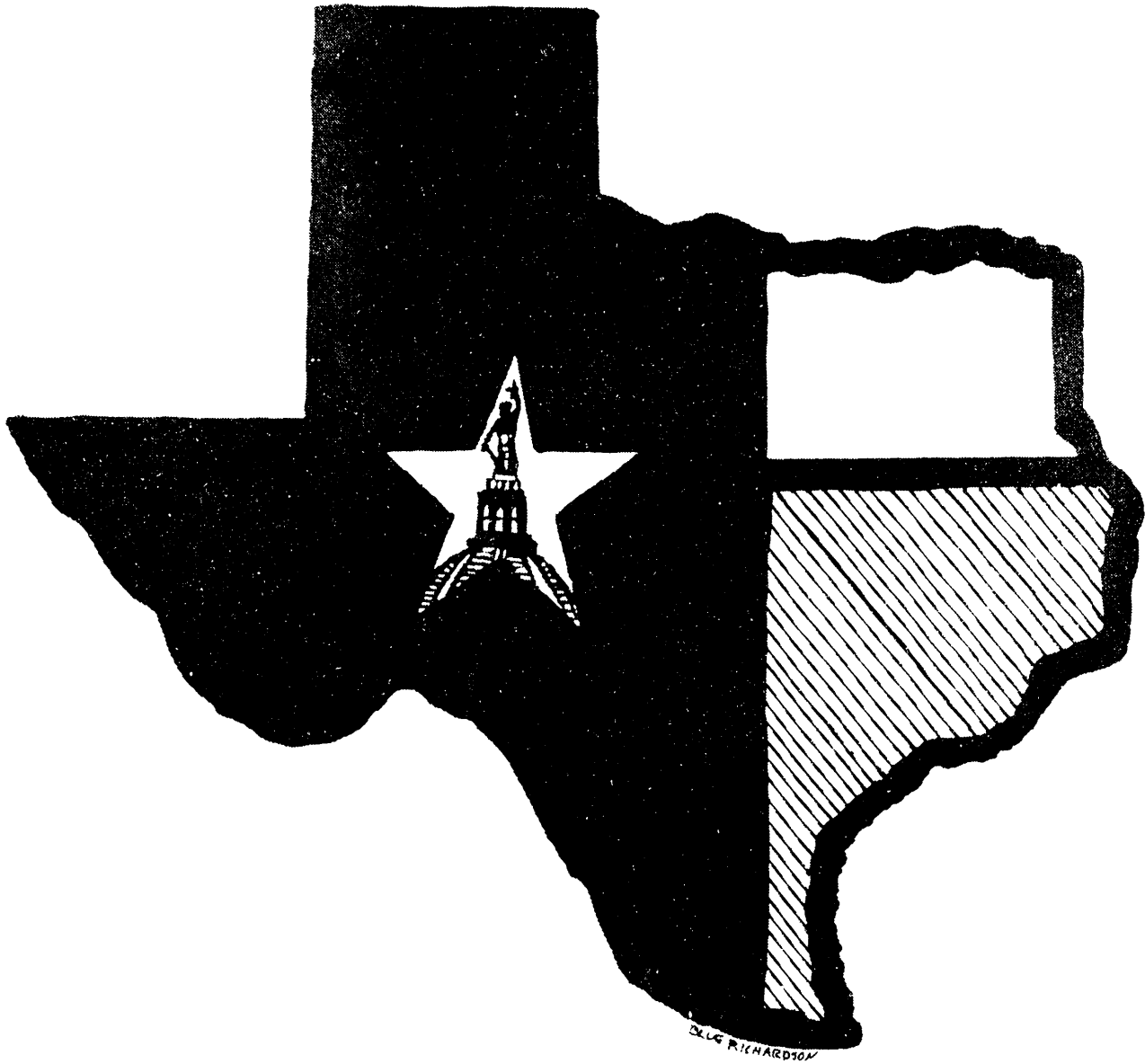


Texas Register

Volume 12, Number 27, April 10, 1987

Pages 1137-1205



Highlights

The **Railroad Commission of Texas** proposes new sections under the LP-Gas Division concerning the applicability of Division XIII and regulations of LP-gas. Proposed Date of Adoption - September 1 **page 1147**

The **Texas Department of Human Services** proposes amendments concerning optometric services replacing prosthetic eyewear for applicable

Medicaid recipients. Earliest possible date of adoption - May 11 **page 1171**

The **State Board of Insurance** adopts an amendment facilitating the accomplishment of the purpose of statutory prohibition against rebates and discounts by title insurance companies. Effective date - May 1 **page 1177**

**Office of
the Secretary
of State**

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1987 with the exception of January 6, September 1, December 1, and December 29 by the Office of the Secretary of State.

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

Information Available: The 10 sections of the *Register* represent various facets of state government. Documents contained within them include:

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

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

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

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



Texas Register Publications

a division of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
512-463-5561

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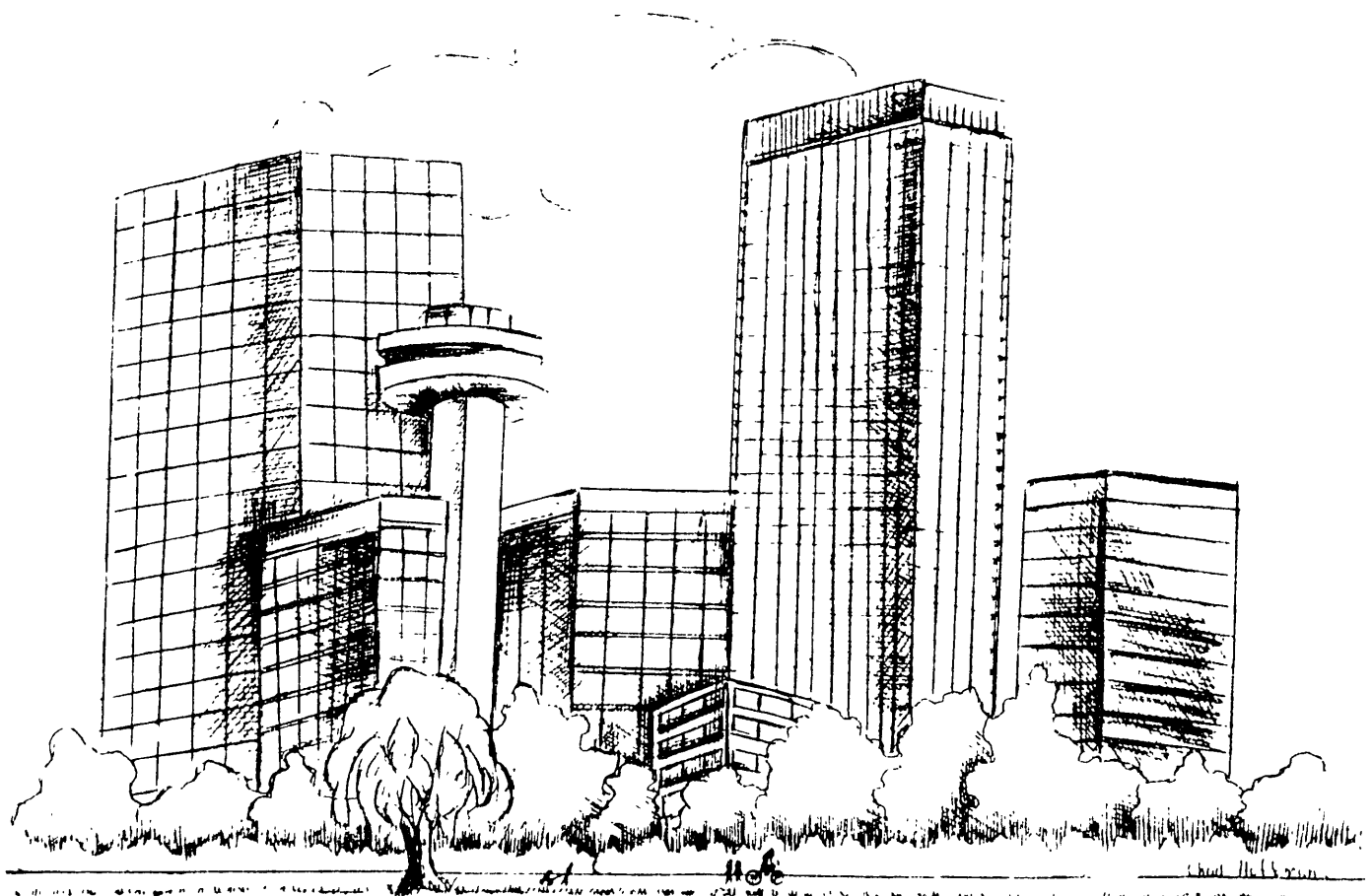
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Subscriptions—one year (96 regular issues and four index issues), \$80; six months (48 regular issues and two index issues), \$60. Single copies of most issues of the *Texas Register* are available at \$3.00 per copy.

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TAC Titles Affected

TAC Titles Affected—April

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

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1 TAC §81.8	1125
1 TAC §81.71	1176

Part X. Automated Information and Telecommunications Council	
1 TAC §207.1	1083

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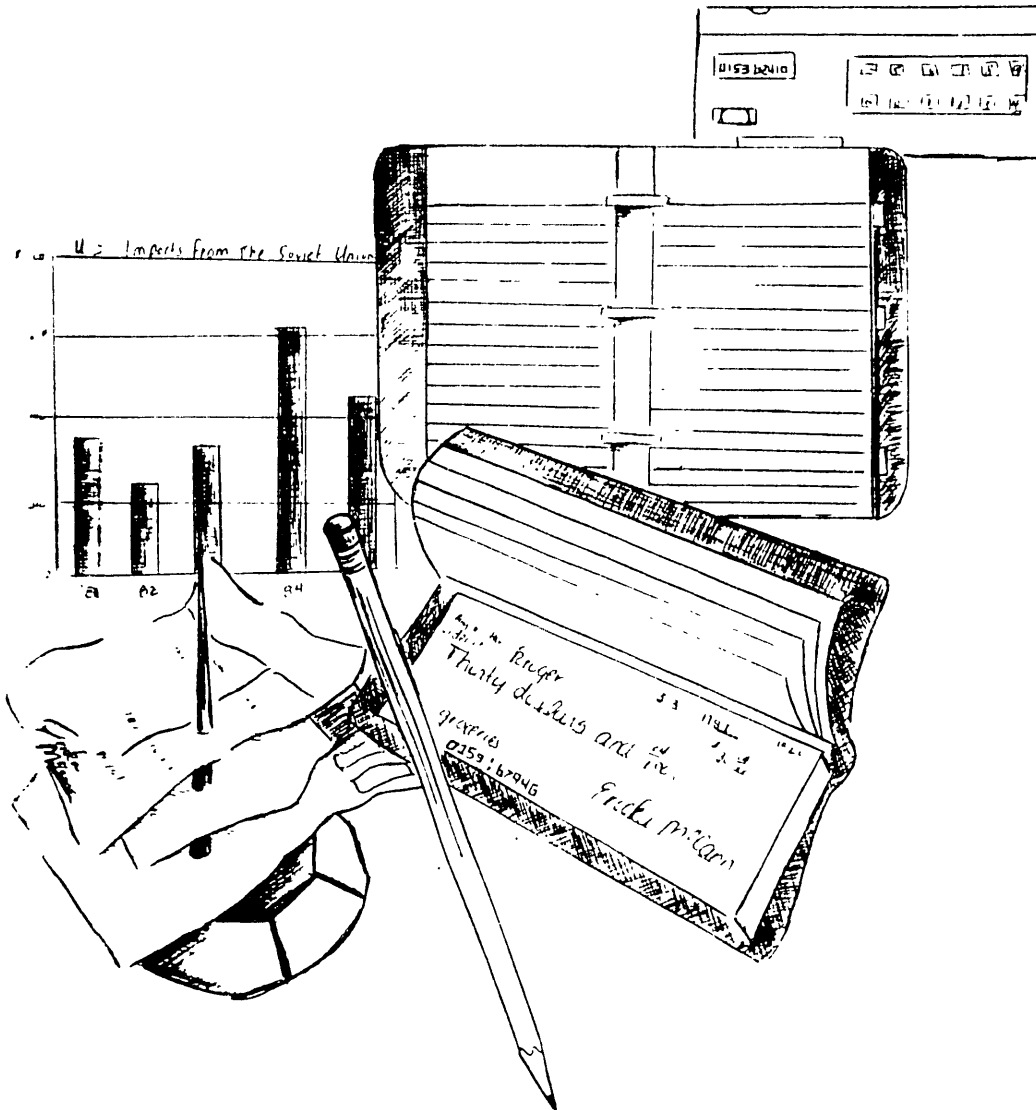
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Attorney General

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

Requests for Opinions

RQ-1058. Request from Rayford A. Ratliff, Moore County Attorney, Dumas, concerning whether a statutory county court has jurisdiction to hear civil cases which relate to title to land.
TRD-8702890

★ ★ ★

RQ-1059. Request from Lauro F. Cavozos, President, Texas Tech University, Lubbock, concerning the validity of a joint venture arrangement between Texas Tech University and a utility company to construct a cogeneration facility on the Texas Tech campus.
TRD-8702891

★ ★ ★

RQ-1060. Request from Mike Driscoll, Harris County Attorney, Houston, concerning the authority of a commissioners court to set fees for the execution of criminal warrants by a sheriff or constable.
TRD-8702892

★ ★ ★

RQ-1061. Request from Travis S. Ware, Criminal District Attorney, Lubbock, concerning the authority of a master appointed under the authority of Senate Bill 1321, Acts of the 69th Legislature, 1985, Chapter 851 at 2951, et seq. §1, to handle matters under the Texas Family Code, Titles 1, 2, and 4.
TRD-8702893

★ ★ ★

RQ-1062. Request from William Grossenbacher, Administrator, Texas Employment Commission, Austin, concerning whether the Open Records Act, Texas Civil Statutes, Article 6252-17a, requires the Texas Employment Commission to release names of employers or employees who have filed unemployment benefit appeals.
TRD-8702894

★ ★ ★

RQ-1063. Request from Stan Schuleter, Chairman, Ways and Means Committee, House of Representatives, Austin, concern-

ing the constitutionality of House Bill 966, which would extend the oil severance tax to oil imported from outside the State of Texas.
TRD-8702895

★ ★ ★

RQ-1064. Request from George Pierce, Chairman, Committee on Urban Affairs, House of Representatives, Austin, concerning whether an individual may divide and sell a tract of land which is located on an existing county road without complying with plot approval requirements and related questions.
TRD-8702896

★ ★ ★

RQ-1065. Request from Senator Roy Blake, Senate Administration Committee, Austin, concerning the authority of the State Preservation Board to solicit and accept gifts, money, and items of value.
TRD-8702897

★ ★ ★

RQ-1066. Request from William S. Nail, Executive Director, Texas State Board of Dental Examiners, Austin, concerning the authority of the Board of Dental Examiners to reinstate a license which has been cancelled because of delinquency.
TRD-8702898

★ ★ ★

RQ-1067. Request from Tom Maness, Criminal District Attorney, Beaumont, concerning the authority of a constable to enforce vehicle weight limitations under Texas Civil Statutes, Article 6701d-11, §6.
TRD-8702899

★ ★ ★

RQ-1068. Request from Benjamin Euresti, Jr., Cameron County Attorney, Brownsville, concerning whether the assessor-collector of the Brownsville Irrigation and Drainage District is subject to the Property Taxation Professional Certification Act, Texas Civil Statutes, Article 7244b.
TRD-8702900

★ ★ ★

RQ-1069. Request from Mike Driscoll, Harris County Attorney, Houston, concerning the authority of a county clerk to accept for filing an assumed name certificate written in a foreign language.
TRD-8702901

★ ★ ★

RQ-1070. Request from Mike Driscoll, Harris County Attorney, Houston, concerning whether a sheriff may use his officeholder or campaign account to pay or reimburse cash shortages in his official account.
TRD-8702903

★ ★ ★

Opinions

JM-656 (RQ-997). Request from Donald B. Wilson, Executive Secretary, Texas Board of Veterinary Medical Examiners, Austin, concerning whether a rule of the Texas Board of Veterinary Medical Examiners conflicts with a municipal regulation enacted under the authority of the Rabies Control Act, Texas Civil Statutes, Article 4477-6a

Summary of Opinion. The municipal ordinance, or proposed municipal ordinances to which you refer, requiring members of the veterinary profession to furnish "lists of names of animal owners who have their animal vaccinated against rabies," when enacted pursuant to Texas Civil Statutes, Article 4477-6a, takes precedence over Board Rule Number 20 promulgated by the State Board of Veterinary Medical Examiners, under authority of Texas Civil Statutes, Article 7645a, relating to the confidential relationship between a veterinarian and his client.
TRD-8702903

★ ★ ★

JM-657 (RQ-909). Request from Robert M. Saunders, Chairman, Committee on Agriculture and Livestock, Texas House of Representatives, Austin, concerning the effect of the federal Food Security Act of 1985 on provisions of state law relating to security interests in agricultural products.

Summary of Decision. Federal legislation intended to protect purchasers of farm pro-

ducts from secured creditors of the seller preempts the Texas Business and Commerce Code, §9.307(a) and (d). It does not preempt the Texas Business and Commerce Code, §9.401(a) and (f), or the Texas Penal Code, §32.33(f).

TRD-8702904

★ ★ ★

JM-658 (RQ-1010). Request from Chet Brooks, Chairman, Health and Human Resources Committee, Texas State Senate, Austin, concerning the authority of the Board of Chiropractic Examiners with regard to administration of its licensing examination.

Summary of Opinion. The Texas Board of Chiropractic Examiners may not divide the one subject of x-rays into two parts for the purpose of requiring a 60% grade in each pursuant to Texas Civil Statutes, Article 4512b, §12.

TRD-8702905

★ ★ ★

JM-659 (RQ-1023). Request from Bob Bullock, Comptroller of Public Accounts, Austin, concerning whether a municipality which does not at present impose a property tax may impose the ½% additional sales tax authorized by House Bill 79, Acts of the 69th Legislature, 1985, 3rd called session, Chapter 10.

Summary of Opinion. A city that does not impose an ad valorem tax may not impose an additional ½% sales and use tax authorized by House Bill 79. A city that does not impose an ad valorem tax may not impose simultaneously an ad valorem tax for the first time and the additional sales and use tax.

TRD-8702906

★ ★ ★

JM-660 (RQ-928). Request from Mack Wallace, Chairman, Railroad Commission of Texas, Austin, concerning the confiscation of production related equipment at abandoned well sites by agents of the Railroad Commission.

Summary of Opinion. The Texas Natural Resources Code, §89.085, Confiscation of Equipment to cover Plugging Costs, is facially unconstitutional under the due process clause of the Fourteenth Amendment to the

United States Constitution in that it fails to provide for an adequate hearing to determine the issues requisite to a confiscation and sale of the well operators equipment.

TRD-8702907

★ ★ ★

JM-661 (RQ-1028). Request from Gary Garrison, Ector County Attorney, Odessa, concerning whether a commissioners court may contract with outside counsel to handle bond forfeitures.

Summary of Opinion. There is no specific authority for the commissioners court of Ector County to contract with outside counsel to handle bond forfeitures. If the county or district attorney is disqualified, absent, or otherwise unable to perform the duties of his office, an attorney pro tem may be appointed under the Code of Criminal Procedure, Article 2.07.

TRD-8702908

★ ★ ★

JM-662 (RQ-1042). Request from Mike Driscoll, Harris County Attorney, Houston, concerning the authority of Harris County to establish a special detention court.

Summary of Opinion. It is our opinion that the Texas Government Code, §75.403(e), authorizes the presiding judge (named by the judges of the courts in Harris County that have the same criminal jurisdiction as county courts) to appoint a special judge for a judge in an existing court who is absent or for any reason unable to preside. It does not provide for the appointment of a night and weekend special judge to represent all fourteen of the judges (who are absent from their courtrooms at such times) in a specially designated courtroom in the Harris County jail. Our research does not reveal any statutory authority for the appointment of a special judge to perform the functions outlined in your inquiry.

TRD-8702909

★ ★ ★

JM-666 (RQ-1050). Request from Bob Bullock, Comptroller of Public Accounts, Austin, concerning whether the comptroller may certify an appropriations bill for the next biennium if a deficit will exist at the end of the current biennium, and related questions.

Summary of Opinion. The Texas Constitution, Article III, §49 and §49a, are related. Neither section expressly forbids carrying forward a deficit from one fiscal period to another. If a deficit is carried forward from one biennium to another, the deficit should be deducted from expected revenues for the new biennium in determining what funds are available during the new biennium for appropriation and certification under §49a.

TRD-8702949

★ ★ ★

Open Records Decisions

ORD-462 (RQ-966). Request from J. Scott Chafin, General Counsel, University of Houston, Houston, concerning whether records prepared by a law firm employed by the University of Houston to investigate the university's football program are subject to required disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

Summary of Decision. Certain information prepared by law firm hired by University of Houston to investigate its athletic program is subject to required disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a, in view of the fact that the information relates to official university business, the firm acted as the university's agent in collecting the information, and the university had or was entitled to have access to the information. Other information assembled by the law firm is within various exceptions to the Act and need not be disclosed.

TRD-8702950

★ ★ ★

ORD-463 (RQ-968). Request from Ann Richards, State Treasurer, Austin, concerning whether inventories of the contents of safe deposit boxes subject to escheat by the state treasurer are excepted from disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

Summary of Decision. Inventories of the contents of safe deposit boxes subject to escheat by the state treasurer are not excepted from disclosure under the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, §3(a)(4).

TRD-8702951

★ ★ ★

Emergency

Rules

An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state.

The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

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

TITLE 1.
ADMINISTRATION
Part IV. Office of the
Secretary of State
Chapter 81. Elections
Miscellaneous
★ 1 TAC §81.71

The Elections Division of the Office of the Secretary of State adopts on an emergency basis new §81.71 which corrects a problem in the Texas Election Code, Chapter 52, Subchapter B, §52.070(d). In connection with this emergency adoption, this new section is simultaneously being proposed for adoption on a regular basis. The emergency adoption addresses the United States Department of Justice concern that the Texas Election Code, §52.070(d), has the potential for effectuating an anti-single-shot requirement where none previously existed. The wording on the ballot will be changed from "Vote for" followed by the number of candidates to be elected to "Vote for _____ or less," with the number of candidates to be elected in the blank.

