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Texas Register

U.S. GOVERNMENT DOCUMENT
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Highlights

- ★ The State Securities Board adopts amendments concerning issuers who claim exemption under the Texas Securities Act; effective date - October 15, 1982.....page 3533
- ★ The Board of Nurse Examiners adopts amendments concerning the National Council Licensure Examination for Registered Nurses; effective date - October 15, 1982 page 3538
- ★ The Texas Department of Health adopts amendments to existing rules on minimum standards for nursing and custodial homes; effective date - January 1, 1983.....page 3540

How To Use the Texas Register

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1982 with the exception of January 5, April 27, November 16, November 30, and December 28, by the Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711-3824, (512) 475-7886.

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POSTMASTER: Please send Form 3579 changes to the Texas Register, P.O. Box 13824, Austin, Texas 78711-3824.

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

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after proposal publication date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 monthly, quarterly, and annual indexes to aid in researching material published.

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document

published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: page 2 in the lower left-hand corner of this page is written: "7 TexReg 2 issue date," while on the opposite page, in the lower right-hand corner, page 3 is written "issue date 7 TexReg 3."

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

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules currently being published by Shepard's/McGraw-Hill, in cooperation with this office.

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* (a listing of all the titles appears below);

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).

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 8, February 1982

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The Governor

As required by Texas Civil Statutes, Article 6252 13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments made and proclamations issued by the governor are also published. Appointments are published in chronological order.

Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

Appointments Made September 14

Texas Board of Land Surveying

Representing licensed state land surveyors, for a term to expire January 31, 1985:

William C. Wilson, Jr.
1514 West Beauregard Avenue
San Angelo, Texas 76901

Mr. Wilson is filling the unexpired term of R. C. Wisdom of Austin, who is deceased.

Texas Commission on the Arts

For a term to expire August 31, 1983:

Harriet Daniel Herd
806 Canonero
Midland, Texas 79701

Ms. Herd is filling the unexpired term of Margot Birmingham Perot of Dallas, who resigned.

Produce Recovery Fund Board

Pursuant to House Bill 1453, 67th Legislature, representing producers, for a term to expire January 31, 1985:

G. E. Glassford
Chairman of the Board
Dave Slaughter & Son, Inc.
P.O. Box 661
Laredo, Texas 78040

Pursuant to House Bill 1453, 67th Legislature, representing licensed commission merchants, for a term to expire January 31, 1987:

Nuncio J. Martino
Vice President and General Manager
North Side Banana Company
2554 Airline
Houston, Texas 77009

Texas Water Well Drillers Board

Pursuant to Senate Bill 915, 67th Legislature, representing the public, for a term to expire September 15, 1983:

Nestor Perez
Box 596
Menard, Texas 76859

Governor's Committee on Employment of the Handicapped

For a term to expire April 9, 1983:

James T. Hall
5919 Elm
Houston, Texas 77061

Mr. Hall is replacing Harry Burgman of Georgetown, whose term expired.

Gulf Coast Waste Disposal Authority

Representing Chambers County, for a two-year term to expire August 31, 1984:

Robert Michael Edwards
Box 86
Stowell, Texas 77661

For a two-year term to expire August 31, 1984:

John Unbehagen
33 Colony Park Circle
Galveston, Texas 77551

Mr. Edwards and Mr. Unbehagen are being reappointed.

Metric System Advisory Council

For a term to expire August 29, 1983:

Joan Burba
106 North Avenue O
Olney, Texas 76374

Ms. Burba is replacing Mr. R. Walter Cunningham of Houston, whose term expired.

Texas Advisory Council of the Legal Services Corporation

For a term to expire April 13, 1983:

Richard D. Davis, Sr.
1001 Ferguson Drive
Harlingen, Texas 78550

Mr. Davis is replacing Richard Parker of Houston, whose term expired.

State Board of Veterinary Medical Examiners

Representing the public, for a term to expire August 26, 1985:

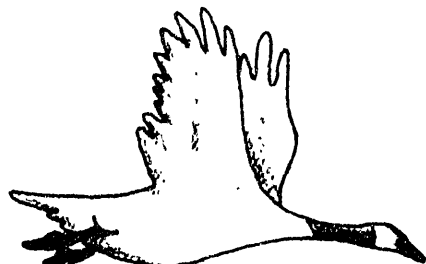
Jay Pumphrey
6317 Indian Creek Drive
Fort Worth, Texas 76116

Mr. Pumphrey is filling the unexpired term of A. C. "Buck" Hughes of Commerce, who is deceased.

Issued in Austin, Texas, on September 21, 1982.

TRD-827467

William P. Clements, Jr.
Governor of Texas



Appointments Made September 15

51st Judicial District

To be judge of the 51st Judicial District, Coke, Irion, Schleicher, Sterling, and Tom Green Counties, effective September 21, 1982, until the 1984 general election and until his successor shall be duly elected and qualified:

Royal Hart
District Attorney
119th Judicial District
Tom Green County Courthouse
San Angelo, Texas 79603

Mr. Hart is replacing Judge Earl W. Smith of San Angelo, who was elevated to the Third Court of Appeals.

Court of Appeals, Third Supreme Judicial District

Pursuant to Senate Bill 265, 67th Legislature, to be justice of the Court of Appeals, Third Supreme Judicial District, effective September 20, 1982, until his successor shall be duly elected and qualified:

Earl W. Smith
Judge, 51st Judicial District
333 South Chadbourne
San Angelo, Texas 76903

Private Industry Council

For terms to expire September 24, 1983:

Charles Edward Larry
11503 Bowlan Lane
Houston, Texas 77035

Mr. Larry is replacing Gerald Borders of Dallas, who resigned.

Roxanna Guerra
413 Long Shadow
Laredo, Texas 78041

Ms. Guerra is replacing Albert R. Rodriguez of Austin, whose term expired.

Geraldine Smith Mauthe
7 East Cypress Drive
Uncertain, Texas 75661

Ms. Mauthe is replacing Delmar T. Tally of Austin, whose term expired.

Issued in Austin, Texas, on September 21, 1982.

TRD-827468

William P. Clements, Jr.
Governor of Texas

The Secretary of State

Under provisions of the Texas Election Code (Article 1.03), the secretary of state, as chief elections officer, is responsible for maintaining uniformity in the application, operation, and interpretation of the election laws, and for advising the state's election officers in this regard. In carrying out this responsibility, the secretary of state is authorized to issue opinions based on the election laws.

These opinions are summarized for publication in the *Register*.

Questions on particular submissions should be addressed to the Office of the Secretary of State, Elections Division, P. O. Box 12887, Austin, Texas 78711, 1 (800) 252-9602 or (512) 475-3091.

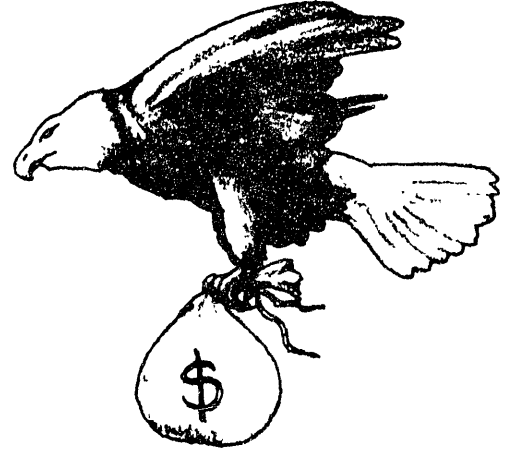
Opinion Issued September 22

Election Law Opinion DAD-62. Request from Representative Bob McFarland, Austin, concerning procedures to be followed in filling the vacancy in office and vacancy in nomination created by the death of Senator John Wilson.

Summary. An executive committee of a political party is not authorized to make a substitute nomination for the general election ballot when a vacancy in nomination occurs after the 45th day before election day. The Code Construction Act is not ap-

plicable to time periods found in the Election Code, Articles 13.56(b) and 8.22(a). A person whose name will appear on the general election ballot as a candidate for an office other than state senator may also be a declared write-in candidate for the office of state senator. If a deceased candidate for state senator is elected at the November general election, the resulting vacancy must be filled in a special election. A special election must be held to fill the remainder of a term that becomes vacant on the death of the incumbent.

TRD-827464



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

Requests for opinions, opinions, and open record decisions are summarized for publication in the *Register*.

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Susan L. Garrison, Opinion Committee chairwoman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the file room, fourth floor, P.O. Box 12548, Austin, Texas 78711-2548, or by telephoning (512) 475-3744. A single opinion is free; additional opinions are \$1.00 a copy.

The Attorney General

Requests for Opinions

RQ-925. Request from James B. Bond, general counsel, Texas A&M University System, College Station, concerning the following:

(1) May state funds be used to match private funds contributed by industry to be made as a grant to private landowners under a program of reforestation?

(2) If state funds may be used for a grant to private landowners, is there any distinction between types of funds to be used, e.g. land sales revenue, legislative appropriations expressly appropriated for reforestation, or local agency funds generated by the agency?

(3) Would trust income derived from a trust established with state funds qualify for distribution to private landowners if the principal is not diminished?

TRD-827515

RQ-926. Request from Gerald A. Goodwin, Angelina County district attorney, Lufkin, concerning the following:

(1) Does Texas Civil Statutes, Article 3926a, authorize the county commissioners court to set a fee to reimburse the county for costs incurred in processing bail bonds?

(2) If the statute does authorize the court to set a fee, is this statute, as applied to bail bonds fees, constitutional?

TRD-827516

RQ-927. Request from Charles B. Wood, executive director, Texas Industrial Commission, Austin, concerning whether an industrial development corporation

formed under Texas Civil Statutes, Article 519D-6, may require the allocation of part of bond proceeds raised under Article 519D-6 to the public display of works of art.
TRD-827517

RQ-928. Request from Gary E. Miller, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, Austin, concerning whether Article 4566 requires that an audiologist with a master's or doctorate degree be licensed by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids; and whether an individual with a master's or doctorate degree in audiology not licensed by the Board of Examiners in the Fitting and Dispensing of Hearing Aids may make impressions for earmolds to be used as a part of the hearing aid.
TRD-827518

RQ-929. Request from Ron Resech, executive director, Texas Cosmetology Commission, Austin, concerning whether a cosmetology inspector legally has jurisdiction over a barber while inspecting a salon that is licensed by both the State Board of Barber Examiners and the Cosmetology Commission; and whether a barber inspector legally has jurisdiction over a cosmetologist while inspecting a salon that is licensed by both the State Board of Barber Examiners and the Cosmetology Commission.
TRD-827519

RQ-930. Request from Bill Aleshire, county assessor and tax collector, Travis County, Austin, concerning whether a list held by the Travis County tax assessor/col-

lector titled "Secretary of State—Voter Registration Convicted Felon Purge Notification" is exempted from public disclosure under the Open Records Act.
TRD-827520

Opinions

MW-516 (RQ-674). Request from Joyce Tompkins, Fort Bend County Auditor, Richmond, concerning transfer of county assets from one department to another and failure to follow procedure for setting salaries.

Summary of Opinion. The Commissioners Court of Fort Bend County was authorized to transfer to the sheriff's department an automobile originally purchased with funds from the Road and Bridge Fund. Where the notice requirements of Article 3912k were not met, salary raises incorporated in the budget for county officers were invalid.
TRD-827513

MW-517 (RQ-643). Request from George W. McNeil, Texas state auditor, Austin, concerning whether commissioner of education accrues vacation time.

Summary of Opinion. The commissioner of education is an officer who is not entitled under the appropriations acts to accrual of vacation time and to lump sum payment therefor upon separation from state employment.
TRD-827514

Emergency Rules

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

An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The submission must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency adoption. Following each published emergency document is certification information containing the effective and expiration dates of the action and a telephone number from which further information may be obtained.

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

TITLE 22. EXAMINING BOARDS Part XXIII. Texas Real Estate Commission Chapter 537. Professional Agreements and Standard Contracts Standard Contract Forms 22 TAC §537.11

(Editor's note: The Texas Real Estate Commission has also proposed amendments to §537.11, which add subsections (c)-(g). These proposed amendments were published in the September 24, 1982, issue of the Texas Register.)

The Texas Real Estate Commission adopts on an emergency basis amendments to §537.11, concerning use of standard contract forms, and simultaneously proposes permanent adoption of these amendments. The Texas Real Estate Commission finds imminent peril to the public welfare exists unless this action is taken.

By prior action, the commission amended §537.11 to permit use of forms not approved by the commission in transactions involving a principal who provides a different contract form regularly used in the course of the principal's business. The commission has determined that if the two forms intended for use in the sale of new homes are not to be required for use, then amendment of this provision of §537.11 is appropriate to eliminate confusion and misunderstanding.

The emergency amendments are adopted under Texas Civil Statutes, Article 6573a, §5e, which authorizes the Texas Real Estate Commission to make and enforce all rules necessary for the performance of its duties.

§537.11. *Use of Standard Contract Forms.*

(a) In any real estate transaction for which a standard contract form has been promulgated by the Texas Real Estate Commission, a Texas real estate licensee must use the standard contract form, except when the services of a lawyer are used to prepare the instrument for a particular sale. Standard Contract Form TREC No. 1-1 is promulgated for use in the sale of residential real property where there is an assumption of an existing loan. Standard Contract Form TREC No. 2-1 is promulgated for use as an addendum only to another promulgated standard contract form. Standard Contract Form TREC No. 3-0 is promulgated for use in the resale of residential real property where there is a Veterans Administration guaranteed loan. Standard Contract Form TREC No. 4-0 is promulgated for use in the resale of residential real property where there is a conventional loan. Standard Contract Form TREC No. 5-0 is promulgated for use in the resale of residential property where there is a Federal Housing Administration insured loan. Standard Contract Form TREC No. 6-0 is promulgated for use in the resale of residential real property where there is all cash or owner financing. [Standard Contract Form TREC No. 7-0 is promulgated for use in the sale of new homes where there is a conventional or Veterans Administration guaranteed loan. Standard Contract Form TREC No. 8-0 is promulgated for use in the sale of new homes where there is a Federal Housing Administration insured loan.] Standard Contract Form TREC No. 9-0 is promulgated for use in the sale of unimproved property where intended use is for one to four family residences. Standard Contract Form TREC No. 10-0 is promulgated for use as an addendum concerning sale of other property by a buyer to be attached to promulgated forms of contracts. Standard Contract Form TREC No. 11-0 is promulgated for use as an addendum to be attached to promulgated forms of contracts which are second or "back-up" contracts. Standard Contract Form TREC No. 12-0 is promulgated

for use as an addendum to be attached to promulgated form of contracts where there is a Veterans Administration release of liability or restoration of entitlement. Standard Contract Form TREC No. 13-0 is promulgated for use as an addendum concerning new home insulation to be attached to promulgated forms of contracts. Standard Contract Form TREC No. 14-0 is promulgated for use as an addendum concerning financing conditions to be attached to promulgated contracts where there is a conventional loan. Standard Contract Form TREC No. 15-0 is promulgated for use as a residential lease when a seller temporarily occupies property after the closing. Standard Contract Form TREC No. 16-0 is promulgated for use as a residential lease when a buyer temporarily occupies property prior to closing. Real estate licensees may supply themselves with the forms for their use in any way they desire. Copies may be purchased from the commission. For those who desire to reproduce a form in volume, "slick proofs" may be purchased from the commission. All "slick proofs" will be separately numbered for the purpose of control of reproduction. The control number on each proof must appear on all forms reproduced. When reproducing a form, additions or changes are prohibited, except that brokers, organizations, or printing services may add their name and/or logo at the top of the form itself. Also, the real estate broker's name may be inserted on the front page of a form in the blank space provided after the words "BROKER'S FEE" and the broker's name and license number may be printed in the signature section on the back page.

(b) Notwithstanding any other provision of these rules, a licensee may use a form not promulgated by the Texas Real Estate Commission in the following transactions:

(1) [transactions involving a principal who provides a different contract form regularly used in the course of the principal's business;]

[(2)] transactions in which the licensee is functioning as a principal, not an agent;

(2)[(3)] transactions in which an agency of the United States government requires a different form to be used.

Issued in Austin, Texas, on September 21, 1982.

TRD-827434 Mark A. Moseley
 Legal Counsel
 Texas Real Estate Commission

Effective date: September 22, 1982
Expiration date: January 20, 1983
For further information, please call (512) 459-3342.

22 TAC §537.18, §537.19

(Editor's note: The text of the following rules being repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Real Estate Commission, 1101 Camino La Costa, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The Texas Real Estate Commission adopts on an emergency basis the repeal of §537.18 and §537.19, concerning standard contract forms, and simultaneously proposes adoption of these repeals on a permanent basis. The Texas Real Estate Commission finds imminent peril to the public welfare exists unless this action is taken.

By prior action, the Texas Real Estate Commission adopted by reference, effective November 1, 1982, a series of 10 earnest money contract forms and form addenda. Two of the contract forms, TREC No. 7-0 and TREC No. 8-0, were intended for use in the sale of new homes. Since the adoption of these two forms, the Texas Real Estate Commission has determined that earnest money contracts for the sale of new homes are not capable of standardization at the present time.

If the emergency action is not taken, Texas licensees would be required to use the forms beginning November 1, 1982, unless commission rules provided otherwise.

The emergency repeals are adopted under Texas Civil Statutes, Article 6573a, §5e, which authorizes the Texas Real Estate Commission to make and enforce all rules necessary for the performance of its duties.

§537.18. *Standard Contract Form TREC No. 7-0.*

§537.19. *Standard Contract Form TREC No. 8-0.*

Issued in Austin, Texas, on September 21, 1982.

TRD-827436 Mark A. Moseley
 Legal Counsel
 Texas Real Estate Commission

Effective date: September 22, 1982
Expiration date: January 20, 1983
For further information, please call (512) 459-3342.

Proposed Rules

Thirty days before an agency intends to permanently adopt a new or amended rule, or repeal an existing rule, it must submit a proposal detailing the action in the *Register*. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the rule. A public hearing on the proposal may also be granted if such a procedure is requested by a governmental subdivision or agency, or by an association consisting of at least 25 members.

Unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice, the proposal may not be adopted until 30 days after publication. The document, as published in the *Register*, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state or local government; a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule; a request for public comments; a statement of legal authority under which the proposed rule is to be adopted (and the agency's interpretation of the legal authority); the text of the proposed action; and a certification statement. The certification information which includes the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

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

TITLE 16. ECONOMIC REGULATION Part I. Railroad Commission of Texas Chapter 5. Transportation Division Subchapter M. Motor Bus Companies 16 TAC §5.244

The Railroad Commission of Texas proposes new §5.244 (051.03.13.044), concerning the exemption of motor bus companies for the transportation of elderly, disabled, or handicapped persons, or persons traveling to or from medical facilities, pursuant to federal, state, or local government financed programs.

Rory K. McGinty, assistant director, transportation division, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. McGinty has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be greater flexibility in responding to the need for transportation of elderly, disabled, or handicapped persons, or persons traveling to or from medical facilities, pursuant to federal, state, or local government financed programs.

The anticipated economic cost to individuals who are required to comply with the rule as proposed will be minimal since the persons who would receive improved transportation service under the proposed rule are not generally utilizing certificated common carriers at the present time, and would not, therefore, be diverted from existing common carriers.

Comments on the proposal may be submitted to Rory K. McGinty, assistant director, transportation division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 911a, §7, which provides the Railroad Commission of Texas with the authority to make special rules to meet special conditions in different localities and for such time as in its judgment may be deemed expedient and best for the public welfare.

§5.244 (051.03.13.044). *Exemption of Motor Bus Companies.*

(a) Exemption of government contract or subsidized motor bus operations.

(1) Certificates of exemption.

(A) Power to issue certificates of exemption.

The director may, upon receipt of a properly filed request, issue to a motor bus company a certificate of exemption for the transportation of elderly, disabled, or handicapped persons, or persons traveling to and/or from medical

facilities, or others where required by federal law, together with their baggage, where such transportation service is provided pursuant to:

(i) a contract between the motor bus company and a governmental body under which compensation for the transportation service is paid exclusively by the governmental body, or

(ii) a grant or other subsidy agreement between the motor bus company and a governmental body under which the governmental body provides a direct subsidy to the motor bus company equal to at least ½ of total compensation for the transportation service.

