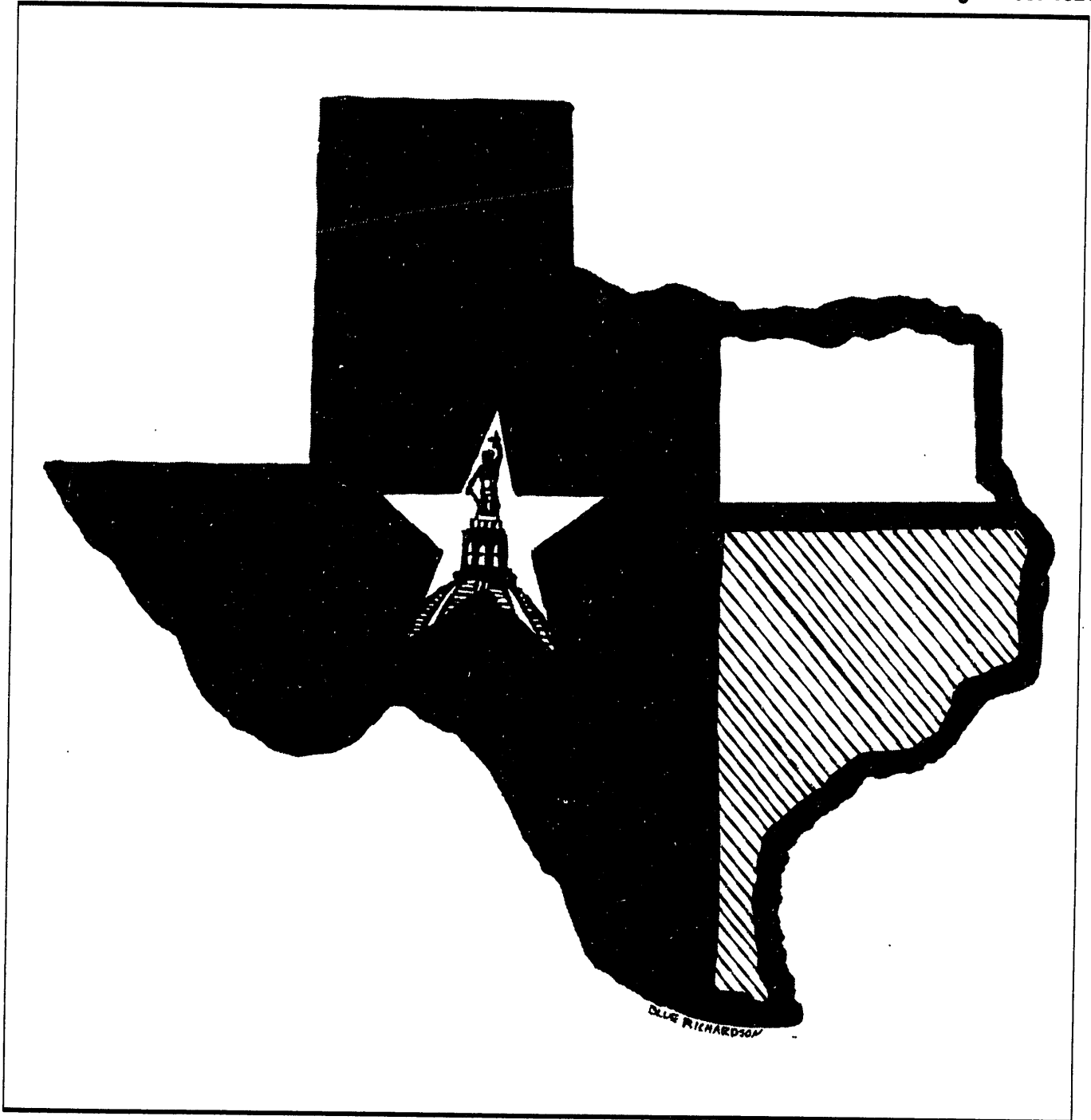


Texas Register

Volume 12, Number 37, May 19, 1987

Pages 1587-1621



Highlights

The **Texas Department of Agriculture** proposes amendments concerning classification of all pesticides and devices using sodium fluoracetate and sodium cyanide for livestock predator control. Earliest possible date of adoption - June 19 **page 1593**

The **Texas Department of Health** withdraws from consideration a proposed amendment which

concerned the organization of health maintenance organizations. Effective Date - May 12 **page 1603**

The **Coordinating Board, Texas College and University System** adopts new sections providing basic standards and operational procedures for the coordination of Texas State Technical Institute. Effective date - June 2 **page 1604**

**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 1987 with the exception of January 6, September 1, December 1, and December 29 by the Office of the Secretary of State.

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "12 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 12 TexReg 3."

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Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



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Table of Contents

Proposed Rules

- Texas Department of Agriculture
 - 1593— Pesticides
- Coordinating Board, Texas College and University System
 - 1596— Program Development
 - 1597— Administrative Council
- Texas Department of Health
 - 1598— Preventive Health and Health Services
 - 1599— Occupational Health and Radiation Control
- Texas Water Commission
 - 1600— Industrial Solid Waste and Municipal Hazardous Waste
- Texas Department of Public Safety
 - 1600— Organization and Administration
- Texas Board of Pardons and Paroles
 - 1601— General Provisions
- Texas Department of Human Services
 - 1601— Child Protective Services

Withdrawn Rules

- Texas Department of Agriculture
 - 1603— Pesticides
- State Banking Board
 - 1603— Miscellaneous
- Texas Department of Health
 - 1603— Health Maintenance Organizations

Adopted Rules

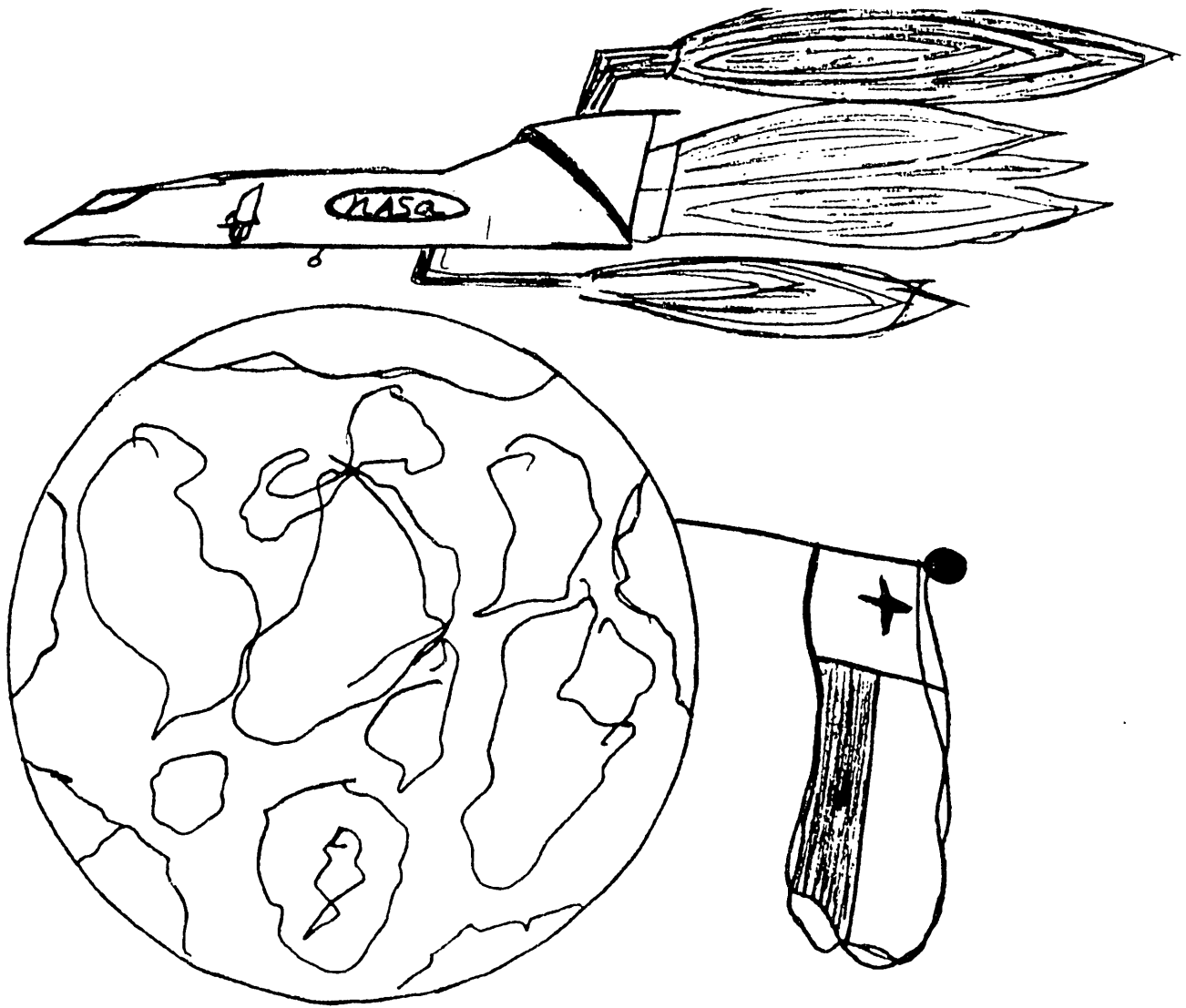
- Coordinating Board, Texas College and University System
 - 1604— Program Development
 - 1604— Texas State Technical Institute
 - 1605— Campus Planning
 - 1605— Student Services
- Texas State Board of Public Accountancy
 - 1607— Certification as CPA
- Texas Department of Health
 - 1607— Texas Board of Health
- State Department of Highways and Public Transportation
 - 1608— Construction Division
 - 1609— Maintenance Division

Open Meetings

- 1610— Texas Department of Agriculture
- 1610— Texas Alcoholic Beverage Commission
- 1610— Texas Commission on the Arts
- 1610— Automated Information and Telecommunications Council
- 1610— State Bar of Texas
- 1610— Texas Cosmetology Commission
- 1610— Texas Education Agency
- 1611— Employees Retirement System of Texas
- 1611— Texas Employment Commission
- 1611— Firemen's Pension Commission
- 1611— Texas Hospital Equipment Financing Council
- 1611— Texas Housing Agency
- 1611— Texas Industrial Accident Board
- 1611— State Board of Insurance
- 1611— Interagency Council on Early Childhood Intervention
- 1611— Texas Department of Labor and Standards
- 1612— Lamar University System-Board of Regents
- 1612— Texas National Guard Armory Board
- 1612— Board of Nurse Examiners
- 1612— Public Utility Commission of Texas
- 1612— Texas Real Estate Commission
- 1612— Texas Savings and Loan Department
- 1612— Texas Water Development Board
- 1613— Board of Regents, West Texas State University
- 1613— Texas Youth Commission
- 1613— Regional Agencies

In Addition

- Texas Air Control Board
 - 1615— Applications for Construction Permits
- Texas Department of Community Affairs
 - 1615— Notice of Consultant Contract Award
 - 1616— Texas Community Development Program 1987 Final Statement
- Texas Department of Health
 - 1616— Cease and Desist Orders
 - 1617— Intent to Revoke Radioactive Material Licenses
 - 1619— Preliminary Report
 - 1619— Request for Proposals
- Texas Water Commission
 - 1619— Applications for Waste Disposal Permits
- Texas Water Development Board
 - 1621— Applications Received



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TAC Titles Affected

TAC Titles Affected—May

The following is a list of the administrative rules that have been published this month.

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State	
1 TAC §91.40	1440
1 TAC §91.121	1537

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture	
4 TAC §§7.8, 7.11, 7.16, 7.24, 7.32, 7.33	1593, 1603

TITLE 7. BANKING AND SECURITIES

Part II. Banking Department of Texas	
7 TAC §12.6	1441
7 TAC §12.7	1438, 1442
Part III. State Banking Board	
7 TAC §31.7	1603

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas	
16 TAC §1.112	1533, 1535
16 TAC §5.431	1507
16 TAC §5.451	1489
16 TAC §11.221	1449
Part IV. Texas Department of Labor and Standards	
16 TAC §65.17	1442

TITLE 19. EDUCATION

Part I. Coordinating Board, Texas College and University System	
19 TAC §5.6	1604
19 TAC §5.211	1596
19 TAC §5.214	1597
19 TAC §§11.01-11.06	1604
19 TAC §§11.21-11.27	1604
19 TAC §§11.41-11.55	1604
19 TAC §17.1	1605
19 TAC §17.30	1605
19 TAC §§21.54, 21.57, 21.59-21.62, 21.64	1605
19 TAC §21.126	1605
19 TAC §21.259	1606
19 TAC §21.288	1606
19 TAC §§21.301-21.324	1607
19 TAC §25.32	1597
Part II. Texas Education Agency	
19 TAC §§149.41-149.44	1443

TITLE 22. EXAMINING BOARDS

Part III. Texas Board of Chiropractic Examiners	
22 TAC §71.13	1537
22 TAC §75.1	1535
22 TAC §77.2	1506
Part XIV. Texas Optometry Board	
22 TAC §279.1	1559
22 TAC §279.7	1559
Part XVIII. State Board of Podiatry Examiners	
22 TAC §378.2	1452
Part XII. Board of Vocational Nurse Examiners	
22 TAC §231.93	1537
Part XXII. Texas State Board of Public Accountancy	
22 TAC §511.70	1486, 1607
22 TAC §519.27	1489
Part XXIII. Texas Real Estate Commission	
22 TAC §§535.61, 535.63, 535.64, 535.66	1491

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health	
25 TAC §1.91	1607
25 TAC §§31.1-31.3	1559
25 TAC §§89.4-89.8	1598
25 TAC §119.3	1603
25 TAC §289.125	1599

TITLE 28. INSURANCE

Part I. State Board of Insurance	
28 TAC §5.4001	1486
28 TAC §11.2	1496, 1533
28 TAC §§11.102, 11.104-11.106, 11.108, 11.109	496, 1533
28 TAC §§11.202-11.208	1497, 1533
28 TAC §§11.301, 11.302, 11.304, 11.305	1534, 1560
28 TAC §§11.501, 11.506, 11.508, 11.509	1534
28 TAC §§11.601, 11.603, 11.604	1534
28 TAC §§11.701, 11.705, 11.706	1534
28 TAC §11.802, §11.803	1534
28 TAC §11.1001	1534
28 TAC §11.1101, §11.1102	1534
28 TAC §11.1201-11.1206	

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department	
31 TAC §65.261	1445
31 TAC §§65.311-65.313	1447
31 TAC §65.500	1486
Part IV. School Land Board	
31 TAC §155.10	1506, 1500
Part IX. Texas Water Commission	
31 TAC §335.35	1600
31 TAC §335.112	1438
31 TAC §335.152	1439
Part XVII. Texas State Soil and Water Conservation Board	
31 TAC §519.9	1507

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts	
34 TAC §3.544	1486
34 TAC §3.545	1487
34 TAC §3.548	1487
34 TAC §3.561	1508

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety	
37 TAC §§1.3-1.4	1565
37 TAC §1.129	1600
37 TAC §1.211	1452
37 TAC §27.11, §27.12	1452
Part V. Board of Pardons and Paroles	
37 TAC §141.5	1601

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services	
40 TAC §3.1201	1508
40 TAC §15.5403	1453
40 TAC §15.5801	1565
40 TAC §49.1903	1601
40 TAC §§85.7001-85.7005	1538
Part VI. Texas Commission for the Deaf	
40 TAC §181.20	1539
40 TAC §§183.1, 183.3, 183.5	1539
40 TAC §§183.11, 183.13, 183.15, 183.17, 183.19, 183.21, 183.23, 183.27, 183.29, 183.31, 183.33	1540

40 TAC §183.25	1536
40 TAC §§183.55, 183.57, 183.59	1541
40 TAC §183.65	1541
40 TAC §183.75, §183.77	1541
40 TAC §§183.85, 183.87, 183.89, 183.91, 183.93	1541
40 TAC §183.87	1536
Part IX. Texas Department on Aging	
40 TAC §255.36	1502
40 TAC §255.37	1563
40 TAC §265.1	1504
40 TAC §§289.1, 289.3, 289.5, 289.7, 289.9, 289.11, 289.13, 289.15, 289.17	1453

TITLE 43. TRANSPORTATION

**Part I. State Department of Highways and Public
Transportation**

43 TAC §9.6	1608
43 TAC §9.7	1608
43 TAC §11.41	1565
43 TAC §19.41	1566
43 TAC §25.91, §25.92	1566
43 TAC §25.201, §25.202	1568
43 TAC §§25.501-25.506	1609

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 I. Texas Department of Agriculture Chapter 7. Pesticides

★4 TAC §§7.8, 7.11, 7.16, 7.24, 7.32, 7.33

The Texas Department of Agriculture proposes amendments to §§7.8, 7.11, 7.16, 7.24, and new §7.32 and §7.33, concerning state-limited-use requirements for Compound 1080 and sodium cyanide.

The Texas Department of Agriculture (the department) is reproposing amendments to §§7.8, 7.11, 7.16, 7.24, and new §7.32 and 7.33, concerning the classification of all pesticides and devices using sodium fluoroacetate (Compound 1080) and sodium cyanide for livestock predator control as state-limited-use pesticides. The initial proposal published in the November 11, 1986, issue of the *Texas Register*, have been automatically withdrawn by the *Texas Register*. Notice of the withdrawal is published elsewhere in this issue.

These amendments and new sections are part of the department's proposed comprehensive predatory management program which includes creating state limited classification for use of certain pesticides, extensive training requirements, and alternative management techniques. This program consists of several parts, including proposed pesticide use restrictions (label requirements), rule amendments to the Texas Pesticide Laws and Regulations, and amendments to the State Certification Plan.