The new section is adopted on an emergency basis pursuant to the Texas Election Code, §31.003, which provides the secretary of state with authority to prepare detailed and comprehensive written directives and instructions based on the Election Code and the election laws; and pursuant to the Texas Election Code, §31.005, which authorizes the secretary of state to take appropriate action to protect the voting rights of citizens of this state.

§81.71. *Ballot Instructions.* If more than one candidate is to be elected in a race on the ballot, "Vote for _____ or less," with the number of candidates to be elected in the blank, shall be printed on the ballot below the title of the office to which more than one candidate will be elected.

Issued in Austin, Texas, on April 2, 1987.

TRD-8702923 Randall H. Erben
Assistant Secretary of
State

Effective date: April 2, 1987
Expiration date: July 31, 1987
For further information, please call
(512) 463-5701.

★ ★ ★

TITLE 43. PUBLIC
FINANCE
Part IV. Employees
Retirement System of Texas
Chapter 81. Insurance
★ 43 TAC §81.3

The Employees Retirement System of Texas is renewing the effectiveness of the emergency adoption of amended §81.3 for a 60-day period effective April 18, 1987. The text of the amended §81.3 was originally published in the December 26, 1986, issue of the *Texas Register* (11 Tex-Reg 5115).

Issued in Austin, Texas, on April 2, 1987.

TRD-8702933 James T. Herod
General Counsel
Employees Retirement
System of Texas

Effective date: April 18, 1987
Expiration date: June 17, 1987
For further information, please call
(512) 476-6431, ext. 178.

★ ★ ★

Proposed Rules

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

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

TITLE 1. ADMINISTRATION Part IV. Office of the Secretary of State Chapter 81. Elections Miscellaneous ★ 1 TAC §81.71

(Editor's note: The Office of the Secretary of State proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is published in the Emergency Rules section of this issue.)

The Elections Division of the Office of the Secretary of State proposes new §81.71, which corrects a problem in the Texas Election Code, Chapter 52, Subchapter B, §52.070(d). Simultaneously with this proposal, this new section is being adopted on an emergency basis. The new section addresses the United States Department of Justice concern that the Texas Election Code, §52.070(d), has the potential for effectuating an anti-single-shot requirement where none previously existed. The wording on the ballot will be changed from "Vote for" followed by the number of candidates to be elected to "Vote for _____ or less," with the number of candidates to be elected in the blank.

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

Ms. Hanko also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be uniformity in the application of election laws. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Sharon Hanko, Legal Section Director, Elections Division, Office of the Secretary of State, P.O. Box 12060, Austin, Texas 78711.

This new section is proposed pursuant to the Texas Elections Code, §31.003, which provides the secretary of state with the authority to prepare detailed and comprehensive written directives and instructions based on the Election Code and the election laws; and pursuant to the Texas Election Code, §31.005, which authorizes the secretary of state to take appropriate action to protect the voting rights of citizens of this state.

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

Issued in Austin, Texas, on April 2, 1987.

TRD-8702924 Randall H. Erben
Assistant Secretary of
State

Earliest possible date of adoption:
April 11, 1987
For further information, please call
(512) 463-5701.

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TITLE 16. ECONOMIC REGULATION Part I. Railroad Commission of Texas Chapter 5. Transportation Division Subchapter U. General and Special Rules of Practice and Procedure

★ 16 TAC §5.411

The Railroad Commission of Texas proposes an amendment to §5.411, concerning parties in interest. The amendment makes clear that standing to protest applications for authority may be based on common carrier or specialized motor carrier authority, but not contract carrier authority. This amendment will only clarify an extant commission rule pertaining to standing, and will not cause any change in agency practice.

Ronald D. Stutes, hearings examiner, has determined that for the first five-year period the proposed section will be in effect

there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Stutes also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be increased certainty of applicants and contract carriers about standing of contract carriers to protest applications for authority. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Ronald D. Stutes, Hearings Examiner, P.O. Drawer 12967, Austin, Texas 78711-2967.

The amendment is proposed under Texas Civil Statutes, Article 911b, which gives the commission the authority to adopt all rules necessary for the government of motor carriers.

§5.411. Parties in Interest.

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

(d) No person shall have standing to appear as a party in opposition to an application for new or amended common carrier (including specialized motor carrier) authority unless such person:

(1) (No change.)

(2) shall be:

(A) the holder of **common carrier or specialized motor carrier** authority in good standing authorizing it to provide service within the scope of the application, and

(B) (No change.)

(3) (No change.)

(e) No person shall have standing to appear as a party in opposition for new or amended contract carrier authority unless such person shall have met the requirements of subsection (d)(1) of this section, and shall either:

(1) be the holder of **common carrier or specialized motor carrier** authority in good standing authorizing it to provide service within the scope of the application, or

(2) (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 March 30, 1987

TRD-8702982

Walter Earl Lile
Special Counsel
Railroad Commission of
Texas

Earliest possible date of adoption:

May 11, 1987

For further information, please call
(512) 463-7149.

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Chapter 9. Liquefied Petroleum Gas Division

Subchapter A. General Applicability and Requirements

★ 16 TAC §9.1

The Railroad Commission of Texas, LP-Gas Division, proposes an amendment to §9.1, concerning division headings. This amendment will include an explanation of what new proposed Division XIII of the LP-Gas Safety rules applies to.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The amendment is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.1. Application of Rules. The LP-Gas Division Safety rules are intended to apply to the design, construction, location, and operation of liquefied petroleum gas systems, equipment and appliances. These standards do not apply to marine terminals, natural gasoline plants, refineries, tank farms, gas manufacturing plants, plants engaged in processing liquefied petroleum gases, or to railroad loading racks used in connection with such establishments; provided that such standards shall apply to truck loading racks.

(1)-(13) (No change.)

(14) Division XIII. Division XIII applies to all recreational vehicles that may be used in LP-gas service in the State of Texas.

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

Issued in Austin, Texas, on March 31, 1987.

TRD-8702834

Walter Earl Lile
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:

September 1, 1987

For further information, please call
(512) 463-7149.

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Subchapter G. Division V

★ 16 TAC §9.171

The Railroad Commission of Texas, LP-Gas Division, proposes an amendment to §9.171, concerning deleting the definition of recreational vehicle. This amendment will delete the definition of recreational vehicle from §9.171 of the safety rules since a similar definition will appear under new proposed Division XIII of the LP-Gas Safety rules.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The amendment is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.171. Definitions and Applicability.

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

[Recreational Vehicle (RV)—A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or towed by another vehicle. The basis entities are: travel trailer, camping trailer, truck camper, and motor home.]

(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 March 31, 1987.

TRD-8702835

Walter Earl Lile
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:

September 1, 1987

For further information, please call
(512) 463-7149.

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Subchapter O. Division XIII

★ 16 TAC §9.400

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.400, concerning the applicability of Division XIII. This new section states that Division XIII pertains to all recreational vehicles which may be used in LP-gas service in Texas.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to pro-

mote the health, safety, and welfare of the general public.

§9.400. *Applicability.* This subchapter pertains to all recreational vehicles which may be used in LP-gas service in the State of Texas. All fuel gas piping systems in this subchapter concerns piping in the vapor state attached to any recreational vehicle. None of the requirements listed in this subchapter shall apply to the piping supplied as a part of a listed appliance.

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 March 31 1987.

TRD-8702836 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:

September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 TAC §9.401

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.401, concerning definitions. This new section defines terms used throughout Division XIII.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.401. *Definitions.* Refer to §9.2 of this title (relating to Definitions) and to the Texas

Natural Resources Code, §113.002, (relating to Definitions) for any term not defined in this section. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

Approved—That which is in compliance with National Fire Protection Association (NFPA) 501C and/or which is acceptable to the commission.

Camping trailer—A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use. (See the definition of recreational vehicle in this section.)

Connection, gas supply—The terminal end or connection to which a gas supply connector is attached.

Connector, gas supply—Tubing or pipe connecting the recreational vehicle to the gas supply source.

Frame—Chassis rail and any addition thereto of equal or greater strength.

Fuel system—Any arrangement of pipe, tubing, fittings, connectors, controls, valves, and devices designed and intended to supply or control the flow of fuel.

Gas appliance—An appliance listed for use with LP-gas only or for use with both natural gas and LP-gas (convertible from natural gas to LP-gas and vice versa).

Labeled—Equipment or materials to which has been attached a label, symbol, or other identifying mark of a nationally recognized testing organization acceptable to the commission.

Listed—Equipment or materials included in a list published by a nationally recognized testing organization acceptable to the commission.

Main gas piping manifold—The gas piping which conveys gas from the gas supply connection to the first appliance branch piping.

Motor home—A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle. (See the definition of recreational vehicle in this section.)

Recreational vehicle—A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or towed by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

Travel trailer—A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and with a living area of less

than 220 square feet, excluding building equipment (such as wardrobes, closets, cabinets, kitchen units, or fixtures) and bath and toilet rooms. (See the definition of recreational vehicle in this section.)

Truck camper—A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pick-up truck. (See the definition of recreational vehicle in this section.)

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 March 31, 1987

TRD-8702837 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:

September 1, 1987
For further information, please call
(512) 463-7149.

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★ 16 TAC §9.402

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.402, concerning the quality of gas systems and equipment. This new section states that the design, construction, and workmanship of gas systems and equipment must be in conformance with accepted engineering practices.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the

general public

§9.402. *Quality of Design and Installation of Gas Systems and Equipment.* All design, construction, and workmanship of gas systems and equipment shall be in conformance with accepted engineering practices.

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 March 31, 1987

TRD-8702838 Walter Earl Little
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987

For further information, please call
(512) 463-7149

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★ 16 TAC §9.403

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.403, concerning the construction of LP-gas containers. This new section establishes under what national standards LP-gas containers must be constructed.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.403. *Construction of LP-Gas Containers.* Department of Transportation (DOT) cylinders shall be constructed and marked in accordance with DOT specifications for LP-gas cylinders. LP-gas containers shall be constructed and marked in accordance with *The Rules for Construction of*

Unfired Pressure Vessels, Section VIII, Division 1, American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code. ASME containers utilizing vapor withdrawal shall have a design pressure of at least 312.5 pounds per square inch gauge (psig).

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 March 31, 1987

TRD-8702839 Walter Earl Little
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987

For further information, please call
(512) 463-7149

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★ 16 TAC §9.404

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.404, concerning maximum container capacities. This new section establishes the maximum aggregate or individual water capacity of any LP-gas container(s) mounted on a recreational vehicle.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public

§9.404. *Maximum Container Capacities.* Each recreational vehicle shall be provided with:

- (1) no more than three nonperma-

nently mounted DOT or ASME containers having individual water capacities of 105 pounds maximum; or

(2) permanently mounted ASME container(s) having an aggregate water capacity of no more than 200 gallons.

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 March 31, 1987

TRD-8702840 Walter Earl Little
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987

For further information, please call
(512) 463-7149.

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★ 16 TAC §9.405

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.405, concerning location and mounting of LP-gas containers. This new section describes the manner in which an LP-gas container must be mounted and where it can be located on a recreational vehicle.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public

§9.405. *Location and Mounting of LP-Gas Containers*

- (a) LP-gas containers shall not be installed nor shall provisions be made for installing or storing any LP-gas containers,

even temporarily, inside any recreational vehicle

(b) LP-gas containers shall not be installed in compartments or under hoods or housings that contain flame- or spark-producing equipment.

(c) LP-gas containers with their control valves shall be installed in compliance with one of the following:

(1) in a recess or compartment that is vaportight to the inside of the recreational vehicle. Under no circumstances, however, shall an LP-gas container be installed on the roof;

(2) mounted on the tongue or on the A frame of a travel or camping trailer or forward of the front bulkhead below the overhang of a fifth wheel travel trailer and not lower than the bottom of the trailer frame;

(3) mounted on the chassis or to the floor of a motor home or chassis-mount camper, provided neither the container nor its support is located ahead of the front axle. Containers mounted between the front and rear axles shall be installed with as much road clearance as practical but not lower than the front axle height. Containers mounted behind the rear axle of a motor home or chassis-mount camper shall be installed in such a manner that the bottom of the container and any connection thereto shall not be lower than either the rear axle height (excluding the differential) or any section of the frame immediately to the rear of the container, whichever is higher. All clearances shall be determined from the bottom of the container, or from the lowest fitting, support, or attachment on the container or container housing, whichever is lower when all axles are simultaneously loaded to their gross axle weight rating. Containers shall not extend beyond the rear bumper of the vehicle. Extending a chassis or bumper for the purpose of mounting containers is prohibited.

(d) Container openings for vapor withdrawal shall be located in the vapor space when the container is in service or shall be provided with a suitable permanent internal withdrawal tube which communicates with the vapor space in or near the highest point in the container when it is mounted in service position, with the vehicle on a level surface. ASME containers shall have vapor withdrawal located midway between tank ends. Each container shall be permanently and legibly stamped to show the correct mounting position. Stamping shall be 1/4 inch minimum letter height. The method of mounting in place shall be as such as to minimize the possibility of an incorrect positioning of the container

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 March 31, 1987

TRD-8702841 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Proposed date of adoption
September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 TAC §9.406

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.406, concerning the securing of LP-gas containers. This new section describes how LP-gas containers should be secured on a recreational vehicle.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.406. *Securing of LP-Gas Containers.*

(a) Containers shall be secured in place so they will not become dislodged when a load equal to eight times the container's filled weight is applied to the filled container's center of gravity in any direction. If the recreational vehicle is supplied with the containers not in place, the recreational vehicle manufacturer shall provide mounting instructions and required materials with the vehicle

(b) Container compartments or carriers shall be provided with hold-down fastenings complying with subsection (a) of this section for as many containers as the carriers or compartments are capable of holding.

This agency hereby certifies that the pro-

posal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 31, 1987.

TRD-8702842 Walter Earl Lillie
Special Counsel
Railroad Commission of Texas

Proposed date of adoption:
September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 TAC §9.407

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.407, concerning the shielding of LP-gas containers from the heat of internal combustion engine exhaust system components. This new section describes how LP-gas containers must be shielded so that they are protected from the heat of the internal combustion engine exhaust system components.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.407. *Shielding of LP-Gas Containers from Heat of Internal Combustion Engine Exhaust System Components.*

LP-gas containers located less than 18 inches from any component of an internal combustion engine exhaust shall be shielded by a vehicle frame member or by a noncombustible baffle to dissipate heat with an air space on both sides of the frame member or baffle.

This agency hereby certifies that the pro-

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

Issued in Austin, Texas, on March 31, 1987

TRD-8702843 Walter Earl Lilie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987

For further information, please call
(512) 463-7149

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★ 16 TAC §9.408

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.408, concerning the ventilation and labeling of compartments containing LP-gas containers. This new section describes how compartments containing LP-gas containers must be ventilated and labeled.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.408. *Ventilation and Labeling of Compartments Containing LP-Gas Containers.*

(a) Compartments shall be ventilated at or near the top and at the extreme bottom to facilitate diffusion of vapors. The compartment shall be ventilated with at least two vents having an aggregate free area equal to at least one square inch for each seven pounds of the total LP-gas fuel capacity of the container(s). The vents shall be equally distributed between the floor and ceiling of the compartment. If the lower vent is located in the access door or wall, the bottom edge

of the vent shall be flush with the floor level of the compartment. The top vent shall be located in the access door or wall with the bottom of the vent within 12 inches of the ceiling of the compartment. Vents shall have an unrestricted discharge to the outside atmosphere. Doors or panels providing access to valves shall not be equipped with locks or require special tools to open.

(b) LP-gas may not be introduced into any recreational vehicle to be used in LP-gas service unless such vehicle is properly identified in accordance with subsection (c) of this section.

(c) When LP-gas mobile fuel containers are located in compartments or cabinets which obstruct the view of said containers, a label shall be placed on the access door of the compartments or cabinets. The label shall be approximately 4 1/4 inches in length by 3 1/4 inches in height. The markings shall consist of a border and letters "PROPANE" (letters one inch minimum height centered in the diamond) of silver or white reflective luminous material on a black background as follows:



★ 16 TAC §9.409

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.409, concerning securing of LP-gas container housings. This new section describes the manner in which LP-gas housings must be secured.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing

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 March 31, 1987.

TRD-8702844 Walter Earl Lilie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987

For further information, please call
(512) 463-7149

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the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to pro-

mote the health, safety, and welfare of the general public

§9.409 *Securing LP-Gas Container Housings.* Doors, hoods, domes, housings (or portions of housings), and enclosures required to be removed or opened for the replacement of containers shall incorporate means for clamping them firmly in place and for preventing them from working loose during transit. Hoods or housings covering valves shall not be equipped with locks or require special tools to open.

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 March 31, 1987

TRD-8702845 Walter Earl Little
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption.

September 1, 1987

For further information, please call
(512) 463-7149

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★ 16 TAC §9.410

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.410, concerning LP-gas container appurtenances. This new section sets forth standards for the quality, location, discharge, and valve requirements for LP-gas container appurtenances.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.410. *LP-Gas Container Appurtenances.*

(a) Appurtenances such as safety relief devices, container shutoff valves, automatic stop fill devices, back-flow check valves, internal valves, excess-flow valves, liquid level gauges, pressure gauges, and pressure regulators shall be listed and shall be acceptable to the commission.

(b) Appurtenances shall be located so as to be acceptable and visible for servicing and operation, as applicable.

(c) The discharge from safety relief devices shall not be less than three feet horizontally measured along the surface of the vehicle away from any openings into the recreational vehicle and from all the internal combustion engine exhaust terminations below the level of such discharge. When a system is located in a recess, vaportight to the inside, vent openings in such recess shall not be less than three feet horizontally measured along the surface of the vehicle away from any opening into the recreational vehicle below the level of these vents. Doors not having openable windows or screens below the level of the gas compartment vents are exempt from this requirement.

(d) Each ASME mobile fuel container shall be fitted with a full internal spring-loaded relief valve. The use of a cylinder-type valve incorporating a spring-loaded relief valve is prohibited.

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 March 31, 1987.

TRD-8702846 Walter Earl Little
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption

September 1, 1987

For further information, please call
(512) 463-7149

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★ 16 TAC §9.411

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.411, concerning valves for two LP-gas container assembly systems. This new section describes how the valves in a two container assembly system must be arranged.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anti-

ci-pated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.411. *Valves for Two LP-Gas Container Assembly Systems.* Valves in a two-container assembly system shall be arranged so that replacement of containers can be made without shutting off the flow of gas to the appliance(s). This subsection is not to be construed as requiring an automatic change-over device.

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 March 31, 1987.

TRD-8702847 Walter Earl Little
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption

September 1, 1987

For further information, please call
(512) 463-7149.

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★ 16 TAC §9.412

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.412, concerning automatic stop fill devices. This new section states that permanently installed LP-gas containers must be equipped with a listed automatic stop fill device which is acceptable to the commission.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.412. Automatic Stop Fill Devices. Permanently installed containers shall be equipped with a listed automatic stop fill device which is acceptable to the commission.

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 March 31, 1987

TRD-8702848 Walter Earl Lilie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 TAC §9.413

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.413, concerning protection of LP-gas container shutoff valves. This new section describes the manner in which LP-gas container shutoff valves must be protected.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.413. Protection of LP-Gas Container Shutoff Valves. Container shutoff valves shall be protected as follows:

(1) by recessing such valves into the container to prevent them from damage; or

(2) by fastening a ventilated cap or collar to the container which is capable of withstanding a blow from any direction equivalent to that of a 30 pound weight dropped four feet. Construction must be such that the blow will not be transmitted to the valve.

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 March 31, 1987

TRD-8702849 Walter Earl Lilie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:
September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 TAC §9.414

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.414, concerning LP-gas regulators. This new section sets forth standards for the quality, capacity, mounting, and protection of LP-gas regulators.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.414. LP-Gas Regulators.

(a) Listed two-stage regulator(s) which are acceptable to the commission shall be installed.

(b) Regulator(s) shall have a capacity not less than the total input of all LP-gas appliances installed in the recreational vehicle.

(c) The regulator(s) shall be mounted only in a position downward within 45° of vertical and the diaphragm area being drained. Containers installed below floor level shall have the regulator(s) installed in a compartment which provides protection against the weather and wheel spray. The compartment shall be of sufficient size to permit tool operation for connection to and replacement of the regulator(s), shall be vaportight to the interior of the vehicle, shall have a one square inch minimum vent opening to the exterior located within one inch of the bottom of the compartment, and shall not contain flame- or spark-producing equipment. The regulator vent outlet shall be at least two inches above the compartment vent opening.

(d) Regulators installed elsewhere and not installed in compartments as specified previously shall be equipped with a durable cover (i.e. one that will not become brittle at temperatures as low as -40°F).

(e) If the regulator(s) are not mounted by the recreational vehicle manufacturer, instructions for proper installation shall be supplied.

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 March 31, 1987

TRD-8702850 Walter Earl Lilie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:
September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 TAC §9.415

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.415, concerning LP-gas excess flow valves. This new section sets forth the requirements for LP-gas excess flow valves.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or

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

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.415. *LP-Gas Excess Flow valves.* A listed LP-gas excess flow valve acceptable to the commission shall be provided in accordance with the following.

(1) The inlet or outlet of each container service valve of a permanently mounted container shall be equipped with such a listed excess flow valve or a listed Prest-O-Lite (POL) adapter with an integral excess flow valve.

(2) Vehicles with removable DOT containers shall have furnished or installed a listed POL adapter with an integral listed excess flow valve.

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 March 31, 1987

TRD-8702851 Walter Earl Lilie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 TAC §9.416

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.416, concerning the design of LP-gas systems. This new section states that LP-gas systems shall be of the vapor withdrawal type.

Thomas D Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implica-

tions for state or local government or small businesses as a result of enforcing or administering the section

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.416. *LP-Gas System Design.* Systems shall be of the vapor withdrawal type except that liquid withdrawal systems are permitted to supply LP-gas as engine fuel. See Subchapter G of this chapter (relating to Division V) for engine fuel installations.

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 March 31, 1987

TRD-8702852 Walter Earl Lilie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 FAC §9.417

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.417, concerning the maximum LP-gas vapor pressure. This new section sets forth the maximum, permissible LP-gas vapor pressure

Thomas D Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section

Mr Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no antici-

pated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.417. *LP-Gas Vapor Pressure Maximum.* Vapor, at a pressure not over 14 inches water column, shall be delivered from the system into the gas appliance supply connection.

