc.	11-2995	Webster	11	05/14/86
White Oak	Winston Manufacturing Corporation	07-2832	Longview	12	05/13/86

#### RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Brokenham	Brokenham Veterinary Hospital	06-658	Brokenham	9	05/15/86
Channelview	Lyondell Petrochemical Company	11-64	Channelview	20	05/12/86
Grand Prairie	Dal-Worth Tank Company	05-1162	Grand Prairie	11	05/09/86
Lubbock	Highland Hospital	02-2467	Lubbock	3	05/02/86
McKinney	HCA Wyong Medical Center	05-540	McKinney	20	05/15/86
Odessa	TSC, Inc.	12-2488	Odessa	3	05/02/86
Paris	Babcock and Wilcox Company	07-157	Paris	30	05/13/86
Temple	E. R. Carpenter Company Inc.	06-1447	Temple	6	04/30/86
Throughout	Bell Petroleum Surveys	12-307	Midland	32	05/09/86
Throughout Texas	Titan Perforators, Inc.	08-812	Refugio	18	05/02/86
Throughout Texas	Jet Log, Inc.	04-2041	Graham	6	05/09/86
Throughout Texas	NDT Systems, Inc.	12-2031	Odessa	24	05/09/86
Throughout Texas	John F. Donatti, Inc.	11-936	Simonton	20	05/09/86
Throughout Texas	City of Houston	11-149	Houston	32	05/14/86
Throughout Texas	Trinity Engineering Testing	12-645	Odessa	29	05/13/86

#### TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Deer Park	U.S. Industrial Chemicals Co.	11-2329	Deer Park	3	05/13/86
Houston	Electronic Security Systems, Inc.	11-2657	Houston	2	05/09/86
Raymondville	Willacy County Civil Defense	08-3154	Raymondville	1	05/02/86
Throughout Texas	Gitsch Field Services, Inc.	05-334	Dallas	25	05/09/86
Throughout Texas	International Technical Services, Inc.	11-2781	Houston	6	05/09/86
Weatherford	Perf-O-Log Inc.	05-2830	Weatherford	3	05/02/86

In issuing new licenses and amending and renewing existing licenses, the Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected"

within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Texas Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on April 22, 1986.

TRD-8806272 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: June 25, 1986

For further information, please call (512) 458-7245.



The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

#### NEW LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Carrollton	Thompson Components—Mostek Corporation	05-3930	Carrollton	0	05/22/86
Throughout Texas	OWLCO	05-3866	Mineral Wells	0	05/27/86
Throughout Texas	Cotton Houston, Inc.	11-3920	Houston	0	05/16/86
Throughout Texas	Sunbelt Laboratories, Inc.	03-3926	El Paso	0	05/29/86

#### AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Alvin	Phillips Pipe Line Company	11-2083	Alvin	5	05/20/86
Beeville	Four Seasons Industrial X-Ray Service	08-2855	Beeville	8	05/16/86
Corpus Christi	Beain Industrial X-Ray, Inc.	08-2280	Corpus Christi	14	05/16/86
Crowley	Aztec Manufacturing Company	05-3791	Crowley	1	05/22/86
Dallas	Optic—Electronic Corporation	05-2155	Dallas	12	05/22/86