(iii) A contract pursuant to §16.204 of the Texas Education Code.

(B) Application of exemption limited by underlying contract or agreement. A certificate of exemption shall incorporate the underlying contract or subsidy agreement by reference and shall apply only to transportation service provided pursuant to the underlying contract or subsidy agreement.

(C) Copy of certificate of exemption required in each vehicle. A copy of the certificate of exemption, together with an executed copy of the contract or subsidy agreement which is incorporated by reference into the certificate of exemption, must be carried in each vehicle operated under the certificate of exemption. Transportation service provided in a vehicle which does not carry the foregoing materials is not exempt under the provisions of this section.

(D) Term of exemption. A certificate of exemption shall, unless revoked by the commission, remain effective throughout the duration of the underlying contract or subsidy agreement.

(E) Revocation of certificate of exemption. The commission may, after notice and hearing, revoke a certificate of exemption if it is determined that the holder violated the terms of its exemption, or the provisions of this subtitle or the Texas Motor Bus Act, in effect at the time the violation occurred.

(2) Scope of exemption.

(A) Operating rights, schedules, and tariff not required. A motor bus company may, under a certificate of exemption and notwithstanding any other provision of this subtitle, provide transportation service without:

(i) a certificate of public convenience and necessity,

(ii) commission-authorized routes or schedules, and

(iii) a tariff of commission-prescribed rates.

(B) A motor bus company providing transportation service pursuant to this subsection shall not be subject to the following motor transportation regulations within this subchapter, or any other regulations within the motor transportation regulations to the extent such other regulations would prohibit the special services authorized in this section: §5.203 (051.03.13.003) of this title (relating to Interior Lighting System), §5.205 (051.03.13.005) of this title (relating to Cleaning, Disinfecting, and Deinfestation), §5.206 (051.03.13.006) of this title (relating to Reserve Equipment), §5.208 (051.03.13.008) of this title (relating to Sign Prohibiting Conversation with the Driver), §5.213 (051.03.13.013) of this title

(relating to Right of Transportation), §5.215 (051.03.13.015) of this title (relating to Receiving and Discharging Passengers), §5.216 (051.03.13.016) of this title (relating to Railroad Crossings), §5.218 (051.03.13.018) of this title (relating to Systems of Accounts and Records), §5.219 (051.03.13.019) of this title (relating to Stations and Terminals), §5.220 (051.03.13.020) of this title (relating to Station Facilities), §5.222 (051.03.13.022) of this title (relating to Rest Stops), §5.223 (051.03.13.023) of this title (relating to Posting of Schedules), §5.224 (051.03.13.024) of this title (relating to Routing of Passengers), §5.225 (051.03.13.025) of this title (relating to Baggage), §5.226 (051.03.13.026) of this title (relating to Compliance with Schedules), §5.227 (051.03.13.027) of this title (relating to Unauthorized Schedules; Call and Demand; Irregular Route Service), §5.228 (051.03.13.028) of this title (relating to Interruption of Service), §5.229 (051.03.13.029) of this title (relating to Deviation from Authorized Routes), §5.230 (051.03.13.030) of this title (relating to Change or Discontinuance of Schedules or Charges), §5.231 (051.03.13.031) of this title (relating to Connecting Line Agreement), §5.232 (051.03.13.032) of this title (relating to Interline Bond), §5.233 (051.03.13.033) of this title (relating to Charter Operation), §5.234 (051.03.13.034) of this title (relating to Transportation of Mexican National Migratory Workers), §5.235 (051.03.13.035) of this title (relating to Driver's Trip Report Required), §5.236 (051.03.13.036) of this title (relating to Tariff Approved by the Commission), §5.237 (051.03.13.037) of this title (relating to Required Information on Trip Tickets), §5.238 (051.03.13.038) of this title (relating to Required Information on Continuous Passage Tickets), §5.239 (051.03.13.039) of this title (relating to Credit Extended for Transportation), §5.240 (051.03.13.040) of this title (relating to Lease or Rental of Motor Buses), §5.241 (051.03.13.041) of this title (relating to Method of Keeping Records), §5.242 (051.03.13.042) of this title (relating to Motor Bus Package Express—Uniform Bus Bill), and §5.243 (051.03.13.043) of this title (relating to Through Bus Agreements).

(C) Other requirements retained. Issuance of a certificate of exemption shall not act to exempt a motor bus company from insurance, safety, or other requirements, except as provided in paragraphs (1) and (2) of this subsection.

(3) Requests for issuance of certificate of exemption.

(A) Requests for exemption of government contract service. A motor bus company may request issuance of a certificate of exemption under subsection (a)(1)(A) of this section by filing with the commission:

(i) proof of insurance as required by §5.217 (051.03.13.017) of this title (relating to Insurance),

(ii) an equipment report, as required by §5.151 (051.03.09.001) and §5.152 (051.03.09.002) of this title (relating to Cab Cards and Current Cab Cards), and

(iii) an executed copy of the involved contract.

(B) Requests for exemption of government-subsidized operations. A motor bus company may request

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 generally 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. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice.

No further action may be taken on a proposal which has been automatically withdrawn. However, this does not preclude a new proposal of an identical or similar rule following normal rulemaking procedures.

TITLE 16. ECONOMIC
REGULATION
Part I. Railroad Commission of
Texas
Chapter 5. Transportation Division
Subchapter J. Lease of Operating Rights
and Equipment

16 TAC §5.167

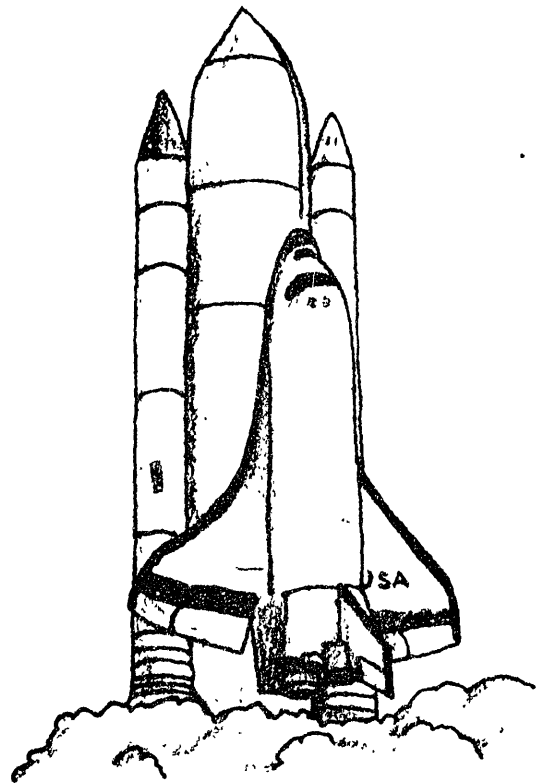
The Railroad Commission of Texas has withdrawn from consideration for permanent adoption new §5.167 (051.03.10.008), concerning lease of operating rights and equipment. The text of the new rule as proposed appeared in the August 28, 1981, issue of the *Texas Register* (6 *TexReg* 3163).

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 September 24, 1982.

TRD-827480 Walter Earl Lile
Special Counsel
Railroad Commission of Texas

Filed: September 24, 1982
For further information, please call (512) 445-1186.



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.

The document, as published in the *Register*, must indicate whether the rule is adopted with or without changes to the proposal. The notice must include paragraphs which: explain the legal justification for the rule; how the rule will function; contain comments received on the proposal; list parties submitting comments for and against the rule, explain why the agency disagreed with suggested changes, and contain the agency's interpretation of the statute under which the rule was adopted.

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. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.

Adopted Rules



The amended rules are adopted under Texas Civil Statutes, Article 6252-11d, which provides the Texas Merit System Council with the authority to adopt rules necessary to administer the Act.

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

Issued in Austin, Texas, on September 17, 1982.

TRD-827475

F Kemp Dixon
Executive Director
Texas Merit System Council

Effective date. October 15, 1982
Proposal publication date August 17, 1982
For further information, please call (512) 477-9665.

TITLE I. ADMINISTRATION Part VII. Texas Merit System Council Chapter 161. Merit System of Personnel Administration

1 TAC §161.5, §161.11

The Texas Merit System Council adopts amendments to §161.5, concerning applications and examinations; and §161.11, concerning tenure, separation, and reinstatement, without changes to the proposed text published in the August 17, 1982, issue of the *Texas Register* (7 TexReg 3024).

The amendments are necessary to eliminate duplication of written examinations and increase flexibility in providing services. The rules will function by affording agencies under merit system jurisdiction the opportunity to take advantage of increased availability of qualified applicants for state employment.

No comments were received regarding adoption of these amendments.

TITLE 7. BANKING AND SECURITIES Part VII. State Securities Board Chapter 133. Forms

7 TAC §133.6

The State Securities Board adopts by reference amendments to §133.6, the Secondary Trading Renewal Notice, concerning notification to the agency by issuers claiming exemption under the Texas Securities Act, §5, without changes to the proposed text published in the July 6, 1982, issue of the *Texas Register* (7 TexReg 2541).

The form is being adopted to provide additional information to the agency in regard to new officers and/or directors of a company who have joined the company since the previous filing of notice claiming the exemption, and information in regard to whether such new officers and/or directors have been subject to any legal action which would affect the availability of the exemption

The form will give the agency additional information upon which to determine the availability of the exemption. The form is available from the State Securities Board, P O. Box 13167, Austin, Texas 78711-3167.

No comments were received regarding the amendments.

The amendments are adopted pursuant to the Texas Securities Act, §5 T and 28-1, which provide, respectively, that the board may prescribe exempt transactions by rule, and that the board may promulgate rules governing registration statements, application statements, notices, and reports.

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 September 24, 1982.

TRD-827506 Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: October 15, 1982
Proposal publication date July 6, 1982
For further information, please call (512) 474-2233.

**TITLE 16. ECONOMIC
REGULATION
Part II. Public Utility Commission of
Texas
Chapter 21. Rules of Practice and
Procedure**

16 TAC §21.65

The Public Utility Commission of Texas adopts new §21.65 (052 01.00.040), without changes to the proposed text published in the August 13, 1982, issue of the *Texas Register* (7 TexReg 2975).

The increased frequency of interim rate requests has necessitated the enactment of a formal rule which will provide information on commission procedures that will be followed when interim rates are requested. The rule will also allow the commission at least one week to review a request, so that each request can receive adequate attention. Uniform standards for the approval of interim rate relief will reduce the number of unwarranted filings that the commission must handle by giving utilities and the public the guidelines which the commission will use to determine if interim rate relief is appropriate or not. The rule provides that in-

terim relief will only be available in extraordinary circumstances and will be considered after the commission has had one week to review the evidence supporting the request, or sooner at the commission's discretion

No comments were received regarding the proposed adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 1446c, §16, which provides the Public Utility Commission of Texas with the authority to adopt rules of practice and procedure, and Texas Civil Statutes, Article 1446c, §43d, which permits the establishment of temporary rates at the commission's discretion.

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 September 23, 1982.

TRD-827523 Carolyn E. Shellman
Secretary of the Commission
Public Utility Commission of
Texas

Effective date. October 18, 1982
Proposal publication date August 13, 1982
For further information, please call (512) 458-0100.

**Chapter 23. Substantive Rules
Special Rules**

16 TAC §23.59

The Public Utility Commission of Texas adopts new §23.59 (052.02 05.059), with changes to the proposed text published in the August 20, 1982, issue of the *Texas Register* (7 TexReg 3051).

In the absence of an agreement by all parties to a wheeling transaction, the rule prescribes the wheeling charge that may be imposed. Basing this charge on the utility's cost of service helps to assure that it is fair and reasonable. Customers of the wheeling utility will, therefore, not have to subsidize wheeling costs, and charges will be high enough to encourage construction of the transmission facilities which make wheeling possible. And although all parties could not agree on the same rule wording, all parties agreed that there was a very real need for some kind of rule. The rule proposed was adopted with changes. First, in subsection (c)(1)(B), 25°C was changed to 40°C as a constant in calculating the thermal rating of each line since the greatest demand on the conductor will occur on a hot summer day when the ambient air temperature is approximately 104°F or 40°C, and "new wire" was changed to "emissivity of 0.5" to more closely approximate the actual value of the wire in service. In subsection (c)(1)(D), the word "increase" in the first sentence was changed to "vector difference" to take into account both the increases and decreases in power flows. And in subsection (c)(1)(E), "per" is replaced with "divided by" for the sake of clarity.

When power transactions not subject to the jurisdiction of the Federal Energy Regulatory Commission occur and agreements on the price of wheeling firm power cannot otherwise be established by all parties to the transaction, this rule will prescribe the compensation the wheeling utility shall receive for transmission service. This compensation will be based on the utility's cost of service to assure that it is fair and reasonable.

Comments concerning the new section were as follows:

The Dow Chemical Company agrees that a rule is needed but believes the rule as currently proposed fails to specifically mention industrially generated electric power, and therefore falls short of assuring that wheeling services will be made available to industrial generators and consumers of electricity on a non-discriminatory basis vis-a-vis the utilities. "It would be in the best interests of the citizens of the State of Texas that this be done, and Dow requests the rule expressly include wheeling of electricity owned by industrial generators of same."

Brazos Electric Power Cooperative, Inc., supports and urges commission approval of the proposed rule concerning wheeling service for transmission of firm power.

The City of Austin pointed out that the selection of the base case before the sale is added or removed can drastically change the results of the "increases in power flow" calculation for each line and proposed that the words "of the increase" in subparagraph (D) be deleted or that the rule define more clearly how the Electric Reliability Council of Texas (ERCOT) base case is to be created and used.

The Lower Colorado River Authority (LCRA) stated it recognized the need for a wheeling rule but felt that an original rule proposed on wheeling, which has since been withdrawn, would have been a better choice. LCRA considered the rule, as proposed at 7 TexReg 3051, technically unacceptable for several reasons and, first, found unacceptable the "positive only" vector methodology used to calculate megawatt miles of usage; second, LCRA felt if the commission was concerned about the level of rates for wheeling service, that it should deal directly with the tariff, not the method of measurement of the system usage; third, LCRA felt the currently proposed definition of firm power was inadequate because it did not seem to sufficiently distinguish between firm and interruptible transactions; finally, LCRA, considering the commission's drive to lower the cost of wheeling service, questioned whether the permitted level of penalty charge in subsection (d)(3) is sufficient to deter unauthorized wheeling transactions.

Dallas Power and Light (DP&L) felt that the rule as proposed was unacceptable and recommended that the rule be adopted with these modifications: that the reference to "25°C air," winter conditions, in subsection (c)(1)(B) be changed to "40°C air," summer conditions, and that the reference in subsection (c)(1)(D)

to the "magnitude of the increase" in power flows be revised to read "the magnitude of the vector difference."

Texas Electric Service Company (TESCO) suggested the commission consider the "boundary method" of determining facilities use charges, but confined the body of their comments to the two rules, this one and a previous rule which has been withdrawn. They stated the "positive difference method" is difficult to implement and inconsistent in its results, giving several examples which they felt bolstered their belief. Finally, they presented information on how charges for wheeling under either of the proposed rules would compare to what it is charged by utilities in other parts of the country. TESCO closed their comments by urging the commission to adopt the originally proposed rules that proposed "vector method" and 60% of the thermal loading.

Central Power and Light (CP&L) supported the commission's decision to modify the originally proposed wheeling rule and had several suggestions for the modified rule. They felt direct transmission ties should be given credit against transactions between neighboring utilities and suggested that in determining the amount of credit 80% of the thermal limit of all direct transmission ties would be consistent with other areas of the proposed rule addressing line capacity and would credit for lines that were built to transfer power between neighbors. CP&L felt subsection (c)(2) discriminated in favor of small purchasers of power and recommended that this section be eliminated. They asked that subsection (c)(3)(B) be modified to facilitate the payback of system losses and to make the payments more equitable to the wheeling utility by striking the word "unusual" in the third sentence of this section. CP&L also recommended several wording revisions which they felt would not alter the rule but would clarify it. Finally, they suggested using available ratings found in the Westinghouse *Electrical Transmission and Distribution Reference Book*, although ratings for all conductors, such as all aluminum, used in ERCOT are not found in this book.

Texas Power and Light Company (TP&L) suggested that the commission reject the wording "magnitude of the increase" in power flows and adopt "the magnitude of the vector difference" in subsection (c)(1)(D). With respect to subsection (c)(1)(B), TP&L recommended that 60% rather than 80% of the thermal rating of each transmission line be used to compute the megawatt-miles for a utility's transmission system. And finally, in subsection (c)(1)(A), TP&L recommended that each utility determine its annual cost of providing transmission service from a cost allocation study employing the "methodology" used in the utility's cost of service study most recently approved by the commission.

West Texas Utilities Company (WTU) requested the commission to exempt from the proposed wheeling rule those power transactions between any two systems when adequate transmission interconnections exist between them to transport the power and

believes the fair amount of exemption from this rule should be that amount of a transaction equal to 80% of the thermal capacity of the transmission tie lines between two utilities. WTU also proposed an alternative exemption plan, it would exempt that amount of a transaction equal to the flow during the transaction over the transmission tie line between two utilities involved in the transaction.

Oral comments were made by representatives of LCRA, TP&L, TESCO, DP&L, and WTU. All parties, except WTU, who presented oral argument at the open meeting had some reservations about the rule, but recognized that wheeling is a technically complex subject and that some kind of rule was needed; further, it was agreed that certain changes be made at that time and that the rule as promulgated for the development of wheeling rates was to be considered functional but developmental in nature. WTU refused to accept any rule other than the one they proposed.

Commenting in favor of the rule were: The Dow Chemical Company, Brazos Electric Power Coop., Inc., City of Austin, and Central Power and Light. Commenting against the rule were: Lower Colorado River Authority, Dallas Power and Light Company, Texas Electric Service Company, and Texas Power and Light Company.

The commission hoped that ERCOT could develop a rule which the utilities would accept, but this was not possible; however, all agreed that the rule was needed. Therefore, after consideration of all comments, the rule was adopted with certain changes reflecting the input of interested parties.

The new rule is proposed under Texas Civil Statutes, Article 1446c, §37 and §38, which provides the Public Utility Commission of Texas with the authority to fix proper and adequate rates for each public utility, with rates being broadly defined by §3 of the same statute to include any compensation or charge collected for the transmission of electricity.

§23.59 (052.02.05.059) *Wheeling Service for Transmission of Firm Power.*

(a) Application. This section of the commission's substantive rules applies to the regulation of the charges for wheeling services incident to a purchase and sale of firm power between electric public utilities and/or municipally owned electric utilities. The application of this rule shall be limited to transactions which are not subject to the jurisdiction of the Federal Energy Regulatory Commission; and for which agreement from all affected parties on the terms and conditions of the transaction cannot otherwise be obtained. Nothing in this section shall affect the validity of any contract for wheeling service entered into before the adoption of this section.

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

(1) Firm power—The power that is furnished by one utility for use of another utility under a commitment to provide such power as the purchaser may demand it, rather than on an "as available" basis.

(2) Wheeling—The provision of transmission service by other utilities when two utilities commit to a sales/purchase agreement for firm power.

(3) ERCOT—The Electric Reliability Council of Texas.

(4) ERCOT security center—One of two offices which are geographically located in north and south Texas, and which maintain constant surveillance of the status of operating conditions of the generation and transmission systems of the ERCOT utilities. The centers act as a centralized coordinator for the collection and dissemination of information for the individual utilities.

(5) ERCOT engineering subcommittee or its successor in function—A subcommittee made up of representatives of ERCOT utilities charged with coordinating studies regarding the planning of the ERCOT generation and transmission system facilities.

(c) Compensation. In every transaction within the application of this section, the utility providing wheeling service shall be entitled to compensation monthly from the purchasing utility as specified in paragraphs (1)-(3) of this subsection.