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 March 31, 1987

TRD-8702853 Walter Earl Lilie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 TAC §9.418

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.418, concerning gas piping system materials. This new section sets forth specifications for gas piping system materials

Thomas D Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section

Mr Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing

the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.418. *Gas Piping System Materials.* Materials used for the installation, extension, alteration, or repair of any gas piping system shall be new and free from defects or internal obstructions. It shall not be permissible to repair defects in gas piping or fittings. Inferior or defective materials shall be removed and replaced with acceptable material. The system shall be made of materials having a melting point of not less than 1,450°F except as provided in §9.421 of this title (relating to Joint Materials), and §9.427 of this title (relating to Appliance Connections) or of materials (used in piping or fittings) listed for the specific use intended. They may consist of one or more of the following materials listed as follows.

(1) Gas pipe shall be steel or wrought-iron pipe complying with American National Standards Institute (ANSI) B36.10, Wrought-Steel or Wrought-Iron Pipe. Threaded copper or brass pipe in iron pipe sizes may be used.

(2) Fittings for gas piping shall be wrought iron, malleable iron, steel, or brass (containing not more than 75% copper).

(3) Copper tubing shall be annealed Type K or L, conforming to American Society for Testing Materials (ASTM) B88, *Specifications for Seamless Copper Water Tube*, or shall comply with ASTM B280, *Specifications for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service*.

(4) Seamless brass tubing shall be composed of not more than 75% copper (cartridge brass 70%) and shall have a minimum thickness of 0.030 inch.

(5) Steel tubing shall be constructed in accordance with ASTM A539, *Specifications for Electric-Resistant Welded Coiled Steel Tubing for Gas and Fuel Oil Lines*, and shall be externally corrosion protected.

(6) Flexible nonmetallic tubing shall be part of an assembly which is listed for the use intended.

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 March 31, 1987.

TRD-8702854 Walter Earl Lilie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:
September 1, 1987
For further information, please call
(512) 463-7149.

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★ 16 TAC §9.419

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.419, concerning gas piping design. This new section states that the gas piping system must be designed for LP-gas only or with a natural gas piping system acceptable for LP-gas.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public

§9.419. *Gas Piping Design.* Each recreational vehicle requiring fuel gas for any purpose shall be equipped with a gas piping system that is designed for LP-gas only or with a natural gas piping system acceptable for LP-gas

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 March 31, 1987.

TRD-8702855 Walter Earl Lilie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:
September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 TAC §9.420

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.420, concerning gas pipe sizing. This new section establishes standards for the sizing of LP-gas piping.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public

§9.420. *Gas Pipe Sizing.* Gas piping systems shall be sized so that the pressure drop to any appliance inlet connection from the gas supply connection(s) when all appliances are in operation at maximum capacity, is not more than 0.5 inch water column when used with natural gas if the system is designed for both natural and LP-gas, or when used with LP-gas if the system is designed for LP-gas only. Conformance may be determined on the basis of test or the gas piping system may be sized in accordance with one of the following tables (a) through (d) of this section or other approved method. See table (e) of this section for further guidance on how to calculate piping size. The natural gas supply connection shall be not less than 3/4 inch nominal pipe size

TABLE 9.420(a)

Sizing of Low-Pressure Gas Piping Systems Maximum Capacity
of Iron Pipe Sizes in Thousands of BTU per Hour
Combination of LP-gas/Natural Gas System

Nominal Iron Pipe Size (I.D.), Inches	Length of Pipe in Feet						
	10	15	20	25	30	35	40
1/4	43	33	29	27	24	22	20
3/8	95	77	65	57	52	49	45
1/2	175	135	120	108	97	90	82
3/4	360	279	250	225	200	186	170
1	680	536	465	404	375	330	320

TABLE 9.420(b)

Sizing of Low-Pressure Gas Piping Systems Maximum Capacity
of Semi-Rigid Tubing in Thousands of BTU per Hour
Combination of LP-gas/Natural Gas System

Tubing Size, Inches		Length of Pipe in Feet						
		10	15	20	25	30	35	40
Outside Diameter	Inside Diameter							
3/8	1/4	27	21	18	16	15	14	13
1/2	3/8	56	42	38	34	31	28	26
5/8	1/2	113	86	78	70	62	59	53
3/4	5/8	197	157	136	122	109	99	93
7/8	3/4	280	227	193	172	155	141	132

TABLE 9.420(c)

Sizing of Low-Pressure Gas Piping Systems Maximum Capacity of
Iron Pipe Sizes in Thousands of BTU per Hour LP-gas System

Nominal Iron Pipe Size (I.D.), Inches	Length of Pipe in Feet						
	10	15	20	25	30	35	40
1/4	67	52	46	41	37	34	31
3/8	147	112	101	87	81	74	70
1/2	275	212	189	166	152	138	129
3/4	567	500	393	338	315	276	267
1	1071	1005	732	667	590	530	504

TABLE 9.420(d)

Sizing of Low-Pressure Gas Piping Systems Maximum Capacity of
Semi-Rigid Tubing in Thousands of BTU per Hour LP-gas System

Tubing Size, Inches	Length of Pipe in Feet							
		10	15	20	25	30	35	40
Outside Diameter	Inside Diameter							
3/8	1/4	39	32	26	23	21	19.5	19
1/2	3/8	92	72	62	56	50	45	41
5/8	1/2	199	159	131	118	107	94	90
3/4	5/8	329	249	216	193	181	154	145
7/8	3/4	501	380	346	300	277	246	233

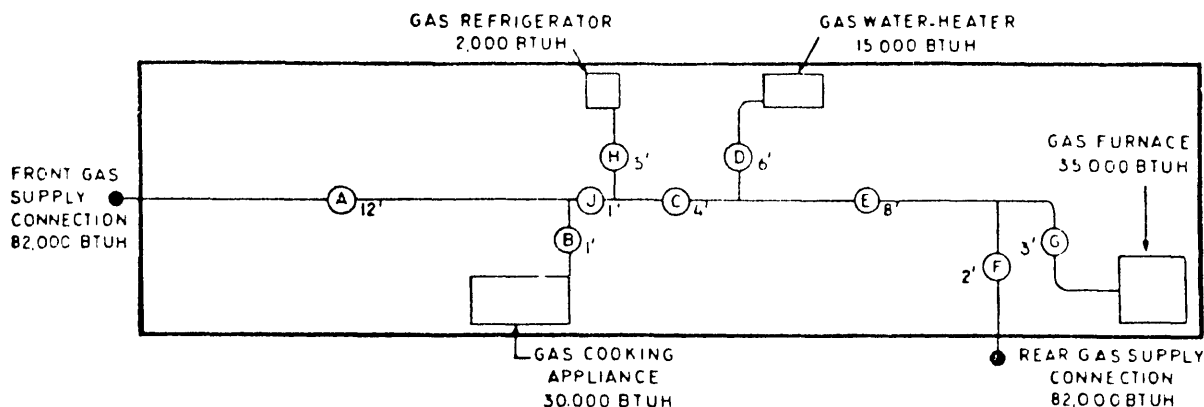
Table 9.420(e) REQUIRED GAS SUPPLY PIPE SIZES

To determine the required gas supply pipe sizes for each piping section as set out in the typical example diagrammed below, assuming an LP-gas supply system/Natural gas supply system, take the following steps:

Figure Sizing By	Front Gas Supply Connection	Rear Gas Supply Connection																																																												
Step 1. Measure the length of piping from the gas supply connection to the inlet of the most remote appliance.	28' (A+J+C+E+G) (Total: 82,000 BTUH)	19' (F+E+C+H) (Total: 82,000 BTUH)																																																												
Step 2. In Tables 9.420 (a)-(d), select the column showing that distance or the next longer distance (if the Figure does not give the exact length). In this Example use Table 9.420 (a) since it presumes using an LP-gas piping system using steel pipe.	30' column (which for 82,000 BTUH means 1/2" iron pipe or 3/4" tubing)	20' column (which for 82,000 BTUH means 1/2" iron pipe or 3/4" tubing)																																																												
Step 3. Use the vertical column in Table 9.420(a) selected in Step 2 for for all LP-gas pipe sizing. For each section of piping determine the total demand for that section. In the vertical column selected in Step 2 locate the BTUH demand equal to or just greater than the demand for that section of pipe.	30' Column Front Connection	20' Column Rear Connection																																																												
	<table border="1"> <thead> <tr> <th>BTUH Piping Section (1,000's)</th> <th>Nominal I.D. Pipe Inches</th> <th>Tubing G.D. Inches</th> </tr> </thead> <tbody> <tr><td>A</td><td>1/2</td><td>3/4</td></tr> <tr><td>B</td><td>3/8</td><td>1/2</td></tr> <tr><td>C</td><td>3/8</td><td>5/8</td></tr> <tr><td>D</td><td>1/4</td><td>3/8</td></tr> <tr><td>E</td><td>3/8</td><td>5/8</td></tr> <tr><td>F</td><td>-</td><td>-</td></tr> <tr><td>G</td><td>3/8</td><td>5/8</td></tr> <tr><td>H</td><td>1/4</td><td>3/8</td></tr> <tr><td>J</td><td>3/8</td><td>5/8</td></tr> </tbody> </table>	BTUH Piping Section (1,000's)	Nominal I.D. Pipe Inches	Tubing G.D. Inches	A	1/2	3/4	B	3/8	1/2	C	3/8	5/8	D	1/4	3/8	E	3/8	5/8	F	-	-	G	3/8	5/8	H	1/4	3/8	J	3/8	5/8	<table border="1"> <thead> <tr> <th>BTUH Piping Section (1,000's)</th> <th>Nominal I.D. Pipe Inches</th> <th>Tubing O.D. Inches</th> </tr> </thead> <tbody> <tr><td>A</td><td>-</td><td>-</td></tr> <tr><td>B</td><td>3/8</td><td>1/2</td></tr> <tr><td>C</td><td>3/8</td><td>1/2</td></tr> <tr><td>D</td><td>1/4</td><td>3/8</td></tr> <tr><td>E</td><td>3/8</td><td>5/8</td></tr> <tr><td>F</td><td>1/2</td><td>3/4</td></tr> <tr><td>G</td><td>3/8</td><td>1/2</td></tr> <tr><td>H</td><td>1/4</td><td>3/8</td></tr> <tr><td>J</td><td>3/8</td><td>1/2</td></tr> </tbody> </table>	BTUH Piping Section (1,000's)	Nominal I.D. Pipe Inches	Tubing O.D. Inches	A	-	-	B	3/8	1/2	C	3/8	1/2	D	1/4	3/8	E	3/8	5/8	F	1/2	3/4	G	3/8	1/2	H	1/4	3/8	J	3/8	1/2
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Step 4. Choose the larger size piping required from either the front or rear gas supply connection. If a single gas supply connection is provided, this step is not required.																																																														

EXAMPLE OF GAS PIPE SIZING

Typical Example of Gas Piping System Sizing
For a Recreational Vehicle



A typical recreational vehicle showing location of alternate gas supply inlet connection, gas piping system (including sample lengths), and gas appliances (including assumed BTUH gas demand of each).

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 March 31, 1987.

TRD-87002856 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption.
September 1, 1987

For further information, please call
(512) 463-7149

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★ 16 TAC §9.421

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.421, concerning joint materials. This new section describes the specifications for joint materials.

Thomas D Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who

are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.421. *Joint Materials.*

(a) Pipe joints in the piping system, unless welded or brazed, shall be screw joints that comply with American National Standards Institute (ANSI) B2.1, *Pipe Threads (except Dryseal)*. Right and left nipples or couplings shall not be used. Unions, if used, shall be of the ground joint type. The material used for welding or brazing pipe connections shall have a melting temperature in excess of 1,000°F.

(b) Tubing joints shall be made with a single or double flare of 45° conforming to Society of Automotive Engineers (SAE) J 533 as recommended by the tubing manufacturer; by means of listed vibration-resistant fittings; or the joints may be brazed with a material having a melting point exceeding 1,000°F. Brazing alloys shall not con-

tain phosphorus. Sealants shall not be used on tubing joints. Ball sleeve or one-piece internal compression-type tubing fittings shall not be used. See table 9.420(e) in §9.420 of this title (relating to Gas Pipe Sizing).

(c) Threaded joints shall be made up tight with approved pipe joint material, insoluble in liquefied petroleum gas, which shall be applied to the male threads only.

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 March 31, 1987

TRD-8702857 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987
For further information, please call
(512) 463 7149

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★ 16 TAC §9.422

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.422, concerning the routing and protection of tubing and piping. This new section establishes where tubing and piping should be located and how it should be protected.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be

in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.422. Routing and Protection of Tubing and Piping.

(a) Tubing shall not be run inside walls, floors, partitions, or roofs. Where tubing passes through walls, floors, partitions, roofs, or similar installations, such tubing shall be protected by the use of weather resistant grommets that shall tightly fit both the tubing and the hole through which the tubing passes.

(b) Pipe or tubing joints shall not be located in any floor, wall, partition, or similarly concealed construction space.

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 March 31, 1987

TRD-8702858 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 TAC §9.423

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.423, concerning the location of supply connections. This new section describes where supply connections should be located.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be

in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.423. Location of Supply Connections.

For LP-gas only systems and for combination LP-gas and natural gas systems, the supply connection shall be located at the container location. An additional supply connection may be installed, located on the left (road) side, or at the rear left of the longitudinal center of the vehicle, within 18 inches of the outside wall. Combination LP-gas and natural gas additional supply connections shall be within 15 feet of the rear of the vehicle.

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 March 31, 1987

TRD-8702859 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 TAC §9.424

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.424, concerning LP-gas supply connectors. This new section establishes the quality standard for LP-gas supply connectors.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or

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

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.424. LP-Gas Supply Connectors.

Connectors used in LP-gas systems shall be listed as conforming to Underwriter's Laboratory (UL) Publication 569, *Standard for Pigtailed and Flexible Hose Connectors for LP-gas*.

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 March 31, 1987

TRD-8702860 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 TAC §9.425

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.425, concerning high-pressure LP-gas connections. This new section describes the manner in which high-pressure LP-gas connections should be made.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who

are required to comply with the proposed section

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.425. High-Pressure LP-Gas Connections.

(a) If the regulator is not directly connected to a permanently mounted container shutoff valve, it shall be connected to the container shutoff valve by a listed high-pressure connector or by material conforming to §9.418 of this title (relating to Gas Piping System Materials).

(b) The connection between the shutoff valve of a container intended to be removed and mounted on the tongue (A frame) and a regulator mounted on a container support bracket shall be made with a listed high-pressure connector

(c) The connection between the shutoff valve of a container intended to be removed and mounted on the tongue (A frame) and a regulator permanently mounted other than as described in subsection (b) of this section shall be made with a listed high-pressure flexible hose connector.

(d) The connection between the shutoff valve of a container intended to be removed and mounted within a compartment shall be made with a listed high-pressure flexible hose connector if the regulator is not directly attached to the shutoff valve.

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 March 31, 1987

TRD-8702861 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987
For further information, please call
(512) 463-7149.

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★ 16 TAC §9.426

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.426, concerning low-pressure LP-gas connections. This new section describes the manner

in which low-pressure LP-gas connections should be made.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.426. Low-Pressure LP-Gas Connections.

(a) The connection between a permanently mounted regulator or a regulator directly attached to a permanently mounted container and the gas supply system shall be made with a listed flexible hose connector or with material conforming to §9.418 of this title (relating to Gas Piping System Materials).

(b) The connection between a regulator mounted on a removable container support bracket or a regulator directly attached to the shutoff valve of a removable container and the gas supply system shall be made with a listed flexible hose connector.

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 March 31, 1987

TRD-8702862 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 TAC §9.427

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.427, con-

cerning appliance connections. This new section describes the manner in which appliance connections should be made.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.427. Appliance Connections. Except as provided herein, all gas-burning appliances shall be connected to the fuel piping with materials as provided in §9.418 of this title (relating to Gas Piping System Materials). Where a flexible connector is required to connect a gas appliance, such as a fold-down range, the connector shall be a listed flexible hose connector conforming to Underwriters Laboratory (UL) Publication 569, *Standard for Pigtailed and Flexible Hose Connectors for LP-gas*. Flexible gas connectors shall not pass through any wall, floor, ceiling, or partition

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 March 31, 1987

TRD 8702863 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987
For further information please call
(512) 463-7149

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★ 16 TAC §9.428

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.428, con-

cerning gas shutoff valves. This new section establishes the quality standard for gas shutoff valves.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.428. *Gas Shutoff Valves.* Shutoff valves used in connection with gas piping shall be listed for use with LP-gas, acceptable to the commission, and shall have non-displaceable rotors.

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 March 31, 1987

TRD-8702864 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:
September 1, 1987
For further information, please call
(512) 463-7149

★ ★ ★

★ 16 TAC §9.429

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.429, concerning gas inlet cap. This new section describes when and the manner in which gas inlet caps should be used.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing

or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.429. *Gas Inlet Cap.*

(a) For combination LP-gas and natural gas systems, suitable cap(s) to effectively close the gas inlet(s) when disconnected from the source of supply and not in use shall be attached to the recreational vehicle. Inlets shall be effectively capped when disconnected from source of supply.

(b) The LP-gas only supply inlet shall be effectively capped to prevent entrance of water and foreign materials when the recreational vehicle is shipped with the LP-gas containers disconnected from the system.

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 March 31, 1987

TRD-8702865 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:
September 1, 1987
For further information, please call
(512) 463-7149.

★ ★ ★

★ 16 TAC §9.430

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.430, concerning prohibiting the use of gas piping as an electrical ground. This new section states that gas piping shall not be used for a grounding electrode.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing

or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.430. *Prohibiting Use of Gas Piping as Electrical Ground.* Gas piping shall not be used for a grounding electrode.

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 March 31, 1987.

TRD-8702866 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:
September 1, 1987
For further information, please call
(512) 463-7149.

★ ★ ★

★ 16 TAC §9.431

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.431, concerning gas pipe hangers and supports. This new section describes the manner in which gas piping must be supported.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner,

Railroad Commission of Texas, LP-Gas Division, PO. Drawer 12967, Austin, Texas 78711-2967 The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.431. *Gas Pipe Hangers and Supports.* All gas piping shall be adequately supported by galvanized, painted, or equivalently protected metal straps or hangers at intervals of not more than four feet except where adequate support and protection is provided by structural members. Iron pipe gas supply connection(s) shall be rigidly anchored to a structural member within six inches of the supply connection(s). Iron piping shall be anchored within six inches of tubing connections at the end of pipe runs and within 12 inches of tubing connections within runs.

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 March 31, 1987

TRD 8702867 Walter Earl Lilie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987
For further information, please call
(512) 463-7149

★ ★ ★

★ 16 TAC §9.432

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.432, concerning testing for gas leakage. This new section describes the manner in which tests for gas leakage must be conducted.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner,

Railroad Commission of Texas, LP-Gas Division, PO Drawer 12967, Austin, Texas 78711-2967 The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.432. *Testing for Gas Leakage.*

(a) Before appliances are connected. Piping systems shall be proven by test to be leak-free by maintaining an air pressure of at least six inches mercury or three pounds per square inch gauge (psig) for a period of at least 10 minutes. Before the test is begun, temperature of the air and of the piping shall be approximately the same, and a uniform temperature shall be maintained throughout the period. Leaks, if observed, shall be located and corrected. Defective material shall be replaced. Tests shall be conducted by either of the following methods

(1) Source of air pressure to the piping system shall be shut off. The pressure in the system shall be measured over a period of 10 minutes with a mercury manometer, slope gauge, or equivalent device, calibrated so as to be read in increments of not greater than 1/10 pound per square inch (psi). During the 10-minute period, a drop in pressure shall not occur.

(2) A bubble-type leak detector shall be installed between the source of air pressure and the piping system. After a 10-minute equalization period, the bubble detector shall not indicate any air flow for a period of one minute. Products that contain ammonia or chlorine shall not be used for testing.

(b) After appliances are connected. When appliances are connected to the piping system, pressure test shall be conducted by either of the following methods.

(1) The entire piping system shall be pressurized to not less than 10 inches nor more than 14 inches water column and the appliance connections tested for leakage with either soapy water or bubble solution. Products containing ammonia or chlorine shall not be used.

(2) The entire system shall be pressurized to not less than 10 inches nor more than 14 inches water column, the appliance shutoff valves closed, the source of pressure shut off. Before the test is begun, temperature of both the air and piping shall be approximately the same and a uniform temperature shall be maintained through the test period. The pressure system in the system shall be measured over a period of 10 minutes with a manometer, slope gauge, or equivalent device calibrated so as to read in increments of not greater than 1/10 inch. During the 10-minute period, a drop in pressure shall not occur.

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 March 31, 1987

TRD-8702868 Walter Earl Lilie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 TAC §9.433

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.433, concerning gas appliances. This new section establishes the quality standards for gas appliances and the manner in which they must be installed

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, PO. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.433. *Gas Appliances.*

(a) Gas appliances and vents necessary for their first installation shall be listed for installation in recreational vehicles.

(b) Gas appliances shall not be converted from one fuel to another unless converted in accordance with the terms of their listings and the appliance manufacturer's instructions.

(c) The installation of each appliance shall conform to the terms of its listing and the appliance manufacturer's installation instructions. Floor-mounted gas-burning appli-

ances shall not be installed on carpeting unless the appliance is listed for such installation. Every appliance shall be secured in place to avoid displacement.

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 March 31, 1987.

TRD 8702869 Walter Earl Lile
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:
September 1, 1987.
For further information, please call
(512) 463-7149.

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★ 16 TAC §9.434

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.434, concerning venting requirements. This new section establishes when venting is required and the manner in which venting must be installed.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.434. Venting Requirements.

(a) Gas appliances. Gas appliances, including furnaces and refrigerators (but not including ranges and ovens), shall be of the vented type and vented to the outside.

(b) Installation of venting and combustion air systems. Venting and combustion air systems shall be installed in accordance with the following.

(1) Components shall be securely assembled and properly aligned using the method shown in the appliance manufacturer's instructions.

(2) Vent connectors shall be firmly attached to the flue collars by sheet metal screws, or the equivalent, or as specified in the manufacturer's installation instructions.

(3) Every joint of a vent, vent connector, exhaust duct and combustion air intake shall be secure and in alignment.