Fort Worth	Radiation Sterilizers, Inc.	05-3831	Meslo Park, CA	1	05/16/86
Fort Worth	Gearhart Industries, Inc.	05-2113	Fort Worth	43	05/29/86
Gainesville	Gainesville Memorial Hospital	05-2585	Gainesville	6	05/23/86
Houston	Exxon Minerals Company	08-1431	Houston	15	05/16/86
Houston	Pittsburgh Testing Laboratory	11-1850	Houston	11	05/20/86
Houston	Houston Inspectors	11-3482	Houston	3	05/12/86
Houston	The Goodyear Tire and Rubber Company	11-264	Houston	15	05/23/86
LaPorte	The Dow Chemical Company	11-510	LaPorte	37	05/28/86
Laredo	City of Laredo	08-2755	Laredo	2	05/23/86
Livingston	Trinity River Authority	10-5215	Livingston	1	05/20/86
Longview	Texas Eastman Company	07-301	Longview	54	05/23/86
Lufkin	Champion International Corporation	10-3870	Lufkin	1	05/22/86
McAllen	Rio Grande Regional Hospital	08-3288	McAllen	11	05/23/86
McAllen	Radiology Associates of McAllen, P.A.	08-2191	McAllen	10	05/23/86
Pampa	Service Fracturing Company	01-2840	Pampa	4	05/16/86
Rustler Springs	Pennzoil Sulphur Company	12-3857	Pecos	2	05/30/86
San Antonio	Southwest Research Institute	09-775	San Antonio	31	05/15/86
San Antonio	Humana Hospital San Antonio	09-2266	San Antonio	14	05/27/86
Sealy	Cameron Iron Works, Inc.	11-3107	Houston	4	05/23/86
Texas City	Memorial Hospital of Galveston County	11-2577	Texas City	9	05/23/86
Throughout Texas	Support Consultants and Associates, Inc.	04-3353	DeLeon	3	05/22/86
Throughout Texas	BJ Titan Services Company	11-2684	Houston	13	05/22/86
Throughout Texas	Resource Systems Company	05-2909	Weatherford	10	05/15/86
Throughout Texas	H and G Inspection Company, Inc.	11-2181	Houston	28	05/22/86
Throughout Texas	Technical Welding Laboratory, Inc.	11-2187	Pasadena	35	05/21/86
Throughout Texas	C & H Industrial X-Ray Company	11-3134	Houston	5	05/23/86
Throughout Texas	Gearhart Industries, Inc.	05-3284	Alvarado	11	05/23/86
Throughout Texas	Welex	11-387	Houston	65	05/27/86
Throughout Texas	Tru-Tec, Inc.	11-3913	Friendswood	1	05/27/86
Throughout Texas	McBride-Ratcliff and Associates, Inc.	09-3761	San Antonio	1	05/23/86
Throughout Texas	Mobil Producing Texas and New Mexico Inc.	11-1528	Houston	9	05/27/86
Throughout Texas	Schlumberger Well Services	11-1833	Houston	50	05/20/86
Throughout Texas	NL/MWD	11-2603	Houston	17	05/20/86
Throughout Texas	Texas Testing Laboratories, Inc.	05-94	Dallas	40	05/23/86

Throughout Texas	Hamilton Drilling and Engineering Testing, Inc.	06-2571	Austin	8	05/28/86
Throughout Texas	Austin Diagnostic Clinic	06-868	Austin	29	05/20/86
Throughout Texas	Ultrasonic Specialists, Inc.	11-1774	Houston	30	05/22/86
Waco	Hillcrest Baptist Medical Center	06-845	Waco	45	05/23/86

#### RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Carthage	Panola General Hospital	07-2540	Carthage	6	05/30/86
Corpus Christi	Memorial Medical Center	08-267	Corpus Christi	16	05/27/86
DeLeon	DeLeon Hospital	04-3233	DeLeon	3	05/27/86
Irving	University of Dallas	05-1194	Irving	6	05/23/86
Stephenville	Stephenville General Hospital	05-3097	Stephenville	7	05/29/86

#### TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
El Paso	Sun Valley Hospital	03-1674	El Paso	14	05/27/86

In issuing new licenses and amending and renewing existing licenses, the Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Texas Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

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issued in Austin, Texas, on April 22, 1986.

TRD-8608273 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: June 25, 1986  
For further information, please call (512) 458-7245.

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The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

**NEW LICENSES ISSUED:**

Location	Name	License #	City	Amendment #	Date of Action
Austin	Lockheed Missiles & Space Company, Inc.	06-3937	Austin	0	06/11/86
Bay City	E. I. Du Pont De Nemours and Co., Inc.	11-3938	Bay City	0	05/16/86
Buffalo	Leon County Memorial Hospital	06-3860	Buffalo	0	06/11/86
Longview	Longview Oncology Facilities, Inc.	07-3936	Longview	0	06/11/86
Lubbock	Diagnostic Radiology Associates	02-3948	Lubbock	0	06/16/86
Throughout Texas	KESCORP	11-3925	Kingwood	0	06/03/86
Throughout Texas	ATL Laboratories, Inc.	05-3924	Arlington	0	06/06/86
Throughout Texas	City of El Paso	03-3922	El Paso	0	06/10/86
Webster	Bay Area Surgical Center, Inc.	11-3898	Webster	0	06/06/86

