

# TEXAS REGISTER

*Volume 22 Number 5 January 17, 1997*

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***Artist: Paul Stolle***

***7th Grade***

***Vernon Intermediate School, Vernon ISD***

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Letter of Opinions..... 815

**TEXAS ETHICS COMMISSION**

Advisory Opinion Requests..... 817

Advisory Opinion Request..... 817

**PROPOSED RULES**

**Texas Department of Agriculture**

Seed Quality

4 TAC §9.10..... 819

**Records Management Interagency Coordinating Board**

Electronic Documents

13 TAC §51.1, §51.3..... 820

**Texas State Board of Pharmacy**

Licensing Requirements for Pharmacists

22 TAC §283.7, §283.9..... 821

**Texas State Board of Examiners of Psychologists**

General Rules

22 TAC §461.7..... 822

**Texas Natural Resource Conservation Commission**

Underground Injection Control

30 TAC §§331.2, 331.4, 331.7, 331.9-331.13 ..... 825

30 TAC §331.8..... 828

30 TAC §§331.31-331.36 ..... 828

30 TAC §§331.42-331.46 ..... 829

30 TAC §§331.63-331.66, 331.68 ..... 831

30 TAC §§331.81-331.86..... 834

30 TAC §331.121, §331.122 ..... 836

**WITHDRAWN RULES**

**Records Management Interagency Coordinating Council**

Electronic Documents

13 TAC §51.1, §51.3..... 839

**ADOPTED RULES**

**Office of the Secretary of State**

Office of the Secretary of State

1 TAC §71.8..... 841

**Railroad Commission of Texas**

Liquefied Petroleum Gas Division

16 TAC §9.31..... 841

**Texas Department of Mental Health and Mental Retardation**

ICF/MR Programs

25 TAC §§406.201-406.204, §406.214, §406.216, 406.217 ..... 842

**Texas Department of Human Services**

Community Care for Aged and Disabled

40 TAC §48.3904..... 847

**TABLES AND GRAPHICS**

**Tables and Graphics**

Tables and Graphics..... 849

**OPEN MEETINGS**

**Texas Boll Weevil Eradication Foundation**

Monday, January 20, 1997, 10:00 a.m..... 851

**Texas Bond Review Board**

Thursday, January 16, 1997, 10:30 a.m..... 851

**Texas Certified Self-Insurer Guaranty Association**

Friday, January 17, 1997, 9:30 a.m..... 851

**Texas Child Care Development Board**

Thursday, January 16, 1997, 9:30 a.m..... 852

**Texas Department of Criminal Justice**

Friday, January 17, 1997, 10:00 a.m..... 852

**Texas Commission for the Deaf and Hard of Hearing**

Friday, Saturday, January 17-18, 1997, 1:00 p.m. and 9:00 a.m. respectively ..... 852

Sunday, January 19, 1997, 9:00 a.m..... 852

**Interagency Council on Early Childhood Intervention**

Thursday, January 23, 1997, 9:30 a.m..... 853

**Advisory Commission on State Emergency Communications**

Tuesday, January 14, 1997, 3:00 p.m..... 853

**Texas Department of Health (TDH)**

Thursday, January 16, 1997, 2:30 p.m..... 853

Thursday, January 16, 1997, 4:00 p.m..... 853

Friday, January 17, 1997, 8:30 a.m..... 854

Friday, January 17, 1997, 10:00 a.m..... 854

Friday, January 17, 1997, 10:00 a.m..... 854

Tuesday, January 21, 1997, 9:00 a.m..... 854

Tuesday, January 21, 1997, 11:00 a.m..... 855

Tuesday, January 21, 1997, 11:00 a.m..... 855

**Texas Department of Information Resources**

Thursday, January 23, 1997, 9:30 a.m.....	855	<b>University Interscholastic League</b>	
<b>Texas State Board of Medical Examiners</b>		Monday, January 13, 1997, 10:00 a.m.....	860
Friday, January 17, 1997, 9:00 a.m.....	855	<b>Texas Water Development Board</b>	
Friday, January 17, 1997, 9:30 a.m.....	856	Thursday, January 16, 1997, 9:00 a.m.....	860
Friday, January 17, 1997, 10:30 a.m.....	856	<b>Texas Workers' Compensation Insurance Facility</b>	
Friday, January 17, 1997, 11:30 a.m.....	856	Monday, January 20, 1997, 10:00 a.m.....	860
Friday, January 17, 1997, 1:00 p.m.....	856	<b>Regional Meetings</b>	
Friday, January 17, 1997, 1:30 p.m.....	856	<b>IN ADDITION</b>	
Friday, January 17, 1997, 2:00 p.m.....	857	<b>Texas Department of Agriculture</b>	
Friday, January 17, 1997, 2:45 p.m.....	857	Notice of Public Hearing.....	865
Friday, January 17, 1997, 3:30 p.m.....	857	<b>State Auditor's Office</b>	
Friday, January 17, 1997, 4:00 p.m.....	857	Notice of Consultant Contract Award.....	865
<b>Texas Natural Resource Conservation Commission</b>		<b>Austin Transportation Study</b>	
Monday, January 13, 1997, 10:00 a.m.....	857	Public Involvement Program Advertisement for Sealed Proposals.....	865
Wednesday, January 22, 1997, 9:30 a.m., 1:00 p.m., and 2:00 p.m.....	858	<b>Texas Department of Health</b>	
<b>Texas State Board of Podiatric Medical Examiners</b>		Notice of Intent to Revoke Certificates of Registration.....	866
Friday, January 10, 1997, 10:00 a.m.....	858	Notice of Intent to Revoke a Radioactive Material License.....	866
<b>Public Utility Commission of Texas</b>		<b>Texas Department of Insurance</b>	
Monday, January 27, 1997, 9:00 a.m.....	858	Notice.....	866
Monday, January 27, 1997, 9:00 a.m.....	858	<b>Texas Natural Resource Conservation Commission</b>	
<b>Railroad Commission of Texas</b>		Enforcement Orders.....	866
Wednesday, January 22, 1997, 9:00 a.m.....	858	Notice of Applications for Waste Disposal Permits.....	868
<b>Texas Real Estate Commission</b>		Provisionally-Issued Temporary Permits to Appropriate State Water.....	869
Friday, January 17, 1997, 10:00 a.m.....	859	<b>Public Utility Commission of Texas</b>	
<b>Texas Senate</b>		Notices of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27.....	869
Tuesday, January 14, 1997, 9:00 a.m.....	859	<b>The University of Texas System Medical Branch at Galveston</b>	
Wednesday, January 15, 1997, 9:00 a.m.....	859	Consultant Proposal Request.....	870
Wednesday, January 15, 1997, 9:00 a.m.....	859		
<b>Texas Skill Standards Board</b>			
Tuesday, Wednesday, January 21-22, 1997, 10:00 a.m. and 9:00 a.m. respectively.....	860		

# ATTORNEY GENERAL

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Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042 and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record. To request copies of opinions, phone (512) 462-0011. To inquire about pending requests for opinions, phone (512) 463-2110.

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## Letter of Opinions

**LO 96-103.** David R. Smith, M.D., Commissioner, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, concerning regulation of kinesiotherapists under article 4512e, V.T.C.S., and related question (ID# 38920).

**Summary.** The Texas Department of Health does not have the authority to register kinesiotherapists.

**LO 96-106.** Request from Mr. Lawrence R. Jacobi, Jr., P.E., General Manager, Texas Low-Level Radioactive Waste Disposal Authority, 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, concerning authority of the Texas Low-Level Radioactive Waste Disposal Authority to exchange real property with a private individual. (ID# 38918)

**Summary.** Absent express statutory authority, the Texas Low-Level Radioactive Waste Disposal Authority may not exchange its land for land owned by a private party.

**LO 96-107.** Request from The Honorable Shane Ann Green, Brewster County Attorney, P.O. Box 323, Alpine, Texas 79831, concerning whether the "resign-to-run" provision of the Texas Constitution is applicable when an individual declares herself a "candidate" for an appointed position (ID# 38807).

**Summary.** The automatic resignation provision of article XVI, §65 of the Texas Constitution does not operate to remove a county judge who seeks gubernatorial appointment to a district court bench. A member of the board of directors of a hospital district holds an office of trust.

**LO 96-113.** The Honorable Thomas F. Lee, District Attorney, 63rd Judicial District, P.O. Box 1405, Del Rio, Texas 78841, concerning whether the Del Rio Chamber of Commerce Room Tax Committee is subject to the Open Meetings Act, Chapter 551, Government Code (ID# 38830).

**Summary.** A committee of the chamber of commerce that is expending funds raised by the local hotel tax under contract with the city is not a governmental body within the Open Meetings Act.

**LO 96-114.** Request from The Honorable Marcos Hernandez, Jr., Hays County Criminal District Attorney, 110 East Martin Luther King Drive, Hays County Justice Center, San Marcos, Texas 78666, concerning whether prior conviction of a felony disqualifies an individual from serving as a member of a school district board of trustees. (ID# 38806)

**Summary.** Prior conviction of a felony disqualifies an individual from serving as a member of the board of trustees of an independent school district, unless the person has been pardoned or otherwise released from the resulting disabilities.

**LO 96-116.** Anthony P. Picchioni, Ph.D., Chair, Texas State Board of Examiners of Professional Counselors, 1100 West 49th Street, Austin, Texas 78756-3183, concerning whether the complaints committee of the Texas State Board of Examiners of Professional Counselors may discuss with its attorney in a closed meeting complaints against counselors. (ID# 38695)

**Summary.** Government Code §551.071(1)(A) authorizes a governmental body, including the Texas State Board of Examiners of Professional Counselors' Complaints Committee, to consult with its attorney in a closed meeting regarding pending or contemplated quasi-judicial, administrative proceedings governed by the Administrative Procedure Act. Similarly, §551.071(1)(B) authorizes a governmental body to consult with its attorney in a closed meeting regarding the settlement of a matter that otherwise would proceed to a quasi-judicial, administrative hearing. Government Code §551.071(2) authorizes the Texas State Board of Examiners of Professional Counselors' complaints committee to consult with its attorney in a closed meeting about matters in which the attorney's duty to the complaints committee "under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with" the Open Meetings Act, Government Code chapter 551. The complaints committee must take any final actions in an open meeting.

**LO 96-120.** Request from The Honorable Mike Driscoll, Harris County Attorney, 1001 Preston, Suite 634, Houston, Texas 77002-1891, concerning whether subchapter A of chapter 332 of the Local Government Code is applicable to professional baseball and football facilities and related questions. (ID# 39196)

**Summary.** Construction of new or renovated stadiums, arenas, and other facilities for use by professional baseball and football teams constitute "recreational facilities" under subchapter A of chapter 332 of the Local Government Code (the "code"). The proposition and ballot language conform to the requirements of law. An election held pursuant to §332.003 of the code is binding although it is not clear that if the proposition submitted passes, that the Harris County Commissioners Court would be required to exercise the powers conferred. Defeat of the §332.003 referendum would not preclude the commissioners court from expending public funds for improvements to the Astrodome Complex under and in compliance with other statutory or constitutional authority.

**LO 96-123.** Request from The Honorable Don Henderson, Chair, Jurisprudence Committee, Texas State Senate, P.O. Box 12068, Austin, Texas 78711-2068, concerning whether, under Property Code §204.010(9), a property owners' association may assess additional fees or raise existing fees for services the association performs, without following "established procedures" for assessing or raising the fees. (ID# 38818)

**Summary.** Property Code §204.010(a)(9) authorizes the board of a property owners' association that is subject to chapter 204 to impose, without membership approval, payments, fees, or charges for the use, rental, or operation of the common area and for services provided to property owners unless property restrictions or the association's articles of incorporation or bylaws provide otherwise. Subsection (a)(9) encompasses the authority to set additional payments, fees, or charges and to raise existing payments, fees, or charges.

**LO 96-126.** Request from Mr. Wayne Scott, Executive Director, Texas Department of Criminal Justice, P.O. Box 99, Huntsville, Texas 77342, concerning eligibility for mandatory release of inmates convicted of indecency with a child under Penal Code §21.11(a)(11). (ID# 39210)

**Summary.** Inmates convicted of indecency with a child under §21.11(a)(1) of the Penal Code are not eligible for mandatory supervision according to the terms of Code of Criminal Procedure article 42.18, §8(c).

**LO 96-127.** The Honorable Doyle Willis, Chair, Military and Veterans Affairs, Texas House of Representatives, P.O. Box 2910, Austin, Texas 78768-2910, concerning whether Bexar County Commissioners Court may house its veterans service office with its Department of Housing and Human Services. (ID# 38643)

**Summary.** A Veterans County Service Office in a county with a population of 200,000 or more must be located in an office that is "separate and distinct" from other county offices. The Veterans County Service Officer should have a sufficient degree of physical separation from other county departments and officials to enable veterans to identify and locate him or her.

TRD-9700349



# TEXAS ETHICS COMMISSION

The Texas Ethics Commission is authorized by the Government Code, §571.091, to issue advisory opinions in regard to the following statutes: the Government Code, Chapter 302; the Government Code, Chapter 305; the Government Code, Chapter 572; the Election Code, Title 15; the Penal Code, Chapter 36; and the Penal Code, Chapter 39.

Requests for copies of the full text of opinions or questions on particular submissions should be addressed to the Office of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

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Advisory Opinion Requests

AOR-393 Whether an employee of the Texas Legislature may be the owner of a business that provides election support services to candidates for elective office.

AOR-394 Whether a state representative may use political contributions to pay for transportation and hotel expenses to attend the swearing-in ceremony of a U.S. Congressman from Texas.

AOR-395 Whether a legislative caucus may continue to receive contributions of personal services during the contribution moratorium period, if the agreement to provide the services was entered into before the moratorium period.

The Texas Ethics Commission is authorized by §571.091 of the Government Code to issue advisory opinions in regard to the following statutes: (1) Chapter 572, Government Code; (2) Chapter 302, Government Code; (3) Chapter 305, Government Code; (4) Title 15, Election Code; (5) Chapter 36, Penal Code; and (6) Chapter 39, Penal Code.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Capitol Station, Austin, Texas 78711-2070, (512) 463-5800.

Issued in Austin, Texas, on January 9, 1997.

TRD-9700359  
Tom Harrison  
Executive Director  
Texas Ethics Commission  
Filed: January 9, 1997



Advisory Opinion Request

**AOR-370.** File Closed. Withdrawn by requestor.

Issued in Austin, Texas, on January 9, 1997.

TRD-9700433  
Tom Harrison  
Executive Director  
Texas Ethics Commission  
Filed: January 10, 1997



# PROPOSED RULES

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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.

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## TITLE 4. AGRICULTURE

### Part I. Texas Department of Agriculture

#### Chapter 9. Seed Quality

##### Special Provisions for Labeling

###### 4 TAC §9.10

The Texas Department of Agriculture (the department) proposes an amendment to §9.10, concerning the labeling of treated seed under the Texas Seed Law. The purpose of the proposed amendment is to provide notice to consumers using treated seed so that they can take precautionary action if necessary, based on the label. The Texas seed regulations currently do not address the labeling of treated seed offered for sale or sold within Texas, and the Federal Insecticide, Fungicide, and Rodenticide Act only covers applications of a substance to the seed and does not extend to the labeling of the seed product after treatment. The department published an emergency adoption of this proposed amendment in the December 17, 1996, issue of the *Texas Register* (21 TexReg 12039), effective until March 9, 1997.

Charles Leamons, director for seed quality, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Leamons 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 is providing notice of seed treatment to consumers so that consumers using treated seed can take precautionary action if necessary based on the label. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Charles Leamons, Director for Seed Quality, Texas Department of Agriculture, P. O. Box 629, Giddings, Texas 78942. Comments

must be received no later than 30 days from the date of the publication of the proposal in the *Texas Register*.

The amendment is proposed under the Texas Agriculture Code, §61.002, which provides the Texas Department of Agriculture with the authority to adopt rules as necessary for the efficient enforcement of the Texas Seed Law.

The Texas Agriculture Code, Chapter 61, is affected by the proposal.

§9.10. *Treated Seed.*

**Treated seed must meet the most current labeling requirements adopted in the Federal Seed Act regulations. The Department of Agriculture hereby adopts by reference the requirements found at 7 Code of Federal Regulations, §201.31a. Information relative to obtaining copies of the material adopted by reference may be obtained by writing to the Texas Department of Agriculture, Seed Quality, P. O. Box 629, Giddings, Texas 78942. A copy is also available for public inspection at the Texas Department of Agriculture, Seed Quality, W. H. (Bill) Pieratt Building, Giddings, Texas.** [All treated seed shall be labeled in accordance with the Federal Insecticide, Fungicide and Rodenticide Act, as amended].

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 January 6, 1997.

TRD-9700166

Dolores Alvarado Hibbs

Deputy General Counsel

Texas Department of Agriculture

Earliest possible date of adoption: February 17, 1997

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

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## TITLE 13. CULTURAL RESOURCES

### Part IV. Records Management Interagency Coordinating Board

#### Chapter 51. Electronic Documents

##### 13 TAC §51.1, §51.3

The Records Management Interagency Coordinating Council proposes new §51.1 and §51.3, concerning authentication of governmental electronic records. The Council first proposed these sections in the July 26, 1996, *Texas Register* (21 TexReg 6931). The Council withdraws that proposal and submits a revised draft of the §51.1 which includes the judiciary in the definition for Government Body.

The new rules are proposed under the authority of the Texas Government Code, §441.053(g). The rules will establish standards for government bodies to authenticate on-line electronic documents obtained from an official source or by means of digital signature.

Robert S. Martin, Chairman of the Council, has determined that for each year of the first five years the rules are in effect there will be no fiscal implications for state and local government as a result of enforcing or administering the rules.

Dr. Martin also has determined that for each year of the first five years the rules as proposed are in effect, the public will benefit from government records being made more readily available in electronic form with assurance that the records are identical to the original source. There will be no effect on small businesses. There is no anticipated economic cost to persons required to comply with the rules as proposed.

Comments on the proposal may be submitted to Robert S. Martin, Chairman of the Records Management Interagency Coordinating Council, Texas State Library, P.O. Box 12927 Austin, Texas, 78711-2927, within 30 days of publication in the *Texas Register*.

The rules are proposed under the Texas Government Code, §441.053, which provides the Records Management Interagency Coordinating Council with the authority to adopt rules to improve the state's management of records.

The Texas Government Code, §441.053(g) is affected by the proposed rules.

##### §51.1. Definitions.

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

Electronic Format- Information accessible by a computer.

Electronic Public Information - Any public information as defined in the Public Information Act, Government Code, §552.002, that is stored or transmitted in any electronic format.

Governmental Body - A board, commission, department, committee, institution, agency, or office that is within or is created by the executive or legislative branch of state government and that is directed by one or more elected or appointed members;

- (A) a county commissioners court in the state;

- (B) a municipal governing body in the state;

(C) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality;

- (D) a school district board of trustees;

- (E) a county board of education;

- (F) the governing board of a special district;

(G) the governing body of a nonprofit corporation organized under Chapter 76, Acts of the 43rd Legislature, 1st Called Session (Article 1434a Vernon's Texas Civil Statutes), that provide a water supply or wastewater service, or both, and is exempt from ad valorem taxation under §11.30, Tax Code;

(H) the part, section, or portion of an organization, corporation, commission, committee, institution or agency that spends or that is supported in whole or in part by public funds of the state or of a governmental subdivision of the state; and

- (I) the judiciary.

On-line - Accessible via a computer, a computer network such as the internet, or via a dial-in bulletin board system using a computer or computer terminal.

##### §51.3. Authentication of On-line Electronic Public Information.

(a) Electronic public information will be considered authentic when:

- (1) it is on-line and meets the following requirements:

(A) it is obtained directly from an electronic source that a governmental body has declared to be an official source of on-line electronic public information for that governmental body, and

(B) the public information includes the statement, "This document can only be presumed to be authentic if it is in its original electronic format and only if obtained from an official source of the originating governmental body;" or

- (2) it is digitally signed and obtained as follows:

(A) it is in an electronic format with digital signature appended and

(B) the digital signature meets the requirements of administrative rules of the Department of Resources, and

(C) the digital signature is the official signature of a governmental body as defined by administrative rules of the Department of Information Resources.

(b) Government bodies will notify the Texas State Library and Archives Commission each time they designate an official source of on-line electronic public information.

(c) Subsection (a)(2) of this section will be valid only when the Department of Information Resources has adopted administrative rules to implement this section.

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 January 7, 1997.

TRD-9700187

Robert S .Martin  
Chairman  
Records Management Interagency Coordinating Council  
Earliest possible date of adoption: February 17, 1997  
For further information, please call: (512) 463-5460

## TITLE 22. EXAMINING BOARDS

### Part XV. Texas State Board of Pharmacy

#### Chapter 283. Licensing Requirements for Pharmacists

##### 22 TAC §283.7, §283.9

The Texas State Board of Pharmacy proposes amendments to §283.7 and §283.9, concerning Examination Requirements and Fee Requirements for Licensure by Examination and Reciprocity.

These amendments will change the (1) method of payment of these fees by the applicant; (2) refund policies of the agency; (3) procedures to score transfer a NAPLEX score to other states; and (4) make the application deadlines the same for NAPLEX and Reciprocity Candidates.

The Texas State Board of Pharmacy contracts with the National Association of Board's of Pharmacy (NABP) to develop, administer and grade the North American Pharmacist Licensing Examination. Beginning in March 1997, the pen and paper NAPLEX will convert to a computer-adaptive examination developed by NABP and administered in approved test network centers (Sylvan Technology Centers and approved test centers in board of pharmacy offices). With the implementation of the computer adaptive examination, NABP has changed the procedures for payment of fees, refunds, and score transfers. These rule amendments will make the rules consistent with the NABP policies.

Fred S. Brinkley, Jr., R.Ph., M.B.A., Executive Director/Secretary has determined that for the first five-year period the rules are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Mr. Brinkley also has determined that for each year of the first five-year period the rules will be in effect the public benefit anticipated as a result of enforcing the rules will be the establishment of a system for licensing qualified individuals as pharmacists.

There will be no effect on small businesses and there are no anticipated economic costs to persons who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Gay Dodson, Director of Compliance, 333 Guadalupe, Box 21, Suite 3-600, Austin, Texas, 78701-3942.

The amendments are proposed under the Texas Pharmacy Act (Article 4542a-1, Vernon's Texas Civil Statutes), §30, which specifies that the Board shall establish reasonable and necessary fees so that fees, in the aggregate, produce sufficient revenue to cover the cost of administering this Act; and §21 which specifies the qualifications for licensing by examination.

The statutes affected by the rules: Texas Civil Statutes, Article 4542a-1.

##### §283.7. Examination Requirements.

Each applicant for licensure by examination shall pass the Texas Pharmacy Jurisprudence Examination and the NAPLEX. The examination requirements shall be as follows:

(1)-(5) (No change)

[(6) If the applicant should fail both NAPLEX and the Texas Pharmacy Jurisprudence Examination, the examinations shall be retaken at the same administration as specified in 283.11 of this title (relating to Examination Retake Requirements).]

(6) [(7)] If the applicant should fail one of the examinations, the grade of the examination which the applicant initially passed may be used for the purpose of licensure by examination for a period of two years from the date of passing the initial examination.

(7) [(8)] Examination applications and fees as specified in 283.9(a) of this title (relating to Fee Requirements for Licensure by Examination and Reciprocity) shall be received in the board office no later than **six weeks prior to the examination date.** [the following prescribed deadlines:

[(A) for the initial examination or retake of NAPLEX and the Texas Pharmacy Jurisprudence Examination - six weeks prior to the examination date; and

[(B) for retake of the Texas Pharmacy Jurisprudence Examination only three weeks prior to the examination date.]

(8) [(9)] Each applicant for licensure by examination utilizing NAPLEX scores transferred from another state shall meet the following requirements for licensure in addition to the requirements set out in paragraphs (1) - (7) [(1) - (8)] of this section.

(A) The applicant shall request NABP to transfer NAPLEX scores to the board. Such request shall be **in accordance with NABP policy.** [postmarked no later than seven days from the date of the NAPLEX test administration.]

(B) The applicant shall pay the fee set out in 283.9 of this title (relating to Fee Requirements for Licensure by Examination and Reciprocity).

##### §283.9. Fee Requirements for Licensure by Examination and Reciprocity.

(a) The fees for licensure by examination and reciprocity shall include one exam administration and are as follows:

(1) **examination fee – \$300 effective for the June 1995 examination. Effective for the March 1997 examination, the \$300 fee includes:**

(A) **a NAPLEX application fee of \$250, which is to be paid to NABP in accordance with NABP policy; and**

(B) **an examination processing fee of \$50, which is to be paid to the Texas State Board of Pharmacy and includes processing of the NAPLEX application and/or administration of the Texas Pharmacy Jurisprudence Examination).**

[(1) examination fee—\$200 effective for the June 1988 examination and \$300 effective for the June 1995 examination (includes administration of NAPLEX and Texas Pharmacy Jurisprudence Examination); and]

(2) (No change.)