(c) Requirement for direct vent system appliances. All gas appliances, except ranges and ovens, shall be designed and installed to provide for the complete separation of the combustion system from the interior atmosphere of the recreational vehicle. Combustion air inlets and flue gas outlets shall be listed as components of the appliance. The required separation shall be obtained by the installation of direct vent system (sealed combustion system) appliances. Exception to the requirements of this subsection: A gas refrigerator may be installed to meet the requirements of this subsection by using panels supplied by the recreational vehicle manufacturer provided that the refrigerator manufacturer furnishes the necessary vents and grills as specified by the listing requirements and, in addition, the refrigerator is equipped with the necessary means to ensure the integrity of the separation of the combustion system when the refrigerator is removed for field service and reinstalled.

(d) Gas-burning appliances.

(1) Any portion of a combustion air inlet or a flue gas outlet of a gas-burning heating appliance shall be located at least three feet from any gasoline filler spout on the vehicle if the inlet or outlet is located above or at the same level. If any portion of such inlet or outlet is located below the spout the distance shall be the sum of the vertical distance below the spout plus three feet.

(2) Vent terminations from gas-burning heating appliances shall be not less than three feet from any motor-driven air intake discharging into habitable areas of the recreational vehicle. Vents shall not terminate underneath a recreational vehicle.

(e) Forced-air heating appliances. A forced-air heating appliance and its return-air system shall be designed and installed so that negative pressure created by the air-circulating fan cannot affect its or another appliance's combustion air supply or act to mix products of combustion with circulating air.

(f) Ventilation of areas accommodating gas-burning cooking appliances. The space in which any fuel-burning cooking appliance is located shall be ventilated by a gravity or mechanical vent extending through the roof to the outside. A gravity vent shall have a free, clear, openable area not less than one square inch for every 2,000 BTUH rated input of the appliance(s). The location of the vent shall be in the roof within five feet of any point directly above the cooking appli-

ance. Vent hood ducts shall be designed so that the duct outlet is located at such a point as to preclude the trapping of products of combustion. Exception to these requirements of this subsection are as follows.

(1) Vehicles with fabric exterior walls are permitted to utilize an opening through the sidewall not more than 15 inches below the highest point of that roof within five feet of any point directly above the appliance.

(2) Hooded gravity vents located directly above the appliance are permitted to exhaust through the sidewall. See §9.438(b) of this title (relating to Clearances of Heat-Producing Appliances).

(3) Mechanical vents (exhaust fans) having flow rating of two cubic feet per minute for every 1,000 BTUH rated input of the appliance are permitted to be located on an adjacent wall higher than the appliance within a horizontal distance of not more than five feet from the nearest edge of the appliance.

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 March 31, 1987.

TRD-8702870 Walter Earl Lile
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:
September 1, 1987.
For further information, please call
(512) 463-7149.

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★ 16 TAC §9.435

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.435, concerning the installation of internal combustion engine generators. This new section describes how internal combustion engine generators should be installed.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Rail-

Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.435 Installation of Internal Combustion Engine Generators. Internal combustion engine-driven generator units (subject to the provisions of this standard) shall be secured in place to avoid displacement in accordance with manufacturer's instructions and shall be installed in a compartment which is vaportight to the interior of the vehicle.

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 March 31, 1987.

TRD-8702871 Walter Earl Lile
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:
September 1, 1987.

For further information, please call
(512) 463-7149.

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★ **16 TAC §9.436**

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.436, concerning the marking of appliances. This new section describes the manner in which appliances must be marked.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission

of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.436 Marking of Appliances.

(a) Information on clearances, input ratings, lighting, and shutdown shall be attached to the appliance with the same permanence as the appliance nameplate, and shall be so located that it is easily readable when the appliance is properly installed.

(b) Each gas-burning appliance shall bear the appliance manufacturer's permanent marking designating the type(s) of fuel for which it is listed. If listed and installed for use with either LP-gas or natural gas, the appliance manufacturer's instructions regarding conversion from one fuel to the other shall be attached to the appliance with the same permanence as the appliance nameplate.

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 March 31, 1987.

TRD 8702872 Walter Earl Lile
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:
September 1, 1987.

For further information, please call
(512) 463-7149.

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★ **16 TAC §9.437**

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.437, concerning the location of appliances. This new section describes where appliances must be located.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.437 Location of Appliances.

(a) Every appliance shall be accessible for inspection, service, repair, and replacement without removing permanent construction. Sufficient room shall be available to enable the operator to operate the controls, start the appliance, and observe the ignition.

(b) Heat-producing appliances shall be so located that doors, drapes, or other such material cannot be placed or swung closer to the appliance than the clearances specified on the labeled appliances.

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 March 31, 1987.

TRD-8702873 Walter Earl Lile
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:
September 1, 1987.

For further information, please call
(512) 463-7149.

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★ **16 TAC §9.438**

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.438, concerning clearances of heat-producing appliances. This new section establishes clearances required for heat-producing appliances.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051,

which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.438. *Clearances of Heat-Producing Appliances.*

(a) Clearances between heat-producing appliances and adjacent surfaces shall not be less than as specified in the terms of

their listing. Clearance spaces shall be framed in or guarded to prevent creation of storage space within the clearance specified. The only exception to framing-in or guarding such spaces will be those necessary to allow access to shutoff valves or controls in order to comply with §9.422(b) of this title (relating to Routing and Protection of Tubing and Piping) and §9.433 of this title (relating to Gas Appliances), in which case the unguarded area must have a tag, posted in an easily readable location, as follows.

WARNING
DO NOT STORE COMBUSTIBLE
MATERIAL
IN THIS AREA

(b) Ranges shall have a vertical clearance between the cooking top and combustible or metal cabinets in accordance with the following table or the terms of their listings.

TABLE 9.438(b)

Type of Protection Provided to Combustible Material or Metal Cabinets above Range	Top Burner Rating	Oven Burner Rating	Vertical Clearance Required above Range Top
1. No protection provided.	Any combination, number, or input.	Any	30 inches
2. ¼ inch thick minimum insulating millboard covered with 28 US gauge sheet metal extending 9 inches beyond the sides of the range and covering the entire bottom of the material to be protected extending over the top of range. In lieu of 28 gauge sheet metal, a hood, 28 US gauge sheet metal, may be used. Hood shall be not less than the width of the range and shall be centered over the range and cover the entire bottom of the material to be protected.	Any combination, number, or input.	Any	24 inches
3. Range hood, 28 US gauge, with minimum 2 inch vertical sides and provided with a bead or flange around top of hood to provide a min-	Not more than 4 top burners-input not to exceed 6,000 BTUH each.	10,000 BTUH	19½ inches
	Not more than 4		

imum ½ inch dead air space between hood and protected material. Hood shall not be less than the width of the range and shall be installed centered over range and cover the entire bottom of the material to be protected extending over the top of range.	top burners- input not to exceed 9,000 BTUH each.	24,000 BTUH	20 3/4 in.
	2 rear burners- input not to exceed 9,000 BTUH each and 2 front burners- input not to exceed 12,000 BTUH each.	22,000 BTUH	23½ inches
4. Same as No. 3, except no dead air space clearance provided.	Not more than 4 burners- input not to exceed 9,000 BTUH each.	22,000 BTUH	23 inches

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 March 31, 1987
 TRD-8702874 Walter Earl Lile
 Special Counsel
 Railroad Commission of Texas

Proposed date of adoption
 September 1, 1987
 For further information, please call
 (512) 463-7149

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★ 16 TAC §9.439

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.439, concerning sizing and materials of supply ducts. This new section establishes the specifications for supply ducts.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing

the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.439. *Sizing and Materials of Supply Ducts.*

(a) Ducts shall be designed so that when a labeled forced-air furnace is installed and operated continually at its normal input rating in the recreational vehicle, with all registers in full open position, the static pressure measured in the duct plenum shall not exceed that shown on the label of the appliance. When an air-cooling coil is installed in the system, the total static pressure of the coil and the system shall not exceed that shown on the label of the appliance. The minimum dimension of any branch duct shall

be at least 1½ inches and the minimum dimension of any duct shall be at least 2½ inches.

(b) A supply duct system shall be considered substantially air-tight when the static pressure in the duct system, with all registers sealed and with the furnace air circulator at high speed, is at least 80% of the static pressure measured in the duct plenum, with its outlets sealed and the furnace air circulator operating at high speed. Pressures shall be measured with a water manometer or equivalent device calibrated to read in increments not greater than 1/10 inch water column.

(c) Air supply ducts shall be made of galvanized steel, tin-plated steel, aluminized steel, or aluminum, or made of Class 0 or Class 1 listed air duct material as tested in accordance with Underwriters Laboratory (UL) Publication 181, *Standard for Factory Made Air Duct Materials and Air Duct Connectors*. A duct system integral with the structure shall be of durable construction that can be demonstrated to be equally resistant to fire and deterioration. Air ducts and plenums constructed of sheet metal shall be in accordance with the following table.

TABLE 9.439(c)

Minimum Metal Thickness for Ducts*

	Diameter 14 inches or less	or	Width Over 14 inches
Round Exposed	0.013 inches		0.016 inches
Enclosed Rectangular or Round	0.013 inches		0.016 inches
Exposed Rectangular	0.016 inches		0.019 inches

*When "nominal" thicknesses are specified, 0.003 inches shall be added to these "minimum" metal thickness.

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 March 31, 1987

TRD-8702875 Walter Earl Lilie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987

For further information, please call
(512) 463-7149

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★ 16 TAC §9.440

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.440, concerning sizing, materials, and openings of return air ducts. This new section establishes the specifications for return air ducts.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1,

1987

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.440. *Sizing, Materials, and Openings of Return Air Ducts.*

(a) Sizing. The cross-sectional area of the return air duct shall not be less than two square inches for each 1,000 BTUH input rating of the appliance. A complete ducted heating system need not comply with this return air duct sizing requirement if the numerical total of the static pressure at the inlet and the outlet of the appliance is equal to or less than that shown on the label of the appliance. Example: Supply duct static pressure + 0.10 inch water column and return air duct static pressure - 0.04 inch water column. Numerical total is 0.14 inch water column static pressure. Dampers shall not be placed in any return air duct, except that a diverting damper may be placed in a combination fresh air intake and return air duct so arranged that the required cross-sectional area will not be reduced at all possible positions of the damper.

(b) Materials. Return air ducts, if used, shall be in accordance with the following.

(1) Portions of return air ducts directly above the heating surfaces, or closer than two feet from the outer jacket or casing of the furnace, shall be constructed of metal in accordance with table §9.439(c) of this title (relating to Sizing and Materials of Supply Ducts).

(2) Return air ducts, except as required in paragraph (1) of this subsection, shall be constructed of one-inch nominal, wood boards (flame spread classification of not more than 200), or other suitable materials no more combustible than one inch

board. The interior of such combustible ducts (ducts of material other than as specified in table §9.439(c) of this title (relating to Sizing and Materials of Supply Ducts) shall be lined with noncombustible material at points where there might be danger from incandescent particles dropped through the register or from the furnace, such as directly under floor registers and bottom of vertical ducts or directly under furnaces having bottom return

(c) Openings. Provisions shall be made to permit the return of circulating air from all rooms and living spaces to the circulating air supply inlet of the furnace, except that toilet rooms shall not be required to have return air openings.

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 March 31, 1987.

TRD-8702876 Walter Earl Lilie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987

For further information, please call
(512) 463-7149.

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★ 16 TAC §9.441

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.441, concerning air duct joints and seams. This new section establishes the specifications for air duct joints and seams.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing

or administering the section

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, PO Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.441. Air Duct Joints and Seams.

(a) Joints and seams of ducts shall be securely fastened and made substantially air tight. Slip joints shall have a lap of at least one inch and shall be individually fastened. Tape or caulking compound may be used for sealing mechanically secure joints. Where used, tape or caulking compound shall not be subject to deterioration under long exposures to temperatures up to 200°F and to conditions of high humidity, excessive moisture, or mildew.

(b) Ducts shall be securely supported.

(c) Fittings connecting the registers or grills to the duct system shall be constructed of metal or material which complies with the requirements for Class 0 or Class 1 air ducts under Underwriters Laboratory (UL) Publication 181 *Standard for Factory Made Air Duct Materials and Air Duct Connectors*.

(1) Registers or grills. Registers or grills, regardless of location, shall either be constructed of metal or be made of a material classified 94 V-0 or 94 V-1 when tested as described in UL 94, *Standard for Tests for Flammability of Plastic Materials for Parts in Devices and Appliances*.

(2) Floor registers or grills. Registers or grills, when installed in the floor, shall resist without structural failure a 200 pound concentrated load on a two-inch diameter disc applied to the most critical area of the exposed face of the register or grill. For this test the register or grill is to be at a temperature of not less than 165°F and is to be supported in accordance with the manufacturer's instructions.

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 March 31, 1987.

TRD-8702877 Walter Earl Lille
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 TAC §9.442

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.442, concerning air conditioners. The new section establishes the specifications and installation of air conditioners.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.442. Air Conditioning (Other than Automotive-Type).

(a) General requirement—air-conditioning appliances. Every air-conditioning appliance or combination air-conditioning and heating appliance used in a recreational vehicle shall be listed or certified for the application for which the air-conditioning appliance is intended and shall be installed in accordance with the terms of its listing.

(b) Applicable standards—air conditioning appliances.

(1) Electrically driven mechanical compression-type air conditioning appliances shall be rated in accordance with American Refrigeration Institute (ARI) Standard 250-74, *Electrically Driven Mechanical Compression-type Air Conditioners*.

(2) Gas-fired absorption air condi-

tioning appliances shall be rated in accordance with ANSI Z21. 40.1, *Gas-Fired Absorption Summer Air Conditioning Appliances*, with Addenda Z21.40.1a.

(c) Installation of air-conditioning appliances. The installation of each appliance shall conform to the terms of its listing and the manufacturer's installation instructions. Appliances shall be secured in place to avoid displacement and movement from vibration and road shock.

(d) Rating plates for air-conditioning appliances. The air conditioner rating plate shall be located so that it is easily readable when the appliance is installed.

(e) Accessibility of air conditioning appliances. Each air conditioning appliance shall be accessible for inspection, service, repair, and replacement without removing permanent construction.

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 March 31 1987

TRD-8702878 Walter Earl Lille
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption
September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 TAC §9.443

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.443, concerning required information about LP-gas containers and appliances. This new section describes what information must be contained in the recreational vehicle owner's manual concerning LP-gas containers and appliances.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.443. Required Information.

(a) Installation and instructions for appliances. Operating instructions shall be provided for each appliance, including air conditioning appliances (other than automotive-type).

(b) Owner's manual. Each recreational vehicle equipped with listed gas utilization equipment shall be provided with an owner's manual which shall contain the following information as a minimum.

(1) Warning: LP-gas containers shall not be placed or stored inside the vehicle. LP-gas containers are equipped with safety devices which relieve excessive pressure by discharging as to the atmosphere.

(2) Warning: It is not safe to use cooking appliances for comfort heating. Cooking appliances need fresh air for safe operation. Before operation: open overhead vent or turn on exhaust fan, and open window. This warning label has been located in the cooking area to remind you to provide an adequate supply of fresh air for combustion. Unlike homes, the amount of oxygen supply is limited due to the size of the recreational vehicle, and proper ventilation when using the cooking appliance(s) will avoid dangers of asphyxiation. It is especially important that cooking appliances not be used for comfort heating as the danger of asphyxiation is greater when the appliance is used for long periods of time.

(3) A warning label has been located near the LP-gas container. This label reads: "Do not fill container(s) to more than 80% of capacity." Overfilling the LP-gas container can result in uncontrolled gas flow which can cause fire or explosion. A properly filled container will contain approximately 80% of its volume as liquid LP-gas.

(4) A warning that portable fuel-burning equipment, including wood and charcoal grills and stoves, shall not be used inside the recreational vehicle. The use of this equipment inside the recreational vehicle may cause fires or asphyxiation.

(5) A warning which states not to bring or store LP-gas containers, gasoline, or other flammable liquids inside the vehicle because a fire or explosion may result.

(6) A label has been placed in the vehicle near the range area. This label reads "If you smell gas: extinguish any open flames, pilot lights, and all smoking materials; do not touch electrical switches; shut off the gas supply at the tank valve(s) or gas supply connection; open doors and other ventilating openings; leave the area until odor clears; have the gas system checked and leakage source corrected before using again."

(7) LP-gas regulators must always be installed with the diaphragm vent facing downward. Regulators that are not in compartments have been equipped with a protective cover. Make sure that regulator vent faces downward and that cover is kept in place to minimize vent blockage which could result in excessive gas pressure causing fire or explosion.

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 March 31, 1987

TRD 8702879 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption

September 1, 1987

For further information, please call
(512) 463 7149

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★ 16 FAC §9.444

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.444, concerning required labels and identification plates. This new rule describes the specifications for and information that must appear on labels and identification plates.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

§9.444. Required Labels and Identification Plates.

(a) Exterior labels. All exterior labels required under this subchapter shall be

made of etched, metal-stamped, or embossed brass, stainless steel, anodized, or alclad aluminum not less than 0.020 inch thickness. These labels shall be mounted by permanent attachment methods compatible with the surface to which it is applied. Other types of labels may be approved if there is adequate proof of permanency and comparable life expectancy of those types specified herein.

(b) Identification of gas supply connections. Each recreational vehicle shall have permanently affixed to the exterior skin at or near each gas supply connection, or at the end of the pipe, a plate complying with the requirements for exterior labels of subsection (a) of this section three inches by 1 1/4 inches minimum size which reads (as appropriate) either of the following

(1) "This gas pipeline system is designed for use of liquefied petroleum gas only. Do not connect natural gas to this system." Securely cap inlet(s) when not connected for use. After turning on gas, except after normal container replacement, test gas piping and connections to appliances for leakage with soapy water or bubble solution. Do not use products that contain ammonia or chlorine.

(2) "This gas piping system is designed for use of either LP-gas or natural gas. Before turning on gas be certain appliances are designed and arranged for the gas connected. (See each appliance instruction plate.)" Securely cap this inlet when not connected for use. After turning on gas, except after normal container replacement, test gas piping and connections to appliances for leakage with soapy water or bubble solution. Do not use products that contain ammonia or chlorine.

(c) Warning relative to refueling.

(1) Each vehicle shall have a permanent label adjacent to the LP-gas container which reads: "Do not fill LP-gas container(s) to more than 80% of capacity."

(2) Each motor home or truck camper having exterior combustion air inlet(s) at a level below the roof shall have a permanent label which reads: "Warning: All pilot lights and appliances shall be turned off during refueling of motor fuel tanks and/or LP-gas containers." On truck campers this label shall be placed near the front on both the left and right exterior walls. On motor homes and chassis-mounted truck campers, this label shall be placed by the gasoline filler spout and the LP-gas container.

(3) The previous labels, where required near the LP-gas containers, may be incorporated in the plates required in §9.444(b) of this title (relating to Required Labels and Identification Plates).

(d) Warning if gas odor is detected. When LP-gas fuel-burning equipment is installed by the recreational vehicle manufacturer, a permanent label with 3/8 inch high title letters and 1/8 inch high text letters shall be affixed in a noticeable location near the range. This label may be affixed to the back

of a cabinet door providing the cabinet door will be frequently used. This label reads: "If you smell gas, extinguish any open flames, pilot lights, and all smoking materials; do not touch electrical switches; shut off the gas supply at the tank valve(s) or gas supply connection; open doors and other ventilating openings; leave the area until odor clears; have the gas system checked and leakage source corrected before using again."

(c) Warning label for cooking appliances. A permanent warning label with the word "warning" with 3/8 inch high letters and body text with 1/8 inch high letters shall be affixed in a conspicuous manner adjacent to fuel-burning ranges and shall read: "Warning: It is not safe to use cooking appliances for comfort heating. Cooking appliances need fresh air for safe operation. Before operation open overhead vent or turn on exhaust fan, and open window."

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 March 31, 1987

TRD-8702880 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:
September 1, 1987
For further information, please call
(512) 463-7149

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★ 16 TAC §9.445

The Railroad Commission of Texas, LP-Gas Division, proposes new §9.445, concerning LP-gas engine fuel installations. This new section states that the requirements for LP-gas engine fuel installations are found in the LP-Gas Safety rules, Subchapter G.

The new section is proposed under the Texas Natural Resources Code, §113.051, which provides the Railroad Commission of Texas with the authority to promulgate rules and standards to be used in the LP-gas industry which promote or tend to promote the health, safety, and welfare of the general public.

Thomas D. Petru, director, LP-Gas Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Petru also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the proposed section. There is no anticipated economic cost to individuals who

are required to comply with the proposed section

Comments on the proposal may be submitted to Liz Younkin, Hearings Examiner, Railroad Commission of Texas, LP-Gas Division, P.O. Drawer 12967, Austin, Texas 78711-2967. The LP-Gas Division of the Railroad Commission of Texas is establishing the comment period to end on June 1, 1987

§9.445. *LP-Gas Engine Fuel Installations* Refer to Subchapter G of this chapter (relating to Division V) for requirements concerning LP-gas engine fuel installations

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 March 31, 1987

TRD 8702881 Walter Earl Lillie
Special Counsel
Railroad Commission of
Texas

Proposed date of adoption:
September 1, 1987
For further information, please call
(512) 463-7149

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 29. Purchased Health Services

Subchapter B. Optometric Services

★ 40 TAC §29.101, §29.104

The Texas Department of Human Services proposes amendments to §29.101 and §29.104, concerning Optometric Services in its Purchased Health Services chapter and amendments to §33.402 and §33.405, concerning the EPSDT Eyeglass Program in its Early and Periodic Screening, Diagnosis, and Treatment chapter. These amendments specify that the Texas Medical Assistance Program will cover the replacement of prosthetic eyewear for all Medicaid recipients if required because of a change in visual acuity of .5 diopters or more.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed sections will be in effect, there will be fiscal implications as a result of enforcing or administering the sections. The effect on state government is an estimated cost of \$3,181 for fiscal year 1987; \$12,715 for fiscal year

1988; \$13,015 for fiscal year 1989; \$13,029 for fiscal year 1990; and \$12,897 for fiscal year 1991. There is no effect on local governments or small businesses.