**AMENDMENTS TO EXISTING LICENSES ISSUED:**

Location	Name	License #	City	Amendment #	Date of Action
Austin	Austin Diagnostic Clinic	06-868	Austin	30	06/06/86
Belton	Rockwool Industries, Inc.	06-2826	Belton	3	06/03/86
Blum	Dravo Natural Resources Corporation	06-1615	Blum	4	06/05/86
Burnet	Shepherd Memorial Hospital	06-3515	Burnet	3	06/13/86
Dallas	North Dallas Diagnostic Center	05-3125	Dallas	16	06/12/86
Denton	NUMED, Inc.	05-2129	Denton	33	06/02/86
Dublin	Dublin Medical Center	05-3221	Dublin	5	06/16/86
El Paso	El Paso Cancer Treatment Center	03-1847	El Paso	19	06/06/86
Fort Worth	Radiology Associates	05-2667	Fort Worth	3	06/06/86
George West	United States Steel Corporation	08-2449	George West	18	06/10/86
Houston	The University of Texas Health Science Center at Houston	11-2774	Houston	7	06/03/86
Houston	Chromaspec Labs., Inc.	11-2628	Houston	5	06/06/86

Houston	Parkway Hospital	11-1964	Houston	18	06/05/86
Houston	University of Houston	11-1886	Houston	25	06/12/86
Houston	Sun Belt Regional Medical Center	11-3306	Houston	3	06/13/86
Humble	Northeast Medical Center Hospital	11-2412	Humble	18	06/10/86
Leona	Nuclear Sources and Services, Inc.	11-3130	Houston	1	06/11/86
Marshall	Memorial Hospital	07-2572	Marshall	4	06/13/86
Odessa	El Paso Products Company	12-547	Odessa	23	06/10/86
Paris	McCouston Regional Medical Center	07-2457	Paris	5	06/06/86
Pasadena	Champion Papers	11-906	Pasadena	20	06/03/86
Throughout Texas	Texas Perforators	09-3544	Seguin	4	05/15/86
Throughout Texas	State Department of Highways and Public Transportation	06-197	Austin	41	06/04/86
Throughout Texas	McClelland Engineers, Inc.	11-58	Houston	22	05/30/86
Throughout Texas	Royal Wireline, Inc.	08-3110	Mercedes	9	05/30/86
Throughout Texas	GTE Products Corporation	99-3858	Danvers, MA	1	05/30/86
Throughout Texas	Tube Scan, Inc.	11-2865	Channelview	17	06/05/86
Throughout Texas	Perfo-Log Surveys, Inc.	12-2387	Odessa	7	06/05/86
Throughout Texas	HTS, Inc. Consultants	11-2757	Houston	4	06/05/86
Throughout Texas	Weaver Services	12-1489	Snyder	12	06/06/86
Throughout Texas	AMF Tuboscope, Inc.	11-287	Houston	62	06/06/86
Throughout Texas	Exxon Chemical Americas	11-1135	Baytown	39	06/05/86
Throughout Texas	D-Arrow Inspection, Inc.	11-3816	Houston	3	06/09/86
Throughout Texas	Princeton Gamma Tech., Inc.	09-3444	San Antonio	2	06/06/86
Throughout Texas	AMF Tuboscope, Inc.	11-287	Houston	62	06/06/86
Throughout Texas	NL/MWD	11-2603	Houston	18	06/06/86
Tyler	Internal Medicine and Nephrology Associates	07-3883	Tyler	1	06/06/86
Tyler	The University of Texas Health Center at Tyler	07-1796	Tyler	25	06/12/86

**RENEWALS OF EXISTING LICENSES ISSUED:**

Location	Name	License #	City	Amendment #	Date of Action
Amarillo	Coleman Taylor, M.D.	01-151	Amarillo	9	06/12/86
Houston	Southern Petroleum Laboratories	11-2520	Houston	4	06/11/86
Irving	Pioneer Park Medical Center	05-3004	Irving	7	06/13/86
Jewett	Nucor Steel Corporation	06-2504	Jewett	4	06/05/86
Odessa	TSC, Inc.	12-2488	Odessa	4	06/06/86
Throughout Texas	The Western Company of North America	05-1323	Fort Worth	36	06/04/86
Throughout Texas	Perfmaster Wireline Company	12-3892	Midland	1	06/03/86