The department has recently received additional comments and directives from the United State Environmental Protection Agency on the proposed rules, requirements for registration of Compound 1080, and the State Certification Plan governing the predatory control program. These directives require further consideration by the department and possible changes to the original proposal in order to meet all EPA requirements.

All public comments submitted on the original proposal published on November 11, 1986, shall be incorporated into the record and treated as if filed in response to the reproposal published herein. The

public comment period will end June 19, 1987. Comments should be directed to Ellen Widess, Director of Agricultural and Environmental Sciences Program, (512) 463-7699.

The Texas Department of Agriculture is authorized to classify a pesticide as state-limited-use under the Texas Agriculture Code, §76.003, if the department determines that the pesticide requires additional restrictions to prevent unreasonable risk to humans or the environment, taking into the account the economic, social, and environmental costs and benefits of use of the pesticide. Under §76.003, the department may regulate the time and conditions of purchase and use of a state-limited-use pesticide.

In response to continuing problems of predator control in the state of Texas, and in order to ensure the safe use of control devices by persons needing to use them to reduce losses due to predation, the department is proposing the classification of all pesticide devices using sodium fluoroacetate (Compound 1080 Livestock Protection Collar) and sodium cyanide (M-44 device) for livestock predator control as state-limited-use.

Texas is the leading livestock raising state in the nation. Livestock raisers have sustained, and continued to sustain, substantial livestock losses due to predators. Past measures to control such losses due to predators have been inadequate. In order to assist the livestock industries in Texas and assure that methods used to control livestock predation do not present a hazard to humans, non-target animals, and the environment, the department is proposing a comprehensive predator control program, which will include, among other controls, the use of the Livestock Protection Collar and the M-44 device, as provided for in new §7.32 and §7.33. New §7.32 and §7.33 classify these devices as state-limited-use pesticides, incorporate existing federal standards and use restrictions and impose additional state requirements.

The proposed amendments to §7.8 refer to new §7.32 and §7.33 which prohibit the sale of the Livestock Protection Collar or sodium cyanide by dealers to other dealers.

The proposed amendments to §7.11 provide for the addition of a separate license to be issued for the use of the Livestock Protection Collar.

The proposed amendment to §7.16 provides that private applicators may not be certified for the use of the Livestock Protection Collar. Livestock raisers who wish to use the collars on their property may seek licenses in a special category of non-commercial applicators.

The proposed amendments to §7.24 add sodium fluoroacetate (Compound 1080) and sodium cyanide (M-44 device) to the list of existing state-limited-use pesticides.

New §7.32 classifies all pesticides and devices using sodium fluoroacetate (Compound 1080) as the active ingredient for livestock predation as state-limited-use pesticides, and provides state-limited-use requirements, including definitions to be used in this section, sale or transfer requirements, training and requirements for the licensing of LPC applicators, record-keeping and reporting requirements, and a provision that the loading of Compound 1080 into collars may be done only by a registrant, an agent, or a person working under the direct visual supervision of the registrant.

New §7.33 classifies all pesticides and devices using sodium cyanide as the active ingredient as a state-limited-use pesticide, including the M-44 device used for livestock predation control, and provides for state-limited-use requirements including definitions to be used in this section, sale or transfer requirements, requirements for M-44 applicators, and recordkeeping requirements.

Ellen Widess, director, Agricultural and Environmental Sciences Program has determined that there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be in effect is an estimated additional cost of \$124,273 for each year from 1987-1991; and an estimated increase in revenue of \$6,500, 1987, \$8,250 in 1988, \$10,750 in 1989, \$13,250 in 1990, and \$13,250 in 1991. There will be no fiscal implications for local government.

The cost of compliance with the section for small businesses will be an initial fee of \$115 (license fee and testing fee) for the Licensing of Commercial Livestock Protection Collar (LPC) applicators and a licensing fee of \$100 annually thereafter; an initial fee of \$65 for licensing of non-commercial LPC applicators, and a licensing fee of \$50 annually thereafter; and a fee of \$25 annually for the licensing of LPC and M-44 dealers. The costs to both small and large businesses will be the same depending upon the number and type of license(s) obtained.

Ms. Widess, also has determined that for each year of the first five years the section as proposed is in effect the public benefits anticipated as a result of enforcing the section will be to provide a comprehensive predator control program that minimizes the economic loss due to predation; to assure a viable livestock industry in Texas; to assure that all methods used prevent any unreasonable risk to humans, nontarget animals, and the environment; and to provide technical assistance and data to identify the causes of predation and use of alternative predation techniques. The possible economic cost to individuals who are required to comply with the section as proposed will be \$115 initially, and \$100 annually thereafter for a licensed commercial LPC applicator for a licensed commercial LPC applicator; \$65 initially, and \$50 annually thereafter for a licensed noncommercial LPC applicator; and \$25 annually for the licensing of LPC and M-44 dealers.

Comments on the proposal may be submitted to Ellen Widess, Director, Agricultural and Environmental Sciences Program, P.O. Box 12847, Austin, Texas 78711.

The amendments and new sections are proposed under the Texas Agriculture Code, §76.003, which provides the Texas Department of Agriculture with the authority to classify a pesticide as state-limited-use (SLU) if the department has determined that the pesticide requires additional restrictions to prevent unreasonable risks to man or the environment, and authorizes the department to regulate the time and conditions of use or purchase of a SLU pesticide; §76.004 which authorizes the department to adopt rules to carry out Chapter 76; §76.104 which authorizes the department to adopt rules regarding the manner and method of pesticide application; and §76.108 and §6.109 which authorizes the department to set a fee for commercial and noncommercial applicators.

§7.8. Pesticide Dealers.

(a)-(e) (No change.)

(f) Except as provided by §7.32 and §7.33 of this title (relating to Sodium Fluoroacetate (Compound 1080) Livestock Protection Collar—State-Limited-Use Requirements and M-44 (Sodium Cyanide—State-

Limited-Use Requirements), restricted-use or state-limited-use pesticides may only be sold to certified applicators, persons acting under the direct supervision of a certified applicator, or a licensed dealer.

§7.11. Applicator Certification.

(a) (No change.)

(b) The Texas Department of Agriculture will certify commercial and noncommercial Livestock Protection Collar (LPC) applicators upon training and testing on the use of the sodium fluoroacetate (Compound 1080) Livestock Protection Collar in accordance with §7.32 of this title (relating to Sodium Fluoroacetate (Compound 1080) Livestock Protection Collar—State-Limited-Use Requirements), and issue a separate license for the use of the Livestock Protection Collar for Livestock Predation Control.

(c)(b) The Texas Department of Health will certify commercial and noncommercial applicators involved in Public Health Pest Control which shall encompass the following subcategories:

(1)-(3) (No change.)

(d)(c) Applicators involved in regulatory pest control or demonstration and research pest control will be licensed by the regulatory agency responsible for the category or subcategory of pest control for which the license is requested. Regulatory pest control or demonstration and research pest control licenses may be issued for any category or subcategory listed in this section.

§7.16. Certified Private Applicator License.

(1) The Texas Department of Agriculture will establish and supervise a program to certify private applicators on a voluntary basis, to allow them to comply with federal law. This program will be based on the minimum requirements accepted by the administrator of the EPA for any approved state plan.

(2) Private applicators may not be certified to purchase or apply the state-limited-use pesticide sodium fluoroacetate (Compound 1080) for Livestock Predation Control.

§7.24. State-Limited-Use Pesticides.

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

(c) Because of their potential to cause adverse effects to humans and non-target animals, any and all pesticides and devices using the active ingredients sodium fluoroacetate (Compound 1080) and sodium cyanide, in any quantity, for livestock predation control are classified as state-limited-use pesticides. Additional requirements for the handling and use of Compound 1080 and sodium cyanide are provided at §7.32 and §7.33 of this title (relating to Sodium Fluoroacetate (Compound 1080) Livestock Protection Collar—State-Limited-Use Requirements; and the M-44 Sodium Cyanide—State-Limited Use Requirements).

§7.32. Sodium Fluoroacetate (Compound 1080) Livestock Protection Collar—State-Limited-Use Requirements.

(a) Purpose. Any and all pesticides and devices using the active ingredient sodium fluoroacetate for livestock predation control shall be classified as state-limited-use, pursuant to the Texas Agriculture Code, §76.003.

(b) Definitions. In addition to the definitions set out in the Texas Agriculture Code, §76.001 (1981), and §7.1 of this title (relating to Definitions), the following terms, when used in this section, shall have the following meanings.

(1) LPC applicator—A person who has obtained a license from the department as a commercial or noncommercial certified livestock protection collar applicator for the use of the livestock protection collar. Private applicator authorization will not be given by the department for use of the livestock protection collar. Persons desiring a license to use the livestock protection collar on their property should apply for a noncommercial LPC applicator license.

(2) Livestock protection collar—A collar-like device which has been filled with the active ingredient sodium fluoroacetate (Compound 1080) to control predation.

(3) Agent—A representative of a registrant. Each agent must be approved by the department to distribute livestock protection collars to approved LPC applicators.

(c) Sale or transfer requirements. Registrants and agents selling or transferring livestock protection collars must meet the following requirements.

(1) Each registrant must obtain a license under the Texas Agriculture Code, §76.071, and comply with the provisions of §7.8 of this title (relating to Pesticide Dealers).

(2) Each registrant and agent who sells or transfers livestock protection collars must obtain a license as commercial or noncommercial LPC applicator.

(3) Livestock protection collars may not be sold or transferred by registrants or agents to persons other than registrants or agents for the purpose of resale or transfer.

(4) Each registrant may have no more than 15 agents at any one time. Each registrant shall file with the department written notice of the name, home address, address of distribution site, and telephone number of each agent. The registrant shall notify the department of any change in this information within 10 days.

(5) Each livestock protection collar shall have a unique serial number clearly and firmly affixed to it.

(6) Registrants and agents shall dispose of livestock protection collars strictly in accordance with label directions.

(7) Registrants and agents shall distribute the forms prescribed by the department for use by LPC applicators with each sale or transfer of livestock protection collars.

(8) Registrants and agents may sell or transfer livestock protection collars only to LPC applicators for whom a site review and sales data report has been executed.

(9) Registrants and agents shall report to the department any incident or complaints of misuse involving a livestock protection collar.

(d) Licensing of LPC applicators.

(1) A person may obtain an LPC applicator license as either a commercial or noncommercial applicator. An LPC applicator license is separate from other pesticide licenses and will require the payment of a separate license fee.

(2) In order to obtain a commercial LPC applicator license, a person shall comply with the licensing requirements of §7.13 and §7.14 of this title (relating to Commercial Applicator License and Commercial Applicator Proof of Financial Responsibility), complete training, pass a test prescribed by the department, and pay the fee prescribed by §7.13 of this title (relating to Commercial Applicator License).

(3) In order to obtain a noncommercial LPC applicator license, a person shall complete training, pass a test prescribed by the department, and obtain a license. Pursuant to §7.12 of this title (relating to Classification of Commercial and Noncommercial Licenses), a testing fee will be collected. In addition, an initial licensing fee of \$50 shall be paid within 12 months of passing the test or retesting will be required. An annual renewal fee of \$50 shall be paid prior to the time of the annual license renewal on March 1 of each year.

(4) Each LPC applicator is responsible for giving written notice to the department of any change of address. Retraining and retesting may be required by the department for any LPC applicator who fails to comply with the use, record keeping, or other requirements of the department, and will be required of any LPC applicator who has not used a livestock protection collar on his or her property for a period of four years.

(e) LPC applicator training. LPC applicators must undergo training, including training in the following areas:

(1) the proper use of the livestock protection collar;

(2) the proper method of repairing the collar and disposing of collars and contaminated materials;

(3) health and safety hazards and safe handling techniques;

(4) record keeping and reporting requirements;

(5) proper methods of identifying causes of predation; and

(6) approved methods of control of predation.

(f) LPC applicator use restrictions. All LPC applicators shall comply with the label, including the use restrictions, when using the livestock protection collar. Copies of the label and reporting forms shall be obtained

with the purchase of any collar from a registrant or agent. Additional copies of the label and reporting forms may be obtained from the Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

(g) Recordkeeping and reporting.

(1) Each registrant shall maintain records for the registrant and all agents on forms prescribed by the department for at least two years which include:

(A) an inventory of Compound 1080 and an inventory of livestock protection collars including the serial number, size, type of strap, number of straps, and configuration for each collar. An annual production report shall be filed on forms prescribed by the department by each registrant by January 31 for the previous calendar year reporting on the number and type of livestock protection collars produced and distributed and on the quantity of Compound 1080 purchased and used;

(B) the information required on department's site review and sales data report, including:

(i) the date of sale or transfer;

(ii) the name, telephone number, address, and applicator license number of each LPC applicator who purchased or received a collar;

(iii) the number of livestock protection collars sold or transferred; and

(iv) the serial number of each collar.

(C) One copy of each site review and sales data report that is completed by registrant or an agent shall be submitted by the registrant to the department quarterly by the first day of January, April, July, and September of each year.

(2) Each LPC applicator shall file with the department records on the use of the collar on forms prescribed by the department quarterly on the first day of January, April, June, and September of each year for each quarter when collars have been used. The records shall include:

(A) the serial number of the collar attached to livestock;

(B) the pasture(s) where collared livestock were placed;

(C) the dates of each attachment, inspection, and removal;

(D) the number and locations of livestock found with ruptured or punctured collars and the apparent cause of the damage;

(E) the number, dates, and approximate location of collars lost;

(F) the species, locations, and dates of all animals suspected to have been killed by collars; and

(G) all suspected poisonings of humans, domestic animals, or non-target wild animals resulting from collar use and all other accidents involving the release of Compound 1080.

(3) Each LPC applicator shall maintain a copy of the reports that are required to be submitted to the department for at least two years.

(4) Each registrant, agent, or LPC applicator shall report accidents involving a livestock protection collar to the department on forms prescribed by the department within 30 days of the accident. In addition, accidents involving any suspected or actual poisoning of humans or threatening an endangered species must be reported to the department immediately (within three days) by telephone.

(h) Loading Compound 1080 into collars. Only a registrant, an agent, or a person working under the direct visual supervision of the registrant may fill a collar with Compound 1080 solution. Only Compound 1080 purchased from the registrant of Compound 1080 after November 1, 1986, and containing a distinguishing dye, may be used in the livestock protection collar.

§7.33. M-44 Sodium Cyanide—State-Limited-Use Requirements.

(a) Purpose. Any and all pesticides and devices using sodium cyanide as the active ingredient, including the M-44 device for livestock predation control, shall be classified as state-limited-use pesticides, pursuant to Texas Agriculture Code, §76.003.

(b) Definitions. In addition to the definitions set out in the Texas Agriculture Code, §76.001 (1981) and §7.1 of this title (relating to Definitions), the following terms when used in this section shall have the following meanings.

(1) Authorized dealer—A dealer licensed under Texas Agriculture Code, §76.071, and specifically approved by the department for sale of M-44 sodium cyanide.

(2) M-44 applicator—A person who has obtained authorization from the department for the use of M-44 sodium cyanide.

(3) M-44 sodium cyanide—Includes the active ingredient sodium cyanide, sodium cyanide capsules, and any device loaded with sodium cyanide for use in livestock predation control.

(c) Sale or transfer requirements. Dealers selling or transferring M-44 sodium cyanide must meet the following requirements.

(1) All dealers who wish to sell or transfer M-44 sodium cyanide must obtain written approval by the department. In order to obtain approval to handle M-44 sodium cyanide from the department, dealers must obtain from the department a pesticide dealer's license to handle restricted pesticides and complete special agreement forms to become an authorized dealer for the purpose of selling or transferring M-44 sodium cyanide. All applicators must meet the dealer requirements of the Texas Agriculture Code, §§76.071—76.077, the requirements of §7.8 of this title (relating to Pesticide Dealers), and any additional federal requirements of

the use restriction bulletin (label) for M-44 sodium cyanide under EPA Registration No. 33858-1.

(2) A dealer may sell or transfer M-44 sodium cyanide only if approved as an authorized dealer and only to M-44 applicators or registrants of M-44 sodium cyanide. M-44 sodium cyanide may not be sold or transferred by dealer to any person for the purpose of resale or transfer with the exception of registrants.

(3) The department will keep a list of approved dealers and make it available to all certified applicators. Only dealers whose names appear on the list are authorized to receive, sell, or distribute M-44 sodium cyanide.

(4) Each authorized dealer must be or employ a person certified under this section.

(5) Each dealer must maintain for a period of two years complete records on forms prescribed by the department of all transactions involving M-44 sodium cyanide, including:

(A) the amount of materials purchased by dealer and date of purchase;

(B) the following information for each sale or transfer:

(i) the date of sale or transfer;

(ii) the name, address, applicator number, county, and telephone number of any M-44 applicator to whom M-44 sodium cyanide was sold or transferred; and

(iii) the amount sold to the approved applicator.

(6) Dealers must make sure that any sale or transfer of M-44 sodium cyanide is accompanied by a complete label. Authorized dealers must also provide to M-44 applicators the record keeping forms prescribed by the department. Authorized dealers may sell sodium cyanide capsules only in boxes of 10 each or in boxes of 50 each.

(7) Authorized dealers must obtain the department's approval prior to purchasing any M-44 sodium cyanide.

(8) Each authorized dealer must report to the department any incident or complaint of misuse involving M-44 sodium cyanide.

(d) M-44 applicators. After the effective date of this section, any person seeking to qualify as an M-44 applicator must undertake training prescribed by the department and obtain a certificate. Those private applicators approved for use of M-44 sodium cyanide as of the effective date of this section may continue to purchase and use M-44 sodium cyanide until April 1, 1988. After that date, any such private applicator must have completed retraining and have obtained a new certificate from the department in order to purchase M-44 sodium cyanide or use M-44 sodium cyanide regardless of when the M-44 was purchased.