(b) If an applicant fails an examination or is required to take an examination for reinstatement of a license, the fees for **one exam administration** [administration of the examination(s)] are as follows:

(1) **NAPLEX and Texas Pharmacy Jurisprudence or NAPLEX only – \$300, effective for the June 1995 examination. Effective for the March 1997 examination, the \$300 fee includes:**

(A) **a NAPLEX application fee of \$250, which is to be paid to NABP in accordance with NABP policy; and**

(B) **an examination processing fee of \$50, which is to be paid to the Texas State Board of Pharmacy and includes processing of the NAPLEX application and/or administration of the Texas Pharmacy Jurisprudence Examination).**

[(1) NAPLEX and Texas Pharmacy Jurisprudence or NAPLEX only—\$200, effective for the June 1988 examination and \$300, effective for the June 1995 examination; and]

(2) (No change.)

(c) **Rescheduling or canceling an examination appointment. Refunds of fees are available under limited circumstances as follows.**

(1) **Examination Fee - \$300.**

(A) **\$250 NAPLEX application fee – refunds are available under limited circumstances and in accordance with NABP policy. Rescheduling of an examination appointment shall be in accordance with NABP policy.**

(B) **\$50 examination processing fee - written notification must be received in the board office no later than six weeks before the scheduled examination date in order to receive a refund or to reschedule an examination.**

(2) **Reciprocity Fee – \$250. Written notification must be received in the board office no later than six weeks before the scheduled examination date in order to receive a refund or to reschedule an examination.**

(3) **Texas Pharmacy Jurisprudence Examination – \$50. Written notification must be received in the board office no later than six weeks before the scheduled examination date, in order to receive a refund or re-schedule an examination.**

[(c) Payment of the fee shall include one exam administration. Such fee is nonrefundable, if the applicant fails to be present at a scheduled examination, unless the board receives written notification no later than six weeks before the date of such examination that the applicant will not be present at the examination.]

(d)-(e) (No change.)

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

Issued in Austin, Texas, on December 18, 1996.

TRD-9700081

Fred S. Brinkley, Jr., R.Ph., M.B.A.

Executive Director/Secretary

Texas State Board of Pharmacy

Earliest possible date of adoption: February 17, 1997

For further information, please call: (512) 305-8027



## Part XXI. Texas State Board of Examiners of Psychologists

### Chapter 461. General Rules

#### 22 TAC §461.7

The Texas State Board of Examiners of Psychologists proposes an amendment to §461.7 concerning Inactive Status. The amendment is being proposed in order to consolidate all rules regarding inactive status for licensees/certificands, as well as to identify all other license statuses.

Sherry L. Lee, Executive Director, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Ms. Lee 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 make the rules easier to understand and follow and to better inform the public of the status of a particular licensee. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Janice C. Alvarez, Texas State Board of Examiners of Psychologists, 333 Guadalupe, Suite 2-450, Austin, Texas 78701, (512) 305-7700.

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

The proposed amendment does not affect other statutes, articles, or codes.

#### §461.7. License Statuses [Inactive Status].

(a) **Active Status. Any person with a license on active status may practice psychology pursuant to that license. Any license that is not on inactive, delinquent, retired, resigned, void or revoked status is considered to be on active status. Active status is the only status under which a licensee may engage in the practice of psychology.**

#### (b) Inactive Status

(1) Persons who seek inactive status [for their certification and/or licensure are required to] **must** return their [certificate and] license to the Board. [See Chapter 473 of this title (relating to fees).] **A person may not engage in the practice of psychology under an inactive license.**

(2) **A person may place his/her active license on inactive status for a period of two years. Reactivation of this license may occur at any time during this two-year period without the person having to take an exam provided that the person notifies the Board and pays the required fees. At the end of the two-year period, if the person has not been reactivated, the license**

automatically becomes void. The inactive status may be extended for additional increments of two years if, prior to the end of each two-year period, the person notifies the Board in writing that an extension is requested and submits proof to the Board of continuous licensure by a psychology licensing board in another jurisdiction for the past two-year period and payment of all required fees. A person may indefinitely remain on inactive status if he/she is licensed in another jurisdiction and complies with the extension requirements set forth above. Any person wishing to reactivate his/her license that has been on inactive status for four years or more must take and pass the Jurisprudence Exam with the minimum acceptable score as set forth in §463.14 of this title (relating to Cutoff Scores).

(3) Any person who returns to active status after having been on inactive status must provide proof of compliance with §461.11 of this title (relating to Continuing Education) before reactivation will occur.

(4) Persons who placed their license on inactive status prior to January 31, 1992:

(A) May be grandparented to active status within one year of the effective date of this rule by notifying the Board in writing, submitting the required continuing education hours, paying the required fees, and passing the Jurisprudence Exam; or

(B) May extend their inactive status by notifying the Board, submitting documentation that they have been continuously licensed in another jurisdiction for the previous two years, and paying the required fees.

(c) **Delinquent Status.** A person who fails to renew his/her license for any reason when required is considered to be on delinquent status. Any license delinquent for more than one consecutive year shall be void. A person may not engage in the practice of psychology under a delinquent license.

(d) **Restricted status.** Any license that is currently subject to disciplinary action and/or sanction is considered to be on restricted status. A person practicing under a restricted license must comply with any restrictions placed thereon by the Board.

(e) **Retirement Status.** A person who is on active or inactive status with the Board may retire by notifying the Board in writing prior to or up until the renewal date for the license. A person seeking to retire after his or her renewal date must submit a written request to the Board stating the reasons that notice was not given prior to the expiration date. A person with a pending complaint, a restricted license, a delinquent license, or who is otherwise not in compliance with all applicable Board rules may not retire his or her license without written permission from the Board. Permission to retire will not be granted for the purpose of allowing a licensee to avoid compliance with §461.11 of this title (relating to Continuing Education). A person who retires shall be reported to have retired in good standing.

(f) **Resignation Status.** A person may resign only upon express agreement by the Board. A person who resigns shall be reported as:

(1) Resigned in lieu of adjudication if permitted to resign while a complaint is pending;

(2) Resigned in lieu of further disciplinary action if permitted to resign while the license is subject to restriction; and

(3) Resigned in lieu of delinquency status if permitted to resign prior to voiding of the license due to failure to renew.

(g) **Void Status.** The Board may void any license that is no longer in active or inactive standing. An individual may not engage in the practice of psychology under a void license. A license that has been voided may not be reinstated for any reason. A licensee whose license has been voided must submit a new application if he or she wishes to obtain a new license with the Board.

(h) **Revoked Status.** A license is revoked pursuant to Board Order after a disciplinary action in compliance with due process of law in which the Board has found that a licensee has violated the Board's rules and that the continued practice of psychology by the licensee is not in the best interest of the public.

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 January 6, 1997.

TRD-9700158

Sherry L. Lee

Executive Director

Texas State Board of Examiners of Psychologists

Earliest possible date of adoption: February 17, 1997

For further information, please call: (512) 305-7700

## TITLE 30. ENVIRONMENTAL QUALITY

### Part I. Texas Natural Resource Conservation Commission

#### Chapter 331. Underground Injection Control

The Texas Natural Resource Conservation Commission (commission) proposes to repeal §§331.8 and 331.31-331.36, and proposes amendments to §§331.2, 331.4, 331.7, 331.9-331.13, 331.42-331.46, 331.63-331.66, 331.68, 331.81-331.86, 331.121, and 331.122.

**EXPLANATION OF PROPOSED RULE.** The purpose of this rule package is to make the rules consistent with federal regulations, clarify existing regulations, and amend regulations that have no environmental impact to allow for either greater flexibility than currently allowed or removal of unnecessary restrictions. While state requirements must be at least as stringent as the corresponding federal requirement, states authorized to implement the federal Underground Injection Control (UIC) program are not required to adopt the federal requirements verbatim (see 40 CFR §145.11(b)(1)). Therefore, in most cases, this proposed rule package neither contains identical language to the federal regulations referenced nor does it incorporate or paraphrase all of that corresponding federal provision. However, in all cases, a proposed rule ensures at least the equivalent level of environmental protection as that afforded by the corresponding federal regulation. The package is not intended as a major overhaul of the UIC

program, but as an update for purposes of maintaining federal UIC program delegation and providing some regulatory relief.

Proposed §331.2, regarding Definitions, is being amended to cross-reference 30 TAC Chapter 3 for general definitions; incorporate 40 Code of Federal Regulations (CFR) §144.2 definitions for "Drilling mud," "Plugging," "Resource Conservation and Recovery Act (RCRA)," "Safe Drinking Water Act (SDWA)," and "Total dissolved solids"; to incorporate 40 CFR §146.3 definitions for "Area of review," "Disposal well," and "Well stimulation"; to correct citations and clarify the language in the definition of "Existing injection well"; to delete the definition of "Permit"; to delete references to the Texas Water Commission in the definitions of "Salt cavern solid waste disposal well or salt cavern disposal well," and "Upper limit"; and to provide a definition for "Workover" as a part of the streamlining effort.

Proposed §331.4, regarding required mechanical integrity, is being amended to improve clarity and to incorporate 40 CFR §144.51(q)(2).

Proposed §331.7(b) (relating to Permit Required), is being amended to improve clarity and to incorporate 40 CFR §144.33(a)(3).

The commission proposes to repeal §331.8 (relating to Application Required for Existing Wells) to remove an obsolete requirement. These rule provisions for Class I and III wells are proposed for repeal because all existing wells have already received permits.

Proposed §331.9 (relating to Authorization by Rule) is being amended to delete subsections (a), (b), (d), (e), (h), and (i), which contain obsolete requirements; old subsections (c), (f), (g) and (j) are renumbered; two new paragraphs are added to renumbered subsection (b) to incorporate 40 CFR §144.24(b) and (c); and the subsection (b) language is also clarified. Renumbered §331.9(d) is being amended to clarify its language.

Proposed §331.10 (b) is being amended to delete some obsolete information.

Proposed §331.11(a)(4) is being amended to incorporate the first sentence of 40 CFR §146.51(a).

Proposed §331.12(a) is being amended for editorial changes. Proposed §331.12(a)(4) is being deleted to comply with the federal program. Proposed §331.12(b) is being amended to remove an obsolete agency name.

Proposed §331.13(c)-(f) is being amended by adding two new subsections, (d) and (e); incorporating 40 CFR §144.7(b)(2) and (3); and renumbering old subsection (d) to (f) with an editorial change.

The commission proposes to repeal Subchapter B, §§331.31-331.36 (relating to Jurisdiction Over In Situ Uranium Mining) to remove obsolete requirements. Subchapter B is being repealed in its entirety because those duties listed as belonging to the Department of Health have been transferred to the Texas Natural Resource Conservation Commission. Rather than renumber the remaining subchapters, Subchapter B will be reserved for future rulemaking.

Proposed §331.42(a) is being amended for clarification. Proposed §331.42(b)(3) is being amended to clarify it and to incor-

porate 40 CFR §146.6(a)(1)(i) and (b). Proposed §331.42(b)(4) is being amended for clarification. Proposed §331.42(c) is amended to incorporate 40 CFR §146.6(a)(2). Old §331.42 (c) and (d) are being renumbered to (d) and (e).

Proposed §331.43(a), (b), and (d) are being amended for clarification; old subsections (c) and (e) are being renumbered to (b) and (c), respectively; and new subsections (d) and (e) are being added to incorporate 40 CFR §146.8(e) and (f), respectively.

Proposed §331.44(a) is being amended to clarify its language; §331.44(a)(9) is being amended to permit addition of further paragraphs in subsection (a); §331.44(a)(10) is being amended to clarify its language and amend its punctuation; §331.44(a)(11) is being added to incorporate 40 CFR §144.55(b)(4); and §331.44(b)(7) is being amended to correct a citation.

Proposed §331.45 is being amended to delete a reference to guidance because guidance is not enforceable. Proposed §331.45(1)(E), (J), and (K) are being amended to correct citations.

Proposed §331.46(d) is being amended to be consistent with 40 CFR §144.51(o) and to clarify its language. Proposed §331.46(e) is being amended to incorporate 40 CFR §146.71(b), to allow for flexibility, and to clarify its language. Proposed §331.46(k) and (l)(2) are being amended to delete a reference to the TWC; §331.46(k) is also being amended to clarify its language. Proposed §331.46(m) is being amended to incorporate 40 CFR §146.71(c)(2) and to clarify its language. Proposed §331.46(p) is being moved from §331.66(a)(5) and being amended to incorporate the last two sentences of 40 CFR §146.71(a).

Proposed §331.63(b) is being amended to provide more flexibility and to clarify its language; subsection (h) is being amended for clarification and streamlining; old subsection (i) is being deleted and replaced by a new subsection (i) which is the former last sentence of subsection (h), moved into a separate subsection for greater clarity; subsections (k) and (l) are being deleted because those provisions are already addressed in 30 TAC §305.154 (relating to Standards); subsection (m) is being renumbered to subsection (k).

Proposed §331.64(c)(3) is being amended to delete a redundancy and to clarify its language. Proposed §331.64(c)(4) is being amended for clarification. Proposed §331.64(d)(1) is being amended for clarification. Deleted §331.43(d) is being moved to §331.64(d)(4) for clarification. Proposed §331.64(f)(1)-(3) is being amended to incorporate 40 CFR §146.68(c); §331.64(f)(1) is being amended to clarify its language; and old §331.64(f)(2) is being renumbered to §331.64(f)(4) and clarified.

Proposed §331.64(g)(1) is being amended to incorporate 40 CFR §146.68(e)(2); and §331.64(g)(2) is being amended to clarify the language. Proposed new §331.64(i) incorporates 40 CFR §146.68(b).

Proposed §331.65(a)(1) is being amended to clarify its language. Proposed §331.65(a)(1)(L) and (M) are being amended to correct citations. Proposed §331.65(b)(2) is being amended to correct its punctuation, and §331.65(b)(2)(A) is being deleted to promote report streamlining. Then, §331.65(b)(2)(B) and

(C) are being renumbered accordingly, and the language in subparagraph (C) clarified. All of proposed §331.65(b)(3) is being amended for streamlining and clarification. Proposed §331.65(c) (relating to Workover Reports) is also being amended for streamlining and clarification.

Proposed §331.66(a)(5) is being deleted. Similar closure plan requirements are being moved to §331.46(p) (relating to Closure Standards) and §331.68(a) (relating to Post-Closure Care).

Proposed §331.68(a) is being amended to add the post-closure plan requirement deleted in §331.66(a)(5). Proposed §331.68(a)(3) is being amended to incorporate the third sentence of 40 CFR §146.73; §331.68(a)(5) is being amended to correct citations; and §331.68(b)(3) is being amended to delete a reference to the TWC.

Proposed §331.81 is being amended to streamline the language.

Proposed §331.82(a) (relating to Casing and Cementing) is being amended for clarification. Proposed §331.82(c) (relating to Logs and Tests) is being amended to incorporate 40 CFR §146.32(b). Proposed new §331.82(c)(2)(A)(i) incorporates deleted §331.43(b)(1); proposed new §331.82(c)(2)(A)(ii) incorporates a combination of the language from deleted §331.41(b)(2) and the cement records requirement found in 40 CFR §146.8(c)(4); and proposed §331.82(c)(2)(B) incorporates deleted §331.43(d). Former §331.82(c)(2) is renumbered to §331.82(c)(3). Proposed §331.82(g) (relating to Monitor Well Location) is being amended to incorporate the first sentence of 40 CFR §146.32(e) and to clarify its language. Proposed §331.82(h) and (i)(1) are being amended for clarification.

Proposed §331.83(a) and (b) are being amended for clarification.

Proposed §331.84(a) is being amended to incorporate 40 CFR §146.33(b)(1). Proposed §331.84(f) is being amended to incorporate the second sentence of 40 CFR §146.33(b)(5).

Proposed §331.85(e) and (g) are being amended to streamline language and reporting requirements.

Proposed §331.86(a) is being amended for clarification.

Proposed §331.121(a)(2)(G)(i) is being amended to be consistent with 40 CFR §146.70(a)(8)(i). Proposed §331.121(a)(2)(L) is being amended to be consistent with 40 CFR §146.14(a)(12) and §146.70(a)(13) and for clarification. Proposed §331.121(d)(1)(A) is being amended for clarification. Proposed §331.121(f) is being amended to clarify it and to incorporate 40 CFR §144.1(h).

Proposed §331.122(2)(B) is being amended to clarify its language and to be consistent with 40 CFR §146.34(a)(3). Proposed §331.122(2)(C) is being amended for streamlining. Proposed §331.122(2)(L) and (M) are being amended to correct grammar. Proposed §331.122(2)(N) is being added to incorporate 40 CFR §146.34(a)(16). Proposed §331.122(4) is being amended to delete reference to an improper citation.

**FISCAL NOTE.** Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five-year period the sections as proposed are in effect there are no sig-

nificant fiscal implications anticipated for state or local governments as a result of enforcement and administration of the sections.

**PUBLIC BENEFIT.** Mr. Minick has also determined that for the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcement of and compliance with the sections will be the clarification of existing regulations relating to UIC and consistency between state and federal regulations. Compliance with the proposed state regulations will result in no costs to affected parties that would not otherwise result from compliance with the existing federal regulation proposed for incorporation. There are no additional costs anticipated for any person required to comply with the proposed sections.

**TAKINGS IMPACT ASSESSMENT.** The commission has prepared a Takings Impact Assessment for these rules pursuant to Texas Government Code Annotated §2007.043. The following is a summary of that assessment. The specific purpose of the rules is to incorporate federal language into current state regulations so that the UIC Program can maintain compliance with the federal program. The rules will significantly advance this specific purpose by allowing the commission to maintain primacy, and thus state control, for the UIC Program without making the existing rules any less stringent. Promulgation and enforcement of these rule amendments will not create a burden on private real property.

These rule amendments are minor in nature and do not impose any additional or substantial burden on private real property. Authorized UIC facilities are already subject to these federal requirements, these amendments merely incorporate the federal requirements into the state UIC program. Also, because this rulemaking is reasonably taken to fulfill an obligation mandated by federal law, these rule amendments are excepted from the Private Real Property Preservation Act pursuant to §2007.3(b)(4) of the Texas Government Code.

**PUBLIC HEARING.** A public hearing on the proposal will be held February 6, at 10:00 a.m. in Room 5108 of the Texas Natural Resource Conservation Commission Building F, located at 12100 Park 35 Circle, Austin. The hearing is structured to receive 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 submitted by mail to Bettie Bell, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087; or by fax at (512) 239-4808. All comments must be received within 30 days following the date of this publication and should refer to Rule Log No. 96141-331-WS. Comments received by 5:00 p.m. on that date will be considered by the commission prior to any final action on the proposal. For further information, please contact Kathy Vail at (512) 239-6637.

**Subchapter A. General Provisions**

**30 TAC §§331.2, 331.4, 331.7, 331.9-331.13**

STATUTORY AUTHORITY. The repealed and amended sections are proposed under the authority of Texas Water Code §§5.103, 5.105, and 27.019, which provide the commission with the authority to adopt rules reasonably required for the performance of its powers and duties under the Texas Water Code and other laws of the state; and under the Texas Health and Safety Code, §361.017 and §361.024, which further authorize the Texas Natural Resource Conservation Commission to promulgate rules necessary to manage industrial solid and municipal hazardous wastes.

These amendments implement Texas Water Code, Chapter 27.

§331.2. *Definitions.*

**General definitions can be found in Chapter 3 of this title (relating to Definitions).** The following words and terms, when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise.

**Area of review** - The area surrounding an injection well described according to the criteria set forth in §331.42 of this title (relating to Area of Review) or in the case of an area permit, the project area plus a circumscribing area the width of which is either one fourth of a mile or a number calculated according to the criteria set forth in §331.42 of this title.

**Disposal well** - A [An injection] well that is used for the **disposal of waste into a subsurface stratum** [injection of industrial or municipal waste].

**Drilling mud** - A heavy suspension used in drilling an injection well, introduced down the drill pipe and through the drill bit.

**Existing injection well** - A Class I well which was authorized before [prior to] August 25, 1988, by an approved state program, or an EPA-administered program or a well which has become a Class I well as a result of a change in the definition of the injected waste which would render the waste hazardous under **30 Texas Administrative Code (TAC) §335.1** of this title (relating to **Definitions** [Purpose, Scope, and Applicability]).

[Permit - A written document issued by the Texas Water commission that by its conditions, authorizes the permittee to construct, install, modify, or operate, in accordance with stated limitations, a specified injection well facility.]

**Plugging** - The act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

**RCRA** - The Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580, as amended by Pub. L. 95-609, Pub. L. 96-510, 42 U.S.C. 6901 et seq.).

**SDWA** - The Safe Drinking Water Act (Pub. L. 93-523, as amended; 42 U.S.C. 300f et seq.).

Salt cavern solid waste disposal well or salt cavern disposal well - For the purposes of this chapter relating to Underground Injection Control, regulations of the [Texas Water] commission, and not to UIC Class II or UIC Class III wells in salt caverns regulated by the Texas Railroad Commission, a salt cavern disposal well is a type of UIC Class I injection well used:

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

**Total dissolved solids (TDS)** - The total dissolved (filterable) solids as determined by use of the method specified in **40 Code of Federal Regulations (CFR) 136**.

**Upper limit** - A parameter value established by the [Texas Water] commission in a permit/production area authorization which when exceeded indicates mining solutions may be present in designated monitor wells.

**Well stimulation** - Several processes used to clean the well bore, enlarge channels, and increase pore space in the interval to be injected thus making it possible for wastewater to move more readily into the formation, and includes, but is not limited to surging, jetting, blasting, acidizing, and hydraulic fracturing.

**Workover** - An operation in which a down-hole component of a well is repaired, the engineering design of the well is changed, or the mechanical integrity of the well is compromised. **Workovers include operations such as sidetracking, the addition of perforations within the permitted injection interval, and the addition of liners or patches. For the purposes of this chapter, workovers do not include well stimulation operations.**

§331.4. *Mechanical Integrity Required.*

Injection is prohibited for Class I and III wells which lack mechanical integrity, the result of which may pollute an underground source of drinking water. Except where excluded in the case of authorization by rule, mechanical integrity **under** [pursuant to] §331.43 of this title (relating to Mechanical Integrity Standards) must be demonstrated to the satisfaction of the executive director before operation begins. Injection may be prohibited for Class V wells which lack mechanical integrity. The executive director may require a demonstration of mechanical integrity at any time if there is reason to believe mechanical integrity is lacking. **When the executive director determines that a Class I or III well lacks mechanical integrity, he shall give written notice of his determination to the owner or operator. Unless the executive director requires immediate cessation, the owner or operator shall cease injection into the well within 48 hours of receipt of the executive director's determination. The executive director may allow plugging of the well or require the permittee to perform additional construction, operation, monitoring, reporting, and corrective actions which are necessary to prevent the movement of fluid into or between underground sources of drinking water (USDWs) caused by the lack of mechanical integrity. The owner or operator may resume injection upon written notification from the executive director that the owner or operator has demonstrated mechanical integrity.**

§331.7. *Permit Required.*

- (a) (No change.)
- (b) For Class III in situ uranium solution mining wells, Frasch sulfur wells, and other Class III operations under commission jurisdiction, an area permit authorizing more than one well may be issued for a defined permit area **in which** [wherein] wells of similar design and operation are proposed. **The wells must be operated by a single owner or operator. Before** [Prior to] commencing operation of **those** [such] wells, the permittee may be required to obtain a production area authorization for separate production or mining areas within the permit area.

§331.9. *Injection Authorized by Rule.*

[(a) Injection into any Class I and Class III well or group of Class I and Class III wells for which the commencement of construction began prior to January 1, 1982 is authorized by virtue of this rule, provided compliance with any permit issued before January 1, 1982 is maintained, provided compliance with the following rules of this chapter is achieved within one year from January 1, 1982, and provided mechanical integrity is demonstrated within two years from January 1, 1982 for each individually authorized Class I and III well:

[(1) Financial responsibility: §§331.141-331.147 of this title (relating to Financial Responsibility);

[(2) Operating, Monitoring and Reporting: Class I, §331.63 of this title (relating to Operating Requirements); §331.64 of this title (relating to Monitoring Requirements); and §331.65 of this title (relating to Reporting Requirements); Class III, §331.83 of this title (relating to Operating Requirements); §331.68 of this title (relating to Post-Closure Care); §331.84 of this title (relating to Monitoring Requirements); and §331.85 of this title (relating to Reporting Requirements); or §331.103 of this title (relating to Production Area Monitor Wells); §331.104 of this title (relating to Establishment of Baseline and Restoration Values); §331.105 of this title (relating to Monitoring Standards); §331.106 of this title (relating to Remedial Action for Excursion); §331.107 of this title (relating to Restoration); §331.86 of this title (relating to Closure);

[(3) Reporting of Noncompliance or Malfunction: Class I, §331.65(b) of this title (relating to Reporting Requirements); Class III, §331.106(1) of this title (relating to Remedial Action for Excursion) and §331.85(e) of this title (relating to Reporting Requirements);

[(4) Retention of Records: Class I, §331.67(c) of this title (relating to Record Keeping Requirements);

[(5) Notice of Abandonment: §331.46(b) of this title (relating to Closure Standards);

[(6) Closure Plan and Standards: §331.46 of this title (relating to Closure Standards); and

[(7) Post-Closure Care: §331.68 of this title (relating to Post-Closure Care); and

[(8) Hazardous Waste Injection Wells: §305.156 of this title (relating to Hazardous Waste).