**TERMINATIONS OF LICENSES ISSUED:**

Location	Name	License #	City	Amend-ment #	Date of Action
College Station	Petroleum Instruments	06-3344	College Station	4	05/16/86
Goliad	Goliad County Hospital	08-3774	Goliad	1	06/13/86
Houston	B.I.X. (Amarion), Inc.	11-657	Houston	86	06/06/86
Odessa	El Paso Products Company	12-76	Odessa	22	06/10/86
Throughout Texas	Geoponics	01-3019	Amarillo	3	06/06/86
Throughout Texas	Cardinal Surveys Company	12-65	Odessa	60	06/10/86
Throughout Texas	Weldex, Inc.	11-2652	Houston	6	06/11/86

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This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Texas Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

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Issued in Austin, Texas, on April 22, 1986.

TRD-8608274 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: June 25, 1986  
For further information, please call (512) 458-7245.

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**Public Hearing**

This notice affords an opportunity for public hearing on the following application for a solid waste site filed with the Texas Department of Health. The City of Hedley has filed Application 1794 with the Texas Department of Health for a permit to operate a proposed Type III municipal solid waste disposal site to be located approximately 0.75 mile east of the southeast city limits of Hedley, 1.5 miles south of the junction of FM Highway 2695 with State Highway 203, and 850 feet south of an unpaved county road, in Donley County.

The site consists of approximately 7.9 acres of land, and is to daily receive approximately one ton of solid waste under the regulatory jurisdiction of the Texas Department of Health.

The application is 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 this application 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 application 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. A copy of the complete application may be reviewed at the Bureau of Solid Waste Management or at the department's Public Health Region 1 headquarters located at Old Health Center Building, 300 Victory Drive Canyon, Texas 79016; (806) 655-7151.

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

TRD-8608275 Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: June 25, 1986  
For further information, please call (512) 458-7271.

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## Revocation of Certificate of Registration

The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following certificates of registration:

Allied Enterprises, License Number 01-10473, Amarillo, 05-27-86—date of action.

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 June 25, 1986.

TRD-8608276 Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: June 25, 1986

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

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## Revocation of Radioactive Material Licenses

The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following radioactive material licenses.

Listed following is the name license number, city, and date of action: Texas Time, 05-2431, Arlington, 05-27-86; UNI Reginery, 11-2716, Ingleside, 05-27-86; Smith Wireline Services, Inc., 4-3178, Snyder, 05-27-86; Murmur Corporation, 05-2655, Dallas, 05-27-86.

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 June 25, 1986.

TRD-8608277 Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: June 25, 1986

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

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## Texas Historical Commission Consultant Proposal Request

The Texas Historical Commission (THC) announces a request for proposal (RFP) to perform the services described herein. THC is soliciting proposals to administer and operate a downtown revitalization program in cooperation with the Texas Main Street Project at the THC under the provisions of TCS, Article 6252-11C.

**Qualifications.** Offerors must evidence their capability to accomplish the requested services. Offerors may be requested to include specific items and documents which attest to the applicant's capability to provide the desired services. Offerors must be a municipality of under 50,000 population in the State of Texas.

**Deadline.** The RFP closes 5 p.m., Friday, August 29, 1986, and complete proposals must be at the Main Street department office of the Texas Historical Commission at that time.

**Application for Proposals.** Applications for proposals are available upon request by writing or telephoning the Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711, (512) 463-6092.

The Main Street Project format, which is the basis for the RFP, is as follows.

Up to five cities with population under 50,000 will be selected as 1987 Main Street cities. They will be contracted to employ a local Main Street Project Manager for three years who will receive training and assistance from the Texas Main Street Project at the Texas Historical Commission. The period of performance for all categories shall begin on January 1, 1987, and shall extend through December 31, 1989.