(1) Training for M-44 applicators will include the following:

(A) the proper use and treatment of the M-44 sodium cyanide;

(B) the proper method of disposing of M-44 sodium cyanide and related contaminated materials;

(C) safe handling techniques designed to reduce health and injury risks;

(D) record keeping requirements;

(E) proper methods of identifying causes of predation; and

(F) approved methods of control of predation.

(2) All M-44 applicators must comply with the label including the use restrictions bulletin on M-44 sodium cyanide issued by the department (EPA Registration No. 33858-1) when using M-44 sodium cyanide. Copies of the use restrictions must be obtained with the purchase of each box of M-44 sodium cyanide. Additional copies of the bulletin and record keeping forms may be obtained from the Texas Department of Agriculture, P.O. Box 12847, Capitol Station, Austin, TX 78711.

(e) Recordkeeping. Each applicator shall maintain records on forms prescribed by the department dealing with the placement of the device and the results of each placement. Such records shall include, but may not be limited to:

(1) the number of M-44 sodium cyanide devices in place and the number of capsules in each;

(2) the location of each M-44 sodium cyanide device;

(3) the dates of each placement, inspection, and removal;

(4) the number and location of M-44 sodium cyanide devices which have been discharged and the apparent reason;

(5) species of animals taken; and

(6) all accidents or injuries involving humans, domestic animals, wildlife, or bodies of water.

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 May 12, 1987.

TRD-8704028

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption:

June 19, 1987

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

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TITLE 19. EDUCATION

Part I. Coordinating Board, Texas College and University System

Chapter 5. Program Development

Subchapter K. Private Degree- Granting Institutions Operating in Texas

★ 19 TAC §5.211

The Coordinating Board, Texas College and University System proposes an amendment to §5.211, concerning private degree-granting institutions operating in Texas. This amendment corrects the identification of accrediting agencies recognized by the Coordinating Board for the exemption of private degree-granting institutions. The amendment limits the Coordinating Board's recognition to those agencies accrediting degree-granting institutions only; it precludes recognition of agencies accrediting nondegree-granting institutions.

Dr. David Kelly, director of institutional certification, 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.

Dr. Kelly also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be more adequate protection for the public from misleading, deceptive, or fraudulent practices by nonexempt degree-granting institutions of higher education in Texas. 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 Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The amendment is proposed under the Texas Education Code, §61.311, which provides the Coordinating Board with the authority to adopt rules regarding private degree-granting institutions operating in Texas.

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

Recognized accrediting agency—Any of the following agencies which meets the conditions of this definition will be recognized by the board: **Commission on Colleges**, Southern Association of Colleges and Schools; **Commission on Higher Education**, Middle States Association of Colleges and

[Secondary] Schools, Commission on Institutions of Higher Education, New England Association of Schools and Colleges, Commission on Institutions of Higher Education, North Central Association of Colleges and Schools, Commission on Colleges, Northwest Association of [Secondary and Higher] Schools and Colleges, Accrediting Commission for Senior Colleges and Universities and Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, the American Association of Bible Colleges, and the Association of Theological Schools of the United States and Canada.

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 May 11, 1987.

TRD-8704010 James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

Proposed date of adoption:

July 24, 1987
For further information, please call
(512) 462-6420

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★ 19 TAC §5.214

The Coordinating Board, Texas College and University System proposes an amendment to §5.214, concerning minimum standards for nonexempt institutions. This amendment assures that unaccredited degree-granting institutions seeking certificates of authority will conform to accepted higher education practice in the awarding of credit for prior learning. The amendment protects the public from abuses in the awarding of credit for prior learning by institutions certified by the Coordinating Board.

Dr. David Kelly, director of institutional certification, 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.

Dr. Kelly also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be more adequate protection of the public from misleading, deceptive, or fraudulent practices by nonexempt degree-granting institutions of higher education in Texas. 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 Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The amendment is proposed under the Texas Education Code, §61.311, which provides the Coordinating Board with the authority to adopt rules regarding minimum standards for nonexempt institutions.

§5.214. Minimum Standards for Nonexempt Institutions.

(a) In addition to compliance with each minimum standard, the overall character and fitness of the institution to award the requested degree(s) are major factors in deciding whether to grant an institution a certificate of authority to grant degrees. The decision concerning the institution's overall character and fitness will be based on such factors as the following: overall stability, the experience and qualifications of the officers and faculty in higher education, priority given to education, record of progress and improvement following initial approval, and responsiveness to recommendations and suggestions for improvement. A visiting team composed of faculty and staff from public and private institutions with experience in accreditation visits will evaluate an institution applying for a certificate of authority. The following academic and administrative standards, which are similar to those used nationwide in accreditation procedures, constitute the basis for the visiting team's recommendation concerning certification. The visiting team, certification advisory committee, commissioner, and board will determine the applicant's qualifications for a certificate of authority based upon the previously listed general provisions and the following minimum standards.

(1) The quality, content, and sequence of each course, curriculum, or program of instruction, training, or study are appropriate to the purpose of the institution and are such that the institution may reasonably and adequately achieve the stated objectives of the course or program. Substantially all of the courses in the areas of specialization and at least one-half of the general education and/or supporting courses required for each degree program must be offered in organized classes by the institution, provided such courses are appropriate to the level of the institution. **If an institution awards collegiate credit for prior learning obtained outside a formal degree-granting institution, it must establish and adhere to a systematic method for evaluating that prior learning, equating it with course content appropriate to the institution's authorized degree programs, and subject to ongoing review and evaluation by the institution's teaching faculty. Recognized evaluative examinations such as the advanced placement program or the college level examination program may be used. No**

more than 15 semester hours (or equivalent) of the credit in a student's degree program may be based on validated prior learning, and in no instance may credit be awarded for life experience per se or merely for years of service in a position or job.

(2)-(13) (No change.)

(b)-(c) (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 May 11, 1987.

TRD-8704011 James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

Proposed date of adoption:

July 24, 1987
For further information, please call
(512) 462-6420.

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Chapter 25. Administrative Council

Subchapter B. Administration of the Texas State College and University Employees Uniform Insurance Benefits Program

★ 19 TAC §25.32

The Coordinating Board, Texas College and University System proposes an amendment to §25.32, concerning definitions. This amendment brings the rules and regulations into conformance with the Teacher Retirement System of Texas (TRS) definition of employee.

James McWhorter, executive secretary to the administrative council, 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. McWhorter 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 clarification of eligibility of an employee under the higher education insurance program. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to James McWhorter, Executive Secretary to the Administrative Council, Coordinating Board, Texas College and University System, P.O. Box 12788, Austin, Texas 78711.

The amendment is proposed under the Insurance Code, Article 3.50-3, which provides the administrative council with the authority to adopt rules and regulations

consistent with the provisions of the Act to carry out its statutory responsibilities.

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

Employee—Any person employed by a governing board of a state university, senior or community/junior college, medical or dental unit, technical institute, or any other agency of higher education within the meaning and jurisdiction of the Texas Education Code, Chapter 61:

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

(C) employees, and persons employed, within the definitions of this section shall include all regular full-time employees as defined by the Teacher Retirement System as follows.

(i) (No change.)

(ii) Eligibility for active employee plans shall not include those defined as: part-time (less than one-half the standard work load), irregular, seasonal, or temporary employment for a definite period of less than 4½ months or less than a full semester of more than four calendar months during a school year is ineligible.

(iii) The exclusion of clause (ii) of this definition from eligibility shall not include those employed for one-half or more of the standard work load for a definite period of more than 4½ months or a full semester of more than four calendar months during a school year, but shall include student employees if it is a condition of their employment that they be enrolled as a student.

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 May 11, 1987.

TRD-8704009

James McWhorter
Executive Secretary
Administrative Council
Coordinating Board,
Texas College and
University System

Earliest possible date of adoption:

June 19, 1987

For further information, please call
(512) 462-6420.

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TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 89. Preventive Health and Health Services

Sexual Assault [Rape]

Prevention and Crisis Services

★25 TAC §§89.4-89.8

The Texas Department of Health proposes amendments to §§89.4-89.8, concerning

procedures to apply for funds for sexual assault prevention and crisis services. The amendments consist of minor wording changes throughout the sections for the purpose of updating and clarifying the sections.

Stephen Seale, chief accountant III, has determined that during the first five years that the proposed sections will be in effect there will be no fiscal implications for state or local businesses anticipated as a result of enforcing or administering the sections.

Mr. Seale also has determined that for each year of the first five years the sections as proposed are in effect the public benefits anticipated as a result of enforcing the sections will be clarification and updating of the existing sections. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Eugene L. Weatherall, Jr., Chief, Bureau of Emergency Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199. Comments will be accepted for 90 days after publication in the *Texas Register*.

The amended sections are proposed under 42 United States Code §300w-3 and Texas Civil Statutes, Article 4447o, §2.07, and Article 4414b, §1.05, which authorize the Texas Board of Health to adopt rules covering sexual assault prevention and crisis services.

§89.4. Procedure to Apply for Funds (General Information for the Applicant).

(a) Issuing office. The RFA is issued by the Texas Department of Health, Emergency Medical Services Division, and applicants should submit applications to: **Chief, Bureau of Emergency Management, Attn: Program Specialist**, [The Commissioner of Health, Attn: Program Administrator, Emergency Medical Services Division, (512) 458-7259] Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199.

(b) (No change.)

(c) Summary work statement. The applicant will be responsible for planning and implementing a program relating to sexual assault which will be designed to provide one or more of the following services:

(1) direct crisis intervention to victims of sexual **assault** [attack];

(2) support services to victims of sexual **assault** [attack] by trained volunteers during the hospital examination, police investigation, and court proceedings;

(3) referral of victims of sexual **assault** [attack] to public and private agencies offering the services desired by the victims;

(4) the establishment of volunteer counseling groups for victims of sexual **assault** [attack];

(5)-(8) (No change.)

(d) Project funding.

(1) This program will be financed with funds made available through the preventive health and health services block grant **and/or state appropriations** as designated for **rape crisis centers**. The majority of these funds will be utilized to fund centers eligible for continuation of rape crisis funds based on population and need, and for those developing rape crisis centers based on population and need.

(2) (No change.)

(e)-(g) (No change.)

(h) Application assistance. All interested applicants may call the issuing office for more details at (512) **465-2601** [458-7259].

(i)-(n) (No change.)

§89.5. Criteria for Applications (Information Required for Applicants). Applicant proposals must be brief and submitted to the issuing office typed on forms prescribed by the department. **Proposals must contain the information listed in paragraphs (1)-(6) of this section.**

(1) (No change.)

(2) Background.

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

(C) Explain who has participated in the development of this proposal and the ways in which support and cooperation have been solicited from potentially interested and/or relevant community agencies or groups on the development of this proposal—criminal justice, medical, women's groups, county attorneys' offices, social service departments, minorities, etc. Include a **minimum of three current** letters of community support **from three different types of organizations**.

(D) (No change.)

(E) Include a brief statement concerning the recent experience of **all** persons (can be volunteer or paid [staff]) from your organization who will actively be engaged in the proposed effort and emphasize recent experience directly applicable to sexual assault. **Include recent resumes for all staff members involved in the rape crisis program and current job descriptions for all staff, volunteer, and any positions proposed in an application.** [Include resumes and job descriptions for all staff members involved in the rape crisis program. Include job descriptions for any staff positions proposed in application.]

(F) Include **current** bylaws or **changes in bylaws from the last application**.

(G) (No change.)

(H) Include **current** personnel policies or **changes in policies from the last application**.

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

(6) Budget.

(A) (No change.)

(B) Budget narrative.

(i)-(ii) (No change.)

[(iii)] The information requested in this section is required to support the reasonableness of your quotation and is for internal use only. This information will be held in confidence and will not be revealed to or discussed with any other applicant.]

§89.6. Evaluation Requirements of the Program.

- (a) (No change.)
- (b) The annual report will include:
 - (1)-(2) (No change.)
 - (3) the number of persons referred for other definitive health care; and
 - [(4) the number of cases entered into criminal justice system and/or prosecuted;
 - [(5) the annual percent increase in number of cases entered into criminal justice system and/or prosecuted; and]
 - (4) [(6)] the number of public education programs given and the number of persons participating in each.

§89.7. Application Review Criteria. The department will review the application using the following review criteria.

- (1) (No change.)
- (2) Applicant's background;
 - (A) (No change.)
 - (B) years of operation; sources and amounts of funding for each.
 - (i) (No change.)
 - (ii) the applicant should include funding support from all other sources [indicate funding support from Law Enforcement Administration Act, foundations, corporations, and others];
 - (C)-(D) (No change.)
 - (E) recent experience of persons to be actively involved in program:
 - (i) current resumes of staff, and
 - (ii) current job descriptions of staff and volunteer positions;
 - (F) current bylaws or changes in bylaws from the last application;
 - (G) current list of board of directors; and
 - (H) current personnel policies or changes in policies from the last application.
 - (3) Program description and services offered by applicant.
 - (A) Services offered.
 - (i)-(ii) (No change.)
 - (iii) Liaison. Is there a liaison with other community agencies the victims may need to approach during recovery process? Are direct referrals made to professional therapist for treatment of psychological trauma on a long-term basis when needed? Is there an interagency task force?
 - (iv)-(v) (No change.)
 - (B)-(C) (No change.)
 - (4)-(6) (No change.)

§89.8. Future Participation. Continuation in this program by an applicant will be based on the results of fiscal and programmatic audits and annual reports. In addition,

this decision presupposes continued federal and/or state appropriations.

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 May 12, 1987.

TRD-8704024 Robert A. Maclean, M.D.
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:
September 19, 1987
For further information, please call
(512) 465-2601.

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Chapter 289. Occupational Health and Radiation Control

Texas Regulations for Control of Radiation

★ 25 TAC §289.125

The Texas Department of Health proposes an amendment to §289.125, concerning Texas regulations for control of radiation, which adopts by reference Part 45, entitled "Licensing Requirements for Near-Surface Land Disposal of Radioactive Waste." The following sections of Part 45 will be affected. Existing §45.1, Purpose and Scope, is being expanded to include the implementation of a memorandum of understanding (MOU) between the Texas Department of Health and the Texas Water Commission covering the disposal of radioactive mixed waste. New §45.100 is being added which states that the MOU is necessary to facilitate the regulation of radioactive mixed waste due to overlapping jurisdictions and concurrent statutory duties. The Texas Department of Health will implement the provisions of the MOU established in Appendix 45-A. New Appendix 45-A, which to cover the specific provisions of the MOU entered into between the two state agencies.

Stephen Seale, chief accountant III, has determined that for each year of the first five years the section as proposed is 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. Seale also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing or administering the section will be

formalized cooperation between the Texas Department of Health and the Texas Water Commission. The memorandum of understanding will institute an integrated approach for licensing and permitting of wastes that contain radioactive wastes subject to the Atomic Energy Act and hazardous wastes subject to the federal Resource Conservation and Recovery Act. Also, because the MOU provides for joint hearings, there may be a time and cost savings to state agencies and to those required to comply with the section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to the Bureau of Radiation Control, Texas Department of Health, 1100 West 49th Street, Austin.

Public comments will be accepted for 30 days following publication of this proposed amendment in the *Texas Register*. In addition, there will be a public hearing on the rules on Friday, June 5, 1987, at 10 a.m., in the auditorium of the Texas department of Health, 1100 West 49th Street, Austin, Texas.

The amendment is being proposed under Texas Civil Statutes, Article 4590(f), §4 which provide the Texas Board of Health with the authority to adopt rules concerning licensing and registration relating to control and transport of sources of radiation within the State of Texas, and authorizes the board to adopt as a rule, any memorandum of understanding between the department and any other state agency.

§289.125. Licensing Requirements for Near-Surface Land Disposal of Radioactive Waste.

(a) The Texas Department of Health adopts by reference Part 45, Licensing Requirements for Near-Surface Land Disposal of Radioactive Waste, of the department's document titled *Texas Regulations for Control of Radiation*, as amended in September [January] 1987.

(b) (No change.)

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

Issued in Austin, Texas, on May 12, 1987.

TRD-8704023 Robert A. Maclean
Deputy Commissioner
Professional Services
Texas Department of
Health

Proposed date of adoption:
July 31, 1987
For further information, please call
(512) 465-2601.

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 335. Industrial Solid Waste and Municipal Hazardous Waste

Subchapter A. Industrial Solid Waste and Municipal Hazardous Waste Management in General

★ 31 TAC §335.35

The Texas Water Commission (TWC) proposes new §335.35, concerning memorandum of understanding between the commission and other state agencies that concern the regulation of industrial solid waste and municipal hazardous waste. Proposed §335.35 provides for the adoption of a memorandum of understanding (MOU) by reference in the TWC regulations concerning industrial solid waste and municipal hazardous waste (31 TAC Chapter 335). The MOU proposed for adoption is between the Texas Water Commission and the Texas Department of Health (TDH). The MOU concerns the regulation and management of radioactive mixed wastes, which are waste streams containing both source, special nuclear, or by-product material (as defined by the Federal Atomic Energy Act of 1954, as amended) and solid wastes that are defined as hazardous waste by the administrator of the United States Environmental Protection Agency (EPA) under the Federal Resource Conservation and Recovery Act (RCRA) of 1976, as amended. The TWC is the state agency having jurisdiction over the management of hazardous waste under the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7. The TDH is the state agency with jurisdiction over the regulation of radioactive waste activities that are not preemptively regulated by the federal government. The MOU evidences the agreement of the two agencies to establish and maintain a cooperative working arrangement for the regulation of the components of radioactive mixed waste subject to each agency's jurisdiction. Under the Texas Water Code, §5.104, the TWC shall adopt by rule any MOU between the TWC and any other state agency. As stated in §335.35, copies of the proposed MOU are available from the TWC, Legal Division upon request. The Texas Department of Health is also proposing the section for inclusion in its permanent rules.