(1) Facilities charge for wheeling transactions of more than 25 megawatts. The facilities charge shall be determined as follows:

(A) The annual cost of providing transmission service on the system of the utility supplying wheeling service shall be determined from the wheeling utility's cost of service study as most recently approved by the commission. If a cost of service study is not available, the cost shall be based on the annual expenses found in FERC expense accounts 560-573 (or accounts with similar contents) plus the depreciation, federal income tax and other associated taxes, and the commission allowed rate of return based on FERC plant accounts 350-359 (or accounts with similar contents), less accumulated depreciation. It is recommended, though not required by the commission, that municipally owned utilities providing wheeling service use the cost of service study most recently approved by their regulatory body or, in the absence of such a study, the expenses and plant accounts as outlined in this subparagraph.

(B) Each utility subject to requests for wheeling shall determine at least annually the megawatt-miles for that transmission system used in subparagraph (A) of this paragraph in determining the annual cost of providing transmission service. The megawatt-miles for a system shall be the sum of the products of 80% of the thermal rating of each line (75° C conductor, 40° C air, 1.4 mph wind, and emissivity of 0.5) times the length in miles of the line, for transmission lines whose nominal operating voltage is at least 60,000 volts when measured phase to phase.

(C) The changes in megawatt power flows resulting from a wheeling operation shall be determined at least annually from peak load period power flow studies that employ the most recently revised data base and applicable programs maintained by the ERCOT engineering subcommittee.

(D) The magnitude of the vector difference in power flows as determined in subparagraph (C) of this paragraph shall be multiplied times the length of the respective line. The megawatt-mile changes for all lines

shall be summed to determine the total megawatt-mile change on the system.

(E) The annualized facilities charge for providing transmission service is then found by dividing the total megawatt-mile change as found in subparagraph (D) of this paragraph by the system megawatt-miles as found in subparagraph (B) of this paragraph, and then multiplying the resulting quotient by the transmission service costs found in subparagraph (A) of this paragraph, provided, however, that the facilities charge shall not exceed the wheeling utility's annual transmission service cost divided by the megawatt of peak demand plus the sum of all wheeling transactions times the change in megawatt flow across the wheeling utility's boundary, calculated as 1/2 of the sum of the absolute value of all tie line flow changes due to the wheeling. Additionally, the sum of the facilities charges of all wheeling transactions shall not exceed the wheeling utility's annual transmission service cost divided by the megawatt of peak demand plus the sum of all wheeling transactions times the changes in megawatt flow across the wheeling utility's boundary.

(F) Charges for simultaneous transactions shall be based on the megawatt flow changes resulting from the separate addition of each transaction to the peak load power flow base case

(2) Facilities charge for wheeling transactions of 25 megawatts or less. It is the purpose of this subsection to simplify the determination, calculation, and disbursement of facilities charges resulting from small power transfers and incurred by small utilities.

(A) Application. It shall be the option of a utility receiving wheeling service to select the method of calculating wheeling charges described in this section provided it does not have interconnections with more than one other utility and the total of all firm purchased power contracts with utilities other than the utility to which the purchasing utility is connected does not exceed 25 megawatts. If the utility receiving wheeling service does not meet this criteria, wheeling charges shall be based on the method described in subsection (c)(1) of this section.

(B) Facilities charge. The utility which is directly connected to the purchasing utility and providing wheeling service under this subsection shall be entitled to a facilities charge monthly from the purchasing utility which shall be determined as follows.

(i) The annual cost of providing transmission service on the system of the utility supplying wheeling service shall be determined as prescribed in subsection (c)(1)(A) of this section.

(ii) The wheeling charge per megawatt is found by dividing the transmission service costs found in clause (i) of this subparagraph by the system peak demand of the previous year plus the sum of all wheeling transactions.

(iii) The annualized facilities charge for providing transmission service is found by multiplying the megawatts contracted for in the firm power purchase by the wheeling charge cost per megawatt found in clause (ii) of this subparagraph.

(iv) If the aggregate of transactions performed under this section impacts the system of a utility, which is not eligible for facilities charges, by increas-

ing its boundary flow, calculated as outlined in subsection (c)(1)(E) of this section, by 50 megawatts or more, it may demand facilities charges based on the method outlined in subsection (c)(1) of this section.

(3) Provision for losses.

(A) The losses incurred by the utility providing wheeling service due to any firm power transaction shall be determined from the scheduled transfer used in conjunction with loss matrices produced by the ERCOT engineering subcommittee. These loss matrices shall indicate the magnitude and distribution of losses associated with the transfer.

(B) Under normal circumstances, losses shall be repaid in kind. Utilities shall make every reasonable effort to achieve mutual agreement as to the amounts and times for payback. If unusual circumstances make payback in kind impractical, cash payback shall be made during the following calendar month and shall be based on the wheeling utility's decremental cost of fuel at the time losses are incurred. If both parties agree, losses may be repaid in any other manner. The most recently available monthly average system heat rate shall be used to convert the fuel price to a charge per kilowatt-hour for the losses. If, as a result of a wheeling transaction, the level of losses on a system are of a low magnitude such that accurate determination is impractical, payment for such losses may, if both utilities agree, be ignored.

(d) Tariffs and enforcement

(1) Each utility providing wheeling service subject to this rule shall, within 60 days of the effective date of this rule, file a general tariff conforming to subsection (c) of this section and stating the conditions under which the tariff is applicable as outlined in subsection (a) of this section.

(2) No utility may participate in a transaction which utilizes wheeling service provided by other utilities without the consent of all affected utilities. However, no intermediate utility may refuse to provide wheeling service except as outlined in subsection (e) of this section.

(3) Utilities are authorized to charge any other utility according to the tariff filed pursuant to this subsection. This tariff may also include a penalty for unauthorized use of wheeling service, which may be no more than twice the normal wheeling charges. The assessment of the penalty is subject to review by the commission.

(e) General provisions.

(1) A utility may suspend transmission wheeling service during any emergency declared by an ERCOT security center or the successor in function of an ERCOT security center.

(2) The obligation to provide wheeling service shall be subject to:

(A) the availability of capacity on the wheeling utility's bulk transmission and related facilities during the period for which wheeling service is requested; and

(B) the determination that such wheeling service will not create an undue interference with the wheeling utility's obligation to provide service to any of its other customers including other electric utilities interconnected with the wheeling utility. This determination as to availability of capacity and potential interference with other obligations shall be made by the utility whose

transmission system will be affected by such wheeling service in the exercise of its engineering discretion.

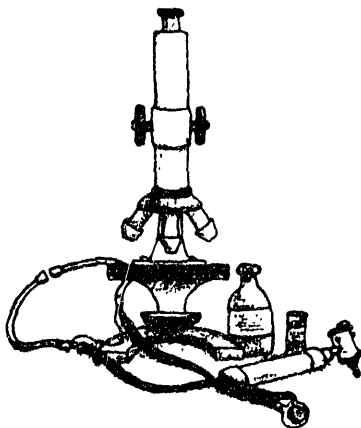
(f) Processing of requests for wheeling. All requests for wheeling services shall be made in writing at least 90 days in advance of the date on which wheeling is proposed to begin and shall provide information in sufficient detail to allow evaluation of the transaction. Whenever a utility has been requested to furnish a response to a request for wheeling, it shall respond in writing with an answer to the request within 30 days unless the power transfer is of such magnitude, duration, and/or complexity that additional time is needed to evaluate its impact. Under no circumstances shall a response be made later than 60 days following the date of the request. The answer shall include cost information reasonably necessary to enable the inquiring utility to evaluate the impact of the wheeling costs on its proposed firm power purchase, or in the case of denial of wheeling service, an explanation of the reasons for denial. The cost of applicable power flow studies, if performed, shall be borne by the inquiring utility.

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 September 24, 1982.

TRD-827524 Carolyn E. Shellman
Secretary of the Commission
Public Utility Commission of
Texas

Effective date: October 18, 1982
Proposal publication date: August 20, 1982
For further information, please call (512) 458-0100.



TITLE 22. EXAMINING BOARDS
Part III. Texas Board of
Chiropractic Examiners
Chapter 75. Rules of Practice

22 TAC §75.5

The Texas Board of Chiropractic Examiners adopts new §75.5, without changes to the proposed text published in the August 24, 1982, issue of the *Texas Register* (7 TexReg 3094).

The rule will allow the board to use testimony if needed at administrative hearings. The board agrees to pay witness fees.

No comments were received regarding adoption of this rule.

The new rule is adopted under Texas Civil Statutes, Article 4512b, which provides the Texas Board of Chiropractic Examiners with the authority to promulgate rules as deemed necessary.

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 September 23, 1982.

TRD-827474 Edna A. Parsons
Executive Secretary
Texas Board of Chiropractic
Examiners

Effective date: October 15, 1982
Proposal publication date: August 24, 1982
For further information, please call (512) 835-2006.

Part XI. Board of Nurse Examiners
Chapter 215. Nurse Education

22 TAC §215.1, §215.20

The Board of Nurse Examiners adopts amendments to §215.1 and §215.20, without changes to the proposed text published in the August 20, 1982, issue of the *Texas Register* (7 TexReg 3054).

These amendments are editorial changes. Effective in July 1982, the national registered nurse licensure examination was revised and given a new title, National Council Licensure Examination for Registered Nurses (NCLEX-RN). NCLEX-RN replaces the former examination known as the State Board Test Pool Examination.

Because the changes were editorial in nature only, the rule function will not change. Candidates writing the licensure examination will now write the National Council Licensure Examination for Registered Nurses rather than the State Board Test Pool Examination. Upon successful completion of the NCLEX-RN, a candidate will receive a license to practice professional nursing in the State of Texas.

No comments were received concerning adoption of the amendments.

These amendments are adopted under the authority of Texas Civil Statutes, Article 4514, which provides the Board of Nurse Examiners with the authority to make and enforce all rules necessary for the performance of its duties and conducting of proceedings before it, to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives,

to regulate the practice of professional nursing, and to determine whether or not an act constitutes the practice of professional nursing, not inconsistent with the Act. Such rules shall not be inconsistent with the provisions of the law.

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 September 24, 1982.

TRD-827521 Margaret L. Rowland, R.N.
Executive Secretary
Board of Nurse Examiners

Effective date October 15, 1982
Proposal publication date August 20, 1982
For further information, please call (512) 835-4880.

Chapter 217. Licensure and Practice

22 TAC § 217.1-217.6

The Board of Nurse Examiners adopts amendments to § 217.1-217.6, without changes to the proposed text published in the August 20, 1982, issue of the *Texas Register* (7 TexReg 3054).

These amendments are editorial in nature. Effective in July 1982, the national registered nurse licensure examination was revised and given a new title, National Council Licensure Examination for Registered Nurses (NCLEX-RN). NCLEX-RN replaces the former examination known as the State Board Test Pool Examination.

The rule function will not change as the amendments are editorial in nature to comply with the national testing examination. The National Council Licensure Examination for Registered Nurses (NCLEX-RN) is now the national licensure examination, and candidates passing this exam are eligible for registration as a professional nurse in the same manner as if they had previously written the State Board Test Pool Examination, which was the former title.

No comments were received regarding adoption of the amendments.

These amendments are adopted under the authority of Texas Civil Statutes, Article 4514, which provides the Board of Nurse Examiners with the authority to make and enforce all rules necessary for the performance of its duties and conducting of proceedings before it, to establish standards of professional conduct for all persons licensed under the provisions of this law in keeping with its purpose and objectives, to regulate the practice of professional nursing and to determine whether or not an act constitutes the practice of professional nursing, not inconsistent with the Act. Such rules shall not be inconsistent with the provisions of the law.

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 September 24, 1982.

TRD-827522 Margaret L. Rowland, R.N.
Executive Secretary
Board of Nurse Examiners

Effective date: October 18, 1982
Proposal publication date: August 20, 1982
For further information, please call (512) 835-4880.

Part XII. Board of Vocational Nurse Examiners

Chapter 231. Administration General Practice and Procedure

22 TAC § 231.11

The Board of Vocational Nurse Examiners adopts an amendment to § 231.11, without changes to the proposed text published in the August 6, 1982, issue of the *Texas Register* (7 TexReg 2863).

This amendment is necessary to reflect the new address of the Board of Vocational Nurse Examiners. The new address will assist persons in locating the board office.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the authority of Texas Civil Statutes, Article 4528c, § 5(g), which provides authorization for the board to make such rules as may be necessary to govern its proceedings and to carry in effect the purposes of the law.

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 September 21, 1982.

TRD-827431 Waldeen D. Wilson, R.N.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: October 13, 1982
Proposal publication date: August 6, 1982
For further information, please call (512) 835-2071.

Chapter 235. Licensing Application for Licensure

22 TAC § 235.6

The Board of Vocational Nurse Examiners adopts an amendment to § 235.6, without changes to the pro-

posed text published in the August 6, 1982, issue of the *Texas Register* (7 TexReg 2864)

The amendment is necessary due to a change in the testing service. The previous rule specified a particular testing service, while the rule as adopted will refer to a national examination.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the authority of Texas Civil Statutes, Article 4528c, §5(g), which provides authorization for the board to make such rules as may be necessary to govern its proceedings and to carry in effect the purposes of the law.

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 September 21, 1982.

TRD-827432 Waldeen D. Wilson, R.N.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: October 13, 1982
Proposal publication date: August 6, 1982
For further information, please call (512) 835-2071.

22 TAC §235.9

The Board of Vocational Nurse Examiners adopts an amendment to §235.9, without changes to the proposed text published in the August 6, 1982, issue of the *Texas Register* (7 TexReg 2864).

This amendment is necessary to reflect the new address of the Board of Vocational Nurse Examiners. The amendment will advise persons of the address to submit applications and fees for licensure.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the authority of Texas Civil Statutes, Article 4528c, §5(g), which provides authorization for the board to make such rules as may be necessary to govern its proceedings and to carry in effect the purposes of the law.

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 September 21, 1982.

TRD-827433 Waldeen D. Wilson, R.N.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: October 13, 1982
Proposal publication date: August 6, 1982
For further information, please call (512) 835-2071.

**TITLE 25. HEALTH SERVICES
Part I. Texas Department of Health
Chapter 145. Long Term Care
Subchapter B. Minimum Standards for
Nursing Homes**

25 TAC §145.12

The Texas Department of Health adopts amendments to §145.12, without changes to the proposed text published in the May 28, 1982, issue of the *Texas Register* (7 TexReg 2042).

The Department adopts new §§145.251-145.261 titled "Medication Aide Training Program," to update and replace §145.121 titled "Texas Approved Training Program in Medication Administration for all Non-licensed Personnel Administering Medications in Nursing Homes, Convalescent Care Homes and Related Institutions." Section 145.121 is being repealed. In addition, the adoption of §§145.251-145.261 requires amendments to existing department rules on minimum standards for nursing homes (§145.12 relating to definitions) and department rules on minimum standards for custodial care homes (§145.32 relating to definitions).

Since nursing homes and related facilities continue to place greater emphasis on the use of medication aides as part of the nursing service staff, the department has determined that medication aides must receive strengthened training and there is a need for greater consistency of training on a statewide basis. The department also has found the need to adjust prerequisite requirements, to recognize certain equivalent training, and to provide for an appeal mechanism on a decision made by department staff relative to the status or acceptability of a medication aide or an applicant.

No comments were received regarding adoption of these amendments.

The amendments are adopted under Texas Civil Statutes, Article 4442c, §7, which authorizes the department, as the licensing agency for nursing homes and related facilities, to develop and establish standards. Section 7, paragraph (h), requires all personnel administering medications in institutions licensed under Article 4442c to have completed a state-approved training program in medication administration.

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 September 22, 1982.

TRD-827447 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: January 1, 1983
Proposal publication date: May 28, 1982
For further information, please call (512) 458-7706.



**Subchapter C. Minimum Standards for
Custodial Care Homes**

25 TAC §145.32

The Texas Department of Health adopts amendments to §145.32, without changes to the proposed text published in the May 28, 1982, issue of the *Texas Register* (7 TexReg 2102).

The department adopts new §§145.251-145.261 titled "Medication Aide Training Program," to update and replace §145.121 titled "Texas Approved Training Program in Medication Administration for all Nonlicensed Personnel Administering Medications in Nursing Homes, Convalescent Care Homes and Related Institutions." Section 145.121 is being repealed. The adoption of §§145.251-145.261 requires amendments to existing department rules on minimum standards for nursing homes (§145.12 relating to definitions) and department rules on minimum standards for custodial care homes (§145.32 relating to definitions).

Since nursing homes and related facilities continue to place greater emphasis on the use of medication aides as part of the nursing service staff, the department has determined that medication aides must receive strengthened training and there is a need for greater consistency of training on a statewide basis. The department also has found the need to adjust prerequisite requirements, to recognize certain equivalent training, and to provide for an appeal mechanism on a decision made by department staff relative to the status or acceptability of a medication aide or an applicant.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4442c, §7, which authorizes the department, as the licensing agency for nursing homes and related facilities, to develop and establish standards. Section 7, paragraph (h), requires all personnel administering medications in institutions licensed under Article 4442c to have completed a state-approved training program in medication administration.

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 September 22, 1982.

TRD-827448 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: January 1, 1983
Proposal publication date: May 28, 1982
For further information, please call (512) 458-7708.

**Subchapter H. Medication
Administration**

25 TAC §145.121

The Texas Department of Health adopts the repeal of §145.121, without changes to the proposed text published in the May 28, 1982, issue of the *Texas Register* (7 TexReg 2043).

The department adopts new §§145.251-145.261 titled "Medication Aide Training Program," to update and replace §145.121 titled "Texas Approved Training Program in Medication Administration for all Nonlicensed Personnel Administering Medications in Nursing Homes, Convalescent Care Homes and Related Institutions." Section 145.121 is being repealed. In addition, the adoption of §§145.251-145.261 requires amendments to existing department rules on minimum standards for nursing homes (§145.12 relating to definitions) and department rules on minimum standards for custodial care homes (§145.32 relating to definitions).

Since nursing homes and related facilities continue to place greater emphasis on the use of medication aides as part of the nursing service staff, the department has determined that medication aides must receive strengthened training and there is a need for greater consistency of training on a statewide basis. The department also has found the need to adjust prerequisite requirements, to recognize certain equivalent training, and to provide for an appeal mechanism on a decision made by department staff relative to the status or acceptability of a medication aide or an applicant.

No comments were received regarding adoption of this repeal.

The repeal is adopted under Texas Civil Statutes, Article 4442c, §7, which authorizes the department, as the licensing agency for nursing homes and related facilities, to develop and establish standards. Section 7, paragraph (h), requires all personnel administering medications in institutions licensed under Article 4442c to have completed a state-approved training program in medication administration.

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 September 22, 1982.

TRD-827446 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: January 1, 1983
Proposal publication date: May 28, 1982
For further information, please call (512) 458-7708.

Subchapter P. Medication Aide Training Program

25 TAC §§145.251-145.261

The Texas Department of Health adopts new §§145.251-145.261, with changes to the proposed text published in the May 28, 1982, issue of the *Texas Register* (7 TexReg 2043).

The department adopts new §§145.251-145.261 titled "Medication Aide Training Program," to update and replace §145.121 titled "Texas Approved Training Program in Medication Administration for all Nonlicensed Personnel Administering Medications in Nursing Home, Convalescent Care Homes, and Related Institutions." Section 145.121 is being repealed. In addition, the adoption of new §§145.251-145.261 requires amendments to existing department rules on minimum standards for nursing homes (§145.12 relating to Definitions) and department rules on minimum standards for custodial care homes (§145.32 relating to Definitions).

Since nursing homes and related facilities continue to place greater emphasis on the use of medication aides as part of the nursing service staff, the department has determined that medication aides must receive strengthened training and that there is a need for greater consistency of training on a statewide basis. The department also has found the need to adjust prerequisite requirements, to recognize certain equivalent training, and to provide for an appeal mechanism on a decision made by department staff relative to the status or acceptability of a medication aide or an applicant.

The new Medication Aide Training Program consists of rules on the state-approved training program in medication administration for all personnel administering medications to residents in Texas nursing homes, custodial care homes, facilities serving the mentally retarded citizens of Texas, personal care homes, and related institutions licensed under Texas Civil Statutes, Article 4442c, by the Texas Department of Health; skilled nursing facilities certified under the U. S. Social Security Act, Title XVIII, Federal Medicare Regulations; and skilled nursing and intermediate care facilities certified under U. S. Social Security Act, Title XIX, Federal/State Medicaid Regulations.

