
TEXAS REGISTER

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10th Grade

DeSoto High School, DeSoto ISD

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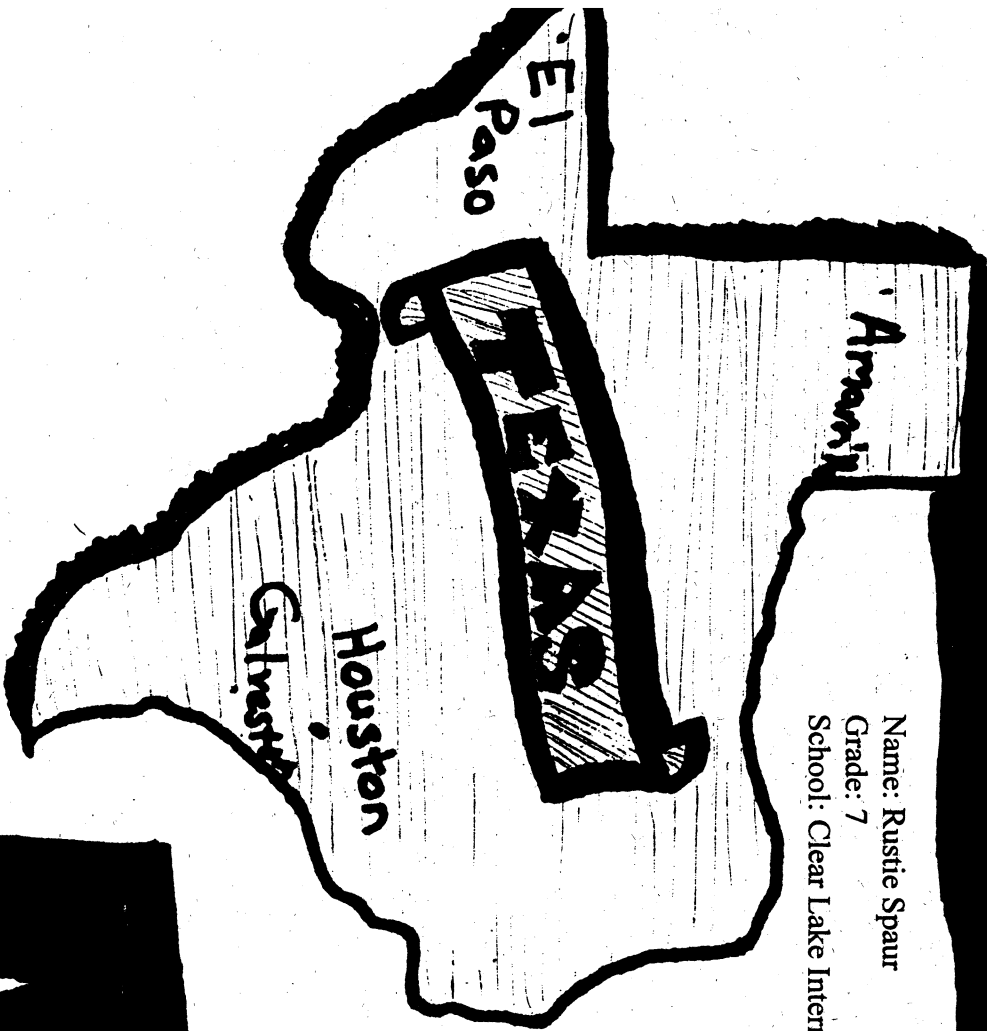
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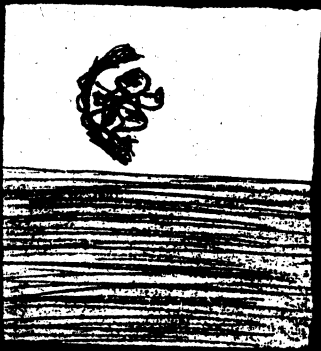
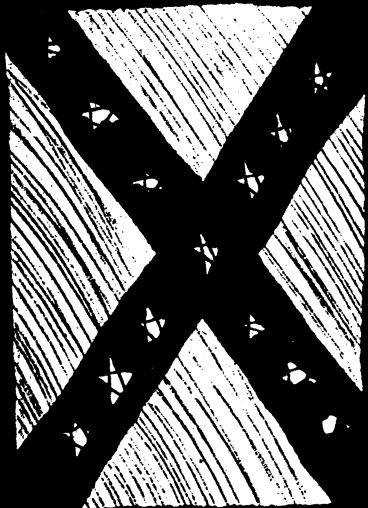
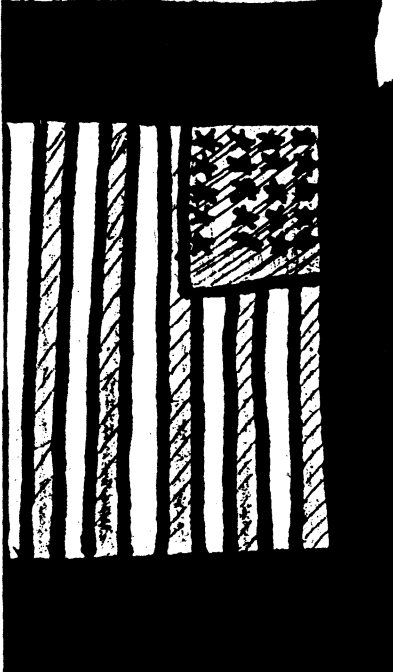
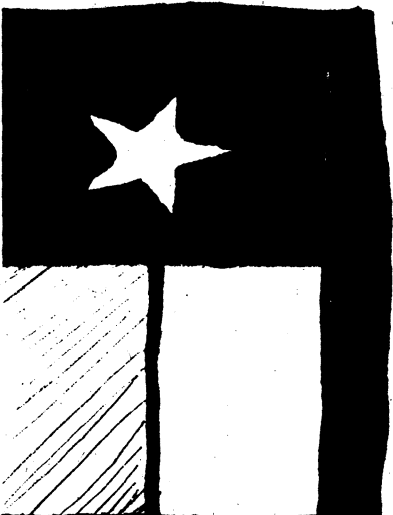
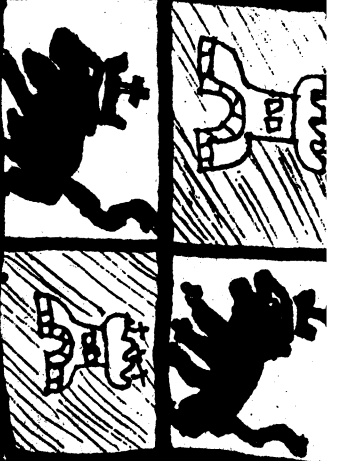
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PROPOSED RULES

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

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

TITLE 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives Commission

Chapter 2. General Policies and Procedures

13 TAC §§2.2-2.4, 2.53

The Texas State Library and Archives Commission proposes new §§2.2 - 2.3, concerning by-laws for the commission and the duties of the Director and Librarian, §2.4, concerning the general principles of the commission, and §2.53, concerning complaint procedures for the public. The new sections are proposed for the purpose of formalizing the by-laws of the commission and clarifying the roles of the commission and director and the principles guiding the commission. In addition the rules establish a policy concerning notification of the public regarding how to file complaints with the commission and what types of procedures apply to different types of complaints.

Raymond Hitt, Assistant State Librarian, has determined that for each of the first five years the sections are in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the sections.

Mr. Hitt also has determined that for each year of the first five years the sections as proposed are in effect the public benefits anticipated as a result of enforcing the sections as proposed will be that the principles and procedures of the commission and responsibilities of the director will be more clearly understood by the public. The public will also have more information about how to file a complaint and the manner in which the complaint will be processed. There will be no effect on small businesses. There is no anticipated economic cost to persons required to comply with the sections as proposed.

Comments on the proposal may be submitted to Robert S. Martin, Director and Librarian, Texas State Library. P. O. Box 12927, Austin, Texas 78711-2927.

The sections are proposed under the Government Code, §441.002(j), which requires the Texas State Library and Archives Commission to establish policies to separate the duties of the commission from those of the director and staff and §441.006 which authorizes the commission to govern the Texas State Library.

The Government Code, §441.001, §441.0011, §441.002, §441.003, and §441.006 are affected by the proposed sections.

§2.2. Responsibilities of Commission and the Director and Librarian.

(a) General powers and responsibilities. The Library and Archives Commission is a six member citizen board appointed by the Governor of Texas and confirmed by the Texas Senate. The commission is an agency within the executive branch, but functions independently within its statutory authority to serve the long-term public interest.

(b) Powers and responsibilities of the Commission. The Library and Archives Commission is responsible for establishing the policy framework through which the agency carries out its statutory responsibilities. The Commission governs the Texas State Library through the Director and Librarian. The staff of the Texas State Library receive direction from the commission through the Director and Librarian. Specifically, the commission

(1) adopts administrative rules that guide the staff in administering the Library programs;

(2) approves strategic and operating plans and requests for appropriations;

(3) approves all grants and contracts in excess of \$100,000;

(4) oversees operations of the Texas State Library for integrity, effectiveness, and efficiency;

(5) acts as a final board of appeals for staff decisions or advisory board recommendations on grants, accreditation of libraries, certification of librarians, or other issues of concern to the public;

(6) selects the Director and Librarian and approves his selection of the Assistant State Librarian; and

(7) conducts a periodic performance review of the Director and Librarian.

(c) Powers and responsibilities of the Director and Librarian. The Director and Librarian is responsible for the effective and efficient administration of the policies established by the commission. Specifically, the Director and Librarian:

(1) selects, organizes, and directs the staff of the library;

(2) establishes the operating budget for the library and allocates funds among strategies, programs, and projects within the limits of statutory authority and as set forth in the General Appropriations Acts of the legislature;

(3) approves expenditures of funds in accordance with law;

(4) represents the commission and reports on behalf of the commission to the governor, legislature, the public, or other organized groups as required;

(5) reports in a timely manner all relevant information first to the chairman and subsequently to all members of the commission, endeavoring to report to members of the commission in such a manner that the members are equally well informed on matters that concern the commission;

(6) delegates his responsibilities to the Assistant State Librarian or other agency staff as appropriate.

§2.3. *Procedures of Commission.*

(a) Election of Officers. In accordance with statute, the Chairman of the Commission is designated by the governor. The Vice-Chairman is elected by the members of the commission at the first meeting in even numbered years.

(b) Powers of the Chairman. The chairman shall call meetings of the commission, set the agenda for meetings of the commission, preside at meetings of the commission, and authenticate actions of the commission as necessary.

(c) Vice-Chairman. The Vice-Chairman of the Commission exercises the powers and authority of the chairman in the event of a vacancy, absence, or incapacity of the chairman, including the authority to call a meeting, set the agenda, and act on behalf of the chairman.

(d) Committees. The chairman shall appoint an audit committee, consisting of three members of the commission, one to serve as chairman. The audit committee will receive plans and reports from internal and external auditors, review and revise such plans and reports as needed, and recommend them to the commission for adoption and approval. The chairman shall appoint such other committees of the commission as may be deemed necessary.

(e) Meetings. The commission shall have regularly scheduled meetings six times per year. The chairman may call additional meetings of the commission as may be necessary, provided that adequate notice of such meetings shall be given in accordance with the Open Meetings Act. The chairman shall call a special meeting of the commission upon written request by a majority of the members of the commission. Any regularly scheduled meeting of the commission

may be canceled by the chairman, provided that ten days notification is given to the members of the commission.

(f) Agenda. The chairman shall establish the agenda for meetings of the commission with advice from other members and the Director and Librarian. Any person may request that an item be placed on the agenda of the next meeting of the commission by writing to the chairman, with a copy to the Director and Librarian. Such item will be added to the agenda at the discretion of the chairman, except that the chairman will place on the agenda any item requested by a majority of the members of the commission. Notice and agenda of commission meetings shall be posted by the Director and Librarian in accordance with the Open Meetings Act.

(g) Transaction of Business. As defined in the Open Meetings Act, a majority of the members of the commission, or four members, shall constitute a quorum. Meetings of the commission are conducted in a manner that welcomes public participation and complies with the spirit of the Open Meetings Act. At each meeting of the commission the agenda shall include a period for public comment of up to five minutes per individual. Actions of the commission are approved by a majority of the members present and voting. Proxies are not allowed.

(h) Minutes of Meetings. The Director and Librarian shall prepare minutes of commission meetings and file copies with members of the commission and the Legislative Reference Library. Any changes or subsequent corrections of minutes at a commission meeting shall be filed in the same manner.

(i) Establishing, Amending, or Rescinding Existing Policy. The commission fosters an open administrative process with full public participation in rule making through advance publication of all proposed rules in the Texas Register, as well as in appropriate library newsletters. The commission intends to comply in spirit as well as technically with the Administrative Procedure Act.

(j) Travel of Commission Members. Members of the commission are entitled to reimbursement for actual expenses incurred to attend meetings of the commission subject to any applicable limitation on reimbursement provided by the General Appropriations Act or other act of the legislature. The chairman shall review and approve any claim for reimbursement of actual expenses reasonably incurred in connection with the performance of other services as a commission member, subject to any applicable limitation on reimbursement provided by the General Appropriations Act or other act of the legislature.

(k) Gifts and Donations. The commission delegates to the Director and Librarian, its authority to accept gifts, grants and donations that are in accord with the mission and purposes of the commission. Any such gifts, grants or donations will be managed in accordance with principles of sound financial management and will be used for the purposes for which they are given.

(l) Advisory Committees. The chairman may establish and appoint committees to assist the commission in their deliberations as needed and for the period required.

(m) Code of Conduct. Members, officers and employees of the State Library and Archives Commission will not solicit or accept any gift, favor, service or thing of value that might reasonably tend to influence the member, officer or employee in the discharge of official duties, or that the member, officer or employee knows or should know is being offered with the intent of influencing the member's, officer's

or employee's official conduct. Members, officers and employees of the commission will not accept employment, engage in a business or professional activity, or accept compensation that would

(1) require or induce them to disclose confidential information acquired by virtue of official position;

(2) impair their independence of judgment in the performance of official duties; or

(3) create a conflict between their private interest and the public interest.

§2.4. Principles.

(a) Confidentiality of Library Records. Library circulation records are deemed confidential by constitutional law and are exempted from disclosure under the Texas Open Records Act. No member, officer or employee of the Library and Archives Commission will reveal its circulation records or any other such record that would convey the identity of a library patron and/or connect an individual with specific items used by that individual, or with any indication of a subject of inquiry or attention. Such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power. The Library and Archives Commission and its employees shall resist the issuance or enforcement of such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.

(b) Equal Employment Opportunity. The Commission's policy is to recruit, test, hire, promote, and transfer in all job categories without regard to race, color, national origin, religion, sex, age, or handicap. All other personnel actions, such as compensation, benefits, training and education, will also be administered without regard to race, color, national origin, religion, sex, age or handicap. Decisions regarding employment and promotions will be based upon an individual's qualifications for the position.

(c) Accessibility. The Commission affirms that "no otherwise qualified handicapped individual in Texas ... shall by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of the Library and Archives Commission. (From Section 504 of the 1973 Rehabilitation Act.)

(d) Public Information. The Commission's policy is to comply in spirit as well as technically with the Open Records Act and directs its staff to fully disclose any public information that may be requested.

(e) Historically Underutilized Businesses. The Library and Archives Commission intends to conduct its purchasing and contracting activities in a manner that complies with General Services Commission, 1 TAC §§111.11 - 111.24 with respect to Historically Underutilized Businesses.

(f) Library Bill of Rights. The Library and Archives Commission endorses the principles articulated in the *Library Bill of Rights*, a statement of the American Library Association. The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

(1) Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of origin, background, or views of those contributing to their creation.

(2) Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

(3) Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

(4) Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

(5) A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

(6) Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

(g) Freedom to Read. The Library and Archives Commission endorses the principles articulated in *Freedom to Read*, a joint statement of the American Library Association and the Association of American Publishers as follows:

(1) It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those which are unorthodox or unpopular with the majority.

(2) Publishers, librarians, and booksellers do not need to endorse every idea or presentation contained in the books they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as standard for determining what books should be published or circulated.

(3) It is contrary to the public interest for publishers or librarians to determine the acceptability of a book on the basis of the personal history of political affiliations of the author.

(4) There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.

(5) It is not in the public interest to force a reader to accept with any book the prejudgment of a label characterizing the book or author as subversive or dangerous.

(6) It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large.

(7) It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a bad book is a good one, the answer to a bad idea is a good one.

§2.53. Service Complaints.

(a) For the purpose of improving services to the public and resolving complaints about services of the Texas State Library, state publications of the Library as defined in §3.1 of this title (relating to State Publications Depository Program) shall include a notice that complaints may be made to the Director and Librarian with the director's mailing address and telephone number. Such notice shall also be posted in all public service areas and public access computer systems.

(b) If the Director and Librarian does not resolve the complaint to the satisfaction of the person filing it, the person may request in writing a hearing before the Texas State Library and Archives Commission. After receiving a written request for hearing on an unresolved complaint, the chairman will place the complaint on the agenda for the next scheduled meeting of the commission.

(c) Complaints regarding grants and the administration of grants will be processed in accordance with the procedures outlined in §1.122 of this title (relating to Appeals Procedures). Complaints regarding county librarians certified by the commission will be processed in accordance with procedures to be included in Chapter 5 of this title (relating to County Librarian Certification).

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

Issued in Austin, Texas, on February 21, 1997.

TRD-9702529

Raymond Hitt

Assistant State Librarian

Texas State Library and Archives Commission

Earliest possible date of adoption: April 4, 1997

For further information, please call: (512) 463-5460

TITLE 30. ENVIRONMENTAL QUALITY

Part I. Texas Natural Resource Conservation Commission

Chapter 106. Exemptions from Permitting

Subchapter I. Manufacturing

30 TAC §106.231

The commission proposes new §106.231, concerning the exemption of wood products manufacturing, restoring, and refinishing operations from the preconstruction air permitting requirements of the Texas Health and Safety Code, the Texas Clean Air Act, §382.0518.

EXPLANATION OF PROPOSED RULE. The proposed §106.231 will create a new exemption for wood products manufacturers, restorers, or refinishers that conduct surface coating operations in addition to woodworking operations such as grinding, sanding, and sawing. This new exemption is intended to simplify the control requirements, recordkeeping requirements, and calculation methods and will eliminate the need for multiple exemptions to cover all operations at these sites. Specifically, the proposed section will: protect public health and provide businesses with flexibility to use different

pollution control devices based upon the volume and type of work performed; allow businesses to minimize detailed records previously needed to calculate emission rates; and allow businesses to quantify volatile organic compound emissions with purchase and usage records instead of mathematical equations. Standard Exemptions 40, 75, and 105 continue to be available to this industry, but it is anticipated that businesses will use this new section due to the simplified requirements. Standard Exemptions 40, 75, and 105 (formerly at 30 TAC §116.211) have been recently recodified into 30 TAC Chapter 106 as §§106.433, 106.222, and 106.265.

The agency is currently offering an amnesty period for small businesses that manufacture, restore, or refinish wood products from obtaining a permit. The amnesty period is scheduled to expire in September 1997. After September 1997, if investigated, these businesses will be cited for a violation if they cannot meet an exemption or do not have a permit. The new section should be in effect before September 1997 to allow these businesses an opportunity to use an exemption specific to their industry.

FISCAL NOTE. Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five-year period the section is in effect there should be no significant economic cost to state or local government as a result of enforcing or implementing the section.

PUBLIC BENEFIT. Mr. Minick also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a more efficient use of commission resources and a clearer understanding of exemptions from permitting. The fiscal implications for facilities and small businesses affected by the section should be a reduction in fees by qualifying for a standard exemption rather than a permit and reduced business costs of compliance. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

TAKINGS IMPACT STATEMENT. The commission has prepared a Takings Impact Assessment for this rule pursuant to Texas Government Code, §2007.043, and has determined that this rule will have no effect on private real property.

PUBLIC HEARING. A public hearing on this proposal will be held April 3, 1997, at 2:00 p.m. in Room 2210 of Texas Natural Resource Conservation Commission (TNRCC) Building F, located at 12100 Park 35 Circle, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

SUBMITTAL OF COMMENTS. Written comments may be mailed to Lisa Martin, TNRCC Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rule Log Number 96183-106-A1. Comments must be received by 5:00 p.m., April 3, 1997. For further information, contact Lisa Evans, (512) 239-5885 or Phil Harwell, (512) 239-1517.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

STATUTORY AUTHORITY. The new section is proposed under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and under Texas Health and Safety Code, §382.057, which provides the commission with the authority to exempt certain types of facilities from the requirements of Texas Health and Safety Code, §382.0518.

The proposed new section implements Texas Health and Safety Code, §382.057.

§106.231. Manufacturing, Refinishing, and Restoring Wood Products.

Facilities, including drying or curing ovens, and hand-held or manually operated equipment, used for manufacturing, refinishing, and restoring wood products that meet the following requirements are exempt from obtaining an air quality permit.

(1) If a pneumatic sawdust collection system is used, it must be followed by a filter with no visible emissions.

(2) Waste materials shall be disposed of properly with no visible emissions.

(3) If the total coatings, solvents and stripping agents used exceeds six gallons per day (gpd) or one gpd of methylene chloride, the application area must be exhausted using forced air through a stack with an unobstructed vertical discharge above the roof line. A filter system with a minimum removal efficiency of 95% shall be used with any spraying operations.

(4) Purchase receipts for total coatings, solvents, and stripping agents for the two most recent years must be kept on site. If the total materials purchased exceeds 550 gallons per month, records of the amount of materials used per month must be kept on-site to demonstrate that total emissions do not exceed 25 tons per year in any consecutive 12 months.

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

Issued in Austin, Texas, on February 19, 1997.

TRD-9702618

Kevin McCalla

Director, Legal Division

Texas Natural Resource Commission

Proposed date of adoption: May 14, 1997

For further information, please call: (512) 239-1966

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part III. Texas Commission on Alcohol and Drug Abuse

Chapter 142. Investigations and Hearings

40 TAC §142.22

The Texas Commission on Alcohol and Drug Abuse proposes an amendment to §142.22, concerning investigation of abuse or neglect of children, the elderly, or the disabled. The amendment specifies activities included in the investigative process and is being proposed to make commission rules consistent with the Texas Human Resources Code, Chapter 48.

Terry Bleier, Executive Director, has determined that for the first five-year period the amended section is in effect there will be no fiscal implications for state or local government as a result of enforcing the amended section.

Ms. Bleier also has determined that for each year of the first five years the amended section is in effect the public benefit anticipated as a result of enforcing the new provisions is greater consistency among state agencies investigating alleged abuse or neglect of the elderly or disabled. There will be no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the amended section as proposed.

Comments on the proposal may be submitted to Tamara Allen, Program Compliance, Texas Commission on Alcohol and Drug Abuse, 9001 North IH 35, Suite 105, Austin, Texas 78753-5233.

The amendment is proposed under the Texas Health and Safety Code, §461.012(15), which provides the Texas Commission on Alcohol and Drug Abuse with the authority to adopt rules governing the functions of the commission, including rules that prescribe the policies and procedures followed by the commission in administering any commission programs.

The code affected by the proposed amendment is the Texas Health and Safety Code, Chapter 461.

§142.22. Investigations of Abuse or Neglect of Children, the Elderly, or the Disabled.

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

(d) Evidence. The investigator will interview the alleged victim (where appropriate) as well as all other pertinent witnesses, and will attempt to interview the alleged perpetrator. Commission investigators collect sworn statements and documentary evidence only. If the investigator determines a need for the collection and preservation of physical and photographic evidence, the investigator will contact local law enforcement agencies or, in the case of a report of child abuse, the Texas Department of Protective and Regulatory Services for assistance.

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

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

Issued in Austin, Texas, on February 19, 1997.

TRD-9702431

Mark S. Smock

Deputy for Finance and Administration

Texas Commission on Alcohol and Drug Abuse

Earliest possible date of adoption: April 4, 1997

For further information, please call: (512) 349-6609

◆ ◆ ◆
Chapter 144. Funding Requirements

Subchapter G. Audits

40 TAC §144.611, §144.621

The Texas Commission on Alcohol and Drug Abuse proposes an amendment to §144.611 and §144.621, concerning audits. The amendments revise audit requirements regarding funding thresholds, applicable circulars, and due dates to make commission rules consistent with the federal Single Audit Act Amendments of 1996.

Terry Bleier, Executive Director, has determined that for the first five-year period the amended section is in effect there will be no fiscal implications for state or local government as a result of enforcing the amended sections.

Ms. Bleier also has determined that for each year of the first five years the amended sections are in effect the public benefit anticipated as a result of enforcing the new provisions is consistency between state and federal requirements. There will be no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the amended sections as proposed, and some persons may have reduced costs because they are no longer required to pay for an independent audit.

Comments on the proposal may be submitted to Tamara Allen, Program Compliance, Texas Commission on Alcohol and Drug Abuse, 9001 North IH 35, Suite 105, Austin, Texas 78753-5233.

The amendment is proposed under the Texas Health and Safety Code, §461.012(15), which provides the Texas Commission on Alcohol and Drug Abuse with the authority to adopt rules governing the functions of the commission, including rules that prescribe the policies and procedures followed by the commission in administering any commission programs.

The code affected by the proposed amendment is the Texas Health and Safety Code, Chapter 461.

§144.611. *Annual Single or Program-Specific Audit.*

(a) For providers whose fiscal years begin before July 1, 1996: Providers who receive \$25,000 or more of total federal [and state] financial assistance during their fiscal year shall have an annual single or program-specific audit for that year.

(1) Providers receiving at least \$25,000 but less than \$100,000 in [state and] federal funds may have a program-specific audit in accordance with the statutes and regulations governing the program if the provider receives funding for only one federal financial assistance program.

(2) State and local governments shall comply with the Single Audit Act and requirements of Office of Management and Budget (OMB) Circular A-128.

(3) All other organizations, including commercial or for-profit organizations, shall comply with the single audit requirements of OMB Circular A-133.

(b) For providers whose fiscal years begin after June 30, 1996: Providers who expend \$300,000 or more of total federal

financial assistance during their fiscal year shall have an annual single or program-specific audit for that year.

(1) If funds are expended in only one federal financial assistance program, the provider may have a program-specific audit in accordance with the Single Audit Act Amendments for 1996 and other statutes and regulations governing the program.

(2) If funds are expended in two or more federal financial assistance programs, the provider shall have a single audit.

(3) All organizations shall comply with the single audit requirements of OMB Circular A-133.

§144.621. *Audit Due Date.*

Two copies of the audit report, including the management letter, responses, and "The Audit Report Submission Checklist," shall be submitted to the commission's Audit Department within 30 days after completion of the audit. For audits of fiscal years ending before June 30, 1997, the report shall be submitted [and] no later than one year after the end of the provider's fiscal year-end. For audits of fiscal years ending on or after June 30, 1997, the audit shall be submitted no later than nine months after the provider's fiscal year end.

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

Issued in Austin, Texas, on February 19, 1997.

TRD-9702430

Mark S. Smock

Deputy for Finance and Administration

Texas Commission on Alcohol and Drug Abuse

Earliest possible date of adoption: April 4, 1997

For further information, please call: (512) 349-6609

◆ ◆ ◆
Chapter 150. Counselor Licensure

40 TAC §§150.3, 150.32, 150.33, 150.36-150.38

The Texas Commission on Alcohol and Drug Abuse proposes amendments to §§150.3; 150.32; 150.33; and 150.36-150.38, concerning definitions, requirements for licensure, background investigations, issuing licenses, and license renewal.

Section 150.3 defines terms used in the chapter. A new definition is proposed for graduate, and an amendment is proposed to the definition of cultural awareness and sensitivity which expands its scope beyond issues of race and ethnicity. The amendments in §150.32 clarify requirements relating to practicum providers and describe conditions under which graduates can provide counseling before receiving their licenses. Section 150.33 clarifies that the criteria for background investigations are used to process renewal as well as initial licensure applications. A statement has been added to §150.36 to clarify that an individual who has failed the examination four times may not perform counseling, assessments, or interventions. Section 150.37 is amended to require payment within one year. The amendments to §150.38 specify that a criminal background check is required for renewal, replace the renewal license with a renewal sticker, and state that a person who is

denied a renewal license due to criminal conviction may apply for a new license after the appropriate time has elapsed. These amendment are being proposed to clarify licensure requirements relating to practicums, payments, and licensure renewal.

