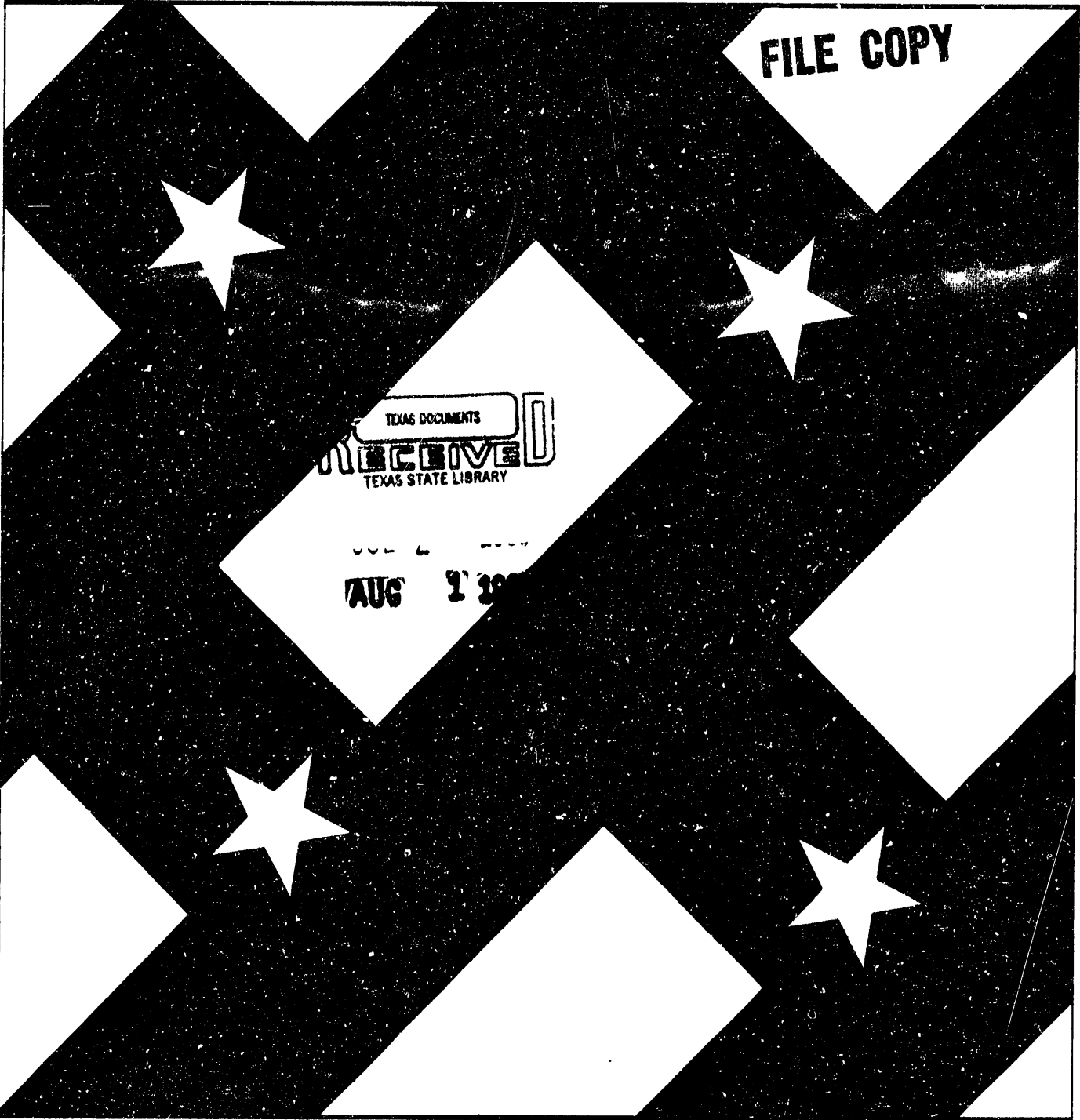


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# Texas Register

Volume 11, Number 57, July 29, 1986

Pages 3423-3447



## Highlights

The **Railroad Commission of Texas** adopts an emergency amendment concerning visual obstructions at public railroad grade crossings. Effective date - July 21. . . . . **page 3430**

The **Texas Animal Health Commission** proposes amendments regarding regulations

and eradication of Texas bovine brucellosis. Earliest possible date of adoption - August 29 . . . . . **page 3431**

The **Texas Education Agency** proposes the repeal of sections concerning adult basic and secondary education. Proposed date of adoption - October 11 . . . . . **page 3431**

**Office of  
the Secretary  
of State**

## Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1986 with the exception of June 24, September 2, December 2, and December 30 by the Office of the Secretary of State.

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

**How To Cite:** Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "11 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 11 TexReg 3."

**How To Research:** The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code*, rule number, or TRD number.

## Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

**How To Cite:** Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC §27.15:

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

TAC stands for the *Texas Administrative Code*;

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



## Texas Register Publications

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*Illustrations courtesy of Texas Parks and Wildlife Department.*

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# The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

## Appointment Made July 15

### Board of Pardons and Paroles

For a term to expire January 31, 1989:

Ruben M. Torres  
1565 Ventura Drive  
Brownsville, Texas 78520

Mr. Torres is being reappointed.

Issued in Austin, Texas, on July 15, 1988.

TRD-8607187      Mark White  
Governor of Texas

★      ★      ★

## Appointment Made July 16

### State Committee of Examiners for Speech-Language Pathology and Audiology

For a term to expire August 31, 1991:

Carol M. Hering  
7108 Montana Norte  
Austin, Texas 78731

Ms. Hering is replacing Vatra Solomon of Mt. Pleasant, whose term expired.

Issued in Austin, Texas, on July 16, 1988.

TRD-8607187      Mark White  
Governor of Texas

★      ★      ★

## Appointments Made July 17

### Middle Rio Grande Region Community Development Block Grant Review Committee

To be chairman, for a term to continue at the pleasure of this governor:

Ron Carr  
Zavala County Judge  
County Courthouse  
Crystal City, Texas 78839

### 133rd Judicial District Court

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

Matthew W. Plummer, Sr.  
2100 Travis Street  
Suite 707  
Houston, Texas 77002

Mr. Plummer is replacing David Hittner of Houston, who resigned.

Issued in Austin, Texas, on July 17, 1988.

TRD-8607187      Mark White  
Governor of Texas

★      ★      ★

## Appointments Made July 18

### 8th District Court of Appeals

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

Larry Fuller  
P.O. Box 205  
Monahans, Texas 79756

Judge Fuller is replacing Max Osborn of El Paso, who resigned.

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

Max Osborn  
500 City-County Building  
El Paso, Texas 79901

Judge Osborn is replacing Stephen F. Preslar of El Paso, who resigned.

## Interstate Oil Compact Commission

For terms to continue at the pleasure of this governor:

Scott Anderson  
General Counsel  
Texas Independent Producers and Royalty  
Owners Association  
1910 Interfirst Bank Tower  
515 Congress Avenue  
Austin, Texas 78701

Dr. William E. Harrison  
Research Director  
ARCO Exploration and Technology  
2300 West Plano Parkway  
Plano, Texas 75075

Marsha M. Lopas  
Landmark Gas Corporation  
812 South Sherman  
Suite 130  
Richardson, Texas 75081

Leslie Tugman  
Government Relations Specialist  
Texas Independent Producers and Royalty  
Owners Association  
515 Congress Avenue  
Austin, Texas 78701

## South Plains Region Community Development Block Grant Review Committee

To be chairman, for a term to continue at the pleasure of this governor:

James Solomon  
Mayor  
City of Tahoka  
P.O. Box 300  
Tahoka, Texas 79373.

Issued in Austin, Texas, on July 18, 1988.

TRD-8607190      Mark White  
Governor of Texas

# 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  
REGULATIONS  
Part I. Railroad Commission  
of Texas  
Chapter 5. Transportation  
Division  
Subchapter AA. Rail Safety  
★ 16 TAC §5.620**

The Railroad Commission of Texas adopts on an emergency basis an amendment to §5.620, concerning visual obstructions at public grade crossings. This section implements the provisions of Texas Civil Statutes, Article 6448a, which authorize the Railroad Commission of Texas to regulate railroad safety. Following commission adoption, the *Texas Register* published §5.620(b) in its June 13, 1986, issue (11 Tex-Reg 2741), and the section's effective date is June 25, 1986.

The affected railroad corporations have been unable to comply with the vegeta-

tion control requirements of §5.620(b) by the effective date. Additional time is needed by the railroads in order to efficiently and effectively comply with the subsection. The commission finds that an imminent peril to the public welfare exists necessitating adoption of an amendment to §5.620(b) because of the dangers of inconsistent supervision and control of a rushed compliance plan and the adverse legal ramifications of the railroads being in violation of a commission regulation. The amendment delays compliance until four months from the effective date of the subsection (June 25, 1986).

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 6448a, which empowers the Railroad Commission of Texas to adopt regulations to ensure railroad safety. This amendment shall become effective upon filing with the secretary of state.

**§5.620. Visual Obstructions at Public Grade Crossings.**

(a) (No change.)

(b) Each railroad corporation shall control vegetation on its right-of-way (except for the roadbed and areas immediately adjacent thereto) for a distance of 500 feet each way from every public grade crossing so that it does not obscure the view of approaching trains to vehicular road traffic. **Each railroad corporation shall have four months from June 25, 1986, to comply with this requirement.**

(c)-(d) (No change.)