William Monroe, chief fiscal officer, has determined that for the first five-year period this section will be in effect there will be no direct fiscal implications for state

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

Mr. Monroe has also determined that for each year of the first five years this section is in effect the public benefit anticipated as a result of enforcing the section will be the clarification of the jurisdiction of the commission and the Texas Department of Health over radioactive mixed wastes and the implementation of an agreement between the agencies to establish and maintain a cooperative working arrangement for the regulation of the components of radioactive mixed waste subject to each agency's jurisdiction. The implementation of this MOU will aid in the demonstration of the state's authority to regulate the hazardous components of radioactive mixed waste under the Federal Resource Conservation and Recovery Act (RCRA), and therefore enable the state to maintain its authorization to administer and enforce a hazardous waste program pursuant to RCRA, Subtitle C. If a joint hearing is held on an application for the treatment, storage, or disposal of radioactive mixed wastes, there may be a time and cost savings to state agencies and to those affected by the proposed section. There is no anticipated direct economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cynthia C. Smiley, Attorney, Legal Division, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087. Comments will be accepted for 30 days following publication of the proposed section in the *Texas Register*. To facilitate public comments on the proposal, the agencies have scheduled a hearing to receive comments at 10 a.m. on June 5, 1987, in the auditorium of the Texas Department of Health, 1100 West 49th Street, Austin. Persons making written comments should do so by filing their comments with both the Texas Water Commission and the Texas Department of Health, Bureau of Radiation Control.

The new section is proposed under the Texas Water Code, §5.103 and 5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Water Code and other laws of this state and to establish and approve all general policy of the commission. This new section is also proposed under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which authorizes the commission to adopt and promulgate regulations consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of municipal hazardous waste and industrial solid waste, including requirements relating to the siting of hazardous waste facilities. Under the Solid Waste Disposal

Act, §3(b), the Texas Water Commission is designated the state solid waste agency with respect to the management of all industrial solid waste and hazardous municipal waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste and municipal hazardous waste management by all practical and economically feasible methods consistent with the powers and duties prescribed under the Act and other existing legislation. Section 3(b) also grants to the commission the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

§335.35. *Adoption of Memorandum of Understanding by Reference.* The following memorandum of understanding between the commission and the Texas Department of Health, required to be adopted by rule as set forth in the Texas Water Code, §5.104, is adopted by reference. Copies of the document are available upon request from the Texas Water Commission, Legal Division, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8078. This memorandum of understanding between the Texas Department of Health and the Texas Water Commission concerns the regulation and management of radioactive mixed wastes.

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 May 13, 1987.

TRD-8704038

J.D. Head
Director
Legal Division
Texas Water Commission

Earliest possible date of adoption:

June 19, 1987

For further information, please call
(512) 463-8069.

★ ★ ★

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 1. Organization and Administration

Fees for Copies of Records

★ 37 TAC §1.129

The Texas Department of Public Safety proposes new §1.129, concerning fees for sale of motor vehicle accident reports in highway patrol field offices. The new section allows the sale of copies of DPS investigated vehicle accident reports at highway patrol field offices where reproduction equipment is available upon proper request. A \$4.00 fee in the form of a

personal check, money order, or cashier's check will be required. Each motor vehicle accident report purchased in a Highway Patrol field office will be stamped "Field Copy—Not From Custodial File."

Melvin C. Peeples, assistant chief of fiscal affairs, has determined that there will be fiscal implications as a result of enforcing or administering the section. The effect on state government from 1987-1991 will be an increase of fee collections from field offices and a decrease of fee collections in headquarters with no estimated change in the total. There is no effect on local government or small businesses as a result of enforcing the section.

Johnny M. Cowan, inspector, 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 convenience to the public in purchasing DPS investigated vehicle traffic accident reports from the local highway patrol sergeant area offices where reproduction equipment is available in lieu of obtaining copies of the accident report by mail from DPS Austin headquarters. The possible economic cost to individuals who are required to comply with the section as proposed will be a fee of \$4.00 each year from 1987-1991 for a field copy of the vehicle traffic accident report.

Comments on the proposal may be submitted to John C. West, Jr., Texas Department of Public Safety, P.O. Box 4087, Austin, Texas 78773, (512) 465-2000.

The new section is proposed under Texas Civil Statutes, Article 6701d, §47 and Article 4413(4)(6) which provide the Texas Department of Public Safety with the authority to provide a copy of a vehicle accident report to any person upon written request and payment of a \$4.00 fee. The Public Safety Commission shall establish and make public proclamation of all rules and regulations for the conduct of the work as may be deemed necessary. The director, subject to the approval of the commission and provisions of this Act, shall have the authority to make such rules and regulations as are deemed necessary for the control of the department.

§1.129. Fees for Sale of Motor Vehicle Accident Reports in Highway Patrol Field Offices.

(a) Reproduction of field copies of Department of Public Safety investigated motor vehicle accident reports will be furnished upon written request in all field offices staffed with a highway patrol sergeant if reproduction equipment is available. This includes regional, district, subdistrict, and sergeant area offices. Requests for reproduction of field copies of Department of Public Safety fleet accident reports will be referred to Statistical Services in Austin. Under no circumstances will they be released by field personnel.

(b) Persons or firms desiring reproduction of motor vehicle accident reports from field offices files will request them in person and submit a written request. If the desired report is available it will be reproduced and furnished upon payment of a \$4.00 fee in the form of a personal check, money order, or cashier's check. Copies of each motor vehicle accident report purchased in a highway patrol field office will be stamped "Field Copy Not From Custodial File."

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 May 8, 1987.

TRD-8704007 James B. Adams
Director
Texas Department of
Public Safety

Earliest possible date of adoption:
June 19, 1987
For further information, please call
(512) 465-2000.

★ ★ ★

**Part V. Texas Board of
Pardons and Paroles
Chapter 141. General
Provisions
Board of Pardons and Paroles
★37 TAC §141.5**

The Texas Board of Pardons and Paroles proposes an amendment to §141.5, concerning majority vote. The board proposes the amendment to clarify the role of the chairman in votes by the board. It further clarifies that with a board made up of an even number (six) the chairman will only vote on matters, other than executive clemency, considered by a quorum of the six member board if his vote is needed to make or break a tie vote of the other members voting.

A. E. Hagedorn, director, Budget and Planning, 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. Hagedorn also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the section. The amendment is for the purpose of clarifying the role of the chairman in board votes. 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 Harry C. Green, P.O. Box 13401, Austin, Texas 78711.

The amendment is proposed under Texas Code of Criminal Procedure, Article 42.18, §8(g), which provides the Board of Pardons and Paroles with the authority to adopt such reasonable rules not inconsistent with law as it may deem proper or necessary.

§141.5. *Majority Vote.* All decisions except executive clemency shall be made by simple majority vote. In matters other than executive clemency considered by the full board of six members, the chair will only vote on any decision when it is necessary to make or break a tie vote of the members voting on the matter.

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 May 8, 1987.

TRD-8703971 John W. Byrd
Executive Director
Texas Board of Pardons
and Paroles

Earliest possible date of adoption:
June 19, 1987
For further information, please call
(512) 459-2708.

★ ★ ★

**TITLE 40. SOCIAL
SERVICES AND
ASSISTANCE
Part I. Texas Department of
Human Services
Chapter 49. Child Protective
Services
Subchapter S. Interstate
Placement of Children
★40 TAC §49.1903**

The Texas Department of Human Services proposes new §49.1903, concerning requests for interstate adoptive placements. When this section is adopted, the Texas Interstate Placement Section (TIPS) will have the authority to require specific information when children from another state are placed in Texas or children are placed by Texas into another state for adoption. This section defines who is authorized to request interstate adoptive placements, the sending agency's responsibilities for the child, and required information about the child and the placement.

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 antici-

pated as a result of enforcing the section will be fewer inappropriate adoptive placements which should result in fewer children needing protective services, counseling, or treatment services from DHS and other state and community agencies. The anticipated economic cost to individuals who are required to comply with the proposed section could be up to \$1,000 for each placement in fiscal years 1987-1991. These costs apply to the attorney and social study fees.

Comments on the proposal may be submitted to Cathy Rosberg, Administrator, Policy Development Support Division-019, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The new section is proposed under the Human Resources Code, Title 2, Chapter 41, which provides the department with the authority to enforce laws for the protection of children, and Chapter 45, which provides the department with the authority to operate under the Interstate Compact on the Placement of Children.

§49.1903. Request for Adoptive Placement.

(a) The sending agency requesting permission through TIPS to place a child into another state, or to place a child from another state into Texas, for adoption, must be a licensed child placing agency, a court, a legal or biological parent, or a managing conservator (or the equivalent under the laws of the sending state). The sending agency retains responsibility for the child until the adoption is consummated in court.

(b) The sending agency is responsible for making arrangements to have an adoptive home study supplied to the ICPC offices

in both states by an agency or an individual. The study must meet the requirements of the receiving state's ICPC authority.

(c) If Texas is the receiving state, a licensed child placing agency, a state certified social worker, or an advanced clinical practitioner must complete the adoptive home study. The study must follow the outline for an adoptive home study as stipulated in the minimum standards for child placing agencies. The sending agency must submit the following to the receiving state:

(1) an interstate compact application form;

(2) a managing conservatorship order, a termination of parental rights order, a consent to adoption, or similar legal documents that meet the requirements of the state in which the adoption is to be legally consummated;

(3) an adoptive readiness summary and social history that includes the following:

(A) a history of the child;

(B) where and with whom the child lives;

(C) the child's physical, medical, mental, and emotional characteristics;

(D) the child's genetic background, including physical, medical, mental, and emotional characteristics of biological parents, grandparents, and siblings of the child and their names and birthdates;

(E) the nationality and ethnic background of the biological parents;

(F) the educational and professional level of the biological parents;

(G) the religious affiliation of the biological parents;

(H) the reasons for choosing this adoptive family;

(I) the costs to the adoptive family for the placement, including amounts and payees;

(4) any other document or information required by the receiving state's ICPC office.

(d) If Texas is the receiving state, TIPS must receive a copy of the physician's statement or a hospital discharge summary describing the child's current physical condition. If there are any medical problems, the adoptive parents must indicate their willingness and ability to accept the child and obtain appropriate treatment.

(e) The sending agency must notify or arrange for TIPS to be notified about the following:

(1) the date the child was placed in the receiving state;

(2) any cancellation of the placement plan, disruption of the placement, or change of address for the adoptive family before the adoption is consummated; and

(3) consummation of the adoption.

The sending agency must supply a copy of the final decree if requested by the receiving state.

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 May 19, 1987.

TRD-8704049

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

June 19, 1987

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

★ ★ ★

Withdrawn

Rules

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

TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 7. Pesticides

★ 4 TAC §§7.8, 7.11, 7.16, 7.24, 7.32,
7.33

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendment to §§7.8, 7.11, 7.16, 7.24, 7.32, and 7.33, submitted by the Texas Department of Agriculture have been automatically withdrawn, effective May 12, 1987. The amendment as proposed appeared in the November 11, 1986, issue of the *Texas Register* (11 TexReg 4615).

TRD-8704059
Filed: May 12, 1987

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TITLE 7 BANKING AND SECURITIES Part III. State Banking Board

Chapter 31. Miscellaneous General Rules

★ 7 TAC §31.7

The State Banking Board has withdrawn from consideration for permanent adoption a proposed §31.7, concerning general rules. The text of the proposed section appeared in the November 14, 1986, issue of the *Texas Register* (12 TexReg 4668). The effective date of this withdrawal is May 11, 1987.

Issued in Austin, Texas, on May 11, 1987.

TRD-8703985 Jorge A. Gutierrez
 General Counsel
 State Banking Board

Filed: May 11, 1987
For further information, please call
(512) 479-1200.

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TITLE 25. HEALTH SERVICES Part I. Texas Department of Health

Chapter 119. Health Maintenance Organizations

★ 25 TAC §119.3

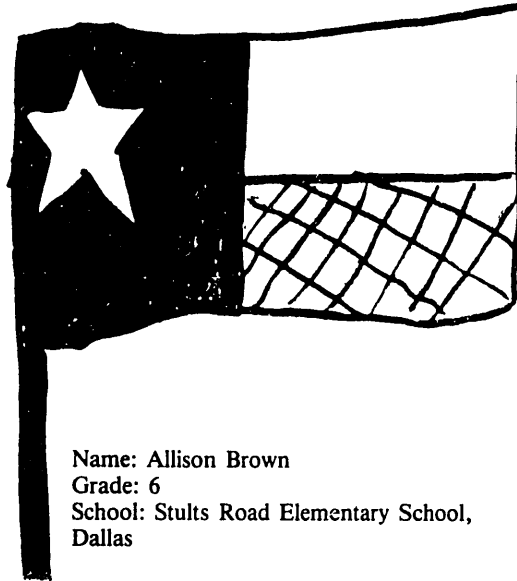
The Texas Department of Health (TDH) has withdrawn from consideration the proposed amendment of §119.3, concerning the organization of health maintenance organizations. The text for the proposed rules appeared in the November 25, 1986, issue of the *Texas Register* (11 TexReg 4795).

Issued in Austin, Texas, on May 12, 1987.

TRD-8704025 Robert A. MacLean, M.D.
 Deputy Commissioner
 for Professional
 Services
 Texas Department of
 Health

Filed: May 12, 1987
For further information, please call
(512) 458-7528.

★ ★ ★



Name: Allison Brown
Grade: 6
School: Stults Road Elementary School,
Dallas

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 19. EDUCATION Part I. Coordinating Board, Texas College and University System Chapter 5. Program Development

Subchapter A. General Provisions

★ 19 TAC §5.6

The Coordinating Board, Texas College and University System adopts new §5.6, without changes to the proposed text published in the February 27, 1987, issue of the *Texas Register* (12 TexReg 632).

The new section is more accessible.

This new section transfers provisions to a more appropriate section, Chapter 5, concerning program development. The new section also updates certain language.

No comments were received regarding adoption of the new section.

The new section is adopted under House Concurrent Resolution 16, 65th Legislature, which provides the Coordinating Board with the authority to adopt rules regarding the common calendar.

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 May 11, 1987.

TRD-8704012 James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

Effective date: June 2, 1987
Proposal publication date: February 27, 1987
For further information, please call
(512) 462-6420.

★ ★ ★

Chapter 11. Texas State Technical Institute Subchapter A. Purpose and Authority

★ 19 TAC §§11.01-11.06

The Coordinating Board, Texas College and University System adopts new §§11.01-11.06, without changes to the proposed text published in the February 27, 1987, issue of the *Texas Register* (12 TexReg 632).

The new sections provide more effective coordination of vocational technical education at TSTI and within the state as a whole.

The new sections provide for the mission and purpose of TSTI, for basic standards and for operational procedures necessary for effective coordination of TSTI by the Coordinating Board.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Education Code, §135.03 and §135.04, which provides the Coordinating Board with the authority to adopt rules regarding purpose and authority.

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 May 11, 1987.

TRD-8704013 James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

Effective date: June 2, 1987
Proposal publication date: February 27, 1987
For further information, please call
(512) 462-6420.

★ ★ ★

Subchapter B. Basic Standards

★ 19 TAC §§11.21-11.27

The Coordinating Board, Texas College and University System, adopts new §§11.21-11.27, without changes to the proposed text published in the February 27, 1987, issue of the *Texas Register* (12 TexReg 633).

The new sections provide more effective coordination of vocational technical education at TSTI and within the state as a whole.

The new sections provide for the mission and purpose of TSTI, for basic standards, and for operational procedures necessary for effective coordination of TSTI by the Coordinating Board.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Education Code, §135.03 and §135.04, which provides the Coordinating Board with the authority to adopt rules regarding basic standards.

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 May 11, 1987.

TRD-8704014 James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

Effective date: June 2, 1987
Proposal publication date: February 27, 1987
For further information, please call
(512) 462-6420.

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Subchapter C. Operational Provisions

★ 19 TAC §§11.41-11.55

The Coordinating Board, Texas College and University System adopts new §§11.41-11.55, without changes to the proposed text published in the February 27, 1987, issue of the *Texas Register* (12 TexReg 634).

The new sections provide more effective coordination of vocational technical education at TSTI and within the state as a whole.

The new sections provide for the mission and purpose of TSTI, for basic standards, and for operational procedures necessary for effective coordination of TSTI by the Coordinating Board.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Education Code, §135.03 and §135.04, which provides the Coordinating Board with the authority to adopt rules regarding operational provisions.

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 May 11, 1987.

TRD-8704015 James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

Effective date: June 2, 1987
Proposal publication date: February 27, 1987
For further information, please call
(512) 462-6420.

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Chapter 17. Campus Planning Subchapter A. General Provisions

★ 19 TAC §17.1

The Coordinating Board, Texas College and University System adopts the repeal of §17.1, without changes to the proposed text published in the February 27, 1987, issue of the *Texas Register* (12 TexReg 636).

This section is repealed and rewritten to make the section more accessible.

This action transfers it to a more appropriate section of the regulations.

No comments were received regarding adoption of the repeal.

The repeal is adopted under House Concurrent Resolution 16, 65th Legislature, which provides the Coordinating Board with the authority to adopt rules regarding the common calendar.

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 May 11, 1987.

TRD-8704016 James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

Effective date: June 2, 1987
Proposal publication date: February 27, 1987
For further information, please call
(512) 462-6420.

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Subchapter B. Criteria for Approval of New Construction and Major Repair and Rehabilitation

★ 19 TAC §17.30

The Coordinating Board, Texas College and University System adopts an amendment to §17.30, without changes to the proposed text published in the February 27, 1987, issue of the *Texas Register* (12 TexReg 636).