Terry Bleier, Executive Director, has determined that for the first five-year period the amended section is to be in effect there will be no fiscal implications for state or local government as a result of enforcing the amended sections.

Ms. Bleier also has also determined that for each year of the first five years the amended sections are in effect the public benefit anticipated will be that applicants for initial and renewal licenses will have a clear understanding of requirements. In addition, the expanded definition of cultural awareness and sensitivity will foster greater understanding of diverse lifestyles. There will be no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the amended sections as proposed.

Comments on the proposal may be submitted to Tamara Allen, Program Compliance, Texas Commission on Alcohol and Drug Abuse, 9001 North IH 35, Suite 105, Austin, Texas 78759.

The amended sections are proposed under the Texas Civil Statutes, Article 4512o, which provides the Texas Commission on Alcohol and Drug Abuse with the authority to establish procedures for the licensure of chemical dependency counselors.

The code affected by the amended rules is Texas Civil Statutes, Article 4512o.

§150.3. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Cultural awareness and sensitivity training-Training to improve an individual's ability to understand and interact with persons of a different culture. Culture defines the lifestyle of a distinct population and includes values, behavioral norms, and patterns of interpersonal relationships. It may be based on race, ethnicity, religion, age, gender, sexual orientation, or disability. [Cross-cultural competency skills and cultural diversity training for specific use with persons of a different race or ethnicity than the applicant. Classes, courses, or workshops may be focused on specific race-ethnicity based cultures and sub-cultures, reducing or ameliorating the effects of racism, or development of specific cross-cultural competencies.]

Graduate- An individual who has successfully completed the 270 hours of education, 300 hour practicum, and 4,000 hours of supervised work experience but has not received a license or failed the examination four times.

§150.32. Requirements for Licensure.

(a)-(d) (No change.)

(e) An accredited university, college, junior college, or community college must be an approved practicum provider or send the students to approved practicum provider sites.

(f) The applicant must complete the practicum under the supervision of a single practicum provider. The practicum

provider may contract with other facilities so that the student can obtain experience at more than one site.

(g) [e] The commission shall not accept a practicum without documentation from the practicum provider that shows the student successfully completed all 300 hours.

(h) [f] An applicant receiving compensation for performing assessments, counseling, or crisis intervention as part of the 4,000 hours of supervised work experience shall be designated as a counselor intern by a regionally accredited institution of higher education or an approved clinical training institution.

(i) A graduate may continue to provide counseling until receiving the license if the graduate:

(1) is working under appropriate supervision at an approved clinical training institution;

(2) is eligible to sit for the next examination;

(3) takes every scheduled examination until successful or ineligible.

§150.33. Background Investigation.

(a)-(g) (No change.)

(h) Licensure staff process initial and renewal [the] applications according to the following eligibility criteria. Meeting the following criteria does not ensure that the application will be approved, because the factors stated in subsection (e) of this section are considered in making the decision.

(1)-(4) (No change.)

(i)-(j) (No change.)

§150.36. Examination.

(a)-(h) (No change.)

(i) An individual who fails the examination four times is ineligible for licensure and cannot perform counseling, assessments, or interventions.

§150.37. Issuing Licenses.

(a) After passing the examination, an applicant shall pass a background investigation and pay the licensure fee. The licensure fee must be paid within one year from the date of request for payment [and pass a background investigation].

(b)-(f) (No change.)

§150.38. License Expiration and Renewal.

(a) (No change.)

(b) To renew a license, the counselor shall:

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

(3) pass a criminal background check [demonstrate to the commission that the applicant is worthy of the public trust and confidence]; and

(4)-(5) (No change.)

(c)-(e) (No change.)

(f) A license ceases to be valid on the expiration date, unless the person has met all requirements before that date and is waiting to receive a renewal sticker [license. When the licensee receives the renewal license, the previous license is no longer valid.]

(g) A person who is denied a renewal license due to criminal conviction may apply for a new license after the appropriate time has elapsed as specified in §150.33(h) of this title (relating to Background Investigation).

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

Issued in Austin, Texas, on February 19, 1997.

TRD-9702429

Mark S. Smock

Deputy for Finance and Administration

Texas Commission on Alcohol and Drug Abuse

Earliest possible date of adoption: April 4, 1997

For further information, please call: (512) 349-6609

◆ ◆ ◆
TITLE 43. TRANSPORTATION

Part III. Automobile Theft Prevention Authority

Chapter 57. Automobile Theft Prevention Authority

43 TAC §57.52

The Automobile Theft Prevention Authority proposes new §57.52, relating to charges for copies of public records. The proposed rule implements the provisions of Government Code, §552.2611, which requires state agencies by rule to specify the charges the agency will make for copies of public records. The General Services Commission has established rules for determining charges for public records by state agencies. The proposed rule adopts the charges for public records by state agencies. The proposed rule adopts the charges established by the General Services Commission.

Deanna Citerne, Acting Executive Director, has determined that for the first five-year period the rule will be in effect there will be no significant revenue impact on the state or local government.

Ms. Citerne also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as

a result of enforcing the rule will be to allow the Authority to provide open records in a manner consistent with total public access and convenience while reducing government expenses by recovering the expense of providing copies of public records. This rule will have no significant fiscal implications for small businesses. There is no significant anticipated economic costs to persons who are required to comply with the proposed rule. The cost to any particular person will depend upon the number of copies for public records requested.

Comments on the proposed rule may be submitted in writing to Deanna Citerne, Acting Executive Director, Automobile Theft Prevention Authority, One Commodore Plaza, 800 Brazos Street, Suite 620, Austin, Texas 78701, for a period of 30 days following publication in this issue of the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 4413(37), §6(a), which authorize the Authority to adopt rules to implement its powers and duties and Government Code, §552.2611.

Texas Civil Statutes, §552.2611 and Article 4413(37) §6(a) is affected by this proposed new rule.

§57.52. Charges for Copies for Public Records.

(a) The charges for copies of public records of the authority will be the charges established by the General Services Commission, codified at 1 TAC, §§111.61-111.70 (relating to cost of copies of open records).

(b) The Authority may waive or reduce a charge if it determines that waiver or reduction is in the public interest.

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

Issued in Austin, Texas, on February 19, 1997.

TRD-9702467

Deanna Citerne

Acting Executive Director

Automobile Theft Prevention Authority

Earliest possible date of adoption: April 4, 1997

For further information, please call: (512) 494-1979

WITHDRAWN RULES

An agency may withdraw a proposed action or the remaining effectiveness of an emergency action by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing or 20 days after filing as specified by the agency withdrawing the action. If a proposal is not adopted or withdrawn within six months of the date of publication in the *Texas Register*, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the *Texas Register*.

TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Housing and Community Affairs (TDHCA)

Chapter 80. Manufactured Housing

Standards and Requirements

10 TAC §80.51

The Texas Department of Housing and Community Affairs has withdrawn from consideration for permanent adoption the

proposed amendment §80.51, which appeared in the November 29, 1996, issue of the *Texas Register* (21 TexReg 11563).

Issued in Austin, Texas, on February 21, 1997.

TRD-9702521

Larry Paul Manley

Executive Director

Texas Department of Housing and Community Affairs

Effective date: February 21, 1997

For further information, please call: (512) 475-3916





Name: Kayla Lane
Grade: 11
School: Fort Stockton High School, Fort Stockton ISD

k-la

ADOPTED RULES

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

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

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 19. Quarantines

Subchapter A. General Quarantine Provisions

4 TAC §19.7

The Texas Department of Agriculture (the department) adopts an amendment to §19.7, concerning violations and penalties, without changes to the proposed text as published in the January 14, 1997, issue of the *Texas Register* (22 TexReg 705). The amendment is adopted without changes and will not be republished.

The amendment to §19.7 is adopted to address violations and penalties for to comply with the terms of a compliance agreement.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Agriculture Code, §12.020, which provides the Texas Department of Agriculture with the authority to assess administrative penalties for violations of quarantine rules; and §71.007, which authorizes the department to adopt rules necessary for the protection of agricultural and horticultural interests.

§§19.7. *Violations and Penalties.*

(a) (No change.)

(b) (No change.)

(c) Failure failing to perform according to the terms of a compliance agreement is a violation of this subchapter and may result in the rescission of the compliance agreement and the assessment of administrative penalties by the department.

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

Issued in Austin, Texas, on February 19, 1997.

TRD-9702506

Dolores Alvarado Hibbs

Deputy General Counsel

Texas Department of Agriculture

Effective date: March 13, 1997

Proposal publication date: January 14, 1997

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

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission

Chapter 23. Substantive Rules

Customer Service and Protection

16 TAC §§23.43, 23.45, 23.46

The Public Utility Commission of Texas adopts amendments to Substantive Rules §23.43, relating to Applicant and Customer Deposit; §23.45, relating to Billing; and, §23.46, relating to Discontinuance of Service with changes to the proposed text as published in the December 6, 1996, issue of the *Texas Register* (21 TexReg 11690). The amendment is necessary to allow for electric utilities to bill a guarantor for a defaulted customer account in the same bill as the guarantor's own service is billed.

A public hearing on the amendment was held at commission offices on December 17, 1996 at 10:00 a.m. Representatives from Central Power and Light Company (CPL) attended the hearing, but made no comment for the record.

The commission received written comments on the proposed amendments from CPL, Texas Utilities Electric Company (TUEC), and Houston Lighting and Power (HL&P). CPL supports the amendments as published, but stated that if the rule is intended to require that CPL immediately implement the requirement for a separate line item on the guarantor's bill for the transferred amount, that they be granted temporary relief until their automated systems are modified to comply with the rule. They ask that they be permitted to continue with their current system of sending a separate bill until that time.

Subsection (c)(1) clearly states in subparagraphs (A) and (B) that the utility can either send a separate written notice of the defaulted amount or may transfer the amount to the guarantor's own service bill provided the guaranteed amount owed is identified separately on the bill. Therefore, no special relief is necessary for CPL to continue with their current practice, however they shall not transfer the amount to the guarantor's own service bill until such time as that amount can be separately identified as set out by §23.45(g)(2)(B)(viii), of this title, relating

to electric utilities. The commission makes no change to the rule based on this comment.

TUEC and HL&P objected to the requirement in §23.43(j)(1) and (2) that the company return a voided letter of guarantee to the guarantor. HL&P stated that they currently receive about 53,000 contracts of guarantee per year and that these contracts are microfilmed and then the original document is disposed of. In order to comply with the new rule, HL&P stated that the company would incur additional administrative burdens and costs for storage, upkeep and return of these documents. Therefore, in order to provide the guarantor a meaningful record of the transaction without creating additional expense, HL&P suggested adding language to paragraphs (1) and (2) of §23.43(j) that would provide a company with the option of sending "written documentation that the contract has been voided." TUEC suggested adding language stating that the letters of guarantee would be "released" after the account is paid or the guaranteed amount is satisfied.

The commission agrees with the comments of TUEC and HL&P regarding the voided letters of guarantee and adopts the changes to the text of §23.43(j)(1) and (2) recommended by HL&P

TUEC commented that the words "individually identify" in the text of §23.45(g)(2)(B) "is unnecessary since the rule already states that the customer's bill shall show all the information" and that it is impossible to "show" the information without it being individually identified.

Section 23.45(g)(2)(B) states that "the customer's bill shall individually identify and show all the following information:" The commission disagrees that the words "individually identify" are unnecessary. The commission's intent is to ensure that the customer is able to determine what information is being reported, or "shown," on his bill. In other words, the rule was written to ensure that the company identify each piece of information it is reporting as opposed to merely reporting (or showing) data without explanation to the customer. The commission makes no changes to the rule based on this comment.

This amendment is adopted under Public Utility Regulatory Act of 1995, §1.101, Senate Bill 319, 74th Legislature, Regular Session 1995, which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction, including rules of practice and procedure.

Cross Index to Statutes: Public Utility Regulatory Act of 1995 §1.101.

§23.43. *Applicant and Customer Deposit.*

(a) (No change.)

(b) Establishment of credit for permanent residential applicants.

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

(3) Subject to these rules, a residential applicant shall not be required to pay a deposit:

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

(C) if the residential applicant furnishes in writing a satisfactory guarantee as set forth in clauses (i) and (ii) of this subparagraph.

(i) The guarantee shall be for no more than the amount of deposit the utility would normally seek on the applicant's account. The amount of the guarantee shall be clearly indicated on any documents or letters of guarantee signed by the guarantor.

(ii) The guarantee shall be voided and returned to the guarantor according to the provisions of subsection (j) of this section, relating to Refunding of Deposits and Voiding Letters of Guarantee.

(4)-(5) (No change.)

(c) Guarantees of residential customer accounts. Upon default by a residential customer, the guarantor of that customer's account shall be responsible for the unpaid balance of the account only up to the amount agreed to as stated in the written agreement between the utility and the guarantor.

(1) The utility shall provide written notification to the guarantor of the customer's default, the amount owed by the guarantor, and the due date for the amount owed. If the due date falls on a holiday or weekend, the due date for payment purposes shall be the next work day after the due date. The postmark, if any, on the envelope of the notification, or an issuance date on the notification, if there is no postmark on the envelope, shall constitute proof of the date of issuance.

(A) The utility shall allow the guarantor 16 days from the date of notification to pay the amount owed on the defaulted account; or,

(B) the utility may transfer the amount owed on the defaulted account to the guarantor's own service bill provided the guaranteed amount owed is identified separately on the bill as required by §23.45(g)(2)(B)(viii), of this title, (relating to electric utilities).

(2) The utility may disconnect service to the guarantor for nonpayment of the guaranteed amount only if such disconnection was included in the terms of the written agreement, and only after proper notice as described by paragraph (1) of this subsection, and section §23.46(b) of this title, (relating to disconnection for delinquent bills).

(d) Commercial and industrial service. In the case of commercial or industrial service, if the credit of an applicant for service has not been established satisfactorily to the utility, the applicant may be required to make a deposit.

(e) Amount of deposit and interest for permanent residential, commercial, and industrial service and exemption from deposit.

(1) The required deposit shall not exceed an amount equivalent to one-sixth of the estimated annual billing. For local exchange telephone carriers the estimated annual billings shall include, in addition to the charges of the local exchange carrier, the carriage charges of interexchange carriers only where the local exchange carrier's tariff provides for billing for the interexchange carrier. In the event the appropriate federal authority prohibits inclusion of interstate charges in the determination of the deposit amount, or prohibits payment of interexchange carriage charges as a condition for local exchange service or as a reason for disconnection of local exchange service, intrastate carriage charges

of an interexchange carrier shall not be included in the determination of the deposit amount.

(A) During the first 12 months of service, an additional deposit may be requested prior to the issuance of a bill;

(i) To require such deposit, the customer's actual usage must be three times estimated usage (or three times average usage of most recent three bills), and the customer's current usage must exceed \$150, and the customer's current usage must exceed 150% of the security held;

(ii) The request for such additional deposit must be issued in writing and must indicate that the customer may elect to pay the current usage in lieu of the additional deposit;

(iii) The utility may disconnect service if the additional deposit or the current usage payment is not made within ten days of request provided a written disconnect notice has been issued to the customer. Such disconnect notice may be issued concurrently with the written request for the additional deposit or current usage payment.

(B) If actual billings of a commercial customer are at least twice the amount of the estimated billings, and a suspension notice has been issued on a bill within the previous 12-month period, a new deposit may be required to be made within 15 days after issuance of written notice of termination and requested additional deposit. If actual billings of a residential customer are at least twice the amount of the estimated billings after two billing periods, and a suspension notice has been issued on a bill within the previous 12-month period, a new deposit may be required to be made within 15 days after issuance of written notice of termination and requested additional deposit. In lieu of additional deposit, the customer may elect to pay the current bill by the due date of the bill, provided the customer has not exercised this option in the previous 12 months.

(2) All applicants for permanent residential service who are 65 years of age or older will be considered as having established credit if such applicant does not have an outstanding account balance within the utility or another utility for the same utility service which accrued within the last two years. No cash deposit shall be required of such applicant under these conditions.

(3) Each utility which requires deposits to be made by its customers shall pay a minimum interest on such deposits at an annual rate at least equal to 6.0% compounded annually. If a refund of deposit is made within 30 days of receipt of deposit, no interest payment is required. If the utility retains the deposit more than 30 days, payment of interest shall be made retroactive to the date of deposit.

(A) Payment of the interest to the customer shall be annually if requested by the customer, or at the time the deposit is returned or credited to the customer's account.

(B) The deposit shall cease to draw interest on the date it is returned or credited to the customer's account.

(4) Determining amount of deposit. In determining the amount of any deposit permitted by these rules, no revenue from estimated telephone directory advertising may be used.

(5) In determining the amount of any deposit permitted by this section, charges for calls placed from combat or war zones, as designated by the federal government, by American military

personnel that are billed to a telephone number in Texas may not be used.

(6) An electric utility shall not charge an additional deposit for residential electric utility service if the customer, a spouse, or the head of the household is serving military duty in a combat or war zone, as designated by the federal government, or is a member of the reserve component who is serving military duty that is directly related to such hostilities, or if the customer is a party to a deferred payment plan with the utility under §23.46(m)(2) of this title (relating to Discontinuance of Service).

(f) Deposits for temporary or seasonal service and for week-end residences. The utility may require a deposit sufficient to reasonably protect it against the assumed risk for temporary or seasonal service, provided such policy is applied in a uniform and nondiscriminatory manner. The utility may require a deposit for weekend residences sufficient to reasonably protect it against the assumed risk, provided such policy is applied in a uniform and nondiscriminatory manner. These deposits shall be returned according to guidelines set out in subsection (j) of this section.

(g) Complaint by applicant or customer. Each utility shall direct its personnel engaged in initial contact with an applicant or customer for service, seeking to establish or reestablish credit under the provisions of these sections, to inform the customer, if dissatisfaction is expressed with a utility's decision, of the customer's right to file a complaint with the commission thereon.

(h) Re-establishment of credit. Every applicant who previously has been a customer of the utility and whose service has been discontinued for nonpayment of bills or meter tampering or bypassing of meter shall be required, before service is rendered, to pay all amounts due the utility or execute a deferred payment agreement, if offered, and reestablished credit as provided in subsection (a) of this section. The burden shall be on the utility to prove the amount of utility service received but not paid for and the reasonableness of any charges for such unpaid service, as well as all other elements of any bill required to be paid as a condition of service restoration.

(i) Records of deposits.

(1) The utility shall keep records to show:

(A) the name and address of each depositor;

(B) the amount and date of the deposit; and

(C) each transaction concerning the deposit.

(2) The utility shall issue a receipt of deposit to each applicant from whom a deposit is received and shall provide means whereby a depositor may establish claim if the receipt is lost.

(3) A record of each unclaimed deposit must be maintained for at least four years, during which time the utility shall make a reasonable effort to return the deposit.

(j) Refunding of deposits and voiding letters of guarantee.

(1) If service is not connected, or after disconnection of service, the utility shall promptly and automatically void and return to the guarantor all letters of guarantee on the account, or written documentation that the contract has been voided, or refund the customer's deposit plus accrued interest or the balance, if any, in excess of the unpaid bills for service furnished. A transfer of service from one premise to another within the service area of the utility shall

not be deemed a disconnection within the meaning of these sections, and no additional deposit may be demanded unless permitted by these sections.

(2) When the customer has paid bills for service for 12 consecutive residential billings or for 24 consecutive commercial or industrial billings without having service disconnected for nonpayment of bill and without having more than two occasions in which a bill was delinquent, and when the customer is not delinquent in the payment of the current bills, the utility shall promptly and automatically refund the deposit plus accrued interest to the customer in the form of cash or credit to a customer's bill, or void and return the guarantee, or written documentation that the contract has been voided. If the customer does not meet these refund criteria, the deposit and interest may be retained in accordance with subsection (c) of this section.

(k) Upon sale or transfer of utility or company. Upon the sale or transfer of any utility or operating units thereof, the seller shall file with the commission, under oath, in addition to other information, a list showing the names and addresses of all customers served by such utility or unit who have to their credit a deposit, the date such deposit was made, the amount thereof, and the unpaid interest thereon.

§23.45. *Billing.*

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

(d) Deferred payment plan. A deferred payment plan is any arrangement or agreement between the utility and a customer in which an outstanding bill will be paid in installments that extend beyond the due date of the next bill. The utility shall offer a deferred payment plan to any residential customer, including a guarantor of any residential customer, who has expressed an inability to pay all of his or her bill, if that customer has not been issued more than two disconnection notices at any time during the preceding 12 months. In all other cases, the utility is encouraged to offer a deferred payment plan to residential customers.

(1)-(9) (No change.)

(e)-(f) (No change.)

(g) Rendering and form of bills.

(1) (No change.)

(2) Electrical utilities.

(A) (No change.)

(B) The customer's bill shall individually identify and show all the following information:

(i) if the meter is read by the utility, the date and reading of the meter at the beginning and at the end of the period for which the bill is rendered;

(ii) the number and kind of units metered;

(iii) the applicable rate schedule and title or code;

(iv) the total amount due for services provided, including outstanding amounts in the same customer class the utility has chosen to transfer from a customer's prior delinquent account(s). Such transferred accounts shall not include continuation of service from one address to another within the same utility serving area;

(v) the total amount due after addition of any penalty for nonpayment within a designated period. The terms "gross

bill" and "net bill" or other similar terms implying the granting of a discount for prompt payment shall be used only when an actual discount for prompt payment is granted. The terms shall not be used when a penalty is added for nonpayment within a designated period;

(vi) a distinct marking to identify an estimated bill;

(vii) any conversions from meter reading units to billing units, or any other calculations to determine billing units from recording or other devices, or any other factors used in determining the bill;

(viii) any amount owed under a written guarantee contract provided the guarantor was previously notified in writing by the utility as required by §23.43(c) of this title, (relating to guarantees of residential customer accounts); and,

(ix) the information required in clauses (ii)-(v), and (vii) of this subparagraph shall be arranged so as to allow the customer to readily compute his bill with the applicable rate schedule which shall be mailed on request to the customer. Customer charges are to be identified separately on the residential customer's bill.

(3) Past due balance. All rules pertaining to billing and disconnection of service shall apply to backbilling, with the exception of §23.45(b).

(h)-(o) (No change.)

§23.46. *Discontinuance of Service.*

(a)-(d) (No change.)

(e) Disconnection prohibited. Utility service may not be disconnected for any of the following reasons:

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

(4) failure to pay the account of another customer as guarantor thereof, unless the utility has a written agreement, signed by the guarantor, that allows for disconnection of the guarantor's service for nonpayment of the guaranteed amount.

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

(f)-(n) (No change.)

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

Issued in Austin, Texas, on February 21, 1997.

TRD-9702552

Paula Mueller

Secretary of the Commission

Public Utility Commission

Effective date: March 14, 1997

Proposal publication date: December 6, 1996

For further information, please call: (512) 936-7152

◆ ◆ ◆
16 TAC §23.49

The Public Utility Commission of Texas adopts an amendment to Substantive Rule §23.49, relating to Telephone Extended Area Service (EAS) and Expanded Toll-free Local Calling Areas without changes to the proposed text as published in the November 22, 1996, issue of the *Texas Register* (21 TexReg 11342). The amendment is necessary to clarify

that in considering whether a request for exemption from the requirements of the subsection under §23.49(c)(4) should be granted, the commission will look to the facts or circumstances existing on the date a petition for expanded local calling (ELC petition) is filed, rather than the date the exemption was filed.

A public hearing on the amendment was held at commission offices on December 18, 1996 at 10:00 a.m., however no comments were received.

The commission received written comments on the proposed amendments from Texas Statewide Telephone Cooperative, Inc. (TSTCI). TSTCI opposed the amendment because of what it termed the "potential and harmful financial impact such an amendment could have on any future acquisition of property" by small, rural companies. TSTCI claimed that small, rural companies would be most affected by the amendment to the rule. TSTCI stated that they are particularly concerned with respect to the recent acquisitions of GTE Southwest, Inc. (GTE) exchanges by small telephone companies and cooperatives.

GTE is not eligible for an exemption from ELC requirements under subsection (c)(4)(A)(i) and (ii) of the rule, but the rule does allow for a waiver request by small companies and cooperatives. This is a crucial consideration when estimating the value of an exchange because when the small companies entered into negotiations with GTE for purchase of the GTE exchanges, they expected that the opportunity to request an exemption from ELC would still be available to them. It is because the small company had counted on seeking a waiver from ELC that they included in the estimated value of the exchange an estimate for the revenue generated by intraLATA toll traffic.

TSTCI stated that precedent was established in recent commission dockets that set out a "bright line" test for consideration of the facts of a case and that precedent established the relevant date as the date an exemption request was requested by the company. Therefore, TSTCI asserted, the companies were aware that petitions could be filed in the exchanges before the sales negotiations were completed (which TSTCI claimed could take up to a year), but the companies believed that they would then own the exchanges and that, in light of these recent orders by the commission, they could still request and be eligible for exemption from ELC. If the bright line is changed to the date that a petition is filed, then the exchanges would be considered GTE exchanges and, as such, not eligible for exemption.

TSTCI stated that a further problem for the companies is that even though the value of the exchanges would be significantly reduced if ELC were implemented, the company may already be locked into the purchase. They explained that a company intending to purchase an exchange will issue a "Letter of Intent to Purchase" to a selling company and outline the details of the acquisition in an "Asset Purchase Agreement," which both parties sign. The buyer is then committed to the purchase pending FCC waiver approvals, which can take up to 12 months to obtain. Under this amendment, if a petition is filed in the exchange prior to FCC action, and ELC is implemented, the purchasing company may be left with an obligation to purchase an exchange now valued far less than originally expected.

TSTCI went on to explain that the legislature requires a company to recover all of its costs incurred and all the lost

revenue from the provision of expanded local calling and that smaller companies have a small customer base from which to recover the lost revenue. Therefore, they claimed that all the customers of the small companies, including those not receiving ELC, would have to bear a significant and unfair burden as a result of a mandatory ELC granted to the newly acquired exchanges. TSTCI stated that for this reason, and because the commission to date has not offered any other alternative for the financial recovery which is mandated by the Public Utility Regulatory Act of 1995 (PURA 95) §3.304(a)(3)(A), they object to amending the rule to establish the date a petition is filed in an exchange as the date for commission consideration of ELC petitions; in fact, they propose that no bright line test be used at all. Further, TSTCI proposed that all ELC petitions filed which include exchanges involved in an acquisition where an Asset Purchase Agreement has been signed, be abated until such time as the purchase is finalized and closed.

PURA 95 §3.304 was established by the legislature to address the needs of Texans who live in communities that are perhaps small and not entirely self-contained such that various critical community services (schools, hospitals, local governments, business centers etc.) are geographically dispersed amongst surrounding towns and cities. These citizens may be disadvantaged as telephone consumers because they are required to make toll calls in order to contact their child's school or to make an appointment with their doctor whereas those customers living in larger communities take for granted that such calls are part of their basic local service. The legislature sought to correct this disparity by setting out a means by which all Texans could have local access to essential community services without unduly burdening either the customers or the local telephone company.

The commission finds that the legislative intent evidenced by §3.304 must serve as guidance to any policy decision implementing the law, and therefore the expectations of the telecommunications customers shall inform the commission's decision in this matter. The law sets out a number of criteria for considering ELC petitions in §3.304(a)(2) of PURA95 and the commission is to utilize these criteria in determining a need for granting the petition. These enumerated conditions exist for the customers at the time a petition is filed and do not change irrespective of a change in ownership of the exchange. In other words, whatever hardships the customers experience from paying toll rates for calls to "local" community services remain no matter who owns the exchange.

It is in consideration of the circumstances faced by the customer, circumstances that practically speaking do not change when the exchange is transferred to a new owner, that the commission adopts the bright line test date as the date the petition is filed. The commission recognizes that the law does not require cooperatives or incumbent local exchange companies with less than 10,000 lines to comply with §3.304. However, the customers in the exchange have a reasonable expectation of getting ELC if they have filed a complete petition and they should not lose that opportunity because of a sale that may or may not happen and may or may not happen outside of their knowledge and/or control.