The new rules provide strengthened training for unlicensed personnel administering medications and greater uniformity and consistency in training on a statewide program; prerequisites which lead to better control of eligibility of applicants, yet which allow for recognition of certain equivalent training; an appeal mechanism on a decision made by department staff relative to the status or acceptability of a medication aide or an applicant; and an overall better quality medication aide training program.

Two comments questioned the deletion of the prerequisite for ability to take vital signs. The department is continuing with deletion of this specific prerequisite since the department will include instruction in the tak-

ing of vital signs in the course content. Also, the ability to take vital signs is taught in the state-required Employee Orientation and Training in Nursing Homes and Convalescent Care Homes, which most medication aide applicants must complete prior to enrolling in the medication aide course.

One comment objected to the Employee Orientation and Training in Nursing Homes and Convalescent Care Homes as a prerequisite since the training only offered 18 clock hours of job specific training and does not allow adequate time to gain experience. The department has accepted the comment in principle, and now requires, in addition to the job specific training, a minimum of 90 days (three months) of immediate past employment in Texas nursing facilities as a nurse aide or unlicensed direct care staff person (§145.258).

One comment stated that acceptance of full-time instructors in a Texas school of nursing as meeting the experience requirement called for of the nurse instructor for the medication aide training course should be deleted. The department does not agree with this comment. The department shall develop a required course outline; however, the methods of teaching and instructing students in the course curriculum and the subsequent testing shall be that of individual instructors in accordance with their appropriate training institution's policy. The Texas Education Agency criteria for qualified instructors in nursing schools meets or exceeds the medication aide training program rule (§145.255).

A comment was received that pharmacist instructors could not communicate on a teaching level for medication aide students. The department does not agree with this comment as pharmacists have demonstrated an excellent ability to communicate their knowledge about medications to the general public who have their prescriptions filled in retail pharmacies throughout the state (§145.255).

One comment stated that all medication aide experience be under the direct supervision of the director of nurses and not just a licensed nurse or health service supervisor. The department notes that this is not possible since Intermediate Care Facilities (ICF) require only a Licensed Vocational Nurse (LVN) as the health service supervisor. Also, the mental retardation facilities' terminology is that of a health service supervisor (§145.259).

Three comments were not supportive pertaining to personnel who are licensed nurses outside of Texas and who have made application to the appropriate Texas Board of Nurse Examiners for reciprocity making application for medication aide status, during the interim, not to exceed 120 days. The department is in agreement with the comments. One comment said, "Registered nurses licensed in another state and holding a Texas permit may practice professional nursing without restrictions." Since the Texas board issues permits during the interim, it is not necessary to retain this portion in the rules. The department, therefore, now deletes any reference to this type of reciprocity application (§145.252).

One comment was received requesting consideration for the medication aide training to be dovetailed with training for LVN training. The department has a means to accept the individual training from schools of nursing as a method of becoming a medication aide without completing training as outlined in the rule. Also, as the course content is developed, the department will be in position to develop the content to lean as much as possible toward requirements for LVN training (§ 145.255).

One comment was made to continue with the prerequisite for the unlicensed nursing personnel to be recommended by the administrator and director of nurses of the facility in which they are currently employed. This department does not agree with reinstating this as a prerequisite. Employment in a nursing home is not required in all areas whereby students enroll in the state-approved medication aide training. The facility employed students furnish references as part of their employment history. This department is requiring two character references to the educational institution which may be from the facility administrator and director of nurses (§ 145.258).

One comment stated that it is essential for the Texas Education Agency (TEA) staff to participate in planning to determine course content based upon the fact that funding is provided by TEA to the post-secondary institutions for part of the medication aide training. The department agrees that TEA shall be included in the development of the medication aide course content and has amended the appropriate section to include cooperative participation (§ 145.255).

One comment stated that student entry into the training program without employment experience would have an adverse impact on TEA's funding for public post-secondary institutions providing the instruction. The department agrees that an additional financial burden should not be placed upon students due to any loss of funding to the training institutions. The department therefore has added as a prerequisite 90 days (three months) of immediate past employment in nursing facilities (§ 145.258).

One comment requested clarification in wording of the registered pharmacist instructor. The department has determined that clarification is needed and has clearly worded the requirements for instructors to be a registered nurse and a registered pharmacist (§ 145.255).

One comment indicated opposition to a "take-home" examination. The department believes the commentor misinterpreted the rules and failed to note that the "take-home" examination relates only to the examination certain candidates must take on only the rules themselves (§ 145.252).

Several comments were made on the administration of topical medications, indicating that the wording lacked clarity and direction. The department has revised the wording to agree with one of the comments and has additionally clarified that medication aides may administer specifically ordered eye, ear, and nasal medications (§ 145.254).

One comment asked for clarification on the emergency administration of oxygen. The department agrees that clarification is necessary and has expanded that section to recognize the immediate need for oxygen to be administered to patients (§ 145.254).

One comment stated that the department should place a maximum time of 30 days for notification of students of their medication aide status. The department could not justify the time limit as part of the rule as the training program data will be computerized, thereby reducing the reporting time. Furthermore, the present reporting time has been considerably less than 30 days (§ 145.255).

One comment asked for clarification regarding the permission granted by a physician for the medication aide to administer PRN medications and the wording elsewhere that a medication aide may not receive or reduce to writing telephone or verbal orders. The department does not feel additional clarification is required as this procedure has been in effect since May 1978. The physician's permission for medication aides to administer PRN medications is not in conflict with procedures regarding a physician's drug order (§ 145.253).

Clarification was requested regarding medication aides in facilities of the Texas Department of Mental Health and Mental Retardation (TDMHMR) being under the supervision of direct care staff that are not licensed nurses. The department believes that wording of the proposed rules is clear in allowing the medication aides to be supervised by the health service supervisor in the TDMHMR facilities (§ 145.259).

One comment indicated that the training hours are excessive and, rather, the necessity for or length of training be based on evaluation of classroom instruction. The department does not agree with the comment but believes that additional training is essential; one reason involves recent changes in the pharmacy law on generic drugs which in turn requires additional knowledge on the part of the medication aide (§ 145.256).

One comment stated that a health care coordinator should be able to evaluate the student applicant in place of using high school education or equivalent as a prerequisite. The department does not agree with this comment since the expanded necessities of the training program require a more general knowledge on the part of the student (§ 145.258).

Recent federal requirements state that facilities for the mentally retarded under the Medicaid Program shall meet state licensure requirements; therefore, the department has determined that all medication aides must receive instruction in licensure standards (§ 145.255).

One comment was in regard to the lack of an immediate process or mechanism for revocation of a medication aide acknowledgement card when said medication aide engages in unacceptable practices. The department disagrees with this comment because

the medication aide acknowledgement card only acknowledges that training has been completed; when training is completed there is no way to revoke the training except where fraud or error has taken place. The department has addressed the invalid or fraudulent use of a medication aide acknowledgement card. The department has detailed violation penalties within the scope of the legislative act of Texas Civil Statutes, Article 4442(c). This section has been developed under direction of the department's Office of General Counsel and to the greatest extent possible under authority to adopt rules on the training program given in Texas Civil Statutes, Article 4442(c) (§ 145.260, § 145.261).

One comment indicated that the Board of Nurse Examiners for the State of Texas should be included as personnel licensed or registered by their appropriate Texas board of examiners. The department agrees with the comment. Under § 145.252(a), language has been adjusted stating . . . "which authorizes the administration of medications in the course of their practice are exempt from or meet the requirement." Sections 145.252(b)(1) and (2) of the proposed rules, naming the two Texas boards of nurse examiners, are moved to § 145.252(a) and its subparts. Section 145.252(b) of the proposed rules and its subparts are removed (§ 145.252).

One comment pertained to clarification of accepting persons as meeting the requirement for completing the training program in medication administration who are graduates of Texas schools of nursing but are not registered or licensed. The department agrees that clarification is needed regarding those described persons but who also do not have a permit from the respective board, and has added wording accordingly in § 145.252(b) of the final rules by adding "and not holding a permit to practice professional nursing" (§ 145.252).

A comment was received to permit medication aides to obtain authorization for PRN (as needed) medications prescribed by the patient's treating dentist and treating podiatrist in addition to the appropriate licensed nurse and patient's attending physician. The total health care of recipient/patients must be supervised by a physician. However, nursing and mental retardation facilities have written plans for dental and podiatry care. Dentists and podiatrists are authorized to prescribe medications in the course of their practice. The patients' requirement for medications may be on a PRN (as needed) basis. Therefore, the department concurs that medication aides should be allowed to accept authorization, as appropriate, from these practitioners (§ 145.253).

In addition, several minor adjustments in composition have been made for explanation or clarification.

The following groups or associations commented on the proposed rules: the Federal Department of Health and Human Services, the Texas Education Agency, the Texas Pharmaceutical Association, the Texas Nursing Home Association, the Texas Nurses Associa-

tion, the Texas Department of Mental Health and Mental Retardation, and the Board of Nurse Examiners for the State of Texas.

The only organization clearly for the rules was the Federal Department of Health and Human Services. None of the other associations or groups were clearly for or against. Instead, their comments were in regard to specific concerns, questions, recommendations, and requests for clarification.

Texas Civil Statutes, Article 4442c, § 7, authorizes the department, as the licensing agency for nursing homes and related facilities, to develop and establish standards. Paragraph (h) of § 7 requires all personnel administering medications in institutions licensed under Article 4442c to have completed a state-approved training program in medication administration.

§145.251. Requirements for Personnel Administering Medications.

(a) All personnel administering medications to residents in Texas nursing homes, custodial care homes, personal care homes, facilities serving the mentally retarded citizens of Texas, and related institutions licensed by the Texas Department of Health under Texas Civil Statutes, Article 4442c, must have completed the state-approved training program in medication administration.

(b) The completed state-approved training program in medication administration by all personnel administering medications is also the training program recognized to fulfill the requirements under certification of the following:

(1) skilled nursing facilities for U. S. Social Security Act, Title XVIII, Federal Medicare participation; and

(2) skilled and intermediate care facilities for U. S. Social Security Act, Title XIX, Federal/State Medicaid participation.

§145.252. Personnel Meeting, Exempt From, or Those Persons Who Fulfill the Training Requirements.

(a) Personnel licensed or registered by their appropriate Texas board of examiners which authorizes the administration of medications in the course of their practice are exempt from or meet the requirements for completing a state-approved training program in medication administration, as follows:

(1) Texas State Board of Medical Examiners; or

(2) Texas State Board of Dental Examiners; or

(3) Texas State Board of Podiatry Examiners; or

(4) Board of Nurse Examiners for the State of Texas; or

(5) Texas Board of Vocational Nurse Examiners.

(b) Personnel who are graduates of accredited Texas schools of nursing, but are not licensed or registered and not holding a permit to practice professional nursing by their appropriate Texas Board of Nurse Examiners, meet the requirement for completing the state-approved training program in medication administration; provided the date of graduation does not go back beyond January 1 of the year immediately prior to the year that application is made for medication aide status.

(1) A notarized application for medication aide status under subsection (b) of this section shall be sub-

mitted to the Texas Department of Health, Bureau of Long Term Care, 1100 West 49th Street, Austin, Texas 78756.

(A) The application must include an official copy of the applicant's transcript documenting graduation from an accredited Texas school of nursing.

(B) The Texas Department of Health shall acknowledge receipt of the application by forwarding to the applicant a copy of the medication aide rules, and a copy of the examination covering the medication aide rules.

(C) The applicant shall complete the examination covering the medication aide rules and return it within 45 days to the Texas Department of Health.

(D) Upon successful completion (70% or better correct answers) of the examination, the Texas Department of Health will evaluate all documents submitted by the applicant.

(E) The Texas Department of Health shall notify the applicant in writing of the evaluation results.

(2) Personnel meeting the requirements under subsection (b) of this section and issued a medication aide acknowledgement card shall be considered in all respects unlicensed nursing personnel and shall conform to all medication aide training program rules as set forth for unlicensed nursing personnel.

(c) Personnel who have successfully completed a course of study in pharmacology equivalent to the prescribed requirement for vocational nursing students in Texas, and who have completed the required state-approved job specific and orientation training may make application for medication aide status.

(1) Application for medication aide status under subsection (c) of this section shall be submitted to the Texas Department of Health, Bureau of Long Term Care, 1100 West 49th Street, Austin, Texas 78756.

(A) Application for medication aide status shall include the appropriate documentation.

(B) The Texas Department of Health shall acknowledge receipt of the application by forwarding to the applicant a copy of the medication aide rules, and a copy of the examination covering the medication aide rules.

(C) The applicant shall complete the examination covering the medication aide rules and return it within 45 days to the Texas Department of Health.

(D) Upon successful completion (70% or better correct answers) of the examination, the Texas Department of Health will evaluate all documents submitted by the applicant.

(E) The Texas Department of Health shall notify the applicant in writing of the evaluation results.

(2) Personnel meeting the requirements under subsection (c) of this section and issued a medication aide acknowledgement card shall be considered in all respects unlicensed nursing personnel and shall conform to all medication aide rules as set forth for unlicensed nursing personnel.

(d) All applicants denied medication aide status as outlined under any section of these rules may request a hearing.

(1) The applicant shall make a written request to the Texas Department of Health, Chief, Bureau of

Long Term Care, 1100 West 49th Street, Austin, Texas 78756.

(2) The chief, Bureau of Long Term Care, or his designee, as hearing officer, shall schedule a hearing at a time and on a date mutually agreeable to both applicant and the Texas Department of Health. The applicant shall be notified in writing of the scheduled hearing.

(3) The hearing shall be conducted at the Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. The hearing will be informal rather than formal in that the hearing officer will not follow technical rules of evidence. However, the applicant will have the opportunity to refute the basis of the proposed denial; offer evidence and testimony; and call witnesses and cross-examine witnesses.

(e) Full-time nursing students attending an accredited Texas school of nursing who have successfully passed the course of instruction in pharmacology, may administer medications to residents in a nursing and mental retardation facility as part of their practical experience training, provided that:

(1) Each student shall be under the direct contact supervision of a registered nurse, during all medication and training procedures.

(2) Each student shall be knowledgeable of the residents' rights.

(3) Each student shall be required to sign a statement that he or she realizes his or her criminal liability for abuse and neglect of residents.

(4) Each student shall have on file in the facility documentation from the school of nursing of his/her student nurse status.

§145.253. Prohibited Acts or Practices by Medication Aides. Unlicensed nursing and direct care personnel (medication aides), after completing the state-approved training program in medication administration:

(1) May not administer medications by the injection route including:

- (A) intramuscular route;
- (B) intravenous route;
- (C) subcutaneous route;
- (D) intradermal route; and
- (E) hypodermoclysis route.

(2) May not administer medications used for intermittent positive pressure breathing (IPPB) treatments or other methods involving medication inhalation treatments.

(3) May not administer previously ordered PRN ("as needed") medications unless authorization is obtained from the facility's licensed nurse or the resident's attending physician, or, as appropriate, the treating dentist or the treating podiatrist.

(A) Unlicensed nursing and direct care personnel (medication aides) must document in nurses' notes or residents' records for mental retardation facilities, symptoms indicated for the need of the medication and the time the symptoms occurred.

(B) Unlicensed nursing and direct care personnel (medication aides) must document in nurses' notes or residents' records for mental retardation facilities that the facility's licensed nurse, the attending physician, the treating dentist, or the treating podiatrist was contacted,

symptoms were described, permission was granted to administer the medication, and the time of contact.

(i) Permission to grant the administration of medication shall be on an individual basis.

(ii) Permission to grant the administration of medication shall not be given prior to the time the symptoms occurred.

(iii) The administration of the authorized PRN (as needed) medication must be correctly documented.

(iv) The facility's licensed nurse giving permission for administration of the PRN (as needed) medication shall cosign the nurses' notes or residents' records for mental retardation facilities on the next tour of duty, or if on-duty in the facility, by the end of that shift.

(4) May not administer the initial dose of a medication that has not been previously administered to the resident. Documentation of a previously administered medication shall be determined in the residents' current clinical records.

(5) May not calculate any residents' medication doses for administration.

(A) The medication aide may measure a prescribed amount of a liquid medication to be administered.

(B) The medication aide may break a tablet for administration to residents provided the licensed nurse has calculated the dosage. The medication card or its equivalent shall accurately document that the tablet must be altered prior to administration.

(6) May not crush medication until authorization is obtained from the facility's licensed nurse. The licensed nurse's authorization for crushing the specific medication shall be documented on the medication card or its equivalent.

(7) May not administer medications by way of the naso-gastric tube.

(8) May not receive or assume responsibility for reducing to writing verbal or telephone orders from a physician, a dentist, or a podiatrist.

(9) May not order residents' medications from a pharmacy.

(10) May not apply topical medications that involve the treatment of skin that is broken or when specified aseptic technique is ordered by the attending physician.

§145.254. Functions Authorized to be Performed by Medication Aides. The state-approved training program in medication administration shall teach and train unlicensed nursing and direct care personnel (medication aides), after successful completion, that they:

(1) May observe for and report to the facility's charge licensed nurse reactions and side effects of medications commonly administered to nursing and mental retardation facilities' residents.

(2) May take and record vital signs prior to administration of medication which could affect or change the vital signs.

(3) May administer regularly prescribed medications which the medication aide is permitted and taught to administer only after personally preparing (setting up),

of those medications to be administered. The medication aide may document the administered medications in the resident's clinical record.

(4) May administer oxygen per nasal canula or a nonsealing face mask only in an emergency. Immediately after the emergency, the medication aide shall verbally notify the licensed nurse on duty or on call and appropriately document the action and notification.

(5) May apply specifically ordered ophthalmic, otic, and nasal medications.

§145.255. Organization of the State-Approved Training Program in Medication Administration for Unlicensed Nursing and Direct Care Personnel.

(a) The Texas Department of Health shall be the approval agency for the state-approved training program.

(b) All public education institutions teaching the state-approved training program in medication administration shall be accredited by the Texas Education Agency. Accreditation requirements shall not apply to mental retardation facilities under direct control of the Texas Department of Mental Health and Mental Retardation.

(c) All medication aide classes shall be conducted in educational classrooms, except the clinical experience training.

(d) The Texas Department of Health shall provide each accredited public education institution and each mental retardation facility of the Texas Department of Mental Health and Mental Retardation with a copy of the medication aide rules and course outline for the teaching of the state-approved training program in medication administration.

(e) The Texas Department of Health shall maintain the names and addresses of all accredited public education institutions and mental retardation facilities of the Texas Department of Mental Health and Mental Retardation teaching the state-approved training program in medication administration.

(f) Each selected public education institution and each mental retardation facility of the Texas Department of Mental Health and Mental Retardation shall formulate and develop the curriculum for the training program in conformance with the state-approved course content.

(1) The public education institution and mental retardation facilities of the Texas Department of Mental Health and Mental Retardation shall grant a statement of completion to all personnel successfully completing the state-approved training program in medication administration.

(2) The public education institution and the mental retardation facility of the Texas Department of Mental Health and Mental Retardation shall furnish, within 20 days, the required information on personnel successfully completing the state-approved training program to the Texas Department of Health.

(3) The Texas Department of Health shall maintain a roster of all personnel successfully completing the state-approved medication aide training program.

(4) The Texas Department of Health shall issue a medication aide acknowledgement card to each person successfully completing or meeting the requirements of the state-approved training program in medication administration.

(A) The medication aide acknowledgement card, for the purpose of a medication aide being employed in a nursing facility or mental retardation facility, shall be the only acceptable evidence or recognition that a person has successfully completed or met the requirements of the state-approved training program.

(B) Each medication aide's acknowledgement card (original or direct photocopy) shall be on record in the facility's appropriate file prior to the medication aide administering medications to residents/patients.

(g) The state-approved training program in medication administration shall include, but shall not be limited to, the following instruction and training.

(1) Procedures for preparation and administration of medications.

(2) Responsibility, control, accountability, storage, and safeguarding medications.