[(b) The authorization and requirements of subsection (a) of this section also apply to the construction or operation commencing after January 1, 1982 of any Class III well that will be part of an existing Class III well field or operation and will represent a continuation of such field or operation, provided a demonstration of mechanical integrity is made and reported to the executive director in accordance with §331.43 of this title (relating to Mechanical Integrity Standards).]

[(a)[(c)] Plugging and abandonment of a well authorized by rule at any time after January 1, 1982, shall be accomplished in accordance with the standards of §331.46 of this title (relating to Closure Standards).

[(d) Post-Closure Care of a hazardous Class I well authorized by rule at any time after January 1, 1982, shall be accomplished in accordance with the standards of §331.68 of this title (relating to Post-Closure Care).

[(e) Authorization under subsections (a) and (b) of this section shall expire:

[(1) if an application for permit has not been filed in accordance with §331.8 of this title (relating to Application Required for Existing Wells);

[(2) upon the effective date of an injection well permit or denial of an injection well permit application; or,

[(3) the date five years after January 1, 1982, unless a complete application for permit is pending.]

[(b)[(f)] Injection into Class V Wells, unless otherwise provided [herein] is authorized by virtue of this rule; injection into new Class V wells used for the disposal of over 1,000 gallons per day of sewage or sewage effluent must apply for and obtain a permit from the commission **before** [prior to] operations.

**(1) Well authorization under this section expires upon the effective date of a permit issued under §331.7 of this title (relating to Permit Required).**

**(2) An owner or operator of a Class V well is prohibited from injecting into the well:**

**(A) upon the effective date of permit denial;**

**(B) upon failure to submit a permit application in a timely manner under subsection (c) of this section;**

**(C) upon failure to submit inventory information in a timely manner under §331.10 of this title (relating to Inventory of Wells Authorized by Rule); or**

**(D) upon failure to comply with a request for information in a timely manner.**

[(c)[(g)] The executive director may require the owner or operator of an injection well authorized by rule to apply for and obtain an injection well permit. The owner or operator shall submit a complete application within 90 days after the receipt of a letter from the executive director requesting that the owner or operator of an injection well submit an application for permit. Cases for which a permit may be required include, but are not limited to:

(1) the injection well is no longer within the scope of subsections (a), (b) and (e) of this section;

(2) compliance with standards in addition to those listed in Subsection (a) of this section is required to protect fresh water from pollution; or,

(3) the injection well is not in compliance with the standards required by this section.

[(h) For Class III injection wells authorized by rule, the executive director is authorized to waive requirements consistent with the provisions of §331.48 of this title (relating to Waiver of Requirements).

[(i) For all permits issued by the state on or before July 26, 1988, the permit terms "injection zone" and "subsurface interval" shall have the same definitional meaning as the term "injection interval", as defined in 31 TAC §331.2 of this title (relating to Definitions). For all permits issued after July 26, 1988, the permit term "injection interval" shall be defined in accordance with 31 TAC §331.2 of this title (relating to Definitions).]

(d)[(j)] Class IV wells injecting hazardous waste-contaminated ground water that is of acceptable quality to aid remediation and **that** is being reinjected into the same formation from which it was drawn, as authorized by §331.6 of this title (relating to Prohibition of Class IV Well Injection), shall be authorized by rule.

§331.10. *Inventory of Wells Authorized by Rule.*

(a) (No change.)

(b) Drillers of injection wells authorized by rule may inventory wells by submission of [either] a form to be provided by the executive director [or the form of the Water Well Drillers Board].

(c) (No change.)

§331.11. *Classification of Injection Wells.*

(a) Injection wells within the jurisdiction of the commission are classified as follows:

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

(4) Class V. **Generally, wells covered by this paragraph inject non-hazardous fluids into or above formations that contain USDWs.** Injection wells within the jurisdiction of the commission, but not included in Classes I, III, or IV. Class V wells include, but are not limited to:

(A)-(J) (No change.)

(b) (No change.)

§331.12. *Conversion of Wells.*

(a) Persons utilizing wells authorized by permit, [by] rule, or otherwise, who wish to convert the well from its authorized purpose to **a new** [another purpose] or [to an] additional purpose must first obtain the appropriate approval described in paragraphs (1)-(3)[(4)] **of this section:**

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

[(4) Disposal of industrial or municipal waste in Class II wells is specifically prohibited unless authorized by permit or by written approval of the executive director and confirmed by Texas Railroad Commission authorization.]

(b) Conversions of wells that remain exclusively within the jurisdiction of the Railroad Commission are not affected by this rule. For example, a conversion from a Class II disposal well to a water supply well regulated by the Railroad Commission would neither enter nor exit the jurisdiction of **this agency** [the Texas Water Commission] and thus would not be subject to this rule.

§331.13. *Exempted Aquifer.*

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

(c) An aquifer or portion of an aquifer may be designated as an exempted aquifer if the following criteria are met:

(1) (No change.)

(2) Until exempt status is removed according to procedures in subsection (f) [(d)] of this section, it will not in the future serve as a source of drinking water for human consumption because:

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

(d) **No designation of an exempted aquifer submitted as part of a UIC Program shall be final until approved by the EPA as part of the delegated UIC program.**

(e) **Subsequent to program approval or promulgation, the commission may, after notice and opportunity for a public hearing, identify additional exempted aquifers.**

(f) [(d)] After notice and opportunity for public hearing, the designation of exempted aquifer may be removed **by the commission** thereby eliminating the exempt status, provided restoration has been accomplished if required.

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

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Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

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For further information, please call: (512) 239-6087



**30 TAC §331.8**

*(Editor's Note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Natural Resource Conservation Commission or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The repeal is proposed to be repealed under Texas Water Code §§5.103, 5.105, and 27.019, which authorize the Texas Natural Resource Conservation Commission to promulgate rules necessary to carry out the powers and duties under the provisions of Texas Water Code, Chapter 27, and other laws of this state; and under the Texas Health and Safety Code, §361.017 and §361.024, which further authorize the Texas Natural Resource Conservation Commission to promulgate rules necessary to manage industrial solid and municipal hazardous wastes.

The repeal implements Texas Water Code, Chapter 27.

§331.8. *Application Required for Existing Wells.*

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

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**Subchapter B. Jurisdiction Over In Situ Uranium Mining**

**30 TAC §§331.31-331.36**

*(Editor's Note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of*

the Texas Natural Resource Conservation Commission or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeals are proposed to be repealed under Texas Water Code, §§5.103, 5.105, and 27.019, which authorize the Texas Natural Resource Conservation Commission to promulgate rules necessary to carry out the powers and duties under the provisions of Texas Water Code, Chapter 27, and other laws of this state; and under the Texas Health and Safety Code, §361.017 and §361.024, which further authorize the Texas Natural Resource Conservation Commission to promulgate rules necessary to manage industrial solid and municipal hazardous wastes.

These repeals implement Texas Water Code, Chapter 27.

§331.31. *Authority of Texas Department of Health.*

§331.32. *Authority of Texas Water Commission.*

§331.33. *Joint Authority Over Holding Ponds.*

§331.34. *Applications.*

§331.35. *Permits.*

§331.36. *Financial Assurances.*

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

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## Subchapter C. General Standards And Methods

### 30 TAC §§331.42-331.46

The amendments are proposed under the authority of Texas Water Code, §§5.103, 5.105, and 27.019, which provide the commission with the authority to adopt rules reasonably required for the performance of its powers and duties under the Texas Water Code and other laws of the state; and under the Texas Health and Safety Code, §361.017 and §361.024, which further authorize the Texas Natural Resource Conservation Commission to promulgate rules necessary to manage industrial solid and municipal hazardous wastes.

These amendments implement Texas Water Code, Chapter 27.

§331.42. *Area of Review.*

(a) The area of review is the area surrounding an injection well or a group of injection wells, for which the permit application must detail the information required in **Subchapter G of this title (relating to Consideration Prior to Permit Issuance.** [§331.121 of this title (relating to Class I Wells).]

(b) The area of review is:

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

(3) for Class III wells [in situ uranium, Frasch sulfur, and other Class III permit areas], **the project area plus a circumscribing**

**area, a minimum of 1/4 mile, the width of which is the lateral distance from the perimeter of the project area, in which the pressures in the injection zone may cause the migration of the injection and/or formation fluid into a USDW [an area extending 1/4 mile beyond the permit area boundary, and such additional surrounding area as may be required by the commission]; or**

(4) for [other Class III wells and] Class V wells, an area determined by a radius of at least 1/4 mile from the proposed or existing wellbore.

(c) **The computation of the cone of influence may be based upon the parameters listed below and should be calculated for an injection time period equal to the expected life of the injection well or pattern. The following modified This equation illustrates one form which the mathematical model may take.**

Figure: 30 TAC §331.42(c)

(d)[(c)] After an appropriate review, the commission may modify the area of review. In no event shall the boundary of an area of review be less than 2 1/2 miles for Class I wells or 1/4 mile from any **other** injection well covered by the appropriate authorization. The following factors are to be included in the review:

(1) Chemistry of injection and formation fluids;

(2) Hydrogeology;

(3) Population and its dependence on ground water use; and,

(4) Historical practices in the area.

(e) [(d)] The executive director may require an owner or operator of an existing injection well to submit any reasonably available information regarding the area of review, if the information would aid a review for the prevention or correction of freshwater pollution.

§331.43. *Mechanical Integrity Standards.*

(a) An injection well has mechanical integrity if :

(1) there is no significant leak in the casing, tubing, or packer, and

(2) if there is no significant fluid movement through vertical channels adjacent to the injection wellbore.

[(b) Except as provided by subsections (c) and (d) of this section, the following tests shall be used to evaluate the mechanical integrity of an injection well:

[(1) monitoring of annulus pressure, or pressure test with liquid or gas, or radioactive tracer survey, or (for Class III uranium solution mining wells only) single point resistivity survey in conjunction with a pressure test to detect any leaks in the casing, tubing, or packer; and

[(2) temperature log, noise log, radioactive tracer survey, cement bond log, oxygen activation log, or (for Class III uranium solution mining wells only) cement records where other tests are not suitable.]

(b)[(c)] A salt cavern has integrity if it:

(1) has no anomalies or irregularities that would prevent optimum cavern filling or that would prevent the cavern from holding pressure; and

(2) has no pressure communication or fluid flow between other caverns or formations outside the salt stock. The tests to show salt cavern integrity shall consist of cavern pressure and sonar tests, or other tests approved by the executive director, to determine the geometric shape of the unfilled cavern.

(d) The executive director may allow the use of a test to demonstrate mechanical integrity other than those listed in subsection (b) of this section with the written approval of the administrator of the United States Environmental Protection Agency or his authorized representative. To obtain approval, the executive director shall submit a written request to the United States Environmental Protection Agency administrator, which shall set forth the proposed test and all technical data supporting its use. The United States Environmental Protection Agency administrator shall approve the request if it will reliably demonstrate the mechanical integrity of wells for which its use is proposed. Any alternate method approved by the United States Environmental Protection Agency administrator shall be published in the Federal Register and may be used unless its use is restricted at the time of approval by the United States Environmental Protection Agency administrator.]

(c)[(e)] Methods and standards approved by the EPA [USEPA] through federal Underground Injection Control Program delegation to the commission, shall be applied in conducting and evaluating the tests required by this section.

(d) **When the owner or operator reports the results of mechanical integrity tests to the executive director, he shall include a description of the test(s) and the method(s) used. In making his/her evaluation, the executive director shall review monitoring and other test data submitted since the previous evaluation.**

(e) **The executive director may require additional or alternative tests if the results presented by the owner or operator under subsection (d) of this section are not satisfactory to the executive director to demonstrate that there is no movement of fluid into or between USDWs resulting from the injection activity.**

*§331.44. Corrective Action Standards.*

(a) Corrective action standards for all wells. In determining the adequacy of corrective action proposed or required to prevent or correct pollution of underground sources of drinking waters (USDWs), and fresh or surface water, the following factors **shall** [will] be considered:

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

(9) Reliability of the procedures used to identify abandoned wells; [and]

(10) Any other factors which might affect the movement of fluids into or between USDWs[ or freshwater aquifers] ; **and** [.]

(11) **For Class III wells only, when setting corrective action requirements the executive director shall consider the overall effect of the project on the hydraulic gradient in potentially affected USDWs, and the corresponding changes in potentiometric surfaces(s) and flow directions(s) rather than the discrete effect of each well. If a decision is made that corrective action is not necessary based on the determinations in this paragraph, the monitoring program required in §331.84 of this title (relating to**

**Monitoring Requirements) shall be designed to verify the validity of those determinations.**

(b) Additional Corrective action standards for Class I wells.

(1)-(6) (No change.)

(7) If at any time the operator cannot assure the continuous attainment of the performance standard in §331.62 (5)[(4)] of this title (relating to Construction Standards), the executive director may require a corrective action plan and compliance schedule. The operator must demonstrate compliance with the performance standard, as a condition for receiving approval of continued operation of the well. The executive director also may require permit changes to provide for additional testing and/or monitoring of the well to insure the continuous attainment of the performance standard. The commission may order closure of the well if the operator fails to demonstrate, to the executive director's satisfaction, that the performance standard is satisfied.

*§331.45. Executive Director Approval of Construction and Completion.*

The executive director may approve or disapprove the construction and completion for an injection well or project. In making a determination whether to grant approval, the following shall be reviewed for compliance with the standards of this chapter[, and established TNRCC guidance]:

(1) for Class I wells, other than salt cavern disposal wells and associated salt caverns:

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

(E) results of the injection zone and confining zone testing program as required in §331.62(7)[(f)] of this title (relating to Construction Standards) and §331.65(a) of this title (relating to **Pre-operation Reports** [Class I Wells]);

(F)-(I) (No change.)

(J) compliance with the casing and cementing performance standard in §331.62(5)[(d)] of this title (relating to Construction Standards), and where necessary, changes to the permit to provide for additional testing and/or monitoring of the well to insure the continuous attainment of the performance standard; and

(K) compliance with the cementing requirements in §331.62(6)[(e)].

(2)-(3) (No change.)

*§331.46. Closure Standards.*

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

(d) In closure of all Class I wells, including salt cavern disposal wells, [and] Class III wells, **and permitted Class V wells**, a well shall be plugged in a manner which will not allow the movement of fluids through the well, out of the injection zone either into or between underground sources of drinking waters (USDWs)[ or freshwater aquifers] or to the land surface. Well plugs shall consist of cement or other materials approved in writing by the executive director, which provide protection equivalent to or greater than that provided by cement.

(e) The permittee shall notify the executive director before commencing closure according to an approved plan. For Class I wells this notice shall be given at least 60 days before commencement. **At the discretion of the executive director, a shorter notice period**

**may be allowed.** The executive director shall [will] review any revised, updated, or additional closure plans.

(f)-(j) (No change.)

(k) For Class I wells only, a monument or other permanent marker shall be placed at or attached to the plugged well **before [prior to] abandonment. The monument shall state the [Texas Water Commission (TWC)] permit number, date of abandonment, and company name.**

(l) Each owner of a Class I hazardous waste injection well, and the owner of the surface or subsurface property on or in which a Class I hazardous waste injection well is located, must record, within 60 days after approval by the executive director of the closure operations, a notation on the deed to the facility property or on some other instrument which is normally examined during a title search that will, in perpetuity, provide any potential purchaser of the property the following information:

(1) (No change.)

(2) the name of the state agency or local authority with which the plat was filed, as well as the Austin address of the Underground Injection Control (UIC) staff of the **commission,[TWC]** to which it was submitted; and

(3) (No change.)

(m) Within 30 days after completion of closure, the permittee shall file with the executive director a closure report on forms provided by the commission. The report shall be certified as accurate by the owner or operator and by the person who performed the closure operation (if other than the owner or operator). **This [Such] report shall consist of a statement that the well was closed in accordance with the closure plan previously submitted and approved by the executive director. Where the actual closure differed from the plan previously submitted, a written statement shall be submitted specifying the differences between the previous plan and the actual closure.**

(n)-(o) (No change.)

**(p) The obligation to implement the closure plan survives the termination of a permit or the cessation of injection activities. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the closure plan requirement is a condition of the permit.**

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

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Subchapter D. Standards For Class I Wells Other Than Salt Cavern Solid Waste Disposal Wells

### 30 TAC §§331.63-331.66, 331.68

The amendments are proposed under the authority of Texas Water Code, §§5.103, 5.105, and 27.019, which provide the commission with the authority to adopt rules reasonably required for the performance of its powers and duties under the Texas Water Code and other laws of the state; and under the Texas Health and Safety Code, §361.017 and §361.024, which further authorize the Texas Natural Resource Conservation Commission to promulgate rules necessary to manage industrial solid and municipal hazardous wastes.

These amendments implement Texas Water Code, Chapter 27.

#### §331.63. *Operating Requirements.*

(a) (No change.)

(b) **Except during well stimulation, injection** [Injection] pressure at the wellhead shall not exceed a maximum which shall be calculated so as to assure that the pressure in the injection zone during injection does not initiate new fractures or propagate existing fractures in the injection zone, initiate new fractures or propagate existing fractures in the confining zone, or cause movement of fluid out of the injection zone that may pollute USDWs[, and fresh] or surface water.

(c)-(g) (No change.)

(h) The permittee shall notify the executive director before commencing any workover operation [or corrective maintenance which involves taking the injection well out of service]. The notification shall be in writing and shall include plans for the proposed work. **Approval by the executive director shall be obtained before the permittee may begin the workover.** The executive director may grant an exception **to** [of] the prior written notification **and permission requirements** when immediate action is required **to comply with subsection (a) of this section.** [Approval by the executive director shall be obtained before the permittee may begin any workover operation or corrective maintenance that involves taking the well out of service. Pressure control equipment shall be installed and maintained during workovers which involve the removal of tubing.]

**(i) Pressure control equipment shall be installed and maintained during workovers which involve the removal of tubing.**

[(i) Mechanical integrity shall be demonstrated following any major operations which involve removal of the injection tubing, recompletions, or unseating of the packer.]

(j) (No change.)

[(k) An owner or operator of a Class I well who ceases injection operations temporarily may keep the well open provided he:

[(1) has received written authorization from the executive director; and

[(2) has described actions or procedures, satisfactory to the executive director, that the owner or operator will take to ensure that the well will not endanger USDWs, and fresh or surface water during the period of temporary disuse. These actions and procedures shall include compliance with the technical requirements applicable to active injection wells, including mechanical integrity.

[(l) The owner or operator of a well that has ceased operations for more than two years shall notify the executive director 30 days prior to resuming operation of the well.]

(k) [(m)] The owner or operator shall maintain mechanical integrity of the injection well at all times.

§331.64. *Monitoring and Testing Requirements.*

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

(c) Continuous recording devices shall be installed, [and] used, and maintained in proper operating condition at all times to record injection tubing pressures, injection flow rates, injection fluid temperatures, injection volumes, tubing-long string casing annulus pressure and volume, and any other data specified by the permit. The instruments shall be housed in weatherproof enclosures. The owner or operator shall also install and use:

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

(3) If an automatic alarm or shutdown is triggered, the owner or operator shall immediately investigate as expeditiously as possible the cause of the alarm or shutoff. If, upon investigation, the well appears to be lacking mechanical integrity, or if monitoring [required under subsection (c) of this section] otherwise indicates that the well may be lacking mechanical integrity, the owner or operator shall:

(A) [immediately] cease injection of waste fluids unless authorized by the executive director to continue or resume injection;

(B)-(C) (No change.)

(4) If the loss of mechanical integrity is discovered by **monitoring** [pursuant to subsection (b) of this section] or during periodic mechanical integrity testing, the owner or operator shall:

(A)-(E) (No change.)

(5) (No change.)

(d) **Mechanical integrity testing.**

(1) **The integrity of the long string casing, injection tube, and annular seal shall be tested annually by means of an approved pressure test with a liquid or gas and whenever there has been a well workover. The integrity of the bottom-hole cement shall be tested annually by means of an approved radioactive tracer survey. A radioactive tracer survey may be required after workovers that have the potential to damage the cement within the injection zone.** [Mechanical integrity must be demonstrated annually].

(2) A temperature log, noise log, oxygen activation log, or other approved log shall be required by the executive director at least once every five years to test for fluid movement along the borehole.

(3) A casing inspection, casing evaluation, or other approved log shall be run whenever the owner or operator conducts a workover in which the injection string is pulled, unless the executive director waives this requirement due to well construction or other factors which limit the test's reliability, or based upon the satisfactory results of a casing inspection log run within the previous five years. The executive director may require that a casing inspection log be run every five years, if there is sufficient reason to believe

the integrity of the long string casing of the well may be adversely affected by naturally occurring or man-made events.

(4) **The executive director may allow the use of a test to demonstrate mechanical integrity other than those listed in paragraph (1) of this subsection with the written approval of the administrator of the United States Environmental Protection Agency (EPA) or his authorized representative. To obtain approval, the executive director shall submit a written request to the EPA administrator, which shall set forth the proposed test and all technical data supporting its use. The EPA administrator shall approve the request if it will reliably demonstrate the mechanical integrity of wells for which its use is proposed. Any alternate method approved by the EPA administrator shall be published in the *Federal Register* and may be used unless its use is restricted at the time of approval by the EPA administrator.**

(e) (No change.)

(f) Corrosion monitoring.

(1) Corrosion monitoring of well materials shall be conducted quarterly. Test materials shall be the same as those used in the injection tubing, packer, and long string casing, and **shall** [will] be continuously exposed to the waste fluids with the exception of when the well is taken out of service. **The owner or operator shall demonstrate that the waste stream will be compatible with the well materials with which the waste is expected to come into contact, and to submit to the executive director a description of the methodology used to make that determination. Compatibility for purposes of this requirement is established if contact with injected fluids will not cause the well materials to fail to satisfy any design requirement imposed under §331.62(1) of this title (relating to Design Criteria). Testing shall be by:**

(A) **placing coupons of the well construction materials in contact with the waste stream; or**

(B) **routing the waste stream through a loop constructed with the material used in the well; or**

(C) **using an alternative method approved by the executive director.**

(2) **The test shall use materials identical to those used in the construction of the well, and those materials must be continuously exposed to the operating pressures and temperatures (measured at the wellhead) and flow rates of the injection operation; and**

(3) **The owner or operator shall monitor the materials for loss of mass, thickness, cracking, pitting and other signs of corrosion on a quarterly basis to ensure that the well components meet the minimum standards for material strength and performance set forth in §331.62(1) of this title (relating to Construction Standards).**

(4)[(2)] Corrosion monitoring may be waived by the executive director if the injection well owner or operator satisfactorily demonstrates, **before** [prior to] authorization to conduct injection operations, that the waste streams will not be corrosive to the well materials with which the waste is expected to come into contact throughout the life of the well. The demonstration shall include a description of the methodology used to make that determination.

(g) Ambient monitoring.

(1) Based on a site-specific assessment of the potential for fluid movement from the well or injection zone and on the potential value of monitoring wells to detect **fluid** [such] movement, the executive director shall require the owner or operator to develop a monitoring program. **When prescribing a monitoring system, the executive director may also require:**

(A) **Continuous monitoring for pressure changes in the first aquifer overlying the confining zone. When a monitor well is installed, the owner or operator shall, on a quarterly basis, sample the aquifer and analyze for constituents specified by the executive director;**

(B) **the use of indirect, geophysical techniques to determine the position of the waste front, the water quality in a formation designated by the executive director, or to provide other site specific data;**

(C) **periodic monitoring of the ground water quality in the first aquifer overlying the injection zone;**

(D) **periodic monitoring of the ground water quality in the lowermost USDW; and**

(E) **any additional monitoring necessary to determine whether fluids are moving into or between USDWs.**

(2) **The** [At a minimum, the executive director shall require monitoring of the] pressure buildup in the injection zone **shall be monitored** annually, including at a minimum, a shut down of the well for a time sufficient to conduct a valid observation of the pressure fall-off curve.

(h) (No change.)