Since a company is required by law to recover revenue lost through ELC implementation, the financial burden on the

customer base should be thoroughly assessed prior to entering into sales negotiations for an exchange where a petition may be filed. The commission strongly recommends that cooperatives and small incumbent local exchange companies apprise their members and customers of any impending purchase of an exchange that may receive ELC, including information regarding what financial impact such a purchase would have on both the company and the customers if ELC is implemented.

As for the legal considerations involved when an agreement or contract to purchase has been signed, the commission suggests that companies involved in the purchase of an exchange where a petition may be filed prior to finalization of the sale, ensure that their contracts with the seller clearly consider the financial implications of ELC implementation should it be ordered. In this way, the company would have a more accurate representation of the value of the exchange no matter what happens with a proposed ELC application.

The commission makes no changes to the rule based on TSTCI's comments.

This amendment is adopted under PURA 95 §1.101, which provides the commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and specifically, §3.304, which authorizes the commission to approve rules relating to expanded toll-free calling areas.

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

Issued in Austin, Texas, on February 21, 1997.

TRD-9702551

Paula Mueller

Secretary of the Commission

Public Utility Commission

Effective date: March 14, 1997

Proposal publication date: November 22, 1996

For further information, please call: (512) 936-7152

TITLE 22. EXAMINING BOARDS

Part XXIII. Texas Real Estate Commission

Chapter 535. Provisions of the Real Estate License Act

Requirements for Licensure

22 TAC §535.51

The Texas Real Estate Commission adopts an amendment to §535.51, concerning general requirements for licensure, without changes to the proposed text as published in the January 3, 1997, issue of the *Texas Register* (22 TexReg 24). The amendment adopts by reference application forms used by persons applying for a real estate salesman or broker license or by prior licensees seeking another license. The forms have

been revised to require the applicants to promise that they will not reveal the contents of the licensing examinations to other applicants. Adoption of the amendment helps to ensure the integrity of the examination process by maintaining the confidentiality of the contents of the examinations.

No comments were received regarding the proposed amendment.

The amendment is adopted under Texas Civil Statutes, Article 6573a, §5(h), which authorize the Texas Real Estate Commission to make and enforce all rules and regulations necessary for the performance of its duties.

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

Issued in Austin, Texas, on February 21, 1997.

TRD-9702559

Mark A. Moseley

General Counsel

Texas Real Estate Commission

Effective date: March 14, 1997

Proposal publication date: January 3, 1997

For further information, please call: (512) 465-3900

22 TAC §535.63

The Texas Real Estate Commission adopts an amendment to §535.63, concerning education and experience requirements for real estate broker license applicants, without changes to the proposed text as published in the December 27, 1996, issue of the *Texas Register* (21 TexReg 12525). The amendment permits a person previously licensed as a real estate salesman to qualify for a broker license if the applicant can establish two years of experience in the seven year period prior to the filing of the application. Those applicants not previously licensed as brokers would continue to be subject to core real estate education requirements and a qualifying examination. Adoption of the amendment enables previously licensed salesmen to apply for a broker license without regard to the interruption of license status due to the economy or other reasons, satisfying the statutory two year experience requirement over a seven-year period.

Two comments were received urging the commission to increase education requirements for former licensees returning to business after periods of inactivity. The commission determined that the existing education requirements, along with the examination required for applicants not previously licensed as brokers, are sufficient to measure competency, and declined to make the changes.

The amendment is adopted under Texas Civil Statutes, Article 6573a, §24(g), which authorize the Texas Real Estate Commission to by rule provide for a waiver of some or all of the requirements for a license if the applicant was previously licensed within the five-year period prior to the filing of the application.

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

Issued in Austin, Texas, on February 19, 1997.

TRD-9702448

Mark A. Moseley
General Counsel

Texas Real Estate Commission

Effective date: March 12, 1997

Proposal publication date: December 27, 1996

For further information, please call: (512) 465-3900

◆ ◆ ◆
Licensed Real Estate Inspectors

22 TAC §535.208

The Texas Real Estate Commission adopts an amendment to §535.208, concerning application for an inspector license, without changes to the proposed text as published in the January 10, 1997, issue of the *Texas Register* (22 TexReg 590). The amendment adopts by reference three forms used by persons applying for a license as an apprentice inspector, real estate inspector or professional inspector. The application forms have been revised to require the applicant to provide a recent photograph and to promise not to reveal the contents of the commission's licensing examinations. Language has also been added advising the applicant that if the applicant has defaulted on a student loan guaranteed by the Guaranteed Student Loan Corporation, state law prohibits the renewal of the license until the licensee has entered into a repayment agreement with the Texas Guaranteed Student Loan Corporation. On final adoption, the forms used by persons applying for an apprentice inspector license or for a real estate inspector license were further revised to provide space for the applicant to include a business address, since the applicant may work from a location different from the sponsoring professional inspector. These changes standardize the application forms used by the commission and ensure the integrity of the examination process.

No comments were received regarding the proposed amendment.

The amendment is adopted under Texas Civil Statutes, Article 6573a, §5(h), which authorize the Texas Real Estate Commission to make and enforce all rules and regulations necessary for the performance of its duties.

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

Issued in Austin, Texas, on February 21, 1997.

TRD-9702558

Mark A. Moseley
General Counsel

Texas Real Estate Commission

Effective date: March 14, 1997

Proposal publication date: January 10, 1997

For further information, please call: (512) 465-3900

◆ ◆ ◆
22 TAC §535.221

The Texas Real Estate Commission adopts an amendment to §535.221, concerning advertisements by inspectors licensed by the commission, without changes to the proposed text as published in the December 27, 1996, issue of the *Texas Register* (21 TexReg 12525). The amendment requires an apprentice inspector to include the apprentice's license number in the licensee's advertisements. Adoption of the amendment makes the advertising requirements consistent for all licensed inspectors and ensures that the consumers responding to the advertisements know the licensed status of an apprentice inspector.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6573a, §5(h), which authorize the Texas Real Estate Commission to make and enforce all rules and regulations necessary for the performance of its duties.

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

Issued in Austin, Texas, on February 19, 1997.

TRD-9702447

Mark A. Moseley
General Counsel

Texas Real Estate Commission

Effective date: March 12, 1997

Proposal publication date: December 27, 1996

For further information, please call: (512) 465-3900

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22 TAC §535.222

The Texas Real Estate Commission adopts an amendment to §535.222, concerning standards of practice for licensed inspectors, without changes to the proposed text as published in the December 27, 1996, issue of the *Texas Register* (21 TexReg 12526). The amendment clarifies inspection requirements for water heater temperature and pressure relief valves and electric water heaters in garage locations.

The amendment to §535.222(f)(2)(A)(xi)(IV) provides examples of conditions under which the inspector may reasonably determine that a water heater temperature and pressure relief valve should not be operated as part of an inspection, such as improper or undetermined termination of the drain pipe, corroded or damaged valve, improper installation of valve or drain pipe, drain pipe is of inappropriate material or lack of water supply cut-off valve at the unit.

The amendment to §535.222(f)(2)(A)(xi)(X)(-b-) clarifies that both electric and gas water heaters are to be reported as in need of repair if either is not a minimum of 18 inches above the lowest garage floor elevation, as measured from the burners, burner ignition devices or heating elements, switches or thermostats. Adoption of the amendment clarifies the obligation of the inspector and provides greater protection for the public.

Three comments were received from real estate licensees opposing the requirement contained in the section for inspectors to report specific conditions relating to water heaters as in need

of repair. The commission determined that standardization of the inspection of these potentially dangerous conditions was appropriate, rather than permitting inspectors to express different opinions on the same condition which might be found in the home.

The amendment is adopted under Texas Civil Statutes, Article 6573a, §5(h), which authorize the Texas Real Estate Commission to make and enforce all rules and regulations necessary for the performance of its duties.

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

Issued in Austin, Texas, on February 19, 1997.

TRD-9702445

Mark A. Moseley

General Counsel

Texas Real Estate Commission

Effective date: March 12, 1997

Proposal publication date: December 27, 1996

For further information, please call: (512) 465-3900

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 56. Family Planning

Subchapter A. Program Information

25 TAC §56.104

The Texas Department of Health (department) adopts an amendment to §56.104, concerning the Family Planning Advisory Council, without changes to the proposed text as published in the December 6, 1996, issue of the *Texas Register* (21 TexReg 11724).

The section covers members' terms of office and election of officers for the council. The amendment to §56.104(g) will make the term of office of the appointed representative of the Regional Coordinating Committee Chairpersons consistent with the two-year term of office of the elected Chairperson of the Regional Coordinating Committee. The amendment to §56.104(h) will enable newly appointed members of the council to participate in the election of officers at the council's first meeting each year.

One comment from department staff was received concerning the proposed amendment.

COMMENT: Concerning the statutory authority cited for the section as proposed refers to the board's authority to adopt substantive rules concerning family planning services under Health and Safety Code, Chapters 31, 32, and 61. The statutory authority for amendments to this section is specifically Texas Civil Statutes, Article 6252-33.

RESPONSE: The department agrees and has amended the Adoption Preamble accordingly.

The amendment is adopted under Texas Civil Statutes, Article 6252-33, which sets standards for the evaluation of advisory

committees by the agencies for which they function, and under Health and Safety Code, §12.001(b), which authorizes the board to adopt rules for the performance of every duty imposed by law upon the board, the department, and the commissioner of health.

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

Issued in Austin, Texas, on February 18, 1997.

TRD-9702415

Susan K. Steeg

General Counsel

Texas Department of Health

Effective date: March 12, 1997

Proposal publication date: December 6, 1996

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

Chapter 61. Chronic Diseases

The Texas Department of Health (department) adopts the repeal of existing §§61.1 - 61.15, and new §§61.1 - 61.15, concerning kidney health care benefits. New §§61.2, 61.3, 61.6, and 61.8 are adopted with changes to the proposed text as published in the December 10, 1996, issue of the *Texas Register* (21 TexReg 11795). New §§61.1, 61.4, 61.5, 61.7, 61.9 - 61.15, and the repealed §§61.1-61.15 are adopted without changes, and therefore will not be republished.

The sections establish general requirements (purpose, delegation of authority, and definitions); recipient requirements; residency and residency documentation requirements; application requirements; recipient co-pay liability; limitations and benefits provided; claims submission procedures and payment rates; claim filing deadlines; the criteria for participating facilities, participating pharmacies, and providers; procedures for notice of intent to take action and reconsideration; procedures for notice and fair hearing; rules governing the kidney health care advisory committee; forms to be used; a confidentiality statement; and a nondiscrimination statement.

The rules will improve program accessibility and make eligibility criteria easier to comply with and understand. Decreasing the number of documents required for residency verification will simplify the application process, e.g., using on-line access to Medicaid information in lieu of requiring a copy of the applicant's Medicaid card. Extending the claim filing deadlines will increase the availability of benefits to recipients. Reimbursing recipients for allowable medication purchased at any Medicaid-approved pharmacy in the United States (instead of just those located in Texas) will enable recipients to obtain their drugs from mail order pharmacies, which in many cases are less expensive. Requiring Medicaid-eligible recipients to file Prograf and cyclosporine prescriptions with Medicaid will maximize federal funds and save state funds.

The department is making the following minor changes due to staff comments to clarify the intent and improve the accuracy of the section.

Change: Concerning adopted §61.2(a)(1), the term "licensed nephrologist" is incorrect. The language was corrected to reflect that a physician certifying a diagnosis of end-stage renal disease must be either board eligible or board certified in internal medicine, nephrology or pediatric nephrology.

Change: Concerning adopted §61.3(c), two changes were made. Language was added to address instances where adult applicants are supported by children who live out-of-state. The phrase "is an adult lacking either physical or mental capacity to act on their own behalf and" was deleted because it was restrictive. The intent of this rule is to facilitate establishment of residency, regardless of the applicant's mental or physical capacity.

Change: Concerning adopted §61.6(g)(1) and (2), the department moved (1) and (2) into the body of subsection (g) for clarification.

Change: Concerning adopted §61.8(f), the department changed the filing deadline for resubmitted claims from 60 days to 180 days to be more consistent with Medicaid filing deadlines for resubmitted claims.

The following comments were received concerning the proposed sections. Following each comment is the department's response and any resulting change(s).

Comment: One commenter was in favor of reducing the number and type of documents acceptable for proof of residency, but requested that a telephone bill be included as one of the acceptable documents.

Response: The department agrees and appreciates the input. A telephone bill is considered a utility bill and would therefore be considered an acceptable document.

Comment: One commenter supported requiring eligible patients to apply for Medicaid, but questioned what would serve as adequate proof that a patient was ineligible for Medicaid.

Response: The department agrees and appreciates the input. Kidney Health Care is in the process of developing guidelines to assist providers and staff members in determining acceptable proof of a patient's ineligibility for Medicaid.

Comment: One commenter supported Kidney Health Care requiring recipients to authorize KHC to pay their Medicare premiums; however it appeared the commenter thought KHC would pay Medicare premiums for all KHC recipients.

Response: The department appreciates the input, but wishes to clarify that the proposed rule covers only those patients who are not eligible for premium-free Part A coverage. Those patients who are eligible for premium-free Part A, or whose premiums are covered by Medicaid, are not eligible for KHC to pay for their Part B premiums.

One individual provided comments in favor of the rules; however, the commenter also expressed concerns, asked questions, and made recommendations.

Kidney Health Care Program

25 TAC §§61.1-61.15

The repeals are adopted under the Texas Health and Safety Code, Chapter 42, which provides the department with the

authority to adopt rules to provide adequate kidney care and treatment for the citizens of the State of Texas and to carry out the purposes and intent of the Texas Kidney Health Care Act; and §12.001 which provides the Texas Board of Health (board) with the authority to adopt rules for the performance of every duty imposed by law on the board, the department, and the commissioner of health.

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

Issued in Austin, Texas, on February 18, 1997.

TRD-9702608

Susan K. Steeg

General Counsel

Texas Department of Health

Effective date: March 14, 1997

Proposal publication date: December 10, 1996

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

The new sections are adopted under the Texas Health and Safety Code, Chapter 42, which provides the department with the authority to adopt rules to provide adequate kidney care and treatment for the citizens of the State of Texas and to carry out the purposes and intent of the Texas Kidney Health Care Act; and §12.001 which provides the Texas Board of Health (board) with the authority to adopt rules for the performance of every duty imposed by law on the board, the department, and the commissioner of health.

§61.2. Recipient Requirements.

(a) A person shall meet all of the following requirements to be eligible for Kidney Health Care (KHC) benefits:

(1) have a diagnosis of end-stage renal disease (ESRD) certified by a licensed physician who is board eligible or board certified in internal medicine, nephrology, or pediatric nephrology;

(2) meet the Medicare criteria for ESRD;

(3) be a resident of Texas as determined in §61.3 of this title (relating to Residency and Residency Documentation Requirements);

(4) submit an application for benefits through a participating facility; and

(5) have, or the person(s) who has a legal obligation to support the applicant have, an adjusted gross income (AGI) of less than \$60,000. Income reported as "joint income" is considered as one income and may not be divided in computing the recipient's co-pay liability. The person or persons who have a legal obligation to support the recipient will be determined by the applicable state law.

(b) A recipient may have all KHC benefits modified, suspended or terminated for any of the following reasons:

(1) failure to maintain Texas residency or, upon demand, furnish evidence of such using the criteria in §61.3 of this title (relating to Residency and Residency Documentation Requirements);

(2) failure to provide income data as requested by the department to determine continued KHC eligibility and co-pay liability;

(3) failure to reimburse the department as requested for overpayments made to the recipient;

(4) failure to apply for medical, drug, and transportation benefits under Title XIX, Social Security Act (Medicaid), if the applicant meets income and other eligibility requirements for Medicaid;

(5) failure to inform KHC within 30 days of changes in the following:

(A) permanent home address;

(B) treatment status;

(C) insurance coverage;

(D) location of treatment;

(E) the round trip mileage from the recipient's permanent home address to the location of treatment; or

(F) changes in income or financial qualifications which would affect either the recipient's eligibility or co-pay liability;

(6) recipient is incarcerated in a city, county, state, or federal jail, or prison;

(7) recipient regains kidney function or voluntarily stops treatment for ESRD;

(8) recipient becomes a ward of the state;

(9) KHC determines that the recipient has made a material misstatement or misrepresentation on their application or any document required to support their application;

(10) KHC determines that the recipient has submitted false claim(s); or

(11) KHC has not paid a claim for benefits on behalf of the recipient during any period of 12 consecutive months.

(c) Any action taken under subsection (b) of this section does not release the recipient, or the person(s) with legal obligation to support the recipient, of any financial obligation owed to KHC.

(d) A recipient may have a portion of their KHC benefits modified, suspended or terminated, or claim(s) denied for any of the following reasons:

(1) failure to receive services through participating facilities, pharmacies, and providers;

(2) failure to submit claims for reimbursement within filing deadlines, as specified in §61.8 of this title (relating to Claim Filing Deadlines);

(3) failure to apply for benefits under Title XVIII, Social Security Act (Medicare);

(4) failure to continue premium payments on health insurance plans under Medicare, individual or group health insurance plans and prepaid medical plans, where eligibility was effective prior to KHC eligibility; or

(5) failure to provide authorization for Medicare premium payments by KHC as specified in §61.6 of this title (relating to

Limitations and Benefits Provided); if not eligible for Medicare premium-free hospitalization.

(e) In order to requalify for KHC, an applicant shall reapply and requalify for KHC benefits when eligibility for KHC benefits is terminated.

(f) A recipient who loses eligibility will not be reinstated until all outstanding debts owed to KHC by the recipient are paid or arrangements are made for payment.

(g) A recipient whose benefits are modified, suspended or terminated, or whose claim(s) are denied, may appeal KHC's decision under the procedure contained in §61.10 of this title (relating to Notice of Intent to Take Action and Reconsideration) and §61.11 of this title (relating to Notice and Fair Hearing).

(1) KHC may not terminate KHC participation until a final decision is rendered under the department's reconsideration and fair hearings process, if a reconsideration or hearing is requested by the recipient.

(2) KHC may withhold payments on claims pending final decision under the department's reconsideration and fair hearings process.

(3) KHC shall release withheld payments and reinstate participation in KHC if the final determination is in the recipient's favor.

§61.3. Residency and Residency Documentation Requirements.

(a) The following conditions shall be met by an applicant and maintained by a recipient to satisfy the residency requirements in this section:

(1) physically reside within the State;

(2) intend to remain in the State for an indefinite period of time;

(3) maintain a home or dwelling within the State; and

(4) not claim residency in any other state or country.

(b) If the applicant is a minor child; a legal dependent of, and residing with, a resident (such as an adult child or spouse); or a person under a legal guardianship, then the parent or parent(s), resident providing support, or legal guardian of the applicant shall meet all of the requirements of subsection (a) of this section.

(c) If the applicant is a parent residing with their adult child who is a resident of Texas, residency may be determined through the adult child. If the applicant is a parent being supported by their adult child, whether or not the child is a resident of Texas, the residency may be determined by the adult child providing the required documents supporting the Texas residency of the parent. These provisions apply even if no legal guardianship has been established.

(d) All documents submitted to establish the residency of an applicant shall be in English or, if required by KHC, accompanied by an accurate English translation.

(1) An applicant who is currently a Texas resident and has been currently approved to receive Texas Medicaid benefits is not required to provide additional residency verification.

(2) An applicant, or person establishing residency for the applicant under subsections (b) and (c) of this section, may submit copies of any two of the following documents as evidence

of residency. All documents shall be in the applicant's name, or in the name of the person establishing residency for the applicant, and provide some verification of a Texas address or domicile. Each of the following documents listed may only be counted once:

(A) a valid Texas driver's license, or an identification card issued by the Texas Department of Public Safety;

(B) a valid Texas voter's registration card, or a copy of a validated (at the county clerk's office) application for a voter's registration card;

(C) a current Texas motor vehicle registration or automobile license plate registration renewal form;

(D) a mortgage payment receipt from any of the three months immediately preceding the date of the application;

(E) a rent payment receipt from any of the three months immediately preceding the date of the application;

(F) a notarized statement reflecting that the applicant is currently receiving rent-free housing. The statement must be signed by the individual providing the rent-free housing and must include the address and phone number of the individual providing the rent-free housing;

(G) a utility payment receipt from any of the three months immediately preceding the date of the application;

(H) a Texas property tax receipt for the most recently completed tax year;

(I) a payroll or retirement check dated within the three months immediately preceding the date of the application;

(J) employment/unemployment records prepared within the three months immediately preceding the date of the application;

(K) a statement from a financial institution issued within the three months immediately preceding the date of the application; or

(L) social security supplemental income or disability income records or social security retirement benefit records issued within the three months immediately preceding the date of application.

(e) Applications submitted under subsections (b) and (c) of this section shall also include evidence of the legal relationship between the applicant and the resident, such as:

(1) a marriage license or declaration of non-ceremonial marriage to document the marriage of the applicant and spouse;

(2) a birth certificate establishing the parent/child relationship between the applicant and the resident;

(3) a final order showing the appointment of the resident as guardian for the minor or adult ward;

(4) a final order naming the applicant's managing conservator; or

(5) an income tax return showing name and relationship of the applicant to the resident.

(f) Any difference between the name of the applicant and the name on any document must be explained by additional docu-

mentation (Example: marriage license, divorce decree, or adoption decree).

§61.6. Limitations and Benefits Provided.

(a) Benefits payable by Kidney Health Care (KHC) are as follows:

(1) out-patient drugs and drug products included on the KHC Reimbursable Drug List (available upon request from KHC, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756);

(2) covered transportation;

(3) immunosuppressive drugs included on the KHC Reimbursable Drug List, except for cyclosporine and tacrolimus (Prograf) for Medicaid-eligible recipients;

(4) access surgery (hospitalization, surgeon's fees, assistant surgeon's fees, anesthesiologist' fees, Certified Registered Nurse Anesthetist fees);

(5) transplant surgery (hospitalization, surgeon's fees, assistant surgeon's fees, anesthesiologist' fees, Certified Registered Nurse Anesthetist fees, kidney acquisition charges);

(6) out-patient chronic maintenance dialysis treatments;

(7) in-patient chronic maintenance dialysis treatments (excluding treatment for emergency/acute dialysis); and

(8) Medicare Part A and B premiums, if qualified. To qualify for this benefit, recipients:

(A) cannot be eligible for:

(i) "premium free" Part A coverage; or

(ii) Medicaid to pay their Medicare premiums;

(B) shall apply and be accepted for Medicare hospital and medical insurance;

(C) shall sign a Medicare agreement which allows KHC to make Medicare premium payments in their behalf; and

(D) shall promptly submit all Medicare premium due notice statements to KHC for payment.

(b) All KHC benefits are limited to services received in Texas except for:

(1) covered services received from a participating out-of-state facility; and

(2) drugs listed on the KHC reimbursable drug list and purchased from any pharmacy licensed to operate within the United States and its territories.

(c) Depending on the recipient's eligibility status, KHC will pay for covered services up to a maximum allowable amount per recipient based upon:

(1) available funds;

(2) established limits for covered services by type or category;

(3) any contract between the department and the recipient's participating facility;

(4) a contract between the department and the recipient's participating provider;

(5) the reimbursement rates established by the department;

(6) the co-pay liability rates as established by the department; and

(7) any third-party liability.

(d) Access surgery benefits are payable only if the services were performed not more than 365 days prior to KHC receipt of a completed application or the date Texas residency was established, whichever is later.

(e) KHC medical benefits are payable during the Medicare three-month qualifying period to recipients who do not have Medicare coverage. The three-month qualifying period shall be calculated from the first day of the month the recipient begins chronic maintenance dialysis. If a recipient becomes eligible for Medicare during the three-month period, KHC medical benefits shall not be payable from the date of Medicare eligibility. Recipients who apply for and are denied Medicare coverage or who receive a transplant during the three-month pre-Medicare qualifying period are not subject to KHC's pre-Medicare benefit maximum.

(f) Limited medical benefits are available beyond the qualifying period for non-Medicaid eligible recipients who have applied for and have been denied Medicare coverage based on ESRD. Recipients shall submit a copy of an official Social Security Administration Medicare denial notification (based on chronic renal disease) to the department. Transplant patients who have been successfully transplanted for three years or more are not eligible for limited medical benefits.

(g) KHC is payor of last resort. Benefits are payable only after all third parties or government entities (e.g., private/group insurance, Medicare, Medicaid, or the Veterans Administration) have met their liability. All third parties must be billed prior to KHC. If the recipient's third party coverage has a liability equal to or greater than the KHC allowable rates, KHC will not be liable for payment. Recipients eligible for hospital and medical benefits from Medicare, Medicaid, the Veterans Administration, the military, or other government programs are not eligible to receive KHC medical benefits. The Texas Board of Health (Board) has delegated to the Commissioner of Health (Commissioner) the authority to waive this requirement in individually considered cases where its enforcement will deny services to a class of end-stage renal disease (ESRD) patients because of conflicting state or federal laws or regulations, under the Texas Health and Safety Code, Chapter 42, §42.009.

(h) The department may restrict or categorize covered services to meet budgetary limitations. Categories will be prioritized based upon medical necessity, other third party eligibility and projected third party payments for the different treatment modalities, caseloads, and demands for services. Caseloads and demands for services may be based on current and/or projected data. In the event covered services must be reduced, they will be reduced in a manner that takes into consideration medical necessity and other third party coverage. The department may change covered services by adding or deleting specific services, entire categories or by making changes proportionally across a category or categories, or by a combination of these methods.

§61.8. Claim Filing Deadlines.

(a) Claims shall be received by Kidney Health Care (KHC) within the claim filing deadlines established in this section. Claims which are not received by KHC within the deadlines established in this section shall not be considered for payment.

(b) Hospital claims for in-patient services shall be received by KHC the later of:

(1) 95 days from the date of discharge;

(2) 60 days from the date on the third party explanation of benefits (EOB); or

(3) 60 days from the date on the KHC notice of eligibility.

(c) Claims for services from newly contracted facilities shall be received by KHC the later of:

(1) 95 days from the last day of the month in which services were provided;

(2) 60 days from the date on the third party EOB;

(3) 60 days from the date on the KHC notice of eligibility;

or

(4) 60 days from the date on the contract approval letter.

(d) All other claims shall be received by KHC the later of:

(1) 95 days from the last day of the month in which services were provided;

(2) 60 days from the date on the third party EOB; or

(3) 60 days from the date on the KHC notice of eligibility.

(e) Claims submitted under subsections (b), (c), and (d) of this section shall be received by KHC no later than 180 days from the date of discharge or the date of service. Claims which are incomplete or incorrect will not be paid until they are completed or corrected.

(f) Resubmitted claims shall be received by KHC within the deadlines established under subsections (b), (c), (d), and (e) of this section, or within 180 days from the date of the KHC return letter or third party BOB, whichever is later, not to exceed 365 days from the date of service. Resubmitted claims shall:

(1) be resubmitted with a copy of the KHC return letter or EOB;

(2) be resubmitted on the original claim form; and

(3) contain no new or additional charges for service.

(g) Claims which have been denied or reduced in error may be resubmitted to KHC for reconsideration. All resubmitted claims shall be received by KHC within 365 days from the date services were rendered. A copy of the KHC EOB, or other supporting documents, shall be included with the resubmitted claim.

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

Issued in Austin, Texas, on February 18, 1997.

TRD-9702609

Susan K. Steeg

General Counsel

Texas Department of Health

Effective date: March 14, 1997
Proposal publication date: December 10, 1996
For further information, please call: (512) 458-7236

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Chapter 229. Food and Drug

Licensure of Manufacturers of Food and Wholesale Distributors of Food Including Good Manufacturing Practices

25 TAC §§229.181, §229.182

The Texas Department of Health (department) adopts amendments to §229.181 and §229.182, concerning licensure of manufacturers of food and wholesale distributors of food - including good manufacturing practices. Sections 229.181 and 229.182 are being adopted without changes to text proposed in the November 22, 1996, issue of the *Texas Register* (21 Tex Reg 11354); however, a correction of error was published in the December 20, 1996 issue of the *Texas Register* (21 Tex Reg 12330) to correct minor errors. The sections will not be republished.