The public may benefit by lower construction costs of proposed new or rehabilitation facilities.

The amendment provides that total project costs not exceed the original estimate by more than 10%. The amendment is needed at this time since institutions are better able to estimate construction costs without inflationary pressures.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §61.052, which provides the Coordinating Board with the authority to adopt rules regarding provisions for emergency approval.

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 May 11, 1987.

TRD-8704017 James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

Effective date: June 2, 1987
Proposal publication date: February 27, 1987
For further information, please call
(512) 462-6420.

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Chapter 21. Student Services Subchapter C. Hinson-Hazlewood College Student Loan Program for all Loans Made For or After Fall Semester, 1971 and Which are Subject to the Provisions of the Guaranteed Student Loan Program and the Health Education Assistance Loan Program

★ 19 TAC §§21.54, 21.57, 21.59-21.62, 21.64

The Coordinating Board, Texas College and University System adopts amendments to §§21.54, 21.57, 21.59-21.62, and 21.64, without changes to the proposed text published in the February 27, 1987, issue of the *Texas Register* (12 TexReg 636).

The amendments provide for maintenance of opportunity for needy Texas students to pursue higher education and in some cases, retention of needy students in the higher education system.

The amendments increase loan amounts to needy students at Texas colleges and universities to meet increased costs of higher education. The amendments also enable a student borrower pursuing a professional degree in certain health related fields to avoid the need for two lenders and two minimum repayments by fully using the increased loan amounts through the Hinson-Hazlewood College Student Loan Program.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, Chapter 52, which provides the Coordinating Board with the authority to adopt rules regarding the Hinson-Hazlewood College Student Loan Program for all loans made for or after Fall semester, 1971, and which are subject to the provisions of the guaranteed student loan and the health education assistance loan program.

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

Issued in Austin, Texas, on May 11, 1987.

TRD-8704018 James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

Effective date: June 2, 1987
Proposal publication date: February 27, 1987
For further information, please call
(512) 462-6420.

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Subchapter E. Tuition Equalization Grants Program

★ 19 TAC §21.126

The Coordinating Board, Texas College and University System adopts an amendment to §21.126, with changes to the proposed text published in the February 27, 1987, issue of the *Texas Register* (12 TexReg 638).

The amendment provides for a more equitable distribution of tuition equalization grant (TEG) awards among institutions. Changes are made to subsection (b)(1).

The amendment modifies the method of allocating TEG funds to institutions from a method based on eligible enrollment to a method based on financial need of eligible students. Preliminary fund reserva-

tions to institutions will be based upon the financial need of eligible students rather than on total eligible enrollment. The change will be phased in during a period of four years.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, Chapter 61, Subchapter F, which provides the Coordinating Board with the authority to adopt rules regarding certification and disbursement procedure.

§21.126. Certification and Disbursement Procedure.

- (a) (No change.)
- (b) Disbursement of funds.

(1) To provide accessibility of funds to eligible students and to provide an orderly and timely method by which applicants may be notified of awards, the commissioner shall annually establish a preliminary fund reservation which each tuition equalization grants officer may certify to eligible students. Unless otherwise provided in this section, each preliminary fund reservation shall be the pro-rata amount of tuition equalization grant funds the school's full-time eligible student population could have qualified for in the previous school year, had the program been fully funded. The uniform methodology shall be used in assessing the need of students for use in determining preliminary funds reservations. Should any tuition equalization grants officer not certify grants totaling the amount of the preliminary fund reservation by December 1 of the fiscal year, then any uncertified funds shall be reallocated to meet the needs of eligible students applying for grants to other tuition equalization grants officers. Effective December 1 of each year, any uncommitted funds will be applied to individual applications on a first come/first serve basis. This processing will continue until all appropriated funds have been granted or until all eligible applicants have received grants. Funds freed due to warrant cancellations and refunds will be available for reuse by the involved institution until March 15, at which time remaining funds will revert to processing on a first come/first serve basis as described in this subsection.

(2) In 1987-1988, 75% of each preliminary fund reservation will be based upon the number of eligible full-time students enrolled in each approved institution in the preceding fall term, and 25% of the preliminary fund reservations will be based on the amount of tuition equalization grant funds the school's full-time eligible student population could have qualified for in the previous school year, had the program been fully funded. In 1988-1989, 50% of the preliminary fund reservations will be based upon the number of eligible full-time students enrolled in each approved institution in the preceding fall term, and 50% of the preliminary fund reservations will be based on the amount of tuition equalization grant

funds the school's full-time eligible student population could have qualified for in the previous school year, had the program been fully funded. In 1989-1990, 25% of the preliminary fund reservations will be based upon the number of eligible full-time students enrolled in each approved institution in the preceding fall term, and 75% of the preliminary fund reservations will be based on the amount of tuition equalization grant funds the school's full-time eligible student population could have qualified for in the previous school year, had the program been fully funded. Data used for determining preliminary funds reservations for the 1987-1988 school year were gathered in fall 1986, and include needs assessed on uniform methodology basis when available but need assessed on the TEG methodology was also accepted on eligible students for whom no uniform methodology analysis was available. Data used for determining preliminary fund reservations for school years 1988-1989 and beyond will be based upon the uniform methodology needs analysis only. This temporary provision will be dropped from the rules after it becomes obsolete.

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 May 11, 1987.

TRD-8704019 James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

Effective date: June 2, 1987
Proposal publication date: February 27, 1987
For further information, please call
(512) 462-6420.

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Subchapter J. The Physician Student Loan Repayment Program

★ 19 TAC §21.259

The Coordinating Board, Texas College and University System, adopts an amendment to §21.259, without changes to the proposed text published in the February 27, 1987, issue of the *Texas Register* (12 TexReg 639).

The public will benefit by increased numbers of physicians entering medical practice and remaining in medical practice in four state agencies or in economically depressed or medically underserved areas of Texas.

The amendment encourages a greater number of participants in the program and prohibits participation in other similar programs simultaneously. The amendment opens the program up to a broader spectrum of physicians, prevents physicians from profiting by receiving re-

payments from this program and similar programs simultaneously, and more fairly distributes funds that become available for repayment of student loans through other similar programs.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, Chapter 61, Subchapter J, which provides the Coordinating Board with the authority to adopt rules regarding qualifications for student loan repayment.

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 May 11, 1987.

TRD-8704020 James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

Effective date: June 2, 1987
Proposal publication date: February 27, 1987
For further information, please call
(512) 462-6420.

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Subchapter K. The Good Neighbor Scholarship Program

★ 19 TAC §21.288

The Coordinating Board, Texas College and University System adopts an amendment to §21.288, without changes to the proposed text published in the February 27, 1987, issue of the *Texas Register* (12 TexReg 639).

Students will now have an opportunity to know earlier if they received an award.

This amendment gives an opportunity for applicants for the good neighbor scholarship to know earlier if they received an award. The amendment was recommended by the Texas Association of International Student Advisors. Institutions will now submit recommendations for the awards earlier: By March 15 for Fall/Spring awards; By March 1 for Summer awards.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §54.207, which provides the Coordinating Board with the authority to adopt rules regarding selection procedures.

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 May 11, 1987.

TRD-8704021 James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

Effective date: June 2, 1987
Proposal publication date: February 27, 1987
For further information, please call
(512) 462-6420.

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Subchapter L. Congressional Teacher Scholarship Program

★ 19 TAC §§21.301-21.324

The Coordinating Board, Texas College and University System adopts new §§21.301-21.324. Section 21.311 is adopted with changes to the proposed text published in the February 27, 1987, issue of the *Texas Register* (12 TexReg 639). The other sections are adopted without changes and will not be republished.

The new sections make provisions for increased numbers of certified teachers entering the teaching field, especially in shortage areas, and increased numbers of high school graduates choosing to become teachers. One change is made from the proposed text. In §21.311, the deadline for application is changed from April 1 to May 1.

The new sections provide administrative guidelines of the new federal program specifically for Texas. The new sections enable implementation of the program in Texas by defining responsibilities of scholars, high schools, colleges, and the Coordinating Board.

Commentors noted that the April 1 priority deadline for CTSP applications for the following academic year is too soon. (The April 1 deadline is changed to June 1.) Commentors also noted that the requirements that applicants have graduated in the top 10% of high school graduating class disqualifies many potentially excellent teachers from receiving the scholarship.

Emma Baker, Texas Christian University (written), Anne Vivera, Texas A&M University, Kathleen Plemmons, Baylor University, Doris Constantine, St. Edwards University, David Krause, St. Mary's University, Yolanda Chapa, Austin Community College, Donald Smith, Clarendon College, and Mary Evelyn Swanson, McMurray College commented against the new sections.

The provision that applicants must have graduated in the top 10% of their high school graduating class is encoded in federal statute and cannot be changed by state rule.

The new sections are adopted under the Texas Education Code, §61.068, which provides the Coordinating Board with the authority to adopt rules regarding congressional teacher scholarship program.

§21.311. Application Priority Deadlines. A system of priority deadlines will be administered by the board to process applications.

(1) Initial applications arriving at the board on or before April 1 of each year will be given equal priority. Applications received after that date will be processed on a first come-first served basis until funds are depleted.

(2) Subsequent scholarship applications must be received by the board on or before April 1 to ensure the qualified applicant of receiving the full scholarship for which he or she is eligible, provided funds are available.

(3) Eligible applications received after May 1 will be honored as long as funds are available and applications for subsequent scholarships will receive priority. If available funds are insufficient to honor all applications for subsequent scholarships, scholarships will be awarded on the basis of each scholar's ranking.

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 May 11, 1987.

TRD-8704022 James McWhorter
Assistant Commissioner
for Administration
Coordinating Board,
Texas College and
University System

Effective date: June 2, 1987
Proposal publication date: February 27, 1987
For further information, please call
(512) 462-6420.

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TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 511. Certification as CPA

CPA Examination

★ 22 TAC §511.70

The Texas State Board of Public Accountancy adopts new §511.70, without changes to the proposed text published in the February 10, 1987, issue of the *Texas Register* (12 TexReg 459).

The new section provides notice to the public of the procedures followed in processing instances of suspected candidate irregularities occurring during the Uniform CPA Examination process.

The new section provides guidelines and safeguards for the processing of suspected candidate irregularities occurring during the Uniform CPA Examination.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to the administration of the Uniform CPA Examination.

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 May 11, 1987.

TRD-8703993 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: June 1, 1987
Proposal publication date: February 10, 1987
For further information, please call
(512) 450-7041.

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TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 1. Texas Board of Health

Clinical Health Services

★ 25 TAC §1.91

The Texas Department of Health adopts amendments to existing §1.91, concerning fees for clinical health services. Subsection (b)(1) refers to a schedule of fees which lists the fees to be charged for personal health services provided at public health clinics. The schedule also contains poverty income guidelines which follow the poverty income guidelines published by the United States Department of Health and Human Services. The states are required to follow the federal poverty guidelines under authority of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35. The most recent update of the federal poverty guidelines occurred when the United States Department of Health and Human Services published the latest guidelines in the *Federal Register*, Volume 52, Number 34, effective Friday, February 20, 1987. Therefore, the Texas Department of Health adopts the amendments to the poverty income guide-

lines in the schedule of fees in §1.91 under federal mandate, effective February 20, 1987.

The amendments are adopted under authority of Texas Civil Statutes, Article 4414c, §2, which provide the Texas Board of Health to charge fees to persons who receive public health services from the department; and under authority of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, §652 and §673(2), as implemented by the United States Department of Health and Human Services in the *Federal Register*, Volume 52, Number 34, February 20, 1987.

§1.91. *Fees for Clinical Health Services*

(a) (No change.)

(b) Schedule of fees.

(1) The following Schedule of Fees, as revised in 1987, lists the fees covering personal health services at public health clinics. Local health department contractors may use the following schedule or their own schedule. Public health regions will use the following schedule.

(2)-(8) (No change.)

(c) (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 May 12, 1987.

TRD-8704026 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of
Health

Effective date: February 20, 1987
For further information, please call
(512) 458-7700.

★ ★ ★

TITLE 43.
TRANSPORTATION
Part I. State Department of
Highways and Public
Transportation
Chapter 9. Construction
Division
Procedure for Debarment of a
Contractor

★43 TAC §9.6

The State Department of Highways and Public Transportation adopts an amendment to §9.6, with changes to the proposed text published in the March 27, 1987, issue of the *Texas Register* (12 TexReg 1026).

Under the existing section, a contractor that engages in illegal or unethical practices may be disqualified from bidding, contracting, or subcontracting on the department's highway projects. More fully to protect the integrity of the competitive

bidding process, the policy of refraining from doing business with a contractor duly determined to have engaged in proscribed conduct is being extended to suppliers of material and equipment.

A contractor which is suspended by proper order of the commission will be prevented from supplying materials or equipment to the department or others for use in highway projects.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Articles 6666 and 6674i, which provide the State Highway and Public Transportation Commission with the authority to establish rules and regulations for the conduct of the work of the State Department of Highways and Public Transportation, and to promulgate rules for bidders on all contracts proposed to be made by the department for highway improvement contracts.

§9.6. *Procedure for Debarment of a Contractor.*

(a) (No change.)

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

(1)-(3) (No change.)

(4) Contractor—An individual, partnership, corporation, or other business entity which is eligible through prequalification to bid on any contract let by the department, or which functions, or seeks to function, as a subcontractor under any such contract, or as a supplier of materials or equipment to be used in the construction or maintenance of a part of the state highway system.

(5) Debar, debarment—To disqualify (the disqualification of) a contractor from bidding on and/or entering into contracts with the state that are the responsibility of the department, or from participating as a subcontractor under any such contract, or as a supplier of materials or equipment to be used in the construction or maintenance of a part of the state highway system.

(6)-(8) (No change.)

(c) Debarment

(1) The commission, at its sole discretion, may debar a contractor and/or its affiliates from bidding on and/or entering into contracts let by the department, from participating as a subcontractor on any such contract, and/or from supplying materials or equipment to be used in the construction or maintenance of a part of the state highway system for any of the following reasons:

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

(2)-(4) (No change.)

(d)-(h) (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 May 11, 1987.

TRD-8703986 Diane L. Northam
Administrative
Technician
State Department of
Highways and Public
Transportation

Effective date: June 1, 1987
Proposed publication date: March 27, 1987
For further information, please call
(512) 463-8630.

★ ★ ★

Procedure for Suspension of a
Contractor

★43 TAC §9.7

The State Department of Highways and Public Transportation adopts an amendment to §9.7, with changes to the proposed text published in the March 27, 1987, issue of the *Texas Register* (12 TexReg 1026).

Under the existing section, a contractor that engages in illegal or unethical practices may be disqualified from bidding, contracting, or subcontracting on the department's highway projects. More fully to protect the integrity of the competitive bidding process, the policy of refraining from doing business with a contractor duly determined to have engaged in proscribed conduct is being extended to suppliers of materials and equipment.

A contractor which is suspended by proper order of the commission will be prevented from supplying materials or equipment to the department or others for use in highway projects.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Articles 6666 and 6674i, which provide the State Highway and Public Transportation Commission with the authority to establish rules and regulations for the conduct of the work of the State Department of Highways and Public Transportation, and to promulgate rules for bidders on all contracts proposed to be made by the department for highway improvement contracts.

§9.7. *Procedure for Suspension of a Contractor.*

(a) (No change.)

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

(1)-(3) (No change.)

(4) Contractor—An individual, partnership, corporation, or other business entity which is eligible through prequalification to bid on any contract let by the department or which functions or seeks to function as a subcontractor under any such contract, or as a supplier of materials or equipment to be used in the construction or maintenance of a part of the state highway system.

(5)-(7) (No change.)

(8) Suspend, suspension—To disqualify (the disqualification of) a contractor from bidding on and/or contracting for contracts with the state that are the responsibility of the department or from participating as a subcontractor, under any such contract, or as a supplier of materials or equipment to be used in the construction or maintenance of a part of the state highway system.

(c) Suspension.

(1) A contractor and/or its affiliates may be suspended by the commission from bidding on and/or contracting for highway improvement contracts let by the department, from participating as a contractor under any such contract, and/or from supplying materials or equipment to be used in the construction or maintenance of a part of the state highway system from any of the following reasons.

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

(2) (No change.)

(d) (No change.)

(e) Reinstatement. At the discretion of the commission a suspension may be lifted, modified, or temporarily abated at any time, if it is in the public interest to do so.

(f) (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 May 11, 1987.

TRD-8703987

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

Effective date: June 1, 1987

Proposal publication date: March 27, 1987

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

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Chapter 25. Maintenance Division Debarment of a Maintenance Contractor

★ 43 TAC §§25.501-25.506

The State Department of Highways and Public Transportation adopts new §§25.501-25.506, without changes to the proposed text published in the March 20, 1987, issue of the *Texas Register* (12 TexReg 950).

It is the policy of this department to provide for the timely and efficient performance of maintenance work on the state highway system. Frequent default and/or unsatisfactory performance of various maintenance contractors require appropriate rules to ensure that only responsible and qualified contractors by awarded maintenance contracts or be allowed to act as a subcontractor under those contracts.

These sections provide procedures for disqualifying a contractor from bidding on or performing highway maintenance contracts on grounds of past unsatisfactory or incomplete performance, default, or for any of the grounds specified in §9.6 and §9.7 of this title (relating to Procedure for Debarment of a Contractor).

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Articles 6666 and 6674i, which provide the State Highway and Public Transportation Commission with the authority to establish rules and regulations for the conduct of the work of the State Department of Highways and Public Transportation, and for bidders submitting bids on all highway contracts proposed to be made by the department.

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

Issued in Austin, Texas, on May 11, 1987.