(3) Use of reference material.

(4) Proper documentation of medications in resident's clinical records, including PRN (as needed) medications.

(5) Minimum licensing standards for nursing homes, minimum licensing standards for custodial care homes, and facilities serving the mentally retarded citizens of Texas, covering pharmaceutical services, nursing service, and clinical records.

(6) Federal/state certification standards for participation, under U. S. Social Security Act, Title XIX, Medicaid requirements covering pharmaceutical service, nursing service, and clinical records. Instruction shall be included in the U. S. Social Security Act, Title XIX, Federal Medicaid Standards for Participation for Intermediate Care Facilities - Mental Retardation.

(7) Identification of lines of authority in the facility, including facility personnel who are immediate supervisors.

(8) Identification of the responsibilities and liabilities associated with the administration and safeguarding of medications.

(9) Knowledge of practices prohibited by medication aides in medication administration.

(10) Knowledge of practices permitted medication aides in medication administration.

(11) Identification of some drug reactions and side effects of medication commonly administered to nursing facility residents and mental retardation facility residents.

(12) Rules covering the medication aide training program.

(h) Instructors for the state-approved training program shall be a registered nurse and a registered pharmacist.

(1) A registered nurse instructor must be currently registered, in good standing with the Board of Nurse Examiners for the State of Texas, and:

(A) must have a minimum of two years of current experience, including experience in the administration of medications;

(B) must be knowledgeable of appropriate nursing facilities and mental retardation facilities licensure and certification standards for participation;

(C) must be knowledgeable of the medication aide training program rules.

(2) Full-time instructors in an accredited Texas school of nursing shall be deemed to meet the experience requirements in subparagraph (h)(1)(A) of this section.

(3) A registered pharmacist must be currently registered and be in good standing with the Texas State Board of Pharmacy, and

(A) must have two years experience as a registered pharmacist,

(B) must be currently serving as a nursing facility or mental retardation facility consultant pharmacist,

(C) must be knowledgeable of appropriate nursing facilities and mental retardation facilities licensure and certification standards for participation, and

(D) must be knowledgeable of the medication aide training program rules.

(i) The medication aide program of training and instruction shall not exceed four hours in a 24-hour period.

(j) The completion date of the medication aide training program shall be a minimum of 60 days (two months) and a maximum of 180 days (six months) from the beginning date of the program.

(k) The Texas Department of Health shall develop in cooperation with the Texas Education Agency a course of study for the 100 academic hours and the annual continuing education. The Texas Department of Health shall monitor, as necessary, the 20 clock hours of clinical experience training. An academic hour is defined as 50 minutes of training for each clock hour.

(l) The registered nurse instructor shall be responsible to coordinate each student's required 20 clock hours of clinical experience training with the administrator in the nursing facility or mental retardation facility.

(1) Medication aide students shall obtain their clinical experience training in the facility where they are employed or in other nursing or mental retardation facilities approved by the training institution.

(2) The 20 clock hours of clinical experience training shall be counted only when the medication aide student is actually performing functions involving medication administration and under the direct contact supervision with the licensed nurse.

(3) The facility's director of nurses or health service supervisor shall evaluate the student in clinical experience training and report the results of the evaluation to the student's registered nurse instructor.

(4) The registered nurse instructor shall be responsible for the final determination that the student's clinical experience training has been completed in accordance with the approved training program.

(m) A written final examination shall be given to each medication aide student by the Texas Department of Health.

(1) The medication aide shall be tested on the subjects taught from the course outline and their knowledge of the accurate and safe drug therapy to facility residents.

(2) The designated training institution staff person shall notify the Texas Department of Health, Bureau of Long Term Care, 1100 West 49th Street, Austin, Texas 78756, at least four weeks prior to the scheduled final examination date. The training institution shall include

each student's completed general statement enrollment form that certifies all of the training program prerequisites were met prior to the beginning of the medication aide course training.

(3) A representative of the Texas Department of Health, Bureau of Long Term Care, shall serve as an on-site proctor.

(4) The proctor shall forward the final examination for grading to the Texas Department of Health, Bureau of Long Term Care, 1100 West 49th Street, Austin, Texas 78756, and the graded examination shall be correlated with the required information furnished by the training institution.

(5) A passing grade on the examination shall be 70% or better correct answers.

(6) A medication aide acknowledgement card shall be forwarded to the student successfully completing the training program and examination.

(7) A student failing to obtain a passing grade in the training program's examination shall be notified in writing by the Texas Department of Health.

§145.256. Total Hours of the Training Program. The state-approved training program in medication administration shall consist of 100 academic hours of classroom instruction and training and 20 clock hours of clinical experience training in a nursing or mental retardation facility.

(1) Theory (classroom)—80 hours

(2) Clinical laboratory (classroom)—20 hours

(3) Clinical experience training in a nursing or mental retardation facility—20 hours

§145.257. Training Program Renewal Requirements. Personnel who have completed the state-approved training program in medication administration shall maintain current status as a medication aide on a calendar year (January 1 through December 31) renewal basis.

(1) The successful completion of the state-approved continuing education training program shall fulfill the calendar year renewal requirement.

(A) Continuing education, developed by the Texas Department of Health in cooperation with the Texas Education Agency, shall be successfully completed between January 1 and December 31 of the year immediately after the year the basic medication aide training program was completed.

(B) After successful completion of the continuing education training program as outlined in paragraph (1)(A) of this section, subsequent continuing education training programs must be successfully completed each year between January 1 and December 31.

(2) The Texas Department of Health shall not issue a medication aide acknowledgement card to any person who does not meet the renewal requirements of continuing education under this section.

§145.258. Prerequisites for Unlicensed Nursing and Direct Care Personnel Enrolling in the State-Approved Training Program in Medication Administration. The personnel:

(1) Must be able to read, write, speak, and understand English.

(2) Must be at least 18 years of age.

(3) Must be currently employed in a nursing facility in the capacity of a nurse aide or in a mental retardation facility as an unlicensed direct care staff person.

(A) The personnel must have completed the required state-approved employee job specific training.

(B) Successful completion of a minimum of 120 academic hours of nurse aide training in an accredited Texas educational institution may be substituted for the current employment requirement in this paragraph. The minimum 120 academic hours must include the state-approved job specific training.

(4) Must have been employed in Texas nursing facilities for the immediate past 90 days (three months) in the capacity of a nurse aide or in mental retardation facilities as an unlicensed direct care staff person.

(5) Must furnish to the educational institution instructor two character references.

(6) Must furnish to the educational institution instructor a copy of his/her high school graduation diploma or an equivalent GED diploma.

(7) Must be free of contagious diseases and in a suitable physical and emotional health to safely administer medications.

(8) Must furnish to the education institution instructor a completed general statement enrollment form that certifies all of the training program prerequisites are met prior to the medication aide course training.

§145.259. Supervision of the Medication Aide. The medication aide shall function under the direct supervision and/or responsibility of the facility's licensed nurse on duty, or on call, and ultimately under the responsibility of the director of nurses, health service supervisor, and administrator of the facility.

(1) Medication aides must function in accordance with accepted pharmaceutical and nursing practices.

(2) Medication aides must function in accordance with practices as set forth in Subchapter B of this chapter (relating to Minimum Licensing Standards for Nursing Homes), Subchapter C of this chapter (relating to Custodial Care Homes), and Subchapter N of this chapter (relating to Facilities Serving the Mentally Retarded Citizens of Texas).

(3) Medication aides must function in accordance with practices as set forth in the federal and state Medicare/Medicaid Standards for Participation for Nursing Facilities and Mentally Retarded Facilities under Title XVIII and XIX of the U. S. Social Security Act.

§145.260. Invalid or Fraudulent Use of Medication Aide Acknowledgement Card. A medication aide acknowledgement card shall be considered not to be valid if it is issued in error or under conditions of fraud.

(1) Any person who obtains a medication aide acknowledgement card in error shall immediately upon learning of the error notify the Texas Department of Health of the error and return the card to the Texas Department of Health. A person who has received a medication aide acknowledgement card in error and who knows of the error may not use the card for any purpose and may not function as a medication aide.

(2) A person who has obtained a medication aide acknowledgement card by fraud may not use the card for

any purpose and may not function as a medication aide. This person shall notify the Texas Department of Health immediately of the fraud and return the card to the Texas Department of Health.

§145.261. Violations. Medication aides or unlicensed nursing and direct care personnel performing practices or acts prohibited under the medication aide training program rules may jeopardize the nursing facilities or mental retardation facilities residents' medical health and safety in violation of Texas Civil Statutes, Article 4442c, and/or Title XVIII, Medicare Regulations; and/or the U. S. Social Security Act, Title XIX, Medicaid Regulations.

(1) Any person performing functions of a medication aide that obtained his/her medication aide acknowledgement card under fraudulent statements, conditions, or acts may jeopardize the nursing facility or mental retardation facility residents' mental health and safety in violation of Texas Civil Statutes, Article 4442c, and/or Title XVIII, Medicare Regulations; and/or the U. S. Social Security Act, Title XIX, Medicaid Regulations.

(2) Any person performing functions of a medication aide without a valid medication aide acknowledgement card or persons who are not otherwise authorized to administer medications in the course of their practice may jeopardize the nursing facility or mental retardation facility residents' medical health and safety in violation of Texas Civil Statutes, Article 4442c; and/or Title XVIII, Medicare Regulations; and/or the U. S. Social Security Act, Title XIX, Medicaid Regulations.

(3) Aides or unlicensed nursing and direct care personnel performing acts or practices prohibited under Texas Civil Statutes, Article 4442c, and these rules, including the use of a fraudulently obtained card or a card which the aide knows was issued in error, are subject to civil penalties under Texas Civil Statutes, Article 4442c.

(4) If the department determines that the prohibited act or function threatens the health and safety of the facility's residents, the penalty under Texas Civil Statutes, Article 4442c, will be not less than \$100 nor more than \$500 for each violation, and each day of a continuing violation constitutes a separate ground of recovery.

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 September 22, 1982.

TRD-827445 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: January 1, 1983
Proposal publication date: May 28, 1982
For further information, please call (512) 458-7706.

**TITLE 31. NATURAL RESOURCES
AND CONSERVATION
Part II. Texas Parks and Wildlife
Department
Chapter 65. Wildlife
Subchapter O. Late Season Migratory
Game Bird Proclamation**

31 TAC §65.332-65.335

The Texas Parks and Wildlife Commission in a regularly scheduled public hearing September 2, 1982, adopted amendments to §§65.332-65.335, with changes to the proposed text published in the July 20, 1982, issue of the *Texas Register* (7 TexReg 2698). Sections 65.331-65.336 constitute the late season migratory game bird proclamation. Section 65.333(b), season dates, was changed based upon public comments. Section 65.335(b)(1) was changed as federal mandate allows for each species (no more than 107 days for regular and special seasons).

Fluctuations in migratory game bird populations require the Texas Parks and Wildlife Commission to adopt amendments for the 1982-1983 hunting seasons. The amendments provide the taking of migratory game bird wildlife resources consistent with their populations.

Some persons stated that bag limits were too high, while others commented in support of staff recommendations.

Waterfowl bag limits as established by the commission in the opinion of the department's staff, will not impact upon the resource.

The amendments are adopted under the authority of the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the commission with authority to regulate open seasons, means, methods, and devices for taking and possessing migratory game birds.

§65.332. Means and Methods.

(a) (No change.)

(b) The following means and methods are unlawful in the taking of migratory birds:

(1)-(8) (No change.)

(9) by baiting, or taking on or over baited areas. However, nothing in this subsection shall prohibit:

(A) the taking of migratory game birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and

(B) (No change.)

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

§65.333. Open Seasons.

(a) (No change.)

(b) The season is closed on migratory game birds on public roads and highways, or rights-of-way of public roads and highways, the state-owned riverbeds in Dimmit,

Uvalde, and Zavala Counties, including but not limited to the Nueces and Frio Rivers, and state wildlife preserves and sanctuaries unless an open season is otherwise provided. The open seasons for the taking of migratory game birds on any federal wildlife refuge shall be in accordance with the special hunting regulations duly adopted and published by the U.S. Fish and Wildlife Service.

(1) Ducks and coots.

(A) High Plains Mallard Management Unit: November 2, 1982, through January 23, 1983, from ½ hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, thence northward following U.S. Highway 277 through San Angelo to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County.

(B) Other portions of the state: November 6-28, 1982, and December 18 through January 23, 1983, from ½ hour before sunrise to sunset.

(C) (No change.)

(2) Geese.

(A) West of U.S. Highway 81: November 2, 1982, through January 23, 1983.

(B) East of U.S. Highway 81: Snow, blue, and Ross' geese: November 6 through December 10, 1982, and December 18 through January 23, 1983. Black brant, Canada, and white-fronted geese: November 6 through December 10, 1982, and December 18 through January 23, 1983.

(C) (No change.)

(3) Sandhill cranes.

(A) Zone A: October 30, 1982, through January 30, 1983, from ½ hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, Val Verde County, thence northward following U.S. Highway 277 to its junction with U.S. 87 at San Angelo, Tom Green County, thence northwesterly following U.S. Highway 87, and including all of Howard and Lynn Counties, to its junction with U.S. Highway 287 at Dumas, Moore County, thence northwesterly following U.S. Highway 287 to the point of intersection with Texas-Oklahoma state line in Dallam County.

(B) Zone B: December 4, 1982, through January 30, 1983, from ½ hour before sunrise to sunset in that portion of Texas lying west of a line from San Angelo along U.S. Highway 277 to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County, and east of a line from San Angelo along U.S. Highway 87 excluding all of Howard and Lynn Counties, to the junction of Highways 87 and 287 at Dumas, Moore County, and thence along U.S. Highway 287 from Dumas to the point of intersection with the Texas-Oklahoma state line in Dallam County.

(C) (No change.)

(4) Common snipe or Wilson's snipe or jacksnipe. November 1, 1982, through February 13, 1983, from ½ hour before sunrise to sunset.

(5) Woodcock. November 27, 1982, through January 30, 1983, from ½ hour before sunrise to sunset.

§65.334. Bag and Possession Limits.

(a) (No change.)

(b) The bag and possession limits for the 1982-83 seasons are as follows:

(1) (No change.)

(2) Geese.

(A) West of U.S. Highway 81: daily bag limit is five, not to include more than two Canada or white-fronted geese or black brant in the aggregate. Possession limit is 10, not to include more than four Canada or white-fronted geese or black brant in the aggregate.

(B) East of U.S. Highway 81: daily bag limit is five light geese (Snow, blue, and Ross'), and daily bag limit for dark geese is one Canada or black brant and one white-fronted goose. Possession limit is twice the daily bag.

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

(c)-(h) (No change.)

§65.335. Extended Falconry Season.

(a) (No change.)

(b) It is lawful to take migratory game birds during the following prescribed open seasons:

(1) Ducks, coots, and geese. October 16, 1982, through January 23, 1983, from ½ hour before sunrise to sunset.

(2) Sandhill cranes.

(A) Zone A: October 20, 1982, through January 31, 1983, from ½ hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, Val Verde County, thence northward following U.S. Highway 277 to its junction with U.S. Highway 87 at San Angelo, Tom Green County, thence northwesterly following U.S. Highway 87 and including all of Howard and Lynn Counties, to its junction with U.S. Highway 287 at Dumas, Moore County, thence northwesterly following U.S. Highway 287 to the point of intersection with the Texas-Oklahoma state line in Dallam County.

(B) Zone B: November 22, 1982, through January 31, 1983, from ½ hour before sunrise to sunset in that portion of Texas lying west of a line from San Angelo along U.S. Highway 277 to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County; and east of a line from San Angelo along U.S. Highway 87 excluding all of Howard and Lynn Counties, to the junction of Highways 87 and 287 at Dumas, Moore County, and thence along U.S. Highway 287 from Dumas to the point of intersection with the Texas-Oklahoma state line in Dallam County.

(3) Common snipe or Wilson's snipe or jacksnipe. November 1, 1982, through February 15, 1983, from ½ hour before sunrise to sunset.

(4) Woodcock. November 1, 1982, through
February 15, 1983, from ½ hour before sunrise to sunset.
(c)-(e) (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 September 24, 1982.

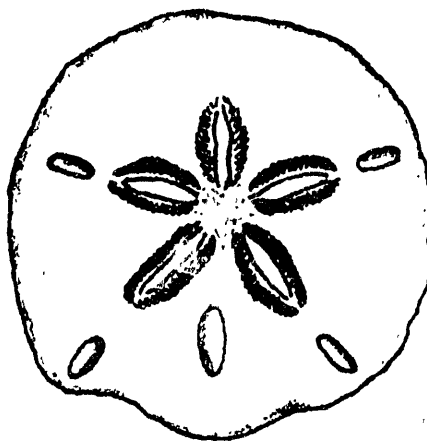
TRD-827498

Maurine Ray
Administrative Assistant
Texas Parks and Wildlife
Department

Effective date: October 15, 1982

Proposal publication date: July 20, 1982

For further information, please call (512) 479-4973
or (800) 792-1112.



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. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or 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. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

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. These notices may contain more detailed agendas than space allows to be published in the *Register*.

State Banking Board

(Editor's note: The following notice of open meeting was inadvertently omitted from the September 28, 1982, issue of the Texas Register. However, the notice was duly filed in this office and posted in the capitol in full compliance with the Texas Open Meetings Law.)

Thursday, September 30, 1982, 2 p.m. The State Banking Board met at 2601 North Lamar, Austin. According to the agenda, the board held a voting session concerning a conversion application for Highland Lakes Bank, Kingsland; interim charter applications for new Permian Bank and Trust, Odessa; the new Valley Bank of El Paso, El Paso; new Commonwealth Bank, Bellaire, new Ladonia Bank, Ladonia; Southwest Bank of Commerce, Corpus Christi; and new Unitedbank-Victoria, Victoria; domicile change application for Alvarado State Bank, Alvarado; consideration of complaint against First Bank and Trust, Bryan, concerning UTM; rescission of interim charter for new Southwest Bank of Mesquite, Mesquite; and a review of applications approved, but not yet open for business.

Contact: O. A. Cassity, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Filed: September 22, 1982, 1:50 p.m.
TRD-827440

Texas Department of Community Affairs

Wednesday, October 6, 1982, 10 a.m. The Advisory Council on Community Affairs of the Texas Department of Community Affairs will meet in the TDCA Building, 210 Barton Springs Road, Austin. Items on the agenda include approval of minutes; discussion of newly-enacted federal legislation on employment and training; discussion of department related activities in response to recent devaluation of the Mexican peso; discussion of Community Services Block Grant implementation; and summary of recent department operations.

Contact: Larry Crumpton, P.O. Box 13166, Austin, Texas 78711, (512) 475-2431.

Filed: September 28, 1982, 9:08 a.m.
TRD-827558

Texas Commission for the Deaf

Saturday, October 2, 1982, 9 a.m. The Board for Evaluation of Interpreters of the Texas Commission for the Deaf will meet at 510 South Congress Avenue, Austin. Items on the agenda include minutes from previous meeting; schedule open meetings, work sessions, and evaluations for fiscal year 1983; announcement of future vacancy on the board; consider application, evaluation, and scoring procedures for fiscal year

1983; consider rules of operation for fiscal year 1983; election of officers for fiscal year 1983; announcement of consideration of grievance procedure; consider future direction of the board regarding five levels of certification; chairperson's report; and consider future direction of board regarding certification of educational interpreters.

Contact: Fred R. Tammen, 510 South Congress Avenue, Austin, Texas 78704, (512) 475-2492.

Filed: September 24, 1982, 9:05 a.m.
TRD-827478

Texas Education Agency

(Editor's note: The following notice of open meeting was inadvertently omitted from the September 28, 1982, issue of the Texas Register. However, the notice was duly filed in this office and posted in the capitol in full compliance with the Texas Open Meetings Law.)

Thursday, September 23, 1982, 8 a.m. The State Board of Education Committee for Investment of the Permanent School Fund of the Texas Education Agency met in emergency session in Room 802, National Building, Ninth and Brazos, Austin. According to the agenda, the committee held a discussion of equity issues to add to the September investment program. The

emergency status was necessary because the rising stock market requires additional stocks to be added to the approved list to utilize funds available for investment.