These amended sections consolidate and establish new license fees for wholesale food distributors that also distribute drugs or devices (multiple product distributors) regulated under Health and Safety Code, Chapter 431. The amendments also expand the license fee schedule for firms that only distribute food (food wholesalers) from three to five categories, and adjust the fees to redistribute the cost of the inspection program.

The amendments create more efficient licensing procedures and less confusion for multiple product distributors and reduce licensure fees for small business by consolidating the license requirements for multiple product distributors.

No comments were received regarding adoption of the amendments

The amendments are adopted under the Health and Safety Code, §431.241, which provides the department with the authority to adopt necessary regulations pursuant to the enforcement of this Chapter; and §12.001, which provides the Texas Board of Health (board) with the authority to adopt rules for the performance of every duty imposed by law on the board, the department, and the commissioner of health.

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

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Susan K. Steeg

General Counsel

Texas Department of Health

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Proposal publication date: November 22, 1996

For further information, please call: (512) 458-7236
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Licensing of Wholesale Distributors of Drugs- Including Good Manufacturing Practices

25 TAC §§229.251-229.253

The Texas Department of Health (department) adopts amendments to §§229.251 - 229.253, concerning licensing of wholesale distributors of drugs - including good manufacturing practices. Sections 229.252 and 229.253 are adopted with changes to the proposed text as published in the November 15, 1996, issue of the *Texas Register* (21 TexReg 11159). Section 229.251 is adopted without changes and therefore will not be republished.

Specifically, the sections cover definitions; licensing fee and procedures; and minimum standards for licensure. The amendments define the term "manufacturer" to clarify and conform the rules to Title 21, Code of Federal Regulations (CFRs), Part 205, 210, and 211; establish a new license fee category for distributors of more than one product regulated under Health and Safety Code, Chapter 431; replace the term "volume" with the term "drug sales"; and update the referenced CFRs to the current issue.

The amendments create more efficient licensing procedures and less confusion for multiple product distributors and reduce licensure fees for small business by consolidating the license requirements for multiple product distributors.

No comments were received regarding the proposal of these rules; however, minor editorial changes have been made to clarify the rules.

The amendments are adopted under Health and Safety Code, §431.241, which provides the department with the authority to adopt necessary regulations pursuant to the enforcement of this Chapter; and §12.001, which provides the Texas Board of Health (board) with the authority to adopt rules for the performance of every duty imposed by law on the board, the department, and the commissioner of health.

§229.252. *Licensing Fee and Procedures.*

(a) License fee.

(1) All wholesale distributors of drugs who are not manufacturers of drugs in Texas shall obtain a license annually with the Texas Department of Health (department). Except as provided for in paragraph (2) of this subsection, wholesale distributors of drugs who are not manufacturers of drugs in Texas shall pay a licensing fee for each place of business operated as follows:

(A) \$250 per distributor engaged in distribution only of compressed medical gases (no transfilling operations) having gross annual drug sales of \$0 - \$20,000;

(B) \$400 per wholesale distributor having gross annual drug sales of \$0 - \$199,999.99;

(C) \$650 per wholesale distributor having gross annual drug sales of \$200,000 - \$19,999,999.99;

(D) \$850 per wholesale distributor having gross annual drug sales greater than or equal to \$20 million; and

(E) \$750 per out-of-state wholesale distributor, unless an audited statement is provided which demonstrates gross annual

drug sales of less than \$20 million which would require a licensing fee of \$500.

(2) A wholesale distributor of drugs who is not a manufacturer of drugs, who is required to be licensed under this section and who is also required to be licensed as a device distributor under §229.439(a)(1) of this title (relating to Licensure Fees) or as a wholesale food distributor under §229.182(a)(3) of this title (relating to Licensing Fee and Procedures) shall pay a combined licensure fee for each place of business. The licensure fee shall be based on the combined gross annual sales of these regulated products (foods, drugs, and/or devices) as follows:

(A) \$200 for each place of business having combined gross annual sales of \$0-\$199,999.99;

(B) \$300 for each place of business having combined gross annual sales of \$200,000 - \$499,999.99;

(C) \$400 for each place of business having combined gross annual sales of \$500,000 - \$999,999.99;

(D) \$500 for each place of business having combined gross annual sales of \$1 million - \$9,999,999.99; and

(E) \$750 for each place of business having combined gross annual sales greater than or equal to \$10 million.

(3) All wholesale distributors of drugs who are manufacturers of drugs in Texas shall obtain a license annually with the department and shall pay a licensing fee for each place of business operated as follows:

(A) \$400 per wholesale distributor having gross annual drug sales of \$0 - \$199,999.99 (includes a compressed and/or liquid medical gas transfiller);

(B) \$650 per wholesale distributor having gross annual drug sales of \$200,000 - \$1,999,999.99; and

(C) \$850 per wholesale distributor having gross annual drug sales greater than or equal to \$20 million.

(b) License forms. Licensing forms may be obtained from the Texas Department of Health, Drugs and Medical Devices Division, 1100 West 49th Street, Austin, Texas 78756.

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

(i) Sale of food, drugs, or devices. The provisions of this section regarding the sale of food, drugs, or devices shall be considered to include the manufacture, production, processing, packaging, exposure, offer, possession, and holding of any such article for sale; and the sale, dispensing, and giving of any such article, and the supplying or applying of any such articles in the conduct of any food, drug or device place of business.

§229.253. *Minimum Standards for Licensure.*

(a) (No change.)

(b) Current good manufacturing practices in manufacturing, processing, packing, or holding of drugs.

(1) The department adopts by reference Title 21, Code of Federal Regulations, Part 210, §§210.1 - 210.3, titled "Current Good Manufacturing Practices in Manufacturing, Processing, Packing, or Holding of Drugs"; and Part 211, §§211.1 - 211.208, titled "Current Good Manufacturing Practice for Finished Pharmaceuticals".

(2) Copies are indexed and filed in the office of the Drugs and Medical Devices Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal working hours.

(c) Guidelines for licensing of wholesale drug distributors.

(1) The department adopts by reference and will enforce Title 21, Code of Federal Regulations, Part 205, §§205.1 - 205.50, titled "Guidelines for State Licensing of Wholesale Prescription Drug Distributors".

(2) Copies are indexed and filed in the office of the Drugs and Medical Devices Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal working hours.

(3)-(4) (No change.)

(d) Buildings and facilities. All manufacturing, processing, packing, or holding of drugs shall take place in buildings and facilities described in Title 21, Code of Federal Regulations, Part 211, Subpart C. No manufacturing, processing, packing, or holding of drugs shall be conducted in any personal residence.

(e) Drug labeling.

(1) (No change.)

(2) The department adopts by reference and will enforce Title 21, Code of Federal Regulations, Part 201, §§201.1 - 201.317, titled "Labeling".

(3) Copies are indexed and filed in the office of the Drugs and Medical Devices Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal working hours.

(f) Drugs general, drug advertising, specific requirements for special drugs, official names and established names, and labeling and packaging requirements for controlled substances.

(1) The department adopts by reference and will enforce Title 21, Code of Federal Regulations:

(A) Part 200, §§200.5 - 200.200, titled "General";

(B) Part 202, §202.1, titled "Prescription Drug Advertising";

(C) Part 250, §§250.10 - 250.250, titled "Special Requirements For Specific Human Drugs";

(D) Part 299, §§299.3 - 299.5, titled "Drugs; Official Names and Established Names"; and

(E) Part 1302, §§1302.01 - 1302.08, titled "Labeling and Packaging Requirements For Controlled Substances".

(2) Copies are indexed and filed in the office of the Drugs and Medical Devices Division, Texas Department of Health, 1100 West 49th, Austin, Texas 78756 and are available for inspection during normal working hours.

(g) Current good manufacturing practices in manufacturing, processing, packing, or holding of blood and blood components.

(1) The department adopts by reference and will enforce Title 21, Code of Federal Regulations, Part 606, §§606.3 - 606.170,

titled "Current Good Manufacturing Practice For Blood and Blood Components".

(2) Copies are indexed and filed in the office of the Drugs and Medical Devices Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal working hours.

(h) General biological products standards, standards for bacterial products, standards for viral vaccines, standards for human blood and blood products, standards for diagnostic substances for dermal test, standards for diagnostic substances for laboratory test, and standards for miscellaneous biological products.

(1) The department adopts by reference Title 21, Code of Federal Regulations:

(A) Part 600, §§600.3 - 600.15, titled "Biological Products: General";

(B) Part 610, §§610.1 - 610.65, titled "General Biological Products Standards";

(C) Part 620, §§620.1 - 620.48, titled "Additional Standards For Bacterial Products";

(D) Part 630, §§630.1 - 630.75, titled "Additional Standards For Viral Vaccines";

(E) Part 640, §§640.1 - 640.114, titled "Additional Standards for Human Blood and Blood Products";

(F) Part 650, §§650.1 - 650.15, titled "Additional Standards for Diagnostic Substances for Dermal Test";

(G) Part 660, §§660.1 - 660.105, titled "Additional Standards for Diagnostic Substances for Laboratory test"; and

(H) Part 680, §§680.1 - 680.26, titled "Additional Standards for Miscellaneous Products".

(2) Copies are indexed and filed in the office of the Drugs and Medical Devices Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal working hours.

(i) Labeling and standard requirements for the manufacturing or processing of animal biological products.

(1) The department adopts by reference and will enforce Title 9, Code of Federal Regulations, Part 113, §§113.1 - 113.455, titled "Standard Requirements".

(2) Copies are indexed and filed in the office of the Drugs and Medical Devices Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal working hours.

(j) Cosmetic labeling for a person, firm, or corporation that labels a cosmetic.

(1) The department adopts by reference and will enforce Title 21, Code of Federal Regulations, Part 701, §§701.1 - 701.30, titled "Cosmetic Labeling".

(2) Copies are indexed and filed in the office of the Drugs and Medical Devices Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal working hours.

(k) Cosmetics general and cosmetic product warning statement.

(1) The department adopts by reference and will enforce Title 21, Code of Federal Regulations, Part 700, §§700.3 - 700.25, titled "General"; and Part 740, §§740.1-740.18, titled "Cosmetic Product Warning Statements".

(2) Copies are indexed and filed in the office of the Drugs and Medical Devices Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal working hours.

(l) Current good manufacturing practices in manufacturing, processing, packing, or holding of medicated feeds and Type A medicated articles.

(1) The department adopts by reference and will enforce Title 21, Code of Federal Regulations:

(A) Part 225, §§225.1 - §225.202, titled "Current Good Manufacturing Practice For Medicated Feeds"; and

(B) Part 226, §§226.1 - 226.115, titled "Current Good Manufacturing Practices For Type A medicated articles".

(2) Copies are indexed and filed in the office of the Drugs and Medical Devices Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal working hours.

(m) Over-the-Counter (OTC) for human use.

(1) The department adopts by reference and will enforce Title 21, Code of Federal Regulations:

(A) Part 300, titled "General";

(B) Part 310, titled "New Drugs";

(C) Part 312, titled "Investigational New Drug Application";

(D) Part 314, titled "Applications for FDA Approval to Market a New Drug or an Antibiotic Drug";

(E) Part 316, titled "Orphan Drugs";

(F) Part 320, titled "Bioavailability and Bioequivalence Requirements";

(G) Part 329, titled "Habit-forming Drugs";

(H) Part 330, titled "Over-the-Counter (OTC) Human Drugs Which are Generally Recognized as Safe and Effective and Not Misbranded";

(I) Part 331, titled "Antacid Products for Over-the-Counter (OTC) Human Use";

(J) Part 332, titled "Antiflatulent Products for Over-the-Counter (OTC) Human Use";

(K) Part 333, titled "Topical Antimicrobial Drug Products for Over-the-Counter (OTC) Human Use";

(L) Part 336, titled "Antiemetic Drug Products for Over-the-Counter (OTC) Human Use";

(M) Part 338, titled "Nighttime Sleep-aid Drug Products for Over-the-Counter (OTC) Human Use";

(N) Part 340, titled "Stimulant Drug Products for Over-the-Counter (OTC) Human Use";

(O) Part 341, titled "Cold, Cough, Allergy, Bronchodilator, and Anti-asthmatic Drug Products for Over-the-Counter (OTC) Human Use";

(P) Part 344, titled "Topical OTIC Drug Products for Over-the-Counter (OTC) Human Use";

(Q) Part 346, titled "Anorectal Drug Products for Over-the-Counter (OTC) Human Use";

(R) Part 348, titled "External Analgesic Drug Products for Over-the-Counter (OTC) Human Use";

(S) Part 349, titled "Ophthalmic Drug Products for Over-the-Counter (OTC) Human Use";

(T) Part 357, titled "Miscellaneous Internal Drug Products for Over-the-Counter (OTC) Human Use";

(U) Part 358, titled "Miscellaneous External Drug Products for Over-the-Counter (OTC) Human Use";

(V) Part 361, titled "Prescription Drugs for Human Use Generally Recognized as Safe and Effective and Not Misbranded: Drugs Used In Research"; and

(W) Part 369, titled "Interpretative Statements Re: Warnings on Drugs and Devices for Over-the-Counter Sales".

(2) (No change.)

(3) Copies are indexed and filed in the office of the Drugs and Medical Devices Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal working hours.

(n) Packaging, labeling, tests and methods of assays for human antibiotic drugs.

(1) The department adopts by reference and will enforce Title 21, Code of Federal Regulations:

(A) Part 429, titled "Drugs Composed Wholly or Partly of Insulin";

(B) Part 430, titled "Antibiotic Drugs; General";

(C) Part 431, titled "Certification of Antibiotic Drugs";

(D) Part 432, titled "Packaging and Labeling of Antibiotic Drugs";

(E) Part 433, titled "Exemptions from Antibiotic Certification and Labeling Requirements";

(F) Part 436, titled "Tests and Methods of Assay of Antibiotic and Antibiotic-containing Drugs";

(G) Part 440, titled "Penicillin Antibiotic Drugs";

(H) Part 441, titled "Penem Antibiotic Drugs";

(I) Part 442, titled "Cepha Antibiotic Drugs";

(J) Part 444, titled "Oligosaccharide Antibiotic Drugs";

(K) Part 446, titled "Tetracycline Antibiotic Drugs";

(L) Part 448, titled "Peptide Antibiotic Drugs";

(M) Part 449, titled "Antifungal Antibiotic Drugs";

(N) Part 450, titled "Antitumor Antibiotic Drugs";

(O) Part 452, titled "Macrolide Antibiotic Drugs";

(P) Part 453, titled "Lincomycin Antibiotic Drugs";

(Q) Part 455, titled "Certain Other Antibiotic Drugs";

and

(R) Part 460, titled "Antibiotic Drugs Intended for Use in Laboratory Diagnosis of Disease".

(2) Copies are indexed and filed in the office of the Drugs and Medical Devices Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for inspection during normal working hours.

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

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Susan K. Steeg

General Counsel

Texas Department of Health

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

Licensure of Device Distributors and Manufacturers

25 TAC §229.439

The Texas Department of Health (department) adopts an amendment to §229.439, concerning the licensure of device distributors and manufacturers. Section 229.439 is being adopted without changes to the proposed text as published in the November 22, 1996, issue of the *Texas Register* (21 TexReg 11357); however, a correction of error was published in the December 20, 1996, issue of the *Texas Register* (21 TexReg 12330) to correct minor errors. The section will not be republished.

The section covers license fees. The amendment revises and updates licensure fee schedules for device distributors and manufacturers to allow the department to recover the costs of inspection and administration of the program.

The amendment establishes a new fee schedule for distributors of more than one product regulated under Health and Safety Code, Chapter 431, and creates more efficient licensing procedures and less confusion for multiple product distributors.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Health and Safety Code, §431.241, which provides the department with the authority to adopt necessary regulations pursuant to the enforcement of this Chapter; and §12.001, which provides the Texas Board

of Health (board) with the authority to adopt rules for the performance of every duty imposed by law on the board, the department, and the commissioner of health.

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

Issued in Austin, Texas, on February 18, 1997.

TRD-9702414

Susan K. Steeg

General Counsel

Texas Department of Health

Effective date: March 12, 1997

Proposal publication date: November 22, 1996

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

TITLE 30. ENVIRONMENTAL QUALITY

Part I. Texas Natural Resource Conservation Commission

Chapter 106. Exemptions from Permitting

The commission adopts new §106.5, concerning Public Notice and Comment Procedures; §106.101 and §106.103, concerning Domestic and Comfort Heating and Cooling; §§106.121-106.124, concerning Analysis and Testing; §§106.141-106.150, concerning Aggregate and Pavement; §§106.161-106.163, concerning Animal Confinement; §106.182, concerning Ceramic Kilns; §§106.201-106.203, concerning Concrete Batch Plants; §§106.221-106.229, concerning Manufacturing; §§106.241-106.245, concerning Food Preparation and Processing; §§106.261-106.266, concerning General; §§106.281-106.283, concerning Feed, Fiber, and Fertilizer (Feed); §106.291, concerning Feed, Fiber, and Fertilizer (Cotton Gin Stands); §106.301 and §106.302, concerning Feed, Fiber, and Fertilizer (Fertilizer); §§106.311-106.322, concerning Metallurgy; §§106.331-106.333, concerning Mixers, Blenders, and Packaging; §§106.351-106.355, concerning Oil and Gas; §§106.371-106.375, concerning Plant Operations; §§106.391-106.396, concerning Plastics and Rubber; §§106.411-106.419, concerning Service Industries; §§106.431-106.436, concerning Surface Coating; §§106.451-106.454, concerning Surface Preparation; §§106.471-106.478, concerning Tanks, Storage, and Loading; §§106.491-106.496, concerning Thermal Control Devices; §106.511 and §106.512, concerning Turbines and Engines; and §§106.531-106.534, concerning Waste Processes and Remediation.

Section 106.532 is adopted with changes to the proposed text as published in the December 17, 1996, issue of the *Texas Register* (21 TexReg 12055). The remaining sections are adopted without changes and will not be republished.

EXPLANATION OF ADOPTED RULES. In concurrent rulemaking, the commission is adopting the repeal of §116.211, concerning Standard Exemption List, and §116.212, concerning Public Notice and Comment Procedures.

The standard exemptions are placed in Chapter 106 and organized under facility type with no substantial change to the content of the exemptions. Minor corrections have been made to the language of some exemptions for clarity.

Under the previous organization of standard exemptions, revisions to the list could only be initiated when §116.211 was not already open for changes. This means the section had to go through an entire rulemaking cycle before it could be re-opened, delaying timely amendment of the standard exemptions. The purpose of this adoption is to provide greater flexibility in amending the exemptions by placing each exemption in a separate section which can be opened and amended as necessary.

TAKINGS IMPACT ASSESSMENT. The commission has prepared a Takings Impact Assessment for these new sections under Texas Government Code, §2007.043. The following is a summary of that assessment. The specific purpose of the new sections is to provide greater flexibility and responsiveness in amending the exemptions. The new sections advance this purpose by placing the exemptions in Chapter 106 with each exemption corresponding to a section. This will allow each section to be amended without being restricted by the rulemaking schedule of another exemption. Promulgation and enforcement of the new sections will not affect private real property that is the subject of the new sections.

PUBLIC HEARING. A public hearing on the proposal was held January 15, 1997, in Austin. There were no oral comments presented during the hearing. The United States Environmental Protection Agency (EPA) and CITGO Petroleum Corporation (CITGO) submitted written comments during the comment period, which closed on January 16, 1997. Both supported the proposal with modifications.

The EPA views the standard exemptions as a form of general permit and recommends that Chapter 106 be submitted as a revision to the State Implementation Plan (SIP).

This adoption is an administrative modification to the standard exemptions and no substantive changes are being made. For this reason, the repeal of §116.211 and §116.212 and the new sections of Chapter 106 will not be submitted as a SIP change during this rulemaking. The commission will examine the issues associated with submitting §116.211 and §116.212 and the new sections of Chapter 106 as a SIP revision for later actions involving exemptions from permitting.

CITGO states that a reference in §106.532(1)(N) is incomplete and should contain paragraph references to eliminate possible confusion.

The commission agrees with the comments and has made the appropriate changes.

Subchapter A. General Requirements

30 TAC §106.5

STATUTORY AUTHORITY. The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702602

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆
**Subchapter C. Domestic And Comfort Heating
And Cooling**

30 TAC §106.101, §106.103

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702600

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆
Subchapter D. Analysis And Testing

30 TAC §§106.121-106.124

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702599

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆
Subchapter E. Aggregate And Pavement

30 TAC §§106.141-106.150

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702598

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆
Subchapter F. Animal Confinement

30 TAC §§106.161-106.163

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702597

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆
Subchapter G. Combustion

30 TAC §106.182

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA,

and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702596

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆
Subchapter H. Concrete Batch Plants

30 TAC §§106.201-106.203

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702595

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆
Subchapter I. Manufacturing

30 TAC §§106.221-106.229

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702594

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆
Subchapter J. Food Preparation and Processing

30 TAC §§106.241-106.245

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702593

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆
Subchapter K. General

30 TAC §§106.261-106.266

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702603

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆
Subchapter L. Feed, Fiber, and Fertilizer

Feed

30 TAC §§106.281-106.283

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017,

which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702592

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

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Fiber

30 TAC §106.291

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702591

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆

Fertilizer

30 TAC §106.301, §106.302

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702590

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

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Subchapter M. Metallurgy

30 TAC §§106.311-106.322

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702589

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

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Subchapter N. Mixers, Blenders, and Packaging

30 TAC §§106.331-106.333

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702588

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆

Subchapter O. Oil and Gas

30 TAC §§106.351-106.355

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017,

which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702587

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

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Subchapter P. Plant Operations

30 TAC §§106.371-106.375

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702586

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

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Subchapter Q. Plastics and Rubber

30 TAC §§106.391-106.396

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702585

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆

Subchapter R. Service Industries

30 TAC §§106.411-106.419

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702584

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆

Subchapter S. Surface Coating

30 TAC §§106.431-106.436

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702583

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆

Subchapter T. Surface Preparation

30 TAC §§106.451-106.454

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017,

which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702582

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆
Subchapter U. Tanks, Storage, and Loading

30 TAC §§106.471-106.478

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702581

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆
Subchapter V. Thermal Control Devices

30 TAC §§106.491-106.496

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702580

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆
Subchapter W. Turbines and Engines

30 TAC §106.511, §106.512

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702579

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

◆ ◆ ◆
Subchapter X. Waste Processes and Remediation

30 TAC §§106.531-106.534

The new sections are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and §382.057, which gives the commission authority to create exemptions from permitting.

§106.532. *Water and Wastewater Treatment (Previously SE 61).*

Water and wastewater treatment units are exempt, provided the following conditions of this section are met.

(1) The facility performs only the following functions:

- (A) disinfection;
- (B) softening;
- (C) filtration;
- (D) flocculation;
- (E) stabilization;
- (F) taste and odor control;
- (G) clarification;
- (H) carbonation;
- (I) sedimentation;

(J) neutralization;

(K) chlorine removal;

(L) activated sludge treatment, anaerobic treatment, and associated control of gases from these treatments;

(M) aerobic oxidation/biodegradation using oxygen or peroxide in the absence of nitrogen or other gas that would cause stripping of volatile organic compounds (VOC) from the water;

(N) stripping VOC, ammonia, or other air contaminants from the water with air or other gas, provided the stripped gases are controlled with an abatement system that meets the requirements of §106.533(5) of this title (relating to Water and Soil Remediation (Previously SE 68(e)). For ammonia or hydrogen chloride (HCl) or other acid gas emissions, abatement may include a water or caustic scrubbing system as a means of complying with this section. Final emissions of HCl resulting from combustion of chlorine or chlorine-containing compounds shall not exceed 0.1 pounds per hour;

(O) liquid phase separation of VOC and water in which:

(i) the sum of the partial pressures of all species of VOC in any sample is less than 1.5 psia; or

(ii) the separator is enclosed and emissions are vented through an emission abatement system meeting the requirements specified previously for stripped VOC and ammonia;

(2) Chlorine or sulfur dioxide (SO₂) shall be used only in containers approved by the United States Department of Transportation and emissions of chlorine or SO₂ from treatment of water or decontamination of equipment at any water treatment plant shall not exceed ten tons per year.

(3) The following shall not be exempted by this section:

(A) gas stripping or aeration facilities where VOC or other air contaminants are stripped from water directly to the atmosphere;

(B) disposal facilities using land surface treatment;

(C) surface facilities associated with injection wells;

(D) cooling towers in which VOC or other air contaminants may be stripped to the atmosphere.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702578

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

Chapter 116. Control of Air Pollution by Permits for New Construction or Modification

Subchapter C. Permit Exemptions

30 TAC §116.211, §116.212

The commission adopts the repeal of §116.211, concerning Standard Exemption List and §116.212, concerning Public Notice and Comment Procedures, without changes to the proposed text as published in the December 17, 1996, issue of the *Texas Register* (21 TexReg 12055).

EXPLANATION OF ADOPTED RULES. In concurrent rulemaking, the commission is adopting the requirements of the repealed sections into Chapter 106 with no substantial changes.

TAKINGS IMPACT STATEMENT. The commission has prepared a Takings Impact Assessment for this adoption under Texas Government Code, §2007.043. The following is a summary of that assessment. The specific purpose of the repeals and the concurrent amendments to Chapter 106 is to provide greater flexibility and responsiveness in amending the exemptions. This action advances this purpose by placing the exemptions into Chapter 106 with each exemption corresponding to a section. This will allow each section to be amended without being restricted by the rulemaking schedule of another section. Promulgation and enforcement of these repeals will not affect private real property.

PUBLIC HEARING AND COMMENTERS. A public hearing on the proposal was held January 15, 1997, in Austin. There were no oral comments presented during the hearing. The United States Environmental Protection Agency and CITGO Petroleum Corporation submitted written comments during the comment period, which closed on January 16, 1997. Both supported the proposal.

STATUTORY AUTHORITY. The repeals are adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA.

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

Issued in Austin, Texas, on January 19, 1997.

TRD-9702601

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Effective date: March 14, 1997

Proposal publication date: December 17, 1996

For further information, please call: (512) 239-1966

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 57. Fisheries

Expiration Provision

31 TAC §57.901

The Texas Parks and Wildlife Commission in a regularly scheduled public hearing, January 23, 1997, adopted repeal of §57.901 concerning expiration provision for regulations in 31 TAC Chapter 57, (concerning Fisheries) without changes to proposed text as published in the December 20, 1996 issue of the *Texas Register* (21 TexReg 12291).

Existing §57.901 was adopted by the Commission as a statement of intent relative to complete regulations sunset of 31 TAC, Chapter 57, Fisheries. As a result of actions taken at the November 7, 1996 Commission meeting, the regulations sunset of Chapter 57 was completed. These actions rendered §57.901 as redundant.

The repeal removes redundant sections from the Texas Administrative Code.

No comments were received regarding the adopted repeal.

The repeal is adopted under Government Code, §§2001.021-2001.052.

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

Issued in Austin, Texas, on February 19, 1997.

TRD-9702479

William D. Harvey, Ph.D.

Regulatory Coordinator

Texas Parks and Wildlife Department

Effective date: March 12, 1997

Proposal publication date: December 20, 1996

For further information, please call: 1-800-792-1112, Extension 4642 or (512) 389-4642

TITLE 34. PUBLIC FINANCE

Part II. Texas State Treasury

Chapter 16. Electronic Transfer of Payments to the Texas State Treasury Department

34 TAC §16.1, §16.3

The Comptroller of Public Accounts adopts an amendment to §16.1 and new §16.3, concerning the electronic transfer of payments, with changes to the proposed text as published in the August 20, 1996, issue of the *Texas Register* (21 TexReg 7787).

The rules are consistent with changes to Texas Government Code, §404.095 and are needed to clarify the requirements for the electronic transfer of payments (EFT) for cigarette tax stamps to the Comptroller of Public Accounts.

A change was made to §16.1 to add the word "former" when referencing the Texas State Treasury Department due to implementation of Senate Bill 20, 74th Legislature, 1995, which transferred the duties of the former state treasurer to the office of the comptroller.

No comments were received regarding adoption of the sections.

The amendment and new section are adopted pursuant to Texas Government Code, §404.095 which provides the Comptroller the authority to adopt rules regarding electronic funds transfer.