(i) **The owner or operator shall submit information demonstrating to the satisfaction of the executive director that the waste stream and its anticipated reaction products will not alter the permeability, thickness, or other relevant characteristics of the confining or injection zones such that they would no longer meet the requirements specified in §331.121(c) of this title (relating to Class I Wells).**

§331.65. *Reporting Requirements.*

(a) Pre-operation reports. For new wells, including wells converting to Class I status, the requirements are as follows.

(1) Completion report. Within 90 days after the completion or conversion of the well, the permittee shall submit a Completion Report to the executive director. The report shall include a surveyor's plat showing the exact location and giving the latitude and longitude of the well. The report **shall** [will] also include a certification that a notation on the deed to the facility property or on some other instrument which is normally examined during title search has been made stating the surveyed location of the well, the well permit number, and its permitted waste streams. The permittee shall also include in the report the following, prepared and sealed by a professional engineer with current registration **under** [pursuant to] the Texas Engineering Practice Act:

(A)-(K) (No change.)

(L) compliance with the casing and cementing performance standard in §331.62(5) [§331.62(4)] of this title (**relating to Construction Standards**); and

(M) compliance with the cementing requirements in §331.62(6) [§331.62(5)] of this title.

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

(b) Operating reports.

(1) (No change.)

(2) Injection operation monthly report. For commercial facilities only: [.]

[(A) The permittee shall submit to the commission within ten days after the last day of each month a report describing chemical characteristics of new waste streams received for injection. The report shall be on forms provided by or acceptable to the commission.]

(A) [(B)] The permittee shall submit within 30 days after the last day of each month a report to the commission including the following information for wastes received and injected during the month:

(i) names and locations of the companies and plants generating the wastes;

(ii) chemical and physical characteristics and volume of waste received from each company including pH;

(iii) names of companies transporting the wastes; and

(iv) a log of injection operations for each injection episode including but not limited to time of injection, injection rate, injection pressures, injection fluid volume, injection fluid pH, and injection fluid density.

(B) [(C)] The permittee shall submit to the commission within 20 days of the last day of each month a report of injection operations on forms provided by the commission. These forms **shall** [will] comply with the reporting requirements of 40 Code of Federal Regulations (CFR) 146.69(a). The executive director may require more frequent reporting.

(3) Injection zone annual report. For all facilities, the permittee shall submit annually with the December report of injection operation an updated graphic or other acceptable report of the pressure effects of the well upon its injection zone as required by §331.64(g) of this title (relating to **Ambient Monitoring**, [Monitoring Requirements].) To the extent **this** [such] information is reasonably available, the report shall also include:

(A) locations of newly constructed or newly discovered wells **that penetrate the confining and/or injection zone** within the area of review if **those** [such] wells were not included in the technical report accompanying the permit application or in later reports;

(B) a tabulation of data as required by §331.121(2)(B) of this title (relating to Class I Wells) for **wells** [all such wells within 1/2 mile of the injection well and for all other wells] within the area of review that penetrate the injection zone or confining zone; [and]

(C) **the condition of the wells identified in subparagraph (A) of this paragraph and their effect on the injection activities;** [for non-commercial facilities only, a current injection fluid analysis.]

(D) the protocol followed to identify, locate, and ascertain the condition of the wells identified in subparagraph (A) of this paragraph;

(E) a corrective action plan for wells not adequately constructed, completed, or plugged; and

(F) for non-commercial facilities only, a current injection fluid analysis.

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

(c) Workover reports.

[(1) Completed workover report.] Within 30 days after the completion of the workover, a report shall be filed with the executive director including the reason for well workover and the details of all work performed.

[(2) Bottom hole pressure report. During major workovers, the bottom hole pressure shall be determined either by direct measurement by conventional techniques or by calculation using specific gravity of fluid in the wellbore and the static fluid level.]

§331.66. *Additional Requirements and Conditions.*

(a) A permit for a Class I well shall include expressly or by reference the following conditions:

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

[(5) The obligation to implement the closure plan and the post-closure plan survives the termination of a permit or the cessation of injection activities. The requirement to maintain an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit.]

(b) (No change.)

§331.68. *Post-Closure Care.*

(a) The owner or operator of a Class I hazardous well shall prepare, maintain, and comply with a plan for post-closure care that meets the requirements of subsection (b) of this section, and is acceptable to the executive director. **The obligation to implement the post-closure plan survives the termination of a permit or the cessation of injection activities. The requirement to maintain an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit.**

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

(3) The plan shall assure financial responsibility as required in §§331.141-331.147 of this title (relating to Financial Responsibility). The owner or operator shall demonstrate and maintain financial responsibility for post-closure by using a trust fund, surety bond, letter of credit, financial test, insurance, or corporate guarantee, that meets the specifications for the mechanisms and instruments revised as appropriate to cover closure and post-closure care in §§331.141-331.147 of this title. The amount of the funds available shall be no less than the amount identified in paragraph (4)(F) of this subsection. **The obligation to maintain financial responsibility for post-closure care survives the termination of a permit or the cessation of injection.**

(4) (No change.)

(5) At the request of the owner or operator, or on his own initiative, the executive director may modify the post-closure plan

after submission of the plugging and abandonment report following the procedures in [Chapter 305, Subchapter D] §305.72 of this title (relating to **UIC Permit Modification at the Request of the Permittee** [Consolidated Permits]).

(b) The owner or operator shall:

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

(3) submit a survey plat to the local zoning authority designated by the executive director. The plat shall indicate the location of the well relative to permanently surveyed benchmarks. A copy of the plat shall be submitted to the Underground Injection Control (UIC) **program** [Unit] at [of] the Austin office of the **commission** [Texas Water Commissions (TWC)].

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

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

Issued in Austin, Texas, on January 8, 1997.

TRD-9700291

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Earliest possible date of adoption: February 17, 1997

For further information, please call: (512) 239-6087



## Subchapter E. Standards for Class III Wells

### 30 TAC §§331.81-331.86

The amendments are proposed under the authority of Texas Water Code §§5.103, 5.105, and 27.019, which provide the commission with the authority to adopt rules reasonably required for the performance of its powers and duties under the Texas Water Code and other laws of the state; and under the Texas Health and Safety Code, §361.017 and §361.024, which further authorize the Texas Natural Resource Conservation Commission to promulgate rules necessary to manage industrial solid and municipal hazardous wastes.

The amendments implement Texas Water Code, Chapter 27.

§331.81. *Applicability.*

This subchapter establishes criteria and standards that apply to all [new] Class III wells [and to all existing Class III wells authorized by rule to the extent required by §331.9 of this title (relating to Injection Authorized by Rule)].

§331.82. *Construction Requirements.*

(a) Casing and cementing. All new Class III wells shall be cased and cemented to prevent the migration of fluids which may cause the pollution of **USDWs** [freshwater aquifers]. The casing and cement used in the construction of each newly drilled well shall be designed for the life expectancy of the well. In determining and specifying casing and cementing requirements, the following factors shall be considered:

(1)-(7) (No change.)

(b) (No change.)

(c) Logs and tests. **Appropriate logs and other tests shall be conducted during the drilling and construction of all new Class III wells. A descriptive report interpreting the results of those logs and tests shall be prepared by a knowledgeable log analyst and submitted to the executive director. The logs and tests appropriate to each type of Class III well shall be determined based on the intended function, depth, construction, and other characteristics of the well, availability of similar data in the area of the drilling site, and the need for additional information that may arise from time to time as the construction of the well progresses.**

(1) (No change.)

(2) **Mechanical integrity, as described in §331.43 of this title (relating to Mechanical Integrity Standards), shall be demonstrated following construction of the well.**

(A) **Except as provided by subparagraph (B) of this section, the following tests shall be used to evaluate the mechanical integrity of the injection well:**

(i) **To test for significant leaks under §331.43(a)(1) of this title, monitoring of annulus pressure, or pressure test with liquid or gas, or radioactive tracer survey, or for Class III uranium solution mining wells only, a single point resistivity survey in conjunction with a pressure test to detect any leaks in the casing, tubing, or packer; and**

(ii) **To test for significant fluid movement under §331.43(a)(2) of this title, temperature log, noise log, radioactive tracer survey, cement bond log, oxygen activation log, or for Class III uranium solution mining wells only, cement records that demonstrate the absence of significant fluid movement where other tests are not suitable. For Class III wells where the cement records are used to demonstrate the absence of significant fluid movement, the monitoring program prescribed by §331.84 of this title (relating to Monitoring Requirements) shall be designed to verify the absence of significant fluid movement.**

(B) **The executive director may allow the use of a test to demonstrate mechanical integrity other than those listed in subparagraph (A) of this paragraph with the written approval of the administrator of the United States Environmental Protection Agency (EPA) or his authorized representative. To obtain approval, the executive director shall submit a written request to the EPA administrator, which shall set forth the proposed test and all technical data supporting its use. The EPA administrator shall approve the request if it will reliably demonstrate the mechanical integrity of wells for which its use is proposed. Any alternate method approved by the EPA administrator shall be published in the Federal Register and may be used unless its use is restricted at the time of approval by the EPA administrator.**

(3) [(2)] **Additional logs and tests may be required by the executive director when appropriate.**

(d)-(f) (No change.)

(g) **Monitor well location. Where injection is into a formation which contains water with less than 10,000 mg/l TDS, monitoring wells shall be completed into the injection zone and into any USDW above the injection zone which could be affected by the mining operation. [- Monitoring wells may be required to be completed into the injection zone, into any freshwater**

aquifer above the injection zone, and into the first freshwater aquifer below the injection zone which could be affected by the mining operation.] These wells shall be located [in such a fashion as] to detect any excursion of injection fluids, production fluids, process by-products, or formation fluids outside the mining area or zone. If the operation may be affected by subsidence or catastrophic collapse, the monitoring wells shall be located so that they will not be physically affected. Designated monitoring wells shall be installed at least 100 feet inside any permit area boundary, unless excepted by written authorization from the commission.

(h) **Subsidence or catastrophic collapse. Where the injection wells penetrate a USDW [an aquifer containing fresh water] in an area subject to subsidence or catastrophic collapse an adequate number of monitoring wells shall be completed into the USDW [freshwater aquifer] to detect any movement of injected fluids, process by-products or formation fluids into the USDW [fresh water]. The monitoring wells shall be located outside the physical influence of the subsidence or catastrophic collapse.**

(i) **Monitor well criteria. In determining the number, location, construction, and frequency of monitoring of the monitoring wells the following criteria shall be considered:**

(1) **the population relying on the USDW [freshwater aquifer] affected or potentially affected by the injection operation;**

(2)-(6) (No change.)

§331.83. *Operating Requirements.*

(a) **Injection pressure at the wellhead shall not exceed a maximum, as specified in the permit or commission order, which shall be calculated so as to assure that the pressure in the injection zone during injection does not:**

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

(3) **cause the migration of injection or formation fluids into USDWs [fresh water].**

(b) **Injection between the outermost casing protecting USDWs [freshwater aquifers] and the wellbore is prohibited.**

§331.84. *Monitoring Requirements.*

(a) **Injection fluid shall be analyzed for physical and chemical characteristics with sufficient frequency to yield representative data on its characteristics. Whenever the injection fluid is modified to the extent that the analysis is incorrect or incomplete, a new analysis shall be submitted to the executive director.**

(b)-(e) (No change.)

(f) **Quarterly monitoring of wells required by §331.82(h) of this title (relating to Construction Requirements).**

§331.85. *Reporting Requirements.*

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

(e) **Routine monitoring data required in §331.84(c) and (d) of this title (relating to Monitoring Requirements) shall be reported at least quarterly to the executive director [Texas Water Commission Austin headquarters and District Office] on a form provided by the executive director and in accordance with the form completion instructions. These reports must be postmarked no later than the 10th day of the following reporting period.**

(f) (No change.)

(g) The first report required by subsection (f) of this section shall include a groundwater analysis in the manner required by §331.106(2) of this title (relating to Remedial Action for Excursion). A copy of all [such] reports shall be mailed to the [commission's district manager, the director of Hazardous and Solid Waste Division, and the] executive director, postmarked within two days of the end of each report period. The first report period shall begin with the day the presence of mining solution in a designated Monitor Well is verified. The permittee shall continue to make remedial action reports until clean-up is accomplished.

§331.86. *Closure.*

(a) Mine facilities. Within 120 days after acknowledgment of completion of mining activities, or if final restoration of the mine area aquifers is required, upon completion of final restoration, the permittee shall accomplish closure of the mining facilities in accordance with approved plugging and abandonment plans submitted as part of the supplementary technical report. Modification to plugging and abandonment plans **or extension of time limit past 120 days** must be approved in writing by the **executive director** [commission].

(b) (No change.)

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

Issued in Austin, Texas, on January 8, 1997.

TRD-9700290

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Earliest possible date of adoption: February 17, 1997

For further information, please call: (512) 239-6087



## Subchapter G. Consideration Prior To Permit Issuance

### 30 TAC §331.121, §331.122

The amendments are proposed under the authority of Texas Water Code, §§5.103, 5.105, and §27.019, which provide the commission with the authority to adopt rules reasonably required for the performance of its powers and duties under the Texas Water Code and other laws of the state; and under the Texas Health and Safety Code, §361.017 and §361.024, which further authorize the Texas Natural Resource Conservation Commission to promulgate rules necessary to manage industrial solid and municipal hazardous wastes.

These amendments implement Texas Water Code Chapter 27.

§331.121. *Class I Wells.*

(a) The commission shall consider the following before issuing a Class I Injection Well Permit:

(1) (No change.)

(2) all information in the Technical Report submitted with the application for permit in conformance with Chapter 305 of this title (relating to Consolidated Permits) including, but not limited to:

(A)-(F) (No change.)

(G) proposed operating data:

(i) average and maximum **daily** injection rate and volume of the fluid or waste to be injected over the anticipated life of the injection well;

(ii)-(vii) (No change.)

(H)-(K) (No change.)

(L) contingency plans, based on a reasonable worst case scenario, to cope with all shut-ins; loss of cavern integrity, or well failures so as to prevent migration of **fluid** [waste] into any [underground source of drinking water (] USDW[) or freshwater aquifer];

(M)-(P) (No change.)

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

(b)-(c) (No change.)

(d) The commission shall also consider the following additional criteria, which must be addressed in the technical report of the application, before issuing a salt cavern Class I injection well permit:

(1) geologic suitability of the location:

(A) a thorough geologic characterization of the salt dome, including the geometry of the salt stock and its calculated movement and calculated salt loss rate. **Data submitted must be sufficient to image underneath all overhangs, to delineate the edge of the salt stock, to define any other caverns or co-uses of the salt stock, and to address any conditions that may result in potential adverse impact on the salt stock.** Well logs, seismic reflection surveys, gravity surveys, and any other appropriate geophysical methods necessary to characterize the salt dome are to be utilized. [For all applications that are not administratively complete as of the effective date of these rules,] **Seismic** [seismic] reflection data submitted must include a surface recorded three-dimensional seismic grid survey sufficient to image underneath all suspected overhangs and to delineate the edge of the stock. [However, for all applications, whenever submitted, the data must be sufficient to image underneath all overhangs, to delineate the edge of the salt stock, to define any other caverns or co-uses of the salt stock, and to address any conditions that may result in potential adverse impact on the salt stock.]

(B)-(D) (No change.)

(2)-(5) (No change.)

(e) (No change.)

(f) Interim Status under the Resource Conservation and Recovery Act (RCRA) for Class I hazardous waste injection wells. The minimum state standards which define acceptable injection of hazardous waste during the period of interim status are set out in **this chapter** [§331.9 of this title (relating to Injection Authorized by Rule) and §331.44 of this title (relating to Corrective Action Standards)]. The issuance of an underground injection well permit does not automatically terminate RCRA interim status. A Class I well's interim status does, however, automatically terminate upon issuance to that well of a RCRA permit, or upon the well's receiving a RCRA permit-by-rule under §335.47 of this title (relating to Special Requirements for Persons Eligible for a Federal Permit by Rule). **Thus, until a Class I well injecting hazardous waste receives a RCRA permit or RCRA permit-by-rule, the well's interim status**

**requirements are the applicable requirements imposed under this chapter, including any requirements imposed in the UIC permit.**

(g) (No change.)

§331.122. *Class III Wells.*

The commission shall consider the following before issuing a Class III Injection Well or Area Permit:

(1) (No change.)

(2) all information in the Technical Report submitted with the application for permit, including the following:

(A) (No change.)

(B) a tabulation of reasonably available data on all wells within the area of review which penetrate the proposed injection zone. **This** [Such] data shall include a description of each well's type, construction, date drilled, location, depth, **record of plugging and completion**, and any additional information the executive director may require;

(C) maps and cross-sections indicating the vertical and lateral limits of those aquifers within the area of review [that contain water with less than 3,000 mg/liter TDS and those] that contain water with less than 10,000 mg/liter TDS, their position relative to the injection formation, and the direction of water movement.

(D)-(K) (No change.)

(L) expected changes in pressure, native fluid displacement, direction of movement of injection fluid; [and,]

(M) contingency plans to cope with all shut-ins or well failures so as to prevent the migration of contaminating fluids into fresh water; **and**

(N) the corrective action proposed to be taken under §331.44 of this title (relating to Corrective Action Standards).

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

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

Issued in Austin, Texas, on January 8, 1997.

TRD-9700289

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Earliest possible date of adoption: February 17, 1997

For further information, please call: (512) 239-6087



# WITHDRAWN RULES

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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*.

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**TITLE 13. CULTURAL RESOURCES**

**Part IV. Records Management Interagency Coordinating Council**

**Chapter 51. Electronic Documents**

**13 TAC §51.1, §51.3**

The Records Management Interagency Coordinating Council has withdrawn from consideration for permanent adoption the proposed new §51.1 and §51.3, which appeared in the July 26, 1996, issue of the *Texas Register* (21 TexReg 6931).

Issued in Austin, Texas, on January 8, 1997.

TRD-9700307

Robert S. Martin

Chairman

Records Management Interagency Coordinating Council

Effective date: January 8, 1997

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



# ADOPTED RULES

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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.

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## TITLE 1. ADMINISTRATION

### Part IV. Office of the Secretary of State

#### Chapter 71. Office of the Secretary of State

##### Practice and Procedure

###### 1 TAC §71.8

The Office of the Secretary of State adopts amendments to §71.8, concerning Fees for Copies of Open Records, without changes to the proposed text published in the December 6, 1996, issue of the *Texas Register* (21 TexReg 11683).

The amendments are needed to keep the Secretary of State's fee schedule consistent with fee guidelines of the General Services Commission. The fees implement the provisions of Government Code, Chapter 552, with respect to the cost of providing public information, and the charges that state agencies may set to recover costs.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Government Code, §552.261 which provides the Office of the Secretary of State with the authority to adopt rules which specify the charges for copies of public records and to establish charges equal to the full cost of providing the copy.

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 7, 1997.

TRD-9700301

Clark Kent Ervin

Assistance Secretary of State

Office of the Secretary of State

Effective date: January 29, 1997

Proposal publication date: December 6, 1996

For further information, please call: (512) 463-5586



## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 9. Liquefied Petroleum Gas Division

##### Subchapter A. General Applicability and Requirements

###### 16 TAC §9.31

The Railroad Commission of Texas adopts amendments to §9.31, relating to LP-gas regional supply emergency response, without changes to the proposed version published in the December 6, 1996, issue of the *Texas Register* (21 TexReg 11689). The amendments streamline the procedure previously in place in order to allow the commission to respond in a more timely manner to and to take actions that might alleviate an LP-gas regional supply emergency.

The amendments eliminate the previous requirement that there be notice and hearing before the commission can determine whether there is an LP-gas regional supply emergency. Under the Administrative Procedure Act and commission rules for conducting a contested case, there must be ten days notice; opportunity to intervene and participate as a party in an evidentiary hearing; circulation of a proposal for decision with adequate time for parties to submit exceptions and replies; and deliberation and decision by the commission at an open meeting. That process does not permit the commission to respond in a timely manner to an LP-gas regional supply emergency that may be of only a few days' duration.

The amendments allow the commission to receive information from those sources, among others, listed in §9.31(b); to determine whether there is an LP-gas regional supply emergency, and if so, the counties of its location and its likely duration; and to request that certain LP-gas loading rack operators give loading priority to transports whose cargoes are bound for the county or counties of the regional supply emergency. The commission believes that encouraging the industry voluntarily to take steps to avoid potential LP-gas shortages or to alleviate actual shortages is the best way to ensure adequate regional supplies of LP-gas for Texas consumers.

The commission received no comments on the proposed amendments.

The amendments is adopted under Texas Natural Resources Code, §113.243(c)(3), which authorizes the commission to develop conservation and distribution plans to minimize the frequency and severity of disruptions in the supply of alternative fuels.

The Texas Natural Resources Code, §113.243(c)(3), is affected by the proposed amendments.

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 2, 1997.

TRD-9700207

Mary Ross McDonald

Deputy General Counsel, Office of the General Counsel

Railroad Commission of Texas

Effective date: January 28, 1997

Proposal publication date: December 6, 1996

For further information, please call: (512) 463-7008

## TITLE 25. HEALTH SERVICES

### Part II. Texas Department of Mental Health and Mental Retardation

#### Chapter 406. ICF/MR Programs

##### Subchapter E. Eligibility and Review

#### 25 TAC §§406.201-406.204, §406.214, §406.216, 406.217

The Texas Department of Mental Health and Mental Retardation (TDMHMR) adopts amendments to §§406.201-406.204, 406.214, 406.216, and 406.217, of Chapter 406, Subchapter E, governing eligibility and review. Sections 406.202, 406.204, 406.214, and 406.216 are adopted with changes to the proposed text as published in the August 23, 1996, issue of the *Texas Register* (21 TexReg 7935-7938). Sections 406.201, 406.203, and 406.217 are adopted without changes.

The adopted amendments incorporate methodology which identifies the level of service needed by an individual as determined by the Inventory for Client and Agency Planning (ICAP) assessment instrument (available for inspection by contacting the Medicaid section of TDMHMR Central Office); establish payment classifications that are consistent with the Home and Community-based Services (HCS) program; incorporate several new definitions; and improve the organization and readability of the text.

Language in §406.202 was modified to add several new definitions and revise two definitions. The proposed language of §406.204(a)(2) and §406.204(b)(3) was deleted. Language in §406.204(b)(4)(B)(i), regarding persons with challenging behavior, was modified to include classifications for serious behavior. Language in §406.204(b)(4)(B)(ii), regarding the definition of persons eligible for the pervasive plus category, was modified to specifically state that the 1:1 coverage must be available all hours that the individual is awake. Language in §406.204 (b)(4)(B)(iii), regarding the eligibility for a level of need for persons with serious medical problems, was modified to specify the amount of nursing time an individual requires, rather than having a study done by the utilization review team. This specificity will ensure greater reliability by measuring staff time to provide care to the person rather than

judging by the individual's medical condition. Language in §406.214, regarding utilization review, was modified to add new §406.214(e) and new §406.214(f) to accommodate comments by delineating provider's appeal rights in the assignment of the level of need.

Oral testimony was received at the public hearing, held on September 9, 1996. Written comments were received from six respondents regarding adoption of the rule, with several commenters offering recommendations for revision. Those respondents offering comment on the rule include: Educare Community Living Corporation, Austin; New Adventures of Hope, El Paso; Concho Residential Services, Inc., San Angelo; Concept Six, Austin; State-operated Mental Retardation Facilities; and, Parent Association for the Retarded of Texas, Inc., Austin.

Concerning proposed §406.204(b)(5)(B)(ii), one commenter stated that Items 70 and 72 cannot be scored "7", since "7" applies to aggressive behavior only.

The department responds that the commenter is mistaken. The scoring described by the commenter is not used in the new instructions.

Concerning proposed §406.204(a)(3), one commenter asked why the level-of-care system is still needed, given that the new level-of-need system is in place.

The department responds that the level-of-care criteria are used to determine eligibility for programs outside the scope of TDMHMR. The department will retain the level-of-care system for eligibility purposes only.

Concerning proposed §406.204(a)(3), one commenter asked if the level-of-care system remains in place, will providers' licenses still be limited to a certain level (e.g., a Level V home), rather than allowing for various levels of care in the same home.

The department responds that the license category will not restrict providers from mixing levels of care after January 1, 1997.

Concerning proposed §406.204(b)(4)(B)(iii), one commenter asked what type of study will be conducted to determine appropriate alterations to the payment for the individual in need of extensive medical services, and who will conduct it.

The department responds that the text has been modified to eliminate the need for a study.

Concerning proposed §406.204(b)(4)(B), one commenter stated that the department must address the issue of individuals with extensive medical needs very clearly. The commenter stated that although an individual with substantial nursing needs will generally fall into a higher need category simply because of the pervasiveness of his/her disabilities, there are exceptions.

The department responds that it will continue to closely follow this issue.

Concerning proposed Chapter 406, Subchapter E, in general, one commenter stated that the current proposal does not include §406.211 of this title, which was proposed earlier in the year. The commenter stated that the "piece-meal" revision of this subchapter makes it very difficult to review or understand this policy and provide comments.