TRD-8703988

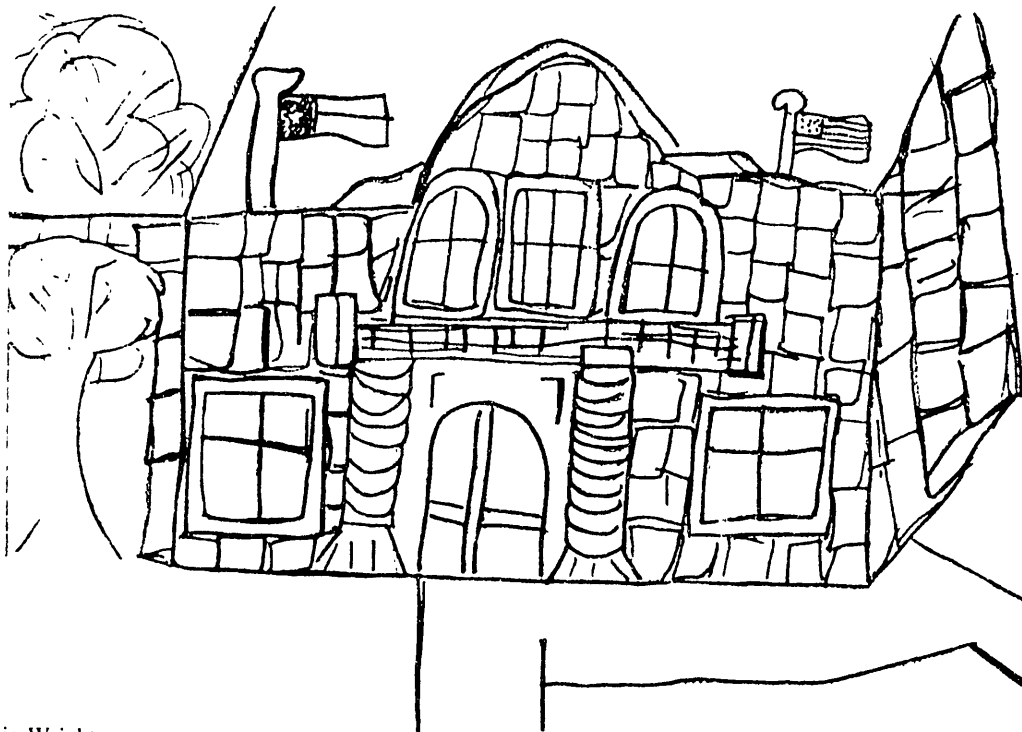
Diane L. Northam
Administrative
Technician
State Department of
Highways and Public
Transportation

Effective date: June 1, 1987

Proposal publication date: March 20, 1987

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

★ ★ ★



Name: Jackie Wright
Grade: 5/6
School: Stults Road Elementary School,
Dallas

Open Meetings

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

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

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

Texas Department of Agriculture

Wednesday, June 3, 1987, 11 a.m. The Texas Department of Agriculture will meet in the District Office, 4502 Englewood Avenue, Lubbock. According to the agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code §76.116(a)(1) by Jack Cobb doing business as 2JS Flying Service, holder of commercial applicator license.

Contact: Robert A. Caine, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: May 12, 1987, 1:56 p.m.
TRD-8704029

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Texas Alcoholic Beverage Commission

Monday, May 25, 1987, 1:30 p.m. The Texas Alcoholic Beverage Commission will meet in the Third Floor Hearing Room, 1600 West 38th Street, Austin. According to the agenda, the commission will approve minutes of the April 27, 1987, meeting, hear administrator's and staff's report of agency activity, and approve affidavit of destruction of tested alcoholic beverages.

Contact: W.S. McBeath, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: May 12, 1987, 1:35 p.m.
TRD-8704027

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Texas Commission on the Arts

Tuesday, May 26, 1987, 10 a.m. The Assistance Review Committee of the Texas Commission on the Arts will meet in the Penthouse, Radisson Plaza Hotel, 700 San Jacinto Boulevard, Austin. According to the agenda summary, the committee will introduce guests, hold a public hearing, approve minutes of the April 14, 1987, Assistance Review Committee meeting, consider advisory panel selection, and review fiscal year

1988 grant requests. The committee will also meet in executive session pursuant to Texas Civil Statutes, Article 6252m s(g), to consider the appointment, employment, evaluation, re-assignment, duties, discipline, or dismissal of a public officer or employee.

Contact: Betty J. Brown, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: May 13, 1987, 10:31 a.m.
TRD-8704053

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Automated Information and Telecommunications Council

Friday, May 15, 1987, 10 a.m. The Automated Information and Telecommunications Council made an emergency addition to the agenda of a meeting held in Room 117, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda summary, the council considered TASSCC disaster recovery presentation. The emergency status was necessary to add TASSCC disaster recovery presentation to the agenda.

Contact: Tina Miles, 510 South Congress Avenue, Suite 216, Austin, Texas 78701, (512) 463-5530.

Filed: May 14, 1987, 8:25 a.m.
TRD-8704075

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State Bar of Texas

Thursday, May 21, 1987, 9 a.m. The Executive Committee of the State Bar of Texas will meet in the Boardroom, 4408 Long-Champ Drive, Austin. According to the agenda summary, the committee will hear reports of board chairman, president, executive director, general counsel, president-elect, TYLA president, immediate past president, and Supreme Court liaison; legislative update and consideration of positions; and other considerations as listed on agenda.

Contact: Paula Welch, 1414 Colorado Street, Austin, Texas 78711, (512) 463-1451.

Filed: May 13, 1987, 3:47 p.m.
TRD-8704068

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Texas Cosmetology Commission

Sunday, May 17, 1987, 10 a.m. The Operator Exam Review Committee of the Texas Cosmetology Commission met in emergency session in the Primavera Room, Four Seasons Hotel, 555 South Alamo, San Antonio. According to the agenda, the committee considered finalizing committee's recommendations. The emergency status was necessary because of special consideration for the Operator Exam Review Committee report.

Contact: Jo Ann Reeves, 1111 Rio Grande, Austin, Texas 78701, (512) 463-5542.

Filed: May 13, 1987, 4:15 p.m.
TRD-8704073

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Texas Education Agency

Thursday, May 21, 1987, 9 a.m. The Software Advisory Committee of the Texas Education Agency will meet in Room 1-100, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will review Texas Education Code Chapter 14 regarding computers and computer related equipment, consider long-term goals of the committee, current status of short-term goals, review proposed software reference guide process, proposed publisher's response form, and consider software publishing industry input.

Contact: Geoffrey Fletcher, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9087.

Filed: May 13, 1987, 1:05 p.m.
TRD-8704057

Employees Retirement System of Texas

Tuesday, May 26, 1987, 9 a.m. The Board of Trustees of the Employees Retirement System of Texas will meet in the ERS Building, 18th and Brazos Streets, Austin. According to the agenda summary, the board will approve the minutes of the previous board meeting, consider/act on request to amend HMO letters of agreement and/or HMO group health care agreements for fiscal year 1987-1988, consider Canvass Trustee election and announce results, appeal of Ernest Testoni (insurance), hear status report on state auditor's management letters, and executive director's report. The board will also meet in executive session.

Contact: James T. Herod, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431, ext. 178.

Filed: May 13, 1987, 1:35 p.m.
TRD-8704061

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Texas Employment Commission

Wednesday, May 20, 1987, 8:30 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will consider prior meeting notes, internal procedures of commission appeals, consider and act on tax liability cases and higher level appeals in unemployment compensation cases listed on commission docket 20, and set date of next meeting.

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

Filed: May 12, 1987, 3:23 p.m.
TRD-8704033

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Firemen's Pension Commission

Friday, May 22, 1987, 1 p.m. The Administrative Division of the Firemen's Pension Commission will meet in Suite 235, 3910 South I-35, Austin. According to the agenda, the Board of Trustees for the Senate Bill 411 pension system as prescribed by Texas Civil Statutes, Article 6243e.3, will meet to discuss the pension plan.

Contact: Elaine Rummel, 3910 South I-35, Suite 235, Austin, Texas 78704, (512) 462-0222.

Filed: May 12, 1987, 10:47 a.m.
TRD-8704008

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Texas Hospital Equipment Financing Council

Friday, May 22, 1987, 10 a.m. The Texas Hospital Equipment Financing Council will meet in Room 119, Stephen F. Austin Building, 1700 Congress Avenue, Austin. According to the agenda, the council will hear a report on substitution of liquidity facility, authorize the execution and delivery of supplemental indenture of trust and substitute standby purchase agreement and related matters, and consider other business.

Contact: Burnham B. Jones, P.O. Box 15587, Austin, Texas 78761, (512) 453-7204.

Filed: May 13, 1987, 11:12 a.m.
TRD-8704056

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Texas Housing Agency

Thursday, May 21, 1987, 9 a.m. The Multi-Family Committee of the Texas Housing Agency will meet in Suite 300, THA Conference Room, 811 Barton Springs Road, Austin. According to the agenda summary, the committee will consider summary presentation of quarterly multi-family program report, consider and possibly act on applications for the low income rental housing tax credit program, and changes to the low income rental housing tax credit program emergency rules.

Contact: Dan A. McNeil, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: May 13, 1987, 2:32 p.m.
TRD-8704067

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Texas Industrial Accident Board

Monday, May 18, 1987, 9:30 a.m. The Texas Industrial Accident Board met in Room 107, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board met in closed session to review board files pursuant to workers' compensation statute.

Contact: Inez "Tippy" Foster, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7960.

Filed: May 13, 1987, 3:49 p.m.
TRD-8704069

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State Board of Insurance

The State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Dates, times, rooms, and agendas follow.

Tuesday, June 2, 1987, 2 p.m. The board will meet in Room 414, to consider a petition by Offenhauser and Company and

Ledwell and Son Enterprises, for amendment of the garage insurance section of the Texas Automobile Manual of the rules of the Texas State Board of Insurance.

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

Filed: May 12, 1987, 3:30 p.m.
TRD-8704034

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Interagency Council on Early Childhood Intervention

Thursday, May 21, 1987, 8:30 a.m. The Interagency Council on Early Childhood Intervention will meet in the Second Floor Conference Room, 1101 East Anderson Lane, Austin. According to the agenda summary, the council will approve minutes of the previous meeting, hear a report on appropriations process, discuss and act on proposed fee collector rider, discuss separate state agency issue, consider providing services for children with acquired immune deficiency syndrome, update and approval of Public Law 99-457 concerning Education of Handicapped Act grant, consider establishing funding priorities for fiscal year 1988 early childhood intervention new and expansion grants, discuss serving children who are three to six years old, consider serving children from other countries, scheduling of next meetings, and consider request for appointment of interagency grant review team members.

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

Filed: May 12, 1987, 4:19 p.m.
TRD-8704035

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Texas Department of Labor and Standards

Friday, May 22, 1987, 1:30 p.m. The Manufactured Housing Division of the Texas Department of Labor and Standards, will meet in Room 105, E.O. Thompson Building, 920 Colorado Street, Austin. According to the agenda, the division will hold proceedings that suspend or revoke the manufactured housing registration for violation of the department's manufactured housing regulations.

Contact: Craig F. Sandling, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: May 13, 1987, 4:38 p.m.
TRD-8704074

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Lamar University System-Board of Regents

Friday, May 15, 1987, 11 a.m. The Board of Regents of the Lamar University System met in emergency session in the Lamar Room, Mary and John Gray Library, 4400 M.L. King Parkway, Beaumont. According to the agenda summary, the board held meetings of the Finance and Audit Committee (11 a.m.) and Building and Grounds Committee (1:30 p.m.). The emergency status was necessary to discuss crucial matters prior to the next regular scheduled meeting.

Contact: George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: May 14, 1987, 8:52 a.m.
TRD-8704083

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Texas National Guard Armory Board

Friday, May 22, 1987, 11 a.m. The Texas National Guard Armory Board will meet in the Conference Room, Building 64, Camp Mabry. According to the agenda summary, the board will consider administrative matters, fiscal matters, facility construction, remodeling and renovation, facility maintenance, and property/leases.

Contact: Sandra Hille, P.O. Box 5218, Austin, Texas 78763-5218, (512) 451-6394/6143.

Filed: May 14, 1987, 9:03 a.m.
TRD-8704077

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Board of Nurse Examiners

Tuesday-Thursday, May 26-28, 1987, 8 a.m. daily. The Board of Nurse Examiners will meet in the Sunrise Motor Hotel, 7622 North I-35 at Highway 183, Austin. According to the agenda summary, the board will consider possible action on disciplinary hearings, consent to board orders and other action as recommended by the acting executive secretary in relation to hearings, reinstatement petitions from three nurses, review legislative matters, survey visit reports and annual reports of certain nursing programs, consider curriculum change requests, conduct a public hearing at 10 a.m. on May 28, 1987, to receive testimony regarding an extended campus request for Corpus Christi State University, and receive reports from various committees, and review reports from workshops. The board will also meet in closed session to review test draft items for future examinations.

Contact: Louise Sanders, 1300 East Anderson Lane, Suite 225, Austin, Texas 78752, (512) 835-4880.

Filed: May 13, 1987, 8:45 a.m.
TRD-8704040

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Public Utility Commission of Texas

The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Dates, times, and agendas follow.

Monday, July 13, 1987, 10 a.m. The Hearings Division will consider Docket 7433—Petition of Amoco Oil Company against Texas-New Mexico Power Company.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 12, 1987, 2:30 p.m.
TRD-8704030

Tuesday, June 16, 1987, 10 a.m. The Hearings Division will consider Docket 7127—Petition of Joe Bryan, et al., for service area exception within Rusk County.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 13, 1987, 3:11 p.m.
TRD-8704070

Tuesday, July 28, 1987, 10 a.m. The Hearings Division will consider Docket 7147—Application of Gulf States Utilities Company for approval of a joint venture cogeneration project and treatment of revenues.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 12, 1987, 2:30 p.m.
TRD-8704031

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Texas Real Estate Commission

Friday, May 22, 1987, 9:30 a.m. The Texas Real Estate Commission will meet in the Conference Room, TREC Headquarters, 1101 Camino La Costa, Austin. According to the agenda summary, the commission will consider the minutes of the April 13, 1987, meeting; hear staff reports for March 1987; consider education matters; discuss proposed legislation; consider final action on proposed amendments to 22 TAC §§535.11, 537.21-537.22, and new §§537.30-537.33, relating to standard contract forms; consider request for adoption of rules requiring mandatory disclosure of agency by licensees; consider Affirmative Fair Housing Agreement between the Texas Real Estate Commission and the U.S. Department of Housing and Urban Development; and consider motions for rehearing and/or probation. The executive committee will meet in closed session to discuss pending litigation pursuant to §2(c), Texas Civil Statutes, Article 6525-17.

Contact: Camilla S. Shannon, P.O. Box 12188, Capitol Station, Austin, Texas 78711, (512) 465-3900.

Filed: May 12, 1987, 4:58 p.m.
TRD-8704036

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Texas Savings and Loan Department

Friday, May 22, 1987, 10 a.m. The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. According to the agenda summary, the department will consider final adoption of proposed technical amendment to §65.12, emergency repeal of §15.14 regarding interim charter, proposed amendment to §§53.3, 53.5, 53.12, 55.3, and 57.4, regarding application forms. The department will also meet in executive session to consider personnel and supervisory matters.

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

Filed: May 12, 1987, 2:41 p.m.
TRD-8704032

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Texas Water Development Board

Thursday, May 21, 1987, 9:30 a.m. The Texas Water Development Board will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will approve minutes of the April 16, 1987, meeting, hear the development fund manager's report, revise reserve fund requirement for Brazosport Water Authority, consider emergency rules for establishing a lending rate and setting the lending rate for financial assistance, financial assistance to Galveston County Water Authority for \$25,840,000, financial assistance to La Porte Area Water Authority for \$9,800,000, discuss application from the Trinity River Authority for cooperative research investigation on water quality impacts of dissolved solids into tributaries, and extend the expiration date of its pilot loan for the High Plains Underground Water Conservation District #1. The board will also meet in executive session.

Contact: M. Reginald Arnold II, P.O. Box 13231, Austin, Texas 78711, (512) 463-7874.

Filed: May 13, 1987, 9:20 a.m.
TRD-8704051



Board of Regents, West Texas State University

Thursday, May 21, 1987, 11 a.m. The Board of Regents of West Texas State University will meet in Room 211, Virgil Henson Activities Center, West Texas State University, Canyon. According to the agenda summary, the board will discuss finance and administrative service items including budget changes, construction contracts, construction contracts-change orders, construction contracts-permission to bid and award, appropriation transfers, asbestos hazard abatement, and bond sale; hear a report on university president's residence and action thereon; university master plan time schedule and any revision necessary; campus master plan implementation; academic affairs items including resignations, retirements, leaves, promotion, and tenure. The board will also meet in executive session.

Contact: Texas Smith, West Texas State University, Canyon, Texas 79016, (806) 656-3962.

Filed: May 13, 1987, 8:55 a.m.
TRD-8703041

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Texas Youth Commission

Thursday, May 21, 1987, 10 a.m. The Texas Youth Commission will meet in Suite 322, 8900 Shoal Creek Boulevard, Austin. According to the agenda summary, the commission will consider an update on the residential programs (information), approval of change in policy regarding home evaluations (action), hear the Placement Committee audit report (information), report on statistical summary (information), approval of change in policy on discharge of non-residents (action), and update on activities of the 70th Legislature (information). The commission will also meet in executive session.

Contact: Ron Jackson, 8900 Shoal Creek Boulevard, Austin, Texas 78766, (512) 452-8111.

Filed: May 13, 1987, 11:09 a.m.
TRD-8704055

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Regional Agencies Meetings Filed May 12

The Central Texas Council of Governments, Central Texas Private Industry Council, will meet at 302 East Central, Belton, on May 28, 1987, at 10 a.m. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513, (817) 939-3771.