The Tax Code, Chapter 154, is affected by this amendment and new rule.

§16.1. Adoption by Reference.

These rules shall adopt and incorporate by reference all of the provisions of the former Texas State Treasury Department, §§15.1 et seq., Chapter 15 of this title (relating to Electronic Transfer of Certain Payments to State Agencies) which were adopted pursuant to the Texas Government Code, §404.095 (Vernon Supplement 1996).

§16.3. Cigarette Tax Stamp Payments

(a) All persons purchasing cigarette tax stamps from the Texas State Treasury or its successors shall transfer payments by electronic funds transfer.

(b) Electronic funds transfer of payments for cigarette tax stamps shall not be subject to the payment thresholds described in §16.2, of this title (relating to Applicability).

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

Issued in Austin, Texas, on February 19, 1997.

TRD-9702513

Martin Cherry

Chief, General Law Section

Comptroller of Public Accounts

Effective date: March 13, 1997

Proposal publication date: August 20, 1996

For further information, please call: (512) 463-3699

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 before a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Texas Register*.

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

Posting of open meeting notices. All notices are posted on the bulletin board at the main office of the Secretary of State in the lobby of the James Earl Rudder Building, 1019 Brazos, Austin. These notices may contain a more detailed agenda than what is published in the *Texas Register*.

Meeting Accessibility. Under the Americans with Disabilities Act, an individual with a disability must have equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

Advisory Commission on State Emergency Communications

Thursday, March 6, 1997, 10:30 a.m.

333 Guadalupe, Room 1264

Austin

Poison Center Coordinating Committee

AGENDA:

The Committee will call the Meeting to Order and Recognize Guests; Hear Public comment; Hear Reports, Discuss and take Committee Action, as necessary; Approval of September 5, 1996 and December 5, 1996, Meeting Minutes; Roundtable; Subcommittee Reports: A. Report of the Subcommittee on Operations, B. Report of the Subcommittee on Education, C. Report of the Medical Directors Subcommittee; Research Subcommittee; FY'98 Network Budget/ Grants; Other Business; Set Next Meeting Date; Adjourn.

Contact: Velia Williams, ACSEC, 333 Guadalupe Street, Austin, Texas 78701, (512) 305-6933.

Filed: February 25, 1997, 1:39 p.m.

TRD-9702694

Texas Department of Agriculture

Tuesday, March 4, 1997, 1:15 p.m.

Room 440, Soil and Crop Science Building, Texas A&M University

College Station

Texas Peanut Producers Board

AGENDA:

Call to order

Discussion of Research Proposals

Adjourn

Contact: Mary Webb, P.O. Box 398, Gorman, Texas 76454, (817) 734-2853.

Filed: February 24, 1997, 2:04 p.m.

TRD-9702650

Wednesday, March 5, 1997, 8:30 a.m.

Hilton Hotel, 801 University Drive East

College Station

Texas Peanut Producers Board

AGENDA:

Roll Call

Discussion and action on minutes

Discussion of research proposals

Discussion and possible action on preliminary budget

Other Business

Adjourn

Contact: Mary Webb, P.O. Box 398, Gorman, Texas 76454, (817) 734-2853.

Filed: February 24, 1997, 2:11 p.m.

TRD-9702653

Coastal Coordination Council (CCC)

Friday, March 7, 1997; 10:00 a.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Room 118

Austin

AGENDA:

I. Call to order and opening remarks

II. Action Item: approval of minutes of November 18, 1996 meeting
III. CMP Grants Program — Grant cycle #2; Action Item: approval of subgrant awards

IV. CMP Grants Program — Grant cycle #3; Action Item: approval of changes to proposed guidance and new schedule

V. U.S. Army Corps of Engineers permits; Action Item: approval of Coastal Coordination Council and Corps' Memorandum of Understanding

VI. U.S. Army Corps of Engineers Permits; Action Item: Proposal of general concurrence for activities authorized by Corps Letters of Permission

VII. Permitting Assistance Program

a. Update on hiring of Small Business/Individual Permitting Assistance Coordinator

b. Action Item: Adoption of Permitting Assistance and Preliminary Review Rules

VIII. Legislative update

a. Annual report to the legislature

b. Liberty County

IX. Overview of CMP implementation. Summary of requests for consistency review received since January 10, 1997

X. 1997 schedule for council and executive committee meetings; Action Item: approval of schedule

XI. Public comment

XII. Adjourn

Contact: Janet Fatheree, 1700 North Congress Avenue, Room 617, Austin, Texas 78701, (512) 463-5385.

Filed: February 25, 1997, 3:21 p.m.

TRD-9702721

Texas Board of Chiropractic Examiners

Thursday, March 6, 1997, 9:30 a.m.

333 Guadalupe, Tower III, Suite 825

Austin

Technical Standards Committee

AGENDA:

The Technical Standards Committee of the Texas Board of Chiropractic Examiners will meet on Thursday, March 6, 1997 at 9:30 a.m. to consider, discuss, take any appropriate action, and/or approve: 1) Neurodiagnostic Studies/Dr. Mark Hammond; 2) Non-Invasive Testing; 3) Definition of CPT Code 98943; 4) Use of term physiotherapy; 5) Solicitation; 6) Committee referral of actions to Rules Committee; 7) Treatment locations; 8) Nerve conduction study certification.

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700.

Filed: February 24, 1997, 3:22 p.m.

TRD-9702660

Thursday, March 6, 1997, 9:30 a.m.

333 Guadalupe, Tower III, Suite 825

Austin

Licensure and Educational Standards Committee

AGENDA:

The Licensure and Educational Standards Committee of the Texas Board of Chiropractic Examiners will meet on Thursday, March 6, 1997 at 9:30 a.m. to consider, discuss, take any appropriate action, and/or approve: 1) Consideration of change in process to report Continuing Education hours; 2) Request for various waivers: Dr. Richard Spilman; Dr. James Reeves; Dr. Aaron Henderson; Dr. Paul Kimmell; 3) Ratification of examinees; 4) Changes to policy and procedures manual.

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700.

Filed: February 24, 1997, 3:22 p.m.

TRD-9702658

Thursday, March 6, 1997, 10:30 a.m.

333 Guadalupe, Tower III, Suite 825

Austin

Executive Committee

AGENDA:

The Executive Committee of the Texas Board of Chiropractic Examiners will meet on Thursday, March 6, 1997 at 10:30 a.m. to consider, discuss, take any appropriate action, and/or approve: 1) Rotation for Board members attendance and participation in Legislative hearings; 2) Correspondence to Legislators; 3) Press Releases regarding Board Actions.

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700.

Filed: February 24, 1997, 3:21 p.m.

TRD-9702659

Thursday, March 6, 1997, 10:30 a.m.

333 Guadalupe, Tower III, Suite 825

Austin

Enforcement Committee

AGENDA:

The Enforcement Committee of the Texas Board of Chiropractic Examiners will meet on Thursday, March 6, 1997 at 10:30 a.m. to consider, discuss, take any appropriate action, and/or approve: 1) Final Action Case #94-248 [SOAH Docket #508-94-0248]; 2) Enforcement Actions September 1, 1997- February 21, 1997; 3) Changes to policy and procedure manual.

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700.

Filed: February 24, 1997, 3:19 p.m.

TRD-9702657

Thursday, March 6, 1997, 1:30 p.m.

333 Guadalupe, Tower III, Room 102

Austin

Board Meeting

AGENDA:

The Texas Board of Chiropractic Examiners will meet on Thursday, March 6, 1997 at 1:30 p.m. to consider, discuss, take any appropriate action, and/or approve: I. Minutes of January 7, 1997, II. Report of the President; III. Report of the Executive Director; IV. Committee Reports: A. Enforcement Committee: 1) Final Action Case #94-248 [SOAH Docket #508-94-0248]; 2) Enforcement Action September 1, 1997-February 21, 1997; 3) Changes to policy and procedure manual; B. Licensure and Educational Standards Committee: 1) Consideration of change in process to report Continuing Education hours; 2) Request for various waivers; Dr. Richard Spilman; Dr. James Reeves; Dr. Aaron Henderson; Dr. Paul Kimmell; 3) Ratification of examinees; 4) Changes to policy and procedures manual; C. Executive Committee: 1) Rotation for Board members attendance and participation in Legislative hearings; 2) Correspondence to Legislators; 3) Press Releases regarding Board Actions; D. Technical Standards Committee: 1) Neurodiagnostic Studies/Dr. Mark Hammond; 2) Non-Invasive Testing; 3) Definition of CPT Code 98943; 4) Use of term physiotherapy; 5) Solicitation; 6) Committee referral of actions to Rules Committee; 7) Treatment locations; 8) Nerve conduction study certification; V. Revised Personnel Manual; VI. Revised Policy and Procedures Manual; VII. Items to be considered for future agenda.

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700.

Filed: February 24, 1997, 3:19 p.m.

TRD-9702656

Comptroller of Public Accounts

Tuesday, March 4, 1997, 11:00 a.m.

111 East 17th Street, Room 114

Austin

Direct Support Organization of the Texas Prepaid Higher Education Tuition Board

AGENDA:

I. Call to Order

II. Roll Call

III. Program update and discussion of proposes scholarship program

IV. Discussion and vote on approval of bylaws and other organizational matters relating to formation of direct support organization

V. Discussion and vote on approval of submission of application to Internal Revenue Service for 501c(3) status

VI. Discussion of other business, including future meeting dates

VII. Public comment

VIII. Adjourn

Contact: Wardaleen Belvin, 111 East 17th Street, Room 1114, Austin, Texas 78774, (512) 463-4384.

Filed: February 24, 1997, 4:48 p.m.

TRD-9702667

Texas School for the Deaf

Wednesday, March 5, 1997, 11:00 a.m.

1102 South Congress

Austin

Governing Board Budget and Audit Committee

AGENDA:

1. Call to Order

2. Committee Action Items

a. Consideration of Extracurricular Activities Audit

b. Consideration of Abuse/Neglect Operating Procedure Audit Report

c. Consideration of Memo Concerning Abuse/Neglect Operating Procedure Audit

3. Closed Meetings

a. Evaluation of Internal Auditor

4. Adjourn

Contact: Marvin B. Sallop, P.O. Box 3538, Austin, Texas 78764, (512) 462-5303.

Filed: February 24, 1997, 11:01 a.m.

TRD-9702635

State Employee Charitable Campaign

Thursday, March 13, 1997, 9:30 a.m.

UTSA/John Peace Library, 6900 N. loop 1604 West, Room 4.03.12

San Antonio

Local Employee Committee

AGENDA:

I. Highlights of the 1996 Campaign

II. Selection of the 1996 Local Campaign Manager

III. Approval of the 1997 Budget

IV. Approval of the 1997 Campaign Plan

V. Approval of the 1997 General Materials

VI. Selection of 1997 Co-Chairs

VII. Determination of the 1997 Campaign Goal

Contact: Jerry Swinarsky, P.O. Box 698, San Antonio, Texas 78293-0898, (210) 352-7000, fax: (210) 224-4245.

Filed: February 25, 1997, 4:43 p.m.

TRD-9702727

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Texas County and District Retirement System

Sunday, March 16, 1997, 4:00 p.m.

208 Barton Springs Road

Austin

Investment Committee

AGENDA:

Chairperson will open meeting. Approve minutes of preceding meeting. Receive and act upon report from Investment Officer. Consider and act upon proposed guidelines for voting of proxies on equity securities managed by Barclays Global Investors. Receive and act upon report from Wilshire Associates. Set date and location of June, 1997 meeting. Adjourn meeting.

Contact: Alan Adams, 901 Mopac Expressway South, Suite 340, Austin, Texas 78746-5789.

Filed: February 24, 1997, 2:03 p.m.

TRD-9702648

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General Land Office

Tuesday, March 4, 1997, 10:00 a.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Room 831

Austin

School Land Board

REVISED AGENDA:

Lease suspension application, Bob West N. Gas Field, Falcon Reservoir, Zapata County.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Austin, Texas 78701, Room 838, (512) 463-5016.

Filed: February 24, 1997, 12:58 p.m.

TRD-9702642

◆ ◆ ◆

General Services Commission

Thursday, March 6, 1997, 9:30 a.m.

Central Services Building, 1711 San Jacinto, Room 402

Austin

AGENDA:

1) Consideration of proposed amendment to §111.4 concerning ethical standards; 2) Consideration of proposed change orders- various projects; 3) Program Issues; Executive Session to consider personnel matters pursuant to the provisions of Texas Government Code §551.074; Executive Session to consider the status of the purchase of real property pursuant to the provisions of Texas Government Code §551.072; Executive Session to consult with Legal Counsel concerning pending litigation pursuant to the provisions of Texas Government Code §551.071.

Contact: Judy Ponder, 1711 San Jacinto, Austin, Texas 78701, (512) 463-3960.

Filed: February 25, 1997, 10:46 a.m.

TRD-9702682

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Texas Department of Health

Wednesday, March 5, 1997, 9:30 a.m.

Tower Building, Room T-607, Texas Department of Health, 1100 West 49th Street

Austin

Toxic Substances Coordinating Committee

AGENDA:

The committee will discuss and possibly act on: approval of the minutes of the December, 1996 meeting; pending legislation on toxic substances and other environmental issues; update on the Texas Department of Health Noncommunicable Disease Epidemiology and Toxicology Division investigations and studies; and set next meeting date.

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Jean Brender, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7222.

Filed: February 24, 1997, 2:10 p.m.

TRD-9702652

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Friday, March 7, 1997, 9:15 a.m.-Conference Call Meeting

Texas Department of Health, 2115 Kramer Lane, C-1 Conference Room

Austin

Texas HIV Medication Program Advisory Committee

AGENDA:

The committee will discuss and possibly act on: approval of the minutes of the last meeting; staff reports (budget; protease inhibitor update; and formulary addition requests); public comments; recommendations; summarization; and setting date for next meeting.

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Sheral Skinner, 1100 West 49th Street, Austin, Texas 78756, (512) 409-2510.

Filed: February 24, 1997, 2:10 p.m.

TRD-9702649

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Monday, March 10, 1997, 9:30 a.m.

Tower Building, Room 1-607, Texas Department of Health, 1100 West 49th Street

Austin

Midwifery Board

AGENDA:

The committee will discuss and possibly act on: approval of the minutes of the December 9, 1996 meeting; comments by chair (acknowledgement of guests; presentation of ballots and voting for pediatrician/family practitioner position); committee reports (Education Committee —approval for adoption of proposed rules 25 TAC §37.175 (documentation) and §37.180 (education); (Grievance committee-report of the meeting held February 24, 1997; approval for adoption of proposed 25 TAC §37.178 (grievance procedure rules); and scheduling of future meetings of the committee); Legislative Committee (report on the status of legislation for 1997)); scheduling of future meetings of the board; and accepting of comments from the floor.

To request an accommodation under the ADA, please contact Suzzanna Currier, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Contact: Belva Alexander, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700.

Filed: February 26, 1997, 10:00 a.m.

TRD-9702753

Texas Health Care Information Council

Monday, March 10, 1997, 9:00 a.m.

Texas Department of Health Board Room, 4900 North Lamar, Austin, Brown-Healy Building, Public Hearing Room 1410

Austin

AGENDA:

1. Receive public comments concerning Proposed Hospital Discharge Data Rule (Published in 2/11/97 *Texas Register*).

Contact: Jim Loyd, 4900 North Lamar, Austin, Texas 78751, (512) 424-6490, fax: (512) 424-6491.

Filed: February 26, 1997, 9:42 a.m.

TRD-9702745

Texas Higher Education Coordinating Board

Thursday, March 6, 1997; 9:00 a.m.

Chevy Chase Office Complex, Building 1, Room 1.100A, 7700 Chevy Chase Drive

Austin

Health Professions Education Advisory Committee

AGENDA:

Consideration of matters relating to the Health Professions Education Advisory Committee.

Contact: Dr. Alfred Maldonado, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 483-6213.

Filed: February 26, 1997, 9:12 a.m.

TRD-9702739

Thursday, March 6, 1997; 1:00 p.m.

Chevy Chase Office Complex, Building 1, Room 1.100A, 7700 Chevy Chase Drive

Austin

Health Affairs Committee

AGENDA:

Establish Health Affairs Committee priorities; Presentation of Medical School Data Collection by Budge Mabry of the University of Texas System Office; Presentation regarding Medical School Enrollments by the Texas Medical Association; Presentation and discussion regarding Senate Bill 606; and other business.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 483-6101.

Filed: February 26, 1997, 9:12 a.m.

TRD-9702738

Monday, March 10, 1997; 9:00 a.m.

Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive

Austin

Committee of the Whole

AGENDA:

Consideration of Educational Impact Analysis of Senate Bill 606 of the 75th Texas Legislature, relating to the establishment by the University of Texas System of Regional Academic Health Center in the Lower Rio Grande Valley; Consideration of Educational Impact Analysis of Senate Bill 274 of the 75th Texas Legislature, relating to the downward expansion of the University of Texas at Brownsville; Consideration of Educational Impact Analysis of Senate Bill 591 of the 75th Texas Legislature, relating to the offering of graduate programs at the University of Houston-Downtown; Consideration of Educational Impact Analysis of a proposed bill of the 75th Legislature relating to the downward expansion of the University of Texas at Tyler; Executive Session to discuss the search for the next commissioner of Higher Education; and Consideration of the selection of an executive search firm to assist in the search for the next Commissioner of Higher Education.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 483-6101.

Filed: February 25, 1997, 1:32 p.m.

TRD-9702693

Texas Department of Human Services, Region Six

Wednesday, March 5, 1997, 11:00 a.m.

5425 Polk Street, Room 2A

Houston

Office on Services to Persons with Disabilities Regional Consumer Meeting

AGENDA:

This is part of a statewide series of consumer meetings with the goals of providing a more effective vehicle for receiving consumer and advocate input about policies, programs, and services for Texans with disabilities.

Contact: Beverly Young, P.O. Box 149030, Austin, Texas 78714-9030, (512) 438-3233.

Filed: February 24, 1997, 12:39 p.m.

TRD-9702641



Friday, March 7, 1997, 10:00 a.m.

701 West 51st Street, 360W Conference Room

Austin

Aged and Disabled Advisory Committee

AGENDA:

1. Opening Comments. 2. Deputy Commissioner's Comments. 3. Approval of the Minutes. ACTION ITEMS: 4. Amendment to Medicaid Nursing Facility; Preadmission Screening and Annual Residential Review (PASARR) Rules. INFORMATION/TECHNICAL ITEMS: 5. Proposed Change in the Reimbursement Methodology for Primary Home Care Services and Family Care Services. REPORTS: Proceedings of the Subcommittee on Services to Persons with Disabilities; Proceedings of the Nursing Facility Subcommittee. 6. Open Discussion by Members. 7. Next Meeting/Adjournment.

Contact: Anthony Venza, P.O. Box 149030, Austin, Texas 78714-9030, (512) 438-4943.

Filed: February 25, 1997, 1:31 p.m.

TRD-9702692



Texas State Library

Friday, March 14, 1997, 10:00 a.m.

Mary Coats Burnett Library, Texas Christian University, Conference Room

Fort Worth

Texas Historical Records Advisory Board

AGENDA:

1. Call to order
2. Approval of minutes for meeting of October 28, 1996
3. Report on distribution of strategic plan and funding priorities brochure
4. Report on status of state legislation regarding board
5. Approval of Draft press release to announce regrant project

6. Discussion of committee activities relative to implementation of regrant project

7. Report on revisions to NHPRC FY97 strategic plan

8. Determination of site and date for next meeting

9. Report on status of appropriations request for State Library and Archives Commission

10. Adjourn.

Contact: Raymond Hitt, P.O. Box 12927, Austin, Texas 78711, (512) 463-5440.

Filed: February 25, 1997, 3:49 p.m.

TRD-9702723



Texas Mental Health and Mental Retardation Board

Tuesday, March 4, 1997, 2:00 p.m.

1380 River Bend Drive, (New Board Room)

Dallas

Business and Asset Management Committee

AGENDA:

Consideration of items related to a sublease of five acres of real property at Central Park in Austin, Texas.

If ADA assistance or deaf interpreters are required, notify TXMHMR, (512) 206-4506, (voice of RELAY TEXAS), Ellen Hurst, 72 hours prior to the meeting.

Contact: Ellen Hurst, P.O. Box 12668, Austin, Texas 78711, (512) 206-4506.

Filed: February 24, 1997, 3:24 p.m.

TRD-9702662



Texas Natural Resource Conservation Commission

Thursday, March 6, 1997, 3:00 p.m.

Room 201S, Building E, 12100 Park 35 Circle

Austin

AGENDA:

This meeting is a work session for discussion between Commissioners and staff. No public testimony or comment will be accepted except by invitation of the Commission.

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239-3317.

Filed: February 25, 1997, 2:31

TRD-9702698



Board of Vocational Nurse Examiners

Monday and Tuesday, March 10 and 11, 1997, 9:00 a.m.

Hobby Building, Tower 2, Room 225, 333 Guadalupe
Austin
Board

REVISED AGENDA: (TIME CHANGE)

Monday, March 10, 1997, — 9:00 — Call to Order; Introduction of Board Members; Introduction of New Staff; Approval of Minutes; Education Report (Program Matters, Program Actions, 1996 NCLES-PN Summary, Recommendations for Program Approvals for 1997-98 School year, Summary of Board Actions, Meetings/Conferences/Seminars attended by Education Staff); Unfinished Business (Budget Report, TPAPN, Proposed Evaluations for Executive Director and Board, Computerization Update, UTMB/TDC Protocol); Executive Director's Report; New Business (Pending Legislation, SOAH Hearings, Amendment of Rule 235.42; Ethics Training for Board Members); Executive Session to discuss Executive Director's Response to Performance Review

Tuesday, March 11, 1997-9:00 a.m.- Administrative Hearings, Agreed Orders, Any Unfinished Business and Adjourn.

ON CALL- Executive Session to discuss Personnel Issues

Contact: Marjorie Bronk, 333 Guadalupe, Suite 3-500, Austin, Texas 78701, (512) 305-8100.

Filed: February 24, 1997, 2:00 p.m.

TRD-9702647

Texas Board of Pardons and Paroles

Thursday, March 6, 1997, 8:00 a.m.

1414 Colorado Street, Room 104, State of Texas Law Center
Austin

AGENDA:

I. Regular Session

- A. Recognition of Guests
- B. Recognition of Outgoing Board Members
- C. Presentation by TDCJ-Parole Division
- D. Presentation by TDCJ
- E. Consent Items
- F. Board Committee and Staff Reports

G. Adoption of Proposed New Rule as Published in the December 24, 1996 issue of the *Texas Register* (21 TexReg 12395) and as corrected in the January 31, 1997 issue (22 TexReg 1267).

H. Adoption of Proposed Amendments to 37 TAC §141m et seq.

I. Adoption of BBP Policy 97-03.01-Consecutive Felony Sentences

II. Executive Session

A. Litigation

III. Workshop

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required

to contact the agency prior to the meeting so that appropriate arrangements can be made.

Contact: Aline Guillot, P.O. Box 13401, Austin, Texas 78711, (512) 463-1702.

Filed: February 25, 1997, 3:55 p.m.

TRD-9702726

Texas Polygraph Examiners Board

Thursday, March 6, 1997, 1:00 until conclusion of a Public Hearing on Rule Changes, Friday, March 7, 1997 at 8:00 a.m., and if necessary, Saturday March 8, 1997 at 8:00 a.m.

Note: The Polygraph Examiners Phase 1-3 examinations will also be held in conjunction with the board meeting.

DPS Building M-1, 6001 Guadalupe

Austin

Full Board

AGENDA:

The board will discuss the filing of an attorney general opinion request and its status concerning §19A of the Polygraph Examiners Act as it relates to the Texas Family Code, reporting child abuse, Chapter 261. The board will hold a public hearing, discuss, possibly approve, and vote on amendments to Rules 391.3(13), Approved Polygraph School Include the Following: new rule 39.3(18), intern licensing period; 393.7 Polygraph Examination; 395.10 Examination Results. The board will review public comments received prior to the meeting, discuss, possibly approve, and vote on the repeal and replacement of Chapter 397 of the Act, rules relating to Practice and Procedures. The board will review administrative items as listed in the full agenda on file with the Texas Register.

Contact: Frank DiTucci, P.O. Box 4087, Austin, Texas 78773-0001, (512) 424-2058.

Filed: February 24, 1997, 3:25 p.m.

TRD-9702664

Texas Department of Protective and Regulatory Services

Tuesday, March 4, 1997, 10:00 a.m.

10205 North Lamar, Room 3109

Austin

Advisory Committee on Child Care Administrators and Facilities

AGENDA:

Welcome/Introductions. New proposed day care licensing standards: survey; rules: child placing agencies-due diligence; staff/child ratios for swimming, field trips, splashing, transportation; Chapter 42 revision; proposed legislative bills: H.B. 155, S.B. 65; Texas Performance review. Adjourn.

Contact: Karen Eells, P.O. Box 149030, Mail Code E-654, Austin, Texas 78714-9030, (512) 438-3269.

Filed: February 24, 1997, 11:04 a.m.

TRD-9702637

Tuesday, March 4, 1997, 3:00 p.m.

701 West 51st Street, Fifth Floor, West Tower, Room 560-W

Austin

Strategic Directions Advisory Committee

AGENDA:

Welcome/Introductions. Update on PRS issues, budget. Update on legislative session. Working dinner.

Contact: Virginia Guzman, P.O. Box 149030, Mail Code E-654, Austin, Texas 78714-9030, (512) 438-4435.

Filed: February 24, 1997, 1:28 p.m.

TRD-9702644

Wednesday, March 5, 1997, 1:00 p.m.

701 West 51st Street, Fifth Floor, West Tower, Room 560-W

Austin

Strategic Directions Advisory Committee

AGENDA:

Reports from committee members. Questions and answers with PRS Board members. Summary, next steps, next meeting.

Contact: Virginia Guzman, P.O. Box 149030, Mail Code E-654, Austin, Texas 78714-9030, (512) 438-4435.

Filed: February 24, 1997, 1:28 p.m.

TRD-9702645

Public Utility Commission of Texas

Wednesday, March 5, 1997, 9:00 a.m.

1701 North Congress Avenue

Austin

AGENDA:

There will be an Open Meeting for discussion, consideration, and possible action regarding: Secretary's Report; Docket Number 15711, Complaint of AT&T Communications of the Southwest, Inc., Against GTE Southwest, Inc., and GTE Long Distance; Docket Numbers 16542, 16641, 16851, 16740, 16745, 16770, 16765, 16789, 16797, 16824, 16852, and 16666; FCC's Notice of Inquiry *In the Matter of Telecommunications Relay Services, the Americans with Disabilities Act of 1990, and the Telecommunications Act of 1996*, CC Docket Number 90-571; Federal Telecommunications Act of 1996; Project Number 15452 Area Code Relief in Dallas and Houston; docket Numbers 16189, petition of MFS Communication Company, Inc., for Arbitration of pricing Unbundled Loops; 16196 Petition of Teleport communications Group, Inc., for Arbitration to Establish an Interconnection Agreement; 16196 Petition of Teleport Communications Group, Inc. for Arbitration to Establish an Interconnection Agreement; 16226 Petition of AT&T Communications of the Southwest, Inc. for Compulsory Arbitration to Establish an Interconnec-

tion Agreement between AT&T and Southwestern Bell Telephone Company; 16285 Petition of MCI Telecommunications Corporation and its Affiliate MCI Metro Access Transmission Services, Inc., for Arbitration and Request for Mediation Under the Federal Telecommunications Act of 1996; and 16290 Petition of American Communications Services, Inc., and its Local Exchange Operating Subsidiaries for Arbitration with Southwestern Bell Telephone Company; Docket Number 14965 Application of Central Power and Light Company for Authority to Change Rates; Docket Numbers 16856 and 15296; Docket Number 15840 Regional Transmission Proceedings to Establish Postage Stamp Rate and Statewide Load Flow; Docket Number 16271 Complaint of M.J. Gilbert Against Central Power and Light company; Docket Numbers 16705, 16409, 15861, 16565, 16645; Project Number 16534 Federal Nuclear Waste Fund; Weather outages and related customer service and operations issues; Request for Information by Chairman Tom Bliley (Committee on Commerce) and Chairman Dan Schaefer (Subcommittee on Energy and Power, U.S. House of Representatives); Project Number 17063; Project assignments, correspondence, staff reports, audit, agency administrative procedure, budget, consumer affairs/protection/endorsement, fiscal matters and personnel policy; Legislative matters; Adjournment for closed session to consider litigation and personnel matters; Reconvene for discussion and decisions on matters considered in closed session.