The department responds that §406.211 was adopted at the October 1996 meeting of the Texas MHMR Board, to ensure that the modifications to the therapeutic leave and extended therapeutic leave requirements were in place for the holiday season.

Concerning proposed referenced information in general, one commenter stated that several referenced forms and documents were not included in the distribution of the proposal, which required the commenter to obtain copies of these references elsewhere in order to review and comment on the proposed amendments.

The department responds that referenced forms and documents which are not germane to the proposed amendments are not routinely included in field distribution versions of proposed rules. Interested parties may obtain copies of all such forms and documents by contacting the department's Medicaid office.

Concerning proposed §406.202, one commenter asked that the department replace language regarding an individual's "legally authorized representative" with language such as "someone legally empowered to act on his behalf."

The department responds that the language is consistent with the language used in other department rules.

Concerning proposed §406.203(a), one commenter requested that the department delete the phrase "the developmental disability of." The commenter stated that the proposed rule is for the ICF/MR program, not ICF/DD program.

The department responds that the term "mental retardation" refers to a subcategory of the more broadly utilized term "developmental disabilities." Other subcategories of developmental disabilities are included in the ICF/MR program under the term "related conditions" (RC).

Concerning §406.203(a)(1), one commenter asks why the intelligence quotient (IQ) for related conditions is fixed at an IQ of 75 and the IQ for mental retardation is set at 69.

The department responds the IQ criteria for mental retardation is set in state law. A higher limit has been established for the wide range of developmental disabilities contained in the RC program.

Concerning §406.204, this section does not show what ICF/MR/RC Level VIII is based on.

The department responds that the definition of "person with related conditions" in §406.202 describes Level VIII.

Concerning the proposal in general, one commenter stated that §§406.205-406.208 were not included in the proposal.

The department responds that §§406.205-406.208 were not amended.

Concerning §406.216, one commenter stated that definitions for "Interdisciplinary team" (IDT) and "Qualified mental retardation professional" (QMRP) need to be added.

The department responds by adding the definitions to §406.202.

Concerning the proposed role of mental retardation authorities, one commenter stated that mental retardation authorities should not be given the role of performing utilization reviews or

continued-stay reviews of level-of-care or level-of-need assignments at ICF/MR facilities. The commenter stated that a state agency should perform these functions.

The department responds that the role of a mental retardation authority is not addressed in the sections.

One commenter stated that the proposed four levels of need will replace the four levels of mental retardation. The commenter noted that the proposed levels of need are a more subjective system of assessment than the current system and will likely result in significantly more individuals becoming eligible for services.

The department responds that the basic eligibility criteria for ICF/MR program levels of care have not been changed.

Concerning the Inventory for Client and Agency Planning (ICAP), one commenter requested information concerning the validity and reliability of the instrument.

The department responds that the instrument is a nationally tested psychometric assessment instrument. Validity and reliability data are published in the examiner's manual for the ICAP.

Concerning §406.204, one commenter asked if there were differences between level-of-care and level-of-need determinations.

The department responds that there is a difference between level-of-care and level-of-need. Level-of-care relates to eligibility and is determined by adaptive behavior level (ABL) and intellectual functioning. Level-of-need is a payment category. The level-of-care criteria have not been changed.

Concerning proposed §406.204(b)(B)(i), one commenter stated that the scores mentioned pertain to frequency counts of problem behavior, with no attention to severity or intensity. The commenter noted that many of the individuals served have low frequency but high intensity problem behaviors.

The department responds that the ICAP measures both frequency and intensity. Further, the Texas Department Human Services (TDHS) Form 3650 measures additional staffing needs associated with challenging behaviors.

Concerning §406.216(a), one commenter asked if the ICAP has to be administered every six months.

The department responds that the ICAP service levels must be administered annually. However, a change which involves an increase in the level-of-need score must have prior approval by TDMHMR.

Concerning §406.216(a), one commenter asked why the ICAP has to be administered annually.

The department responds that it agreed with an advisory panel recommendation that the appropriate interval for such a review is annually.

One commenter asked if six hours of active treatment are required for individuals who exhibit continuous aggression.

The department responds that "active treatment" is a federal term. There has been no interpretation of a required number of hours. Active treatment must be delivered whenever the

consumer requires it. A definition for "active treatment" has been added.

Concerning proposed §406.204(a)(6)(B), one commenter asked why an individual who does not respond to his environment, but needs continuous care for medical reasons, is not eligible for the ICF/MR Program.

The department responds the eligibility criteria reflects the federal requirement that persons who cannot benefit from active treatment are not eligible for ICF/MR funding.

Concerning §406.204(b), one commenter inquired about appeal procedures regarding the level-of-need assignment. The commenter expressed concern that only the individual or someone legally empowered to represent the individual could appeal the level-of-need assignment.

The department responds that level-of-need appeal procedures will be addressed in modifications to §406.214, regarding Utilization Review, which will be proposed in the near future.

Concerning proposed §406.204(b)(5)(B)(ii), one commenter asked whether a different level of supervision can be instituted after the level-of-need has been initially established.

The department responds when the person no longer needs a continuous one-on-one staffing level, a new level-of-need should be submitted to TDMHMR by the facility.

Concerning the level-of-need assessment, one commenter asked how the level-of-need assessment information will be documented.

The department responds that the level-of-need will be documented on TDHS Form 3650, in Item #10 (recommended by the provider) and Item #85 (assigned by TDHS or TDMHMR).

One commenter asked who will be responsible for administering the ICAP.

The department responds that each provider is responsible for having trained staff assess individuals for whom it provides services. The department has provided training to facility staff regarding the administration of the ICAP.

Concerning the ICAP, one commenter asked whether the pervasive category equates to the TDMHMR facility funding formula.

The department responds that the level-of-need is not the same as TDMHMR facility funding formulas. State schools and state-operated ICFs/MR have their own reimbursement methodology.

One commenter stated that the cost of the ICAP would be prohibitively expensive for the commenter's facility.

The department responds that the \$103.00 cost for a single test kit includes the examiner's manual and 25 response booklets. The cost of the Compuscore disk is \$185. Additional sets of 25 booklets can be obtained for \$30.40 each. Small providers may choose to share costs with other small providers to keep costs low.

Concerning the ICAP, one commenter stated there was not sufficient time to train staff for implementation by January 1, 1997.

The department responds that although the time frame is limited, there has been an adequate period for preparation. There is no mechanism for reimbursement for persons living in non-state operated ICFs/MR who do not have a level-of-need score after January 1, 1997.

Concerning §406.216(d), one commenter stated the time line of 10 working days for the completion of the level-of-care assessment form is less realistic than the current 20 calendar day time line.

The department responds that the time line has been modified to reflect 20 working days.

Concerning the rule in general, one commenter asked whether there is a duplication of the information currently reported to CARE and therefore a duplication of resources.

The department responds that CARE reporting is not used for Medicaid funding.

One commenter asked who will administer the ICAP and what type of training will be offered.

The department responds that each provider is responsible for having trained staff assess individuals for whom it provides services. Six training sessions have been offered and related training tapes are available for purchase from the publisher of the ICAP.

The amendments are adopted under the Texas Health and Safety Code, §532.015, which provides the Texas Mental Health and Mental Retardation Board with broad rulemaking authority, and under the provisions of Texas Government Code, §531.021, which provides the Texas Health and Human Services Commission with the authority to administer federal medical assistance funds.

The sections affects Texas Human Resources Code, §§32.001-32.040, and Texas Government Code, Chapter 531, §531.021.

*§406.202. Definitions for Level-of-care and Level-of-need Criteria.* The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Active treatment-Continuous aggressive, consistent implementation of a program of habilitation, specialized and generic training, treatment, health services, and related services. The program must be directed toward:

(A) the acquisition or maintenance of the behaviors necessary for the individual to function with as much self-determination and independence as possible, and

(B) the prevention or deceleration of regression or loss of current optimal functional status. Active treatment does not include services to maintain generally independent individuals who are able to function with little supervision or in the absence of a continuous active treatment program.

Adaptive behavior level (ABL)-The effectiveness or degree to which the individual meets the standards of personal independence and social responsibility expected of the person's age and cultural group. The assessment should be conducted with a standardized assessment instrument.

Cerebral palsy-A group of disabling conditions that results from nonprogressive damage to the central nervous system which usually occurs before, during, or shortly after birth. The disability is characterized by an inability to fully control motor functions.

Continued-stay review-The individual review conducted by the Texas Department of Human Services (TDHS) no later than six months following the individual's admission to an ICF/MR facility and at least every six months thereafter. The purpose of each review is to determine if the individual continues to need the care and services provided by the ICF/MR Program and if the level-of-care determination and level-of-need assignment are appropriate. The Texas Department of Human Services may determine that the individual no longer needs the care and services provided by the ICF/MR Program or that the level-of-care determination and level-of-need assignment is not appropriate. In this case, TDHS staff members make a new level-of-care determination and level-of-need assignment.

Epilepsy-A paroxysmal transient disturbance of brain function that may be manifested as episodic impairment or loss of consciousness, abnormal motor phenomena, psychic or sensory disturbances, and perturbation of the autonomic nervous system. Symptoms are the result of paroxysmal disturbance of the electrical activity of the brain.

ICAP service level-The ICAP service level identifies the level of services needed by an individual as determined by the Inventory for Client and Agency Planning (ICAP) assessment instrument.

Interdisciplinary team (IDT)-Those individuals (professionals, para-professionals and non-professionals) who possess the knowledge, skills and expertise necessary to accurately identify the comprehensive array of an individual's needs and design a program which is responsive to those needs.

LON-Level-of-need is the state classification system that incorporates either the actual or adjusted ICAP service level and selected items on the TDHS 3650 form.

Medical care plan-A plan developed by a physician, in cooperation with licensed nursing personnel, for an individual who requires 24-hour supervision by licensed nurses.

Mental retardation-Significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and originating during the developmental period.

Persons with related conditions-Individuals who have a severe, chronic disability that:

(A) is attributed to:

(i) cerebral palsy or epilepsy; or

(ii) any other condition, other than mental illness, found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation, and requires treatment or services similar to those required for mentally retarded persons;

(B) is manifested before the person reaches age 22;

(C) is likely to continue indefinitely; and

(D) results in substantial functional limitations in at least three of the following areas of major life activity;

(i) self-care;

(ii) understanding and use of language;

(iii) learning;

(iv) mobility;

(v) self-direction;

(vi) capacity for independent living.

TDHS-The Texas Department of Human Services.

TDMHMR-The Texas Department of Mental Health and Mental Retardation.

Qualified mental retardation professional -A person who has at least one year of experience working directly with individuals with mental retardation or other developmental disabilities and who integrates, coordinates and monitors each individual's active treatment program; and is:

(A) a doctor of medicine or osteopathy;

(B) a registered nurses; or

(C) an individual who holds at least a bachelor's degree in one of the following professional categories:

(i) occupational therapist or occupational therapist assistant;

(ii) physical therapist or physical therapist assistant;

(iii) psychologist, with at least a masters degree;

(iv) social worker;

(v) speech-language pathologist;

(vi) professional recreation staff;

(vii) dietitian; or

(viii) human services professional.

*§406.204. Level-of-Care Determination and Level-of-Need Assignment.*

(a) Level-of-Care Determination.

(1) The level-of-care determination is performed by the Texas Department of Human Services according to the level-of-care criteria in this subchapter. Information submitted to the Texas Department of Human Services must be based on current data obtained from standardized evaluations and formal assessments which include physical, emotional, social, and cognitive factors.

(2) The ICF/MR Program has four levels of care: ICF/MR I, ICF/MR V, ICF/MR VI, and ICF-MR/RC VIII. Level-of-care determinations for the ICF/MR I, ICF/MR V, and ICF/MR VI levels of care are based on the individual's intellectual functioning. Level-of-care VIII determinations are based on the following variables regarding the developmental needs of each individual:

(A) adaptive behavior and

(B) health status.

(3) A single, specific deficit or developmental need does not necessarily indicate a need for active treatment.

(4) If an I.Q. score cannot be obtained for a person with severe or profound deficits in intellectual functioning, a social composite score (S.C.) obtained on the Vineland Adaptive Behavior

Scale or other professionally accepted scale must be submitted. Documentation must be available that an assessment of intelligence with a standardized instrument was attempted.

(5) An individual is not eligible for the ICF/MR Program if he:

(A) Has been medically diagnosed as having "brain death," which includes no evidence of sensory receptivity or sensory responsiveness on a permanent basis; or

(B) Does not respond in any way to his environment, but needs continuous care for medical reasons.

(6) Some individuals may have special health care needs that necessitate placement in a facility which meets provisions of the National Fire Protection Association's Life Safety Code, 1985 edition, for accommodating special health care needs. When this occurs, placement in a facility that meets appropriate Life Safety Code requirements takes precedence over placement in a facility that matches the individual's level-of-care. Regardless of his level-of care determination, an individual who requires a 24 hour medical care plan is eligible for residence only in a facility that meets the provisions of either chapter 12 or chapter 13 of the 1985 Life Safety Code.

(7) If the Texas Department of Human Services determines that information submitted for a level-of-care was not correct, the level-of-care determination is reevaluated. If information originally submitted has changed, the level-of-care determination is also re-evaluated.

(8) If an individual's I.Q., adaptive behavior level, and/or health status are such that he does not meet all the criteria for any one level-of-care, TDHS conducts a special review of his application for a level-of-care. TDHS may ask him to submit current psychological, social, medical, and/or other evaluations.

(9) The criteria for each level-of-care include a profile of typical developmental needs for that level-of-care. Based on I.Q., adaptive behavior level, and health status, an individual may meet the criteria for two levels of care. In this situation, application is made for the level-of-care that best meets the individual's developmental needs. This determination is based on the profile that most closely describes the individual. A single deficit in any of the categories of skills noted in a profile does not necessarily make the individual ineligible for that level-of-care.

(b) Level-of-Need Assignment.

(1) A level-of-need(LON) assignment is required for the ICF/MR and HCS programs.

(2) The LON assignment is performed by the Texas Department of Human Services according to the LON criteria in this subchapter. Information submitted to the Texas Department of Human Services must be based on the initial data obtained from the Inventory for Client and Agency Planning(ICAP) and selected items on the TDHS Form 3650.

(3) The ICF/MR Program has five levels of need: Intermittent, Limited, Extensive, and Pervasive.

(4) LON assignments are based on the following variables regarding the developmental needs of each individual:

(A) The ICAP service level score are categorized as levels of need when the score range is as follows:

(i) A score is considered to be an Intermittent LON (1) if the ICAP Service Level equals 7, 8, or 9;

(ii) A score is considered to be a Limited LON (5) if the ICAP Service Level equals 4, 5, or 6;

(iii) A score is considered to be an Extensive LON (8) if the ICAP Service Level equals 2 or 3;

(iv) A score is considered to be a Pervasive LON (6) if the ICAP Service Level equals 1.

(v) A score is considered to be a Pervasive LON (9) if TDHS Form 3650 is scored with a least one Item 70 -73 = 2.

(B) The Level-of-need can be modified to take into account extraordinary service needs that result from unusual behavioral or medical challenges. The level-of-need for these individuals combines ICAP Service Level Scores and needs identified on selected items on the TDHS Form 3650. A LON that does not directly correspond to the ICAP service level will be subject to utilization review by TDHS and TDMHMR.

(i) Persons who have challenging behaviors that require a behavior program that requires constant preventive actions by additional staff will be classified to the next level-of-need from the original level. Normal staffing ratios are exceeded, although additional staff may assist in the supervision of other individuals. If an individual is already in the pervasive category due to an ICAP score, the person will retain the pervasive level-of-need. Very serious problems have the following classification:

(I) The behavior(s) presents a danger to self or others.

(II) The behavior(s) warrants individualized objectives and includes written procedures.

(III) The frequency of the behavior(s) is reduced only with constant staffing and a highly structured environment.

(IV) The behavior(s) is difficult or impossible for a single staff person to control when it occurs.

(V) The behavior(s) precludes some activities/ environments that cannot be structured. The interventions used to control the behavior will require regular documentation, monitoring, and revisions as needed to meet the needs of the individual. Form 3650 is scored with at least one of Items 70-73 = 1. The ICAP service level is moved to the next higher level-of-need.

(ii) Persons who are at risk of hurting themselves or others and require a constant daily ratio of 1:1, consisting of an average of 16 hours a day that the individual is awake, will be categorized under a special service level-of-need for constant 1:1 surveillance. The behavior(s) is considered extremely serious, or a critical problem whenever:

(I) The behavior(s) may be life-threatening;

(II) The behavior(s) warrant the highest priority of individualized objectives and include a written record of every occurrence of the behavior;

(III) The frequency of the behavior(s) is difficult to reduce; or

(IV) The consequences of the behavior(s) are difficult to minimize. Form 3650 is scored with at least one of Items

70-73 = 2. The LON is Pervasive + (LON = 9) moved to the highest level-of-need.

(iii) Persons who have extensive medical needs that require frequent nursing intervention will be classified at the next higher level-of-need (e.g., extensive will be classified as pervasive). If an individual is already in the pervasive category due to an ICAP score, the person will retain the pervasive level of service: Form 3650 is scored with Item #39 = 6 (frequency code) and 15 or 16 (service code).

(5) If the Texas Department of Human Services determines that information submitted for a LON was not correct, the LON assignment is reevaluated. If information originally submitted has changed, the LON assignment may also be re-evaluated.

*§406.214. Utilization Review.*

(a) Utilization review (UR) plans and procedures must conform with policies of the Department of Health and Human Services, as required by 42 Code of Federal Regulations §456.401. The Texas State Plan for Title XIX requires a UR process for ICF/MR facilities participating in the Texas Medical Assistance Program.

(b) ICF/MR Program teams of the TDMHMR, or its designee perform the UR functions for Title XIX clients in the facility.

(c) The Texas Department of Mental Health and Mental Retardation (TDMHMR) is responsible for developing and maintaining level-of-care and level-of-need criteria to evaluate the necessity for each individual's continued stay. These level-of-care and level-of-need criteria are specified in §§406.205-406.208 of this title.

(d) UR-plan objectives are to:

- (1) promote quality care and to promote training that meets individual needs;
- (2) determine whether needed services are available and are provided on a continuing basis;
- (3) determine that the individual's are classified in the correct payment category;
- (4) ensure that the services provided are necessary; and
- (5) review the individual program plan.

(e) The provider may request a reconsideration of the assignment of level-of-need made by TDMHMR or its designee by completing the Reconsideration Notice and sending it to the Utilization Review Section of Medicaid Administration at TDMHMR by certified mail within ten days of the date notification of the level-of-need assignment. Additional clinical and supporting documents must be sent by the provider. The Utilization Review Department will review all reconsiderations and notify the provider verbally within five working days of the receipt of the reconsideration form as to the decision of the department. Written confirmation will follow within five working days of the verbal notification. Prior approval is not a guarantee of payment.

(f) The utilization review section of the TDMHMR office of Medicaid Administration, or its designee, will conduct periodic retrospective reviews. Based on such reviews, TDMHMR may recoup or deny payments to a provider.

*§406.216. Preadmission and Admission Process.*

(a) The Texas Department of Human Services (TDHS) reviews Preadmission and admission level-of-care and level-of-

need assessments when a contracted facility has requested vendor assistance for care for a Medicaid applicant or consumer. ICF/MR I, ICF/MR V, and ICF/MR VI Preadmission level-of-care and level-of-need assessments are valid for 30 days or until the individual assessed is admitted to an ICF/MR facility, whichever is sooner. ICF/MR/RC VIII Preadmission level-of-care and level-of-need assessments are valid for 90 days or until the individual assessed is admitted to an ICF/MR/RC facility, whichever is sooner. Admission level-of-care and level-of-need assessments are valid for 180 days after the date of admission or TDHS stamp-in date.

(b) Before an individual's admission, an interdisciplinary team of health care professionals, including a QMRP, must conduct a comprehensive medical, nutritional, social, and psychological review of the individual's status and need for ICF/MR care. If the evaluation indicates that the individual's needs could be met by alternative services, facility staff must enter this fact in the individual's record and document attempts to locate the services.

(c) A physician must certify that each applicant or Medicaid client needs ICF/MR services at the time of admission to the Medicaid program and every six months thereafter. This certification is documented on the level-of-care assessment form for each individual. TDHS processes only those level-of-care assessment forms that include physicians' signatures. This physician certification is part of each individual's record and is reviewed annually as part of the inspection-of-care process. Facility staff must ensure that the recertification states: "I hereby certify that this individual continues to require ICF/MR care."

(d) The facility must submit the person's level-of-care and level-of-need (as described in §406.204 of this subchapter) to TDHS ICF/MR/RC Regional Office within 20 working days of admission to the facility.

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 17, 1997.

TRD-9700220

Ann K. Utley

Chairman, Texas MHMR Board

Texas Mental Health and Mental Retardation

Effective date: January 28, 1997

Proposal publication date: August 23, 1996

For further information, please call: (512) 206-4516

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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 48. Community Care for Aged and Disabled

##### Case Management

##### **40 TAC §48.3904**

Texas Department of Human Services (DHS) adopts an amendment to §48.3904, without changes to the proposed text published in the December 6, 1996, issue of the *Texas Register* (21 TexReg 11753).

The justification for the amendment is to reflect the rate increase approved for adult foster care providers.

The amendment will function by providing additional reimbursement for providers of adult foster care.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

The amendment implements §§22.001-22.030 of the Human Resources Code.

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 7, 1997.

TRD-9700214

Glenn Scott

General Counsel, Legal Services

Texas Department of Human Services

Effective date: February 1, 1997

Proposal publication date: December 6, 1996

For further information, please call: (512) 438-3765



# TABLES & GRAPHICS

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Graphic material from the emergency, proposed, and adopted sections is published separately in this tables and graphics section. Graphic material is arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic material is indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word “Figure” followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on. Multiple graphics in a rule are designated as “Figure 1” followed by the TAC citation, “Figure 2” followed by the TAC citation.

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Figure : 30 TAC §331.42(c)

$$r = (2.25 KHt / S10^6)^{0.5}$$

Where

$$x = 4\pi KH (h_o - h_w \times S.G.) / 2.3 Q$$

$r$  = radius of endangering influence from injection well (length)

$K$  = hydraulic conductivity of the injection zone (length/time)

$H$  = thickness of the injection zone (length)

$t$  = time of injection (time)

$S$  = storage coefficient (dimensionless)

$Q$  = injection rate (volume/time)

$h_o$  = observed original hydrostatic head of injection zone (length) measured from the base of the lowermost underground source of drinking water

$h_w$  = hydrostatic head of underground source of drinking water (length) measured from the base of the lowest underground source of drinking water

$S.G.$  = specific gravity of fluid in the injection zone (dimensionless)

$\pi$  = 3.142 (dimensionless)

The above equation is based on the following assumptions:

- (1) the injection zone is homogenous and isotropic;
- (2) the injection zone has infinite area extent;
- (3) the injection well penetrates the entire thickness of the injection zone;
- (4) the well diameter is infinitesimal compared to "r" when injection time is longer than a few minutes; and
- (5) the emplacement of fluid into the injection zone creates instantaneous increase in pressure.

# OPEN MEETINGS

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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 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 an 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).

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### **Texas Boll Weevil Eradication Foundation**

Monday, January 20, 1997, 10:00 a.m.

TBWEF Headquarters, 3103 Oldham Lane

Abilene

AGENDA:

Call to Order

Opening Remarks and Introductions

TBWEF Headquarters

Abilene

AGENDA:

Call to Order

Opening Remarks and Introductions

Discussion and Action: Review minutes from prior meeting; Financial Report; Referendums; Section 18; Travel Policy; High Cost-of-Living Areas.

Adjourn for Executive Session to be held at Fairway Paks, 34 Fairway Oaks Boulevard, Abilene, Texas.

Executive Session: To consult with attorney in accordance with Texas Government Code Annotated, §551.071.

Adjourn Executive Session: Reconvene Board Meeting at TBWEF, Inc. Headquarters, 3103 Oldham Lane, Abilene, Texas.

Discussion and Action: Executive Session: Executive Director's Report; APHIS Report; TDA Report; NCC Report; Extension Report Chairman's Report; Setting Next Meeting Time and Place.

Discussion: Other Business

Adjourn

Contact: Frank Myers, P.O. Box 5089, Abilene, Texas 79608-5089, 1-800-687-1212, 1-915-672-2800.

Filed: January 10, 1997, 4:01 p.m.

TRD-9700451



### **Texas Bond Review Board**

Thursday, January 16, 1997, 10:30 a.m.

300 West 15th Street, Committee Room #5, Clements Building, Fifth Floor

Austin

1997 Lottery for Allocation of State Ceiling

AGENDA:

I. Welcome and Opening Remarks

II. Explanation of Lottery Process.

III. First Lottery-to determine placement of applications in line for reservation.

IV. Break (15 minutes)

V. Secondary Lottery-to determine reservation dates for initial allocation reservations.

Contact: Jeanne Talerico, 300 West 15th Street, Suite 409, Austin, Texas 78701, 512/475-4803.