The Coryell County Appraisal District, Appraisal Review Board, met at 113 North

Seventh Street, Gatesville, on May 15, 1987, at 2 p.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Dewitt County Appraisal District, Board of Directors, will meet at 103 Bailey Street, Cuero, on May 19, 1987, at 7:30 p.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The Mason County Appraisal District, will meet at 206 Ft. McKavitt Street, Mason, on May 20, 1987, at 5:15 p.m. Information may be obtained from Ann Stapp, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989.
TRD-8704006

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Meetings Filed May 13

The Bastrop County Appraisal District, Board of Directors and Appraisal Review Board, will meet at 1200 Cedar Street, Bastrop, on May 21, 1987, at 7:30 p.m. and May 26, 1987, at 7 p.m., respectively. Information may be obtained from Lorraine Perry, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The Eastland County Appraisal District, Appraisal Review Board, will meet in the Commissioners Courtroom, Eastland County Courthouse, Eastland, on May 22, 1987, at 10 a.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597.

The Education Service Center, Region XIII, Board of Directors, will meet in Room 205, ESC, Region XIII, 5701 Springdale Road, Austin, on May 22, 1987, at 12:30 p.m. Information may be obtained from Joe Parks, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300.

The Edwards County Appraisal District, Appraisal Review Board, will meet in the New County Office Building, Rocksprings, on May 27, 1987, at 10 a.m. Information may be obtained from Sondra Madden, P.O. Box 378, Rocksprings, Texas 78880, (512) 638-4189.

The Erath County Appraisal District, Board of Directors, will meet in the Boardroom, 1390 Harbin Drive, Stephenville, on May 20, 1987, at 10 a.m. Information may be obtained from Jerry Lee, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

The Grayson Appraisal District, Board of Directors, will meet at 205 North Travis, Sherman, on May 20, 1987, at 12 p.m. Information may be obtained from Deborah Reneau, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673.

The Guadalupe-Blanco River Authority, Board of Directors, will meet at 933 East Court Street, Seguin, on May 21, 1987, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822.

The Harris County Appraisal District, Board of Directors, will meet on the Eighth Floor, 2800 North Loop West, Houston, on May 20, 1987, at 1:30 p.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5203.

The Hays County Central Appraisal District, Appraisal Review Board, will meet on the First Floor, County Courthouse Annex, San Marcos, on May 27, 1987, at 9 a.m. Information may be obtained from Lynnell Sedlar, 102 LBJ Courthouse Annex, San Marcos, Texas 78666, (512) 396-4777.

The Mills County Appraisal District, will meet in the Mills County Courthouse, Goldthwaite, on May 21, 1987, at 6:30 p.m. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The Panhandle Ground Water Conservation District #3, Board of Directors, met at 300 South Omohundro, White Deer, on May 18, 1987, at 8 p.m. Information may be obtained from Gary L. Walker, P.O. Box 637, White Deer, Texas 79097, (806) 883-2501.

The Pecan Valley Mental Health and Mental Retardation Region, Board of Trustees, will meet at the Pecan Valley Mental Health and Mental Retardation Region Clinic, 104 Charles Street, Granbury, on May 20, 1987, at 8 a.m. Information may be obtained from Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.
TRD-8704039

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Meetings Filed May 14

The Dallas Central Appraisal District, Appraisal Review Board, will meet in Suite 500, 1420 West Mockingbird Lane, Dallas, on June 5, 1987, at 2 p.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

The East Texas Council of Governments, Private Industry Council, will meet in the ETCOG Office, Kilgore, on May 21, 1987, at 9:30 a.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Gregg Appraisal District, Board of Review, will meet at 2010 Gilmer Road, Longview, on May 22, 1987, at 2 p.m. In-

formation may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Lee County Appraisal District, Appraisal Review Board, will meet at 218 East Richmond Street, Giddings, on May 21, 1987, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Swisher County Appraisal District, Board of Directors, will meet at the Steakhouse Restaurant, 219 Southeast Second Street, Tulia, on May 21, 1987, at noon and 7:30 p.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118.

The Tarrant Appraisal District, Appraisal Review Board, will meet in Suite 505, 1701 River Run, Fort Worth, on May 20, 1987,

at 8:30 a.m. Information may be obtained from Linda Freeman, 1701 River Run, Suite 505, Fort Worth, Texas 76101, (817) 332-3151.

The Wheeler County Appraisal District, Board of Directors, met in the District Office, County Courthouse Square, Wheeler, on May 18, 1987, at 2 p.m. Information may be obtained from Marilyn Copeland, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.

TRD-8704076

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 Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of April 27-May 1, 1987.

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

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

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

Exxon Company, San Antonio; tank truck loading facilities; San Antonio, Bexar County; 18064, new source

Precision Fabricators, Incorporated, Houston; steel fabrication facility; Houston, Harris County; 18065; new source

Energy Technology, Crosby; heater/boiler manufacturing facility; Crosby, Harris County; 18066; new source

Polystar Gulf Coast, Orange; tornac rubber facilities; Orange, Orange County; 18072; new source

Burza International, Streetman; sulfur loading facilities; Streetman, Freestone County; 18077; new source

Maxwell Communications Corporation, Farmers Branch; heat set offset web printing; Farmers Branch, Dallas County; 18080; new source

Issued in Austin, Texas, on May 8, 1987.

TRD-8703995 Bill Ehret
Director of Hearings
Texas Air Control Board

Filed: May 11, 1987
For further information, please call (512) 451-5711, ext. 354.

Texas Department of Community Affairs

Notice of Consultant Contract Award

Contractor. The Texas Department of Community Affairs (TDCA) announces that Williamson-Burnet County Opportunities, Inc., has been awarded a contract under the provisions of Texas Civil Statutes, Article 6252-11c, for the period of May 15, 1987-June 15, 1988. The contract is for the purpose of creating a replicable model program to identify, track, and refer dropout youth for services under the Job Training Partnership Act (JTPA) Program in Texas and to increase the percentage of eligible dropouts served in the Rural Capital Service Delivery Area. The consultant proposal request was published in the October 28, 1986, issue of the *Texas Register* (11 Tex-Reg 4496).

Description of Services. The services to be provided by Williamson-Burnet County Opportunities, Inc., shall include, but not be limited to, the following:

- (1) conduct a longitudinal study to determine who, when, why, and what percentage of students have dropped out of each school district in the past four years;
- (2) pilot the study in the three school districts in Caldwell County;
- (3) replicate the study in other interested school districts;
- (4) evaluate the results of the information collected during the studies;
- (5) coordinate with school districts to develop identification and referral networks with the JTPA and other relevant programs;
- (6) evaluate data to determine appropriate JTPA program modifications;
- (7) create three quarterly and one final project report;
- (8) create and distribute a survey to appropriate resource managers and school district personnel to determine their opinions of the project;
- (9) create a technical assistance guide for rural dropout identification and referral models;

Business Address. The business address of Williamson-Burnet County Opportunities, Inc., is P.O. Box 740, Georgetown, Texas 78627.

Contract Amount. The total cost of services to be performed under the contract with Williamson-Burnet County Opportunities, Inc., is presently estimated to be \$68,035.

Project Reports. Reports to be generated under this contract shall be submitted to TDCA upon completion.

Issued in Austin, Texas, on May 11, 1987.

TRD-8703996 Bruce W. Anderson
General Counsel
Texas Department of Community
Affairs

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Texas Community Development Program 1987 Final Statement

Purpose/Activities/Applicants. The purpose of the Texas Community Development Program (TCDP) is the development of viable communities by providing decent housing, a suitable living environment, and expanding economic opportunities principally for persons of low and moderate income. All proposed activities under the program must either principally benefit persons of low and moderate income, aid in the elimination of slums or blight, or meet other community development needs of particular urgency. Eligible applicants for the TCDP are units of general local government not participating or designated as eligible to participate in the entitlement portion of the Federal Community Development Block Grant Program.

Allocation System. Assistance under the TCDP is available in five funding categories: the community development project fund; the Texas capital fund; the planning/capacity building fund; the emergency/urgent need fund; and the interim financing fund. Specific information on each fund is as follows.

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

(2) The Texas capital fund will provide grants through monthly statewide competitions for projects which create or retain permanent employment for low and moderate income persons. The grant maximum under this fund is \$500,000, and the minimum is \$50,000.

(3) The planning/capacity building fund is established as an annual statewide competition for local governments to improve local capacity or prepare needed plans/studies. The grant maximum under this fund is \$30,000 and there is no minimum.

(4) The emergency/urgent need fund will be available for eligible activities which relieve emergency situations due to natural disasters or contamination problems. Applications for this fund are accepted year-round, and the distribution of funds is coordinated with other state agencies. There is a \$400,000 grant maximum under this fund, and the minimum is \$50,000.

(5) The interim financing fund is established to provide short-term grants to localities to be used for interim financing loans (for fixed assets only) for economic development projects. Funds will only be available during the period of the program year when no funds are being obligated. With the applicant locality's agreement, TDCA will recapture program income to allow for further use under the regular statewide competitions. There is a grant maximum of \$5 million under this fund, and the minimum is \$50,000.

Amount of Funds Available Statewide. The state's final allocation of funds available for the 1987 program year is \$54,056,000. The proposed distribution of these funds

is as follows: community development—66%; Texas capital fund—27%; planning/capacity building fund—1.0%; emergency/urgent need fund—4.0%; and state administration—2.0%, plus \$100,000. No specific percentage of funds is being allocated to the interim financing fund, as the eventual use of such funds (upon repayment to TDCA) will be in one of the aforementioned categories, due to its short-term use.

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

Performance Requirements/Project Selection Criteria. A locality must meet the following requirements in order to submit an application or to receive funding under any fund, to the TCDP: demonstrate the ability to administer the proposed project; demonstrate the financial management capacity to operate and maintain any improvements resulting from the project; demonstrate satisfactory performance on prior TCDP contracts; levy a local sales or property tax; and resolve any and all outstanding compliance and audit findings. All projects under the community development and Texas capital funds will be evaluated and rated in accordance with a numerical point system based on the following major criteria groups: distress conditions within the applying jurisdiction; benefit to low and moderate income persons; project design; and other considerations. The final assignment of points for an application will be the total points received in the four criteria groups. The planning/capacity building fund and Texas capital fund competitions will use benefit to low/moderate income persons as a threshold factor but not as a basis for points awards.

A complete copy of the proposed final statement is available upon request. Please write or call Theresa Quintana, City and County Assistance Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711-3166, 1-(800)-252-9642 or (512) 834-6253.

Issued in Austin, Texas, on May 12, 1987.

TRD-8704037 Bruce W. Anderson
 General Counsel
 Texas Department of Community
 Affairs

Filed: May 13, 1987
For further information, please call (512) 834-6060.



Texas Department of Health Cease and Desist Orders

Notice is hereby given that Sparx, 4411 Lemmon Avenue, Dallas, Texas 75219, having failed to comply with the *Texas Regulations for Control of Laser Radiation Hazards* in that Sparx had not obtained nor applied for a federal variance and that Sparx proposed to use lasers in Texas on April 22, 1987, was ordered by the Bureau of Radiation Control to cease and desist from using any source of

laser radiation at any location in the State of Texas until a federal variance is obtained.

In accordance with *Texas Regulations for Control of Radiation* 13.10(f)(1), the person receiving the order has been given opportunity for hearing if the person makes a written application to the agency within 30 days of the order date.

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

Issued in Austin, Texas, on May 12, 1987.

TRD-8704044 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 13, 1987
For further information, please call (512) 458-7236.

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Notice is hereby given that W. Fernandez Vila, M.D., 1714 Houston Boulevard, South Houston, Texas 77587, having failed to comply with the *Texas Regulations for Control of Radiation* (TRCR) and having possession of and utilizing a radiation-producing device not registered with the Texas Department of Health Radiation Control Agency, was ordered by the Bureau of Radiation Control to cease and desist from operating the radiation-producing device for medical diagnostic purposes. The bureau further ordered that the radiation-producing device shall not be operated for medical diagnostic purposes until the device has been completely repaired, surveyed, and inspected by an authorized company registered to perform such services, and until all violations of TRCR identified by the agency inspection have been corrected.

In accordance with TRCR 13.10(f)(1), the person receiving the order has been given opportunity for hearing if the person makes a written application to the agency within 30 days of the order date.

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

Issued in Austin, Texas, on May 12, 1987.

TRD-8704042 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 13, 1987
For further information, please call (512) 458-7236.

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Notice is hereby given that J.C.I.L., 6669 Gatehouse Lane, Las Vegas, Nevada 89108, having proposed to use lasers in Texas on March 25, 1987, with an expired federal variance and without having applied for registration in Texas, was ordered by the Bureau of Radiation Control to cease and desist from using any sources of laser radiation at any location in the State of Texas until properly registered with the agency. The bureau further ordered that

within 10 days of receipt of the order, J.C.I.L. shall provide the agency with a copy of its current federal variance, proper registration of all laser sources of radiation, and shall make full payment of all required registration fees.

In accordance with *Texas Regulations for Control of Radiation* 13.10(f)(1), the person receiving the order has been given opportunity for hearing if the person makes a written application to the agency within 30 days of the order date.

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

Issued in Austin, Texas, on May 12, 1987.

TRD-8704045 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 13, 1987
For further information, please call (512) 458-7236.

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Notice is given that Karen L. King, D.V.M., Countryside Veterinary Clinic, Route 1, Box 300, Hearne, Texas 77859, having failed to comply with the *Texas Regulations for Control of Radiation* (TRCR) and having possession of and utilizing a radiation-producing device not registered with the Texas Department of Health Radiation Control Agency, was ordered by the Bureau of Radiation Control to cease and desist from operating the radiation-producing device for medical diagnostic purposes. The bureau further ordered that the radiation-producing device shall not be operated for medical diagnostic purposes until the device has been completely repaired, surveyed, and inspected by an authorized company registered to perform such services, and until all violations of TRCR identified by the agency inspection have been corrected.

In accordance with TRCR 13.10(f)(1), the person receiving the order has been given opportunity for hearing if the person makes a written application to the agency within 30 days of the order date.

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

Issued in Austin, Texas, on May 12, 1987.

TRD-8704043 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 13, 1987
For further information, please call (512) 458-7236.

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Intent to Revoke Radioactive Material Licenses

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following licensees, pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8. The agency intends to revoke the radioac-

tive material licenses, order the licensees to cease and desist use of such radioactive materials, and order the licensees to divest themselves of the radioactive material, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the fee is paid within 30 days of the date of each complaint, no order will be issued. The complaints are as shown following this notice.

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

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

Complaint. Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Victoria Wireline Services, Inc., P.O. Box 7006, Victoria, Texas 77903 (the licensee), holder of Radioactive Material License 8-3649.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the license. On October 25, 1985, and June 16, 1986, the licensee was billed \$500 and \$862 for fees due on Radioactive Material License 8-3649, covering the period from July 1985-June 1986, and from July 1986-June 1987, respectively. In correspondence dated February 12, 1987, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with the Texas Radiation Control Act, Texas Civil Statutes, Article 4590f, §13, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

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

Complaint. Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against RAM Inspection, Inc., P.O. Box 9042, Odessa (the licensee), holder of Radioactive Material License 12-3741.

Texas Regulations for Control of Radiation (TRCR)

12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the license. On October 27, 1985, the licensee was billed \$1,000 for fees due on Radioactive Material License 12-3741, covering the period from December 1985-November 1986. In correspondence dated December 2, 1986, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with the Texas Radiation Control Act, Texas Civil Statutes, Article 4590f, §13, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

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

Issued in Austin, Texas, on May 12, 1987.

TRD-8704047 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 13, 1987

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

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The Bureau of Radiation Control, Texas Department of Health, filed a complaint against the following licensee, pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8. The agency intends to revoke the radioactive material license, order the licensee to cease and desist use of such radioactive materials, and order the licensee to divest himself of the radioactive material, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the fee is paid within 30 days of the date of the complaint, no order will be issued. The complaint is as shown following this notice.

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

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

Complaint. Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Depart-

ment of Health (the agency), through its division director, and makes the following complaint against Advanced Tubular Services, Inc., P.O. Box 96096, Houston, Texas 77213 (the licensee), holder of Radioactive Material License 11-3673.

Texas Regulations for Control of Radiation (TRCR) 12.11(b) requires payment of an annual fee for a radioactive material license, in the amount indicated for the appropriate category in Schedule 12.21 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the license. On October 25, 1985, and June 16, 1986, the licensee was billed \$204 and \$348 for fees due on Radioactive Material License 11-3673, covering the period from July 1985-June 1986 and from July 1986-June 1987, respectively. In correspondence dated June 20, 1986, the agency informed the licensee of the delinquency of payment, giving the licensee opportunity to show compliance with all requirements of the law for retention of the radioactive material license. Payment of fees has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the radioactive material license of the licensee and ordering the licensee to cease and desist use of such radioactive materials, and further that the licensee, in order to be in compliance with the Texas Radiation Control Act, Texas Civil Statutes, Article 4590f, §13, divest himself of the radioactive materials, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

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

Issued in Austin, Texas, on May 12, 1987.

TRD-8704046 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed May 13, 1987
For further information, please call (512) 458-7236.

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Preliminary Report

Pursuant to Texas Radiation Control Act, Texas Civil Statutes, Article 4590f, and the *Texas Regulations for Control of Radiation* 13.9, the Bureau of Radiation Control issued a preliminary report for assessment of administrative penalties and notice of violation to Dallas Central Diagnostic Imaging Center, 5445 La Sierra Drive, Dallas, Texas 75231, holder of Radioactive Material License 5-3932. The agency recommends and proposes a total assessment of \$12,500 for violations committed by this licensee.

Information concerning this preliminary report may be obtained by contacting Richard A. Ratliff, Bureau of Radiation Control, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3189, (512) 835-7000.