Contact: Jim Hooks, 201 East 11th Street, Austin, Texas 78701, (512) 475-4791.

Filed: September 22, 1982, 3:19 p.m.
TRD-827441

Employees

Retirement System of Texas

Tuesday, October 5, 1982, 9 a.m. The Board of Trustees of the Employees Retirement System of Texas will meet at the ERS Building, 18th and Brazos Streets, Austin. According to the agenda, the board will review recommendations of the Group Insurance Advisory Committee and the system's staff regarding an insurance program for future years and adopt any changes or recommend any legislative action deemed appropriate.

Contact: Clayton T. Garrison, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431.

Filed: September 27, 1982, 1:08 p.m.
TRD-827541

Texas Employment Commission

Friday, October 1, 1982, 9 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 15th and Congress Avenue, Austin. Items on the agenda summary include prior meeting notes; reports of administrative staff on federal legislation, fiscal year 1983 funding, E.S. and U.I. program activities, public information and media update; trust fund balance on September 30, 1982; ADP bid analysis; building bid analysis; information request from James Porter; Texas 2000; and date of and agenda items for next commission meeting. The commission will also meet in executive session to consider premises leases and contracts, personnel matters, and status of litigation relating to outstanding suits and attorney general opinion requests.

Contact: Pat Joiner, TEC Building, Room 656, Austin, Texas, (512) 397-4514.

Filed: September 23, 1982, 1:56 p.m.
TRD-827470

Texas Department of Health

Saturday, October 2, 1982, 9:30 a.m. The Crippled Children's Services Technical Advisory Committee of the Texas Department of Health will meet in Room G-107, 1100 West 49th Street, Austin. Items on the

agenda include consideration of applications from physicians and hospitals seeking approval for program participation; report of meeting of Ad Hoc Dental Committee; and discussion of program services provided for cleft palate cases.

Contact: James P. Rambin, 1100 West 49th Street, Austin, Texas, (512) 458-7241.

Filed: September 24, 1982, 9:06 a.m.
TRD-827479

Thursday, October 7, 1982, 10 a.m. The Advisory Committee on Nursing Home Affairs of the Texas Department of Health will meet in Room T-607, 1100 West 49th Street, Austin. Items on the agenda summary include approval of minutes; subcommittee reports on flexibility of use of facilities; dental examinations and treatments for patients; status of new medication aide training rules; study on drug diversion in nursing homes; study on cost of nursing home orientation and training of employees; status of level of care criteria in the Medicaid Program for the mentally retarded; report on federal proposed rules on procedure of survey and certification; standards for small group homes and foster care homes; and next meeting date.

Contact: Cesar M. Elizondo, M.D., 1100 West 49th Street, Austin, Texas, (512) 458-7006.

Filed: September 23, 1982, 3:09 p.m.
TRD-827471

Saturday, October 9, 1982, 9:30 a.m. The Hospital Licensing Advisory Board of the Texas Department of Health will meet in Room T-507, 1100 West 49th Street, Austin. Items on the agenda summary include the chairman's comments on task force and resolution submitted to the commissioner of health; approval of minutes of council meetings of April 17, 1982; the secretary's report on hospital licensing statistical update; general information concerning the Licensed Professional Counselor Act; and hospital openings—South Austin Community Hospital, Austin, with 98 beds, and Rio Grande Regional Hospital, McAllen, with 220 beds; other business, if any, to be brought before the council (no council action required); and subject matter for the next council meeting.

Contact: Walter L. Dick, 1100 West 49th Street, Austin, Texas, (512) 458-7531.

Filed: September 23, 1982, 3:10 p.m.
TRD-827472

Texas Health

Facilities Commission

Friday, October 8, 1982, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificate of Need

Hermann Hospital, Houston
AH82-0520-029

Texoma Medical Center and Texoma Medical Center-East, Denison
AA82-0416-016

Fort Worth State School, Fort Worth
AA82-0525-024

Longview Regional Hospital, Longview
AH82-0216-034

Saint Anthony's Hospital/Palo Duro Hospital, Canyon
AH82-0402-032

Brazos Valley Psychiatric Center, Waco
AH81-1120-001

Providence Hospital Psychiatric Facility, Waco
AH82-0202-015

Medical Plaza Hospital, Fort Worth
AH82-0405-010

Hurst General Hospital/Northeast Community Hospital, Hurst
AH82-0520-025

A routine business meeting will be held immediately following the open meeting.

Contact: John R. Neel, P.O. Box 50049, Austin, Texas 78763.

Filed: September 27, 1982, 9:33 a.m.
TRD-827511

Texas Department of Human Resources

(Editor's note: The following notice of open meeting was inadvertently omitted from the September 28, 1982, issue of the Texas Register. However, the notice was duly filed in this office and posted in the capitol in full compliance with the Texas Open Meetings Law.)

Thursday, September 30, 1982, 10 a.m. The Texas Board of Human Resources of the Texas Department of Human Resources met in Room 1B, 706 Banister Lane, Austin.

Contact: Bill Woods, P.O. Box 2960, Austin, Texas 78769, (512) 441-3355.

Filed: September 22, 1982, 11:03 a.m.
TRD-827439

State Board of Insurance

Wednesday, September 29, 1982, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance met in emergency session in Room 342, 1110 San Jacinto Street, Austin. The section conducted a public hearing to consider pre-hearing motions in Docket 6957—application of Winterthur Swiss Insurance Company, a Swiss insurance company, and its wholly owned subsidiary, Winterthur U. S. Holdings, Inc., New York, New York, to acquire control of Republic Financial Services, Inc., a Texas corporation. The emergency status was necessary because of the October 8, 1982, setting of the case on the merits, which involves the appearance of witnesses from Switzerland.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: September 24, 1982, 2:16 p.m.
TRD-827499

Tuesday, October 5, 1982. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. Times and dockets are as follows.

9:30 a.m. Docket 6915—application for admission of Zurich Insurance Company of Missouri, Kansas City, Missouri.

1:30 p.m. Docket 6939—whether the title insurance agent's license held by Madisonville Title Company, Madisonville, should be cancelled or revoked.

Contact: John Brady (Docket 6915) or J. C. Thomas (Docket 6939), 1110 San Jacinto, Austin, Texas 78767, (512) 475-2287 (Brady), or (512) 475-4353 (Thomas).

Filed: September 27, 1982, 1:04 p.m.
TRD-827531, 827532

Wednesday, October 6, 1982. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto, Austin. Times and dockets are as follows.

9 a.m. Docket 6940—whether the title insurance agent's license held by Knox County Abstract Company, Inc., Munday, should be cancelled or revoked.

1:30 p.m. Docket 6941—whether the title insurance agent's license held by Jack County Abstract Company, doing business as Jefferson Title Company, Jefferson, should be cancelled or revoked.

Contact: J. C. Thomas (Docket 6940) or John Brady (Docket 6941), 1110 San Jacinto Street, Austin, Texas 78767, (512)

475-4353 (Thomas) or (512) 475-2287 (Brady).

Filed: September 27, 1982, 1:04 p.m.
TRD-827533, 827534

Thursday, October 7, 1982. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. Times and dockets are as follows.

9 a.m. Docket 6942—whether the title insurance agent's license held by Buffalo Title of Houston, Inc., Houston, should be cancelled or revoked.

1:30 p.m. Docket 6943—whether the title insurance agent's license held by Dulaney Abstract Company, Haskell, should be cancelled or revoked.

Contact: John Brady (Docket 6942) or J. C. Thomas (Docket 6943), 1110 San Jacinto Street, Austin, Texas 78767, (512) 475-2287 (Brady) or (512) 475-4353 (Thomas).

Filed: September 27, 1982, 1:04 p.m.
TRD-827535, 827536

Friday, October 8, 1982, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. The section will conduct a public hearing in Docket 6957—application of Winterthur Swiss Insurance Company, a Swiss insurance company, and its wholly owned subsidiary Winterthur U. S. Holdings, Inc., New York, New York, to acquire control of Republic Financial Services, Inc., a Texas corporation.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: September 24, 1982, 2:16 p.m.
TRD-827500

Friday, October 8, 1982, 10:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 350, 1110 San Jacinto Street, Austin. The section will conduct a public hearing in Docket 6951—application of Barry Morgan, of Houston, and Edwin W. Ehler, of Katy, to acquire control of Indiana National Marketing Corporation, Houston, and its subsidiary, Equitable Insurance Exchange, Houston.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78767, (512) 475-2287.

Filed: September 27, 1982, 1:04 p.m.
TRD-827537

Friday, October 8, 1982, 1:30 p.m. The Commissioner's Hearing Section of the

State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. The section will conduct public hearings in Docket 6954—whether the title insurance agent's license held by Citizens Land Title Company of Hays County, Wimberly, should be cancelled or revoked; Docket 6955—whether the escrow officer's license held by Charles W. Richards should be cancelled or revoked; and Docket 6956—whether the escrow officer's license held by Joy M. Richards should be cancelled or revoked.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78767, (512) 475-2287.

Filed: September 27, 1982, 1:05 p.m.
TRD-827538-827540

State Board of Morticians

Monday and Tuesday, October 4 and 5, 1982, 9 a.m. daily. The State Board of Morticians will meet at 1513 IH 35 South, Austin. Items on the agenda summary include formal and informal hearings regarding actions of licensees; applicants for reciprocal licenses; requests for reinstatement of revoked licenses; requests for clarification on funeral director apprenticeship while attending school; violations of mortuary laws; discussion of the FTC rules, the conference meeting in Canada, and the answer keys received from the conference; committee reports; investigator reports; and complaints to be reviewed.

Contact: John W. Shocklee, 1513 IH 35 South, Austin, Texas 78741, (512) 442-6721.

Filed: September 24, 1982, 2:05 p.m.
TRD-827501

**Texas Parks and
Wildlife Department**

Tuesday, October 5, 1982, 10 a.m. The Operation Game Thief Committee of the Texas Parks and Wildlife Department will meet at 4200 Smith School Road, Austin. Items on the agenda include approval of the April 6, 1982, public hearing minutes, a financial report, consideration of payment of rewards, an annual overview, and the date of the next meeting

Contact: Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4806.

Filed: September 24, 1982, 2:12 p.m.
TRD-827502

**Texas State Board of Pharmacy
Tuesday and Wednesday, October 5 and 6, 1982, 9 a.m. daily.** The Texas State Board of Pharmacy will meet at the Sheraton Crest

Inn, 111 East First Street, Austin. According to the agenda, the board will discuss approval of the August 10, 1982, board business meeting minutes, and August 11, 1982, violation hearing minutes; discuss written comments and oral testimony presented on the following rules: 22 TAC §§291.31-291.35, 291.53, 291.74, 291.93, 295.5, 301.1 and 301.2 (repeal), and 301.1 (new); board action on the following proposed rules published in the August 10, 1982, issue of the *Texas Register* and serialized in the August 31, 1982, issue: 22 TAC §§283.12-283.14, 291.2, 291.3, 291.5, 291.6, 291.9, 291.10, 291.12, 291.13, 291.31-291.35, 291.53, 291.74, 291.93, and 301.1 and 301.2 (repeals); and board action on the following proposed rules published in the August 31, 1982, issue of the *Texas Register*: 22 TAC §283.9 and §283.10; old and new business to include TSBP staff report on public affairs; discussion of issue regarding peace officer status; discussion of an attorney general opinion referencing pharmacist licenses expired for two years or more; update on Compliance Program; report on development of Advisory Committee on Internship; discussion of acceptance/nonacceptance of Texas internship hours by the Georgia State Board of Pharmacy; review of proposed agreed board orders; and review and approval of personnel policy and procedure manual, §6. The board will also meet in executive session to discuss pending litigation.

Contact: Priscilla Jarvis, 211 East Seventh Street, Suite 1121, Austin, Texas 78701, (512) 478-9827.

Filed: September 23, 1982, 3:15 p.m.
TRD-827473

Board of Polygraph Examiners
Wednesday-Saturday, October 13-16, 1982, 9 a.m. daily. The Board of Polygraph Examiners will meet at the Ramada Inn Southwest, 6855 Southwest Freeway, Houston. Items on the agenda include approval of minutes, applications for internship and reciprocity licensure, certification of examination grades, new schools applying for accreditation, communications from the public or polygraph examiners, and any other polygraph related business that may come before the board.

Contact: Candy Moore, P.O. Box 4143, Austin, Texas 78765, (512) 465-2058.

Filed: September 24, 1982, 2:22 p.m.
TRD-827503

**State Board of
Registration for
Professional Engineers**

Wednesday and Thursday, October 13 and 14, 1982, 8:30 a.m. The State Board of Registration for Professional Engineers will meet in the board room, 1917 IH 35 South, Austin. According to the agenda summary, the board will receive reports from board members and staff; interview applicants; take action on applications for registration; reading of communications; and any other business which comes before the board.

Contact: Woodrow W. Mize, P.E., 1917 IH 35 South, Austin, Texas 78741, (512) 475-3141.

Filed: September 27, 1982, 1:52 p.m.
TRD-827543

Texas

Department of Public Safety

Friday, October 8, 1982, 12:30 p.m. The Public Safety Commission of the Texas Department of Public Safety will meet at DPS headquarters, 5805 North Lamar Boulevard, Austin. Items on the agenda include approval of minutes, budget matters, personnel matters, and other unfinished business.

Contact: James B. Adams, 5805 North Lamar Boulevard, Austin, Texas, (512) 465-2000, ext. 3700.

Filed: September 27, 1982, 2:44 p.m.
TRD-827548

**Public Utility
Commission of Texas**

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

Wednesday, October 13, 1982, 1:30 p.m. A rescheduled prehearing in Docket 4533—inquiry into the service rendered by Community Water and Sewer Service. The meeting was originally scheduled for September 23, 1982.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 24, 1982, 9:04 a.m.
TRD-827476

Wednesday, November 3, 1982, 10 a.m. A rescheduled hearing on the merits in Docket 4606—application of Lakeshore Water

Company, Inc., for a rate increase for water utility service within Llano County. The hearing was originally scheduled for October 5, 1982.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 27, 1982, 2:35 p.m.
TRD-827549

Wednesday, November 17, 1982, 9 a.m. A rescheduled final hearing on the merits in Docket 4521—complaint of Amtel Communications, Inc., *et al*, as to the rates, charges, and practices of Southwestern Bell Telephone Company.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 24, 1982, 2:22 p.m.
TRD-827504

Railroad Commission of Texas

Monday, October 4, 1982, 9 a.m. The following divisions of the Railroad Commission of Texas will meet at 1124 IH 35 South, Austin. The agendas and meeting rooms follow.

The Administrative Services Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: September 24, 1982, 11:11 a.m.
TRD-827482

The Automatic Data Processing Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

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

Filed: September 24, 1982, 11:10 a.m.
TRD-827483

The Flight Division will meet in Room 107 to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

Filed: September 24, 1982, 11:10 a.m.
TRD-827484

The Gas Utilities Division will meet in Room 107 for consideration of gas utilities

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Dockets 3208, 3344, 2720, 3693, 3597 consolidated, 3692, 3546, 3706, and the director's report.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas, (512) 475-0461.

Filed: September 24, 1982, 11:09 a.m.
TRD-827485

The Office of Information Services will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

Filed: September 24, 1982, 11:11 a.m.
TRD-827486

The Oil and Gas Division will meet in the first floor auditorium to consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

Contact: Jan Burriss, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: September 24, 1982, 11:09 a.m.
TRD-827489

Additions to the above agenda:

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

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1273.

Filed: September 24, 1982, 11:11 a.m.
TRD-827487

Consideration of Docket 2-78,254—application of Ashford Oil and Gas Company for temporary field rules, Ashford (Yegua) Field, Lavaca County.

Contact: Felix Dailey, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1293.

Filed: September 24, 1982, 11:07 a.m.
TRD-827488

The Personnel Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: September 24, 1982, 11:12 a.m.
TRD-827490

The Office of Special Counsel will meet in the third floor conference room to consider and act on the division director's report relating to pending litigation, Sunset Com-

mission review procedures, and other budget, administrative, and personnel matters. The commission will also consider and discuss both the short-term and long-term ramifications to Texas applications pending or in hearing before the Federal Energy Regulatory Commission including proposed comments relating to off-system sales and high-cost gas produced from tight formations.

Contact: Walter Earl Lillie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: September 24, 1982, 11:10 a.m.
TRD-827491

The Surface Mining and Reclamation Division will meet in Room 107 to consider approval of a contract with Professor D. H. Shurbet for staff training in mine blast monitoring; an amendment to the approved reclamation timetable for the tailings pond associated with Conoco Inc.'s Conquista Project Mill Site (Permit No. 008); and the division director's report on division administration, budget, procedures, and personnel matters.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: September 24, 1982, 11:11 a.m.
TRD-827492

The Transportation Division will meet in the first floor auditorium to consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction.

Contact: Sandy Yates, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: September 24, 1982, 11:08 a.m.
TRD-827493

Wednesday, October 20, 1982, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet at El Tropicano Hotel, 110 Lexington Avenue, San Antonio, to conduct a statewide oil and gas hearing.

Contact: Harriett Trammell, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1297.

Filed: September 24, 1982, 11:08 a.m.
TRD-827494

School Land Board

Tuesday, October 5, 1982, 10 a.m. The School Land Board will meet in Rooms 118 and 119, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the minutes of the

previous board meeting; pooling applications; pooling agreement amendments; application for suspension of state leases; opening of bids; excess acreage application; discussion of small tract sale; final approval of Panhandle Ranch land trade; coastal public lands easement application and cabin permit renewal report; and consideration of cabin permit drawing for December 7, 1982.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas, (512) 475-2071.

Filed: September 27, 1982, 4:19 p.m.
TRD-827555

Texas

Sesquicentennial Commission

Friday, October 8, 1982, 10 a.m. The Texas Sesquicentennial Commission will meet at the City Council Chambers, sixth floor, Dallas City Hall, 1500 Marilla Street, Dallas. Items on the agenda include approval of minutes from the August 10, 1982, meeting; reports of the Select Committee on Logo Policy, Marketing Committee, Program Committee, and report on the feasibility study of the Texas Independence Express.

Contact: Randy M. Lee, P.O. Box 1986, Austin, Texas 78767.

Filed: September 27, 1982, 4:40 p.m.
TRD-827556

Texas Soybean Producers Board

Thursday, October 7, 1982, 2 p.m. The Texas Soybean Producers Board of the Texas Department of Agriculture will meet in the meeting room, Food and Fiber Pavilion, State Fair, Dallas. Items on the agenda include a financial report; biennial election results; allocation of funds; and oaths of office for new directors.

Contact: W. B. Tilson, 812 B. West Eighth Street, Plainview, Texas 79072, (806) 293-3806.

Filed: September 27, 1982, 2:32 p.m.
TRD-827545

Board for Lease of State-Owned Lands

Monday, October 4, 1982, 3 p.m. The Board for Lease of Texas Commission of Indian Affairs of the Board for Lease of State-Owned Lands will meet in Room 831, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue,

Austin. Items on the agenda include approving the minutes of the previous board meeting and a pooling application.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas, (512) 475-2071.

Filed: September 24, 1982, 2:43 p.m.
TRD-827505

Sunset Advisory Commission

Wednesday-Friday, October 6-8, 1982, 10 a.m. daily. The Sunset Advisory Commission will meet in the senate chamber, State Capitol. According to the agenda summary, the commission will hear public testimony on State Depository Board, State Banking Board, Finance Commission of Texas, Texas Savings and Loan Department, Banking Department of Texas, Office of Consumer Credit Commissioner, Credit Union Department, Texas State Library and Archives Commission, and the Texas Commission on Law Enforcement Officer Standards and Education; tentative decisions on Interstate Oil Compact Commission, Interstate Mining Compact Commission, Council for Social Work Certification, Advisory Council on Technical-Vocational Education of Texas, and the Office of State-Federal Relations.

Contact: Cindy Unsell, 304 Reagan Building, Austin, Texas, (512) 475-1718.