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

TRD-8807189

Mack Wallace  
Commissioner  
Railroad Commission of  
Texas

Effective date: July 21, 1986  
Expiration date: November 18, 1986  
For further information, please call  
(512) 463-7149

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# Proposed Rules

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

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

## TITLE 4. AGRICULTURE Part II. Texas Animal Health Commission Chapter 35. Brucellosis Subchapter A. Eradication of Brucellosis

### ★ 4 TAC §35.4, §35.5

The Texas Animal Health Commission proposes amendments to §35.4 and §35.5, concerning the Texas bovine brucellosis regulations.

In §35.4(b) the counties of Falls, Gonzales, and Wilson are proposed for inclusion in the Class B area following requests from producers in these counties. These counties are contiguous to the Class B area and have met all requirements for inclusion.

Since Falls, Gonzales, and Wilson Counties are proposed for inclusion in the Class B area, the proposed change to §35.5(b) simply removes these counties from the list of counties in the Class C area.

Ken Welch, director of administration, 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. Welch also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that cattle originating in the counties of Falls, Guadalupe, and Wilson will be allowed the greatest possible freedom of movement, because movement requirements on cattle in the Class B area are less restrictive than for those in the Class C area. 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 Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12986, Austin, Texas 78711.

The amendments are proposed under the Agriculture Code, Texas Civil Statutes, Chapters 161 and 163, which provides the commission with the authority to propose rules and sets forth the duties of the com-

mission to protect domestic animals in the state from disease.

#### §35.4. Class B Area.

(a) (No change.)

(b) Class B area—Area to include the following counties: Andrews, Archer, Armstrong, Bailey, Bandera, Bastrop, Baylor, Bell, Blanco, Borden, Bosque, Brewster, Briscoe, Brown, Burnet, Caldwell, Callahan, Carson, Castro, Chidress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Denton, Dickens, Dimmit, Donley, Eastland, Ector, Edwards, El Paso, Erath, Falls, Fisher, Floyd, Foard, Frio, Gaines, Garza, Gillespie, Glasscock, Gonzales, Gray, Grayson, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jeff Davis, Johnson, Jones, Kendall, Kent, Kerr, Kimble, Kinney, King, Knox, Lamb, Lampasas, Lee, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Maverick, Medina, Menard, Midland, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Sterling, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Yoakum, Young, and Zavala.

(c)-(d) (No change.)

#### §35.5. Class C Area.

(a) (No change.)

(b) Class C area—Area to include the following counties: Anderson, Angelina, Aransas, Atascosa, Austin, Bee, Bexar, Bowie, Brazoria, Brazos, Brooks, Burleson, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Dallas, Delta, DeWitt, Duval, Ellis, [Falls,] Fannin, Fayette, Fort Bend, Franklin, Freestone, Galveston, Goliad, [Gonzales,] Gregg, Grimes, Hardin, Harris, Harrison, Henderson, Hidalgo, Hill, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kaufman, Kenedy, Kleberg, Lamar, LaSalle, Lavaca, Leon, Liberty, Limestone, Live Oak, McLennan, McMullen, Madison,

Marion, Matagorda, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Starr, Titus, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willicity, [Wilson,] Wood, and Zapata.

(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 July 18, 1986.

TRD-8607225

John W. Holcombe  
Executive Director  
Texas Animal Health  
Commission

Earliest possible date of adoption:  
August 29, 1986  
For further information, please call  
(512) 479-8697.

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## TITLE 19. EDUCATION Part II. Texas Education Agency Chapter 89. Adaptations for Special Populations

(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 Education Agency, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Education Agency proposes the repeal of §§89.71, 89.72, 89.81, 89.81, 89.283, and 89.295, concerning adult basic and secondary education. These sections contain operating procedures for adult education programs, which are being consolidated into new §§89.71-89.90, proposed elsewhere in this issue.

Lynn M. Moak, deputy commissioner for research and information, 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. Moak and Dr. Beverly Bardsley, director for policy development, have 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 it will allow the inclusion of all rules governing adult basic and secondary education in one complete and updated document. 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 Dr. Beverly J. Bardsley, Director of Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 days after notice of a proposed change in rules has been published in the *Texas Register*.

#### Subchapter D. Adult Education Adult Education and Training in General

##### ★ 19 TAC §§89.71, §89.72

The repeals are proposed under the Texas Education Code, §11.18(b), which authorizes the State Board of Education to make rules concerning adult education programs, and §21.111, which authorizes local boards of trustees to conduct vocational classes and other educational programs for students of all ages, subject to rules and regulations of the State Board of Education.

§89.71. *Educational Services for Adults.*  
§89.72. *Adult Education Advisory Committee.*

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 July 22, 1986.

TRD-8607235 W. N. Kirby  
Commissioner of Education

Proposed date of adoption: October 11, 1986  
For further information, please call  
(512) 463-9212.

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#### Education for Adults

##### ★ 19 TAC §89.81

The repeal is proposed under the Texas Education Code, §11.18(b), which authorizes the State Board of Education to make rules concerning adult education programs, and §21.111, which authorizes local boards

of trustees to conduct vocational classes and other educational programs for students of all ages, subject to rules and regulations of the State Board of Education.

##### §89.81. *Areas of Education for 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 July 22, 1986.

TRD-8607233 W. N. Kirby  
Commissioner of Education

Proposed date of adoption: October 11, 1986  
For further information, please call  
(512) 463-9212.

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#### Education for Specified Adult Populations

##### ★ 19 TAC §89.91

The repeal is proposed under the Texas Education Code, §11.18(b), which authorizes the State Board of Education to make rules concerning adult education programs, and §21.111, which authorizes local boards of trustees to conduct vocational classes and other educational programs for students of all ages, subject to rules and regulations of the State Board of Education.

##### §89.91. *Types of Populations.*

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 July 22, 1986.

TRD-8607234 W. N. Kirby  
Commissioner of Education

Proposed date of adoption: October 11, 1986  
For further information, please call  
(512) 463-9212.

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#### Subchapter H. Adoptions by Reference

##### ★ 19 TAC §§89.293, §89.295

The repeals are proposed under the Texas Education Code, §11.18(b), which authorizes the State Board of Education to make rules concerning adult education programs, and §21.111, which authorizes local boards of trustees to conduct vocational classes and other educational programs for students of all ages, subject to rules and regulations of the State Board of Education.

§89.293. *Plan for Implementing House Bill 147, 63rd Legislature, Adult Education.*

§89.295. *Operating Guide for Adult Education Programs in Texas.*

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 July 22, 1986.

TRD-8607232 W. N. Kirby  
Commissioner of Education

Proposed date of adoption: October 11, 1986  
For further information, please call  
(512) 463-9212.

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##### ★ 19 TAC §§89.71-89.90

The Texas Education Agency proposes new §§89.71-89.90, concerning adult basic and secondary education. The new sections consolidate present operating procedures for adult education. The new sections include definitions to clarify educational terms; identify essential adult education program components; and set standards for the awarding of diplomas, student eligibility requirements, attendance and class size, staff qualifications and training, instructional time requirements, and staff salaries. The new sections also provide for a program delivery system and the formation of local advisory and coordinating committees, establish procedures for submitting program applications; set standards for funding allocations, tuition, and fees; and provide for allowable and nonallowable program expenditures. In addition, the new sections establish procedures for submitting program reports; provide standards and procedures for the use of staff development funds and the application process for funding special projects; and provide for the Advisory Council for Technical-Vocational Education in Texas to serve as the adult education advisory committee and the addition of adult education practitioners as non-voting members.

Lynn M. Moak, deputy commissioner for research and information, 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. Moak and Dr. Beverly J. Bardsley, director for policy development, have determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the provision of a single complete and updated set of rules for operating adult basic and secondary education programs for schools. 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 Dr. Beverly J. Bardsley, Director for Policy Development, 1701 North Con-

gress Avenue, Austin, Texas 78701, (512) 463-9862. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rule has been published in the *Texas Register*.

The new sections are proposed under the Texas Education Code, §11.18(b), which authorizes the State Board of Education to make rules concerning adult education programs, and §21.111, which authorizes local boards of trustees to conduct vocational classes and other educational programs for students of all ages, subject to rules and regulations of the State Board of Education.

**§89.71. Provision of Adult Education.** In accordance with the Texas Education Code, §11.18, adult education shall be provided by public school districts, regional education service centers, and public colleges and universities for the purpose of providing adults the educational prerequisites for effective living, gainful employment, and citizenship.

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

**Adult**—Any individual who is over the age of compulsory school attendance and who meets the eligibility requirements in §89.75 of this title (relating to Student Eligibility).

**Adult education**—Basic and secondary instruction and services for adults.

**(A) Adult basic education**—Education for adults who function below the ninth grade level in reading, writing, and speaking English, in general mathematics, and in functional life skills such as occupational knowledge, government and law, consumer economics, physical and mental health, and community services.

**(B) Adult secondary education**—Education for adults designed to qualify them for a high school diploma or enable them to earn a certificate of high school equivalency, such as the General Educational Development (GED) certificate.

**Contact time**—The cumulative sum of minutes during which an eligible adult student receives instructional and/or counseling services by a staff member supported by federal and state adult education funds as documented by local attendance and reporting records. Student contact time generated by volunteers may be accrued by the adult education program when volunteer services are verifiable by attendance and reporting records and as meeting the requirements of §89.77 of this title (relating to Qualifications and Training of Staff).

**Cooperative adult education program**—A community or area adult education program that provides for the coordinated administration of federal state, county, and

local adult educational resources through a cooperative effort by area public school districts, county boards of education, regional education service centers, and public colleges and universities.