Contact: Paula Mueller, 1701 North Congress Avenue, Austin, Texas 78701, (512) 936-7145.

Filed: February 25, 1997, 2:59 p.m.

TRD-9702720

Wednesday, March 5, 1997, 9:00 a.m.

1701 North Congress Avenue

Austin

REVISED AGENDA:

In addition to the previously submitted agenda, please add the following item:

Docket Number 16902-Application of Southwestern Electric Power Company for Authority to Implement a Real-Time Pricing Curtailable Pilot Program.

Contact: Paula Mueller, 1701 North Congress Avenue, Austin, Texas 78701, (512) 936-7145.

Filed: February 26, 1997, 8:27 a.m.

TRD-9702731

Wednesday, March 5, 1997, 9:00 a.m.

1701 North Congress Avenue

Austin

AGENDA:

In addition to the previous submitted agenda, please add the following item:

Project Number 16404, The Commission will consider for Adoption, an amendment to SUBST.R. §23.57(g), Relating to Caller ID Services.

Contact: Paula Mueller, 1701 North Congress Avenue, Austin, Texas 78701, (512) 936-7145.
Filed: February 26, 1997, 9:53 a.m.
TRD-9702749

Friday, March 14, 1997, 9:00 a.m.
1701 North Congress Avenue
Austin

AGENDA:

A Hearing on the Merits will be held by the State Office of Administrative Hearings in Docket Number 17107—Application of Kingsgate Telephone, Inc. d/b/a Greenleaf Telephone Company, Inc. for a Certificate of Operating Authority (COA). Applicant intends to provide the entire range of voice grade telecommunications services, including residential and business services, as well as state of the art data services. Greenleaf will have the capability of providing calling features as well as class features. Applicant's requested COA geographic area includes approximately 31.6 square miles of Harris County. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the Commission by March 7, 1997.

Contact: Paula Mueller, 1701 North Congress Avenue, Austin, Texas 78701, (512) 936-7145.
Filed: February 24, 1997, 3:23 p.m.
TRD-9702661

Texas Council on Purchasing from People with Disabilities

Friday, March 7, 1997, 10:00 a.m.
Capitol Extension, suite E2.026, 1400 North Congress Avenue
Austin

Quarterly Meeting

AGENDA:

- Approval of Minutes from December 13, 1996 Open Meeting;
- Consideration of Pricing Subcommittee Recommendations;
- Item 1—Discussion and Action on New Service Contracts Completed Under Temporary Authority;
- Item 2—Discussion and Action on New Services;
- Item 3—Discussion and Action on Renewal Services;
- Item 4—Discussion and Action on Contracts Previously Reviewed;
- Item 5—Discussion and Action on New Products;
- Item 6—Discussion and Action on Product Changes and Revisions;
- Adoption of Proposed Council Rules;
- Consideration of Proposed Strategic Plan;
- Discussion on Conducting Town Hall Meetings;
- Presentation of TIBH Industries, Inc. Quarterly Activity Report;

Discussion on Expanding Temporary Employment Contracts to Areas Outside Austin

Public Comment Period; and Suggested Agenda Items for Future Consideration

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Erica Goldbloom at (512) 463-3244 two working days prior to the meeting so that appropriate arrangements can be made.

Contact: Cynthia Hill, 1711 San Jacinto, Austin, Texas 78701, (512) 463-6422
Filed: February 25, 1997, 10:02 a.m.
TRD-9702672

State Securities Board

Wednesday, March 5, 1997, 9:30 a.m.
Rusk State Office Building, 200 East 10th Street, Room 227
Austin

Board

AGENDA:

- (1) December 19, 1996 Meeting Minutes. (2) Published rule proposals relating to: (2)(A) Securities Registration: (1) amend §107.2; (2) amend §109.13(k); (3) amend §113.2; (4) amend §113.12; (5) create new Chapter 114, Federal Covered Securities; (6) repeal §§123.1-123.2; (7) amend §123.3; (8) create new Form 133.26, Request for Determination of Money Market Fund Status for Federal Covered Securities, and new Form 133.27, Year-End Report of Sales of Federal Covered Securities by a Money Market Fund; (9) repeal existing Forms 133.26 and 133.27; and (10) amend §137.1. (2)(B) Dealer and Investment Adviser Registration: (1) amend §§115.1-115.7. (2)(C) Contested Cases: (1) create new Chapter 105, Rules of Practice in Contested Cases; and (2) repeal existing Chapter 105. (2)(D) Forms: (1) create new Form 133.2; Public Information Charges—Billing Detail; (2) repeal existing Form 133.2; and (3) amend §133.33. (3) New rule proposals relating to: (A) create §105.21, Prehearing Scheduling Orders; (C) amend §107.2; (D) amend §109.3; (E) amend §111.2; (F) Repeal existing forms: (1) Form 133.15 (2) Form 133.17; (3) Form 133.19; (4) Form 133.20; (5) Form 133.24; (6) Form 133.25. (4) Discuss and possibly proposed rules concerning board action or intervention in contested cases. (5) Discussion of SEC Rule 1001 and the corresponding California exemption. (6) Update on the Agency's revised appropriations request and the legislative session. (7) Texas Venture Capital Conference update. (8) New business items for future Board meetings. (9) Update on Agency operations from Securities Commissioner and Senior Staff. (10) Election of Chairman.

Contact: Denise Voigt Crawford, 200 East 10th Street, Fifth Floor, Austin, Texas 78701, (512) 305-8300.
Filed: February 25, 1997, 3:50 p.m.

TRD-9702724

Structural Pest Control Board

Thursday, March 6, 1997, 9:00 a.m.

Joe C. Thompson Conference Center, 2405 East Campus Drive, Room 2.110

Austin

Regular Board Meeting

AGENDA:

I. approval of Board Minutes of December 12, 1996

II. Public Comment and Public Hearing on §593.24, Criteria and Evaluation of Continuing Education Regarding Deletion of Evaluation Form by Participants and Attendance Records and §595.11, Schools.

III. Consider for Adoption §593.24, Criteria and Evaluation of Continuing Education and §595.11, Schools.

IV. Consider Proposals for Decision on Hearing Number 97-4, Complaint Against Michael Gusman; Hearing Number 12-670-796, Complaint Against Kevin Thomas; Hearing Number 97-5, Daniel Schinzing, Certified Applicator; and Hearing Number 97-1, Fred W. Smith d/b/a Four Seasons Pest Control.

V. Review of Agreed Administrative Penalties and Consent Agreements.

VI. Consumer Information Sheet Committee Report by Darrell Hutto.

VII. Discussion of Proposed changes to §593.23, Continuing Education Requirements for Certified Applicators; §593.24, Criteria and Evaluation of Continuing Education; §595.6; Pest Control Sign; §595.7, Consumer Information Sheet; §595.8, Responsibilities of Unlicensed Persons for Posting and Notification, §595.14, Reduced Impact Pest Control Service and §599.4, Termite Treatment Disclosure Statement.

VIII. Discussion of Consumer Service Standards Policy.

IX. Executive Director's Report

X. Legislative Update.

XI. Set Board Meeting Dates

XII. Executive Session for Performance Review of Executive Director.

Contact: Benny Mathis, 1106 Clayton Lane, Austin, Texas 78723, (512) 451-7200.

Filed: February 25, 1997, 8:33 a.m.

TRD-9702669

Texas Department of Transportation

Tuesday, March 25, 1997, 1:30 p.m.

Hyatt Regency, 208 Barton Springs Road

Austin

Public Transportation Advisory Committee

AGENDA:

Approve minutes of last meeting. Briefing on Commission Meetings. Update on Legislative Session and the Appropriation Request for Public Transportation. Briefing on Submission of Capital Earmark

Request for Small City and Rural Operators. Update on Texas Transportation Commission Policy Statement. Report on Level of Service (LOS) Planning Process. Briefing on State Rail Safety Oversight Program: Potential Legislation and Rule-Making. Conform Date of Next Meeting. Adjourn.

Contact: Diane Northam, 125 East 11th Street, Austin, Texas 78701, (512) 463-8630.

Filed: February 25, 1997, 2:24 p.m.

TRD-9708696

University of Houston System

Monday, March 3, 1997, Noon

1600 Smith, Suite 3400, Conference Room One, UH System Offices

Houston

Executive Committee

AGENDA:

To discuss and/or approve the following:

Executive Session

Report from Executive Session

Contact: Peggy Cervenka, 1600 Smith, Suite 3400, Houston, Texas 77002, (713) 754-7440.

Filed: February 25, 1997, 2:35 p.m.

TRD-9702699

Texas Board of Veterinary Medical Examiners

Thursday, February 27, 1997, 9:00 a.m.

333 Guadalupe, Tower 2, Room 330

Austin

Executive Disciplinary Committee

EMERGENCY MEETING AGENDA:

In accordance with §14C of the Veterinary Licensing Act, Article 8890, the Executive Disciplinary Committee is meeting to review information to determine if conditions warrant the temporary suspension of Lissa Lucas, DVM's veterinary medical license, to prohibit her from practicing veterinary medicine in the State of Texas.

The Committee may hold an Executive Session to deliberate relative to licensee disciplinary actions as authorized in §15(b) of the Veterinary Licensing Act, Article 8890.

The actions contemplated may protect the public from an imminent threat to public health and safety; therefore, this meeting will be held by means of a telephone conference, as authorized in §551.125 of the Texas Government Code. The public may attend the meeting in Tower two, Suite 330 of the William P. Hobby Building, 333 Guadalupe, Austin, Texas 78701.

REASON FOR EMERGENCY: The Board has received documentary evidence which indicates Lissa Lucas, DVM's conduct and medical practices may constitute imminent harm and danger to clients' animals and poses an imminent threat to public health and safety.

Persons requiring reasonable accommodations under ADA, are requested to contact Judy Smith, 333 Guadalupe, #2-330, Austin, Texas 78701-3998, (512) 305-7555 or TDD 1-800-735-2989 to make appropriate arrangements.

Contact: Judy Smith, 333 Guadalupe, #2-330, Austin, Texas 78701-3998, (512) 305-7555.

Filed: February 25, 1997, 2:24 p.m.

TRD-9702695

Texas Workers' Compensation Commission

Friday, February 28, 1997, 9:30 a.m.

4000 South IH35, Room 910-911, Southfield Building

Austin

Medical Advisory Committee

AGENDA:

1. Call to Order
2. Review and Possible Approval of the November 22, 1996 Minutes
3. Appointment of MAC chairman and new MAC member
4. Briefing on MAC review
5. Criteria for Preauthorization Discussion Group
6. Update on Adopted Spinal Surgery Second Opinion Rule
7. Update of Guidelines
8. Briefing on Upcoming Spring Seminars
9. Dispute Resolution Status
10. Monitoring and Regulation Status
11. Update on TWCC Training Reference
12. Action Items Update
13. Update from Compliance and Practice
14. Discussion of Pedicle screws
15. Confirmation of Next meeting date
16. Adjourn

Contact: Todd K. Brown, 4000 South IH35, Austin, Texas 78704, (512) 440-5690.

Filed: February 25, 1997, 8:37 a.m.

TRD-9702670

Texas Workforce Commission

Tuesday, March 4, 1997, 9:00 a.m.

101 East 15th Street, Room 644, TWC Building

Austin

AGENDA:

Prior meeting notes; Public Comment; Staff reports, update on activities relating to Skills Development Fund and other activities as determined by the Acting Executive Director; Consideration and action

on tax liability cases listed on Texas Workforce commission Docket 10; Discussion, consideration and possible action regarding potential and pending applications for certification and recommendations to the Governor of local workforce development boards for certification; Discussion, consideration and possible action regarding recommendations to TCWEC of strategic and operational plans submitted by local workforce development boards; Discussion, consideration and possible action regarding the transition of child care programs to workforce development boards; Discussion, consideration and possible action regarding possible transitional employment benefits for TWC employees displaced from state employment by H.B. 1863; Discussion, consideration and possible action regarding a state's Right to determine base period for unemployment insurance wage credit and other related matters; Discussion, consideration and possible action regarding legislation authorizing TWC to sell property; Executive session pursuant to Texas Government Code §551.074 to discuss personnel matters with executive staff and pursuant to Government Code §551.071 to discuss Panandiker vs. TWC, Cause Number 9407055, 53rd Court, Travis County; and other pending litigation; Action, if any, resulting from executive session; Consideration and action on whether to assume continuing jurisdiction on Unemployment Compensation cases and reconsideration of Unemployment Compensation cases, if any; Consideration and action on motion for attorney's fees for Appeal Tribunal Number 96-012414-0197; Consideration and action on higher level appeals in Unemployment Compensation cases listed on Texas Workforce Commission Docket 10; and Set date of next meeting.

Contact: Esther Hajdar, 101 East 15th Street, Austin, Texas 78778, (512) 463-7833.

Filed: February 24, 1997, 3:29 p.m.

TRD-9702663

Regional Meetings

Meetings filed February 24, 1997

Austin-Travis county MHMR Center, Board of Trustees, met at 1430 Collier Street, Austin, February 27, 1997, 5:00 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 440-4031. TRD-9702640.

Brazos Valley Development Council, Criminal Justice Advisory Committee, met at 4001 East 29th Street, Bryan, February 28, 1997 at 10:00 a.m. Information may be obtained from Linda McGill, P.O. Drawer, 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD-9702665.

Central Texas Council of Governments, Executive Committee, met at 302 East Central Avenue, Belton, February 27, 1997 at 11:30 a.m. Information may be obtained from A.C. Johnson, 302 East Central Avenue, Belton, Texas 76513, (817) 939-1801. TRD-9702636.

Falls County Appraisal District, Appraisal Review Board, will meet at the Falls County Courthouse, Intersection of Highway 6 and 7, Marlin, March 4, 1997 at 9:00 a.m. Information may be obtained from Joyce Collier, P.O. Box 430, Marlin, Texas 76661, (817) 883-2543. TRD-9702634.

Jasper County Appraisal District, Board of Directors, met at 137 North Main Street, Jasper, February 27, 1997 at 6:00 p.m. Information may be obtained from David W. Luther, 137 North Main, Jasper, Texas 75951, (409) 384-2544. TRD-9702651.

Millersview-Doole Water Supply Corporation, Board of Directors, will meet at 1 Block West of FM Hwy 765 and FM Hwy 2134, at Corporation's office, Millersview, March 4, 1997 at 7:00 p.m. Information may be obtained from Glenda M. Hampton, P.O. Box 130, Millersview, Texas 76862-0130, (915) 483-5438. TRD-9702655.

Millersview-Doole Water Supply Corporation, Annual Membership Meeting, will meet at 1 Block West of FM Hwy 765 and FM Hwy 2134, at Corporation's office, Millersview, March 4, 1997 at 7:30 p.m. Information may be obtained from Glenda M. Hampton, P.O. Box 130, Millersview, Texas 76862-0130, (915) 483-5438. TRD-9702654.

Nortex Regional Planning Commission, North Texas Local Workforce Development Board, will meet at 4309 Jacksboro Highway, Suite 200, Wichita Falls, March 6, 1997 at 10:00 a.m. Information may be obtained from Dennis Wilde, P.O. Box 5144, Wichita Falls, Texas 76307-5144, (817) 322-5281, fax: (817) 322-6743. TRD-9702638.

Riceland Regional Mental Health Authority, Program of Services Committee of the Board of Trustees, met at 4910 Airport, Rosenberg, February 27, 1997, 3:00 p.m. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9702646.

Meetings filed February 25, 1997

Brazos Valley MHMR Authority, Board of Trustees, revised agenda, met at 1504 South Texas Avenue, Bryan, February 27, 1997, 1:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467. TRD-9702688.

Texas Political Subdivisions Joint Self-Insurance Funds, Board of Trustees, met at Dallas Medallion Hotel, 4099 Valley View Lane, Dallas, March 1, 1997 at 8:00 a.m. Information may be obtained from James Gresham, P.O. Box 803356, Dallas, Texas 75380, (972) 293-9430. TRD-9702691.

Meetings filed February 26, 1997

Bell-Milam-Falls Water Supply Corporation, Board, will meet at Corporation Office, FM485 West, Cameron, March 6, 1997, at 8:30 a.m. Information may be obtained from Dwayne Jekel, P.O. Drawer 150, Cameron, Texas 76520, (817) 697-4016. TRD-9702759.

Brazos Valley Development Council, Brazos Valley Regional Review Committee, will meet at 1905 South Texas Avenue, Bryan, March 4, 1997 at 2:30 p.m. Information may be obtained from Jason Bienski, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD-9702737.

Creedmoor Maha Water Supply Corporation, Monthly meeting, will meet 1699 Laws Road, Mustang Ridge, March 5, 1997 at 7:00 p.m. Information may be obtained from Charles Laws, 1699 Laws Road, Mustang Ridge, Texas, 78610, (512) 243-2113. TRD-9702742.

Dallas Central Appraisal District, Board of Directors, will meet at 2949 North Stemmons Freeway, Second Floor Community Room, Dallas, March 5, 1997 at 7:30 a.m. Information may be obtained from Rick Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9702740.

Dallas Central Appraisal District, Board of Directors, Revised Agenda, will meet at 2949 North Stemmons Freeway, Second Floor Community Room, Dallas, March 5, 1997 at 7:30 a.m. Information may be obtained from Rick Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9702755.

San Antonio-Bexar County Metropolitan Planning Organization, Bicycle Mobility Task Force, will meet at Municipal Plaza Building, "B"Room, Main and Commerce, San Antonio, March 5, 1997 at 4:00 p.m. Information may be obtained from Joe Coleman, 603 Navarro, Suite 904, San Antonio, Texas, 78205, (210) 227-8651. TRD-9702735.

San Antonio-Bexar County Metropolitan Planning Organization, Technical Advisory Committee, will meet at Fourth Floor Conference Room, 603 Navarro, San Antonio, March 7, 1997 at 1:30 p.m. Information may be obtained from Joe Coleman, 603 Navarro, Suite 904, San Antonio, Texas, 78205, (210) 227-8651. TRD-9702736.

IN ADDITION

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

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

Coastal Coordination Council

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 Federal Register pages 1439-1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC 501. Requests for federal consistency review were received for the following project(s) during the period of February 21, 1997, through February 25, 1997:

FEDERAL ACTIONS:

Applicant: Dr. William Shaw

Location: Lot 55, River Road/Beach Road, Matagorda, Texas

Project Number: 97-0025-F1

Description of Proposed Action: The applicant proposed to replace a bulkhead and pier, place fill behind the bulkhead and build a boatlift. Type of Application: U.S.C.O.E. permit application #20929, §10 of the Rivers and Harbor Act of 1899 (33 U.S.C.A 403), and §404 of the Clean Water Act (33 U.S.C.A. §§125-1387).

Pursuant to §306(d)(14) of the Coastal Zone Management Act of 1972 (16 S.C.A. §1451-1464), as amended, interested parties are invited to submit comments on whether a proposed action should be referred to the Coastal Coordination Council for review and whether the action is or is not consistent with the Texas Coastal Management Program goals and policies. All comments must be received within 30 days of publication of this notice and addressed to Ms. Janet Fatheree, Council Secretary, 1700 North Congress Avenue, Room 617, Austin, Texas 78701-1495.

Issued in Austin, Texas, on February 26, 1997.

TRD-9702748
Garry Mauro
Chairman
Coastal Coordination Council
Filed: February 26, 1997

Texas Commission on Fire Protection

Correction of Errors

The Texas Commission on Fire Protection proposed new 37 TAC §473.11. The rule appeared in the February 21, 1997, issue of the *Texas Register* (22 TexReg 1880).

On page 1880, §473.11, the heading for the new section is published incorrectly. The heading should read "§473.11. International Fire Service Accreditation Congress (IFSAC) Certification." The paragraph under this new section should begin with the word "Individuals".

Texas Department of Health

Licensing Action for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
Whitney	Lake Whitney Medical Center	L05024	Whitney	0	02/03/97

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend-ment #	Date of Action
Amarillo	Syncor International Corporation	L03398	Amarillo	21	02/14/97
Conroe	Conroe Hospital Corporation	L01769	Conroe	38	02/10/97
Corpus Christi	Radiology Associates	L04169	Corpus Christi	20	02/14/97
Dallas	Baylor College of Dentistry	L00323	Dallas	27	02/10/97
Dallas	Saint Paul Medical Center	L01065	Dallas	42	02/12/97
Dallas	Baylor University Medical Center	L01290	Dallas	38	02/04/97
Dallas	Syncor International Corporation	L02048	Dallas	83	02/10/97
Del Rio	Val Verde Regional Medical Center	L01967	Del Rio	14	02/14/97
Fort Worth	Huguley Memorial Medical Center	L02920	Fort Worth	17	02/14/97
Garland	Baylor Medical Center at Garland	L01565	Garland	26	02/13/97
Groves	Community Health Care Foundation, Inc.	L02091	Groves	23	02/14/97
Houston	Park Plaza Hospital	L02071	Houston	32	02/05/97
Houston	Columbia West Houston Medical Center	L02224	Houston	33	02/14/97
Houston	Twelve Oaks Hospital	L02432	Houston	23	02/06/97
Lubbock	Methodist Hospital	L00483	Lubbock	92	02/06/97
Paris	McCuistion Regional Medical Center	L02457	Paris	12	02/06/97
Pasadena	Bayshore Regional Cancer Center	L04743	Pasadena	2	02/12/97
Richardson	Baylor/Richardson Medical Center	L02336	Richardson	24	02/10/97
San Antonio	Baptist Health System	L00455	San Antonio	72	02/12/97
San Antonio	Southwest Texas Methodist Hospital	L00594	San Antonio	123	02/12/97
San Antonio	University of Texas Health Science Center	L01279	San Antonio	72	02/13/97
San Antonio	Metropolitan Methodist Hospital	L02232	San Antonio	35	02/12/97
San Antonio	Santa Rosa Health Care Corporation	L02237	San Antonio	42	02/07/97
San Antonio	San Antonio Community Hospital	L02266	San Antonio	57	02/14/97
Sugarland	Fort Bend Imaging, Inc.	L04459	Sugarland	15	02/14/97
Terrell	Columbia Medical Center at Terrell	L03048	Terrell	12	02/14/97
Throughout Texas	Texas Tech University	L01536	Lubbock	54	02/03/97

CONTINUED AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend-ment #	Date of Action
Throughout Texas	Syncor International Corporation	L01911	Houston	94	02/06/97
Throughout Texas	Ludlum Measurements, Inc.	L01963	Sweetwater	51	02/05/97
Throughout Texas	Highlander Environmental Corporation	L04917	Midland	2	02/03/97
Victoria	Citizens Medical Center	L00283	Victoria	59	02/05/97

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend-ment #	Date of Action
Fort Worth	Syncor International Corporation	L02905	Fort Worth	41	02/12/97
Garland	Litton Electro-Optical Systems	L02155	Garland	24	02/05/97
Houston	Texas Heart Institute	L01798	Houston	15	02/12/97
Lubbock	Texas Tech University	L01869	Lubbock	56	02/13/97
San Antonio	University of the Incarnate Word	L02168	San Antonio	14	02/11/97
Throughout Texas	Liberty Technical Services	L04570	Houston	33	02/05/97
Tyler	The University of Texas at Tyler	L02785	Tyler	6	02/13/97

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend-ment #	Date of Action
Abilene	Hendrick Medical Center	L00021	Abilene	28	02/10/97
Columbus	Columbus Eye Associates	L00915	Columbus	14	02/07/97
Houston	Rice University	L04739	Houston	2	02/07/97

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation

Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with Texas Regulations for Control

of Radiation in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the Texas Regulations for Control of Radiation.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by Agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, Exchange Building, 8407 Wall Street, Austin, Texas, from 8:00 a.m. to 5:00 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on February 25, 1997.

TRD-9702732
Susan K. Steeg
General Counsel
Texas Department of Health
Filed: February 26, 1997

Notice of Emergency Cease and Desist Order

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Daniel D. Saenz, D.D.S. (registrant-R11165) of San Antonio to cease and desist using the Weber dental x-ray unit (Model Number 6R, Serial Number 6R-6611) until the health-related violation found during a recent inspection of the facility has been corrected. The bureau determined that continued radiation exposure to patients in excess of that required to produce a diagnostic image constitutes an immediate threat to public health and safety, and the existence of an emergency. The registrant is further required to provide evidence satisfactory to the bureau regarding the actions taken to correct the violation and the methods used to prevent its recurrence.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Texas, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on February 25, 1997.

TRD-9702733
Susan K. Steeg
General Counsel
Texas Department of Health
Filed: February 26, 1997

Notice of Emergency Impoundment Order

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Ben Clark, Jr., D.P.M., and Associates (registrant-R18754) of Dallas to immediately surrender to the bureau for impoundment all sources of radiation at his facility. The bureau determined that continued operation of x-ray equipment without a valid certificate of registration constitutes an immediate threat to public health and safety, and the existence of an emergency. The order will remain in effect until the bureau has received, reviewed and approved the actions taken to ensure that all operable sources of radiation in Dr. Clark's possession at any location in Texas have been properly registered.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Texas, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on February 25, 1997.

TRD-9702734
Susan K. Steeg
General Counsel
Texas Department of Health
Filed: February 26, 1997

Texas Department of Health

Notice of Request for Proposals for Shots Across Texas/ African-American Immunization Grassroots Coalition Development

Purpose. The Texas Department of Health Immunization Division (TDH) announces the expected availability of calendar year (CY) 1997 Immunization Cooperative Agreement federal funds and requests proposals to maintain, establish and develop grass roots local immunization coalitions to promote and ensure the timely and appropriate immunization of African-American children two years and younger.

Availability of Funds. Funds provided by this Request for Proposal (RFP) will be utilized in accordance with the Immunization Cooperative Agreement. Approximately \$200,000 is expected to be available to fund eight awards. Each award will be for a maximum of \$25,000.

Description. Based on the compelling need to ensure that African-American children two years and younger in Texas are fully immunized, local communities should develop local projects that meet local needs and ensure the sustainability and maintenance of the momentum beyond the availability of funds. The objectives are (1) to persuade parents to start immunizations on a timely basis and check with their providers about their infants' immunization status; and (2) to persuade providers to check the immunization records of every child they treat and use every opportunity to bring children up-to-date.

Doing so will improve the overall health status of both individual communities and the Texas community at large. Cooperation and collaboration in the utilization of community resources are absolutely necessary. Projects are intended to create synergy that will mobilize the community to ensure permanently the full immunization of African-American children.

Eligibility. Eligible applicants include the official public health agencies of state, regional, and local health departments and non-profit agencies/organizations. Eligible applicants for these funds are coalitions comprised of governmental, public, private, and not-for-profit entities dedicated to working cooperatively and collaboratively to increase the immunization rate of African-American children in Texas. At least one 501(c)3 organization must be a member of the coalition. A coalition is not required to be or become a legally incorporated organization in order to receive funding. As an alternative, a lead agency which is incorporated can be designated to accept funds on behalf of the coalition members. If the organization managing the funds is a not-for-profit, the organization must attach a copy of the organization's 501(c)3 tax exempt status letter from the Internal Revenue Service, along with a list of the organization's board of directors, their addresses and occupations. Projects must be submitted by coalitions working on the local or regional level of the state. A coalition is an association of two or more agencies or organizations (although this does not imply a contractual relationship) committed to working together in a cooperative and collaborative effort toward agreed-upon objectives. Public/private partnerships (such as local/regional health departments working with community-based organizations), and coalitions with strong minority-group involvement and/or strong target audience representation, will be given preference in the competitive process. Project proposals should be culturally competent and linguistically specific. The purpose of this requirement is to ensure a well-balanced and regionally diversified spectrum of local immunization efforts. Individuals are not eligible to apply.

Limitations. Funding for the selected proposals will depend upon available federal appropriations. The department reserves the right to reject any and all applications received in response to the RFP and cancel the RFP if it is deemed in the best interest of the department.