Filed: September 27, 1982, 3:46 p.m.
TRD-827554

Texas Turkey Producers Board

Thursday, October 7, 1982, 1:30 p.m. The Texas Turkey Producers Board of the Texas Department of Agriculture will meet in the meeting room, Food and Fiber Pavilion, State Fair, Dallas. Items on the agenda include a budget report; research report; consumer education report; and old and new business.

Contact: Bill Powers, P.O. Box 14428, Austin, Texas 78761, (512) 836-6580.

Filed: September 27, 1982, 2:33 p.m.
TRD-827544

Board of Vocational Nurse Examiners

Tuesday, September 28, 1982, 4 p.m. The Board of Vocational Nurse Examiners met in emergency session in the board office, Building C-285, 1300 East Anderson Lane, Austin. According to the agenda, the board

considered licensure applications from Gatesville School of Vocational Nursing via conference call. The emergency status was necessary due to the deadline date for exam applications.

Contact: Waldeen D. Wilson, R.N., 1300 East Anderson Lane, Building C-285, Austin, Texas 78752, (512) 835-2071.

Filed: September 27, 1982, 2:36 p.m.
TRD-827547



Texas Water Commission

Tuesday, September 28, 1982, 2 p.m. The Texas Water Commission met in emergency session in Room 124A, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission conducted a conference with representatives of the City of Houston and Frank McCreary to receive general information on the annexation of water districts. The emergency status was necessary due to conflicting schedules and previous commitments of those attending the meeting.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: September 24, 1982, 3:38 p.m.
TRD-827507

The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, at 10 a.m. The days and agenda summaries follow.

(Editor's note: The following notice of open meeting was inadvertently omitted from the September 28, 1982, issue of the Texas Register. However, the notice was duly filed in this office and posted in the capitol in full compliance with the Texas Open Meetings Law.)

Monday, October 4, 1982. Applications for district bond issues, use of surplus funds, water quality amendments, renewals, dismissal of water quality application, final decisions, amendment to contractual permit and to certificate of adjudication, consideration of motion for rehearing, approval of plans, and filing and setting a hearing date.

Tuesday, October 19, 1982. A hearing regarding involuntary dismissal of Texas Water Code, §11.121, application of Tarrant County Water Control and Improvement District No. 1.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: September 22, 1982, 3:23 p.m.
September 23, 1982, 11:21 a.m.
TRD-827443, 827469

Thursday, November 4, 1982, 10 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include hearings on Application 4243 of R&R Equipment Company, Inc., for a permit to divert 81 acre-feet of state water per year directly from the Leon River in the Brazos River Basin to be used for mining (sand and gravel washing) on applicant's land in Bell County, approximately one mile east of Belton; Application 4244 of A. J. Hall and Estate of Katherine V. Hall, for a permit to divert 240 acre-feet of state water per year directly from the Lampasas River in the Brazos River Basin to irrigate 207 acres of applicant's land in Bell County, situated in the O. T. Tyler and F. Madrigal Surveys, approximately 4.5 miles south of Belton; and Application 4245 of Nelson H. Hander, for a permit to directly divert not to exceed 30 acre-feet of water per annum from the Leon River in the Brazos River Basin at a maximum diversion rate of 0.67 cubic feet per second for the irrigation of 30 acres of land out of a 36-acre tract owned by applicant in the Matilda Connell Survey approximately 2.5 miles north of Belton, Bell County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: September 27, 1982, 11:31 a.m.
TRD-827525-827527

Tuesday, November 9, 1982, 9 a.m. The Texas Water Commission will meet in conference room 205, Abilene Civic Center, 1100 North Sixth Street, Abilene. According to the agenda summary, the commission will consider the application of City of Colorado City, P.O. Box 912, Colorado City, Texas 79512, to the Texas Department of Water Resources for an amendment to Permit 10077-01 to authorize a change from a no-discharge irrigation permit to a discharge permit with provisions to irrigate; to increase the discharge of treated domestic sewage effluent from a volume not to exceed an average flow of 350,000 gallons per day to 600,000 gallons per day, and to change the biochemical oxygen demand

from 35 mg/l to 30 mg/l and to add total suspended solids requirements of 90 mg/l. The applicant proposes to completely renovate and expand the existing facilities.

Contact: James Larkins, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: September 27, 1982, 11:32 a.m.
TRD-827528

Wednesday, November 10, 1982, 10 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will conduct hearings on Application 4248 of Panorama Country Club, Inc., for a permit to maintain an 88 acre-foot capacity reservoir on Stewarts Creek in the San Jacinto River Basin and to maintain a 4.6 acre-foot off-channel reservoir. Applicant also seeks authority to divert 116 acre-feet of state water per year from the larger reservoir to irrigate 87 acres out of a 627-acre tract in the F. K. Henderson Survey, Abstract 243, and the Francis J. Cook Survey, Abstract 118, Montgomery County. The water would be diverted directly to the fields, or to the off-channel reservoir for subsequent irrigation use; and Application 3871A of John L. Schoellkopf seeking an amendment to Permit 3571 to divert 42 acre-feet of state water per year from an already authorized 42 acre-foot capacity reservoir on Little Alder Creek, tributary of Catfish Creek, tributary of the Trinity River, Trinity River Basin for irrigation purposes in Henderson County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: September 27, 1982, 11:30 a.m.
TRD-827529, 827530

Tuesday, December 7, 1982, 10 a.m. The Texas Water Commission will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing on Application 2126A of the City of Fort Worth and Application 4240 of the City of Weatherford to appropriate the remaining unappropriated conservation storage of Benbrook reservoir, a reservoir created by a United States Army Corps of Engineers project on the Clear Fork of the Trinity River, a tributary of the Trinity River, Trinity River Basin in Tarrant County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: September 24, 1982, 11:14 a.m.
TRD-827495

Regional Agencies Meetings Filed September 24

The Amarillo Mental Health and Mental Retardation Regional Center, met in Room G-14, 7201 Evans Street, Amarillo, on September 30, 1982, at noon, and the Board of Trustees met in Room J-13 at the same location, on the same day, at 1 p.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-7235.

The Brown County Appraisal District, Appraisal Review Board, will meet at 400 South Broadway, Brownwood, on October 6, 1982, at 1 p.m. Information may be obtained from Alvis Sewalt, 400 South Broadway, Brownwood, Texas 76801, (915) 643-5676.

The Edwards County Appraisal District, Appraisal Review Board, will meet in the county office building, Rocksprings, on October 1, 1982, at 9 a.m. Information may be obtained from Jack Weldon, Box 348, Rocksprings, Texas 78880, (512) 683-2337.

The Interim Regional Transportation Authority, Ad Hoc Committee on Candidates, met in emergency session in Room 5CS, Dallas City Hall, 1500 Marilla, on September 28, 1982, at 2:30 p.m. The committee will also meet in Suite 201, Love Field Terminal Building, Dallas, on October 5, 1982, at 3 p.m. Information may be obtained from Cinde Weatherby, Lock Box 12, Love Field Terminal Building, Dallas, Texas 75235, (214) 358-3217.

The Lubbock Regional Mental Health and Mental Retardation Center met at 3800 Avenue H, Lubbock, on September 28, 1982, at 4:30 p.m. Information may be obtained from Gene Meneff, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213.

The Mental Health and Mental Retardation Center of East Texas, Board of Trustees, met at 2323 West Front Street, Tyler, on September 30, 1982, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Tarrant County Appraisal District, Appraisal Review Board, met in Suite 300, 1701 River Run, Fort Worth, on September 30, 1982, at 8:30 a.m. Information may be obtained from Bobby Reed, 1701 River Run, Suite 200, Fort Worth, Texas 76107, (817) 332-3151.

The Tarrant County Tax Appraisal District, Board of Directors, met in Suite 300, 1701 River Run, Fort Worth, on September 30, 1982, at 10 a.m. Information may be obtained from Bobby Reed, 1701 River Run, Suite 200, Fort Worth, Texas 76107, (817) 332-3151.

The Wheeler County Appraisal District will meet in the district's office, courthouse square, Wheeler, on October 4, 1982, at 2 p.m. Information may be obtained from Marilyn Copeland, P.O. Box 34, Wheeler, Texas 79096, (806) 826-5900.
TRD-827477

Meetings Filed September 27

The Blanco County Central Appraisal District, Appraisal Review Board, will meet in the Blanco school cafeteria, on October 13, 1982, at 4 p.m. The board will also meet at the Blanco County courthouse annex, on October 14, 1982, at the same time. Information may be obtained from M. A. Stewart, Blanco, Texas, (512) 868-4624.

The Bexar-Medina-Atascosa Counties Water Control and Improvement District 1, Board of Directors, will meet at the district office, Natalia, on October 4, 1982, at 8 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The Region IV Education Service Center, Board of Directors, will meet in the board room, 7200 West Tidwell, Houston, on October 12, 1982, at 6 p.m. Information may be obtained from Tom Pate, Jr., 7200 West Tidwell, Houston, Texas 77001, (713) 868-1051.

The Fannin County Single Appraisal District, Board of Review, will meet at 401 North Main Street, Peeler Building, Bonham, on October 6-9, 1982, at 8:30 a.m. daily. Information may be obtained from Bettye Manning, 401 North Main Street, Peeler Building, Bonham, Texas 75418, (214) 583-9546.

The Gonzales County Appraisal District, Board of Directors, will meet in Suite 201, Gonzales Bank Building, 508 St. Louis, on October 7, 1982, at 8:30 a.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Jasper County Appraisal District, Board of Directors, will meet in the Evadale Independent School District Administration

Building, Evadale, on October 6, 1982, at 7:30 p.m. Information may be obtained from Frances Horn, P.O. Drawer G, Buna, Texas 77612, (713) 994-5101.

The Middle Rio Grande Development Council, Board of Directors, made an emergency addition to the agenda of a meeting held in the reading room, Uvalde Civic Center, Uvalde, on September 29, 1982, at 10 a.m. Information may be obtained from Paul A. Edwards, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The South Texas Development Council, Regional Manpower Policy Advisory Coun-

cil, will meet in the Zapata Community Center, Zapata, on October 6, 1982, at 10:30 a.m. Information may be obtained from Juan Vargas, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

The Tarrant County Appraisal District, Appraisal Review Board, met in emergency session in Suite 300, 1701 River Run, Fort Worth, on September 28, 1982, at 9 a.m. Information may be obtained from Bobby Reed, 1701 River Run, Suite 200, Fort Worth, Texas 76107, (817) 332-3151.

The Wise County Appraisal District, Board of Directors, met in emergency session at 206 South State Street, Decatur, on

September 30, 1982, at 9:30 a.m. Information may be obtained from Ann Loafman, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.

TRD-827510

Meeting Filed September 28

The Hays County Central Appraisal District, Board of Directors, will meet in the San Marcos Independent School District board room, 501 South LBJ, San Marcos, on October 1, 1982, at 10 a.m. Information may be obtained from H. William Beare, Jr., P.O. Box 1287, San Marcos, Texas 78666, (512) 396-4777.

TRD-827557

In Addition

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.

Banking Department of Texas Applications To Acquire Control of a State Bank

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On September 13, 1982, the banking commissioner received an application to acquire control of Southwest Bank, Mesquite, by Doyle O. Winters and Robert P. Nunis, both of Dallas.

On September 22, 1982, notice was given that the application would not be denied.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on September 22, 1982.

TRD-827461

O. A. Cassity
Assistant General Counsel
Banking Department of Texas

Filed: September 23, 1982

For further information, please call (512) 475-4451.

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On September 9, 1982, the banking commissioner received an application to acquire control of Red Bird Bank of Dallas by Sammy D. Nelson of DeSoto.

On September 22, 1982, notice was given that the application would not be denied.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

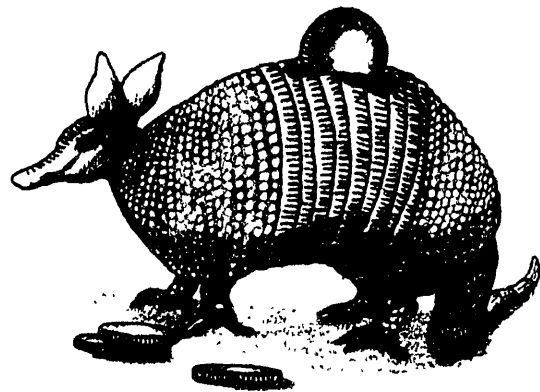
Issued in Austin, Texas, on September 22, 1982.

TRD-827462

O. A. Cassity
Assistant General Counsel
Banking Department of Texas

Filed: September 23, 1982

For further information, please call (512) 475-4451.



Texas Department of Community Affairs Request for Proposals

The Employment and Training Division of the Texas Department of Community Affairs (TDCA), a prime sponsor under the auspices of the Comprehensive Employment and Training Act amendments of 1978, announces its request for proposal (RFP) to deliver the employment and training services described herein. TDCA is soliciting proposals under the Title VII Private Sector Initiative Program to assist entrepreneurs whose businesses have been negatively affected by the Mexican peso devaluation.

This assistance will be to work with and help these existing businesses properly complete all applicable forms and data to apply for a business loan from the United States Small Business Administration (SBA). The area to be served under this proposed agreement will consist of five counties in Texas: Jim Hogg, Maverick, Starr, Val Verde, and Zapata.

Qualifications. To be eligible, offerors must be knowledgeable about accounting practices and SBA rules. Proposals must include specific items and documents which attest to the applicant's capability to provide the desired services. The selected offeror will be expected to assume responsibility for delivery of program services under Title VII of CETA as appropriate and directed by TDCA. Proposals must include documentation of applicant's legal authority to contract with TDCA to provide these services. This shall be accomplished by completing and submitting a "Contractor Certification of Eligibility" form (TDCA Form 17-78-1[78]) included in the request for proposal instructions which may be obtained from TDCA. Every proposal shall include a list of all persons employed by or offered employment by the offeror who at the time the proposal is submitted has been an employee of TDCA within the six months prior to its submission.

Deadline for Submission. If TDCA chooses to enter into and execute a contract for the services described herein, the period for performance of services shall begin on or about November 1, 1982, and shall extend through September 30, 1983, at the option of TDCA. Proposals should be submitted no later than close of business October 15, 1982.

Maximum Funds Available. Proposals in this format should not exceed \$50,000. Each completed application will be submitted to the SBA office for loan processing for an estimated cost of \$375. The Texas Department of Community Affairs is not obligated through this request for proposal to negotiate a contract for all or any part of the services stated herein.

General Information. TDCA reserves the right to accept or reject any or all proposals submitted. TDCA is under no legal requirement to execute a resulting contract, if any, on the basis of this advertisement, and intends the material provided only as a means of identifying the various contractor alternatives and the general cost of the services desired by TDCA. TDCA intends to use responses as a basis for further negotiation of specific project details with potential contractors. In the event that TDCA selects a contractor to provide the delivery of service, TDCA will base its choice on demonstrated competence and qualifications and the reasonableness of the fee for services. This request does not commit TDCA to pay for any costs incurred prior to execution of a contract and is subject to availability of funds from the United States Department of Labor for this procurement. Issuance of this material in no way obligates TDCA to award a contract or to pay any costs incurred in the preparation of a response. TDCA specifically reserves the right to vary all provisions set forth at any time prior to execution of a contract where TDCA deems such variations to be in the best interest of the State of Texas, and

to otherwise act as it determines in its sole discretion. The TDCA reserves the right to negotiate an extension of any executed contract funded through this proposal solicitation process for a period not to exceed one additional year beyond the period stated herein, with additional funding as appropriate and as available.

Person to Contact. For further information regarding this notice, please contact John A. Geistweidt, Employment and Training Division, P.O. Box 13166, 210 Barton Springs Road, Austin, Texas 78711, (512) 475-6216.

Issued in Austin, Texas, on September 24, 1982.

TRD-827497 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: September 24, 1982
For further information, please call (512) 475-6903.

Office of Consumer Credit Commissioner Rate Ceilings

Pursuant to the provisions of House Bill 1228, 67th Legislature of Texas, Regular Session, 1981, the consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Article 1.04, Title 79, as amended Texas Civil Statutes, Article 5069-1.04.

Effective Period(1)	Type of Transaction	
	Commercial(3) Consumer(2)/thru \$250,000	Commercial(4) over \$250,000
Indicated Rate		
Weekly Rate Ceiling		
10/04/82-10/10/82	18.5%	18.5%
Monthly Rate Ceiling (Variable Commercial Only)		
10/01/82-10/31/82	19.06%	19.06%
Quarterly Rate,Ceiling		
10/01/82-12/31/82	22.94%	22.94%
Annual(5) Rate Ceiling		
10/01/82-12/31/82	24%	24.96%

- (1) Dates set out above are inclusive.
- (2) Credit for personal, family, or household use.
- (3) Credit for business, commercial, investment, or other similar purpose.
- (4) Same as (3) above, except excluding credit for agricultural use.
- (5) Only for open end as defined in Texas Civil Statutes, Article 5069-1.01(f).

Issued in Austin, Texas, on September 27, 1982.

TRD-827508 Sam Kelly
Consumer Credit Commissioner

Filed: September 27, 1982
For further information, please call (512) 475-2111.

Texas Department of Health Public Hearings

The Water Hygiene Division of the Texas Department of Health will hold a public hearing on proposed rules concerning the certification of water utilities personnel. The proposed rules will replace and update the existing rules which are being proposed for repeal. The major changes in the new rules will be to increase the training and/or experience requirements for certification; to issue new surface water and groundwater certificates; and to require renewal hours for Grade A certificates.

The rules are outlined in 25 TAC §§337.51-337.59 and were published in the September 21, 1982, issue of the *Texas Register*.

The date, time, and location of the hearing are as follows: Friday, October 15, 1982, 9 a.m., auditorium, Texas Department of Health, 1100 West 49th Street, Austin, Texas.

For additional information, contact Charles E. McEntire, Water Hygiene Division, at the above address, or call (512) 458-7536.

The Bureau of Radiation Control of the Texas Department of Health will hold a public hearing on proposed amendments to the rule on the control of radiation, 25 TAC §289.1.

The department proposes to adopt by reference a new Part 44, titled "Licensing of Radioactive Waste Processing and Storage Facilities." The new Part 44 formalizes the legislation pertaining to radioactive waste processing and storage facilities in the Texas Radiation Control Act, Texas Civil Statutes, Article 4590f. The new Part 44 establishes the requirements for management of commercial radioactive waste processing and storage facilities; the procedures and criteria for the issuance of licenses to receive, possess, transport, store, and process radioactive waste from other persons; the terms and conditions upon which the agency will issue such licenses; criteria for radioactive waste form and content; and performance by a licensee for processing of radioactive waste.

In addition, the new Part 44 will produce some amendments to existing Part 41, in subsection (a)(10) of §289.1, expanding the scope of licensing by the Bureau of Radiation Control by making reference to Part 44 for certain types of licenses.

The notice of amendment to 25 TAC §289.1 was published in the September 24, 1982, issue of the *Texas Register*.

The date, time, and location of the hearing are as follows: Thursday, October 21, 1982, 10 a.m., auditorium, Texas Department of Health, 1100 West 49th Street, Austin, Texas.

For additional information, contact Ruth E. McBurney, Bureau of Radiation Control, at the above address, or call (512) 835-7000.

The Bureau of Emergency Management of the Texas Department of Health will hold a public hearing on pro-

posed rules concerning required and recommended ambulance equipment. The new §157.11 and §157.12 will replace the old §157.11 concerning the application form for a permit to operate an emergency ambulance. The proposed rules were published in the August 10, 1982, issue of the *Texas Register* (7 TexReg 2933).

The date, time, and location of the hearing are as follows: Thursday, December 16, 1982, 1 p.m., auditorium, Texas Department of Health, 1100 West 49th Street, Austin, Texas.

For additional information, contact Charles H. Gregory, M.D., Chief, Bureau of Emergency Management, at the above address, or call (512) 458-7551.