Mr. Packard also has determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of enforcing the sections will be the improvement in vision for recipients whose visual acuity changes to an extent that the prosthetic eyewear is no longer effective and needs to be replaced. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-042, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The amendments are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§29.101. *Benefits and Limitations* The services addressed in this subchapter are those optometric services available to Medicaid recipients who are 21 years old or older. Services are available to Medicaid recipients under 21 years old through the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program. The amount, duration, and scope of optometric services available through the Texas Medical Assistance Program are established according to applicable federal regulations, the Texas state plan for medical assistance under Title XIX of the Social Security Act, state law, and department rules. Information regarding benefits and limitations is available to providers of these services through the Texas Medicaid Provider Procedures Manual which is issued to each provider on enrolling in the Medicaid Program. The benefits and limitations applicable to optometric services available through the Medicaid Program to Medicaid recipients who are 21 years old or older are as follows.

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

(A) (No change.)

(B) Prosthetic (aphakic) eyewear.

Prosthetic eyewear, including contact lenses and glass or plastic lenses in frames, is a program benefit provided to an eligible recipient if the eyewear is prescribed for postcataract surgery, congenital absence of the eye lens, or loss of an eye lens because of trauma.

(i) (No change.)

(ii) Only one pair of permanent prosthetic lenses can be dispensed as a program benefit. Reimbursement is made by the program for the replacement of lost or destroyed prosthetic eyewear **and the replacement of prosthetic eyewear if required**

because of a change in visual acuity of .5 diopters or more.

(C) (F) (No change.)

§29.104. *Additional Claims Information Requirements.* Providers must meet the claim criteria established in the provisions of this subchapter for optometric services and the provisions for participation in the Medicaid Program established under Subchapter A of this chapter (relating to Medicaid Procedures for Providers) and Subchapter I of this chapter (relating to General Administration) of the Purchased Health Services chapter. Besides the claims information requirements established in §29.1 of this title (relating to Claim Information Requirements), the following information is required for claims for services:

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

(3) provider's signature on the claim form verifying the diopter change required for the dispensing of replacement [nonprosthetic] eyewear;

(4)-(6) (No change.)

(7) reimbursement for replacement prosthetic eyewear is contingent upon the original eyewear being lost or damaged beyond repair or upon the recipient's visual acuity having changed significantly as defined in §29.101(2)(B)(ii) of this title (relating to Benefits and Limitations). The recipient must sign the claim form if the original eyewear has been lost or damaged beyond repair. Reimbursement for replacement non-prosthetic eyewear is contingent upon the recipient's visual acuity having undergone a significant change as defined in §29.101(2)(C) of this title (relating to Benefits and Limitations).

(8) (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 April 6, 1987

TRD-8703009 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

May 11, 1987

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

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Subchapter R. Birthing Center

★ 40 TAC §§29.1701-29.1703

The Texas Department of Human Services proposes new Subchapter R, concerning birthing center services, in its Purchased Health Services chapter. Subchapter R, which consists of new §§29.1701-29.1703, adds birthing center services as a covered service of the Texas Medical Assistance Program. The new sections also describe reimbursement policies and conditions

for participation

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed sections are in effect, there will be fiscal implications as a result of enforcing or administering the new sections. The effect on state government for the first five-year period the sections will be in effect is an estimated reduction in cost of \$119,078 in fiscal year 1987; \$707,900 in fiscal year 1988; \$748,909 in fiscal year 1989; \$774,042 in fiscal year 1990; and \$791,558 in fiscal year 1991. There are no fiscal implications for local government or small businesses as a result of enforcing or administering the sections.

Mr. Packard also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that women will have the choice of delivering in a hospital or birthing center. Also, because it is less expensive to deliver in a birthing center, the state will save money. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-120, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The new sections are proposed under the Texas Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§29.1701. *Benefits and Limitations.*

(a) Subject to the specifications, conditions, limitations, and requirements established by the department or its designee, birthing center services are those center services determined by the attending physician (M.D. or D.O.) or certified nurse-midwife (CNM) to be reasonable and necessary for the care of the mother and live newborn child following the mother's normal, uncomplicated pregnancy. The attending physician and CNM must be licensed at the time and place the services are provided. Reimbursable services are limited to services provided by the birthing center during the labor, delivery, and postpartum periods. Unless otherwise specified by the department or its designee, covered services begin when the mother is in active labor and is admitted to the birthing center and end within 24 hours after the birth of the child.

(b) Services provided by a physician or CNM are not considered to be birthing center services.

(c) Services provided by a lay midwife or a birthing center used by a lay midwife are not covered or reimbursable by the Texas

Medical Assistance Program

§29.1702. *Conditions for Participation.* Subject to the specifications, conditions, limitations, and requirements established by the department or its designee, a birthing center must:

(1) comply with all applicable federal, state, and local laws and regulations;

(2) be licensed by the appropriate state licensing authority to provide a level of services commensurate with the professional skills of a physician (M.D. or D.O.) or certified nurse-midwife (CNM) who acts as the birth attendant (Category A birthing center);

(3) meet and continue to meet the standards for birthing centers established by the appropriate state licensing authority;

(4) be enrolled and approved for participation in the Texas Medical Assistance Program;

(5) sign a written provider agreement with the department or its designee. By signing the agreement, the birthing center agrees to comply with the terms of the agreement and all requirements of the Texas Medical Assistance Program including regulations, rules, handbooks, standards, and guidelines published by the department or its designee;

(6) submit to the department or its designee copies of all documents required for licensure by the appropriate state licensing authority;

(7) notify the department or its designee, in writing, within two weeks of any change in its licensure status or information required for licensure; and

(8) bill for services covered under the Texas Medical Assistance Program in the manner and format prescribed by the department or its designee.

§29.1703. *Reimbursement.*

(a) Subject to the specifications, conditions, limitations, and requirements established by the department or its designee, payment for covered birthing center services provided by a participating birthing center is limited to the lesser of the customary charge or the maximum allowable fee(s), rate(s), or reimbursement schedule, if any, established by the department or its designee.

(b) The birthing center actually providing covered center services must bill for the services that it provides. Unless approved by the department or its designee, the birthing center may not bill for services provided by another type of provider. All providers must be enrolled and approved for participation in the Texas Medical Assistance Program at the time the services are provided. The birthing center and the other type of provider must ensure that federal requirements related to reassignment of claims are met and that the billing does not result in duplicate or excessive charges or payments for the same services. The provider that actually performed the covered services must be identified on the claim. The basis and amount of reimbursement depend on the re-

reimbursement methodology used by the Texas Medical Assistance Program for the services and provider(s) involved and cannot exceed the amount that would have been paid to the provider that actually performed or provided the service(s). If the birthing center bills a single or itemized combined rate, charge, or amount for covered services for two or more providers, payment is the lesser of the single or itemized combined charge or the amount that would have been paid had each performing provider billed separately.

(c) To be reimbursable by the Texas Medical Assistance Program, birth attendant services must be provided by a physician (M.D. or D.O.) or certified nurse-midwife (CNM) who is also enrolled and participating in the Texas Medical Assistance Program. If the birthing center uses or refers the mother or child to a physician, CNM, and/or hospital that does not participate in the Texas Medical Assistance Program or that has not agreed to bill the program for services provided, the birthing center must inform the recipient in advance of the recipient's potential financial responsibility according to the requirements of the Texas Medical Assistance Program.

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 April 6, 1987

TRD-8703011 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption
May 11, 1987

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

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Chapter 33. Early and Periodic Screening, Diagnosis, and Treatment Subchapter T. EPSDT Eyeglass Program

★ 40 TAC §33.402, §33.405

The amendments are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§33.402. Benefits and Limitations. The benefits and limitations applicable to optometric services available through the Medicaid EPSDT Program are as follows.

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

(3) Reimbursable services.

(A) (No change.)

(B) Eyewear. Eyewear that is medically necessary to correct vision defects may be provided to an eligible recipient. Eyewear includes eyeglasses (lenses and

frames), contact lenses, and post cataract surgery prosthetic lenses.

(i) (No change.)

(ii) Prosthetic eyewear is provided to an eligible recipient if prescribed for post cataract surgery, congenital absence of the eye lens, or loss of an eye lens because of trauma.

(I) (No change.)

(II) Only one pair of permanent prosthetic eyewear [lenses] may be dispensed except to replace lost or destroyed prosthetic eyewear or if required because of a change in visual acuity of .5 diopters or more.

(C) (No change.)

(D) Replacement of lost or destroyed eyewear. Replacement of eyewear is reimbursable. The date nonprosthetic eyewear is replaced begins a new 24-month ineligibility period for new eyewear unless the conditions in paragraph (3)(B)(i) of this section apply.

(E) (No change.)

§33.405. Claims Information Requirements. Providers must meet the criteria established in this subchapter for optometric services and the provisions for participation in the Medicaid Program established under Chapter 29, Subchapter A of this title (relating to Medicaid Procedures for Providers) and Subchapter L of this title (relating to General Administration). Besides the claims information requirements established in §29.1 of this title (relating to Claim Information Requirements), the following information is required for claims for optometric services:

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

(7) if the claim is for replacement of prosthetic eyewear or of nonprosthetic eyewear when the records of the department or its designee show that less than 24 months have elapsed since the date of the original nonprosthetic eyewear service, then:

(A) submission of a statement justifying the need for the replacement eyewear (**Reimbursement is made only if the eyewear was lost or damaged beyond repair or if the recipient's visual acuity has changed significantly, as specified in §33.402(3)(B)(i) or (ii)(II) of this title (relating to Benefits and Limitations);** and

(B) **claim form signed by the recipient if the original eyewear was lost or damaged beyond repair.** [reimbursement, made only if the eyewear was lost or damaged beyond repair, or the recipient's visual acuity has changed significantly, as specified in §33.402(3)(B)(i) of this title (relating to Benefits and Limitations).]

(8) (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 April 6, 1987

TRD 8703010

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption
May 11, 1987

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

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Part II. Texas Rehabilitation Commission

Chapter 103. Vocational Rehabilitation Services Program

Subchapter A. Provision of Vocational Rehabilitation Services

★ 40 TAC §§103.8, 103.9, 103.14

The Texas Rehabilitation Commission proposes amendments to §§103.8, 103.9, and 103.14, concerning vocational and other training services, maintenance, and occupational licenses, tools, equipment, and training supplies. The purpose of the amendments is to adopt language that more closely conforms to the commission's Enabling Act.

Charles Harrison, controller, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

John Fenoglio, deputy commissioner for programs, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to inform the public that training may include both vocational and other training, that clients must apply for all reasonably available forms of financial assistance towards training; that clients may be assisted in securing licenses and permits, and that clients may be issued tools, equipment, initial stocks, goods, and supplies. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Charles Schiesser, Assistant Commissioner, Texas Rehabilitation Commission, 118 East Riverside Drive, Austin, Texas 78704.

The amendments are proposed under the Texas Human Resources Code, Title 7, Texas Civil Statutes, which provide the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications,

employment, investigation, and determination of rehabilitation and other services, procedures for hearings, and other regulations necessary, to carry out the purposes of this chapter.

§103.8 Vocational and Other Training Services

(a) The commission provides vocational and other training services to those clients who require additional knowledge or skills to enter employment consistent with their aptitudes, an inability, and compatible with their physical or mental impairments.

(b) The commission provides vocational and other training through an appropriate facility. These facilities [various training facilities to] include accredited colleges and universities, certified public or private businesses, technical and vocational schools, on-the-job training; correspondence course training; tutorial training; and rehabilitation facility training.

(c) The commission requires that each client who is provided with vocational or other training services by the commission apply for financial assistance where reasonably available. [Basic Education Opportunity Grant (BEOG) eligible client entering training in an institution of higher education to apply for a BEOG.] This assistance can include federal, state, or local grants-in-aid, and private scholarships where applicable. If the client has not done so prior to the time of application for vocational rehabilitation services, the counselor assists the client in doing so.

(d) (No change.)

(e) The commission will [does] not pay tuition and fees to a business, technical, or vocational school in excess of the published fees. Textbooks supplied to clients of the commission become the property of the client, provided the client [he] finishes the prescribed training and enters a field of employment compatible with the vocational objective. If the client drops out of training or enters employment not related to the vocational objective, the textbooks remain the property of the commission.

§103.9 Maintenance.

(a) (No change.)

(b) The client, or, as appropriate, the parent, guardian, or other representative, must sign a prescribed agreement form prior to, or simultaneous with, the completion of the maintenance requisition.

§103.14 Occupational Licenses, Tools, Equipment, and Training Supplies.

(a) The commission may engage in or contract for activities to provide clients with occupational licenses, including any license, permit, or other written authority required by a state, city, or other governmental unit to be obtained in order to enter an occupation or self-employment [tools, equipment, and training supplies as necessary rehabilitation services to increase the individual's prospects for successful employment].

(b) The commission may provide

clients with tools, equipment, initial stocks, goods, and supplies necessary to enter an occupation or self-employment.

(c)[b] Clients shall safeguard and maintain in a serviceable condition tools and equipment and will not wrongfully dispose of them.

(d)[c] Clients shall sign a prescribed agreement form at the time they receive tools and equipment.

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 April 2, 1987

TRD-8702996 Charles Schiesser
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption

May 11, 1987

For further information, please call
(512) 445-8124

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★ 40 TAC §103.19

(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 Rehabilitation Commission, 118 East Riverside Drive, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Rehabilitation Commission proposes the repeal of §103.19, concerning consultation with recipients and providers of vocational rehabilitation services. The purpose of the repeal is to delete language that is obsolete.

Charles Harrison, controller, has determined that for the first five-year period the proposed repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeal.

John Fenoglio, deputy commissioner for programs, has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be more consistency with the commission's Enabling Act, specifically Human Resources Code, §111.016, which provides for a consumer advisory committee. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to Charles Schiesser, Assistant Commissioner, Texas Rehabilitation Commission, 118 East Riverside Drive, Austin, Texas 78704.

The repeal is proposed under the Texas Human Resources Code, Title 7, Texas

Civil Statutes, which provide the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services, procedures for hearings, and other regulations necessary to carry out the purposes of this chapter.

§103.19 Consultation with Recipients and Providers of Vocational Rehabilitation Services.

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 April 2, 1987

TRD-8702997 Charles Schiesser
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption

May 11, 1987

For further information, please call
(512) 445-8124

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The Texas Rehabilitation Commission proposes new §103.19, concerning consultation with recipients and providers of vocational rehabilitation services. The purpose of the new section is to adopt language that more closely conforms to the commission's Enabling Act.

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

John Fenoglio, deputy commissioner for programs, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to inform the public of the Texas Rehabilitation Commission Consumer Advisory Committee. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Charles Schiesser, Assistant Commissioner, Texas Rehabilitation Commission, 118 East Riverside Drive, Austin, Texas 78704.

The new section is proposed under the Texas Human Resources Code, Title 7, Texas Civil Statutes, which provide the Texas Rehabilitation Commission with the authority to make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, investigation, and determination for rehabilitation and other services,

procedures for hearings, and other regulations necessary to carry out the purposes of this chapter

§103.19. Consultation with Recipients and Providers of Vocational Rehabilitation Services.

(a) A consumer advisory committee will be appointed to make recommendations for consideration by the commission concerning any matter the committee believes to be pertinent to the interest of persons with disabilities.

(b) The commission shall adopt rules providing for the appointment of the Consumer Advisory Committee and establishing for the committee the number of members, geographical representation, duties, powers, procedures, and times and manner of making recommendations to the board. The rules shall provide for an equitable representation of the major disability groups served by the commission.

(c) The Consumer Advisory Committee shall meet as provided by the rules of the commission and on call of the commissioner.

(d) The members of the Consumer Advisory Committee are entitled to compensatory per diem authorized by the General Appropriations Act for each day engaged in the performance of their duties as directed by the commission and to reimbursement for actual and necessary expenses incurred in attending the official meetings of the Consumer Advisory Committee.

(e) A member of the Consumer Advisory Committee who is disabled and who, because of the disability, requires special aids or travel attendants is entitled to reimbursement for the cost of the special aids or travel attendants.

(f) To be eligible for appointment to the Consumer Advisory Committee a person must have demonstrated an active and constructive interest in the rehabilitation of handicapped people.

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 April 2, 1987

TRD-8702998 Charles Schiesser Assistant Commissioner Texas Rehabilitation Commission

Earliest possible date of adoption. May 11, 1987

For further information, please call (512) 445-8124

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TITLE 43. TRANSPORTATION Part I. State Department of Highways and Public Transportation

Chapter 25. Maintenance Division Installation, Operation, and Maintenance of Traffic Signals

§ 43 TAC §25.5

The State Department of Highways and Public Transportation proposes an amendment to §25.5 concerning installation, operation, and maintenance of traffic signals. The amendment increases the size of cities in which the department will fund traffic signals, thereby relieving some local governments of certain fiscal responsibility.

William C. Garbade, chief engineer of safety and maintenance operations, has determined that there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be in effect will be an estimated additional cost of \$4.2 million each year in 1988-1992. The effect on local government for the first five-year period the section will be in effect will be an estimated reduction in cost of \$4.2 million each year in 1988-1992. There will be no effect for small businesses.

Mr. Garbade also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the increased state assistance in traffic signal work will provide a corresponding reduction in city responsibilities which will allow increased level of traffic signal maintenance by the city on non-highway routes. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to William C. Garbade, Chief Engineer of Safety and Maintenance Operations Division, 11th and Brazos Streets, Austin, Texas 78701-2483.

The amendment is proposed under Texas Civil Statutes, Article 6666 and Article 6701d, which provide the State Highway and Public Transportation Commission with the authority to establish rules and regulations for the conduct of the work of the State Department of Highways and Public Transportation, and to provide for placing and maintaining traffic control devices on state highways.

§25.5. Installation, Operation, and Maintenance of Traffic Signals.

(a) The department may install, maintain, and operate traffic signals on the state highway system in unincorporated areas when requested by anyone and provided that the location or locations meets one or more of the warrants for highway traffic signals contained in the current Texas Manual on Uniform Traffic Control Devices for Streets and Highways.

(b) The department may install, main-

tain, and operate traffic signals on the state highway system in incorporated cities of less than 50,000 [15,000] population (latest federal census) when requested by the city council, mayor, or city manager and on frontage roads and at interchanges of freeways [and expressways] of the state highway system within incorporated cities [of 15,000 or more population (latest federal census) when requested by the city council, mayor, or city manager] and provided that the location or locations meets one or more of the warrants for highway traffic signals contained in the current Texas Manual on Uniform Traffic Control Devices for Streets and Highways and that the city agrees to enter into an agreement setting forth the responsibilities of each party.

(c) The department is responsible for authorizing traffic signals to be installed at locations on the state highway system other than freeways [and expressways] in incorporated cities of 50,000 [15,000] or more population (latest federal census) provided that the locations meet one or more of the warrants for highway traffic signals contained in the current Texas Manual on Uniform Traffic Control Devices for Streets and Highways. The cost of installation, operation, and maintenance of these signals is the responsibility of the city, except that the department may provide for the installation of traffic signals when the installation is financed in part with federal-aid funds and the city agrees to enter into an agreement setting forth the responsibilities of each party.

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 April 1, 1987

TRD-8702910 Drane L. Northam Administrative Technician State Department of Highways and Public Transportation

Earliest possible date of adoption May 11, 1987

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

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Withdrawn

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

TITLE 1
ADMINISTRATION
Part IV, Office of the
Secretary of State
Chapter 81, Elections
Miscellaneous

★ 1 FAC §81.71

The Office of the Secretary of State has withdrawn from consideration for permanent adoption a proposed new section, concerning ballot instructions. The text of the proposed new section appeared in the April 3, 1987, issue of the *Texas Register* (12 TexReg 1079). The effective date of this withdrawal is April 2, 1987.

Issued in Austin, Texas, on April 2, 1987

TRD-8702926 Randall H. Erben
Assistant Secretary of
State

Filed April 2, 1987
For further information, please call
(512) 463-5701

The Office of the Secretary of State has withdrawn from consideration the emergency effectiveness of new §81.71, concerning ballot instructions. The text of the emergency new section appeared in the April 3, 1987, issue of the *Texas Register* (12 TexReg 1076).

Issued in Austin, Texas, on April 2, 1987.

TRD-8702925 Randall H. Erben
Assistant Secretary of
State

Filed April 2, 1987
For further information, please call
(512) 463-5701



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Adopted

Rules

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

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

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Labor and Standards Chapter 70. Industrialized Housing and Building Standards

★ 16 TAC §70.21

The Texas Department of Labor and Standards adopts an amendment to §70.21, without changes to the proposed text published in the February 27, 1987, issue of the *Texas Register* (12 TexReg 631).

The department is charged with the power to assure safety in the construction of industrialized housing and buildings. The change in the subsection will specifically reference the accepted publication.

The amendment will assure that the construction of industrialized housing and buildings is in accordance with the latest standards for safe construction.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 5221f-1, which provide the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations and promulgate administrative orders as necessary to assure compliance with the intent and purpose of this Act and to provide for uniform enforcement.

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

Issued in Austin, Texas, on March 30, 1987.

TRD-8702825 Larry Kosta
Assistant Commissioner
Texas Department of
Labor and Standards

Effective date: April 22, 1987
Proposal publication date: February 27, 1987
For further information, please call
(512) 463-3127.

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 9. Title Insurance Subchapter A. Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas

★ 28 TAC §9.1

The State Board of Insurance adopts an amendment to §9.1, without changes to the proposed text published in the February 24, 1987, issue of the *Texas Register* (12 TexReg 590). The amendment includes an adoption by reference of amendments to the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* (the manual). The proposals for amendments to the manual for adoption by reference were not published but are on file with the secretary of state's office, Texas Register Section. Adoption of §9.1 does include a change in the text proposed for adoption by reference for one amendment to the manual.

The amendment to the section itself is necessary to reflect amendment to the manual, which the section adopts by reference. The amendment to the manual are necessary to facilitate the accomplishment of the purpose of statutory prohibition against rebates and discounts by title insurance companies. Response to a comment has resulted in a change to an amendment to the manual for adoption by reference of a new procedural Rule P-22. This change more accurately describes attorneys who, if they comply with the procedural requirements of Rule P-22, may not be subject to prohibitions against payment of fees for examinations of title or for closing transactions. The board has filed a copy of the change in the secretary of state's office. Copies of the amendments to the manual as adopted by reference are available for inspection in the office of the chief clerk in Room 406 of the State Insurance Building at 1110 San Jacinto Boulevard in Austin.