**General Information.** THC reserves the right to accept or reject any or all proposals submitted. THC is under no legal requirement to execute a resulting contract on the basis of this advertisement, and intends the material provided herein only as a means of identifying the various contractor's alternatives and the general cost of the services desired by THC. THC intends to use responses hereto as a basis for further negotiation of specific project details with potential contractors. In the event that THC selects a contractor to provide the delivery of service provided herein, THC will base its choice on demonstrated competence and qualifications and the reasonableness of the fee for services. Where other considerations are equal, preference in selection will go to an in-state offeror. The request does not commit THC to pay for any costs incurred prior to execution of a contract. Issuance of this material in no way obligates THC to award a contract or to pay any costs incurred in the preparation of a response hereto. THC specifically reserves the right to vary all provisions set forth herein at any time prior to execution of a contract where THC deems such variance to be in the best interest of the State of Texas, and to otherwise act as it determines in its sole discretion.

**Contact.** For further information regarding this notice, please contact Anice Read or Susan Campbell, (512) 463-6092.

Issued in Austin, Texas, on May 30, 1986.

TRD-8608318 Curtis Tunnell  
Executive Director  
Texas Historical Commission

Filed: June 26, 1986

For further information, please call (512) 463-6100.

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## Texas Department of Human Services Amended Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) furnished notice of a consultant contract award. The award was published in the June 10, 1986, issue of the *Texas Register* (11 TexReg 2682). The request for proposals was published in the April 1, 1986, issue of the *Texas Register* (11 Tex-Reg 1628). The contract was awarded to CareerWorks, Inc., in the amount of \$90,000. At this time the DHS is amending the amount of the contract to \$105,700. All other information in the contract remains the same.

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

TRD-8606293      Marlin W. Johnston  
Commissioner  
Texas Department of Human Services

Filed: June 25, 1986  
For further information, please call (512) 450-3766.

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### Amended Contract Award

The Texas Department of Human Services (DHS) published notice of a contract award in the August 23, 1985, issue of the *Texas Register* (10 TexReg 3232). The request for proposals was published in the May 7, 1985, issue of the *Texas Register* (10 TexReg 1455). At this time the DHS is increasing the total cost of the contract by \$48,000. This change is effective October 1, 1986. All other information remains the same.

Issued in Austin, Texas, on June 30, 1986.

TRD-8606400      Marlin W. Johnston  
Commissioner  
Texas Department of Human Services

Filed: June 30, 1986  
For further information, please call (512) 450-3766.

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### Notice of Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) furnishes this notice of contract award. The notice for request for proposals was published in the August 16, 1985, issue of the *Texas Register* (10 TexReg 3147).

**Description of Services.** The contractor selected will provide one or more of the following services: training for child-care providers in remote/rural areas to promote the prevention of abuse and neglect in out-of-home care; training in child-care, child development, and child-care facility management.

**Name of Contractor and Value of Contract.** Covenant House, 1111 Lovett Boulevard, Houston Texas, 77006—\$23,514.

**Effective Date of Contract.** The contract began June 16, 1986 and ends September 30, 1986.

**Due Date of Reports.** All documents, films, recordings or reports are due by September 30, 1986.

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

TRD-8606294      Marlin W. Johnston  
Commissioner  
Texas Department of Human Services

Filed: June 25, 1986  
For further information, please call (512) 450-3766.

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### Request for Proposals

The Texas Department of Human Services (DHS) and the Council on Child Abuse and Neglect Prevention, known as the Children's Trust Fund Council, are announcing the availability of funds for the establishment of child abuse

and neglect prevention programs. Major program objectives are to: develop awareness, enhance knowledge, promote the use of volunteers, facilitate coordination of services among cooperating agencies, and encourage development of public and private sector child abuse and neglect prevention policies and programs.

**Grant Amounts and Effective Dates.** Awards will range from \$1,000 to \$70,000 for fiscal year 1987. Applicants must provide a local 10% match of no more than 25% in-kind and at least 75% cash for the first-year period. After a grant has been awarded, it can be funded for up to three years.

**Selection Criteria.** Proposals will be evaluated on the basis of soundness of approach, program design, program organization and management, staff capabilities, demonstration of community support, cost effectiveness, and evaluation.

**Applicants/Offerers Conference.** An applicants/offerers conference will be held July 25, 1986, at 10 a.m., Texas Department of Human Services, 701 West 51st Street, Room 5W, Austin, Texas. The Children's Trust Fund Council (CTF) and the Texas Department of Human Services (DHS) staff will answer questions at this conference.