Filed: January 8, 1997, 1:02 p.m.

TRD-9700322



### **Texas Certified Self-Insurer Guaranty Association**

Friday, January 17, 1997, 9:30 a.m.

4000 South IH35

Austin

Board

AGENDA:

- I. Call to Order
- II. Election of Chair and Vice Chair
- III. Approval of Minutes for the Public Meeting of November 11, 1996
- IV. Discussion, Consideration, and Possible Action on the Following Renewal Applications:
  - A. Texoma Health Care System.
  - B. Emerson Electric Company.
  - C. Tyco International Ltd.
  - D. Guardian Industries Corporation.
  - E. Union Pacific Resources Company.
  - F. Willamette Industries, Inc.
  - G. The Sherwin-Williams Company.
  - H. AT&T Corporation.
  - I. Waffle House, Incorporated.
  - J. J.C. Penney Company, Inc.
  - K. Watkins Associated Industries, Inc.
- V. Discussion, Consideration and Possible Adoption of By-Law Amendments.
- VI. Other Business.
- VII. Adjournment.

Contact: Judy Roach, 1600 San Jacinto Center, 98 San Jacinto Boulevard, Austin, Texas 78701  
 Filed: January 8, 1997, 11:50 a.m.

TRD-9700313



### **Texas Child Care Development Board**

Thursday, January 16, 1997, 9:30 a.m.

Stephen F. Austin Building, Room B-50

Austin

AGENDA:

Welcome and introductory remarks. Discussion of assignment of contract of Creative World, Inc. Adjourn.

Contact: Alice Embree, P.O. Box 12017, Austin, Texas 78711-2017, (512) 460-6000, Ext. 2220.

Filed: January 9, 1997, 8:35 a.m.

TRD-9700356



### **Texas Department of Criminal Justice**

Friday, January 17, 1997, 10:00 a.m.

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

Austin

Judicial Advisory Council

AGENDA:

I. Deconsolidation of the Texas Department of Criminal Justice/Community Justice Assistance Division.

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for person 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: Lois A. Warncke, P.O. Box 13084, Austin, Texas 78711, (512) 305-9323.

Filed: January 8, 1997, 11:48 a.m.

TRD-9700310



### **Texas Commission for the Deaf and Hard of Hearing**

Friday, Saturday, January 17-18, 1997, 1:00 p.m. and 9:00 a.m. respectively

Port Royal Hotel, 6317 State Highway 361

Port Aransas

Board Retreat

AGENDA:

January 17-1:00 — 5:00 p.m.

Welcome, Auditors Concerns, Legislative Issues, BEI Issues, and Hard of Hearing Issues

January 18, 1997 — 9:00 a.m. — 5:00 p.m.

Interpreter Services, Interpreter Mentor Program, Early Intervention, Service to Senior Citizens, Information and Referral, Camp Sign and Other Issues

Contact: Margaret Susman, 4800 North Lamar, Suite 310, Austin, Texas 78756, (512) 451-8494.

Filed: January 9, 1997, 10:10 a.m.

TRD-9700360



Sunday, January 19, 1997, 9:00 a.m.

Port Royal Hotel, 6317 State Highway 361

Port Aransas

Board

AGENDA:

Call to Order, Public Comment; Approval of Minutes of October 18, 1996 Meeting; Executive Director's Report including Affirmative Action Plan Approval, and Approval of Information Resources Strategic Plan; Direct Services Report including Rule Adoption of §181.830, Approval of Camp Contract, Approval of Interpreter Training Contracts, and Approval of TEA Memorandum of Understanding; BEI Report including Appointment of BEI board Member, Approval of Funds for Intermediary Materials Development, Approval of Funds for Consultant Services, Approval of New Evaluators, Executive Session: Review complaint Against Susanne Burnett, Approval of Cer-

tification, Recertification, Revocation and Approval of Calendar; Information Items including Deaf Action Center, Early Intervention and Prevention Project Final Payment; Adjournment.

Contact: Margaret Susman, 4800 North Lamar, Suite 310, Austin, Texas 78756, (512) 451-8494.

Filed: January 9, 1997, 10:10 a.m.

TRD-9700361



### **Interagency Council on Early Childhood Intervention**

Thursday, January 23, 1997, 9:30 a.m.

4900 North Lamar

Austin

Board

AGENDA:

Public comment. Discussion and approval of minutes from the December 12, 1996 meeting. Discussion and approval of Advisory committee and director's forum report. Discussion and approval of adoption of §621.23-24, relating to procedural safeguards and due process procedures. Discussion and approval of the agency's procedure for obtaining management responses, internal audit subcommittee responses and council approval for agency audit reports. Discussion and approval of revisions to the administrative/operations procedures for the Interagency Council on Early Childhood Intervention. Discussion and update on legislative process including revisions to chapter 73, Human Resources Code and the Appropriations process.

Persons with disabilities who plan to attend the meeting and who may need auxiliary aids or services are requested to contact Linda Hill at least three days prior to the meeting so that arrangements can be made.

Contact: Linda B. Hill, 4900 North Lamar, Austin, Texas 78751, (512) 424-6754,

Filed: January 10, 1997, 1:54 p.m.

TRD-9700420



### **Advisory Commission on State Emergency Communications**

Tuesday, January 14, 1997, 3:00 p.m.

333 Guadalupe, Suite 2-212

Austin

Executive Committee Meeting

EMERGENCY MEETING AGENDA:

Rescheduled from January 8, 1997.

The Committee Will Call the Meeting to Order and Recognize Guests; Hear Public Comment; Hear Reports, Discuss and take Committee Action, as necessary; Review of January 16, 1997, Commission Meeting Agendas. Adjourn.

Reason for Emergency: Scheduled meeting was postponed due to inclement weather conditions; necessitates rescheduling in order to receive briefing on agenda items prior to scheduled meetings on January 15 and 16.

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

Filed: January 8, 1997, 1:02 p.m.

TRD-9700323



### **Texas Department of Health (TDH)**

Thursday, January 16, 1997, 2:30 p.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health, Health and Clinical Services Committee

AGENDA:

The committee will discuss and possibly act on: approval of the minutes of the November 21, 1996 meeting; final adoption of rules concerning Occupational Disease reporting; Children's Health Insurance impact on exceptional items for Chronically Ill and Disabled Children (CIDC) and Maternal and Child Health (M & CH); and child health information on computerized kiosks throughout Texas.

To request an accommodation under the ADA, please contact Suzzanna Courier, 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: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 8, 1997, 3:03 p.m.

TRD-9700337



Thursday, January 16, 1997, 4:00 p.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health, Regulatory Committee

REVISED AGENDA:

The committee will discuss and possibly act on: approval of the minutes of the November 21, 1996 meeting; proposed rules concerning the licensing of Home and Community Support Service Agencies; proposed rules concerning placement of prosthetists and orthotists on the registry for providers of health related services; emergency rules concerning licensure of private psychiatric hospitals and crisis stabilization units; emergency rules concerning licensure of hospitals; proposed rules concerning licensure of hospitals; final adoption of rules concerning licensure and regulation of Fitting and Dispensing of Hearing Instruments; and final adoption of rules concerning regulations on Sale and Distribution of Foods, Drugs, and Dietary Supplements Containing Ephedrine.

To request an accommodation under the ADA, please contact Suzzanna Courier, 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: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 8, 1997, 3:03 p.m.

TRD-9700338



Friday, January 17, 1997, 8:30 a.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health Briefing

AGENDA:

The board will receive a briefing by the commissioner on the current activities of the Texas Department of Health. Also, a discussion will be held concerning procedural and/or administrative issues of the Board of Health..

To request an accommodation under the ADA, please contact Suzzanna Courier, 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: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 8, 1997, 3:03 p.m.

TRD-9700336



Friday, January 17, 1997, 10:00 a.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health

REVISED AGENDA:

The board will meet and introduce guests and discuss and possibly act on: approval of the minutes of the November 22, 1996, Texas Board of Health meeting; commissioner's report; Strategic Management Committee Report (Proposed rules concerning Texas Department of Health Activities with the Texas Health Care Information Council; and presentation of the State Health Plan by the Statewide Health Coordinating Council); Health Financing Committee Report; Health and Clinical Services committee Report (final adoption of rules concerning Occupational Disease reporting); Human Resources Committee Report (appointments to the Kidney Health Care Advisory Council; and appointments to the Family Planning Advisory Council Regulatory Committee Report (proposed rules concerning placement of prosthetists and orthotists on the registry for providers of health related services; emergency rules concerning licensure of private psychiatric hospitals and crisis stabilization units; emergency rules concerning licensure of hospitals; proposed rules concerning licensure of hospitals; final adoption of rules concerning licensure and regulation of Fitting, and Dispensing of Hearing Instruments; and fi-

nal adoption of rules concerning regulations on Sale and Distribution of Foods, Drugs, and Dietary Supplements Containing Ephedrine); Selection of search firm for Commissioner of Health position; public comment; announcements and comments; and meeting date for February 1997.

To request an accommodation under the ADA, please contact Suzzanna Courier, 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: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 8, 1997, 3:03 p.m.

TRD-9700335



Friday, January 17, 1997, 10:00 a.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Texas Board of Health

REVISED AGENDA:

The board will meet and introduce guests and discuss and possibly act on: approval of the minutes of the November 22, 1996, Texas Board of Health meeting; commissioner's report; Strategic Management Committee Report (Proposed rules concerning Texas Department of Health Activities with the Texas Health Care Information Council; and presentation of the State Health Plan by the Statewide Health Coordinating Council); Health Financing Committee Report; Health and Clinical Services committee Report (final adoption of rules concerning Occupational Disease reporting); Human Resources Committee Report (appointments to the Kidney Health Care Advisory Council; and appointments to the Family Planning Advisory Council Regulatory Committee Report (proposed rules concerning placement of prosthetists and orthotists on the registry for providers of health related services; emergency rules concerning licensure of hospitals; proposed rules concerning licensure of hospitals; final adoption of rules concerning licensure and regulation of Fitting and Dispensing of Hearing Instruments; and final adoption of rules concerning regulations on Sale and Distribution of Foods, Drugs, and Dietary Supplements Containing Ephedrine); selection of search firm for Commissioner of Health position; public comments; announcements and comments; and meeting date for February 1997.

To request an accommodation under the ADA, please contact Suzzanna Courier, 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: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: January 9, 1997, 3:43 p.m.

TRD-9700392



Tuesday, January 21, 1997, 9:00 a.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin  
Drug Use Review Board

AGENDA:

The board will discuss and possibly act on: approval of the minutes of the November 5, 1996 meeting; review of responses and response summary for interventions since the November 1996, meeting; data evaluations and revised criteria; data evaluations and criteria on Butorphanol Nasal Spray; online prospective Drug Use Review reports; evaluations of H2 and related drugs at acute dosage levels; Ad Hoc Committee reports (Provider Education Committee and the Intervention Committee); selection of targeted drugs for next profiles; and schedule next meeting.

To request an accommodation under the ADA, please contact Lonzo Kerr, 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: Curtis Burch, 1100 West 49th Street, Austin, Texas 78756, (512) 219-5001, extension 238.

Filed: January 10, 1997, 3:43 p.m.

TRD-9700435



Tuesday, January 21, 1997, 11:00 a.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Drug Use Review Board Intervention Committee

AGENDA:

The committee will discuss and possibly act on: treatment of H. Pylori and maintenance therapy for peptic and gastric ulcers.

To request an accommodation under the ADA, please contact Lonzo Kerr, 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: Curtis Burch, 1100 West 49th Street, Austin, Texas 78756, (512) 219-5001, extension 238.

Filed: January 10, 1997, 3:19 p.m.

TRD-9700443



Tuesday, January 21, 1997, 11:00 a.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 West 49th Street

Austin

Drug Use Review Board, Provider Education Committee

AGENDA:

The committee will discuss and possibly act on: treatment of H. Pylori and maintenance therapy for peptic and gastric ulcers.

To request an accommodation under the ADA, please contact Lonzo Kerr, 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: Curtis Burch, 1100 West 49th Street, Austin, Texas 78756, (512) 219-5001, extension 238.

Filed: January 10, 1997, 3:12 p.m.

TRD-9700434



## Texas Department of Information Resources

Thursday, January 23, 1997, 9:30 a.m.

William P. Clements Building, 300 West Fifteenth Street, Fifth Floor, Committee Room 2

Austin

Board

AGENDA:

Call to Order, Roll Call, Witness Registration

1. Adoption of November 21, 1996 minutes
2. Discussion of First Quarter Performance Measure Report
3. Discussion of Agency Strategic Plan for IR submitted to DIR Oversight
4. Discussion of information regarding Information Resource Mangers' Continuing Education Program
5. Update on Cooperative Contracts
6. Update on Statewide Telecommunications Division
7. First Quarter Financial Report and Statewide Telecommunications Report-Plan
8. Legislative Update
9. Strategic Planning Continuation

Adjournment

Contact: Martha Zottarelli, 300 West Fifteenth Street, Suite 1300, Austin, Texas (512) 475-2153.

Filed: January 9, 1997, 10:10 a.m.

TRD-9700362



## Texas State Board of Medical Examiners

Friday, January 17, 1997, 9:00 a.m.

333 Guadalupe, Tower 3, Suite 610

Austin

Medical School Committee

AGENDA:

1. Call to Order
2. Roll Call
3. Discussion, recommendation and possible action on medical school survey.
4. Discussion, recommendation and possible action on medical school schedule.
5. Discussion, recommendation and possible action on medical school slides.
6. Adjourn.

Contact: Pat Wood, P.O. Box 2018, Austin Texas 78768-2018, phone 512/305-7016, fax 512/305-7008.  
Filed: January 9, 1997, 1:16 p.m.  
TRD-9700377



Friday, January 17, 1997, 9:30 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Non-Profit Health Organizations Committee

AGENDA:

1. Call to Order
2. Roll Call
3. Consideration and possible action on applications for certification of non-profit health organizations.
4. Consideration and possible action on Biennial applications for recertification of non-profit health organizations.
5. Consideration and possible action on compliance information for continued certification of non-profit health organizations.
6. Consideration and possible action on requests for decertification of non-profit health organizations.
7. Discussion, recommendation, and possible action on rules related to Internal Revenue Service requirements pertaining to non-profit health organizations.
8. Adjourn.

Contact: Pat Wood, P.O. Box 2018, Austin Texas 78768-2018, phone 512/305-7016, fax 512/305-7008.  
Filed: January 9, 1997, 1:18 p.m.  
TRD-9700376



Friday, January 17, 1997, 10:30 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Ad Hoc Committee on Bariatric Medicine

AGENDA:

1. Call to Order.
2. Roll Call.
3. Review of articles/policy statements related to the practice of bariatric medicine.
4. Discussion, recommendation, and possible action related to the practice of bariatric medicine.
5. Adjourn.

Contact: Pat Wood, P.O. Box 2018, Austin Texas 78768-2018, phone 512/305-7016, fax 512/305-7008.  
Filed: January 9, 1997, 1:16 p.m.  
TRD-9700375



Friday, January 17, 1997, 11:30 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Public Information Committee

AGENDA:

1. Call to Order.
2. Roll Call.
3. Discussion, recommendation, and possible action on the Health Professions Council library poster.
4. Public comment period for up to five speakers. Time limit will be at the discretion of the Chair.
5. Adjourn.

Contact: Pat Wood, P.O. Box 2018, Austin Texas 78768-2018, phone 512/305-7016, fax 512/305-7008.  
Filed: January 9, 1997, 1:16 p.m.  
TRD-9700374



Friday, January 17, 1997, 1:00 p.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Executive Committee

AGENDA:

1. Call to Order.
2. Roll Call.
3. Request for reinstatement of license-M.J. Moore, M.D., Orange, Texas\*
4. Annual performance evaluation of Executive Director. Executive Session under the authority of the Open Meetings Act, §551.071 of the Government Code to discuss personnel matters.
5. Executive Session under the authority of the Open Meetings Act, §551.071 of the Government Code to consult with counsel regarding pending or contemplated litigation.
6. Adjourn.

\*Executive Session under the authority of the Open Meetings Act, §551.071 of the Government Code to consult with counsel regarding pending or contemplated litigation.

Contact: Pat Wood, P.O. Box 2018, Austin Texas 78768-2018, phone 512/305-7016, fax 512/305-7008.  
Filed: January 9, 1997, 1:16 p.m.  
TRD-9700373



Friday, January 17, 1997, 1:30 p.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Ad Hoc Committee on Telemedicine

AGENDA:

1. Call to Order.
2. Roll Call.
3. Discussion, recommendation, and possible action related to proposed amendments to Chapter 174, Telemedicine.
4. Discussion, recommendation, and possible action related to the application for a limited license to practice telemedicine.
5. Adjourn.

Contact: Pat Wood, P.O. Box 2018, Austin Texas 78768-2018, phone 512/305-7016, fax 512/305-7008.  
Filed: January 9, 1997, 1:15 p.m.

TRD-9700372



Friday, January 17, 1997, 2:00 p.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Standing Orders Committee

AGENDA:

1. Call to order.
2. Roll Call.
3. Discussion, recommendation, and possible action on rules related to radiologic technologists.
4. Adjourn.

Contact: Pat Wood, P.O. Box 2018, Austin Texas 78768-2018, phone 512/305-7016, fax 512/305-7008.  
Filed: January 9, 1997, 1:15 p.m.

TRD-9700371



Friday, January 17, 1997, 2:45 p.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Ethics Committee

AGENDA:

1. Call to order.
2. Roll Call.
3. Discussion, recommendation, and possible action related to ethical concerns which physicians face with respect to HIV/AIDS issues.
4. Adjourn.

Contact: Pat Wood, P.O. Box 2018, Austin Texas 78768-2018, phone 512/305-7016, fax 512/305-7008.  
Filed: January 9, 1997, 1:15 p.m.

TRD-9700370



Friday, January 17, 1997, 3:30 p.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Ad Hoc Committee on Continuing Medical Education

AGENDA:

1. Call to order.
2. Roll Call.
3. Discussion, recommendations, and possible action concerning possible Board approval of continuing medical education courses relating to ethics.
4. Adjourn.

Contact: Pat Wood, P.O. Box 2018, Austin Texas 78768-2018, phone 512/305-7016, fax 512/305-7008.  
Filed: January 9, 1997, 1:15 p.m.

TRD-9700369



Friday, January 17, 1997, 4:00 p.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Finance Committee

AGENDA:

1. Call to Order.
2. Roll Call.
3. Discussion of the Board's December 1996, Financial Statement.
4. Report on the Senate Finance Committee Hearing for the Board's 1998-99 Appropriation.
5. Adjourn.

Contact: Pat Wood, P.O. Box 2018, Austin Texas 78768-2018, phone 512/305-7016, fax 512/305-7008.  
Filed: January 9, 1997, 1:15 p.m.

TRD-9700368



**Texas Natural Resource Conservation Commission**

Monday, January 13, 1997, 10:00 a.m.

12015 Park 35 Circle, Building A, Room 310A

Austin

Used Oil Grant Program Advisory Committee

EMERGENCY MEETING AGENDA:

The meeting will open with a welcome and introductions. Minutes of the December 11, 1996, meeting will be considered.

The committee will discuss draft financial responsibility rules, Public Outreach Materials and upcoming Request for Application (RFA) for used oil grants. Public comments are welcome.

Reason for emergency: The scheduled Used Oil Advisory Committee meeting date was delayed due to the holidays.

Contact: Debbra Bohl, Used Oil & Used Oil Filter Recycling Program, Municipal Solid Waste Division, 512/239-6695 and Gary W. Trim, Technical Support, Municipal Solid Waste Division, 512/239-6708.  
Filed: January 8, 1997, 3:32 p.m.

TRD-9700342



Wednesday, January 22, 1997, 9:30 a.m., 1:00 p.m., and 2:00 p.m.

12118 North Interstate 35, Room 201S, Building E.

Austin

AGENDA:

The Commission will consider approving the following matters on the complete agenda filed with the Texas Register: Agency Enforcement Report; Hearing Request; Air Enforcement Agreed Orders; Petroleum Storage Tank Agreed Enforcement Orders; Multi-Media Agreed Enforcement Orders; On-Site Installers Enforcement Agreed Orders; Landscape Irrigator Installers Enforcement Agreed Orders; Public Water Supply Enforcement Agreed Orders; Water Well Drillers Enforcement Agreed Orders; Pollution Cleanup; Contract; Rules; Executive Session; the Commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the Commission may take various actions, including but not limited to rescheduling an item in its entirety or for particular action at a future date or time. (REGISTRATION FOR 9:30 AGENDA STARTS 8:45 UNTIL 9:25) The commission will consider a Certified Question at its 2:00 p.m. meeting.

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, 512/239-3317.

Filed: January 10, 1997, 3:52 p.m.

TRD-9700448



## **Texas State Board of Podiatric Medical Examiners**

Friday, January 10, 1997, 10:00 a.m.

333 Guadalupe, Tower I, Room 1250-A

Austin

EMERGENCY REVISED AGENDA:

1) Friday, January 10, 1997, 10:00 a.m., Request from Harold Andersen, DPM to obtain an exemption under §371.2(h) for Michael Buzek, DPM regarding a provisional license.

Reason for Emergency: Medical emergency regarding emergency surgery and coverage of practice.

Contact: Janie Alonzo, Texas State Board of Podiatric Medical Examiners, P.O. Box 12216, Austin, Texas 78711-2216.

Filed: January 8, 1997, 3:03 p.m.

TRD-9700339



## **Public Utility Commission of Texas**

Monday, January 27, 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 16858--Application of Austin Teleco, U.S.A., Inc., dba Teleco U.S.A., Inc. for a Service Provider Certificate of Operating Authority (SPCOA). Applicant will be reselling local exchange service including tone dialing, custom calling, caller ID, toll restriction, bill number screening and any other services which are available on a resale basis from the underlying incumbent exchange carrier or other certified carrier. Applicant plans to provide local service in a geographic area which exactly follows the local exchange boundaries within the State of Texas of Southwestern Bell Telephone Company and GTE Southwest, Inc. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the commission by January 22, 1997.

Contact: Paula Mueller, 1701 North Congress Avenue, Austin, Texas 78701, (512) 936-7145.

Filed: January 8, 1997, 2:47 p.m.

TRD-9700330



Monday, January 27, 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 16859--Application of Wholesale Network for a Service Provider Certificate of Operating Authority (SPCOA). Applicant intends to resale local exchange company and shared tenant services. Applicant's requested SPCOA geographic area includes the entire State of Texas. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the commission by January 22, 1997.

Contact: Paula Mueller, 1701 North Congress Avenue, Austin, Texas 78701, (512) 936-7145.

Filed: January 8, 1997, 2:47 p.m.

TRD-9700331



## **Railroad Commission of Texas**

Wednesday, January 22, 1997, 9:00 a.m.

1701 North Congress, 12th Floor Conference Room 12-126

Austin

AGENDA:

To consider Gas Utilities Docket Number 8664, Statement of Intent of Lone Star Gas, et al. to Increase Intracompany City Gate Rate; Consideration, deliberation, and potential ruling on Aligned Cities'

appeal of examiners' January 3, 1997, interim ruling on Lone Star Gas's RFI numbers LS 2-10 through LS 2-20 and LS 3-4 through LS 3-18.

Contact: James Brazell, P.O. Box 19267, Austin, Texas 78711-2967, (512) 463-7017.

Filed: January 10, 1997, 1:53 p.m.

TRD-9700419



### **Texas Real Estate Commission**

Friday, January 17, 1997, 10:00 a.m.

Room 235, Texas Real Estate Commission Headquarters, 1101 Camino La Costa

Austin

Texas Real Estate Inspector Committee

#### **AGENDA:**

1. Call to order
2. Approval of minutes of November 1, 1996, committee meeting
3. Public comments
4. Review and response to correspondence or questions concerning inspection standards of practice
5. Reports from TREC staff
6. Discussion and possible action to recommend action by the Texas Real Estate Commission to approve standards inspection report form for voluntary use.
7. Discussion and possible action regarding pending amendments to 22 TAC §535.222 concerning inspection standards, to 22 TAC §535.221 concerning advertising or to other TREC rules
8. Discussion of complaint procedures and enforcement actions and possible recommendations to the Texas Real Estate Commission
9. Scheduling of future meetings

Contact: Mark Mosely, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

Filed: January 9, 1997, 3:41 p.m.

TRD-9700385



### **Texas Senate**

Tuesday, January 14, 1997, 9:00 a.m.

Finance Committee Room, Capitol Extension

Austin

Senate Finance Committee

#### **AGENDA:**

No public hearing scheduled today.