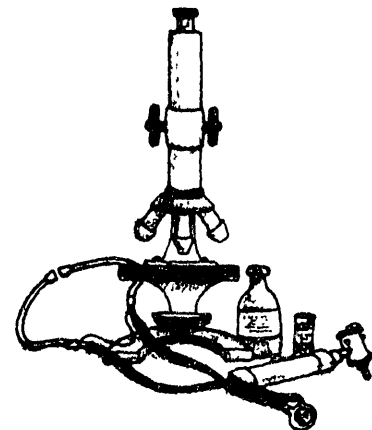
Issued in Austin, Texas, on September 22, 1982.

TRD-827553

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

Filed: September 24, 1982

For further information, please call (512) 458-7111.



Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party to any of the above-stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Mid-Cities Surgi-Center, Inc.,
doing business as Mid-Cities Surgi-Center,
Bedford

AO81-0623-020A(092082)

CN/AMD—Request to extend the completion deadline from November 1, 1982, to May 1, 1983, and to increase the project cost from \$1.4 million to \$1,889,982 in CN A081-0623-020 which authorized the construction and operation of an 11,604 square foot ambulatory surgical center in Bedford.

D&B Associates for Oakhaven Nursing Center,
Arlington

AN80-1231-042A(082382)

CN/AMD—Correction of notice published in the August 31, 1982, issue. Request to extend the completion deadline from September 31, 1982, to July 31, 1983, and to increase the project cost from \$500,000 to \$681,000 in Certificate of Need AN80-1231-042 which authorized the construction of a 12,580 square foot building addition to provide 30 additional semi-private rooms for an increase in the licensed capacity by 60 skilled beds.

The Good Shepherd Medical Center, Longview
AH79-1221-007A(092182)

CN/AMD—Request to extend the completion deadline from October 31, 1982, to February 1, 1983, in Certificate of Need AH79-1221-007 which authorized the expansion of delivery, labor, recovery, and nursery services through a construction and renovation project involving 26,172 square feet.

Hillcrest Baptist Hospital, Waco
AH81-1029-005A(092182)

CN/AMD—Request for an extension of the completion deadline from October 1, 1982, to March 1, 1983, in Certificate of Need AH81-1029-005 which authorized the establishment of a physical medicine, cardiac, and pulmonary rehabilitation program.

MSC Corporation for Huber Manor
Convalescent Home, Beeville
AN80-0505-045A(091782)

CN/AMD—Request to extend the completion deadline from September 30, 1982, to September 30, 1983, in Certificate of Need AH80-0505-045 which authorized the construction of a 10,518 square foot addition in order to add 50 ICF-III beds, construction of a new laundry building, expansion of the kitchen and dining room, renovation of the entrance/administrative area, and provide for outside patio/activity area.

Issued in Austin, Texas, on September 27, 1982.

TRD-827512

John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: September 27, 1982

For further information, please call (512) 475-8940.

Texas Low-Level Radioactive Waste Disposal Authority Request for Proposals

Description of Authority. The Texas Low-Level Radioactive Waste Disposal Authority is the state agency authorized to select, design, and operate a low-level radioactive waste disposal facility for Texas generators. The authority operates under provisions of the Texas Low-Level Radioactive Waste Disposal Authority Act, Texas Civil Statutes, 4590f-1, and other general administrative statutes.

Description of Problem. Numerous studies are available which, to one degree or another, attempt to identify the Texas low-level radioactive waste volume and source. These studies vary widely from estimates of about 20,000 cubic feet per year to almost 80,000 cubic feet per year of generated waste. The most reliable estimate is generally agreed to come from the Texas Department of Health, which places the amount at about 44,000 cubic feet per year; however, there is still uncertainty in this number. To effectively project the required size of a waste disposal facility, it is essential that there be a high level of confidence in waste volume estimates as well as in identification of the waste sources.

In order to set the framework for subsequent site screening, selection, and design activities, accurate volume estimates, source identification, and economic analyses are required. This assessment does not anticipate or encourage duplication of the previously developed information; however, verification and expansion of the waste information to high levels of certainty and development of specific economic projections are desired.

Description of Specific Work Objectives. The following is an outline of the objectives to be addressed in this request for proposal (RFP).

(A) Estimate the volume of radioactive waste produced in Texas for the period 1980-2010.

(1) Use available resources and existing data available from:

- (a) Bureau of Radiation Control,
- (b) Texas Energy and Natural Resources Advisory Council,
- (c) Department of Energy,
- (d) Nuclear Regulatory Commission, and
- (e) Southern States Energy Board.

(2) Summarize data in tabular form including:

- (a) Total volume, cubic feet,
- (b) Total volume by source (medical, industrial, etc.),
- (c) Total volume by type (drum, reactor component, etc.),
- (d) Total volume by form (solid, liquid, etc.),
- (e) Total volume by isotope (Tc^{99} , Co^{60} , etc.),
- (f) Volume by year, cubic feet per year, and
- (g) Confidence limits on above.

(3) Consider existing or proposed statutes and regulations which will significantly reduce or increase waste volumes in (2) above, i.e.:

- (a) Low-Level Waste Policy Act of 1980,
- (b) Bureau of Radiation Control "biomedical waste rules," and
- (c) EPA rules on incineration or hazardous liquid chemical wastes.

(4) Consider other technologies or uncertainties which will affect waste volumes as follows:

- (a) Incineration,
- (b) Reactor construction uncertainty,
- (c) Reactor radwaste system design, and
- (d) Other advanced technology.

(B) Prepare a site conceptual design.

(1) Assumptions:

- (a) Available land area: 250 to 400 acres (includes buffer),
- (b) Texas only wastes to be buried,
- (c) Rural site remote from utilities,
- (d) Conventional shallow-land burial,
- (e) Site equivalent to a "NUREG-0902" type site,
- (f) Site selection to operation—five years,
- (g) Sufficient warehouse space to store up to 5,00 drums prior to disposal, and
- (h) Sufficient building space for an incineration add-on at a later date.

(2) Use available literature from DOE and NRC as well as other sources (see, for example, NUREG-0782).

(C) Using results from activities (A) and (B), prepare an economic analysis of the cost of siting, licensing, construction, operation, and decommissioning of a site.

(1) Use suitable economic models such as available methodologies from DOE.

(2) Final conclusions should be expressed in dollars per cubic feet.

(D) Conduct an analysis to verify and/or improve on estimated waste volumes generated in Arizona, New Mexico, Oklahoma, Kansas, Louisiana, and Arkansas using steps (A)-(C) above.

(E) Prepare a comprehensive report in accordance

with the format outlined in the description of required final report format.

Description of Proposal Format. Proposals should be structured in the following manner: cover page, executive summary, technical section, administrative section, financial section, experience and qualifications section, and appendices.

Cover page—The cover page should include the RFP title; RFP number; name and address of proposer(s); name, address, and telephone number of person(s) to be contacted concerning technical and contractual matters; and the signature of the proposer's authorized representative(s).

Executive summary—The executive summary should be considered as a stand-alone document presenting in succinct form the major points of the proposal. Brief discussion of the technical objectives, budget, time frame, qualification, etc. should be included. The desired length of the executive summary is five pages and should be written in a style aimed at executives and policy makers.

Technical section—The technical section should discuss in detail the work objects of the RFP. Background knowledge of the work objectives and a complete discussion of the work objectives should be presented. Proposers should clearly define methods and procedures to be used in meeting the objectives.

Administration section—In the administration section, a brief but complete discussion on how the project will be conducted from an administrative standpoint should be presented. A project time frame (milestone chart) should be presented in this section.

Financial section—In the financial section, a complete itemized budget should be presented along with a cost schedule for the term of the project.

Experience and qualification section—The experience and qualification section should include only those resumes of personnel who will be working on the project. Proposer qualification should be limited to specific projects that relate to the RFP subject matter. A complete listing of all the proposer's unrelated projects is neither requested nor desired.

Appendices—The appendices containing appropriate supporting information are optional and should be submitted under a separate cover.

Voluminous proposals are not desired; 25 pages of narrative should be adequate to respond to this RFP.

Description of Required Final Report Format. Specific requirements for the final report will be contained in the project contract. The report should follow the style consistent with the author's professional society (ASME, ASCE, HPS, etc.). At a minimum the report should contain: title page; executive summary; table of contents, tables, and figures; introduction; technical discussion; conclusions, etc. Ten copies of the final report will be required.

Description of Project Administration. The authority will assign a project administrator to supervise both the technical and administrative execution of the project.

Periodic progress reports, generally monthly, will be required to coincide with billing. Payment for services rendered will be on a cost reimbursal basis and documentation of costs will be required. The authority will supply, upon request, copies of contract forms for review by proposers.

Description of Review Criteria and Procedures. Proposals will be evaluated using the following criteria:

- (1) Technical merit,
- (2) Qualifications and experience,
- (3) Time frame, and
- (4) Cost effectiveness.

In accordance with Texas Civil Statutes, Article 664-4, this request for proposals requires professional engineering services; consequently, awards will not be made on a competitive bid basis but will be made on the merit of the proposal when considering all of the evaluation criteria.

Identification of Confidential or Proprietary Information. If any material contained in proposals submitted to the authority in response to this RFP contains confidential or proprietary information, the proposer should clearly indicate this on the proposal cover page and on the page where the confidential or proprietary information is contained. Proposers are advised to exclude confidential or proprietary information if at all possible. After contracts are awarded, proposals may be released to the general public under the Texas Open Records Act.

Deadline and Address for Proposal Submission. In order to be considered for evaluation, 10 copies of each proposal must be received no later than Friday, October 22, 1982, at the authority's temporary address at 1100 West 49th Street, Austin, Texas 78756, attention of Gary Fuchs.

Schedule for Completion. One hundred and eighty days will be allowed for completion of the project and delivery of the final report.

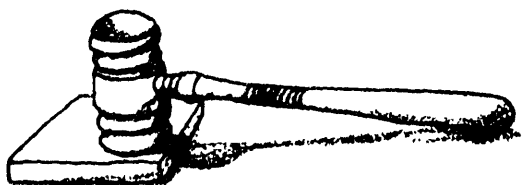
Target for Contract Award. It is anticipated that a contract will be awarded by November 15, 1982.

Designation of Contact Person for Additional Information. Questions and requests for additional information should be directed to Lawrence R. Jacobi or Robert V. Avant at the authority's temporary address, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7529.

Issued in Austin, Texas, on September 27, 1982.

TRD-827509 Lawrence R. Jacobi, Jr.
General Manager
Texas Low-Level Radioactive
Waste Disposal Authority

Filed: September 27, 1982
For further information, please call (512) 458-7259.



Texas Savings and Loan Department Application to Establish Remote Service Unit

Notice is hereby given that application has been filed with the savings and loan commissioner of Texas by Citizens of Texas Savings and Loan Association, Baytown, Harris County, for approval to establish and operate a remote service unit in Baytown, Harris County.

The applicant association asserts that security of the association's funds and that of its account holders will be maintained; and the proposed service will be a substantial convenience to the public.

Anyone desiring to protest the above application must file a written protest with the commissioner within 10 days following this notice. The commissioner may dispense with a hearing.

This application is filed pursuant to the Texas Administrative Code, §§53.11-53.16, of the rules for savings and loan associations. The rules are on file with the Office of the Secretary of State, Texas Register Section, or may be seen at the department's offices at 1004 Lavaca, Austin.

Issued in Austin, Texas, on September 21, 1982.

TRD-827438 L. Alvis Vandygriff
Commissioner
Savings and Loan Department of
Texas

Filed: September 22, 1982
For further information, please call (512) 475-7991.

State Treasury Department Award of Consulting Services

Texas Register Citation of the Consultant Proposal. The consultant proposal request appeared in the August 20, 1982, edition of the *Texas Register* (7 TexReg 3088).

Description of the Study. This is a notice of invitation for proposals for consulting services to be provided to the Treasury Department in the Escheat Division. The consultant would assist the treasurer in evaluating escheat reports received and the reporting practices of escheatable property holders. Additionally, the consultant will assist in the training of staff examiners for the Treasury Department for field audits of holders of escheatable property. Travel to holders place of business for on-site audit and review training will be necessary.

Name and Business Address of the Private Consultant. The consultants are Andreoli, Johanson, and Wood, Certified Public Accountants, Evergreen Plaza, 3657 Thousand Oaks Boulevard, Westlake Village, California 91362.

Total Value and Dates of the Contract. Fee for this engagement is \$42,000. Travel and lodging (not to exceed rates established by state) is a maximum of \$8,000. The

contract begins in September 1982, and runs through August 1983.

Due Date of Reports. Interim reports will be made to the agency during the course of the contract. A final report is to be submitted at the conclusion of the contract.

Issued in Austin, Texas, on September 21, 1982.

TRD-827442

Willie J. Kopecky, Jr
Director of Accounting
State Treasury Department

Filed: September 22, 1982

For further information, please call (512) 475-2591.



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 September 20-24, 1982.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication

of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-2678.

Listed are the names of the applicants and the cities in which the facilities are located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of September 20-24, 1982

Global Technical Services, Inc., Houston; solid waste storage; within a 44.5 acre tract out of the John Flanders Survey, Abstract-263, approximately 6½ miles east of Loop 610 on Highway 90 East in Harris County at 13301 Beaumont Highway; 39058; new permit

Paul E. Orlando, doing business as Ed-Lou Mobile Home Park, Cypress; mobile home park; at 15110 Grant Road on the southern bank of Faulkey Gully, approximately 800 feet northeast of Grant Road and approximately 600 feet west of Shaw Road in Harris County; 12600-01; new permit

Hines Industrial Ltd., Houston; commercial development; approximately one mile east of Jack Rabbit Road and approximately ½ mile south of U.S. Highway 290 in Harris County; 12574-01; new permit

Hearthstone Colony Water Supply Corp., Houston; commercial and multi-family residential subdivision; approximately 500 feet west of Addicks-Satsuma Road and approximately 1,700 feet south of FM Road 529 in Harris County; 12588-01; new permit

The City of Los Fresnos; wastewater treatment plant; southwest of Los Fresnos approximately 2,000 feet west of FM Road 1847 and 3,300 feet south of State Highway 100 at the end of Nogal Street in Cameron County; 10590-02; new permit

North Texas Municipal Water District, Plano; Rowlett Creek wastewater treatment plant; approximately 3.5 miles east of the City of Plano, approximately 700 feet north of FM Road 544 and one mile west of FM Road 544 crossing of Rowlett Circle in Collin County; 10363-01; renewal

City of San Antonio; O. W. Sommers/J. T. Deely Power Plant; adjacent to Calaveras Reservoir at 13090 U.S. Highway 181 South in Bexar County; 01514; renewal

Houston Lighting and Power Company, Town of Thompsons; W. A. Parish steam electric station; south of and adjacent to Smithers Lake and Dry Creek, southwest of the Town of Thompsons, Fort Bend County; 01038; amendment

The City of San Juan; sewage treatment plant; approximately 1.9 miles south of U.S. Highway 83 business route at the south end of San Antonio Road in the City of San Juan, Hidalgo County; 11512-01; amendment

City of Wolfe City; sewage treatment plant; approximately 1/2 mile south of Wolfe City and 1/2 mile east of State Highway 34 adjacent to Oyster Creek in Hunt County; 10383-01; amendment

Temple-Eastex, Inc., Pineland; intergrated forest products complex; north of FM Road 2426 in the City of Pineland, Sabine County; 01820; amendment

City of Krum; wastewater treatment plant; approximately 0.6 mile southwest of the intersection of FM Roads 1173 and 156, approximately 1.5 miles north of the intersection of U.S. Highway 380 and FM Road 156 in Denton County; 10729; amendment

Conroe Independent School District, Cut N' Shoot; Stephen F. Austin Elementary School wastewater treatment plant; on the grounds of the Stephen F. Austin Elementary School approximately 1,250 feet west of the intersection of State Highway 105 and Waukegan Road in the town of Cut N' Shoot in Montgomery County; 12204-01; amendment

Conoco, Inc., Hebbronville; Trevino in situ uranium mine and processing plant; on the mine property at a point 4,000 feet from the southeast line and 20,000

feet from the northeast line of the Santa Maria De Los Angeles De Abajo Trinidad Vela Survey, Abstract A-612, in Duval County, approximately three miles north of the City of Hebbronville; WDW-189; amendment and renewal

Issued in Austin, Texas, on September 24, 1982.

TRD-827496 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: September 24, 1982
For further information, please call (512) 475-4514.

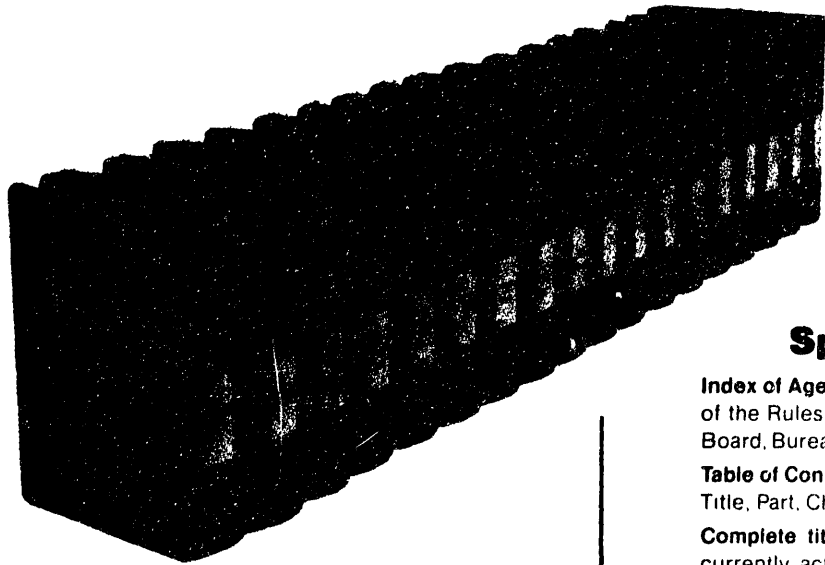
Office of the Secretary of State *Texas Register* Publication Schedule

Listed below are the deadline dates of the October 1982 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceeding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication.

October Publication Schedule for the *Texas Register*

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
Friday, October 1	Monday, September 27	Tuesday, September 28
Tuesday, October 5	Wednesday, September 29	Thursday, September 30
Friday, October 8	Friday, October 4	Tuesday, October 5
Tuesday, October 12	Wednesday, October 6	Thursday, October 7
Friday, October 15	Monday, October 8	Tuesday, October 12
Tuesday, October 19	Wednesday, October 13	Thursday, October 14
Friday, October 22	Monday, October 18	Tuesday, October 19
Tuesday, October 26	Wednesday, October 20	Thursday, October 21
Friday, October 29		

3RD QUARTERLY INDEX



The Texas Administrative Code

Special Features

Index of Agencies, listing the location in the Code of the Rules issued by each Agency, Department, Board, Bureau or Commission of the State of Texas

Table of Contents for the entire Code and for each Title, Part, Chapter and Subchapter of the Code

Complete title contents for each title, listing all currently active pages contained in that title by page number, so as to insure completeness and accuracy Detailed index for each title

Parallel Reference Table for each title, showing the section number used in the Code to designate a Rule and, where applicable, the ten-digit identification number assigned to it by the Texas Register Division

Tables of Authorities, listing every statute and constitutional authority contained in the Code, and the various components of the Code issued under each

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Notes of Decisions, containing a summary of each court decision and Attorney General's opinion that construes a Rule

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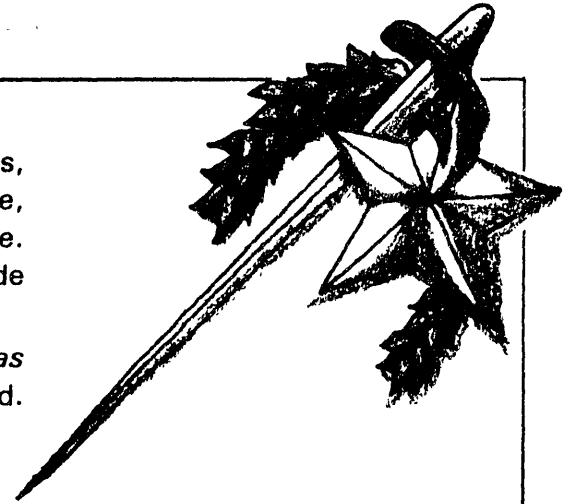
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