**Contact Person.** To obtain an RFP (request for proposals) packet, contact Ms. Susan Watkins, Mail Code 538-W, Texas Department of Human Services, P.O. Box 2960, Austin, Texas 78769, (512) 450-3306. Questions concerning the RFP (other than those presented at the applicants/offerers conference) must be submitted in writing to Ms. Susan Watkins at the previously listed address. Last day to receive offers. The last day to receive offers is 5 p.m., August 29, 1986.

Issued in Austin, Texas, on June 30, 1986.

TRD-8608393      Marlin W. Johnston  
Commissioner  
Texas Department of Human Services

Filed: June 30, 1986  
For further information, please call (512) 450-3766.

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### Legislative Budget Office Joint Budget Hearing Schedule

The following is the joint budget hearing schedule concerning appropriations requests for the 1988-1989 biennium (for the period of July 7-11, 1986):

Adjutant General's Department, 9 a.m., July 8, Room 107, John H. Reagan Building, Austin; State Securities Board, 9 a.m., July 8, Room G-A, John H. Reagan Building, Austin; State Pension Review Board, 10:30 a.m., July 8, Room 213, State Capitol Building, Austin; Texas National Guard Armory Board, 1:30 p.m., July 8, Room 107, John H. Reagan Building, Austin; Office of State-Federal Relations, 9 a.m., July 9, Room 213, State Capitol Building, Austin; Office of Consumer Credit Commissioner, 10 a.m., July 9, Room 107, John H. Reagan Building, Austin; Board of Licensure for Nursing Home Administrators, 2 p.m., July 9, Room 213, State Capitol Building, Austin; Board of Physical Therapy Examiners, 9 a.m., July 10, Room 213, State Capitol Building, Austin; Texas Savings and Loan Department, 10 a.m., July 10, Room G-A, John H. Reagan Building, Austin.

Please confirm these dates, times, and locations in the event you plan to attend a hearing, since experience has shown that some rescheduling always occurs.

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

TRD-8806342      Larry Kopp  
Assistant Director  
Legislative Budget Office

Filed: June 27, 1986  
For further information, please call (512) 463-1200.

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## Railroad Commission of Texas Invitation of Bids

The Railroad Commission of Texas, Division of Surface Mining and Reclamation (SMRD), is soliciting bids for the fabrication and installation of concrete slab and steel grating closures for 12 abandoned mine shafts and the backfilling of two such shafts at the Terlingua Abandoned Mine Land site. The site is located in the vicinity of Terlingua, Brewster County. This is a rebidding of the project proposed in January, 1986. Sealed bids will be received until 1 p.m. on July 24, 1986. Any bids received after the deadline will be returned unopened.

Construction of the 12 shaft closures shall include fabrication of precast slabs and structural steel grates. The contractor will then perform on-site preparation and placement of these slabs or grates on the shaft closures along with the backfilling of two additional shafts. Copies of the specifications, drawings, and other contract documents are on file at the following address: SMRD Field Office, 1419 Third Street, Floresville, Texas 78114; the County Clerk's Office, Brewster County Courthouse, 201 West Avenue East, Alpine, Texas 79831. The complete bid package may be obtained for the cost of reproduction by contacting the commission at the following address.

Bidders are required to provide bid security, performance bonds, and payment bonds; also 10% of the contract price will be retained for six months from the date the work is completed to assure correction of defective work discovered during such time. Bidders are required to submit bidder's qualification forms concurrent with or prior to the opening of bids.

The commission reserves the right to reject any or all bids, to waive formalities, and in case of ambiguity or lack of clarity in stating proposal prices, to adopt such interpretations as may be most advantageous to the commission. No bid may be withdrawn until expiration of 60 days from the date bids are opened.

Anyone interested in submitting a bid is required to attend the prebid conference to be held at the site beginning at 10 a.m. on Wednesday, July 16, 1986. For further information, write to: J. Randel (Jerry) Hill, Director, Surface Mining and Reclamation Division, Railroad Commission of Texas, 1701 North Congress, Austin, Texas 78701; or P.O. Box 12967, Austin, Texas 78711-2967; ATTN: Terlingua AML Project.

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

TRD-8806430      Walter Earl Little  
Special Counsel  
Texas Railroad Commission

Filed: June 27, 1986  
For further information, please call (512) 463-7149.