Contact: Patricia Hicks, P.O. Box 12068, Austin, Texas 78711

Filed: January 8, 1997, 9:59 a.m.

TRD-9700306



Wednesday, January 15, 1997, 9:00 a.m.

Finance Committee Room, Capitol Extension

Austin

Senate Finance Committee

#### **AGENDA:**

- I. Organizational Meeting.
- II. To take budget testimony on the following:  
Criminal Justice Policy Council  
Department of Criminal Justice  
Commission on Jail Standards  
Juvenile Probation Commission  
Council on Sex Offender Treatment  
Youth Commission

Commission on Fire Protection

Department of Public Safety

Contact: Patricia Hicks, P.O. Box 12068, Austin, Texas 78711, (512) 463-0370.

Filed: January 8, 1997, 9:58 a.m.

TRD-9700304



Wednesday, January 15, 1997, 9:00 a.m.

Finance Committee Room, Capitol Extension

Austin

Senate Finance Committee

#### **REVISED AGENDA:**

- I. Organizational Meeting.
- II. To take budget testimony on the following:  
Criminal Justice Policy Council  
Department of Criminal Justice  
Commission on Jail Standards  
Juvenile Probation Commission  
Council on Sex Offender Treatment  
Youth Commission

Commission on Fire Protection

Department of Public Safety

Contact: Patricia Hicks, P.O. Box 12068, Austin, Texas 78711, (512) 463-0370

Filed: January 8, 1997, 2:30 p.m.

TRD-9700328



### **Texas Skill Standards Board**

Tuesday, Wednesday, January 21–22, 1997, 10:00 a.m. and 9:00 a.m. respectively

Infomart, Room 7012, 1950 Stemmons Freeway

Dallas

Full Board

AGENDA:

January 21: 10:00 a.m.- Developing Strategic Plan: Opening Remarks- Michael Patterson; Presentation of Results of December Strategic Planning Session- Anne Dorsey; Development of '97 Workplan with Timeline; Lunch; Developing Strategic Plan (continued): Action Item: Adopt of Adapt Kill Standards System Framework- Diane Nobles, Skill Standards Research & Communication Project; Discussion of Draft TSSB "Vision Paper"; 4:30 p.m. Recess; Wednesday, January 22, 9:00 a.m. TSSB Members' Reports: Texas Telecommunications Center — Dr. Jane Armstrong, Texas A&M University, Dr. Deron Bissett, and industry leaders; Sematech Skill Standards Initiative- Representatives from Richland College and Sematech Industry; Governor's Science and Technology Council — Michael Brown; Break; TSSB Members' Reports (continued): Petrochemical/Chemical Processing Industries — Wayne Oswald; Retail Industry/ Tandy Corporation — Gary Blagg/Denise Laman; Lunch; Update on NSSB Framework for National Skill Standards System — Anne Dorsey; Annual Report: Discussion of Content/Format- Anne Dorsey; Other Business/Closing Remarks- Chair-Executive Director; 3:00 p.m. —Adjourn.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services should contact Val Blaschke, (512) 912-7158 or Relay Texas 800-735-2988 at least two days before this meeting so that appropriate arrangements can be made.

Contact: Val Blaschke, TCWEC, P.O. Box 2241, Austin, Texas 78768 (512) 912-7158.

Filed: January 10, 1997, 1:55 p.m.

TRD-9700423



## University Interscholastic League

Monday, January 13, 1997, 10:00 a.m.

Thompson Conference Center, 26th Street at Red River

Austin

Waiver Review Board

AGENDA:

AA. Request for waiver of the Parent-Residence Rule by John Mixon representing Ganado High School in Ganado, Texas

BB. Request for waiver of the Parent-Residence Rule by Noel Antonio Chaw representing Pearland High School in Pearland, Texas.

CC. Request for waiver of the Four-Year Rule by George Ryan Norton representing Weatherford High School in Weatherford, Texas.

DD. Request for waiver of the Four-Year Rule by Terrence Burks representing Wheatley High School in Houston, Texas.

EE. Request for waiver of the Parent-Residence Rule by Casey Robert Burns representing Odessa High School in Odessa, Texas.

Contact: Sam Harper, 23001 Lake Austin Boulevard, Austin, Texas 78713, (512) 471-5883.

Filed: January 8, 1997, 3:22 p.m.

TRD-9700343



## Texas Water Development Board

Thursday, January 16, 1997, 9:00 a.m.

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

Austin

Board

AGENDA:

the Board will consider: minutes; executive, financial and committee reports; financial assistance to Luling, Sinton, Montgomery County Municipal Utility District #15, Jacksboro, Greater Texoma Utility Authority for the City of Anna, Boerne, Tulia, and Harris County Fresh Water Supply District #6; transfer of \$17,000,000 from the Water Quality Enhancement Account to the State Water Pollution Control Revolving Fund to provide state match requirement and the schedule for repayment; lending rate scales; request from Huntsville to revise language regarding the additional bonds test; request from Rusk to revise pledge and method for calculating the additional bonds test; request from Coldspring to change language in its bond ordinance regarding depreciation; request from Donna for use of surplus funds from a previous commitment; extension of contract negotiation and execution date on contract with City of Houston; amendments to Chapter 363 concerning the grant to loan calculation on applications for additional financial assistance; authorizing the executive administrator to enter into an agreement with the Texas Department of Housing and Community Affairs to coordinate the implementation of service connections and plumbing improvements within colonias; revised Legislative Summary of the 1996 Update of the State Water Plan; matters relating to the Lake Livingston Water Supply and Sewer Service Corporation loan commitment; and the Board's Legislative Appropriations Request and other Legislative issues.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: January 8, 1997, 11:52 a.m.

TRD-9700317



## Texas Workers' Compensation Insurance Facility

Monday, January 20, 1997, 10:00 a.m.

DoubleTree Guest Suites Hotel, 303 West 15th Street

Austin

Governing Committee

AGENDA:

Executive Session(s) regarding personnel matters and pending legal matters. Following the closed Executive Session(s), the Governing Committee will reconvene in Open and Public Session and take any action as may be desirable or necessary as a result of the closed

deliberations. Approval of minutes from the December 17, 1996 Governing Committee meeting. Consideration and possible action on recommendations from the Appeals committee and/or Hearings Officer. Consideration and possible action on servicing company requests for reimbursement of legal fees and expenses. Report on Facility transition activities. Executive Director's Report.

Contact: Peter E. Potemkin, 8303 MoPac Expressway North, Suite 310, Austin, Texas 78759, (512) 345-1222.

Filed: January 9, 1997, 11:21 a.m.

TRD-9700367



## Regional Meetings

Meetings filed January 8, 1997

Bandera County Appraisal District, Board of Directors met at the Bandera County Appraisal District, 1116 Main Street, Bandera, January 16, 1997, at 3:00 p.m. Information may be obtained from P. H. Coates, IV, P.O. Box 1119, Bandera, Texas 78003, (210) 796-3039, Fax (210) 796-3672. TRD-9700348

Bexar—Medina—Atascosa Counties Water Control and Improvement District One, Board of Directors met at 226 Highway 132, Natalia, January 13, 1997, at 8:30 a.m. Information may be obtained from Jeanette F. Williams, P.O. Box 170, Natalia, Texas 78059, (210) 665-2132. TRD-9700325.

Bi-County WSC, met at the Arch Davis Road (FM 2254), Bi-County Office, Pittsburg, January 14, 1997, at 7:00 p.m. Information may be obtained from Freeman Phillips, P.O. Box 848, Pittsburg, Texas 75686, (903) 856-5840. TRD-9700315.

Brown County Appraisal District, Board of Directors, met at 403 Fisk Avenue, Brownwood, January 13, 1997, at Noon. Information may be obtained from Doran E. Lemke, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676. TRD-9700340.

Canadian River Municipal Water Authority, Board met at 2902 West Fourth Street, Plainview, January 15, 1997, at 10:30 a.m. Information may be obtained from John C. Williams, P.O. Box 99, Sanford, Texas 79078, (806) 865-3325. TRD-9700334.

Cass County Appraisal District, Board of Directors met at 502 North Main Street, Linden, January 14, 1997, at 7:00 p.m. Information may be obtained from Janelle Clements, P.O. Box 1139, Linden, Texas 75563, (903) 756-7545. TRD-9700327.

Concho Valley Council of Governments, Executive Committee met at 5014 Knickerbocker Road, San Angelo, January 15, 1997 at 7:00 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666. TRD-9700341.

Dallas Central Appraisal District, Board of Directors' Regular Meeting met in an emergency meeting at 2949 North Stemmons Freeway, Second Floor Community Room, Dallas, January 8, 1997, at 2:00 p.m. Reason for Emergency: Inclement Weather caused delay in meeting from 7:30 a.m. to 2:00 p.m. Information may be obtained from Rick Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9700314.

Dallas Housing Authority, Board of Commissioners, met at the Dallas Housing Authority, Dale V. Kesler Board Room, 3939 North Hampton, Dallas, January 16, 1997, at 4:00 p.m. Information may

be obtained from Betsy Horn, 3939 North Hampton Road, Dallas, Texas 75212, (214) 951-8302. TRD-9700308.

Education Service Center, Region XIII, Board of Directors, met at 5701 Springdale Road, Room H, Austin, January 13, 1997, at 12:30 p.m. Information may be obtained from Dr. Roy C. Benavides, 5701 Springdale Road, Austin, Texas 78723, (512) 919-5300. TRD-9700316.

Gonzales County Appraisal District, Board of Directors met at 928 St. Paul Street, Gonzales, January 16, 1997, at 6:00 p.m. Information may be obtained from Brenda Downey, 928 St. Paul, Gonzales, Texas 78629, (210) 672-2879 or Fax (210) 672-8345. TRD-9700324.

Guadalupe-Blanco River Authority, Retirement and Benefit Committee met at 933 East Court Street, Seguin, Guadalupe County, January 14, 1997, at 1:30 p.m. Information may be obtained from W. E. West, Jr., 933 East Court Street, Seguin, Texas 78155, (210) 379-5822. TRD-9700344.

Guadalupe-Blanco River Authority, Audit Committee met at 933 East Court Street, Seguin, Guadalupe County, January 14, 1997, at 4:00 p.m. Information may be obtained from W. E. West, Jr., 933 East Court Street, Seguin, Texas 78155, (210) 379-5822. TRD-9700345.

Guadalupe-Blanco River Authority, Board of Directors met at 933 East Court Street, Seguin, Guadalupe County, January 15, 1997, at 10:00 a.m. Information may be obtained from W. E. West, Jr., 933 East Court Street, Seguin, Texas 78155, (210) 379-5822. TRD-9700346.

Harris County Appraisal District, Board of Directors met at 2800 North Loop West, Eighth Floor, Houston, January 15, 1997, at 9:30 a.m. Information may be obtained from Margie Hilliard, P.O. box 920975, Houston, Texas 77292, (713) 957-5291. TRD-9700320.

High Plains Underground Water Conservation District Number One, Board, met at 2930 Avenue Q, Board Room, Lubbock, January 14, 1997, at 10:00 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9700332.

Panhandle Information Network, Board of Directors, met at 1314 South Polk, Room 113, Amarillo, January 14, 1997, 1:30 p.m. Information may be obtained from Linda Pitner, WTAMU Box 215, Canyon, Texas 79016-0001, (806) 656-2983. TRD-9700309.

Rockwall County Central Appraisal District, Board of Directors, met at 106 North San Jacinto, Rockwall, January 14, 1997, at 7:30 p.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (972) 771-2034. TRD-9700312.

San Patricio County Appraisal District, Appraisal Review Board will meet at 1146 East Market, Sinton, January 24, 1997, at 1:00 p.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402. TRD-9700318.

Wood County Appraisal District, Board of Directors, met at 210 Clark Street, Quitman, January 16, 1997, at 1:30 p.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 518, Quitman, Texas 75783-0518, (903) 763-4891. TRD-9700319.

Meetings filed on January 9, 1997

Brazos Valley Development Council, Brazos Valley Local Workforce Development Board met at 1905 South Texas Avenue, Bryan, January

16, 1997, at 3:30 p.m. Information may be obtained from Tom Wilkenson, Jr., P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-3466. TRD-9700386.

Brazos Valley Development Council, Criminal Justice Advisory Committee will meet at 1706 East 29th Street, Bryan, January 17, 1997, at 9:00 a.m. Information may be obtained from Linda McGill, 1706 East 29th Street, Bryan, (409) 775-4244. TRD-9700384.

Denton Central Appraisal District, Board of Directors, will meet at 3911 Morse Street, Denton, January 23, 1997, at 4:00 p.m. Information may be obtained from Connie Bradshaw, P.O. Box 2816, Denton, Texas 76202-2816, (817) 566-0904. TRD-9700383.

Heart of Texas Council of Governments, Private Industry Council, met at 300 Franklin Avenue, Waco, January 16, 1997, at 5:30 p.m. Information may be obtained from Donna Teat, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9700351.

Heart of Texas Council of Governments, Executive Committee, will meet at 300 Franklin Avenue, Waco, January 23, 1997, at 10:00 a.m. Information may be obtained from Donna Teat, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9700350.

Johnson County Central Appraisal District, Board of Directors, met at 109 North Main, Suite 201, Room 202, Cleburne, January 16, 1997, at 4:30 p.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 558-8100. TRD-9700399.

Lavaca County Central Appraisal District, Appraisal Review Board, will meet at 113 North Main Street, Hallettsville, January 20, 1997, at 9:00 a.m. Information may be obtained from Diane Muncon, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396. TRD-9700354.

Liberty County Central Appraisal District, Appraisal Review Board, met at 315 Main Street, Liberty, January 16, 1997, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9700364.

Lometa Rural Water Supply Corporation, Board of Directors, met at 506 West Main Street, Lometa, January 13, 1997, at 7:00 p.m. Information may be obtained from Levi G. Cash or Tina L. Hodge, P.O. Box 158, Lometa, Texas 76853, (512) 752-3505. TRD-9700357.

Lower Colorado River Authority, Planning and Public Policy Committee, met at 3701 Lake Austin Boulevard, Hancock Building, Board Conference Room, Austin, January 14, 1997, at 10:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3304. TRD-9700378.

Nortex Regional Planning Commission, North Texas Local Workforce Development Board, met at 4309 Jacksboro Highway, Suite 200, Wichita, January 16, 1997, at 1:00 p.m. Information may be obtained from Dennis Wilde, 4309 Jacksboro Highway, Wichita Falls, Texas 76302, (817) 322-5281. TRD-9700365.

North Plains Ground Water Conservation District Number Two, Regular Board Meeting, met at 603 East First, Dumas, January 14, 1997, at 10:00 a.m. Information may be obtained Richard S. Bowers, P.O. Box 795, Dumas, Texas 79029-0795, (806) 935-6401. TRD-9700355.

Palo Pinto Appraisal District, Board of Directors, met at the Court House Highway 180, Palo Pinto, January 15, 1997, at 3:00 p.m.

Information may be obtained from Carol Holmes, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1281. TRD-9700390.

San Antonio River Industrial Development Authority, Board of Directors, met in Emergency Meeting at 100 East Guenther Street, Staff Conference Room, San Antonio, January 10, 1997, at 1:30 p.m. Reason for Emergency: Due to a situation which was unforeseen by the Board of Directors, it is necessary to hold said meeting as an emergency meeting in order to assist in the financing of said landfill facilities which will provide a public benefit to the citizens of Bexar and Travis Counties. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373. TRD-9700388.

South Plains Association of Governments, Executive Committee, met at 1323 58th Street, Lubbock, January 14, 1997, at 9:00 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9700382.

South Plains Association of Governments, Board of Directors, met at 1323 58th Street, Lubbock, January 14, 1997, at 10:00 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9700381.

Tyler County Appraisal District, Board of Directors met at 806 West Bluff, Woodville, January 14, 1997, at 10:00 a.m. Information may be obtained from Tyler CAD, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9700379.

Wise County Appraisal District, Board of Directors, met at 206 South State Street, Decatur, January 14, 1997, at 7:00 p.m. Information may be obtained from Freddie Triplett, 206 South State Street, Decatur, Texas 76234, (817) 627-3081. TRD-9700358.

#### Meetings Filed January 10, 1997

Alamo Area Council of Governments, Management Committee, met at 118 Broadway, Suite 400, San Antonio, January 15, 1997, at 10:00 a.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9700405.

Brazos Valley Development Council, Criminal Justice Advisory Committee, will meet at 1706 East 29th Street, Bryan, January 17, 1997, at 9:00 a.m. Information may be obtained from Linda McGill, 1706 East 29th Street, Bryan, (409) 775-4244. TRD-9700407.

Burnet County Appraisal District, Board of Directors, met at 110 Avenue H, Marble Falls, January 16, 1997, at Noon, Information may be obtained from Barbara Ratliff, P.O. Drawer E. Burnet, Texas 78811, (512) 756-8291. TRD-9700442.

Creedmoor MAHA WSC, Annual Membership Meeting, met at 1699 Laws Road, Mustang, January 15, 1997, at 7:00 p.m. Information may be obtained from Charles Laws, 1699 Laws Road, Buda, Texas 78610, (512) 243-2113. TRD-9700402.

Dallas Area Rapid Transit, Audit Committee, met at 1401 Pacific Avenue, Conference Room "B", First Floor, Dallas, January 14, 1997, at 11:00 a.m. Information may be obtained from Paula J. Bailey, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256. TRD-9700440.

Dallas Area Rapid Transit, Committee-of-the-Whole, met at 1401 Pacific Avenue, Conference Room "C", First Floor, Dallas, January

14, 1997, at 1:00 p.m. Information may be obtained from Paula J. Bailey, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256. TRD-9700439.

Dallas Area Rapid Transit, Board of Directors, met at 1401 Pacific Avenue, Board Room, First Floor, Dallas, January 14, 1997, at 6:30 p.m. Information may be obtained from Paula J. Bailey, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256. TRD-9700438.

Deep East Texas Chief Elected Officials, will meet at the Civic Center, San Augustine, January 23, 1997, at 10:30 a.m. Information may be obtained from Walter G. Diggles, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704. TRD-9700431.

East Texas Council of Governments, Workforce Development Board, met at 1306 Houston Street, Kilgore, January 16, 1997, at 9:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9700417.

Edwards Aquifer Authority, Board met at 1615 North St. Marys Street, San Antonio, January 14, 1997, at 6:00 p.m. Information may be obtained from Sally Tamez-Salas, 1615 North St. Marys Street, San Antonio, Texas 78212, (210) 222-2204. TRD-9700416.

Edwards Aquifer Authority, Board met at 1615 North St. Marys Street, San Antonio, January 15, 1997, at 2:00 p.m. Information may be obtained from Sally Tamez-Salas, 1615 North St. Marys Street, San Antonio, Texas 78212, (210) 222-2204. TRD-9700437.

Golden Crescent Private Industry Council, Oversight Committee, met at 2401 Houston Highway, Victoria, January 13, 1997, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9700401.

Golden Crescent Private Industry Council, Executive Committee, met at 2401 Houston Highway, Victoria, January 15, 1997, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9700400.

Hale County Appraisal District, Appraisal Review Board, met at the Cotton Patch Cafe, 3314 Olton Road, Plainview, January 15, 1997, at Noon. Information may be obtained from Linda Jaynes, 3314 Olton Road, Plainview, Texas 79072, (806) 293-4226. TRD-9700411.

Harris County Appraisal District, Appraisal Review Board will meet at 2800 North Loop West, Eighth Floor, Houston, January 17, 1997, at 9:00 a.m. Information may be obtained from Susan Jordan, 2800 North Loop West, Houston, Texas 77092, (713) 957-5222. TRD-9700449.

Heart of Texas Council of Governments, One Stop Advisory Council, met at 300 Franklin Avenue, Waco, January 16, 1997, at 4:00 p.m.

Information may be obtained from Donna Teat, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9700436.

High Plains Underground Water Conservation District Number 1, Board, (Revised Agenda) met at 2930 Avenue Q, Board Room, Lubbock, January 14, 1997, at 10:00 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9700406.

Hockley County Appraisal District, Board of Directors, met at 1103 Houston Street, Levelland, January 13, 1997, at 7:30 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9700430.

Hockley County Appraisal District, Appraisal Review Board, met at 1103 Houston Street, Levelland, January 14, 1997, at 7:00 a.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9700418.

Lampasas County Appraisal District, Board of Directors, met at 109 East Fifth Street, Lampasas, January 16, 1997, at 7:00 p.m. Information may be obtained from Katrina Perry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9700444.

San Antonio River Industrial Development Authority, Board of Directors, met at 100 East Guenther Street, Staff Conference Room, San Antonio, January 15, 1997, at 9:00 a.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373. TRD-9700441.

Sulphur-Cypress SWCD #419, met at 1809 West Ferguson, Mt. Pleasant, Texas, January 13, 1997, at 4:30 p.m. Information may be obtained from Beverly Amerson, 1809 West Ferguson Road, Suite D, Mt. Pleasant, Texas 75455, (903) 572-5411. TRD-9700445.

Swisher County Appraisal District, Board of Directors, met at 130 North Armstrong, Tulia, January 16, 1997, at 7:00 p.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118. TRD-9700432.

Texas Political Subdivisions Joint Self-Insurance Funds, Board of Trustees, met at the Dallas Medallion Hotel, 4099 Valley View Lane, Dallas, January 14, 1997, at 4:00 p.m. Information may be obtained from James R. Gresham, 4099 Valley View Lane, Dallas, (972) 392-9430. TRD-9700412.

West Central Texas Council of Governments, Criminal Justice Advisory Committee, will meet at 1125 E.N. 10th Street, Abilene, Taylor County, January 17, 1997, at 1:00 p.m. Information may be obtained from Les Wilkerson, P.O. Box 3195, Abilene, Texas 79604, (915) 672-1197. TRD-9700450.

# IN ADDITION

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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.

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## Texas Department of Agriculture

### Notice of Public Hearing

The Texas Department of Agriculture (the department) will hold a public hearing to take public comment regarding the department's establishment of a red imported fire ant quarantine for Red River County as published in the January 3, 1997, issue of the *Texas Register* (22 TexReg 13).

The hearings will be held Thursday, January 23, 1997, at the District Courtroom, River County Courthouse, 402 North Walnut, Clarksville, Texas beginning at 11:00 a.m.

For more information, please contact E. W. Wesley, Regional Director, Texas Department of Agriculture, North Texas Regional Office, 1720 Regal Row, Dallas, Texas 75235, (214) 631-0265.

Issued in Austin, Texas, on January 9, 1997.

TRD-9700387

Dolores Alvarado Hibbs  
Deputy General Counsel  
Texas Department of Agriculture  
Filed: January 9, 1997



## State Auditor's Office

### Notice of Consultant Contract Award

The State Auditor's Office, in cooperation with the Texas Youth Commission and the Texas Department of Criminal Justice, has awarded a consulting contract to Jacqueline M. Moore, Ph.D., President of Jacqueline Moore and Associates, Correctional Health Consultants, 1449 West Addison, Chicago, Illinois 60613. The total amount of Dr. Moore's contract is not to exceed \$37,352.50. The contract commenced on January 6, 1997, and will terminate May 30, 1997. A final report is due April 11, 1997. Dr. Moore will study managed health care delivery to inmates at the Texas Department of Criminal Justice and youth at the Texas Youth Commission in connection with the State Auditor's audit of correctional managed

health care. A Notice of Request for Proposals was published in 21 TexReg 10781 (October 29, 1996).

Issued in Austin, Texas, on January 10, 1997.

TRD-9700408

Lawrence F. Alwin, CPA  
State Auditor  
State Auditor's Office  
Filed: January 9, 1997



## Austin Transportation Study

Public Involvement Program Advertisement for Sealed Proposals

AUSTIN TRANSPORTATION STUDY IS REQUESTING SEALED PROPOSALS FROM QUALIFIED BIDDERS FOR THE FOLLOWING PROJECT:

Public Opinion Survey of Austin Metropolitan Area Residents Regarding Transportation Issues (ATS-02-FY97)

Proposal packets may be obtained from the Austin Transportation Office, Municipal Annex, 1st Floor, 301 West 2nd Street, Austin, Texas 78701. A pre-proposal conference is scheduled for Wednesday, January 22, 1997 at 10:00 a.m. in the Second Floor Conference Room of the Municipal Annex.

All proposals must be submitted to the Austin Transportation Study Office at the aforementioned address no later than 4:00 p.m. on Monday, February 10, 1997. No late proposals or faxed proposals will be accepted.

For further information, call Maria Caminos-Davila, Planner, (512) 499-2529.

THE AUSTIN TRANSPORTATION STUDY HEREBY NOTIFIES ALL OFFERORS THAT IN REGARD TO ANY CONTRACT ENTERED INTO PURSUANT TO THIS ADVERTISEMENT, MINORITY BUSINESS ENTERPRISES AND HISTORICALLY UNDERUTILIZED BUSINESSES WILL BE AFFORDED EQUAL OP-

PORTUNITIES TO SUBMIT OFFERS IN RESPONSE TO THIS INVITATION AND WILL NOT BE DISCRIMINATED AGAINST ON THE GROUNDS OF RACE, COLOR, SEX, NATIONAL ORIGIN, OR DISABILITY IN CONSIDERATION FOR AN AWARD.