The amendment to §9.1 incorporates by reference amendments to the manual which were originally submitted as individual agenda items at the annual hearing of the State Board of Insurance on rates and

rules concerning title insurance. The board held the annual hearing on December 17 and 18, 1986, and on January 12 and 13, 1987. The amendments to the manual modify a currently existing promulgated rate rule and add or expand rules and forms for monitoring payments made for examination of title and/or for closing transactions. Agenda Item 86-31 from the annual hearing is an amendment to the manual which establishes a new procedural Rule P-22, which provides guidelines for the payment by title companies of fees for the examination of title and/or for closing transactions. Agenda Item 86-32 is an amendment to the manual which amends promulgated rate Rule R-1 to prohibit the payment of any fee for the examination of title or for closing a transaction unless there has been timely compliance with procedural Rule P-22. Agenda Item 86-33 is an amendment to the manual which amends procedural Rule P-1 by defining the term "verifying the services rendered" to include a requirement for the completion of a promulgated Form T-00. Agenda Item 86-34 is an amendment to the manual which promulgates a new form numbered T-00 which requires detailed information concerning payments made for examination of title and/or for closing transactions together with the signature of the duly authorized representative of the title company.

Commenting against this amendment, John F. Rothermel, III, vice president and general counsel of Title Resources Corporation, objected to the adoption by reference of new procedural Rule P-22 as an amendment to the manual. Mr. Rothermel commented that, in Texas, attorneys are licensed by the Supreme Court of Texas, while the proposed Rule P-22 referred to an attorney at law duly licensed to practice law in the State of Texas by the State Bar of Texas. In response to Mr. Rothermel's comment, the board has changed the language to read "an attorney at law duly licensed by the Supreme Court of Texas to practice law in the state of Texas".

The amendment is adopted under the Insurance Code, Articles 1.04, 9.07, and 9.21, and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 1.04, authorizes the State Board of Insurance to determine policy and rules.

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The Insurance Code, Article 9.07, authorizes and requires the board to fix and promulgate the premium rates to be charged by title insurance companies and title insurance agents, to promulgate or approve forms for policies of title insurance, and to require title insurance companies and agents to submit information material for the board's consideration. The Insurance Code, Article 9.21, authorizes the board to promulgate and enforce rules and regulations prescribing underwriting standards and practices, and to promulgate and enforce all other rules and regulations necessary to accomplish the purposes of the Insurance Code, Chapter 9, concerning regulation of title insurance. Texas Civil Statutes, Article 6252-13a, §4, authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures, and §5 prescribes the procedure for adoption of rules by any state administrative agency.

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

Issued in Austin, Texas, on April 2, 1987.

TRD-8702889 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: May 1, 1987
Proposal publication date: February 24, 1987
For further information, please call
(512) 463-6327.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 47. Primary Home Care

Support Documents

★ 40 TAC §47.5901

The Texas Department of Human Services (TDHS) adopts new §47.5901, concerning reimbursement methodology for primary home care, in its primary home care chapter, with changes to the proposed text published in the December 19, 1986, issue of the *Texas Register* (11 TexReg 5053).

The new section is justified to eliminate confusion associated with reimbursement methodology and to reduce the number of erroneous cost reports submitted by providers.

The new section will function by defining the department's methodology for setting a reimbursement rate, specifying unallow-

able costs, and outlining cost report requirements.

The department received comments from the Texas Association of Home Health Agencies. A summary of those comments and the department's response to each comment follows.

Concerning §47.5901(a)(8), the commenter stated that this item should be modified to state that the department may request reasonable additional information which is specifically pertinent to the provider's cost report. The department disagrees with this comment. The department will require only information pertinent to the cost report. No change is made to the text based on this comment.

Concerning §47.5901(b)(11), the commenter recommended that the text allowing the department access to records related to other business activities engaged in by the provider agency be omitted entirely. The department disagrees with this comment and has made no changes to the text. The new section states that the department may require access to "any and all records necessary to verify information submitted to TDHS on cost reports." The department will require only information pertinent to the cost report.

Concerning §47.5901(b)(1)-(5), the commenter objected to the application of the 60th percentile as proposed and to the use of the lower of either the sum of the component costs or aggregated cost. The commenter recommended that implementation of this method be delayed 60 days, and that during this 60-day period, appropriate representatives from both the department and TAHA meet and review the effects of the actual application of this method. TDHS disagrees with this comment and does not see a need to delay implementation or to amend the methodology for cost analysis. The department has used this method to determine projected costs in prior analysis for three years. Although the department had met several times with the commenter to discuss the projected costs and the method used to calculate the costs, TDHS met with the commenter again.

Concerning §47.5901(b)(7), the commenter recommended that the timeframe the provider is allowed to request reconsideration of a disallowance be changed from 30 days to 60 days. TDHS does not agree with this comment and has made no changes to the text. TDHS believes that the 30-day period is sufficient and that allowing more time would cause delays in closing out the data base.

Concerning §47.5901(e)(1), the commenter stated that the restriction on yellow page advertising is too severe because the clients, families, and physicians would have difficulty finding a small ad. The department does not agree with this comment. The department refers primary

home care clients to the agencies and provides clients with a list of all provider agencies. TDHS has not changed the text to allow for larger ads.

Concerning §47.5901(e)(5), the commenter recommended that the reference to level be omitted because the term is vague. The commenter stated that the assumption that corporate headquarters expenses become unallowable because of their level is inappropriate. The commenter also stated that corporate headquarters expenses should be assessed like all other expenses according to the definition of allowable or unallowable cost. TDHS agrees with the commenter and has amended the text to read "corporate headquarters expenses that are not directly involved in providing services."

Concerning §47.5901(e)(8), the commenter stated that the definition of the types of dues and membership fees which are allowable is too narrow. The commenter stated that as worded this item could be interpreted to exclude dues to appropriate nursing organizations which create an educational forum for health care providers and administration. The commenter recommended a change to specifically allow a provider's reasonable cost to participate in appropriate trade associations, professional organizations, and the chamber of commerce. The department disagrees with this comment. Organization and membership fees are allowable if they are related to client care. A chamber of commerce is not related to the provision of client care. No change is made to the text.

Concerning §47.5902(e)(14), the commenter recommended that filing fees and travel expenses incurred by the board of directors to attend board meetings or reasonable education seminars be considered an allowable cost. The commenter stated that certain corporate filing fees and the maintenance of a board are absolute requirements and essential elements of conducting any business, including the business of providing primary home care. The department disagrees with this comment and has made no changes to the text. TDHS views the board of directors as involved more in the overall management and decision-making of a corporation rather than in the direct delivery of client care. These rules also are consistent with other published rate setting rules that deal with Medicaid programs.

Concerning §47.5901(e)(18), the commenter objected to the text that deems as unallowable the expense of life insurance premiums if the beneficiary is the provider organization. The commenter stated that lending institutions frequently require key man life insurance as a prerequisite to making a loan to a provider organization. The department agrees with this comment and has amended the text accordingly.

The new section is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§47.5901. Reimbursement Methodology for Primary Home Care Services.

(a) Cost reporting. Provider agencies must submit financial and statistical information at least annually on cost report forms provided by TDHS or on facsimiles which are formatted according to TDHS specifications and are preapproved by TDHS staff.

(1) Cost report due date. Provider agencies must submit cost reports to TDHS no later than 90 days following receipt of the cost report forms.

(2) Extension of due date. TDHS may grant extensions of due dates for good cause. A good cause is defined as one that the provider agency could not reasonably be expected to control. Provider agencies must submit requests for extensions in writing to TDHS before the cost report due date. Economic Analysis Division staff respond to requests within 10 workdays of receipt.

(3) Reporting period. The provider agency must prepare the cost report to reflect the activities of the provider agency during its previous fiscal year. Cost reports may be required for other periods at the discretion of the department.

(4) Failure to file an acceptable cost report. If a provider agency fails to file a cost report according to all applicable rules and instructions, the department may withhold all provider payments until the provider agency submits an acceptable cost report.

(5) Accounting requirements. The provider agency must ensure that financial and statistical information submitted in cost reports is based upon the accrual method of accounting, except for governmental institutions operated on the cash method of accounting. The provider agency's treatment of any financial or statistical item must reflect the application of the generally accepted accounting principles (GAAP) approved by the American Institute of Certified Public Accountants.

(6) Allocation methods. If allocation of cost is necessary, provider agencies must use reasonable methods of allocation. TDHS adjusts allocated costs if the department considers the allocation method to be unreasonable. The provider agency must retain workpapers supporting allocations.

(7) Cost report certification. Provider agencies must certify the accuracy of cost reports submitted to TDHS in the format specified by TDHS. Provider agencies may be liable for civil and/or criminal penalties in the case of misrepresented or falsified information.

(8) Cost report supplements. The department may at times require additional financial and statistical information other than the information contained in the cost report.

(9) Review of cost reports. TDHS

staff review each cost report to ensure that all financial and statistical information submitted conforms to all applicable rules and instructions. The review of the cost report includes a desk audit. If a provider agency fails to complete cost reports according to instructions or rules, the department returns the cost reports to the provider agency for proper completion. The department may require information other than that contained in the cost report to substantiate reported information.

(10) On-site audits. The department may perform on-site audits on all provider agencies that participate in the program. TDHS determines the frequency and nature of audits, but ensures that they are not less than that required by federal regulations relating to the administration of the program.

(11) Access to records. Each provider agency or its designated agent(s) must allow access to any and all records necessary to verify information submitted to TDHS on cost reports. This requirement includes records pertaining to related-party transactions and other business activities engaged in by the provider agency. If a provider agency does not allow inspection of pertinent records within 30 days following written notice from TDHS, a hold is placed on vendor payments until access to the records is allowed. If the provider agency continues to deny access to records, the department may cancel the provider agency's contract.

(12) Recordkeeping requirements. Provider agencies must maintain records according to the requirements stated in §51.50 of this title (relating to Record Retention Requirements). Provider agencies must ensure that records are accurate and sufficiently detailed to support the financial and statistical information contained in cost reports.

(13) Failure to maintain adequate records. If a provider agency fails to maintain adequate records to support the financial and statistical information reported in cost reports, the department allows 90 days for the provider agency to bring recordkeeping into compliance. If a provider agency fails to correct deficiencies within 90 days from the date of notification of the deficiency, the department may cancel the provider agency's contract for services.

(b) Reimbursement rate determination. The department determines rate reimbursement in the following manner.

(1) Cost determination by cost area. TDHS combines reported costs into four cost areas.

(A) Field supervisors cost area. This includes field supervisors' salaries, wages, training, and travel expenses.

(B) Primary home care attendants cost area. This includes primary home care attendants' salaries and wages, and travel expenses.

(C) Administration cost area. This includes administrative salaries and

wages, and other administrative expenses.

(D) Facility cost area. This includes building and equipment expenses, and operation and maintenance expenses.

(2) Exclusion of certain reported expenses. Provider agencies must ensure that all unallowable costs are eliminated from the cost report. The department excludes any unallowable costs that are included in the cost report.

(3) Projected costs. The department projects allowable expenses per hour of service from each provider agency's reporting period to the next ensuing rate period. The department determines reasonable and appropriate economic adjusters to calculate the projected expenses.

(4) Projected cost arrays. To calculate the rate, the department ranks orders from low to high all provider agencies' projected costs per hour of service in each cost area and all provider agencies' projected total costs.

(5) Rate setting methodology. The department determines the recommended reimbursement rate by taking the lesser of the following two computations.

(A) The hours of service for each provider agency that correspond with each projected cost array are summed until the 60th percentile hour of service is reached. The corresponding projected expense is the rate component. The sum of the components for each cost area is the recommended reimbursement rate.

(B) The hours of service for each provider agency that correspond with the projected total cost array are summed until the 60th percentile hour of service is reached. The corresponding projected expense is the recommended reimbursement rate.

(6) Rate setting authority. The Texas Board of Human Services establishes the reimbursement rate, which may differ from the rate that is recommended by department staff.

(7) Reviews of cost report disallowances. A provider agency may request reconsideration of a disallowance of a reported cost from the cost report as a result of a desk or on-site audit by writing to the Economic Analysis Division within 30 days of notification of the disallowance.

(c) Factors affecting allowable costs. To be allowable under this program, costs must be:

(1) necessary and reasonable for the proper and efficient administration of the program to deliver services for which the department has contracted;

(2) authorized or not prohibited under state or local laws or regulations;

(3) consistent with any limitations or exclusions described in this section, federal or state laws, or other governing limitations as to types or amounts of cost items;

(4) consistent with policies, regulations, and procedures that apply uniformly

to both the Primary Home Care Program and other activities of the organization of which the provider agency is a part;

(5) treated consistently using generally accepted accounting principles appropriate to the circumstances;

(6) not allocable to or included as a cost of any other program in either the current or a prior period; and

(7) the net of all applicable credits.

(d) Definition of reasonableness. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by an ordinarily prudent person in the conduct of competitive business. In determining the reasonableness of a given cost, the department considers the following:

(1) whether the cost is of a type generally recognized as ordinary and necessary for the operation of the business or the performance under the contract;

(2) the restraints or requirements imposed by generally accepted sound business practices, arm's length bargaining, federal and state laws and regulations, and contract terms and specifications; and

(3) the action that a prudent person would take in the circumstances, considering his responsibilities to the public, the government, his employees, clients, shareholders, or members, and the fulfillment of the purpose for which the business was organized.

(e) Unallowable costs. Unallowable costs are expenses incurred by a provider agency which are not directly or indirectly related to the provision of contracted services according to applicable laws, rules, and standards. A provider agency may expend funds on unallowable cost items, but those costs must not be included in the cost report and are not used in calculating a rate recommendation. The following list is a general guide to the various unallowable costs frequently encountered in cost reports submitted by provider agencies and is not intended to be inclusive of all possible unallowable costs:

(1) advertising expenses other than those for employee recruitment, yellow page listings no larger than one column width and one inch length, and advertising to meet statutory or regulatory requirements;

(2) allowances for bad debts or other similar accounts;

(3) business expenses not related to the provision of services for which the department has contracted;

(4) contributions to political activities or contributions to charity;

(5) corporate headquarters expenses that are not directly involved in providing services or supplies used by the home health agency staff in normal operations relating to primary home care;

(6) depreciation expenses other than those based on straight-line depreciation;

(7) discounts for administrative reasons; courtesy, cash, trade, and quantity discounts; rebates; or other discounts

granted;

(8) dues and membership fees to organizations whose primary emphasis is not related to the services for which the department has contracted;

(9) entertainment expenses, except for entertainment which is reported as an employee benefit;

(10) expenses incurred for services not related to the provision of services for which the department has contracted;

(11) expenses for purchases of goods and services from revenues received from restricted or unrestricted gifts, donations, endowments, and trusts;

(12) expenses which are not the legal obligation of the provider agency;

(13) expenses of donated items, including depreciation and amortization of the value of the donations;

(14) fees and travel expenses for corporation or association board of directors; partnership or corporation filing fees;

(15) fines and other penalties for violation of statutes or ordinances; penalties for late payment of taxes, utilities, mortgages, loans, and other similar penalties;

(16) franchise fees;

(17) fund-raising and promotion expenses; public relations expenses;

(18) expenses for life insurance premiums where the beneficiary is the provider organization unless life insurance is a requirement of a loan agreement and the loan is related to client care;

(19) interest expense on loans for assets not related to the delivery of services for which the department has contracted; interest expenses must be reduced or offset by interest income except interest income from funded depreciation accounts or qualified pension funds;

(20) medical equipment and supplies;

(21) personal compensation not related to the delivery of services for which the department has contracted;

(22) personal expenses not related to the delivery of services for which the department has contracted;

(23) physicians' fees for completion of physician orders;

(24) expenses for the purchase of services, facilities, or supplies from related organizations or parties if the expenses exceed the lower of the cost to the related party or organization or the price of comparable services, facilities, or supplies purchased in an arm's length transaction;

(25) rental or lease expense on any item not related to the delivery of services for which the department has contracted;

(26) tax expense for federal, state, or local income tax; any tax levied on assets not related to the delivery of services for which the department has contracted; and

(27) transportation expenses for vehicles which are not generally suited to functions related to the provision of services for which the department has contracted.

Mileage expense may be included at a cost per mile not to exceed the current reimbursement rate set by the legislature for state employee travel. Mileage is allowable if there is adequate documentation of the mileage and if the expense was related to delivery of services for which the department has contracted.

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

Issued in Austin, Texas, on April 6, 1987.

TRD-8703012

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: April 27, 1987

Proposal publication date: December 19, 1986

For further information, please call

(512) 450-3766.

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Chapter 48. CCAD Support Documents

★ 40 TAC §48.9804

The Texas Department of Human Services (TDHS) adopts new §48.9804, concerning reimbursement methodology for family care, in its community care for aged and disabled chapter, with changes to the proposed text published in the February 6, 1987, issue of the *Texas Register* (12 Tex-Reg 408).

The new section is justified to eliminate confusion associated with reimbursement methodology and to reduce the number of erroneous cost reports submitted by providers.

The new section will function by defining the department's methodology for setting a reimbursement rate ceiling for family care specifying unallowable costs, and outlining cost report requirements.

No comments were received regarding adoption of the new section. The department, however, initiated two changes in the text as a result of comments received on similar rules pertaining to the Primary Home Care Program which the department is in the process of adopting. The department determined that the comments were also appropriate for family care services.

The department changed the text of subsection (e)(5) by omitting the words "at a level" to make the meaning clearer. The text now reads "corporate headquarters expenses that are not directly involved in providing services. . .".

The department changed the text of subsection (e)(18) to allow life insurance premium expenses where the beneficiary



is the provider organization if life insurance is a requirement of a loan agreement and the loan is related to client care.

The new section is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§48.9804. Reimbursement Methodology for Family Care Services.

(a) Cost reporting. Provider agencies must submit financial and statistical information at least annually on cost report forms provided by TDHS or on facsimiles which are formatted according to TDHS specifications and are preapproved by TDHS staff.

(1) Cost report due date. Provider agencies must submit cost reports to TDHS no later than 90 days following receipt of the cost report forms.

(2) Extension of due date. TDHS may grant extensions of due dates for good cause. A good cause is defined as one that the provider agency could not reasonably be expected to control. Provider agencies must submit requests for extensions in writing to TDHS before the cost report due date. Economic Analysis Division staff respond to requests within 10 workdays of receipt.

(3) Reporting period. The provider agency may choose one of the two following reporting periods for the cost report:

(A) the provider agency's fiscal year; or

(B) the contract year.

(4) Failure to file an acceptable cost report. If a provider agency fails to file a cost report according to all applicable rules and instructions, the department may withhold all vendor payments until the provider agency submits an acceptable cost report.

(5) Accounting requirements. The provider agency must ensure that financial and statistical information submitted in cost reports is based upon the accrual method of accounting, except for governmental institutions operated on the cash method of accounting. The provider agency's treatment of any financial or statistical item must reflect the application of the generally accepted accounting principles (GAAP) approved by the American Institute of Certified Public Accountants.

(6) Allocation methods. If allocation of cost is necessary, provider agencies must use reasonable methods of allocation. TDHS adjusts allocated costs if the department considers the allocation method to be unreasonable. The provider agency must retain workpapers supporting allocations.

(7) Cost report certification. Provider agencies must certify the accuracy of cost reports submitted to TDHS in the format specified by TDHS. Provider agencies may be liable for civil and/or criminal penalties in the case of misrepresented or falsified information.

(8) Cost report supplements. The department may at times require additional

financial and statistical information other than the information contained in the cost report.

(9) Review of cost reports. TDHS staff review each cost report to ensure that all financial and statistical information submitted conforms to all applicable rules and instructions. The review of the cost report includes a desk audit. If a provider agency fails to complete cost reports according to instructions or rules, the department returns the cost reports to the provider agency for proper completion. The department may require information other than that contained in the cost report to substantiate reported information.

(10) On-site audits. The department may perform on-site audits on all provider agencies that participate in the program. TDHS determines the frequency and nature of audits, but ensures that they are not less than that required by federal regulations relating to the administration of the program.

(11) Access to records. Each provider agency or its designated agent(s) must allow access to any and all records necessary to verify information submitted to TDHS on cost reports. This requirement includes records pertaining to related-party transactions and other business activities engaged in by the provider agency. If a provider agency does not allow inspection of pertinent records within 30 days following written notice from TDHS, a hold is placed on vendor payments until access to the records is allowed. If the provider agency continues to deny access to records, the department may cancel the provider agency's contract.

(12) Recordkeeping requirements. Provider agencies must maintain records according to the requirements stated in §51.50 of this title (relating to Record Retention Requirements). Provider agencies must ensure that records are accurate and sufficiently detailed to support the financial and statistical information contained in cost reports.

(13) Failure to maintain adequate records. If a provider agency fails to maintain adequate records to support the financial and statistical information reported in cost reports, the department allows 90 days for the provider agency to bring recordkeeping into compliance. If a provider agency fails to correct deficiencies within 90 days from the date of notification of the deficiency, the department may cancel the provider agency's contract for services.

(b) Reimbursement rate determination. The department determines rate reimbursement in the following manner.

(1) Cost determination by cost area. TDHS combines reported costs into four cost areas.

(A) Field supervisors cost area. This includes field supervisors' salaries, wages, training, and travel expenses.

(B) Family care attendants cost area. This includes family care attendants' salaries and wages, and travel expenses.

(C) Administration cost area. This includes administrative salaries and wages, and other administrative expenses.

(D) Facility cost area. This includes building and equipment expenses, and operation and maintenance expenses.

(2) Exclusion of certain reported expenses. Provider agencies must ensure that all unallowable costs are eliminated from the cost report. The department excludes any unallowable costs that are included in the cost report.

(3) Projected costs. The department projects allowable expenses per hour of service from each provider agency's reporting period to the next ensuing rate period. The department determines reasonable and appropriate economic adjusters to calculate the projected expenses.

(4) Projected cost arrays. To calculate the rate ceiling, the department ranks orders from low to high all provider agencies' projected costs per hour of service in each cost area and all provider agencies' projected total costs.

(5) Rate setting methodology. The department determines the recommended reimbursement rate ceiling by taking the lesser of the following two computations.

(A) The hours of service for each provider agency that correspond with each projected cost array are summed until the 80th percentile hour of service is reached. The corresponding projected expense is the rate ceiling component. The sum of the components for each cost area is the recommended reimbursement rate ceiling.

(B) The hours of service for each provider agency that correspond with the projected total cost array are summed until the 80th percentile hour of service is reached. The corresponding projected expense is the recommended reimbursement rate ceiling.

(6) Rate setting authority. The Texas Board of Human Services establishes the reimbursement rate ceiling, which may differ from the rate ceiling that is recommended by department staff.