**Fiscal agent**—The local education agency that serves as the contracting agency for an adult education program.

**Student contact hour**—A block of contact time is defined as 60 minutes. To calculate contact hours for a student, the total student contact time spent in the program is divided by 60 minutes. If public funds, other than public education funds, are used in the adult education program, the program may claim only the proportionate share of the student contact time based on the adult education program's expenditures for the instructional program.

**§89.73. Essential Program Components.** The following essential program components shall be provided to the extent that local needs justify:

(1) providing adults basic skills in reading, writing, and speaking English, and in mathematics. This element shall receive the highest priority;

(2) providing adults the academic skills necessary for effective participation in secondary level instruction and providing functional competency in life skills areas such as occupational knowledge, consumer economics, government and law, physical and mental health, and community services;

(3) preparing adults to achieve successful results on the General Educational Development (GED) test battery;

(4) helping adults to obtain a high school diploma through programs such as correspondence, night high school, competency-based programs, or credit by examination;

(5) helping adults to acquire job-related basic skills and remove deficiencies limiting participation in vocational education or college-level coursework;

(6) providing counseling and assessment services to adults as needed for proper placement and guidance while in the program and as a basis for awarding secondary credit.

**§89.74. Diploma Requirements.** The standards for the awarding of diplomas to adults shall be those established under Chapter 75 of this title (relating to Curriculum), with the following exceptions.

(1) There shall be no limit to the number of secondary credits adults may earn by demonstration of competence.

(2) Adults may earn the required physical education credits by one or more of the following:

(A) satisfactory completion of approved secondary physical education courses; or

(B) substituting state-approved secondary elective courses.

(3) Adults must meet the requirements for successful performance on a sec-

ondary level test designated by the commissioner of education.

**§89.75. Student Eligibility.**

(a) **Age.** Persons beyond the age of compulsory school attendance are eligible. In no case may a student be accepted who is less than 16 years of age.

(b) **Educational level.** Persons who function at less than a secondary completion level shall be eligible for participation in the program.

**§89.76. Attendance and Class Size.** Requirements for student attendance and class size for adult education will be determined locally.

**§89.77. Qualifications and Training of Staff.**

(a) The requirements of this section shall apply to all staff hired after the effective date of this section, excluding clerical and janitorial staff.

(b) All staff shall receive at least 12 clock hours of staff development training annually.

(c) All new staff shall receive six clock hours of preservice training before they begin work in an adult education program.

(d) Aides shall have at least a high school diploma or high school equivalency certificate.

(e) The following apply to directors, teachers, counselors, and supervisors.

(1) Persons must possess at least a bachelor's degree.

(2) Persons with no valid Texas certificate must attend 12 clock hours of inservice training annually in addition to that specified in subsection (b) of this section until they have completed either six semester hours of adult education college credit courses or attained two years of adult education experience.

(f) The requirements for inservice training in this section may be reduced or waived by local programs in individual cases where exceptional circumstances prevent employees from completing the required hours of inservice training. Documentation shall be kept justifying such circumstances.

(g) Records of staff qualifications and training shall be maintained by each local education agency and must be available for monitoring.

**§89.78. Service Requirements for Staff.**

(a) Teachers and aides shall be assigned to instruction and/or counseling for a minimum of 75% of the hours for which they are employed.

(b) Documentation shall be maintained to reflect the amount of time each individual reported for reimbursement devotes to the program. For those individuals employed full time, the documentation shall include the individual's job description and the record of sick leave or vacation leave taken. For part-time employees, or employees with more than one assignment, the documentation shall reflect the amount of time devoted to each assignment. The format for the time

record may be determined locally, but it must be in sufficient detail to establish the employee's assignment and the amount of time devoted to the assignment.

**§89.79. Salaries for Staff.** Salaries shall be based on local policy. School districts, colleges, universities, and education service centers shall ensure that adult basic and secondary education staff salaries are comparable to salaries for other staff performing similar duties and with similar credentials, experience, and competencies.

**§89.80. Program Delivery System**

(a) There shall be a statewide system of adult education cooperatives for the coordinated provision of adult education services by public school districts, county boards of education, public colleges and universities, and regional education service centers. The commissioner of education shall establish geographical service delivery areas for the formation of cooperatives. To the extent possible, service delivery areas shall be large enough to support a program meeting the requirements of §89.73 of this title (relating to Essential Program Components) and to ensure efficient and effective delivery of services.

(b) Districts which wish to provide adult education services without participating in the statewide system of adult education cooperatives or who wish to withdraw from one cooperative to participate in another may do so only with the approval of the commissioner of education or his designee. Before granting such approval, the commissioner must determine:

(1) that justification has been provided for withdrawal from a cooperative; and

(2) that the district can provide a program which meets the requirements of this subchapter.

**§89.81. Cooperatives to Have Written Policies.** Each adult education cooperative shall have written policies. The commissioner of education shall prescribe the areas to be addressed by each cooperative. The policies shall be approved by participating member systems.

**§89.82. Local Advisory Committee.** At least one local advisory committee shall be formed in each funded adult education cooperative. The committee shall be composed of a broad spectrum of community representatives to assist in planning, developing, and evaluating the adult education program. The local advisory committee shall meet at least twice each year.

**§89.83. Coordinating Committee.** Each cooperative shall establish a coordinating committee composed of representatives of participating public education systems. The committee shall meet at least two times each year to develop the three-year program plan and annual program applications required by this subchapter, select the fiscal agent, make

recommendations to the fiscal agent concerning program implementation of the plans, and monitor the activities of the cooperative.

**§89.84. Program Application.** Fiscal agents approved under §89.80 of this title (relating to Program Delivery System) to sponsor an adult education program funded directly by the Central Education Agency shall submit an annual program application and maintain a three-year program plan on file with the Central Education Agency. The commissioner of education shall prescribe specific content requirements for the annual program application and three-year program plan.

**§89.85. Allocation of Funds.**

(a) Annually, after funds have been set aside for state administration, special projects, staff development, and community education developmental projects, fund allocations shall be developed for each fiscal agent. Allocations shall be computed as follows.

(1) Twenty five percent of the funds available shall be allocated based on the best available estimates of the number of eligible adults in each district and cooperative.

(2) Seventy five percent of the funds available shall be allocated based on student contact hours reported by district and cooperative for the most recent complete fiscal year reporting period.

(3) Subject to the availability of funds, the annual allocation of an approved fiscal agent shall not be reduced by more than 10% below the allocation of the previous year.

(b) Final allocations shall be made to fiscal agents based upon approved applications.

(c) In the case of cooperatives, the actual allocation will be made to the fiscal agent. Responsibility for further allocation within the cooperative shall be the responsibility of the fiscal agent in accordance with cooperative policies. Disagreements about allocations within a cooperative may be appealed to the Central Education Agency.

(d) The standard application system (SAS) shall be the basis on which the state allocation is provided. Applications will be issued annually. The Central Education Agency will evaluate programs based on required reports of enrollment, attendance, and expenditures, by monitoring local programs, and by on-site evaluations.

(e) Supplemental allocations may be made at the discretion of the commissioner from funds becoming available for local allocations during the program year.

**§89.86. Tuition and Fees.**

(a) Adult basic education. No student tuition or fees shall be charged for adult basic education as a condition for membership and participation in a class.

(b) Adult secondary education. Student tuition or fees may be charged by local delivery systems for such instruction and services.

(c) Establishment and use of tuition and fees. Tuition and fees shall be established by local board policy. Funds generated by such tuition and fees shall be used for the adult education instructional program.

**§89.87. Allowable and Non-Allowable Expenditures.**

(a) Supervisory and administrative costs shall not exceed 25% of the total budget. These costs may include supervisory payroll costs, rental of administrative space, indirect costs, and clerical costs.

(b) Funds may be used to pay tuition charged to students enrolled in correspondence courses or high school credit courses not to exceed 50% of student tuition.

(c) The following costs shall not be allowable:

(1) local audit of the adult education program;

(2) General Educational Development (GED) tests or test administration or other tests specifically to award high school credit; and

(3) construction and remodeling of buildings and facilities.

**§89.88. Reports.** Each recipient of funds shall file an annual performance and evaluation report and an annual fiscal report in a format prescribed by the Central Education Agency.

**§89.89. Staff Development and Special Projects.**

(a) A minimum of 10% of federal funds appropriated for adult education may be used for the support of staff development, instructional system design, development and field testing of materials, research and demonstration, and dissemination. Priorities for such expenditures shall be approved annually by the State Board of Education.

(b) Funds for staff development shall be allocated to each fiscal agent based on the staff development plan submitted with the annual program application. Such funds shall be used only for direct support of staff development.

(c) Public education agencies may submit applications for special projects in response to requests for applications (RFAs) issued by the Central Education Agency. Funding will be on a competitive basis. Forms and instructions for submitting applications and filing required reports shall be prescribed by the Central Education Agency.

**§89.90. Adult Education Advisory Committee.** The Advisory Council for Technical-Vocational Education in Texas shall serve as the adult education advisory committee authorized by the Texas Education Code, §11.18. The council shall advise the State Board of Education of needs, priorities, and standards for adult education programs. The commissioner may add adult education practitioners as non-voting committee members to the council and provide staff support and travel expense support for the committee to carry out the participatory planning process

required under federal and state rules and regulations.

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 July 22, 1986.