## Texas Water Commission Application for Provisionally-Issued Temporary Permits

Notice is given by the Texas Water Commission of provisionally issued temporary permits issued during the period of June 23-27, 1986.

These permits were issued without notice and hearing pursuant to the Texas Water Code, §11.138, and commission rules 31 TAC §§303.91-303.93.

The executive director has reviewed each application and found that sufficient water was available at the proposed point of diversion to satisfy the requirements of the applications as well as all existing water rights. It is further noted that these diversions are for not more than 10 acre-feet of water and for a period of not more than one year. If a complaint is received before or after diversions are commenced, a preliminary investigation shall be made by the executive director to determine whether there is a reasonable basis for such complaint. Should the investigation indicate that there is a probability that diversions could result in injury to the complainant, the permit will be canceled, and the application will revert to the status of a pending application and no further diversions may be made until a public hearing is held. Notice of the hearing shall then be sent to the complaining person.

Information concerning any aspect of these permits may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8218.

Listed are the names of the permittees, diversion point, watercourse, amount of water authorized, period of time of the permit, permit number, and the date issued/administratively-complete.

New Paving & Contracting, Inc.; from the stream crossing of R2, approximately 16 miles north of Del Rio, Val Verde County; Devil's River, tributary Rio Grande; one acre-foot; three month period; TP-5485; May 30, 1986

Hillside Quities, Inc.; from the stream crossing of Applewhite Road, approximately six miles south of San Antonio, Bexar County; Medina River, tributary San Antonio River; eight acre-feet; one-year period; June 5, 1986

Texas Eastern Products Pipeline Company; from the stream crossing of FM Road 105, approximately 17 miles east of Orange, Orange County; Neches River; 10 acre-feet; one-year period; TP-5488; June 12, 1986

Texas Eastern Products Pipeline Company; from the stream crossing of FM Road 105, approximately 17 miles east of Orange, Orange County; Neches River; 10 acre-feet; one-year period; TP-5489; June 12, 1986

Texas Eastern Products Pipeline Company; from the stream crossing of FM Road 105, approximately 17 miles east of Orange, Orange County; Neches River; 10 acre-feet; one-year period; TP-5490; June 12, 1986

APAC-Texas, Inc.; from four stream crossings of IH 45, approximately 11, 4, 2, and 5 miles north and south of Centerville, Leon County; Bliss Creek, tributary Buffalo Creek, Keechi Creek, Little Beaver Creek, tributary Keechi Creek, and Boggy Creek, tributary Trinity River; one acre-foot; one-year period; TP-5491; June 5, 1986

P&A Materials, Inc.; from the stream crossing near State Highway 71, approximately two miles northwest of Columbus, Colorado County; Colorado River; 10 acre-feet; one-year period; TP-5492; June 12, 1986

United Energy; from the stream crossing of an unnamed county road, approximately 14 miles northwest of Gran-



bury, Hood County; unnamed creek, tributary Kickapoo Creek, tributary Brazos River; two acre-feet; one-year period; TP-5495; June 11, 1986

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

TRD-8806392      Mary Ann Hefner  
                         Chief Clerk  
                         Texas Water Commission

Filed: June 27, 1986  
For further information, please call (512) 463-7888.

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## Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of June 23-27, 1986.

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

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

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

Period of June 23-27, 1986

Blue Water Oaks Property Owners Association, Alvarado; wastewater treatment facilities; approximately 1,000 feet west of the extreme southern shore of Lake Alvarado, 3,000 feet east of County Road 313 and three miles southwest of the City of Alvarado in Johnson County; 11429-01; renewal

Western Geophysical Company of America, Houston; wastewater treatment facilities; on Pelican Island at a point approximately 200 feet north of the Galveston Harbor Channel in Galveston County; 11264-01; renewal

Rockwool Industries, Inc., Belton; an evaporation pond; approximately 1/2 mile east of IH 35 and adjacent to FM Road 93 just east of the City of Belton, Bell County; 02843; new

Leonard Riley doing business as River Hills Owners Association, Denison; wastewater treatment facilities; adjacent to and northwest of the intersection of FM Road 691 and FM Road 131 in Grayson County; 10961-01; renewal