(7) Contract-specific unit rate. The department determines the actual rate for each contract through its procurement process with the provider agency. In no instance may the actual rate exceed the rate ceiling set by the Texas Board of Human Services.

(8) Reviews of cost report disallowances. A provider agency may request reconsideration of a disallowance of a reported cost from the cost report as a result of a desk or on-site audit by writing to the Economic Analysis Division within 30 days of notification of the disallowance.

(c) Factors affecting allowable costs. To be allowable under this program, costs must be:

(1) necessary and reasonable for the proper and efficient administration of the program to deliver services for which the department has contracted;

(2) authorized or not prohibited under state or local laws or regulations;

(3) consistent with any limitations or exclusions described in this section, federal or state laws, or other governing limitations as to types or amounts of cost items;

(4) consistent with policies, regulations, and procedures that apply uniformly to both the Family Care Services Program and other activities of the organization of which the provider agency is a part;

(5) treated consistently using generally accepted accounting principles appropriate to the circumstances;

(6) not allocable to or included as a cost of any other program in either the current or a prior period; and

(7) the net of all applicable credits.

(d) Definition of reasonableness. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by an ordinarily prudent person in the conduct of competitive business. In determining the reasonableness of a given cost, the department considers the following:

(1) whether the cost is of a type generally recognized as ordinary and necessary for the operation of the business or the performance under the contract;

(2) the restraints or requirements imposed by generally accepted sound business practices, arm's length bargaining, federal and state laws and regulations, and contract terms and specifications; and

(3) the action that a prudent person would take in the circumstances, considering his responsibilities to the public, the government, his employees, clients, shareholders, or members, and the fulfillment of the purpose for which the business was organized.

(e) Unallowable costs. Unallowable costs are expenses incurred by a provider agency which are not directly or indirectly related to the provision of contracted services according to applicable laws, rules, and standards. A provider agency may expend funds on unallowable cost items, but those costs must not be included in the cost report and are not used in calculating a rate recommendation. The following list is a general guide to the various unallowable costs frequently encountered in cost reports submitted by provider agencies and is not intended to be inclusive of all possible unallowable costs:

(1) advertising expenses other than those for employee recruitment;

(2) allowances for bad debts or other similar accounts;

(3) business expenses not related to the provision of services for which the department has contracted;

(4) contributions to political activities or contributions to charity;

(5) corporate headquarters expenses that are not directly involved in providing services or supplies used by the home health agency staff in normal operations relating to family care;

(6) depreciation expenses other than those based on straight-line depreciation;

(7) discounts for administrative reasons; courtesy, cash, trade, and quantity discounts; rebates; or other discounts granted;

(8) dues and membership fees to organizations whose primary emphasis is not related to the services for which the department has contracted;

(9) entertainment expenses, except for entertainment which is reported as an employee benefit;

(10) expenses incurred for services not related to the provision of services for which the department has contracted;

(11) expenses for purchases of goods and services from revenues received from restricted or unrestricted gifts, donations, endowments, and trusts;

(12) expenses which are not the legal obligation of the provider agency;

(13) expenses of donated items, including depreciation and amortization of the value of the donations;

(14) fees and travel expenses for corporation or association board of directors; partnership or corporation filing fees;

(15) fines and other penalties for violation of statutes or ordinances; penalties for late payment of taxes, utilities, mortgages, loans, and other similar penalties;

(16) franchise fees;

(17) fund-raising and promotion expenses; public relations expenses;

(18) expenses for life insurance premiums where the beneficiary is the provider organization unless life insurance is a requirement of a loan agreement and the loan is related to client care;

(19) interest expense on loans for assets not related to the delivery of services for which the department has contracted; interest expenses must be reduced or offset by

interest income except interest income from funded depreciation accounts or qualified pension funds;

(20) medical equipment and supplies;

(21) personal compensation not related to the delivery of services for which the department has contracted;

(22) personal expenses not related to the delivery of services for which the department has contracted;

(23) expenses for the purchase of services, facilities, or supplies from related organizations or parties if the expenses exceed the lower of the cost to the related party or organization or the price of comparable services, facilities, or supplies purchased in an arm's length transaction;

(24) rental or lease expense on any item not related to the delivery of services for which the department has contracted;

(25) tax expense for federal, state, or local income tax; any tax levied on assets not related to the delivery of services for which the department has contracted; and

(26) transportation expenses for vehicles which are not generally suited to functions related to the provision of services for which the department has contracted. Mileage expense may be included at a cost per mile not to exceed the current reimbursement rate set by the legislature for state employee travel. Mileage is allowable if there is adequate documentation of the mileage and if the expense was related to delivery of services for which the department has contracted.

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

Issued in Austin, Texas, on April 2, 1987.

TRD-8702915 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: April 23, 1987
Proposal publication date: February 6, 1987
For further information, please call
(512) 450-3766.

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Open Meetings

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

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

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

Texas Department of Agriculture

Friday, May 8, 1987, 1:30 p.m. The Texas Department of Agriculture will meet on the Ninth Floor, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the department will consider alleged violation of Texas Agriculture Code, Section 103.001 by Nicky William D'Allessandro, doing business as Nicks T & C Produce, as petitioned by Weaver Produce.

Contact: Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: April 6, 1987, 1:36 p.m.
TRD-8703025

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State Bar of Texas

Friday-Saturday, April 10-11, 1987, 9 a.m. The Board of Directors of the State Bar of Texas will meet in Room 104, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda, the board will hear a report from the board chairman; consider ratifications of executive committee actions; hear reports from the president, executive director, general counsel, immediate past president, president-elect, TYLA president, a report on the Red Duke Project; consider immigration and nationality committee request, legislative update, convention update, Iolta update; consider results of the PEER committee survey, recipients of Pro Bono and Scurlock awards; M.C.L.E. update; model rules of professional conduct and reports of supreme court liaison, federal judiciary liaison, criminal appeals liaison; and hear other reports as indicated on agenda.

Contact: Paula Welch, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1451.

Filed: April 2, 1987, 10:25 a.m.
TRD-8702913

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Texas Board of Chiropractic Examiners

Friday, April 10, 1987, 1 p.m. The Texas Board of Chiropractic Examiners will meet for an agenda revision at the Hyatt Regency Hotel on the Riverwalk, 123 Lasoya, San Antonio. According to the agenda, the board will discuss and consider a rehearing in the matter of Dr. Harold W. McNeely, D.C., Dr. Homer Worrell, Jr., D.C., and Dr. Richard Bone, D.C., based on the board's order of March 17, 1987, and consider any unfinished or new business. According to the Administrative Procedure Act, the agenda is being revised as a rehearing must be made within a certain period of time.

Contact: Bobbye Ferris, 1300 East Anderson Lane, Building C, Suite 245, Austin, Texas 78752, (512) 835-2006.

Filed: April 3, 1987, 10:53 a.m.
TRD-8702956

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Coordinating Board, Texas College and University System

The Coordinating Board, Texas College and University System, will meet in the boardroom, Bevington A. Reed Building, 200 East Riverside Drive, Austin. Committees, dates, and agendas follow.

Thursday, April 23, 1987, 10:00 a.m. The Financial Planning Committee will meet to consider the ratification of investment transactions since January 23, 1987; a revised enrollment forecast model; and a report on the status of the Coordinating Board appropriations request for fiscal years 1988 and 1989.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 462-6400.

Filed: April 3, 1987, 1:56 p.m.
TRD-8702987

Thursday, April 23, 1987, 10:15 a.m. The Student Services Committee will meet to consider matters relating to student services.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 462-6400.

Filed: April 3, 1987, 1:55 p.m.
TRD-8702988

Thursday, April 23, 1987, 10:30 a.m. The Community Junior College and Technical Institutes Committee will meet to consider matters relating to community junior colleges and technical institutes.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 462-6400.

Filed: April 3, 1987, 1:55 p.m.
TRD-8702989

Thursday, April 23, 1987, 10:45 a.m. The Campus Planning Committee will meet to consider matters relating to facilities and campus planning.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 462-6400.

Filed: April 3, 1987, 1:55 p.m.
TRD-8702990

Thursday, April 23, 1987, 1:00 p.m. The Senior College and University Committee will meet to consider matters relating to senior colleges and universities.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 462-6400.

Filed: April 23, 1987, 1:00 p.m.
TRD-8702991

Thursday, April 23, 1987, 1:30 p.m. The Health Affairs Committee will meet to consider a request from the University of Houston University Park to offer a Doctor of Philosophy degree with a major in Pharmaceutics and will consider a recommendation by the Family Practice Residency Advisory Committee for a Supplemental Grant to the Texas Academy of Family Practice for start-up of a graduate placement program.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 462-6400.

Filed: April 3, 1987, 1:56 p.m.
TRD-8702992

Thursday, April 23, 1987, 2:00 p.m. The Committee of the Whole will meet to consider pending legislation.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 462-6400.

Filed: April 3, 1987, 1:56 p.m.
TRD-8702993

Friday, April 24, 1987, 9:00 a.m. The Coordinating Board Meeting will consider matters relating to the Committee on Financial Planning and Administration; the Committee on Student Services; the Committee on Community Junior Colleges and Technical Institutes; the Committee on Facilities and Campus Planning; the Committee on Senior Colleges and Universities; and the Committee on Health Affairs.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 462-6400.

Filed: April 3, 1987, 1:56 p.m.
TRD-8702994

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Texas Economic Development Commission

Monday, April 13, 1987, 10 a.m. The Board of Commissioners of the Texas Economic Development Commission will meet in the Little Colony Room, Four Seasons Hotel, 99 San Jacinto Street, Austin. According to the agenda, the board will introduce commissioners, guests, and staff; review and possibly act on legislation affecting the Texas Economic Development Commission; and overview agency operations.

Contact: Alexa Richter, 410 East Fifth Street, Austin, Texas 78701, (512) 472-5059.

Filed: April 3, 1987, 1:33 p.m.
TRD-8702985

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Texas Education Agency

Friday, April 10, 1987, 9 a.m. The Committee of the Whole, State Board of Education of the Texas Education Agency will meet in emergency agenda revision in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The committee will discuss pending litigation items in the executive session portion of the meeting in accordance with Texas Civil Statutes, Article 6252-17, §2(e), concerning *Leeper vs. Arlington Independent School District*; and *Ayotte vs. Stockdale Independent School District*. The emergency revision is necessary to ensure that the board can be informed of pending litigation in a timely fashion.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: April 6, 1987, 4:26 p.m.
TRD-8703046

The committee will discuss state fiscal crisis and its consequences for public education. The emergency revised agenda is necessary so the board can be informed of pending litigation in a timely fashion and to ensure that the board can be informed of the most recent developments in the state financial situation.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: April 6, 1987, 4:26 p.m.
TRD-8703047

The Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. Committees, dates, and agendas follow.

Friday, April 10, 1987, 10:30 a.m. The Committee for Finance and Programs for the State Board of Education of the Texas Education Agency will consider irregularities related to failure to meet the filing deadline for statement of intent to bid textbooks—Scribner's Educational Publishers.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: April 2, 1987, 3:09 p.m.
TRD-8702928

Saturday, April 11, 1987, 8:30 a.m. The State Board of Education of the Texas Education Agency will consider irregularities related to failure to meet filing deadline for statement of intent to bid textbooks—Scribner's Educational Publishers.

Contact: W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: April 2, 1987, 3:09 p.m.
TRD-8702929

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Texas Employment Commission

Monday, April 6, 1987, 8:30 a.m. The Texas Employment Commission met in emergency session in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda, the commission met to reopen the review of benefit case 86 02819 10 021087. The emergency status was necessary to prevent injustice caused by administrative delay not the fault of the parties.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: April 2, 1987, 1:24 p.m.
TRD-8702922

Commission on Fire Protection Personnel Standards and Education

Wednesday, April 15, 1987, 1:30 p.m. The Board of the Commission on Fire Protection Personnel Standards and Education will meet in the Deaf Commission Conference Room, basement level, 510 South Congress Avenue, Austin. According to the agenda, the board will receive reports for possible action from the Higher Education Committee, Fire Instructor Committee, Recruitment and Selection Committee, and Fire Suppression Committee; hear the executive director's report on legislation in the 70th Legislature; consider the budget status for 1988-1989; and general agency operations.

Contact: Ray L. Goad, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

Filed: April 3, 1987, 4:24 p.m.
TRD-8703003

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Office of the Governor

Friday, April 10, 1987, 9 a.m. The Autism Task Force of the Office of the Governor will meet at the Criss Cole Center, 4800 North Lamar Boulevard, Austin. According to the agenda, the task force will review the final form of the Interagency Council on Autism bill, and consider other business.

Contact: Nell Martin, 3724 Jefferson, #305, Austin, Texas 78731, (512) 467-0799.

Filed: April 2, 1987, 1:32 p.m.
TRD-8702927

Monday, April 13, 1987, 10 a.m. The National Research Laboratory Commission of the Office of the Governor will meet in Room 412, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the commission will hear opening remarks; approve minutes of the March 9, 1987, meeting; hear the chairman's report on Washington meetings, the executive director's report, the governor's office report, and a report on the advisory council; consider the status of regional group activities; review action items; and discuss new business.

Contact: Dr. Ed Bingler, 412 Sam Houston Building, 201 East 14th Street, Austin, Texas 78711, (512) 463-1873.

Filed: April 3, 1987, 8:39 a.m.
TRD-8702938

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Texas Historical Commission

Friday, April 3, 1987, 9:30 a.m. The State Preservation Board-Permanent Advisory Committee for the Texas Historical Commission met for an emergency revised agenda

at 1511 Colorado Street, Austin. According to the agenda, the commission discussed plaque policy and other business, and considered the staff of the State Preservation Board. The emergency status was necessary because items were added to the agenda by the State Preservation Board at the last minute.

Contact: Curtis Tunnell, 1511 Colorado Street, Austin, Texas 78701, (512) 463-6100.

Filed: April 2, 1987, 4:13 p.m.
TRD-8702935

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State Board of Insurance

Monday, April 13, 1987, 9:00 a.m. The Commissioner's Hearing Section will meet in Room 342, 1110 San Jacinto Street, Austin. The Commissioner's Hearing Section will conduct a public hearing to consider the application of Charles Lee Owen, Great West Bancshares, Inc., and Caprock Savings and Loan Association to acquire control of Title USA Insurance Corporation.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: April 3, 1987, 9:46 a.m.
TRD-8702953

The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Dates, times, and agendas follow.

Tuesday, April 14, 1987, 9 a.m. In Room 353, the section will conduct a public hearing to consider Docket 9543—Application of Optimum Group Inc., through its subsidiaries, Quefran Inc., and Optimum Re Corporation to acquire control of Scor Re Life Insurance Company.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: April 6, 1987, 3:29 p.m.
TRD-8703033

Tuesday, April 14, 1987, 9 a.m. In Room 342, the section will consider Docket 9482—Whether disciplinary action should be taken against Margaret H. Widger, Plainview, who holds a Group I legal reserve life insurance agent's license and a Group II health and accident insurance agent's license issued by the State Board of Insurance.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: April 6, 1987, 3:29 p.m.
TRD-8703034

Tuesday, April 14, 1987, 1:30 p.m. In Room 342, the section will consider Docket 9483—Whether disciplinary action should be taken against David F. Widger, Plainview, who

holds a Group I legal reserve life insurance agent's license and Group II health and accident insurance agent's license issued by the State Board of Insurance.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: April 6, 1987, 3:30 p.m.
TRD-8703035

Wednesday, April 15, 1987, 9 a.m. In Room 342, the section will consider Docket 9507—Whether disciplinary action should be taken against Milton Godwin, Deer Park, who holds a Group I legal reserve life insurance agent's license issued by the State Board of Insurance.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: April 6, 1987, 3:30 p.m.
TRD-8703036

Wednesday, April 15, 1987, 1:30 p.m. In Room 342, the section will consider Docket 9509—Application for amendment to the Articles of Incorporation of Life of America Insurance Company, Houston, increasing the authorized capital.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: April 6, 1987, 3:30 p.m.
TRD-8703037

Thursday, April 16, 1987, 9 a.m. In Room 353, the section will consider Docket 9523—Whether disciplinary action should be taken against Chukwuemeka Albert Iwuagwu, Houston, who holds a Group I legal reserve life insurance agent's license issued by the State Board of Insurance.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: April 6, 1987, 3:30 p.m.
TRD-8703038

Thursday, April 16, 1987, 9 a.m. In Room 342, the section will consider Docket 9536—Application of Industrial Lloyds of Texas, Inc., to acquire control of Southeast Indemnity Insurance Company.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: April 6, 1987, 3:30 p.m.
TRD-8703039

Thursday, April 16, 1987, 1:30 p.m. In Room 342, the section will consider Docket 9545—Reinsurance agreement between Sterling Life Insurance Company, Phoenix, Arizona, and The Credit Life Insurance Company of Texas, Springfield, Ohio; in addition, the hearing will consider the application of George M. Kelvin to acquire control of The Credit Life Insurance Company of Texas.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: April 6, 1987, 3:30 p.m.
TRD-8703040

Friday, April 17, 1987, 9 a.m. In Room 342, the section will consider Docket 9530—Application for amendments to the Articles of Incorporation of Pikeman's Protective Life Insurance, Laporte, changing the name, changing the location of the home office, and increasing the authorized capital.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: April 6, 1987, 3:31 p.m.
TRD-8703041

Friday, April 17, 1987, 1:30 p.m. In Room 342, the section will consider Docket 9539—Application for amendment to the Articles of Incorporation of Statesman National Life Insurance Company, Houston, changing the par value of the capital stock.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: April 6, 1987, 3:31 p.m.
TRD-8703042

Monday, April 20, 1987, 9 a.m. In Room 342, the section will consider Docket 9534—Whether disciplinary action should be taken against Arthur Edmund Uresti, The Woodlands, who holds a Group I legal reserve life insurance agent's license issued by the State Board of Insurance.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: April 6, 1987, 3:31 p.m.
TRD-8703043

Monday, April 20, 1987, 9 a.m. In Room 342, the section will consider Docket 9484—Whether disciplinary action should be taken against James Gary Whyburn, Plano, and Dallas, who holds a Group I legal reserve life insurance agent's license issued by the State Board of Insurance.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: April 6, 1987, 3:31 p.m.
TRD-8703044

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Texas Department of Labor and Standards

Thursday, May 7, 1987, 9 a.m. The Labor, Licensing, and Enforcement Division of the Texas Department of Labor and Standards will meet in Room 105, E.O. Thompson Building, 920 Colorado Street, Austin. Ac-

According to the agenda, the division will discuss proceedings on the boxing contract dispute between Johnny C. Johnson, Doug Lord, and Curtis Cokes, for violations of the department's rules and regulations.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3129.

Filed: April 3, 1987, 2:14 p.m.
TRD-8702999

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Board of Law Examiners

Sunday-Monday, April 12-13, 1987, 1 p.m. and 8 a.m., respectively. The Board of Law Examiners will meet at Embassy Suites Hotel, 300 South Congress Avenue (on Sunday), and at the Texas Law Center, 1414 Colorado, Austin (on Monday). According to the agenda, the board will consider minutes of the February 1987 meeting; current status of fiscal year 1987 budget; discuss the February 1987, bar examination; consider the Foreign Legal Consultants rule; review personnel matters; hear questions of eligibility and special requests; conduct hearings on moral character and fitness; and review the Multi-state Bar Exam.

Contact: Wayne E. Denton, Suite 116, 510 South Congress Avenue, Austin, Texas 78704, (512) 463-1621.

Filed: April 3, 1987, 11:54 a.m.
TRD-8702983

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Texas State Board of Medical Examiners

Friday, April 3, 1987, 3 p.m. The Executive Committee for the Texas State Board of Medical Examiners met in emergency session at 1101 Camino LaCosta, Austin. According to the agenda, the committee considered licensees under provisions of Article 4495b, §4.13, under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and Attorney General Opinion 1974, No. H-484. The emergency status was necessary because information had just recently become available and required immediate attention of the board's executive committee.

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

Filed: April 2, 1987, 4:29 p.m.
TRD-8702936

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Board of Pardons and Paroles

Friday, April 3, 1987, 2 p.m. The Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin.

According to the agenda, the board considered the award of contracts for facilities and services/programs for Regional Reintegration Centers. The emergency status was necessary because board members could not adjust their schedules to meet at any other reasonable time.

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

Filed: April 2, 1987, 4:42 p.m.
TRD-8702937

Wednesday, April 8, 1987, 10:30 a.m. The Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board considered contract awards for facilities and services/programs for pre-release centers. The emergency status was necessary because board members could not adjust their schedules to meet at any other reasonable time.

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

Filed: April 6, 1987, 4:35 p.m.
TRD-8703048

Monday-Friday, April 13-17, 1987, 1:30 p.m. daily, except 11 a.m. on Friday. A Board Panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: April 3, 1987, 10:47 a.m.
TRD-8702955

Tuesday, April 14, 1987, 9:30 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider minutes of the February 25, March 3, 5, 17, and April 3, 1987, meetings; legislation; hear electronic monitoring committee report; budget; discuss printing of parole certificates; changing payroll systems; returned violators board policy; notices to trial officials; promotional procedures; parole panel substitutions; returned parole certificates; and hear executive director's report.

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

Filed: April 6, 1987, 4:35 p.m.
TRD-8703049

Tuesday, April 14, 1987, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than Out of Country Conditional Pardons), including full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions and executive clemency actions.

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

Filed: April 3, 1987, 10:47 a.m.
TRD-8702954

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State Pension Review Board

Monday, April 13, 1987, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board will meet in the Senate Reception Room, Capitol Building, Austin. According to the agenda, the committee will discuss upcoming legislation.

Contact: Ginger P. Smith, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: April 3, 1987, 10:53 a.m.
TRD-8702957

Wednesday, April 15, 1987, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board has rescheduled a meeting to be held in the Senate Reception Room, State Capitol, Austin. According to the agenda, the committee will consider upcoming legislation. The meeting was originally scheduled for April 13, 1987.

Contact: Ginger P. Smith, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: April 7, 1987, 8:57 a.m.
TRD-8703062

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Texas State Board of Registration for Professional Engineers

Wednesday-Thursday, April 15-16, 1987, 8:30 a.m. The Texas State Board of Registration for Professional Engineers will meet in the boardroom, 1917 IH 35 South, Austin. According to the agenda, the board will receive reports from board members and staff; interview applicants; take action on applications for registration; reading of communications; and consider any other business that comes before the board.