TRD-8607231 W. N. Kirby  
Commissioner of Education

Proposed date of adoption: October 11, 1986  
For further information, please call  
(512) 463-9212.

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## TITLE 22. EXAMINING BOARDS

### Part XXI. Texas State Board of Examiners of Psychologists Chapter 463. Applications

#### ★ 22 TAC §463.8

The Texas State Board of Examiners of Psychologists proposes an amendment to §463.8, concerning subdoctoral certification educational requirements. The section is expanded to allow persons enrolled in doctoral programs to use a portion of their doctoral course work (if necessary) to satisfy the requirements for psychological associate certification.

Patti Bizzell, executive director, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Bizzell 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 persons will have an additional option to satisfy the requirements for subdoctoral certification as a psychological associate in that course work taken beyond the master's degree can be considered. There are employment situations where psychological associate certification is required. 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 Patti Bizzell, Texas State Board of Examiners of Psychologists, 1300 East Anderson Lane, Suite C-270, Austin, Texas 78752.

The amendment is proposed under Texas Civil Statutes, Article 4512c, which provide the Texas State Board of Examiners of Psychologists with the authority to make all rules, not inconsistent with the Constitution and laws of this state, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

**§463.8. Subdoctoral Certification Education Requirements.** The board requires a master's degree which is primarily psychological in nature of at least 42 semester credit hours for subdoctoral certification. **Of these 42 hours, at least 27 graduate level semester credit hours [of which] (exclusive of practicum) must have been in psychology.** Six semester credit hours of thesis credit in a department of psychology may be counted toward these 27 semester credit hours [No hours obtained after the master's degree was conferred may be counted]. Four hundred and fifty clock hours of practicum, internship, or experience in psychology, in not more than two placements, supervised by a licensed psychologist, must be completed before the written exams may be taken. Applicants who have a master's degree in psychology conferred from a psychology program in a regionally accredited educational institution, and who have not satisfied the board's requirements, will be given an opportunity to satisfy the current requirements of the board. Requirements include:

- (1) enrollment in a regionally accredited college or university in a formal master's or doctoral degree program in psychology;
- (2) (No change.)
- (3) submission of a letter from the official in charge of the psychology program offering the additional course work stating that the applicant's graduate degree in psychology, with this [the] additional prescribed course work, is equivalent to a 42 hour master's degree in psychology from that [the official] program; and
- (4) (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 July 11, 1986.

TRD-8607188 Patti Bizzell  
Executive Director  
Texas State Board of  
Examiners of  
Psychologists

Earliest possible date of adoption:  
August 29, 1986  
For further information, please call  
(512) 835-2036.



## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services Chapter 10. Family Self- Support Services Job Training and Work Experience

#### ★ 40 TAC §§10.2501-10.2526

*(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 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 §§10.2501-10.2526, concerning the job training and work experiences (JTWE) pilot project in its family self-support services rule chapter. These sections are being repealed because the JTWE pilot project expires September 30, 1986.

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 the JTWE pilot project will be enhanced employment opportunities for recipients of Aid to Families with Dependent Children because the successful components of the project, such as job preparation classes, are being incorporated into the existing employment services program. 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-521, 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, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 31, which authorizes the department to administer financial assistance and related services.

- §10.2501. Pilot Sites.
- §10.2502. Participation in Employment Services Program.
- §10.2503. Client Responsibilities.

- §10.2504. *Failure to Participate.*
- §10.2505. *Right to Appeal.*
- §10.2506. *Types of Job Preparation Training Providers and Work Experience.*
- §10.2507. *Job Preparation Training Contracts.*
- §10.2508. *Executing Job Preparation Training Contracts.*
- §10.2509. *Renewing or Terminating Job Preparation Training Contracts.*
- §10.2510. *Duration of Job Preparation Training.*
- §10.2511. *Job Preparation Training Curriculum.*
- §10.2512. *Units of Service for Job Preparation Training.*
- §10.2513. *Basis of Payment for Job Preparation Training.*
- §10.2514. *Conditions for Payment for Job Preparation Training.*
- §10.2515. *Job Preparation Training Attendance Records and Reports.*
- §10.2516. *Work Experience Employee Agreements.*
- §10.2517. *Renewal of Work Experience Employer Agreements.*
- §10.2518. *Termination of Work Experience Employer Agreements.*
- §10.2519. *Appropriate Work Experience Positions.*
- §10.2520. *Basis of Payment for Work Experience Employers.*
- §10.2521. *Compensation. Work Hours, and Benefits Required of Work Experience Employers.*
- §10.2522. *Contacts Regarding Available Work Experience Positions.*
- §10.2523. *Work Experience Unit of Services.*
- §10.2524. *Rates for Work Experience Subsidies.*
- §10.2525. *Conditions for Payment for Work Experience.*
- §10.2526. *Work Experience Records and Reports.*

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 July 22, 1986.

TRD-8607223      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:

August 29, 1986  
For further information, please call  
(512) 450-3766.

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## Chapter 12. Child Nutrition Programs

### Child Care Food Program

#### ★ 40 TAC §12.22

The Texas Department of Human Services (DHS) proposes an amendment to §12.22, concerning audits of child care food program (CCFP) contractors and facilities. The amendment incorporates changes to 7 Code of Federal Regulations §226.8, published in the February 4, 1986, issue of the *Federal Register* (Vol. 51 No. 23).

The section, as amended, revises the CCFP audit requirements to conform to the Single Audit Act of 1984, Office of Management and Budget circulars, and the United States Department of Agriculture's Uniform Federal Assistance Regulations; and outlines how available funds may be used to perform program audits.

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 the facilitation of effective program administration. The anticipated economic cost to individuals who are required to comply with the section as proposed will be an increase in the average cost of conducting an audit: \$1,500 in fiscal year 1987; \$1,545 in fiscal year 1988; \$1,591 in fiscal year 1989; \$1,639 in fiscal year 1990; and \$1,688 in fiscal year 1991; however, the full impact is anticipated to affect only 3.0% of the contractors.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-381, 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, Chapter 22, which authorizes the department to administer public assistance programs.

#### §12.22. Audits.

(a) DHS and Child Care Food Program contractors conduct [conducts] audits of [Child Care Food] program administration and operation in child care facilities [contractors and facilities] according to 7 Code of Federal Regulations §226.7(b) and (c), and §226.8, Part 3015, and §79.506 of this title (relating to Methods for Auditing Contractors).

(b) DHS does not elect to exercise the option described in 7 Code of Federal Regulations §226.8(b).

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 July 23, 1986.

TRD-8607230      Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: October 1, 1986  
For further information, please call  
(512) 450-3766.

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# 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 4. AGRICULTURE

#### Part II. Texas Animal

#### Health Commission

#### Chapter 35. Brucellosis

#### Subchapter A. Eradication of Brucellosis

#### ★4 TAC §§35.2, 35.4, 35.5

The Texas Animal Health Commission adopts amendments to §§35.2, 35.4, and 35.5. The amendment to §35.2 is adopted with changes to the proposed text published in the May 13, 1986, issue of the *Texas Register* (11 TexReg 2222). The amendments to §35.4 and §35.5 are adopted without changes and will not be republished.

In §35.2(k)(2)(E), the words "before the commission" were added for purposes of clarification.

The commission adopted a regulation for hearing and appeal procedures. Therefore, modification of §35.2(k)(2) was necessary to remove duplicative wording from the section and to add new wording that sets forth procedures for herd owners to follow when protesting the signing of an initial test agreement or a herd plan.

Regarding §35.4(b) and §35.5(b), petitions were received from the ranching industry in the counties of Millam, Lee, Guadalupe, Bastrop, and Caldwell, requesting their counties be transferred to the Class B area from the Class C area. Each county met all the requirements for transfer.

Section 35.2(k)(2) sets forth provisions to be followed when an individual files a protest for an initial test agreement or a herd plan.

In §35.4(b) and §35.5(b), Millam, Lee, Guadalupe, Bastrop, and Caldwell Counties are transferred from the Class C area to the Class B area.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Agriculture Code, Texas Civil Statutes, Chapters 161 and 163, which provides the commission with the authority to adopt rules and sets forth the duties of the commission to protect domestic animals in the state from disease.

#### §35.2. General Requirements.

(a)-(j) (No change.)

(k) Requirements following classification of cattle as reactors or suspects.

(1) (No change.)

(2) A person who objects entering into an initial test agreement or a herd plan for the prevention or elimination of brucellosis in each herd classified as affected, adjacent, or high risk due to a reactor or suspect animal, may protest the signing of an initial test agreement or the herd plan. To protest, one must:

(A) request a meeting, in writing, with the executive director of the commission within 15 days of receipt of the herd plan or an initial test agreement, after which:

(i) the meeting will be set by the executive director no later than 21 days from receipt of the request for a meeting;

(ii) the meeting or meetings shall be held in Austin;

(iii) the executive director shall render his decision within 14 days from date of the meeting.

(B) Upon receipt of the written notice of an adverse decision or order by the executive director within 15 days after receipt of the notice may file a written notice of appeal with the chairman of the commission. The administrative hearing of the appeal will be held in Austin before the commission.

(C) The hearing will be conducted pursuant to the provisions of the Administrative Procedure and Texas Register Act, and Chapter 32 of this title (relating to Hearing and Appeal Procedures).

(3) (No change.)

(l)-(v) (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 July 18, 1986.

TRD-8607226

John W. Holcombe  
Executive Director  
Texas Animal Health  
Commission

Effective date: August 12, 1986  
Proposal publication date: May 13, 1986  
For further information, please call  
(512) 479-8697.