Issued in Austin, Texas, on May 12, 1987.

TRD-8704048 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 13, 1987
For further information, please call (512) 458-7236.

Request for Proposal

In accordance with Texas Civil Statutes, Article 6252-11C, the Texas Department of Health invites requests for proposals designed to improve access to primary health care services for those individuals without access to public or private health care. The program is based upon the premise that access to appropriate levels of health care can reduce mortality, morbidity, and improve individual productivity, health status, and economic growth.

The Primary Health Services Program seeks to fund projects characterized by the following:

- (1) a well defined health care plan based upon population needs and priorities;
- (2) structured service delivery system utilizing and integrating existing services and providers;
- (3) emphasis upon prevention and early detection services and other cost-effective measures; and
- (4) high potential for extension and replication.

The department plans to award only a limited number of applicants. The deadline for submission of appointment at the close of the business day on is July 3, 1987. Funding will begin in November 1987, and may not extend past August 31, 1988.

Public and private programs, or agencies are eligible to apply for funding.

Those interested in applying for funds should send a letter to receive an application kit. Direct letters to: Texas Department of Health, John H. Dombroski, Director, Primary Health Care Services, 1100 West 49th Street, Austin, Texas 78756. Applications must be prepared and submitted in accordance with the instructions included in the application kit. Applications responsive to the request for proposal will be reviewed by the central office and public health regions and councils of governments. Final approval will be provided by the Statewide Primary Health Care Services Program Advisory Committee.

Inquiries related to application development may be directed to Clara Gonzalez, M.P.H., Program Coordinator, at (512) 458-7771.

Issued in Austin, Texas, on May 13, 1987.

TRD-8704050 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 13, 1987
For further information, please call (512) 458-7771.

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Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of May 4-8, 1987.

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 May 4-8, 1987

New Caney Municipal Utility District, New Caney; wastewater treatment facilities; approximately 3,500 feet east of Old U.S. Highway 59 and 1,000 feet south of Johnson Road approximately 1.25 miles southeast of the City of New Caney in Montgomery County; 12274-01; renewal

Long Branch Creek Corporation, Rockwall; sewage facilities; approximately 4½ miles southeast of the City of Rockwall near the intersection of State Highway 205 and FM Road 549 which is about 2.8 miles southeast of where State Highway 205 intersects with IH-30 in Rockwall County; 13343-01; new permit

Splendora Independent School District, Splendora; wastewater treatment facilities; east of State Highway Spur 512, approximately .4 mile northeast of the intersection of State Highway Spur 512 and FM Road 2090 in Splendora, Montgomery County; 11143-01; amendment

Cypress One, Ltd., Wimberly; treatment facility; at the intersection of Bluebird Lane and Cypress Creek Lane and northwest of the City of Wimberly, Hays County; 13369-01; new permit

Rabbit Hill Water Supply Corporation, Georgetown; sewage treatment facilities; approximately 2.8 miles southeast of the City of Georgetown and 1½ miles east of IH-35 on Westinghouse Road in Williamson County; 13359-01; new permit

Texas Utilities Generating Company, Division of Texas Utilities Electric Company, Riesel; steam electric station; adjacent to Lake Creek Reservoir which is approximately 4.3 miles via FM Road 1860 southwest of the town of Riesel in McLennan County; 00954; amendment

Texas Utilities Generating Company, Division of Texas Utilities Electric Company, Franklin; steam electric station; approximately one mile northwest of FM Road 979 and 12 miles north of the City of Franklin in Robertson County; 01986; amendment

Goodyear Tire and Rubber Company, Beaumont; petrochemical plant producing polymers and related products; south of IH-10 (between IH-10 and State Highway 124) approximately 10 miles southwest of the City of Beaumont, Jefferson County; 00519; amendment

Heather Glen Company, Houston; wastewater treatment facilities; approximately 1,600 feet southwest of the intersection of FM Road 149 and Stuebner-Airline Road on the west side of Harris Coun-

ty Flood Control District Ditch No. P-118-32-00 in Harris County; 11231-01; renewal

Equitable Bag Company, Inc., Orange; paper mill; on the east bank of Adams Bayou immediately north of the Missouri Pacific Railroad Bridge over Adams Bayou in the City of Orange, Orange County; 00727; amendment

Houston Lighting and Power Company, Thompsons; ash storage/handling areas; south of and adjacent to Smithers Lake and Dry Creek, southwest of the Town of Thompsons, Fort Bend County; 01038; amendment

Trifinery, Inc., Corpus Christi; petroleum refining facility; on property owned by Berry Contracting Company between Up River Road and the Corpus Christi Inner Harbor, and between Saber Refining Company and Texas Fuel and Asphalt Company in the City of Corpus Christi, Nueces County; 02720; amendment

City of Sulphur Springs; wastewater treatment facilities; south of the St. Louis Southwestern Railroad, approximately 7,000 feet northeast of the intersection of IH 30 and FM Road 1870 in Hopkins County; 10372-01; amendment

Witco Corporation, Marshall; waste disposal wells; on company property about three and four miles, respectively, north of the City of Marshall, Harrison County; WDW-180, WDW-243; amendments

City of Perryton; treatment facility; approximately ½ mile south on U.S. Highway 83 of the Perryton City limits and thence 1¼ miles east in Ochiltree County; 10248-01; amendment

Chemical Reclamation Services, Inc., Avalon; industrial solid waste storage and processing facility; approximately .5 mile north of Avalon, Ellis County, and approximately .25 mile northeast of the intersection of State Highway 34 and FM Road 55 on the northwest side of the private landfill road; HW-50084-001; new permit

Harris County MUD #221, Houston; wastewater treatment facilities; approximately 3,000 feet northeast of the intersection of Richey Road and Imperial Valley Drive and approximately 3,000 feet northwest of the intersection of Richey Road and Hardy Road in Harris County; 12470-01; renewal

Gulf Materials Recycling Corporation, Galena Park; wastewater treatment facilities; at 100 Clinton Drive approximately 1,500 feet west of Federal Road and 1,075 feet south of Clinton Drive, southwest portion of Galena Park in Harris County; 12377-01; renewal

Jopata Industries, Inc., doing business as Woodloch Development Company, Houston; wastewater treatment facilities; approximately 1,000 feet east-northeast of the intersection of Hardy Road and Erwin Street in the north section of Houston in Harris County; 11673-01; renewal

Sarita Sewer Service and Water Supply Corporation, Sarita; wastewater treatment facility; approximately 3,400 feet south-southwest of the intersection of U.S. Highway 77 and La Parra Avenue and 800 feet west of the intersection of West Street and Kleberg Street in the town of Sarita in Kenedy County; 13361-01; new permit

Temple-Eastex Incorporated, Buna; Buna Sawmill, which will produce pine dimension lumber; approximately ¼ mile east of U.S. Highway 96 and approximately two miles northeast of the Town of Buna,

Jasper County; 02924; new permit

Joe Alvey, Jr., Arlington; wastewater treatment plant; approximately two miles northeast of the intersection of U.S. Highway 287 and FM Road 718 in northern Tarrant County; 13363-01; new permit

City of Junction; wastewater treatment facilities; approximately .25 mile east of the Junction city limits and approximately one mile north and .75 mile east of the intersection of FM Road 2169 and IH 10 in Kimble County; 10199-01; renewal

City of Campbell; sewage treatment plant; approximately one mile southwest of the City of Campbell, ¼ mile southwest of northern intersection of State Highway 50 and State Highway 499, 1,000 feet south of State Highway 50; adjacent to the northwest bank of Timber Creek, ¼ mile north of IH 30 in Hunt County; 11853-01; renewal

Diamond Shamrock Refining and Marketing Company, Three Rivers; land treatment unit; on a 200.5-acre tract of land in Live Oak County, two blocks south and three blocks east of the intersection of U.S. Highway 281 and State Highway 72, in the City of Three Rivers; HW-50100-000; new permit

Issued in Austin, Texas, on May 8, 1987.

TRD-8703977 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Filed: May 11, 1987
For further information, please call (512) 463-7898.

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Texas Water Development Board Applications Received

Pursuant to the Texas Water Code, §6.195, the Texas Water Development Board provides notice of the following applications received by the board.

Brazosport Water Authority, 25 Oak Drive, Lake Jackson, Texas 77566, received April 29, 1987, to revise the board's action taken February 26, 1987, on reserve fund requirement and to permit the reserve fund to build-up over a period of not less than 120 months.

Galveston County Water Authority, P.O. Box 1651, Texas City, Texas 77590, received March 27, 1987, for financial assistance in the amount of \$25,840,000 from the water development account of the water development fund.

La Porte Area Water Authority, P.O. Box 1115, La Porte, Texas 77571, received April 16, 1987, for financial assistance in the amount of \$9,800,000 from the water development account of the water development fund.

High Plains Underground Water Conservation District #1, 2930 Avenue Q, Lubbock, Texas 79405, received May 6, 1987, extending the expiration of its pilot loan from June 2, 1987, until August 31, 1987.

Additional information concerning this matter may be obtained from M. Reginald Arnold II, Acting Executive Administrator, P.O. Box 13231, Austin, Texas 78711.

Issued in Austin, Texas, on May 13, 1987.

TRD-8704052 M. Reginald Arnold II
 Acting Executive Administrator
 Texas Water Development Board

Filed: May 13, 1987
For further information, please call (512) 463-7850.

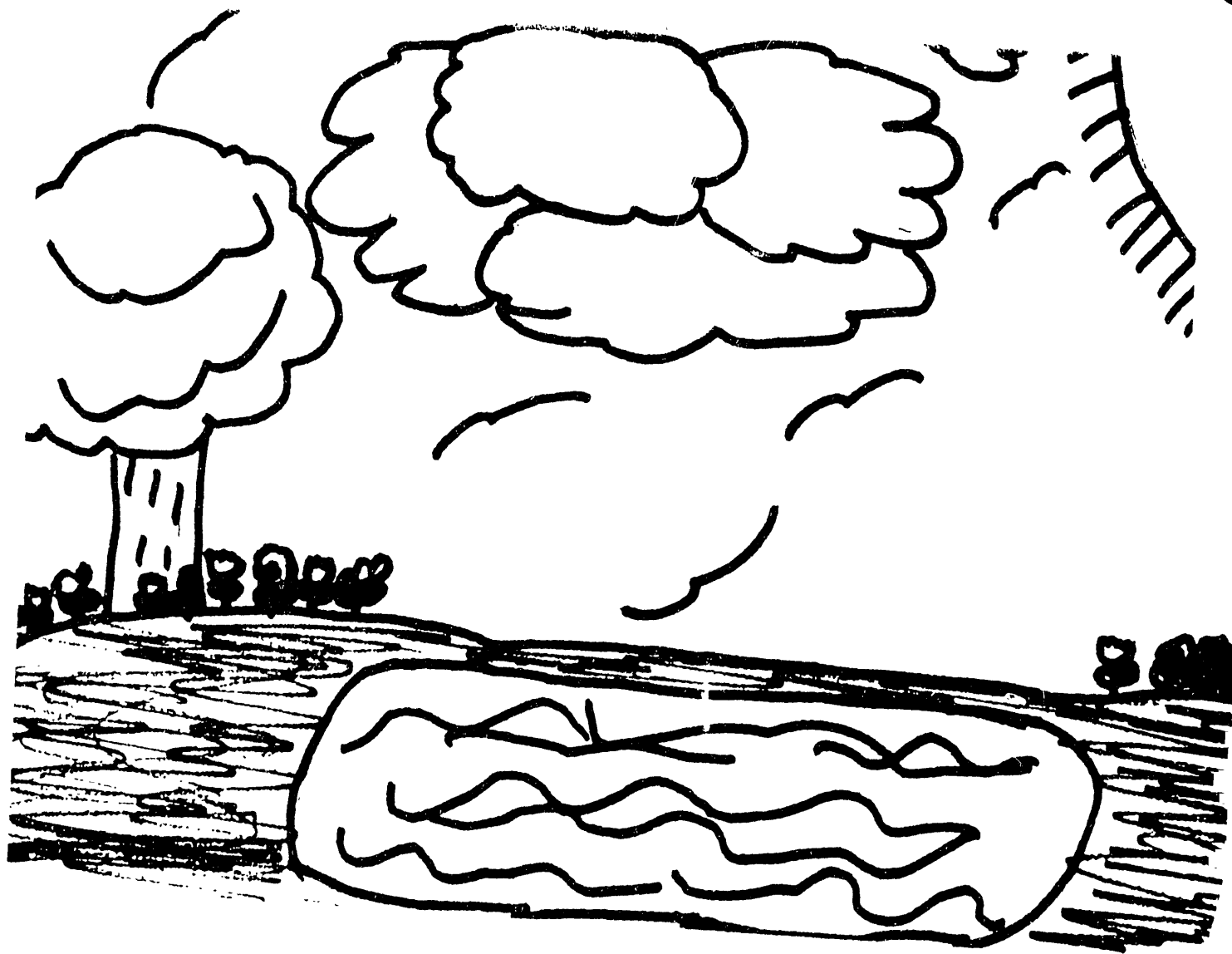
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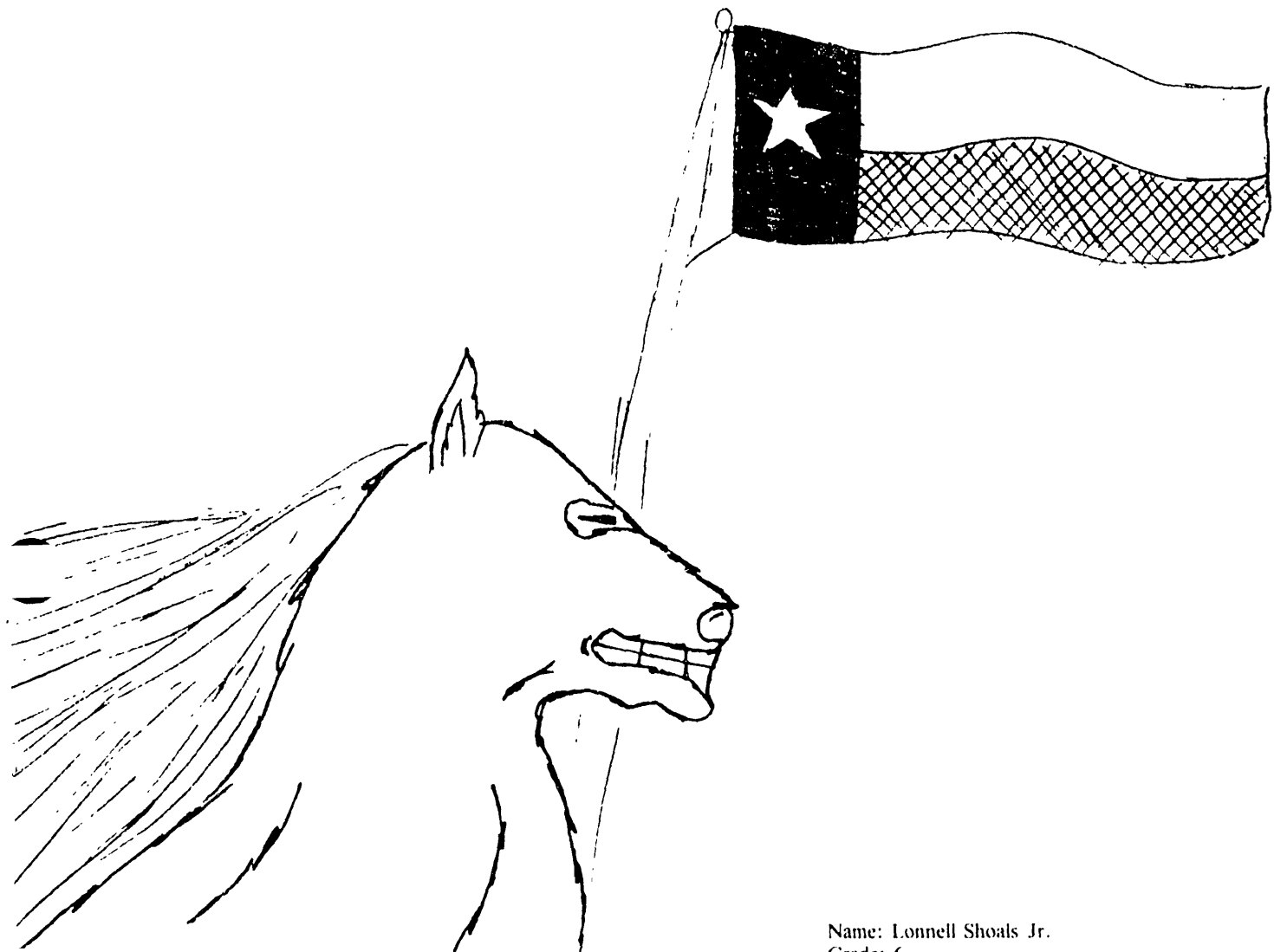
Name: Kathy Patterson
Grade: 6
School: Stults Road Elementary School,
Dallas



Name: Alicia Cameron
Grade: 6
School: Stults Road Elementary School,
Dallas



Name: Brad Carter
Grade: 6
School: Stults Road Elementary School,
Dallas



Name: Lonnell Shoals Jr.
Grade: 6
School: Stults Road Elementary School,
Dallas



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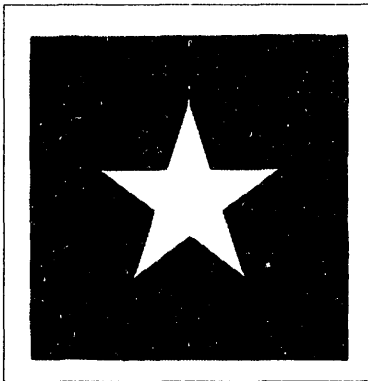
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