Authority. This project is authorized under §317 of the Public Health Service Act (42 U.S.C. 247b), as amended. Regulations governing the implementation of this legislation are covered under 42 CFR Part 51B.

Term. The tentative effective date for the contract is April 1, 1997, through December 31, 1997. Renewal of the competitively procured contracts will be contingent upon availability of funds and satisfactory progress towards project goals.

Funding Criteria. TDH will make awards based upon an equitable distribution of funds throughout the state and competitive scores of the applications. The following criteria will be used to evaluate the applications: target specific to African-American populations; geographic funding allocation; compliance with application instructions; evidence of cooperative and collaborative efforts (public/private groups); evidence of community support (letters, matching funds, in-kind support, etc.); statement of the coalition's purpose/goals; clear description of proposed activities to be funded; reasonableness of budget; evidence that the coalition is not building a new and separate system, but is enhancing the capacity of the existing healthcare network; and sustainability of the coalition.

Funds may not be used for: purchase of vaccines (available from TDH); indirect costs; out-of-state travel, purchase of equipment; loans to individuals; and fund raising events, including the cost of food, beverages, and entertainment.

Obtaining RFP Information: Shots Across Texas/African-American Immunization Grassroots Coalition Development RFP packets may be requested from Ms. Charlotte Horn or Ms. Jan Warfield, Texas Department of Health, Immunizations Division, T-310, 1100 West 49th Street, Austin, Texas 78756 or by phone (512) 458-6401 or fax (512) 458-7288.

Deadlines. All proposals to be considered for funding through this RFP must be received by 5:00 p.m. on March 25, 1997, at the Texas Department of Health, Immunization Division, T-310, 1100 West 49th Street, Austin, Texas 78756 (Attention: Ms. Jan Warfield). Proposals received after this deadline or via fax transmission will not be accepted.

Evaluation and Selection. An evaluation selection panel composed of community representatives and internal representatives designated by the department will rank and score the proposals. The evaluation will be based upon the criteria outlined in the RFP.

Issued in Austin, Texas, on February 25, 1997.

TRD-9702749

Susan K. Steeg

General Counsel

Texas Department of Health

Filed: February 26, 1997

Texas Health and Human Services Commission

Families Are Valued Project Pilot Sites Request For Proposals

This announces the availability of funds to be awarded on behalf of the Health and Human Services Commission (HHSC) by the State Office of Community Coordination Resource Groups (CRCG). Funds for this project are provided through the Texas Planning Council for Developmental Disabilities (TPCDD).

The purpose of this Request for Proposals (RFP) is to solicit proposals for local Family Support Collaborative projects which will lead to an increase in the services and supports to families who have a child or children with developmental disabilities at risk of out-of-home placement. One model will be developed in each of the following area types: metropolitan, urban/rural, rural and border.

The Family Support Collaborative will function to improve coordination and collaboration among community providers and families. The mission of the Collaborative will strengthen and create supports to prevent out-of-home placements of children with disabilities and allow children with disabilities in out-of-home placements to return to their families or return to families in their community. The goal of the Collaborative is to reduce the number of out-of-home placements of children with disabilities.

The expected outcome is to demonstrate successful methods for inclusive, cost effective, community collaboration and methods for implementing permanency planning for children with disabilities which can be replicated and modified for use throughout the state.

The proposal must have stated outcomes which increase the number of children with developmental disabilities who live in families and receive the benefits of permanency planning. The proposal should be consistent with best practices in family support and permanency planning.

The review committee will choose four sites. The review committee determined by the State CRCG Office and State CRCG Team will score the applicants on demonstrated need, a plan of action, and the capacity to use broad and inclusive community coordination and collaboration to achieve the specific outcomes desired and needed in their community.

Applications must be received by the State Office of Community Resource Coordination Groups (CRCG), 4900 North Lamar, 4th Floor, Austin, Texas 78751, no later than 5:00 p.m., May 1, 1997. Applications submitted after the deadline will not be considered. The proposal must be typewritten and not exceed 15 single-sided, 8.5 by 11 pages. An original and three copies [a total of four copies] are also required when submitting an application.

Please contact the Families Are Valued Project office for complete RFP. Or you can visit the Families Are Valued website (www.hhsc.state.tx.us/crcg/favrfp.htm). All questions relating to the RFP need to be submitted in writing by March 21, 1997, at 5:00 p.m. Questions pertaining to the RFP will be answered on March 31, 1997.

Contact Information: Families Are Valued Project, Texas Health and Human Services Commission, 4900 North Lamar, Boulevard, 4th Floor Austin, Texas 78751, Phone: (512) 424-6544 or (512) 424-6528; Fax: (512) 424-6590; e-mail: kelley_k@hhsc.state.tx.us; Kelley Knight, Administrative Technician, (512) 424-6544.

Issued in Austin, Texas, on February 26, 1997.

TRD-9702741

Marina Henderson

Executive Deputy Commissioner

Texas Health and Human Services Commission

Filed: February 26, 1997

Texas Department of Human Services

Availability of Targeted Assistance Formula Grant Funds for Refugee Social Services

SUMMARY : The Texas Department of Human Services (TDHS) is pleased to announce the availability of Targeted Assistance Formula Grant funds for refugee social services from the federal Office of Refugee Resettlement (ORR) in the Department of Health and Human Services. Targeted Assistance grant funds are designated for use in Dallas/Tarrant Counties and Harris County, Texas because of the large number of refugee arrivals in those counties. For the purposes of the grant, Dallas/Tarrant Counties are defined as a single services site because data for the contiguous counties were combined to meet federal funding criteria. Harris County is a separate services site. The amount of the formula grants for each area are: \$734,083.00 for Dallas/Tarrant Counties and \$625,330.00 for Harris County. The services to be funded in each site are: employment services for hard-to-place refugees, specialized English as a Second Language services for elderly and illiterate refugees and Detainees, transportation projects and orientation programs.

The Code of Federal Regulations (CFR) 45, parts 400 and 401, give the State the authority to contract with public and private agencies for the provision of Targeted Assistance services. TDHS is the single state agency responsible for the administration of refugee Targeted Assistance funds.

Funds will be awarded on a competitive basis to public or private agencies which can demonstrate the greatest aptitude for effectively providing the requested services to the target population in response to the Request for Proposals (RFP). The target population consists of persons admitted to the United States as "refugees" under section 207 of the Immigration and Nationality Act (INA) or granted asylum under §208 of the INA. Eligibility also includes Cubans and Haitians under §501 of the Refugee Education Assistance Act of 1980 (P.L. 96-422); certain Amerasians from Vietnam who were admitted to the U.S. as immigrants under section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988. Services are restricted to persons who have lived in the United States for five years or less.

APPLICATION DEADLINE: A total of five copies of each proposal must be mailed or hand-delivered (not faxed) to: Debbie Desmond, Refugee Policy Coordinator, Texas Department of Human Services, Mail Code W-230, 701 West 51st Street, Austin, TX, 78751. Proposals must be received no later than 5 p.m. CST on April 30, 1997. Proposals received after this date/time, or faxed copies, will not be evaluated. A copy of the RFP will be sent upon written request to Debbie Desmond at the address listed above.

Issued in Austin, Texas, on February 25, 1997.

TRD-9702684

Glen Scott

General Counsel

Texas Department of Human Services

Filed: February 25, 1997

Texas Department of Insurance

Amendment to the Plan of Operation for the Texas Workers' Compensation Insurance Fund

The Commissioner of Insurance, or his designee, will consider approval of a filing made by the Texas Workers' Compensation Insurance Fund (Fund) pursuant to Article 5.75-3, §5 of the Texas Insurance Code pertaining to the Plan of Operation for the Fund. The amendments proposed to the Fund's Plan of Operation eliminate surplus and unnecessary detail in the description of the Fund's operations so that it is not necessary to make amendments to the Plan of Operation each time structural or personnel changes in the Fund occur.

A copy of the filing is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request a copy of the filing, please contact Angie Arizpe (512) 463-6326. (Refer to reference number W-0297-05).

This filing is subject to Department approval without a hearing, unless an objection is filed with Nancy Moore, Deputy Commissioner Workers' Compensation, Texas Department of Insurance, Mail Code 105-2A, P.O. Box 149092, Austin, Texas 78714-9092 within 20 days after publication of this notice.

Issued in Austin, Texas, on February 25, 1997.

TRD-9702685

Bernice Ross

Deputy Chief Clerk

Texas Department of Insurance

Filed: February 25, 1997

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Third Party Administrator Applications

The following third party administrator (TPA) applications have been filed with the Texas Department of Insurance and are under consideration.

Application for admission to Texas of Plan Compliance Group, LTD., a foreign third party administrator. The home office is Reno, Nevada.

Application for incorporation in Texas of Techmed Management Corporation, a domestic third party administrator. The home office is Austin, Texas.

Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Charles M. Waits, MC 107-5A, 333 Guadalupe, Austin, Texas 78714-9104.

Issued in Austin, Texas, on February 25, 1997.

TRD-9702686

Bernice Ross

Deputy Chief Clerk

Texas Department of Insurance

Filed: February 25, 1997

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Texas Natural Resource Conservation Commission

Notice of Opportunity to Comment on Settlement Agreements of Administrative Enforcement Actions

The Texas Natural Resource Conservation Commission (TNRCC) Staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) pursuant to the Health and Safety Code, the Texas Clean Air Act (the Act), Chapter 382, §382.096. The Act, §382.096 requires that the TNRCC may not approve these AOs unless the public has been provided an opportunity to submit written comments. Section 382.096 requires that notice of the proposed orders and of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is April 3, 1997. Section 382.096 also requires that the TNRCC promptly consider any written comments received and that the TNRCC may withhold approval of an AO if a comment indicates the proposed AO is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Additional notice is not required if changes to an AO are made in response to written comments.

A copy of each of the proposed AOs is available for public inspection at both the TNRCC's Central Office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-1864 and at the applicable Regional Office listed as follows. Written comments about these AOs should be sent to the enforcement coordinator designated for each AO at the TNRCC's Central Office at P.O. Box 13087

Austin, Texas 78711-3087 and must be received by 5:00 p.m. on April 3, 1997. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-1893. The TNRCC enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, §382.096 provides that comments on the AOs should be submitted to the TNRCC in writing.

(1)COMPANY: Alexander's Automotive; DOCKET NUMBER: 96-1784-AIR-E; ACCOUNT NUMBER: HG-3496-F; LOCATION: Pasadena, Harris County, Texas; TYPE OF FACILITY: automotive repair and refinishing shop; RULE VIOLATED: 30 TAC §116.115(a) and the Act, §382.085(b), by failing to file TNRCC Registration Form PI-7 before construction began as required by Standard Exemption 124(a); 30 TAC §116.115(a) and the Act, §382.085(b), by failing to properly dispose of all waste coatings, solvents, and spray booth filters as required by Standard Exemption 124(c); 30 TAC §115.422(1)(A) and §116.115(a) and the Act, §382.085(b), by failing to install and operate a system which totally encloses spray guns, cups, nozzles, bowls, and other equipment during washing, rinsing, and draining procedures as required by Standard Exemption 124(i)(1); 30 TAC §116.115(a) and the Act, §382.085(b), by operating without a stack to vent emissions in the spray booth and spray and preparation areas as required by Standard Exemption 124(k); and 30 TAC §115.426(a)(1)(A) and §116.115(a) and the Act, §382.085(b), by failing to maintain on site Material Data Safety Sheets on paints and solvents systems used during the previous 24-month period or currently in use as required by Standard Exemption 124(p)(1) and (5) and records of the Environmental Protection Agency and TNRCC Office of Waste Management registration or identification numbers for each waste generator; PENALTY: \$350; ENFORCEMENT COORDINATOR: Sheila Smith, (512) 239-1670; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1423, (713) 767-3500.

(2)COMPANY: Big City Crushed Concrete; DOCKET NUMBER: 96-1583-AIR-E; ACCOUNT NUMBER: 93-2521-T; LOCATION: Arlington, Tarrant County, Texas; TYPE OF FACILITY: concrete crusher plant; RULE VIOLATED: 30 TAC §116.110(a) and the Act, §382.0518(a) and §382.085(b), by constructing and operating a concrete crusher without first meeting the 1/2-mile distance limitation of Standard Exemption Number 73 or without first obtaining a permit; PENALTY: \$0; ENFORCEMENT COORDINATOR: David Edge, (512) 239-1779; REGIONAL OFFICE: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531.

(3)COMPANY: Creative Composites, Incorporated; DOCKET NUMBER: 96-1860-AIR-E; ACCOUNT NUMBER: HX-1109-Q; LOCATION: Houston, Harris County, Texas; TYPE OF FACILITY: fiberglass repair and fabrication plant; RULE VIOLATED: 30 TAC §116.115(a) and the Act, §382.085(b), by failing to file TNRCC Registration Form PI-7 before construction began as required by Standard Exemption 113(a)(1); 30 TAC §116.115(a) and the Act, §382.085(b), by failing to maintain records of resin and acetone usage in pounds on a monthly and calendar year-to-year basis as required by Standard Exemption 113(a)(2); 30 TAC §116.115(a) and the Act, §382.085(b), by failing to vent all solid trim grindings through a dry filter system or a water system which has a particulate removal efficiency of at least 95% as required by Standard Exemption 113(b)(2); and 30 TAC §116.115(a) and the Act, §382.085(b), by failing to conduct all resin spraying operations in a booth or an enclosed work area and exhaust the emissions through an elevated

stack as required by Standard Exemption 113(b)(3); PENALTY: \$0; ENFORCEMENT COORDINATOR: Sheila Smith, (512) 239-1670; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1423, (713) 767-3500.

(4)COMPANY: Falcon Gunite; DOCKET NUMBER: 96-1339-AIR-E; ACCOUNT NUMBER: TH-0616-M; LOCATION: Austin, Travis County, Texas; TYPE OF FACILITY: gunite manufacturing plant; RULE VIOLATED: 30 TAC §116.110(a) and the Act, §382.0518(a) and §382.085(b), by operating a gunite manufacturing plant without first obtaining a permit or meeting the requirements of Standard Exemption 117; and 30 TAC §101.4 and the Act, §382.085(a) and (b), by causing a nuisance by emitting dust from its silo; PENALTY: \$0; ENFORCEMENT COORDINATOR: Tel Croston, (512) 239-5717; REGIONAL OFFICE: 1921 Cedar Bend, Suite 150, Austin, Texas 78758, (512) 339-2929.

(5)COMPANY: Greater Texas Finishing Corporation; DOCKET NUMBER: 96-1567-AIR-E; ACCOUNT NUMBER: EE-1220-U; LOCATION: El Paso, El Paso County, Texas; TYPE OF FACILITY: jean washing plant; RULE VIOLATED: 30 TAC §101.4 and the Act, §382.085(a) and (b), by discharging one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property; PENALTY: \$12,600; ENFORCEMENT COORDINATOR: Stacey Young, (512) 239-1899; REGIONAL OFFICE: 7500 Viscount Boulevard, Suite 147, El Paso, Texas 79925, (915) 778-9634.

(6)COMPANY: Luis' Paint and Body Shop; DOCKET NUMBER: 96-1660-AIR-E; ACCOUNT NUMBER: GB-0499-A; LOCATION: Santa Fe, Galveston County, Texas; TYPE OF FACILITY: automobile finishing shop; RULE VIOLATED: 30 TAC §115.422(1), §116.115(a), Standard Exemption Number 124, and the Act, §382.085(b), by failing to install and operate an enclosed equipment cleaning system, to keep all wash solvents in an enclosed reservoir, to keep waste solvents in closed containers, and to maintain Material Safety Data Sheets for all paints and solvents in use; PENALTY: \$350; ENFORCEMENT COORDINATOR: Miriam Hall, (512) 239-1044; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1423, (713) 767-3500.

(7)COMPANY: Maaco Auto Painting and Body Works; DOCKET NUMBER: 96-1596-AIR-E; ACCOUNT NUMBER: TA-2828-M; LOCATION: Arlington, Tarrant County, Texas; TYPE OF FACILITY: automotive paint and body shop; RULE VIOLATED: 30 TAC §115.422(1)(C), §116.115(a), Standard Exemption Number 124, and the Act, §382.085(b), by failing to keep waste solvents and other cleaning materials stored in closed containers, failing to properly install particulate filters, and failing to construct a paint booth stack to the required height; PENALTY: \$350; ENFORCEMENT COORDINATOR: Suzanne Walrath, (512) 239-2134; REGIONAL OFFICE: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531.

(8)COMPANY: Miscellaneous Steel Industries, Incorporated; DOCKET NUMBER: 96-1555-AIR-E; ACCOUNT NUMBER: HK-0087-I; LOCATION: Kyle, Hays County, Texas; TYPE OF FACILITY: metal-working plant; RULE VIOLATED: 30 TAC §116.110(a) and the Act, §382.0518(a) and §382.085(b), by constructing and operating a metal-working plant without first obtaining a permit or satisfying the conditions of a Standard Exemption;

PENALTY: \$0; ENFORCEMENT COORDINATOR: Tel Croston, (512) 239-5717; REGIONAL OFFICE: 1921 Cedar Bend, Suite 150, Austin, Texas 78758, (512) 339-2929.

(9)COMPANY: R & G Enterprises; DOCKET NUMBER: 96-1223-AIR-E; ACCOUNT NUMBER: BG-0907-N; LOCATION: San Antonio, Bexar County, Texas; TYPE OF FACILITY: outdoor spray painting plant; RULE VIOLATED: 30 TAC §116.110(a) and the Act, §382.0518(a) and §382.085(b), by operating an outdoor spray painting facility without a valid permit or satisfying the conditions of a standard exemption; PENALTY: \$0; ENFORCEMENT COORDINATOR: Carl Schnitz, (512) 239-1892; REGIONAL OFFICE: 140 Heimer Road, Suite 360, San Antonio, Texas 78232-5042, (210) 490-3096.

(10)COMPANY: Sunwest Autos Unlimited; DOCKET NUMBER: 96-1520-AIR-E; ACCOUNT NUMBER: EE-1872-R; LOCATION: El Paso, El Paso County, Texas; TYPE OF FACILITY: used car dealership; RULE VIOLATED: 30 TAC §114.1(c)(1) and (2) and the Act, §382.085(b), by offering for sale two vehicles with missing and/or inoperable emission control systems or devices; PENALTY: \$700; ENFORCEMENT COORDINATOR: Lance Owens, (512) 239-1878; REGIONAL OFFICE: 7500 Viscount Boulevard, Suite 147, El Paso, Texas 79925, (915) 778-9634.

(11)COMPANY: Union Tank Car Company; DOCKET NUMBER: 96-1834-AIR-E; ACCOUNT NUMBER: LH-0027-W; LOCATION: Cleveland, Liberty County, Texas; TYPE OF FACILITY: tank car cleaning and repair plant; RULE VIOLATED: 30 TAC §116.115(a) and the Act, §382.085(b), by allowing the dryer oven stacks to operate with an air flow rate below 24,000 actual cubic feet per minute as specified in Permit Number 6370, Special Condition Number 7; PENALTY: \$2,100; ENFORCEMENT COORDINATOR: Sheila Smith, (512) 239-1670; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1423, (713) 767-3500.

Issued in Austin, Texas, on February 25, 1997.

TRD-9702668

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: February 25, 1997

Notice of Public Hearing (Chapter 106)

Notice is hereby given that pursuant to the requirements of Texas Health and Safety Code, §382.017 and Texas Government Code, Subchapter B, Chapter 2001, the Texas Natural Resource Conservation Commission (TNRCC or commission) will conduct a public hearing to receive testimony concerning revisions to Chapter 106.

The commission proposes new §106.231, concerning the exemption of wood products manufacturing, restoring, and refinishing operations from the preconstruction air permitting requirements of the Texas Health and Safety Code, the Texas Clean Air Act, §382.0518. The proposed new section will create a new exemption for wood products manufacturers, restorers, or refinishers that conduct surface coating operations in addition to woodworking operations such as grinding, sanding, and sawing. This new exemption is intended to simplify the control requirements, recordkeeping requirements, and calculation methods and will eliminate the need for multiple exemptions to cover all operations at these sites.

A public hearing on the proposal will be held April 3, 1997, at 2:00 p.m. in Room 2210 of TNRCC Building F, located at 12100 Park 35 Circle, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and answer questions before and after the hearing.

Written comments may be mailed to Lisa Martin, TNRCC Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rule Log Number 96183-106-AI. Comments must be received by 5:00 p.m., April 3, 1997. For further information, please contact Lisa Evans, at (512) 239-5885, or Phil Harwell, at (512) 239-1517.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on February 19, 1997.

TRD-9702617

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: February 24, 1997

Texas Parks and Wildlife Department

Notice of Availability and Request for Comments on a Draft Restoration Plan and Environmental Assessment

AGENCIES: Texas Parks and Wildlife Department (TPWD), Texas Natural Resource Conservation Commission (TNRCC), Texas General Land Office (TGLO), National Oceanic and Atmospheric Administration (NOAA) and the United States Department of the Interior (DOI) (hereafter, Trustees).

ACTION: Notice of availability of a draft restoration plan and environmental assessment and of a 30 day period for public comment on the plan.

SUMMARY: Notice is hereby given that a document entitled "Draft Restoration Plan/ Environmental Assessment for Apex Barges Oil Spill, July 28, 1990" is available for public review and comment. This document presents restoration actions which the State and Federal Natural Resource Trustees propose to implement to restore or enhance natural resources injured by the Apex barges oil spill of July 28, 1990, in Galveston Bay, Texas. The document also describes the process followed by the Trustees to evaluate appropriate restoration alternatives and select the preferred alternatives identified in the plan. These preferred alternatives are proposed for implementation using funds recovered by the Trustees as part of an October 1994 settlement of natural resource damages claims associated with the oil spill. The funds are required by law to be spent to benefit natural resources and associated resource services injured, destroyed or lost as a result of the spill. Interested members of the public are invited to request a copy of the draft restoration plan from Allan Strand of the U.S. Fish and Wildlife Service, Division of Ecological Services, c/o

CCSU, Campus Box 338, Corpus Christi, Texas 78412, (512) 994-9005.

DATES: Comments must be submitted in writing on or before April 7, 1997, to Allan Strand of the U.S. Fish and Wildlife Service, Division of Ecological Services, c/o CCSU, Campus Box 338, Corpus Christi, Texas 78412, (512) 994-9005. The Trustees will consider all written comments received prior to adopting a Final Restoration Plan.

SUPPLEMENTARY INFORMATION: On July 28, 1990, at approximately 1630 hrs, the M/V Chandy N was pushing T/B Apex 3417, 3503 and 3510 inbound through the Houston Ship Channel (HSC) in Galveston Bay, Texas. The M/T Hellespont Faith was proceeding in the same direction when it came upon and overtook the M/V Chandy and the Apex barges. The M/T Shinoussa, proceeding outbound through the HSC, met and passed the M/T Hellespont Faith and collided with the T/B Apex barges. As a result of the collision, approximately 694,000 gallons of a petroleum product (catalytic feed-stock oil) were discharged into Galveston Bay from T/B Apex 3417 and 3503.

The oil spill caused injuries to several natural resources. The Trustees conducted a natural resource damage assessment to address those losses. The assessment focused on losses of finfish and shellfish as a result of direct exposure to oil, the lost use of Galveston Bay fisheries due to spill-related closures, injuries to the oiled saltmarshes, and the lost use of Galveston Bay surface waters for navigation attributable to spill imposed restrictions in the HSC.

A joint settlement of all claims of the Trustees associated with this oil spill was achieved with the responsible parties in October 1994. The settlement included funds to compensate the public for natural resource injuries resulting from the spill. These funds, which were jointly recovered by all the Trustees, were placed into the Galveston Bay Oil Spill Trust Fund, an account established with the Registry of the Federal District Court, Southern District of Texas, pending joint planning and decisions by the Trustees as to the appropriate use of the funds to implement actions to restore, replace, rehabilitate or acquire the equivalent of natural resources injured by the spill.

The Draft Restoration Plan announced today presents the restoration actions which the Trustees propose to implement using these funds to effect restoration, rehabilitation, replacement, or acquisition of resources or resource services that were injured by the spill. An Environmental Assessment of the plan is fully integrated into the document as written to allow Federal Trustees to consider that assessment and make findings required by the National Environmental Policy Act 42 U.S.C. 4321, et seq., in making decisions on a final restoration plan.

Issued in Austin, Texas, on February 25, 1997.

TRD-9702725

Bill Harvey

Regulatory Coordinator

Texas Parks and Wildlife Department

Filed: February 25, 1997

Public Hearings Schedule

The Texas Parks and Wildlife Department will hold public hearings in the following locations and on the following dates for the purpose of gathering public comment concerning:

1. Proposed Statewide Hunting and Fishing Proclamation for 1997-1998;
2. Regulations governing hunting, fishing, and other public use of public lands.
3. Proposed amendment to the Shrimp Fishery Proclamation;
4. Proposed Early and Late Season Migratory Game Bird Proclamation.

These proposals include establishing the seasons, bag and size limits, areas, and other regulations on the taking of wildlife and fisheries resources in the 1997-1998 season; designating areas, and associated regulations for hunting, fishing and other permissible activities on wildlife management areas, state parks, and other public lands; establishing seasons and bag limits on doves and waterfowl. The candidate list of state park hunts will be available. A presentation of the proposals will be given at the hearing.

Complete text of all proposed regulatory changes will be published for public review in the *Texas Register* no later than March 18, 1997.

All meetings will begin at 7:00 PM and all interested persons are invited to attend and comment upon the proposed regulations. Additional information concerning the public hearing can be obtained by calling the Department's toll-free number 1-800-792-1112, press 0 and ask for extension 4642, or (512) 389-4642.

The Parks and Wildlife Commission will meet to consider adoption of the proposals listed in items 1-3 above in a Public Hearing scheduled for Thursday, April 17, 1997, beginning at 9:00 a.m. at the Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas

Quitman, Wood County, 3/10/97 District Courtroom, County Courthouse

Brownsville, Cameron County, 3/11/97 Central Jury Room, County Courthouse, 974 East Harrison

Pilot Point, Denton County, 3/11/97 Pilot Point Bank Community Center, 200 South Highway 377

Marshall, Harrison County, 3/11/97 District Courtroom, Second Floor, County Courthouse

Livingston, Polk County, 3/12/97 District Courtroom, County Courthouse

New Braunfels, Comal County, 3/12/97 Room 306, County Courthouse, 150 North Seguin Street

Lufkin, Angelina County, 3/13/97 159th District Courtroom, County Courthouse

Wheeler, Wheeler County, 3/13/97 Commission Courtroom, County Courthouse, 400 Alan Bean

Port Lavaca, Calhoun County, 3/17/97 Fairgrounds, Bauer Building
Andrews, Andrews County, 3/17/97 Andrews County Community Building, 108 North East 6th Street

Belton, Bell County, 3/18/97 County Courthouse, Central and Main
Sulphur Springs, Hopkins County, 3/18/97 County Courthouse Annex

El Campo, Wharton County, 3/18/97 Annex Building, JP Courtroom #4, 603 East Calhoun Street

Port Arthur, Jefferson County, 3/18/97 Port Arthur Public Library
3601 Cultural Center Drive

Flour Bluff, Nueces County, 3/18/97 Pct. 2 Courtroom, 1011 Compton

Karnes City, Karnes County, 3/18/97 County Courthouse, 101 North Panna Maria

Morton, Cochran County, 3/18/97 Commission Courtroom, County Courthouse

Seabrook, Harris County, 3/19/97 Seabrook Community Center, 1211 Anders

Tenaha, Shelby County, 3/20/97 Tenaha Housing Authority Meeting Room, 111 East Church Street

Issued in Austin, Texas, on February 25, 1997.

TRD-9702730

Bill Harvey

Regulatory Coordinator

Texas Parks and Wildlife Department

Filed: February 26, 1997

Public Utility Commission of Texas

Notice of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.28

Notice is given to the public of the intent to file with the Public Utility Commission of Texas, on or after February 28, 1997, an application for approval of promotional rates, pursuant to Public Utility Commission SUBSTANTIVE RULE 23.28.