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### TITLE 13. CULTURAL RESOURCES

#### Part II. Texas Historical Commission

#### Chapter 21. Museum Services

#### ★13 TAC §21.3

The Texas Historical Commission adopts an amendment to §21.3, without changes to the proposed text published in the May 9, 1986, issue of the *Texas Register* (11 TexReg 2151).

The amendment improves the internal tracking of grant funds in the field and museum department. The public benefits by applying only each biennium (once every two years) instead of every year. Emergency grants in the amount of \$500 or less will be available during the year, but the funds will have to be used that year.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6145, §16(B), which provide the Texas Historical Commission with the authority to provide leadership and coordinate services in the field of historical preservation, to promulgate rules and regulations, and to administer small history museum grants.

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

Issued in Austin, Texas, on July 11, 1986.

TRD-8607197

Curtis Tunnell  
Executive Director  
Texas Historical  
Commission

Effective date: August 11, 1986  
Proposal publication date: May 9, 1986  
For further information, please call  
(512) 463-6100.

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## TITLE 25. HEALTH SERVICES

### Part I. Texas Department of Health

#### Chapter 289. Occupational Health and Radiation Control

##### Texas Regulations for Control of Radiation

###### ★25 TAC §289.115

The Texas Department of Health adopts an amendment to §289.115, with changes to the proposed text published in the April 25, 1986, issue of the *Texas Register* (11 TexReg 1907).

The industrial radiography industry has the greatest percentage of radiation-related incidents of those industries regulated by the agency. The amendment will provide a means of controlling several of the factors determined to be causes of these incidents.

Section 289.115, which adopts by reference Part 31, entitled Radiation Safety Requirements and Licensing and Registration Procedures, is amended by complete revision of the contents of the part.

Major changes to the rule are as follows. Industrial radiography equipment standards, including permanent labeling and performance requirements, have been added. Requirements for all individual industrial radiographers to successfully complete an agency-administered examination and procedures pertaining to the requirement have been added. Training requirements for industrial radiographic personnel have been revised. Record-keeping requirements have been clarified and simplified. Operational requirements to include internal inspections and audits, two radiographic personnel at temporary field sites, use of collimator with crank-out devices, and specific posting, storage, and survey provisions have been both revised and added. Specific incident notification requirements have been added. Appendices which summarize record-keeping requirements and outline operating and emergency procedures, and forms to be used by the licensee or registrant in certifying radiographer training and experience have been added. Licensing, registration, and reciprocity provisions previously in other parts of the rules, and specific licensing provisions for underwater, offshore platform and lay-barge radiography have been added for clarification. Specific requirements for radiographer trainers and radiation safety officers have also been added.

In addition, the language has been simplified and the sections have been renumbered.

The effective date stated in subsection (a) has been changed to October 1, 1986, per staff recommendation. A total of eight com-

ments were received in writing or heard at the hearing on proposed amendments to Part 31, held May 8, 1986. As a result of the comments received, the agency has made several minor changes to the rule. The following is a summary of the comments received and the resulting agency responses.

One commenter stated that the inclusion of licensing and registration requirements for industrial radiography is redundant. All licensing requirements should be placed in Part 41, and all registration requirements should be placed in Part 42. The department's intent was to include all rules specific to industrial radiography in Part 31. The industrial radiography licensing and registration sections of Parts 41 and 42 will be removed and Part 31 will be referenced during the next revision of those sections.

One commenter stated that the definition of "radiation machine" should be amended to read as follows: "Any device capable of producing ionizing radiation except as those which produce radiation only from radioactive material." The department agreed with the comment and changed the definition to include the word "ionizing."

One commenter pointed out that the radiation level limitation of paragraph 31.11 for small devices is inconsistent with the limitation specified in American National Standard (ANSI) N432, and since compliance with this standard is already required, recommended that paragraph 31.11 be deleted, and the requirement of paragraph 31.15(a)(1) be applied. The department agreed with the comment and divided 31.11 into two sections concerning radiation level limits for devices manufactured prior to and after October 1, 1987.

One commenter stated that the requirements of 31.15(a)(2), (4), and (5) should apply only to devices that allow the source to move outside the device. The department agreed with the comment and changed those sections to be specific to those devices.

A commenter noted an inconsistency in that 31.15(b)(3)(ii) and (iv) stated "labels" and 31.15(b)(3)(iii) stated "label." The department agreed with the comment and added an "s" to the word "label" to be consistent.

One commenter contended that the requirement for a log entry should be defined. The department concurred and changed 31.17 to require the log to include the date(s) the source of radiation is energized or put into use and the number of exposures made, in order to account for operations at fixed facilities.

Several commenters expressed concern about the format of the examination that is to be given to radiographic personnel. The commenters recommended three categories of examination—sealed source radiography, radiation machine radiography, and a combination of both. One of the

commenters also suggested that licensees and registrants who perform only machine radiography in a permanent installation(s) and who have agency-approved radiation safety and examination programs be licensed to examine and certify their own radiographers. The commenter further suggested that requiring a radiation safety officer to pass written tests or to have certain credentials, such as the American Board of Health Physics Certification, should be adequate and acceptable. It is the department's opinion that any individual certified by the American Board of Health Physics should be able to meet the qualification requirements for a radiation safety officer (RSO) with minimal effort. In addition, however, an RSO for an industrial radiography firm should know the basics of radiography, i.e., how the devices or machines operate, emergency procedures, etc. It is the department's intent to divide the examination into three categories—sealed source radiography, radiation machine radiography, and a combination of both, and to develop and maintain a standard, uniform examination for all individuals performing industrial radiography. Exam items and course materials which have been submitted from licensees and registrants have been used in developing the exam. The department made no change to the rule as a result of the comment.

One commenter suggested that the term "direct visual surveillance," as used in 31.31, be defined. The department felt that a definition of "direct visual surveillance" was not necessary. However, the word "direct" was deleted from the rule to allow surveillance by video camera or other remote viewing devices.

One commenter stated that the survey required by 31.33(d) is not practical because a large number of radiographic exposures are of such short duration that a radiographer does not have sufficient time to make a complete survey of the perimeter of the restricted area during the exposure. The commenter further stated that a requirement to make surveys of the boundaries of the radiation area and the high radiation area results in unnecessary exposure to the radiographer. The department clarified 31.32(e) to emphasize the surveys do not have to be made of the boundaries of both high radiation areas and radiation areas. Part 31 as proposed requires two individuals on each radiography crew at temporary job sites. Because of this, an individual should always be available to perform a survey at a point on the perimeter of the boundary, regardless of the exposure duration. The department made no change to the rule as a result of the comment.

A commenter suggested that 31.70 concerning qualifications of a radiographer trainer should be in 31.20, "Training and Testing." The department feels that any special qualification requirements other than those for a radiographer trainee or



a radiographer should be listed under the licensing and registration requirements. The department made no change to the rule as a result of the comment.

One commenter felt that clarification was needed concerning enforcement actions the department could take against the radiographer versus the licensee or registrant. The department feels that the rule as proposed provides the department with an opportunity, when considering a violation, to look at liability on both the part of the radiographer and the licensee and/or registrant. This is different from the previous Part 31, in which the licensee and/or registrant had total responsibility for any violations incurred. The department made no change to the rule as a result of the comment.

Several commenters had questions concerning interpretation of the rule but made no suggestions or comments. The department made no change to the rule as a result of the comments.

One commenter asked what constituted an "address" as required by 31.15(d). The department clarified the rule to require

the licensee's or registrant's name and city or town where the main business office is located be prominently displayed.

The following groups or associations made comments on the rule: Tech/Ops RPD, Inc.; LTV Aerospace and Defense Company; General Dynamics; GNI, Inc.; Bonded Inspection, Inc.; Robert R. Perry, Ph.D.; and Jim R. Sharp. None of the commenters were against the rule in its entirety; however, questions were raised, concerns expressed, and recommendations made concerning the rule.

The amendment is adopted under Texas Civil Statutes, Article 4590f, §4(d)(3), which provide the Texas Department of Health with the authority to formulate, adopt, and promulgate rules which provide for licensing and registration relating to control, transport, and routing of radioactive material within the State of Texas.

**§289.115. Radiation Safety Requirements and Licensing and Registration Procedures for Industrial Radiography.**

(a) The Texas Department of Health adopts by reference Part 31, Radiation Safety Requirements and Licensing and Registra-

tion Procedures for Industrial Radiography, of the department's document titled *Texas Regulations for Control of Radiation*, as amended in October 1986.

(b) The document adopted by reference in this section is indexed and filed in the Bureau of Radiation Control, Texas Department of Health office, located at 1212 East Anderson Lane, Austin, Texas 78752, and is available for public inspection during regular working hours.

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

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

TRD-8807215

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

Effective date: October 1, 1986  
Proposal publication date: April 25, 1986  
For further information, please call  
(512) 835-7000.

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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*.

## State Banking Board

**Monday, July 28, 1986, 10 a.m.** The State Banking Board made an emergency addition to the agenda for the meeting held at 2601 North Lamar Boulevard, Austin. The addition concerned the interim charter application for New North Houston Bank, Houston. The emergency status was necessary in order that the affected applications be most efficiently and economically implemented.