Tennis West Sewage Association, Inc., El Paso; wastewater treatment plant; immediately northeast of FM Road 260 (Country Club Road) and approximately 2.8 miles west of its intersection with IH 10 in El Paso County; 11605-01; renewal

Shirley Creek Corporation, Chireno; wastewater treatment facilities; in Shirley Creek Park on the north shore of Sam Rayburn Reservoir and approximately 26 miles southeast of Nacogdoches in Nacogdoches County; 10947-01; renewal

Panalpina, Inc., Houston; wastewater treatment facilities; on the east side of Lee Road (about 500 feet) at a point approximately 1,800 feet north of the intersection of Jetero Boulevard and Lee Road in Harris County; 12418-01; renewal

Daniel Industries, Inc., Houston; wastewater treatment facilities; at 19191 Hempstead Road in Harris County; 12397-01; renewal

The Ryland Group, Inc., Houston; sewage treatment plant; approximately 12,000 feet east of the intersection of IH 45 and Richey Road and approximately 2,200 feet east of Hardy Road, north of the City of Houston in Harris County; 12320-01; renewal

Bright Bank Savings Association, Houston; sewage treatment plant; approximately 1,900 feet south-southwest of the intersection of U.S. Highway 290 and Flintlock in the northwest section of the City of Houston in Harris County; 12302-01; renewal

East-Tex Plastics, Inc., doing business as J. M. Huber Polymer Services Group, Orange; off-specification polyethylene pellets processor; adjacent to South IH 10 Frontage Road approximately one mile east of Highway 62 and west of the City of Orange in Orange County; 02835; new

Lodomada Corporation, Fulton; fish and shrimp processing facility; near the intersection of South Beach and Broadway Streets in the City of Fulton, Aransas County; 02194; renewal

Sunset Harbour Resort, Inc., Longview; wastewater treatment facilities; on a county road approximately 1/4 mile north of FM Road 726, 2 1/4 miles east of the intersection of FM Roads 726 and 1968, and on the south shoreline of Lake O'Pines in Marion County; 11260-01; renewal

J. W. Massey, Van Vleck; wastewater treatment facilities; approximately 1/4 mile southeast of the intersection of FM Road 2540 and State Highway 35 in Matagorda County; 11768-01; renewal

The City of Fort Worth; wastewater treatment plant; southeast of the confluence of the West Fork Trinity River with Village Creek in Fort Worth, Tarrant County; 10494-013; amendment

U.S. Department of Agriculture—Forest Service, Broadus; wastewater treatment plant; approximately 5.5 miles southwest of the intersection of FM Roads 2390 and 83, and 6.5 miles south of the Community of Broadus in San Augustine County; 12263-03; amendment

Camsco Produce Company, Inc., Hillsboro; mushroom farm and packaging plant; on the north side of FM Road 310, approximately .8 mile west of the intersection of IH 35 and FM Road 310, approximately four miles south of the City of Hillsboro, Hill County; 02726; amendment

U.S. Department of Agriculture—Forest Service, Hemphill; wastewater treatment plant; approximately nine miles east of Hemphill in the Indian Mounds recreational area of the Sabine National Forest in Sabine County; 12269-02; amendment

Tenneco Oil Company—La Porte Plant, La Porte; light hydrocarbon fractionation plant; at the north end of North Broadway on the south shore of San Jacinto Bay and extends about 3,000 feet eastward, in the City of La Porte, in Harris County; 00440; amendment

City of Greenville; wastewater reclamation center; approximately 1½ miles east of the intersection of IH 30 and U.S. Highway 69 in Hunt County; 10485-02; amendment

Nine Bar Northwest, Ltd., Houston; wastewater treatment facility; approximately 1½ miles north of U.S. Highway 290 and ¼ mile west of the intersection of Bauer Road and Schiel Road in Harris County; 13270-01; new

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

TRD-8606401 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: June 27, 1986  
For further information, please call (512) 463-7898.

## 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 the City of Fort Worth on June 24, 1986, assessing \$19,060 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting J. D. Head, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

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

TRD-8606327 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: June 26, 1986  
For further information, please call (512) 463-7898.



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# The Sheriff's Association of Texas

*the state's oldest Law Enforcement Association,  
is holding its*

## 108th Annual Conference

*in El Paso on July 27-30, 1986.*

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