Tariff Title and Number: Application of Central Texas Telephone Cooperative, Inc. for Approval of Promotional Rate Offering Pursuant to Public Utility Commission SUBSTANTIVE RULE 23.28. Tariff Control Number 17079.

The Application: Central Texas Telephone Cooperative, Inc. proposes to waive service connection charges for business and residential customers who subscribe to Push Button Dialing and Call Waiting features during the month of April 1997.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or call the Public Utility Commission Consumer Affairs Section at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136.

Issued in Austin, Texas, on February 25, 1997.

TRD-9702721

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: February 25, 1997

Stephen F. Austin State University

Follow-up Notice on Consulting Services Contract

Pursuant to Texas Government Code, Chapter 2254, Stephen F. Austin State University provides the following information for publication in the *Texas Register*:

1. The fund-raising consultant contract was awarded to Cargill Associates, pursuant to Texas Government Code, Chapter 2254.
2. Notice of the request for proposals was published in the November 1, 1996 edition of the *Texas Register* (Vol. 21, No. 81, p. 10849).
3. The private consultant is to determine the feasibility of a capital fund-raising campaign for Stephen F. Austin State University.
4. The total value of the contract is \$15,000. The contract dated February 8, 1997 will terminate upon provision of the requested services, which should be on or about May 31, 1997.
5. The private consultant selected is Kenneth W. Durham
6. The consultant will survey potential donors to determine the feasibility of a capital fund-raising campaign for Stephen F. Austin State University.

Issued in Nacogdoches, Texas, on February 21, 1997.

TRD-9702553

R. Yvette Clark

General Counsel

Stephen F. Austin State University

Filed: February 20, 1997

Teacher Retirement System of Texas

Request for Proposals

The Teacher Retirement System of Texas is requesting proposals from banks and trust companies to provide custodial services (Domestic and/or International) including the administration of a securities lending program, for the Teacher Retirement System Pension Trust Fund and the Public School Employees Group Insurance Fund. The beginning date for the contract should be September 1, 1997. The initial period of the contract will end on or before August 31, 2000. The contract will provide TRS with an option to renew for up to an additional two years.

A copy of the complete request for proposal can be obtained by writing or calling the Teacher Retirement System of Texas, 1000 Red River, Austin, Texas 78701, (512) 397-6400. For clarifying information about this RFP, please contact Sheri Rasmussen at (512) 397-6494.

The deadline for submitting proposals is 5:00 p.m. the 4th of April, 1997.

All potential bidders must satisfy certain requirements in order to be considered. The contract will be awarded based on an evaluation of the proposer's ability to provide the requested services and comply with all the requirements contained in the RFP. A proposer may be asked to clarify its proposal, which may include an oral presentation prior to final selection.

The Teacher Retirement System of Texas reserves the right to reject any oral proposals submitted.

The Teacher Retirement System is under no legal or other obligation to execute a contract on the basis of this notice or the distribution of an RFP. Neither this notice or the RFP commits the Teacher Retirement

System of Texas to pay for any cost incurred prior to the execution of a contract.

Issued in Austin, Texas, on February 26, 1997.

TRD-9702750

Charles Dunlap

Executive Director

Teacher Retirement System of Texas

Filed: February 26, 1997

Texas Department of Transportation

Public Notices

Pursuant to Title 43, Texas Administrative Code, §2.43(e), concerning Environmental Impact Statements (EIS), the Texas Department of Transportation (TxDOT) is issuing this notice to advise the public that a draft Major Investment Study/ Environmental Impact Statement (MIS/EIS) will be prepared in cooperation with the Federal Highway Administration, Department of Transportation, for a proposed roadway project intended to relieve traffic congestion on U.S. 190 within the City of Copperas Cove and adjacent portions of Coryell and Lampasas Counties. Improvements initially considered included upgrading the existing facility, constructing a reliever route on new or existing locations, and/or improving alternative transportation modes in the community. Through input derived from previous studies, TxDOT, the consulting study team, the MIS Policy Work Group, and the public, 19 preliminary build alternatives on new and existing locations were analyzed in addition to existing U.S. 190 and alternative transportation mode improvements. The preliminary build alternatives included three alignments located north of U.S. 190 and 16 alignments south of U.S. 190. These alternatives were analyzed in two phases (1) Fatal Flaw and (2) Qualitative Comparison/Ranking using three basic criteria: engineering considerations, mobility considerations, and environmental considerations. From the 19 preliminary alternatives, three primary build alternatives south of U.S. 190 emerged as the best potential alternative alignments. In the MIS/EIS document, the three primary build alternatives and the no-build alternative will be analyzed. The locations of the primary build alternative are described below.

The primary reliever route alternatives to be considered in the MIS/EIS lay within an eight kilometer (five mile) long corridor, located to the south of existing U.S. 190. The corridor's eastern terminus is located east of Copperas Cove in Coryell County and west of Rattlesnake Hill; the corridor then proceeds southwest over Sevenmile Mountain and terminates at U.S. 190 just west of Copperas Cove in Lampasas County and immediately west of the U.S. 190/F.M. 2657 intersection. The principal variations of the three alignments within the corridor are in the segment between Sevenmile Mountain and the proposed western terminus near F.M. 2657. Heading west, the northernmost alternative comes off of Sevenmile Mountain, passes just north of the "saddle" extension of the mountain, and crosses the South Industrial Park. The middle alternative comes off of Sevenmile Mountain, bisects the "saddle" and crosses the South Industrial Park. The southernmost alternative comes off Sevenmile Mountain, and passes immediately south of both the "saddle" and South Industrial Park.

At the present stage of the MIS/EIS process, no preferred alternative has been selected. Over the course of conducting previous studies

in the city and region, the City of Copperas Cove and TxDOT have given considerable attention to the concept of a reliever roadway around the city to allow through traffic to bypass the frequently congested commercial district on U.S. 190. TxDOT has performed preliminary investigations of a new location, four-lane divided freeway with full control of access. The facility would have ramps and frontage roads where warranted and grade separations at FM roads and other major intersecting routes.

Major considerations in the proposal's ongoing studies include costs of rights-of-way, the numbers and types of relocations necessary, engineering constraints and limitations due to rough topography, and potential environmental impacts involving land use, socioeconomic conditions, air quality, noise, traffic, ecological/cultural resources, and hazardous material sites.

Since a preferred alignment has not been selected, exact figures and details regarding significant impacts to various resources are not available. However, since the currently proposed build alternatives are on new locations, some impacts to land use, residences, businesses, and area cultural/ecological resources may occur. It is projected that up to 140 hectares (350 acres) of land may be directly affected by right-of-way acquisition associated with the primary reliever route alternatives. The majority of this area is open grazing land; however, up to 30 structures (homes, churches, and businesses) may potentially require relocation. Proposed alignments come near to and, in some cases, may impact cultural resource sites and woodland blocks potentially occupied by the endangered black-capped vireo (*Vireo atricapillus*) and/or the golden-cheeked warbler (*Dendroica chrysoparia*). More in-depth studies will be conducted before and after a preferred alignment is chosen to avoid and/or minimize impacts to human, cultural, and ecological resources. These studies will be coordinated through appropriate local, state, and federal agencies.

Studies are also being conducted to detect the possible presence and associated levels of hazardous substances and petroleum products. These studies will be completed prior to right-of-way acquisition. Should hazardous substances or petroleum products be discovered during these studies, procedures will be implemented to avoid or minimize the economic, environmental, and safety impacts associated with these hazardous substances and petroleum products during right-of-way acquisition and/or construction.

Public meetings were held on March 7, 1996, and July 18, 1996, and one more will be held prior to release of the draft MIS/EIS document. One public hearing will be held after the draft MIS/EIS has been completed and made available to the agencies and public. Public Notice will be given of the time and place of the meeting and hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the MIS/EIS should be directed to TxDOT at the following address.

Agency Contact: Comments or questions concerning this proposed action and the MIS/EIS should be directed to Doug Huneycutt, P.E., Director of Transportation Planning & Development and Project Manager, Texas Department of Transportation, 100 South Loop Drive, Waco, Texas 76705, (817) 867-2731.

Issued in Austin, Texas, on February 26, 1997.

TRD-9702752

Robert E. Shaddock
General Counsel
Texas Department of Transportation
Filed: February 26, 1997

Pursuant to Transportation Code, §§21.108-21.111, and Title 43, Texas Administrative Code, §30.209, the Texas Department of Transportation will conduct a public hearing to receive comments from interested parties concerning approval of financial assistance grants for airport development of reliever airports.

The public hearing will be held at 9:00 a.m. on Monday, March 17, 1997, at 200 East Riverside, Room 102, Austin, Texas 78704. Any interested person may appear and offer comments, either orally or in writing, however, questioning of those making presentations will be reserved exclusively to the presiding officer as may be necessary to ensure a complete record. While any person with pertinent comments will be granted an opportunity to present them during the course of the hearing, the presiding officer reserves the right to restrict testimony in terms of time and repetitive content. Organizations, associations, or groups are encouraged to present their commonly held views, and same or similar comments, through a representative member where possible. Persons with disabilities who have special communication or accommodation needs and who plan to attend the hearing and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Eloise Lundgren, Director of the Public Information Office, at 125 East 11th Street, Austin, Texas 78701-2483 at (512) 463-8588 at least two working days prior to the hearing so that appropriate arrangements can be made.

For additional information please contact Suetta Murray, Division of Aviation, 150 East Riverside, Austin, Texas 78704, (512) 416-4504.

Issued in Austin, Texas, on February 26, 1997.

TRD-9702753
Robert E. Shaddock
General Counsel
Texas Department of Transportation
Filed: February 26, 1997

Texas Workers' Compensation Commission Correction of Errors

The Texas Workers' Compensation Commission published a proposed new rule (28 TAC §134.401) and simultaneous proposed repeal of an existing rule (28 TAC §134.400) in the February 11, 1997, issue of the *Texas Register* (22 TexReg 1579). The notice contains an error as submitted by the agency. The error is in the preamble on page 1592, in the right column, the second sentence in the paragraph directly above the statutory authority for the repeal, and consists of the following:

The phone number for the Executive Communication Division was incorrectly listed as 707-5690. The correct phone number is (512) 440-5690.

February - December 1997 Publication Schedule

The following is the February-December 1997 Publication Schedule for the *Texas Register*. Listed below are the deadline dates for these issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. No issues will be published on May 30, November 14, December 2, and December 30. An asterisk beside a publication date indicates that the deadlines are early due to state holidays.

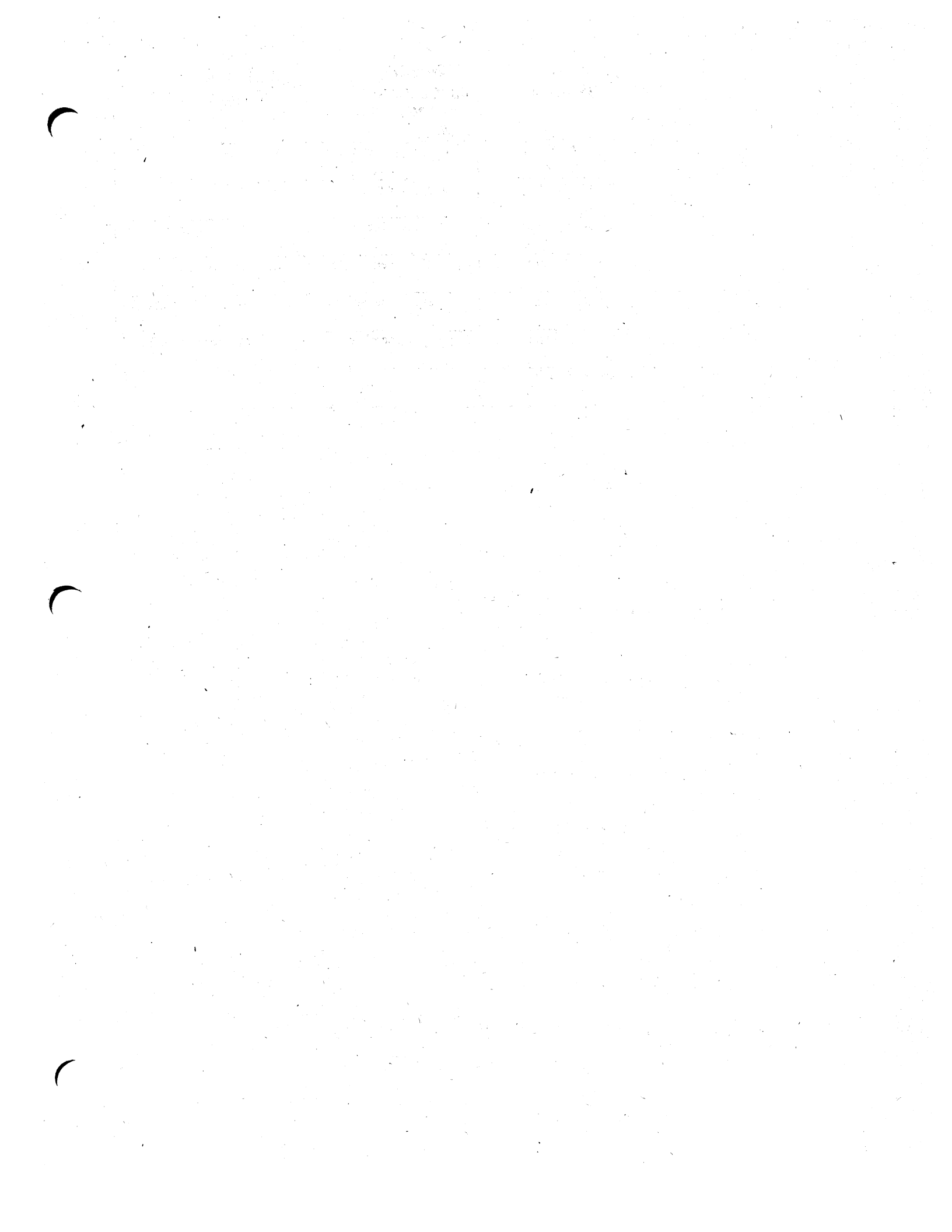
FOR ISSUE PUBLISHED ON:	DEADLINES FOR RULES BY 10 A.M.	DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.	DEADLINES FOR OPEN MEETINGS BY 10 A.M.
9 Tuesday, February 4	Monday, January 27	Wednesday, January 29	Wednesday, January 29
10 Friday, February 7	Wednesday, January 29	Monday, February 3	Monday, February 3
11 Tuesday, February 11	Monday, February 3	Wednesday, February 5	Wednesday, February 5
12 Friday, February 14	Wednesday, February 5	Monday, February 10	Monday, February 10
13 Tuesday, February 18	Monday, February 10	Wednesday, February 12	Wednesday, February 12
14 Friday, February 21	Wednesday, February 12	*Friday, February 14	*Friday, February 14
15 Tuesday, February 25	*Friday, February 14	Wednesday, February 19	Wednesday, February 19
16 Friday, February 28	Wednesday, February 19	Monday, February 24	Monday, February 24
17 Tuesday, March 4	Monday, February 24	Wednesday, February 26	Wednesday, February 26
18 Friday, March 7	Wednesday, February 26	Monday, March 3	Monday, March 3
19 Tuesday, March 11	Monday, March 3	Wednesday, March 5	Wednesday, March 5
20 Friday, March 14	Wednesday, March 5	Monday, March 10	Monday, March 10
21 Tuesday, March 18	Monday, March 10	Wednesday, March 12	Wednesday, March 12
22 Friday, March 21	Wednesday, March 12	Monday, March 17	Monday, March 17
23 Tuesday, March 25	Monday, March 17	Wednesday, March 19	Wednesday, March 19
24 Friday, March 28	Wednesday, March 19	Monday, March 24	Monday, March 24

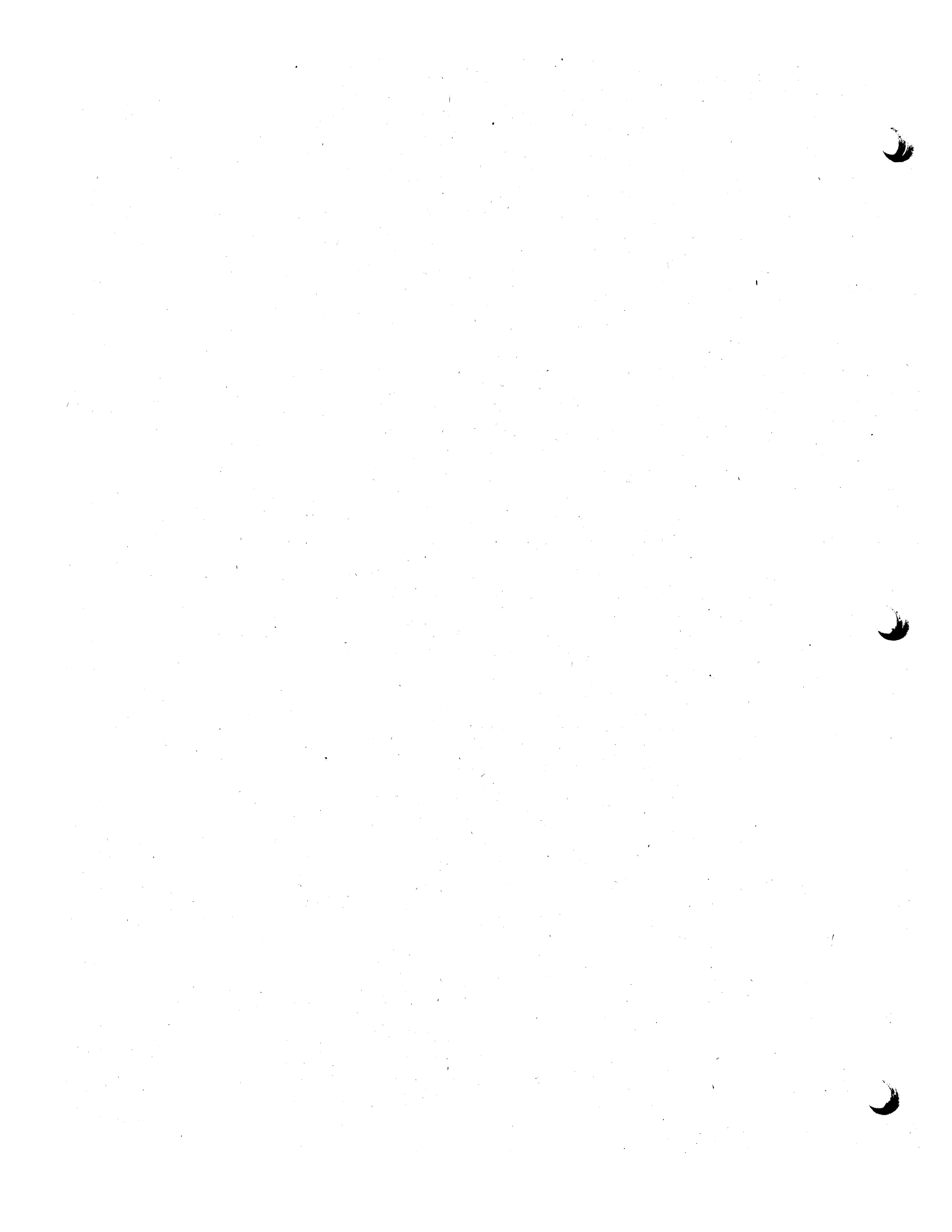
FOR ISSUE PUBLISHED ON:	DEADLINES FOR RULES BY 10 A.M.	DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.	DEADLINES FOR OPEN MEETINGS BY 10 A.M.
25 Tuesday, April 1	Monday, March 24	Wednesday, March 26	Wednesday, March 26
26 Friday, April 4	Wednesday, March 26	Monday, March 31	Monday, March 31
Tuesday, April 8	<i>First Quarterly Index</i>		
27 Friday, April 11	Wednesday, April 2	Monday, April 7	Monday, April 7
28 Tuesday, April 15	Monday, April 7	Wednesday, April 9	Wednesday, April 9
29 Friday, April 18	Wednesday, April 9	Monday, April 14	Monday, April 14
30 Tuesday, April 22	Monday, April 14	Wednesday, April 16	Wednesday, April 16
31 Friday, April 25	Wednesday, April 16	Monday, April 21	Monday, April 21
32 Tuesday, April 29	Monday, April 21	Wednesday, April 23	Wednesday, April 23
33 Friday, May 2	Wednesday, April 23	Monday, April 28	Monday, April 28
34 Tuesday, May 6	Monday, April 28	Wednesday, April 30	Wednesday, April 30
35 Friday, May 9	Wednesday, April 30	Monday, May 5	Monday, May 5
36 Tuesday, May 13	Monday, May 5	Wednesday, May 7	Wednesday, May 7
37 Friday, May 16	Wednesday, May 7	Monday, May 12	Monday, May 12
38 Tuesday, May 20	Monday, May 12	Wednesday, May 14	Wednesday, May 14
39 Friday, May 23	Wednesday, May 14	Monday, May 19	Monday, May 19
40 Tuesday, May 27	Monday, May 19	Wednesday, May 21	Wednesday, May 21
Friday, May 30	<i>No Issue Published</i>		
41 Tuesday, June 3	*Friday, May 23	Wednesday, May 28	Wednesday, May 28
42 Friday, June 6	Wednesday, May 28	Monday, June 2	Monday, June 2
43 Tuesday, June 10	Monday, June 2	Wednesday, June 4	Wednesday, June 4
44 Friday, June 13	Wednesday, June 4	Monday, June 9	Monday, June 9
45 Tuesday, June 17	Monday, June 9	Wednesday, June 11	Wednesday, June 11
46 Friday, June 20	Wednesday, June 11	Monday, June 16	Monday, June 16

FOR ISSUE PUBLISHED ON:	DEADLINES FOR RULES BY 10 A.M.	DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.	DEADLINES FOR OPEN MEETINGS BY 10 A.M.
47 Tuesday, June 24	Monday, June 16	Wednesday, June 18	Wednesday, June 18
48 Friday, June 27	Wednesday, June 18	Monday, June 23	Monday, June 23
49 Tuesday, July 1	Monday, June 23	Wednesday, June 25	Wednesday, June 25
50 Friday, July 4	Wednesday, June 25	Monday, June 30	Monday, June 30
51 Tuesday, July 8	Monday, June 30	Wednesday, July 2	Wednesday, July 2
Friday, July 11	<i>Second Quarterly Index</i>		
52 Tuesday, July 15	Monday, July 7	Wednesday, July 9	Wednesday, July 9
53 Friday, July 18	Wednesday, July 9	Monday, July 14	Monday, July 14
54 Tuesday, July 22	Monday, July 14	Wednesday, July 16	Wednesday, July 16
55 Friday, July 25	Wednesday, July 16	Monday, July 21	Monday, July 21
56 Tuesday, July 29	Monday, July 21	Wednesday, July 23	Wednesday, July 23
57 Friday, August 1	Wednesday, July 23	Monday, July 28	Monday, July 28
58 Tuesday, August 5	Monday, July 28	Wednesday, July 30	Wednesday, July 30
59 Friday, August 8	Wednesday, July 30	Monday, August 4	Monday, August 4
60 Tuesday, August 12	Monday, August 4	Wednesday, August 6	Wednesday, August 6
61 Friday, August 15	Wednesday, August 6	Monday, August 11	Monday, August 11
62 Tuesday, August 19	Monday, August 11	Wednesday, August 13	Wednesday, August 13
63 Friday, August 22	Wednesday, August 13	Monday, August 18	Monday, August 18
64 Tuesday, August 26	Monday, August 18	Wednesday, August 20	Wednesday, August 20
65 Friday, August 29	Wednesday, August 20	Monday, August 25	Monday, August 25
66 Tuesday, September 2	Monday, August 25	Wednesday, August 27	Wednesday, August 27
67 Friday, September 5	Wednesday, August 27	*Friday, August 29	*Friday, August 29
68 Tuesday, September 9	*Friday, August 29	Wednesday, September 3	Wednesday, September 3
69 Friday, September 12	Wednesday, September 3	Monday, September 8	Monday, September 8

FOR ISSUE PUBLISHED ON:	DEADLINES FOR RULES BY 10 A.M.	DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.	DEADLINES FOR OPEN MEETINGS BY 10 A.M.
70 Tuesday, September 16	Monday, September 8	Wednesday, September 10	Wednesday, September 10
71 Friday, September 19	Wednesday, September 10	Monday, September 15	Monday, September 15
72 Tuesday, September 23	Monday, September 15	Wednesday, September 17	Wednesday, September 17
73 Friday, September 26	Wednesday, September 17	Monday, September 22	Monday, September 22
74 Tuesday, September 30	Monday, September 22	Wednesday, September 24	Wednesday, September 24
75 Friday, October 3	Wednesday, September 24	Monday, September 29	Monday, September 29
Tuesday, October 7	<i>Third Quarterly Index</i>		
76 Friday, October 10	Wednesday, October 1	Monday, October 6	Monday, October 6
77 Tuesday, October 14	Monday, October 6	Wednesday, October 8	Wednesday, October 8
78 Friday, October 17	Wednesday, October 8	Monday, October 13	Monday, October 13
79 Tuesday, October 21	Monday, October 13	Wednesday, October 15	Wednesday, October 15
80 Friday, October 24	Wednesday, October 15	Monday, October 20	Monday, October 20
81 Tuesday, October 28	Monday, October 20	Wednesday, October 22	Wednesday, October 22
82 Friday, October 31	Wednesday, October 22	Monday, October 27	Monday, October 27
83 Tuesday, November 4	Monday, October 27	Wednesday, October 29	Wednesday, October 29
84 Friday, November 7	Wednesday, October 29	Monday, November 3	Monday, November 3
85 Tuesday, November 11	Monday, November 3	Wednesday, November 5	Wednesday, November 5
Friday, November 14	<i>No Issue Published</i>		
86 Tuesday, November 18	Monday, November 10	Wednesday, November 12	Wednesday, November 12
87 Friday, November 21	Wednesday, November 12	Monday, November 17	Monday, November 17
88 Tuesday, November 25	Monday, November 17	Wednesday, November 19	Wednesday, November 19
89 Friday, November 28	Wednesday, November 19	Monday, November 24	Monday, November 24
Tuesday, December 2	<i>No Issue Published</i>		
90 Friday, December 5	Wednesday, November 26	Monday, December 1	Monday, December 1

FOR ISSUE PUBLISHED ON:	DEADLINES FOR RULES BY 10 A.M.	DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.	DEADLINES FOR OPEN MEETINGS BY 10 A.M.
91 Tuesday, December 9	Monday, December 1	Wednesday, December 3	Wednesday, December 3
92 Friday, December 12	Wednesday, December 3	Monday, December 8	Monday, December 8
93 Tuesday, December 16	Monday, December 8	Wednesday, December 10	Wednesday, December 10
94 Friday, December 19	Wednesday, December 10	Monday, December 15	Monday, December 15
95 Tuesday, December 23	Monday, December 15	Wednesday, December 17	Wednesday, December 17
96 Friday, December 26	Wednesday, December 17	Monday, December 22	Monday, December 22
Tuesday, December 30	<i>No Issue Published</i>		





How to Use the Texas Register

Information Available: The 13 sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Secretary of State - opinions based on the election laws.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

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

Adopted Rules - sections adopted following a 30-day public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Texas Department of Banking - opinions and exempt rules filed by the Texas Department of Banking.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Open Meetings - notices of open meetings.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative 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 the 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 22 (1997) is cited as follows: 22 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "22 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 22 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, Room 245, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online through the Internet. The address is: <http://www.sos.state.tx.us>. The *Register* is available in a plain text version as well as a .pdf (portable document format) version through the Internet. In addition to the Internet version, the *Texas Register* is available online through a dialup bulletin board and as ASCII files on diskette. For subscription information, see the back cover or call the *Texas Register* at (800) 226-7199.

Texas Administrative Code
The *Texas Administrative Code (TAC)* is the official

compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*. West Publishing Company, the official publisher of the *TAC*, publishes on an annual basis.

The *TAC* volumes are arranged into Titles (using Arabic numerals) and Parts (using Roman numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

To purchase printed volumes of the *TAC* or to inquire about WESTLAW access to the *TAC* call West: 1-800-328-9352.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

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

1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

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Part I. Texas Department of Human Services
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