**Contact:** William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

**Filed:** July 22, 1986, 2:19 p.m.  
TRD-8607220

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## Texas Department of Corrections

**Thursday, July 24, 1986, 10 a.m.** The Board of Corrections of the Texas Department of Corrections met in emergency session via conference call from Suite 1800, InterFirst Building, 515 Congress Avenue, Austin. According to the agenda, the board discussed construction projects; a pre-release program; and the land sale. The board also met in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(e) and §2(f), to discuss Ruiz litigation matters; and the land sale. The emergency status was necessary because of issues requiring immediate board resolution prior to the next regular board meeting.

**Contact:** O. L. McCotter, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 1160.

**Filed:** July 23, 1986, 11:51 a.m.  
TRD 8607248

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## Texas State Board of Examiners of Professional Counselors

**Saturday, August 2, 1986, 9 a.m.** The Texas State Board of Examiners of Professional Counselors will meet at the Austin Hilton

Inn, IH 35 and U.S. 290 at Highland Mall, 6000 Middle Fiskville Road, Austin. According to the agenda summary, the board will approve the minutes of the June 21, 1986, meeting; consider licensure applications and procedures including review of disapproved files (applications with disapproved files may appear for review of their applications); the 1987 examination dates; discuss the peer assistance program; the relationship with the National Board of Certified Counselors; hear committee reports from the Examination, Continuing Education, Professional Relations, Complaint, and Budget Committees; discuss the cancellation of licenses due to nonrenewal; other matters relating to the licensure and regulation of professional counselors (not involving board action); elect officers; and set the date of the next meeting.

**Contact:** Daniel L. Boone, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

**Filed:** July 23, 1986, 1:38 p.m.  
TRD-8607249

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## Texas Commission for the Deaf

**Saturday, August 2, 1986, 9 a.m.** The Board for Evaluation of Interpreters for the Texas Commission for the Deaf, will meet in Suite 300, 510 South Congress, Austin. According to the agenda, the board will discuss reevaluation procedures in proposed Board of Evaluation of Interpreters operations; discuss recommendations to Texas Commission for the Deaf commissioners; and hear the chairperson's report. The board also will meet in executive session to review certificates and evaluations, and materials for levels 1-B, 3-B, and 5-B.

**Contact:** Larry D. Evans, 510 South Congress Avenue, Suite 300, Austin, Texas 78704, (512) 469-9891

**Filed:** July 24, 1986, 8:50 a.m.  
TRD-8607260

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## Texas Department of Health

**Friday, August 1, 1986, 9 a.m.** The State Advisory Committee of the Texas Department of Health will meet in Room G-107, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will approve the minutes; review second cycle applications; the advisory committee recommendation of applications to be funded in second cycle; the fiscal year 1987 and fiscal year 1988 program budget request; hear a report on the program start-up; and select the date of the next meeting.

**Contact:** John H. Dombroski, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7770.

**Filed:** July 22, 1986, 2:02 p.m.  
TRD-8607227

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## University of Houston System

**Tuesday, July 29, 1986, 2 p.m.** The Board of Regents of the University of Houston System will meet in Room 510, Enterprise Bank Building, 4600 Gulf Freeway, Houston. According to the agenda summary, the board will discuss the minutes; various reports; personnel recommendations; the bachelor of arts; various resolutions; the 1986-1987 holiday schedule; the fiscal year 1987 operating budget; acquisition of Web Press; the renewal of a maintenance contract; the certificates of deposits; the response to Arthur Andersen's report; board bylaws and policies amendments, additions, and renewal; real estate; housing; approval of architects; and adoption of an architectural fee schedule and consent docket.

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

**Filed:** July 23, 1986, 11:53 a.m.  
TRD-8607247

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## Texas Department of Human Services

**Friday, August 1, 1986, 9 a.m.** The Medical Care Advisory Committee of the Texas Department of Human Services will meet in Classroom 1, Second Floor, West Tower, 701 West 51st Street, Austin. Items on the agenda summary include, the report of the DRG Task Force; a report on the Objectives Implementation Task Force; proposed changes to audit policies and procedures; proposed new rules regarding the rate reimbursement methodology for intermediate care facilities (ICF), skilled nursing facilities (SNF), and intermediate care facilities for mentally Retarded (ICF-MR); changes in nursing home standards; revision of the ICF/SNF Standards for Participation; separation of SSI and RDSI Retroactive Lump Sum Payments; information on the Lynch Lawsuit—Deeming COLAs; and a report on the EPSDT funding issue.

**Contact:** Ann Payne, P.O. Box 2960, Austin, Texas 78769, (512) 450-3768.

**Filed:** July 23, 1986, 4:11 p.m.  
TRD-8607274

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## Texas State Board of Medical Examiners

**Friday and Saturday, August 1 and 2, 1986, 4 p.m. and 8:30 a.m. respectively.** The Medical School Committee of the Texas State Board of Medical Examiners will meet at the University of Texas Medical Branch, Galveston. According to the agenda, the committee will meet with students, housestaff, and administrators; discuss requests for the DDS/MD program; certain licensure qualifications; the status of an unlicensed physician; possible expansion of distinguished professor rules; the CME programs involving patient care by participating physicians; the Fifth Pathway rule and/or attorney general opinion request; and invitations to other medical schools. The committee also will meet in executive session under 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) to discuss the international medical scholars program.

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

**Filed:** July 22, 1986, 2 p.m.  
TRD-8607228

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## Board of Pardons and Paroles

**Thursday, July 24, 1986, 9 a.m.** The Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board considered the parole commissioner vacan-

cy. The emergency status was necessary because the board members could not adjust their schedules to meet at any other reasonable time.

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

**Filed:** July 22, 1986, 10:48 a.m.  
TRD-8607213

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## Texas Public Building Authority

**Wednesday, July 23, 1986, 10 a.m.** The Texas Public Building Authority made an emergency revision to the agenda for the meeting held in Room 1-100, William B. Travis Building, Austin. According to the agenda, the authority approved the minutes of the May 28, 1986, meeting; heard reports regarding the budget, a letter from the Texas Employment Commission, the Arthur Anderson model for comparing lease cost vs. ownership cost, the Texas Research League project, and the presentation before LBB; heard a presentation by Barry Smitherman of Dillon and Read; discussed possible changes in legislation; and set the date and time for the next meeting. The authority also met in executive session to discuss personnel matters. The emergency status was necessary because of last minute additions to the agenda arising after the governor's announcement of a special session.

**Contact:** Gayle Colby, 201 East 14th Street, Austin, Texas 78701, (512) 463-5544.

**Filed:** July 22, 1986, 12:14 p.m.  
TRD-8607214

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## Public Utility Commission of Texas

**Wednesday, July 23, 1986, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas made an emergency addition to the agenda for the meeting held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The addition concerned Dockets 6765 and 6766—petition of Houston Lighting and Power Company for authority to change rates; and petition of Houston Lighting and Power Company for approval of a proposed interim accounting treatment for Limestone Unit I. An amended motion for clarification was also considered. The emergency status was necessary because of statutory deadlines. Clarification of the commission order prior to the implementation of that order is necessary.

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

**Filed:** July 22, 1986, 3:45 p.m.  
TRD-8607224

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

**Friday, August 1, 1986, 1:30 p.m.** A prehearing conference in Dockets 6640 and 6917—application of Wood County Electric Cooperative, Inc., for a certificate of convenience and necessity for a proposed transmission line and associated substation within Wood County; and application of Wood County Electric Cooperative, Inc., for a certificate of convenience and necessity for a proposed transmission line and associated substation within Wood County.

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

**Filed:** July 23, 1986, 3:21 p.m.  
TRD-8607259

**Monday, August 4, 1986, 2 p.m.** A prehearing conference in Docket 5610—application of General Telephone Company of the Southwest for a rate increase.

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

**Filed:** July 23, 1986, 3:17 p.m.  
TRD-8607261

**Monday, October 27, 1986, 10 a.m.** A hearing on the merits in Docket 6761—application of AT&T Communications of the Southwest, Inc., to remove the tariff restriction on its Reach Out Texas offering.

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

**Filed:** July 22, 1986, 2:31 p.m.  
TRD-8607221

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## Teacher Retirement System of Texas

**Friday, August 8, 1986, 1 p.m.** The Board of Trustees of the Teacher Retirement System of Texas will meet in the conference room of the Administration Building, 828 Harwood Road, Hurst. Items on the agenda summary include the appointment of the committee to nominate officers of the board; consideration of changes to the investment policy; consideration of appointments to the Investment Advisory Committee; consideration of the amendment to 1985-1986 group insurance budget; consideration of Teachers Retirement System Operating Budget for fiscal year ending August 31, 1987; the estimation of member contributions for fiscal year ending August 31, 1987; and estimation of group health insurance contributions for fiscal year ending August 31, 1987.

**Contact:** Mary Godzik, 1001 Trinity Street, Austin, Texas 78701, (512) 397-6400.

**Filed:** July 24, 1986, 9:22 a.m.  
TRD-8607275

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### Texas Water Commission

**Monday, August 4, 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, the office will consider application 1933D of Sabine River Authority of Texas.

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

**Filed:** July 23, 1986, 3:59 p.m.  
TRD-8607270

**Monday, August 4, 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, the office will consider application 3234C of the Sabine River Authority of Texas.

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

**Filed:** July 23, 1986, 3:58 p.m.  
TRD-8607268

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

**Tuesday, August 5, 1986, 2 p.m.** The commission will consider Dockets 6721 and 6721A—Trent Water Works for an increase in retail water rates; Docket 6658—Manville Water Supply Corporation to amend its certificate of convenience and necessity; and Dockets 6160 and 6537—Windermere Utility Company to amend its certificate of convenience and necessity.