Issued in Austin, Texas, on January 10, 1997.

TRD-9700427

Michael R. Aulick  
Transportation Planning Director  
Austin Transportation Study  
Filed: January 10, 1997

## Texas Department of Health

### Notice of Intent to Revoke Certificates of Registration

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 Texas Administrative Code §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following registrants: William Mitchell, M.D., Longview, R04824; Jerry Clem, D.D.S., Inc., Richardson, R06376; William C. Goss, D.D.S., San Antonio, R08753; Lee W. Coleman, Jr., D.D.S., San Antonio, R08785; Fairfield Veterinary Hospital, Fairfield, R11365; Charles L. Moughon, D.D.S., Mineral Wells, R14249; James M. Petty, Corpus Christi, R18773; Las Palmas Chiropractic, Corpus Christi, R19748; nited Chiropractic Westheimer, Houston, R19777; Williamsburg Animal Clinic, Katy, R20435; Downtown Advanced Medical Clinic, Houston, R20447; Hidalgo County Health Department, Edinburg, R20453; Biomedical Equipment Repair, Houston, R21709; W/C Chiropractic Clinic, Houston, R21879; M. Jerome Holmes, D.D.S., Humble, R21971.

The department intends to revoke the certificates of registration; order the registrants to cease and desist use of radiation machine(s); order the registrants to divest themselves of such equipment; and order the registrants to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the registrants for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 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 January 10, 1997.

TRD-9700422  
Susan K. Steeg  
General Counsel  
Texas Department of Health  
Filed: January 10, 1997

### Notice of Intent to Revoke a Radioactive Material License

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 TAC §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed a complaint against the following licensee: Capitan Corporation, Odessa, L04211.

The department intends to revoke the radioactive material license; order the licensee to cease and desist use of such radioactive material; order the licensee to divest himself of the radioactive material; and order the licensee to present evidence satisfactory to the bureau that he has complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of the complaint, the department will not issue an order.

This notice affords the opportunity to the licensee for a hearing to show cause why the radioactive material license should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material license will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 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 January 10, 1997.

TRD-9700421  
Susan K. Steeg  
General Counsel  
Texas Department of Health  
Filed: January 10, 1997

## Texas Department of Insurance

### Notice

On December 20, 1996, in Order Number 96-1495, the Commissioner of Insurance adopted amendments to the Texas Automobile Insurance Plan Association, Plan of Operation.

For copies of Commissioner's order number 96-1495 and the Texas Automobile Insurance Association Plan of Operation, contact Angie Arizpe at (512) 463-6327 (refer to file number A-1196-53).

Issued in Austin, Texas, on January 9, 1997.

TRD-9700389  
Caroline Scott  
General Counsel and Chief Clerk  
Texas Department of Insurance  
Filed: January 9, 1997

## Texas Natural Resource Conservation Commission

### Enforcement Orders

An agreed enforcement order was entered regarding JIM PARKER, Docket Number 96- 0089-PST-E (Facility ID Number Not Registered, Enforcement ID E10913) on December 31, 1996 assessing \$37,500. in administrative penalties with \$27,800. deferred.

Information concerning any aspect of this order may be obtained by contacting Lisa Newcombe, Staff Attorney at (512) 239-2269 or Raymond Winter, Staff Attorney at (512) 239-0600 or Karen Berryman, Enforcement Coordinator at (512) 239-2172, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding WEST TEXAS GAS, INCORPORATED, Docket Number 96-1215-PST-E (Facility ID Number 51769, Enforcement ID Number E11347) on December 30, 1996 assessing \$8,000. in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Glenn Hall, Staff Attorney at (512) 239-0600 or Karen Berryman, Enforcement Coordinator at (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding WILBANKS OIL COMPANY, INCORPORATED, Docket Number 96-1529-PST-E (Facility ID Number 34278, Enforcement ID Number E11365) on December 30, 1996 assessing \$1,200. in administrative penalties with \$360. deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney at (512) 239-0600 or Srini Kusumanchi, Enforcement Coordinator at (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding 4230 MCCULLOUGH AVENUE, LLC AND ERNEST CALDWELL, Docket Number 96-0744-PST-E (Facility ID Number 42147, Enforcement ID E11216) on December 30, 1996 assessing \$9,400. in administrative penalties with \$2,820. deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney at (512) 239-0477 or Mick Wilson, Enforcement Coordinator at (512) 239-2228, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding W. D. MILLER, INCORPORATED, Docket Number 96-1846-PST-E (Facility ID Number 24985, Enforcement ID Number E10561) on December 30, 1996 assessing \$1,800. in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney at (512) 239-0477 or Mick Wilson, Enforcement Coordinator at (512) 239-2228, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding JOHN W. PEAVY, JR., Docket Number 96-1491-PST-E (Owner ID Number Not Registered, Enforcement ID Number E10634) on December 30, 1996 assessing \$4,400. in administrative penalties with \$3,800. deferred.

Information concerning any aspect of this order may be obtained by contacting Lisa Newcombe, Staff Attorney at (512) 239-2269 or

Jaime Lopez, Enforcement Coordinator at (512) 239-5868, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding WALID SHALADI, Docket Number 96-1717-PST-E (Facility Number 66244, Enforcement ID Number E10912) on December 30, 1996 assessing \$3,200. in administrative penalties with \$960. deferred.

Information concerning any aspect of this order may be obtained by contacting Walter Ehresman, Staff Attorney at (512) 239-0573 or Jaime Lopez, Enforcement Coordinator at (512) 239-5868, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding PIONEER CONCRETE - TERRELL FACILITY, Docket Number 96-0373-IWD-E (No TNRCC Permit) on December 30, 1996 assessing \$46,500. in administrative penalties with \$6,500. deferred.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney at (512) 239-0678 or Roxanne Cook, Enforcement Coordinator at (512) 239-4496, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding A. P. GREEN, INDUSTRIES, INCORPORATED, Docket Number 96-1443-IWD-E (Permit Number 02581) on December 30, 1996 assessing \$2,110. in administrative penalties with \$633. deferred.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney at (512) 239-6259 or Merrilee Mears, Enforcement Coordinator at (512) 239-4490, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding UNION PACIFIC RAILROAD COMPANY, Docket Number 96-1692-IHW-E (SWR Number 34950) on December 30, 1996.

Information concerning any aspect of this order may be obtained by contacting Greg Warmink, Staff Attorney at (512) 239-0612 or Pat Bobeck, Enforcement Coordinator at (512) 239-2585, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed enforcement order was entered regarding JOE ROLAND, Docket Number 96- 1338-MSW-E (Unauthorized Site Number 455110026) on December 30, 1996 assessing \$4,320. in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Steve Shepherd, Staff Attorney at (512) 239-0464 or John Mead, Enforcement Coordinator at (512) 239-6010 or , Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

Issued in Austin, Texas, on January 10, 1997.

TRD-9700424

Mamie M. Black

Acting Chief Clerk

Texas Natural Resource Conservation Commission

Filed: January 10, 1997

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## Notice of Applications for Waste Disposal Permits

Attached are Notices of Applications for waste disposal permits issued during the period of December 20, 1996 thru January 10, 1997.

The Executive Director will issue these permits unless one or more persons file written protests and/or a request for a hearing within 30 days after newspaper publication of this notice.

If you wish to request a public hearing, you must submit your request in writing. You must state (1) your name, mailing address and daytime phone number; (2) the permit number or other recognizable reference to this application; (3) the statement "I/we request a public hearing;" (4) a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; (5) a description of the location of your property relative to the applicant's operations; and (6) your proposed adjustment to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing.

Information concerning any aspect of these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, Chief Clerks Office-MC105, P.O. Box 13087, Austin, Texas 78711. Individual members of the public who wish to inquire about the information contained in this notice, or to inquire about other agency permit applications or permitting processes, should call the TNRC Office of Public Assistance, Toll Free, at 1-800-687-4040.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number and type of application-new permit, amendment, or renewal.

ASARCO INCORPORATED, P.O. Box 30200, Amarillo, Texas 79120-0200, a non-ferrous metals refinery, the plant site is located at the intersection of Highway 136 and Folsom Road, approximately eight miles northeast of the City of Amarillo, Potter County, Texas, renewal, 01978.

BAMMEL UTILITY DISTRICT, c/o Young & Brooks, 1415 Louisiana, 5th Floor, Houston, Texas 77002-7349, the wastewater treatment facilities are on the south bank of Cypress Creek, approximately 6,400 feet downstream of the crossing of Cypress Creek by Stuebner-Airline Road in Harris County, Texas, renewal, 11105-01.

CITY OF BIG SPRING, 310 Nolan Street, Big Spring, Texas 79720, the City of Big Spring Wastewater Treatment Facilities, the facilities are located on the north side of Eleventh Street, approximately 1,000 feet east of the intersection of Farm-to-Market Road 700 and Eleventh Street in Howard County, Texas, renewal, 10069-01.

CHANNEL SHIPYARD COMPANY, INC., P.O. Box 926, Highlands, Texas 77562, a marine vessel cleaning and repair facility, the plant site is located at 999 South Lynchburg Road, two miles south of the intersection of Interstate Highway 10 and Lynchburg Ferry Road in the City of Houston, Harris County, Texas, amendment, 03059.

ESTATE OF O. F. NEWTON, P.O. Box 262, Nederland, Texas 77627, the wastewater treatment facilities are 1,000 feet northeast of West Port Arthur Road and immediately west of Viterbo Road in Jefferson County, Texas, renewal, 11249-01.

GULF MATERIALS RECYCLING CORPORATION, 15135 Jacintoport Boulevard, Houston, Texas 77015, a scrap metal reclaiming

facility, the plant site is located at 15135 Jacintoport Boulevard in the City of Houston, Harris County, Texas, renewal, 03324.

HARDIN-JEFFERSON INDEPENDENT SCHOOL DISTRICT, P.O. Box 2003, Sour Lake, Texas 77659, the Hardin-Jefferson High School Wastewater Treatment Facilities, the facilities are located approximately 0.3 mile east of Farm-to-Market Road 326 and 0.3 mile north of the intersection of Farm-to-Market Road 326 and Pine Island Bayou, in the southeast corner of the Hardin-Jefferson High School campus in Hardin County, Texas, renewal, 11042-01.

HARRIS COUNTY, 1001 Preston Avenue, 7th Floor, Houston, Texas 77002-1893, the wastewater treatment facilities are within Bear Creek Park; approximately three miles northeast of the intersection of Interstate Highway 10 and State Highway 6 in Harris County, Texas, renewal, 10932-01.

HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 122, c/o Schwartz, Page & Hardin L.L.P., 1300 Post Oak Blvd., Suite 1400, Houston, Texas 77056, the wastewater treatment facilities are approximately 2,000 feet north and 4,000 feet west of the intersection of Haralson Road and U.S. Highway 90A in Harris County, Texas, renewal, 12250-01.

MEMORIAL HILLS UTILITY DISTRICT, 1100 Louisiana Street, Suite 400, Houston, Texas 77002, the wastewater treatment facilities are immediately south of Cypress Creek, approximately 600 feet north and 600 feet east of the intersection of Farm-to-Market Road 1960 and Hardy Road in Harris County, Texas, renewal, 11044-01.

NITSCH AND SON UTILITY COMPANY, INC., 8131 Northline Drive, Houston, Texas 77037, the wastewater treatment facilities are approximately 1 mile east of U.S. Highway 75 (Interstate Highway 45) and 1/2 mile north of Canino Road in Harris County, Texas, renewal, 10419-01.

ORANGE COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER 2, P.O. Box 546, Orange, Texas 77631-0546, the West Orange Wastewater Treatment Plant is located in West Orange at 1600 Western Avenue, approximately 450 feet east-northeast of the intersection of Western Avenue and Albany Street in Orange County, Texas, amendment, 10240-01.

PILCHERS PROPERTY LIMITED PARTNERSHIP, 7001 Preston Road, Suite 200, Lock Box 18, Dallas, Texas 75205, the Northland Shopping Center Wastewater Treatment Facilities, the facilities are located approximately 700 feet east of Interstate Highway 45, adjacent to Northland Shopping Center and approximately 1000 feet south-southeast of the intersection of Interstate Highway 45 and Spring Cypress Road (Farm-to-Market Road 2920) in Harris County, Texas, renewal, 11572-01.

EDWARD N. SMITH, JR., 25 Bayou Pines Lane, Orange, Texas 77630, the Bayou Pines MHP Wastewater Treatment Facilities, the plant site is located adjacent to, and on the east side of State Highway 62, approximately one mile north of the intersection of State Highways 62 and 87 in Bridge City in Orange County, Texas, renewal, 11315-01.

SUNNYSIDE FEEDYARD, L.C., HCR 1, Box 90, Dimmitt, Texas 79027, a cattle feedlot, the cattle feedlot is on the east side of U.S. Highway 385, approximately 14 miles south of Dimmitt, Castro County, Texas, amendment, 01387.

TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION, P.O. Drawer 1648, Lufkin, Texas 75902-1648, the

wastewater treatment facilities are approximately 0.25 mile east of U.S. Highway 69 and one mile southeast of the intersection of South Highway 69 and Farm-to-Market Road 843 in Angelina County, Texas, renewal, 10557-01.

THE WONDER COMPANY, Route 1, Box 192, Loop 116, Livingston, Texas 77351, a bark processing facility which manufactures bark mulches, potting soils, manures, soil conditioners, and planting mixes for sale, the plant site is located adjacent to the Southern Pacific Railroad, approximately one mile north of the intersection of Loop 116 South and U.S. Highway 59, south of the community of New Willard, Polk County, Texas, renewal, 02901.

CITY OF YANTIS, P.O. Box 245, Yantis, Texas 75497, the wastewater treatment plant is located approximately one mile south of the intersection of Farm-to-Market Road 17 and State Highway 154 in Wood County, Texas, renewal, 12187-01.

Issued in Austin, Texas, on January 10, 1997.

TRD-9700425

Mamie M. Black

Acting Chief Clerk

Texas Natural Resource Conservation Commission

Filed: January 10, 1997



#### Provisionally-Issued Temporary Permits to Appropriate State Water

Listed below are permits issued during the period of January 10, 1996

Application Number TA-7758 by Pumpco, Inc. for diversion of 1 acre-foot in a three month period for industrial (hydrostatic testing of natural gas pipeline) use. Water may be diverted from Jackson Creek crossing of FM 390, 8 miles northwest of Brenham in Washington County, Texas, Brazos River Basin.

Application Number TA-7759 by Lone Star Pipeline for diversion of 1 acre-foot in a one month period for industrial (hydrostatic test) use. Water may be diverted from the Llano River, just south of Highway 29, approximately 2 miles southeast of Llano in Llano County, Texas, Colorado River Basin.

Application Number TA-7760 by Foremost Paving, Inc. for diversion of 1 acre-foot in a 3 month period for industrial (highway construction IH-35) use. Water may be diverted from IH-35 crossing of the Frio River, approximately 1 mile south of Derby, Frio County, Texas, Nueces River Basin.

Application Number TA-7761 by Union Pacific Resources Company for diversion of 9.0 acre-foot in a 1 year period for industrial purposes. Water may be diverted from San Fernando Creek, Nueces-Rio Grande Coastal Basin at a point located approximately 30 miles southwest of Corpus Christi, Nueces County and 10 miles southeast of Bishop, Texas, Nueces-Rio Grande.

Application Number TA-7762 by Sand Supply, Inc. for diversion of 10.0 acre-foot in a 1 year period for mining purposes. Water may be diverted from the Brazos River, at a location approximately 2.7 miles west of Richmond, Fort Bend County, Texas, Brazos River Basin.

Application Number TA-7766 by T. L. James & Company, Inc. for diversion of 9 acre-feet in a one year period for industrial (highway construction) use. Water may be diverted from the following two diversion points: Diversion Point Number 1- from Sixmile Creek at

the stream crossing of a forest service road located in the Sabine National Forest, approximately 8 miles south of Hemphill in Sabine County, Texas. Diversion Point Number 2- from Brushy Creek, tributary of Sixmile Creek, at the Stream crossing of a forest service road located in the Sabine National Forest, approximately 11 miles south of Hemphill in Sabine County, Texas, Sabine River Basin.

Application Number TA-7767 by Brown Engineering & Testing, Inc. for diversion of 6 acre-feet in a one month period for industrial (hydrostatic testing) use. Water may be diverted from Catfish Creek, just south of US Highway 287, approximately 15 miles northwest of Palestine in Anderson County, Texas, Trinity River Basin.

Application Number TA-7768 by Champegne-Webber for diversion of 1.66 acre-feet in a 3 month period for industrial use. Water may be diverted Henrietta Creek, Trinity River Basin, at a location approximately 10 miles north of Fort Worth, Tarrant County, Texas, Trinity River Basin.

The Executive Director of the TNRCC has reviewed each application for the permits listed and determined that sufficient water is available at the proposed point of diversion to satisfy the requirements of the application as well as all existing water rights. Any person or persons who own water rights or who are lawful users of water on a stream affected by the temporary permits listed above and who believe that the diversion of water under the temporary permit will impair their rights may file a complaint with the TNRCC. The complaint can be filed at any point after the application has been filed with the TNRCC and the time the permit expires. The Executive Director shall make an immediate investigation to determine whether there is a reasonable basis for such a complaint. If a preliminary investigation determines that diversion under the temporary permit will cause injury to the complainant the commission shall notify the holder that the permit shall be cancelled without notice and hearing. No further diversions may be made pending a full hearing as provided in Section 295.174. Complaints should be addressed to Water Rights Permitting Section, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 239-4433. Information concerning these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78731, (512) 239-3300.

Issued in Austin, Texas, on January 10, 1997.

TRD-9700426

Mamie M. Black

Acting Chief Clerk

Texas Natural Resource Conservation Commission

Filed: January 10, 1997



#### Public Utility Commission of Texas

Notices of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission SUBSTANTIVE RULE 23.27 for approval of a 2223 station addition to the existing PLEXAR-Custom Service for Houston ISD in Houston, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for 2223 Station Addition to Existing PLEXAR-

Custom Service for Houston ISD in Houston Texas, Pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 16857.

The Application. Southwestern Bell Telephone Company is requesting approval for a 2223 station addition to an existing PLEXAR-Custom service for Houston ISD in Houston, Texas. The geographic service market for this specific service is the Houston, Texas, area.

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 Texas telephones (TTY) may contact the Commission at (512) 936-7136.

Issued in Austin, Texas, on January 10, 1997.

TRD-9700415

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: January 10, 1997



Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of a 19 station addition to the existing PLEXAR-Custom Service for Harlingen ISD in Harlingen, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for 19 Station Addition to Existing PLEXAR-Custom Service for Harlingen ISD in Harlingen Texas, Pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 16865.

The Application. Southwestern Bell Telephone Company is requesting approval for a 19 station addition to an existing PLEXAR-Custom service for Harlingen ISD in Harlingen, Texas. The geographic service market for this specific service is the Brownsville, Texas, area.

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 Texas telephones (TTY) may contact the Commission at (512) 936-7136.

Issued in Austin, Texas, on January 10, 1997.

TRD-9700414

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: January 10, 1997



Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of a 60 station addition to the existing PLEXAR-Custom Service for Nacogdoches ISD in Nacogdoches, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for 60 Station Addition to Existing PLEXAR-Custom Service for Nacogdoches ISD in Nacogdoches Texas, Pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 16776.

The Application. Southwestern Bell Telephone Company is requesting approval for a 60 station addition to an existing PLEXAR-Custom service for Nacogdoches ISD in Nacogdoches, Texas. The geographic service market for this specific service is the Houston, Texas, area.

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 Texas telephones (TTY) may contact the Commission at (512) 936-7136.

Issued in Austin, Texas, on January 10, 1997.

TRD-9700413

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: January 10, 1997



## **The University of Texas System Medical Branch at Galveston**

### **Consultant Proposal Request**

The University of Texas Medical Branch at Galveston ("UTMB") requests, pursuant to the provisions of the Government Code, Chapter 2254 the submission of Proposals leading to the award of a contract to provide to Infrastructure Analysis and Planning Services. UTMB's objective of this project is to create an Information Resource (IR) Information Resource Infrastructure Plan which results in UTMB replacing its current legacy systems with new technology.

The awarded firm will be responsible for developing an IR Infrastructure Plan that addresses, at a minimum, the following areas: (1) Institution technology refresh program; 2) Institutional technical standards; 3) Review of the enterprise network infrastructure; and 4) Recommend PC/LAN support strategiew and models.

Firms responding to the Proposals must have the qualification and experience to enable them to provide Infrastructure Analysis and Planning Services. In addition, all firms should demonstrate experience working institutions of similar size and make-up of UTMB.

UTMB reserves the right to accept or reject any or all Proposals submitted.

The Firm awarded a contract, is any, will be the Respondent whose Proposal conforming to this request, is deemed to be the most advantageous by UTMB. Factors in awarding a contract will include, but not limited to, contractor's qualifications, scope of work/deliverable, project duration/schedule and reasonableness in cost. Proposals must remain valid for acceptance and may not be withdrawn for a period of 180 days after the proposal closing date.

An original and four copies of the full Proposal must be submitted to UTMB prior to 3:00 p.m., Thursday, February 6, 1997. Proposals received thereafter will not be considered and will be returned unopened. Proposals must be sent to the address indicated.

For further information or to obtain a complete Proposal package (RFP Number 7-16), contact Steven C. Mueller, Senior Procurement Officer, The University of Texas Medical Branch at Galveston, Administration Annex Building, Suite 3.202, Galveston, Texas 77555-0105, (409) 772-2262.

Issued in Austin, Texas, on January 8, 1997.

TRD-9700326

Arthur H. Dilly

Executive Secretary to the Board of Regents

The University of Texas System

Filed: January 8, 1997



## January - December 1997 Publication Schedule

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The following is the January-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.

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<b>FOR ISSUE PUBLISHED ON:</b>	<b>DEADLINES FOR RULES BY 10 A.M.</b>	<b>DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.</b>	<b>DEADLINES FOR OPEN MEETINGS BY 10 A.M.</b>
1 Friday, January 3	*Monday, December 23	Monday, December 30	Monday, December 30
2 Tuesday, January 7	Monday, December 30	*Tuesday, December 31	*Tuesday, December 31
3 Friday, January 10	*Tuesday, December 31	Monday, January 6	Monday, January 6
4 Tuesday, January 14	Monday, January 6	Wednesday, January 8	Wednesday, January 8
5 Friday, January 17	Wednesday, January 8	Monday, January 13	Monday, January 13
6 Tuesday, January 21	Monday, January 13	Wednesday, January 15	Wednesday, January 15
7 Friday, January 24	Wednesday, January 15	*Friday, January 17	*Friday, January 17
Tuesday, January 28	<i>1996 Annual Index</i>		
8 Friday, January 31	Wednesday, January 22	Monday, January 27	Monday, January 27
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

<b>FOR ISSUE PUBLISHED ON:</b>	<b>DEADLINES FOR RULES BY 10 A.M.</b>	<b>DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.</b>	<b>DEADLINES FOR OPEN MEETINGS BY 10 A.M.</b>
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
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

<b>FOR ISSUE PUBLISHED ON:</b>	<b>DEADLINES FOR RULES BY 10 A.M.</b>	<b>DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.</b>	<b>DEADLINES FOR OPEN MEETINGS BY 10 A.M.</b>
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
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

<b>FOR ISSUE PUBLISHED ON:</b>	<b>DEADLINES FOR RULES BY 10 A.M.</b>	<b>DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.</b>	<b>DEADLINES FOR OPEN MEETINGS BY 10 A.M.</b>
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
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

<b>FOR ISSUE PUBLISHED ON:</b>	<b>DEADLINES FOR RULES BY 10 A.M.</b>	<b>DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.</b>	<b>DEADLINES FOR OPEN MEETINGS BY 10 A.M.</b>
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
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>		

# *Texas Register*

## Services

The *Texas Register* offers the following services. Please check the appropriate box (or boxes).

### **Texas Natural Resource Conservation Commission, Title 30**

- Chapter 285** \$20     update service \$15/year (*On-Site Wastewater Treatment*)  
 **Chapter 290** \$20     update service \$15/year (*Water Hygiene*)  
 **Chapter 330** \$45     update service \$15/year (*Municipal Solid Waste*)  
 **Chapter 334** \$35     update service \$15/year (*Underground/Aboveground Storage Tanks*)  
 **Chapter 335** \$25     update service \$15/year (*Industrial Solid Waste/Municipal Hazardous Waste*)

Update service should be in  printed format     3 1/2" diskette     5 1/4" diskette

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