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

**Filed:** July 23, 1986, 3:58 p.m.  
TRD-8607267

**Wednesday, August 6, 1986, 10 a.m.** The commission will consider an application by Homecraft Enterprises Corporation for Proposed Permit 13225-01, Travis County, Colorado River Basin; and the executive director's preliminary report and petition for a Texas Water Commission order assessing administrative penalties and requiring certain actions of Randy Barnes and Ronnie Clayton, doing business as Double R Plating Company (Solid Waste Registration 34987).

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

**Filed:** July 23, 1986, 3:57 p.m.  
TRD-8607266

**Wednesday, August 6, 1986, 2 p.m.** The commission will consider approving the report waste load evaluation for the Sabine River above Toledo Reservoir in the Sabine River Basin (Segment 0505), as an adopted revision to the State of Texas Water Quality Management Plan; and recommending its certification by the governor to the Environmental Protection Agency.

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

**Filed:** July 23, 1986, 3:59 p.m.  
TRD-8607271

**Monday, August 11, 1986, 2 p.m.** The commission will consider a petition filed on behalf of the Cities of Austin, Buda, Hays, San Leanna, and Sunset Valley for the designation of an underground management area.

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

**Filed:** July 23, 1986, 3:56 p.m.  
TRD-8607265

**Tuesday, August 12, 1986, 2 p.m.** The commission will consider Dockets 5234 and 5655—application by Harold E. Lawson, Rex E. Lawson, and James E. McIntire, doing business as L.M.L. Properties, for Proposed Permit 13204-01, Trinity River Basin, Dallas County; application by City of Kerrville for renewal of Permit 10576-01, Guadalupe River Basin, Kerr County; and application by Ladshaw-Miller Development Company, Inc., to amend its certificate of convenience and necessity of Green Valley Water Supply Corporation for a cease and desist order against the City of Schertz.

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

**Filed:** July 23, 1986, 3:55 p.m.  
TRD-8607264

**Wednesday, August 13, 1986, 9:30 a.m.** The commission will consider TA-5504 of L. H. Lacy Company for a permit to divert and use 1,100 acre-feet of water for a four month period from Elm Fork, tributary of Trinity River, Trinity River Basin, for recreational purposes in Denton County.

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

**Filed:** July 23, 1986, 3:59 p.m.  
TRD-8607272

**Wednesday, August 13, 1986, 9:30 a.m.** The commission will consider TA-5496 of Transcontinental Gas Pipeline Corporation for a permit to divert and use 44 acre-feet of water for one year from Guadalupe River, Guadalupe River Basin, for industrial purposes in Victoria County.

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

**Filed:** July 23, 1986, 4:00 p.m.  
TRD-8607273

**Tuesday, August 19, 1986, 2 p.m.** The commission will consider an administrative penalty order for Walker Wood Preserving Company (Solid Waste Registration 34399); cancellation of Certificate of Adjudication 08-3350 of Clifford H. Jewett and V. M. Jewett; application by Excel Corporation for an amendment to Permit 01350; and application by Guadalupe-Blanco River Authority for Proposed Permit 11751-02.

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

**Filed:** July 23, 1986, 3:54 p.m.  
TRD-8607263

**Wednesday, August 20, 1986, 2 p.m.** The commission will consider an application by Connell Development Company for Proposed Permit 13217-01; administrative penalty orders of Katty Industries, Inc., (Solid Waste Registration 30926); Southern Waste Management Company (Solid Waste Registrations TWC 40383 and TDH 48513); and Proler International Corporation (Solid Waste Registration 30257).

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

**Filed:** July 23, 1986, 3:58 p.m.  
TRD-8607269

**Tuesday, August 26, 1986, 3 p.m.** The commission will consider Docket 6724—setting rates for Community Water Company; and complaints against Community Water Company.

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

**Filed:** July 23, 1986, 3:54 p.m.  
TRD-8607262

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### Texas Wheat Producers Board

**Tuesday and Wednesday, August 5 and 6, 1986, 1:30 p.m. and 8 a.m. respectively.** The Texas Wheat Producers Board of the Texas Department of Agriculture will meet at the Hilton Inn, IH 40 at Lakeside, Amarillo. According to the agenda, the board will discuss the Farm and Ranch Loan Program; the financial report; review the 1985-1986 audit; and review research projects.

**Contact:** Bill Nelson, Suite 625, Texas Commerce Bank, Amarillo, Texas 79109, (806) 352-2191.

**Filed:** July 22, 1986, 10:34 a.m.  
TRD-8607219

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**Regional Agencies  
Meetings Filed July 22**

**The Cass County Appraisal District, Appraisal Review Board, met in emergency session at 208 West Houston Street, Linden, on July 25, 1986, at 9 a.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.**

**The Central Texas Council of Governments, will meet at 302 East Central, Belton, on August 12, 1986, at 3 p.m. Information may be obtained from Lindell R. Bishop, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.**

**The Dallas Area Rapid Transit, Board of Directors, met at 601 Pacific Avenue, Dallas, on July 22, 1986, at 4 p.m. The Minority Affairs Committee also met, at the same location, on July 23, 1986, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.**

**The Gonzales County Appraisal District, Appraisal Review Board, met in emergency session at 928 St. Paul Street, Gonzales, on July 24, 1986, at 6 p.m. Information may be**

**obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.**

**The Lubbock Regional Mental Health/Mental Retardation Center, Board of Trustees, met at 3800 Avenue H, Lubbock, on July 28, 1986, at noon. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213.**

TRD-8607218

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**Meetings Filed July 23**

**The Ark-Tex Council of Governments, Executive Committee, will meet at Western Sizzlin', 2425 Ferguson Road, Mt. Pleasant, on July 31, 1986, at 5:30 p.m. Information may be obtained from Susan Rice, P.O. Box 5307, Texarkana, Texas 75505, (214) 832-8636.**

**The Atascosa County Appraisal District, Appraisal Review Board, met at 1010 Zanderson, Jourdanton, on July 28, 1986, at 8 a.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730.**

**The Heart of Texas Mental Health/Mental Retardation, Board of Trustees, will meet at 110 South 12th Street, Waco, on July 29, 1986, at 11:45 a.m. Information may be obtained from Jan Bary, 110 South 12th Street, Waco, Texas 76701, (817) 752-3451, ext. 213.**

**The North Plains Water District, Board of Directors, will meet at 702 East First Street, Dumas, on August 4, 1986, at 10 a.m. Information may be obtained from Orval E. Allen, P.O. Box 795, Dumas, Texas 79029, (806) 935-6401.**

TRD-8607237

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**Meeting Filed July 24**

**The Comal Appraisal District, Board of Directors, will meet at the district office, 644 North Loop 238, New Braunfels, on July 29, 1986, at 7:30 p.m. Information may be obtained from Glenn L. Brucks, Chief Appraiser, P.O. Box 1222, New Braunfels, Texas 78130.**

TRD-8607276

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# In Addition

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

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

## Texas Economic Development Commission Private Activity Bond Allocation Report

Private activity bonds (PABs) which were induced on or after June 19, 1984, are subject to a cap, as stipulated in the Federal Deficit Reduction Act of 1984. This cap is equal to \$150 per capita or approximately \$2.4 billion for the State of Texas for calendar year 1986.

House Bill 690 states that the procedure for allocating this cap will be on a first-come, first-serve basis, with the Texas Economic Development Commission (TEDC) being the tracking agency for the program. The information that follows is a summary report of the allocation activity for the weeks of April 28-July 18, 1986.

Total unallocated principal amount of private activity bonds authorized to be allocated as per the Federal Deficit Reduction Act of 1984 through July 18, 1986:

\$2,368,744,250

Comprehensive listing of bond issues which have received a reservation date as per House Bill 690 from April 28-July 18, 1986:

Issuer	User	Amount
Laredo Industrial Development Corporation	Joseph M. Jackson Funeral Chapel, Inc.	\$ 375,750
Bell County Industrial Development Corporation	Doane Products Co.	\$4,500,000
Gulf Coast Waste Disposal Authority	Amoco Oil Company	\$7,000,000

Total principal amount of private activity bonds issued through July 18, 1986;

\$22,605,750

Comprehensive listing of bonds issued as per House Bill 690 from April 28-July 18, 1986:

Issuer	User	Amount
Laredo Industrial Development Corporation	Joseph M. Jackson Funeral Chapel, Inc.	\$375,750
Bell County Industrial Development Corporation	Doane Products Co.	\$4,500,000

The allocations were granted by the TEDC in accordance with the procedures set forth in Texas Civil Statutes, Article 5190.9 (House Bill 690). The TEDC is fully aware of certain measures

in House Resolution 3838, as passed by the United States House of Representatives on December 17, 1985, which proposes to limit the current allocation system administered by the TEDC. The TEDC is also aware that any adverse provisions enacted by congress have an effective date prior to the issuance of the above bonds and represents that the above issues are not assured an allocation should House Resolution 3838 or any other proposal allocation system be implemented.

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

TRD-8607191 David V. Brandon  
Executive Director  
Texas Economic Development  
Commission

Filed: July 21, 1986

For further information, please call (512) 472-5050.

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## Texas Department of Health Radioactive Material License Amendment

Notice is hereby given by the Texas Department of Health that it has granted an amendment to the following radioactive material license:

Radioactive Material License 11-1654, issued to GNI Incorporated, for their facilities located in Webster and Odessa, Texas (mailing address: GNI Incorporated, 202 Medical Center Boulevard, Webster, Texas 77598).

The amendment of this license is summarized as follows: deletes the Webster, Texas, site as an authorized location for receipt and storage of waste from other persons.

The Division of Licensing, Registration, and Standards has determined that: the amendment has no significant impact on the human environment; the licensee is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety and the environment; the licensee's equipment, facilities, and procedures are adequate to minimize danger to public health and safety and the environment; the issuance of the license amendment will not be inimical to public health and safety, or have a detrimental impact on the environment; and the licensee satisfies any applicable special requirements in the *Texas Regulations for the Control of Radiation*, Part 44.

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by Texas Civil Statutes, Article 4590f, §11B(b), as amended, and as set out in *Texas Regulations for the Control of Radiation* 13.6. A person affected is defined as a person who is resident of a county, or a county adjacent to a county,

in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage. A person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin Texas 78756-3189. Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agency, the name and address of the agent must be stated. Should no request for a public hearing by timely filed, the amendment will remain in effect.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas. Information relative to the amendment of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. For further information, please call (512) 835-7000.

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

TRD-8607216      Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: July 22, 1986

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

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## Texas Department of Human Services 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 June 3, 1986, issue of the *Texas Register* (11 TexReg 2560).

**Description of Services.** The contractor will provide the following services: research, methodological, statistical, and data processing consultation for research projects to develop case-mix reimbursement systems for the Texas Medicaid SNF/ICF and ICF-MR programs; assist Economic Analysis Division staff in special statistical analyses of cost data for all program areas and in conjunction with any litigated issues; and create, manage, and maintain their data base systems on IBM-ATs, a UNIVAC 1100 computer, and an IBM 3081 computer.

**Name of Contractor and Value of Contract.** The contractor is Robert C. Godbout, Ph.D., P.O. Box 4358, Austin, Texas 78765. The total value of the contract is not to exceed \$40,000, with a minimum of \$20,000 or 50% of the total to be covered by federal research grant funds. DHS will be billed monthly, based on actual hours worked.

**Effective Date of Contract.** The contract begins September 1, 1986, and ends August 31, 1987.

**Due Date of Report.** All reports are due no later than August 31, 1987.

Issued in Austin, Texas, on July 22, 1986.

TRD-8607222      Marlin W. Johnston  
Commissioner  
Texas Department of Human Services

Filed: July 22, 1986

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

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## Middle Rio Grande Development Council

### Request for Proposals

The Middle Rio Grande Development Council is initiating the selection process for an auditing firm to render an audit of applicable financial statements and the compliance of the grants with applicable legal provisions. Female-owned, small, and minority business firms are encouraged to submit proposals. This solicitation does not commit the Middle Rio Grande Development Council to pay for any costs incurred in preparing and submitting the proposals or to contract for the services specified. The proposals will be reviewed and evaluated internally by the Middle Rio Grande Development Council. This review will serve as the basis for the selection of an auditor for the following three fiscal years: October 1, 1985-September 30, 1986; October 1, 1986-September 30, 1987; and October 1, 1987-September 30, 1988.

The Middle Rio Grande Development Council reserves the right to reject any and all proposals received. All proposals will become part of the official file on this matter without obligation to the Middle Rio Grande Development Council. Any award will be made to the firm which, in the opinion of this organization, is best qualified.

**Description of Work.** The audit will be conducted according to generally accepted auditing standards as included in "Statements on Auditing Standards," the standards for financial and compliance audits contained in the United States General Accounting Office's "Standards for Audit of Governmental Organizations, Program, Activities, and Functions," the Office of Management Budget's "Major Compliance Features of Programs Administered by State and Local Governments" (the approved compliance supplement), the Single Audit Act of 1984 (Public Law 98-502), and the Office of Management and Budget's Circular A-128.

**Dates of Interest.** The periods to be audited are the fiscal years ending September 30 for the years 1986, 1987, and 1988. Five copies of the proposal must be received in the office of the Middle Rio Grande Development Council no later than 5 p.m., August 7, 1986. In addition, the envelope should be marked, "Sealed Proposal for Audit Services Do Not Open," addressed to: Ramon S. Johnston, Deputy Director, Middle Rio Grande Development Council, P.O. Box 1199, 403 East Nopal, Carrizo Springs, Texas 78834.

**Scope of the Audit.** The Middle Rio Grande Development Council was organized under Texas Civil Statutes, Article 1011m, for the purposes of orderly planning and development of the Middle Rio Grande Planning Region. The annual budget, as amended, for 1986 is \$4.9 million. The organization maintains a cash basis for accounting during the fiscal year but the accrual method is utilized at fiscal year-end. Separate fund accounts are maintained depending on funding agencies and programs. The accounting staff will be available to pull documents for audit inspections; however, if staff assistance is required to prepare schedules, a nominal charge will be assessed.

The auditor will be responsible for the completion of the following tasks: selection of audit samples of grants and programs to be audited; comprehensive financial and compliance audit of the organization; performance of the audit at Middle Rio Grande Development Council office; and printing, typing, and delivery of 25 copies of the completed audit report not later than February 15 of the fiscal year to be audited. This date is firm unless waived in writing by the executive director of Middle Rio Grande Development Council.

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

TRD-8607236 Ramon S. Johnston  
Deputy Director  
Middle Rio Grande Development  
Council

Filed: July 22, 1986

For further information, please call (512) 878-3633.

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## Texas State Board of Pharmacy Election of Officers

The Texas State Board of Pharmacy announces the election of the following officers for fiscal year 1987: Renee Garcia Solis, R.Ph., President, El Paso; H. Craig Darby, R.Ph., vice president, Burleson; and Harold Eakman, R.Ph., treasurer, San Angelo.

Issued in Austin, Texas, on July 22, 1986.

TRD-8607217 Fred S. Brinkley, Jr.  
Executive Director  
Texas State Board of Pharmacy

Filed: July 22, 1986

For further information, please call (512) 832-0861.

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## State Purchasing and General Services Commission Correction of Error

An open meeting of the State Purchasing and General Services Commission for Thursday, July 24, 1986, at 10 a.m., contained an error as published in the July 22, 1986, issue of the *Texas Register* (11 TexReg 3358).

The agenda item at the top of the page should read: "an overview of AT&T contract for telecommunications facilities and services, and review of UT and A&M proposals regarding revision of energy manuals."

## Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of July 14-18, 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) 463-7905.

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 July 14-18, 1986

Tall Timbers Estates Utility Company, Inc., Whitehouse; wastewater treatment plant; approximately one mile east along FM Road 2813 and 3/4 mile north on Neighbors Road (County Road 128) from the unincorporated community of Gresham and 1.5 miles northeast of the intersection of FM Roads 2813 and 2493 in Smith County; 13000-01; amendment

General Portland, Inc., (Trinity Division), Dallas; nonleaching process cement plant; approximately 3,600 feet northwest of the intersection of U.S. Highway 80 with Westmoreland Avenue in the City of Dallas, Dallas County; 01730; amendment

Champlin Petroleum Company, Corpus Christi Refinery, Corpus Christi; petroleum refinery; 1801 Nueces Bay Boulevard in the City of Corpus Christi, Nueces County; 00467; amendment

Steiner Ranch Development Corporation, Austin; wastewater treatment plant; approximately two miles south of the intersection of Ranch Road 620 and Quilan County Park Road, it is to the southeast of Quilan County Park Road, two miles southeast of the south end of the Mansfield Dam for Lake Travis in Travis County; 13294-01; new

U.S. Department of Agriculture-Forest Service, Lufkin; wastewater treatment plant; approximately 1.5 miles west of the intersection of FM Roads 1277 and 2923, near the shore of Sam Rayburn Reservoir, four miles northwest of the community of Broadus in San Augustine County; 12263-04; renewal

North Texas Municipal Water District, Richardson; wastewater treatment plant; approximately 1/4 mile south of the Spring Valley Road crossing of the Southern Pacific Railroad in the City of Richardson, Dallas County; 10257-01; amendment

The Goodyear Tire and Rubber Company, Houston; chemical plant; on the south side of La Porte Road (State Highway 225) approximately 1/2 mile east of the intersection of La Porte Road and Interstate 610 South Loop East in the City of Houston, Harris County; 00520; amendment

Smith International, Inc., SII Drilco Division, Houston; wastewater treatment facilities; 16740 Hardy Street, Houston, Harris County, 02453; renewal

Texaco Refining and Marketing, Inc., Petroleum Products Terminal, Houston; bulk petroleum products ter-



minal; 2661 Stevens Street in the City of Houston, Harris County; 01172; renewal

Pecan Branch Utility Corporation, Inc., Georgetown; wastewater treatment facilities; approximately 1.5 miles west of the intersection of FM Roads 971 and 1105, five miles northeast of the City of Georgetown, between Pecan Branch and Missouri-Kansas Texas Railroad, northwest of the confluence of Berry Creek and the San Gabriel River in Williamson County; 13297-01; new

Container Products, Inc., Port Arthur; manufacturing plant which produces steel containers for shipping on the east side of U.S. Highway 87, about 2,200 feet north of the Gulf Intracoastal Waterway, south of the City of Port Arthur in Jefferson County; 00835; renewal

Independent Refining Corporation, Winnie; petroleum refinery; FM Road 124, northeast of Winne, Jefferson County; 00778; renewal

The Valspar Corporation, Beaumont; plant which manufactures paints for the maintenance and marine industry; 1700 Doucette Street in the City of Beaumont, Jefferson County; 02003; renewal

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

TRD-8607200

Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: July 21, 1986

For further information, please call (512) 463-7898.