Contact: Kenneth J. Bartosh, P.E., 1917 IH 35 South, Austin, Texas 78741, (512) 440-7723.

Filed: April 2, 1987, 3:45 p.m.
TRD-8702934

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Public Utility Commission of Texas

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

Monday, April 6, 1987, 4 p.m. The Hearings Division held an emergency meeting to consider GSU's appeal of examiner's letter rejecting proposed interim financing plan in Dockets 7195/6755 (application of Gulf States Utilities for authority to change rates, inquiry of the Public Utility Commission of Texas into the prudence and efficiency of the planning and managing of the construction of the River Bend nuclear generation station). The emergency status was necessary because GSU's financial condition already recognized by the commission's previous interim rate order.

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

Filed: April 6, 1987, 1:37 p.m.
TRD-8703026

Monday, April 13, 1987, 9 a.m. The Hearings Division will consider Dockets 7145, 7154, and 7338—Considering Substantive Rule §23.21 concerning depreciation rates for electric generating utilities which was recessed from the March 25th final order meeting. The commission will also meet in executive session to consider *Burling Northern vs. PUC*, *General Electric vs. PUC*, *Audio Five vs. PUC*, *Houston Lighting and Power Company vs. PUC* (Docket 5307), FERC Docket EL 79-8-002.

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

Filed: April 3, 1987, 2:45 p.m.
TRD-8703000

Monday, April 13, 1987, 11 a.m. The Administrative Division will approve minutes for the March 25, 1987, meeting, consider reports, discussion and action on budget and fiscal matters; proposal regarding increase in federal subscriber line charge and contracts between the commission and Decision Management Company, Inc.; and commission and QED Research, Inc. The commission will also meet in executive session to consider personnel matters and reconvene for decisions on matters considered in executive session.

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

Filed: April 3, 1987, 2:45 p.m.
TRD-8702001

Tuesday, April 14, 1987, 2 p.m. The Hearings Division will consider Docket 7212—Application of United Telephone Company of Texas, Inc. to detariff the maintenance of inside wire.

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

Filed: April 2, 1987, 2:58 p.m.
TRD-8702930

Thursday, May 7, 1987, 10 a.m. The Hearings Division rescheduled a meeting to consider Docket 7355—Application of Navasota Valley Electric Cooperative, Inc. for authority to change rates. The meeting was originally scheduled for April 24, 1987, at 10 a.m.

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

Filed: April 3, 1987, 2:45 p.m.
TRD-8703002

Monday, May 11, 1987, 10 a.m. The Hearings Division rescheduled a meeting to consider Docket 7289—Petition of West Texas Utilities Company for deferred accounting treatment of certain Oklahoma-related costs. The meeting was originally scheduled for April 20, 1987.

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

Filed: April 2, 1987, 2:57 p.m.
TRD-8702931

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Railroad Commission of Texas

Monday, April 6, 1987, The Oil and Gas Division of the Railroad Commission of Texas met in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The division met on emergency basis to consider the application of the Southern Crude Oil Resources Inc., and to consider implementing the immediate at in the Dees (Atoka Conglomerate) field, Jack County, Docket 9-88,982. The emergency status was necessary because this item had to be taken on less than seven days notice as a matter of urgent public necessity. This item was properly noticed for the meeting of March 30, 1987, and was passed.

Contact: Donna Chandler, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6924

Filed: April 3, 1987, 11:16 a.m.
TRD-8702966

Monday, April 6, 1987, 9:00 a.m. The Oil and Gas Division of the Railroad Commission of Texas met in the Conference Room, 12th Floor, William B. Travis State Building, 1701 North Congress Avenue, Austin. The division met in emergency session to consider Railroad Commission District 8, concerning Superior Oil Company's complaint of non-ratable takes from superior wells in the Grey Ranch (Devonian), (Ellenburger), (Wolfcamp), Chapman, Deep (Atoka), (Morrow) and

Chapman, S. (Wolfcamp) fields, in Pecos and Reeves Counties Docket 8-81,536. The emergency status was necessary because this item had to be taken on less than seven days notice as a matter of urgent public necessity. This item was properly noticed for the meeting of March 30, 1987, and was passed.

Contact: Elizabeth Wilson Davis, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6920.

Filed: April 3, 1987, 11:15 a.m.
TRD-8702967

Monday, April 6, 1987, 1:30 p.m. The Oil and Gas Division of the Railroad Commission of Texas met in the Conference Room, 12th Floor, William B. Travis State Building, 1701 North Congress Avenue, Austin. The Oil and Gas Division met in emergency session to consider an emergency order; emergency rule or rule amendment; or other emergency relief in response to Clajon Gas Company's petition for emergency relief regarding purchases and takes by Valero Transmission Company from wells in Brazos, Burleson, Fayette, Gonzales, Grimes, Lee, Walker, and Washington Counties and from Clajon's Gas Processing Plant, Docket 3-90,172. The emergency status was necessary because this item had to be considered on less than seven days notice as a matter of public necessity to protect the state's public welfare interest in the ratable production of natural gas and the conservation and prevention of waste of gas, and because of the immediate threat of shutting in wells producing casinghead gas.

Contact: Lisa C. Anderson, Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: April 6, 1987, 11:09 a.m.
TRD-8703017

Monday, April 6, 1987, 9 a.m. The Gas Utilities Division of the Railroad Commission met in Room 126, 12th Floor, 1701 North Congress Avenue, Austin. The division met in emergency session to consider Docket 6120—Application of Palo Duro Pipeline Company, Inc. for review of reasonableness of transportation rate. The emergency status was necessary because this docket, properly noticed for the conference held on March 30, 1987, was passed and is now being considered on less than seven days' as a matter of urgent public necessity.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

Filed: April 3, 1987, 11:14 a.m.
TRD-8702965

Monday, April 13, 1987, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will consider and act on division agendas as follows.

Monday, April 13, 1987, 9 a.m. The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

Filed: April 3, 1987, 11:14 a.m.
TRD-8702969

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

Filed: April 3, 1987, 11:19 a.m.
TRD-8702970

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6787.

Filed: April 3, 1987, 11:16 a.m.
TRD-8702971

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6710.

Filed: April 3, 1987, 11:17 a.m.
TRD-8702973

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6931.

Filed: April 3, 1987, 11:17 a.m.
TRD-8702974

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6713.

Filed: April 3, 1987, 11:16 a.m.
TRD-8702975

Additions to the previous agenda:

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

Contact: Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: April 3, 1987, 11:14 a.m.
TRD-8702976

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Mark K. Bogan, P.O. Drawer

12967, Austin, Texas 78711, (512) 463-6981.

Filed: April 3, 1987, 11:19 a.m.
TRD-8702977

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6976.

Filed: April 3, 1987, 11:19 a.m.
TRD-8702978

The Office of the Special Counsel director's report relating to pending litigation including but not limited to discussion and/or decision on Gas Utilities, Docket 500 amendment, including but not limited to discussion and/or decision on Gas Utilities, Docket 500 amendment, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lillie, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7149.

Filed: April 3, 1987, 11:16 a.m.
TRD-8702979

The Surface Mining and Reclamation Division will meet in the Conference Room, 12th Floor, 1701 North Congress Avenue, William B. Travis Building, Austin. The division will meet in emergency session to consider the awarding of a construction contract for the Somerset abandoned mine land project to J.R. Ramon and Sons, Inc. The emergency status is necessary because this item is to be taken on less than seven days notice as a matter of urgent public necessity. It is a matter of the public's health, safety, and welfare that several sinkholes and mine shafts located in close proximity to residences and school bus routes by closed.

Contact: J. Randel (Jerry) Hill, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-7149.

Filed: April 3, 1987, 11:13 a.m.
TRD-8702968

Various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: April 3, 1987, 11:12 a.m.
TRD-8702987

Monday, April 13, 1987, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 126, 12th Floor, 1701 North Congress Avenue, Austin. The division will meet to consider various matters falling within the Railroad Commission's Gas Utilities Division regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

Filed: April 3, 1987, 11:14 a.m.
TRD-8702972

Monday, April 13, 1987, 9:00 a.m. The Surface Mining and Reclamation Division for the Railroad Commission of Texas will meet in the Conference Room, 12th Floor, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the division will meet to consider approval of the application of Chevron U.S.A., Inc. for transfer of Permit No. 027 issued to Anaconda Minerals Company; consider the approval of bond release for sites 1, 2, 3, 9, 11, 13, 15, 16, 17, 18, 23, and 30 of permit 008 and approval of the bond release of Permit 032; discuss adoption of regulations concerning effluent limitations, prime farmland, notices of violation and lands unsuitable for mining; to take action on the division director's report on division administration, budget, procedures and personnel matters; and to consider the awarding of a construction contract for the Somerset abandoned mine land project to J. R. Ramon and Sons, Inc.

Contact: J. Randal (Jerry) Hill, 1701 North Congress Avenue, Austin, Texas 78701
TRD-8702980

Monday, April 13, 1987, 9:00 a.m. The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 126, 12th Floor, 1701 North Congress Avenue, Austin. According to the agenda summary, the division will meet to consider various matters falling within the Railroad Commission's Gas Utilities Division regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003
TRD-8702972

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Texas Real Estate Commission

Monday, April 13, 1987, 9 a.m. The Texas Real Estate Commission will meet in the Conference Room, TREC Headquarters, 1101 Camino La Costa, Austin. According to the agenda, the commission will discuss minutes of the March 9, 1987, meeting; hear staff reports for the month of February, 1987; discuss education matters, proposed legislation, and proposed amendments to 22 TAC §§535.61-535.66, relating to educational requirements and accredited schools; consider final action on proposed amendments to 22 TAC §§537.11, 537.21, and 527.22, and new §§537.30-537.33, relating to standard contract forms, and consider motions for rehearing and/or probation. The commission also will meet in executive session.

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

Filed: April 3, 1987, 8:45 a.m.
TRD-8702944

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Texas A&M University System, Board of Regents

The Texas A&M University System, Board of Regents met at the MSC Annex, Texas A&M University, College Station. Committees, dates, and agendas follow.

Sunday, April 5, 1987, 1:30 p.m. The Planning and Building Committee for Texas A&M University System, Board of Regents, met to discuss cancellation of unexpended balances of appropriations; heard a report of contract actions by the chancellor, a report of construction project appropriations/authorizations by the chancellor, a report of contract actions by the deputy chancellor or presidents; discussed initiation of major construction projects; took action on bids; considered appropriations for designs; discussed campus graphics plan; and considered appropriation for the hyperbaric chamber in the Beutel Health Center.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: April 2, 1987, 10:34 a.m.
TRD-8702916

Sunday, April 5, 1987, 3 p.m. The Committee for Service Units of Texas A&M University System, Board of Directors, discussed execution of license agreement with Amarillo Cell Culture Company, Inc., Texas Agricultural Experiment Station; discussed the granting of titles of emeritus, Texas Agricultural Extension Service; considered the establishment of the University of Texas at El Paso, College of Engineering as an outreach division of the Texas Engineering Experiment Station.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: April 2, 1987, 10:34 a.m.
TRD-8702917

Sunday, April 5, 1987, 3:10 p.m. The Committee for Academic Campuses of Texas A&M University, Board of Regents, considered the establishment of centers; authorization to establish room, board, rental rates, and student fees; the granting of titles of emeritus; approved continuing service; committed 100 percent of the C.J. Davidson endowment to the C.J. Davidson chair in science; approved faculty workload requirements and reporting procedures; and authorized the renewal of sewer and water line easements with the City of Stephenville, Texas.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: April 2, 1987, 10:34 a.m.
TRD-8702918

Sunday-Monday, April 5-6, 1987, 4 p.m. and 8:30 a.m., respectively. The Executive Committee of Texas A&M University System, Board of Regents, met to discuss adop-

tion of resolutions; execution of license agreements and agreements; authorization to administer government classified contracts; authorization to seek actions by the 70th Legislature; heard a report of appropriations from unappropriated sources and reserves by the chancellor; discussed the appointment of president of Texas A&M University at Galveston; considered reappointment of board of visitors; appointments and promotions; terminations; acceptance of gifts, grants, loans, and bequests; discussed budget and fiscal changes and personnel actions; academic tenure; appropriations from permanent university fund bonds proceeds and available university funds; considered personnel matters; discussed the naming of facilities; land and investment matters; litigation; and considered any and all matters relating to the Hirshfeld Property, Austin.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: April 2, 1987, 10:35 a.m.
TRD-8702919

Monday, April 6, 1987, 9 a.m. The Ad Hoc Committee on Budgets and Planning of Texas A&M University System, Board of Regents, discussed appropriations from permanent university fund bonds proceeds and available university fund.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: April 2, 1987, 10:35 a.m.
TRD-8702920

Monday, April 6, 1987, 3 p.m. The Board of Regents for Texas A&M University System considered construction matters for the Texas A&M University System; emeritus titles; executive license agreements; discussed the establishment of University of Texas at El Paso, College of Engineering, as an outreach division of the Texas Engineering Experiment Station; considered establish centers; established room, board, and rental rates, and student fees; approved continuing service; discussed commitment of C.J. Davidson endowment; approved faculty workload requirements and reporting procedures; renewed easements; adopted resolutions; discussed execution of agreements; authorized administration of government classified contracts; authorized to seek actions by the 70th Legislature; heard reports of appropriations from unappropriated sources and reserves; discussed appointments and promotions; terminations; accepted gifts, grants, loans, and bequests; considered budget and fiscal changes and personnel actions; academic tenure; discussed appropriations of permanent university fund bond proceeds and available university fund; considered personnel matters, naming of facilities, land and investment matters, litigation, and any and all matters relating to Hirshfeld Property, Austin, Texas.

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

Filed: April 2, 1987, 10:35 a.m.
TRD-8702921

★ ★ ★ Texas Turnpike Authority

Wednesday, April 15, 1987, 10:00 a.m. The Board of Directors of the Texas Turnpike Authority, will meet in Salons G-J, the Dallas Marriott Quorum, 14901 Dallas Parkway, Dallas. According to the agenda summary, the directors will meet to consider the election of officers; approval of minutes of the Board of Directors meeting on February 4, 1987; appointment of the Finance Committee; in regard to Dallas North Tollway project, purchase of the right-of-way parcels; the proposal from Wilbur Smith and Associates; construction progress report; and special tributes to John P. Thompson and Walter M. Mischer, Jr. The board will also meet in executive session.

Contact: Harry Kabler, P.O. Box 190369, Dallas, Texas 75219, (214) 522-6200.

Filed: April 6, 1987, 10:55 a.m.
TRD-8703016

★ ★ ★ University of Texas System

Thursday, April 9, 1987, 2 p.m. The Board of Regents and Standing Committees of the University of Texas System met with a revised agenda in the Auditorium, Conference Center, U.T. Science Park, Buescher State Park, Smithville. According to the agenda, the board considered the recommended award of construction contract for modification and renovation of M.D. Anderson Hospital-Phase II, and upgrading of mechanical systems at U.T. Cancer Center. The emergency status was necessary because additional information received since the original posting of the agenda required that the board consider this matter at this meeting.

Contact: Arthur H. Dilly, P.O. Box N, U.T. Station, Austin, Texas 78713-7328, (512) 499-4402.

Filed: April 6, 1987, 1:16 p.m.
TRD-8703021

★ ★ ★ Texas Water Commission

The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Dates, rooms, and agendas follow.

Wednesday, April 8, 1987, 11 a.m. The commission met in emergency session in Room 118, to consider a request by the Texas De-

partment of Corrections for an emergency order for authorization to discharge in excess of 26,000,000 gallons of wastewater from the Ferguson Unit Wastewater Treatment Plant (Permit 11176-01), mixed with water diverted from the Trinity River and stormwater runoff accumulated in a water use reservoir, Madison County, Trinity River Basin. The emergency status was necessary to increase the freeboard of the reservoir in order to be reasonably assured of the integrity of the facility.

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

Filed: April 3, 1987, 4:04 p.m.
TRD-8703005

Tuesday, April 14, 1987, 10 a.m. The commission will meet in Room 118 to consider water district bond issues, use of surplus funds, release from escrow, rate increase matters, certificates of convenience and necessity, consideration of water contract, water quality proposed permits, amendments and renewals, and extension of time application and adjudication amendment.

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

Filed: April 3, 1987, 4:04 p.m.
TRD-8703006

The Office of the Hearings Examiner, will meet in Room 512, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider Docket 7193-X—Complaint against Tal Tex, Inc.

Contact: Duncan Norton, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: April 3, 1987, 4:03 p.m.
TRD-8703007

(Editor's note: The following meeting appeared in the March 27, 1987, issue of the Texas Register (12 TexReg 1037) with an erroneous meeting date of May 9. The meeting is republished with the proper date.)

Wednesday, May 6, 1987, 9 a.m. The Office of Hearings Examiner will meet in the Council Chambers, City of Denton, 215 East McKinney, Denton. Items on the agenda summary include consideration of the application for a permit (Proposed Permit No. 13309-01) to the Texas Water Commission by Robert J. Fate, 76 Chateau Circle, Sherman, Texas 75090, to authorize disposal by irrigation and/or discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day from the Preston Club Ltd. The disposal rate for dewatered sludge shall not exceed ten tons of dry solids/acre/year which shall be located on land owned by Preston Club Ltd. The application rates for the irrigated land shall not exceed 2.2 acre-feet/acre/year for a proposed 104.5 acre golf course.

Contact: Claire Patterson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875

TRD-8702544

The Office of the Hearings Examiner of the Texas Water Commission will meet in the second floor council room, Tyler City Hall, 212 North Bonner Avenue, Tyler. Dates, times, and agendas follow.

Wednesday, May 27, 1987, 9 a.m. The commission will consider renewal of Permit 12894-01, F & S Hamilton Builders, Inc., doing business as Hunter Hill Water Supply Company, P.O. Box 2847, Longview, Texas 75606, which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 82,000 gallons per day from the Hunter Hill Sewage Treatment Plant, which is located approximately 400 feet west of State Highway 110 and three miles north-northwest of the intersection of State Highway 110 and FM Road 346 in Smith County, Texas. The effluent is discharged into a small on-site lake; thence to an unnamed tributary of Hill Creek; thence to a drainage ditch along State Highway 110; thence to Hill Creek; thence to Lake Tyler in Segment 0613 of the Neches River Basin.

Contact: Cynthia Hayes, P.O. Box 13087, Capitol Station, Austin, Texas 78711, (512) 463-7875.

Filed: April 8, 1987, 11:29 a.m.
TRD-8703018

Wednesday, May 27, 1987, 9 a.m. The commission will consider amendment Permit 02066, Lithcote Company, Inc., 111 West Jackson Boulevard, Chicago, Illinois, 60604, which authorizes the applicant to discharge railcar rinse water to a retention pond for disposal by evaporation. No discharge of pollutants into the waters of the state is authorized by this permit.

Contact: Cynthia Hayes, P.O. Box 13087, Capitol Station, Austin, Texas 78711, (512) 463-7875.

Filed: April 6, 1987, 11:29 a.m.
TRD-8703019

Tuesday, June 2, 1987, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will hold a public hearing on Application 5124—Sabine Mining Company, seeking a permit to authorize construction of three on-channel dams and reservoirs with a total capacity of 50.1 acre-feet on unnamed tributary of Hatley Creek and Clarks Creek, tributary of the Sabine River, Sabine River Basin, and to divert not to exceed five acre-feet of water per annum from each of the three reservoirs for industrial purposes, Harrison County, Texas.

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

Filed: April 6, 1987, 11:28 a.m.
TRD-8703020

Regional Agencies Meetings Filed April 2

The Concho Valley Council of Governments, Executive Committee, met at 5002 Knickerbocker Road, San Angelo, on April 8, 1987, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666.

The Fisher County, Board of Directors, will meet at the Fisher County Appraisal/Tax Office, Roby, on April 14, 1987, at 7:30 p.m. Information may be obtained from Teddy Kral, P.O. Box 516, Roby, Texas 79543, (915) 776-2733.

The Wise County Appraisal District, Board of Directors, met at 206 South State Street, Decatur, on April 9, 1987, at 9 a.m. Information may be obtained from Brenda Jones, 206 South State Street, Decatur, Texas 76234, (817) 627-3083.

TRD-8702914

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Meetings Filed April 3

The Angelina and Neches River Authority, Board of Directors, met at the Holiday Inn, 3220 North Street, Nacogdoches, on April 7, 1987, at 11 a.m. Information may be obtained from Charles D. (Chuck) Thomas, 210 Lufkin Avenue, Lufkin, Texas 75901, (409) 632-7795.

The Dallas Area Rapid Transit, Board and Minority Affairs Committee, met at 601 Pacific Avenue, Dallas, on April 7, 1987, at 4 p.m. and 5:30 p.m., respectively. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

Dallas Central Appraisal District, Board of Directors, met in Suite 500, 1420 West Mockingbird Lane, Dallas, on April 8, 1987, at 7:30 p.m. The Appraisal Review Board will meet at the same location, on April 16, 1987, at 10 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

The Deep East Texas Council of Governments-Area Agency on Aging, Regional Aging Advisory Council, will meet at the Rode-way Inn, Highway 59 South, Lufkin, on April 10, 1987, at 1:30 p.m. Information may be obtained from Martha Jones, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704.

The Education Service Center-Region I, Board of Directors, will meet at 1900 West Schunior, Edinburg, on April 14, 1987, at 6 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611.

The Lampasas County Appraisal District, Board of Directors, met at 109 East Fifth, Lampasas, on April 8, 1987, at 2 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Martin County Appraisal District, Board of Directors, will meet at 708 West St. Anna Street, Stanton, on April 14, 1987, at 7 p.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823.

The South Texas Development Council, Board of Trustees and Board of Directors, met in the Commissioner's Courtroom, Courthouse Annex, Zapata, on April 9, 1987, at 11:30 a.m. and 1:30 p.m., respectively. Information may be obtained from Robert Mendiola or Julie Saldana, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995. TRD-8702939

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Meetings Filed April 6

The Blanco County Appraisal District, Board of Directors, will meet in the Blanco County Courthouse Annex, Johnson City, on April 14, 1987, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

The Carson County Appraisal District, Board of Directors, will meet at 102 Main, Panhandle, on April 15, 1987, at 9 a.m. Information may be obtained from Dianne Lavake, P.O. Box 970, Panhandle, Texas 79068, (806) 537-3569.

The Deep East Texas Council of Governments, Board of Directors, will meet in the American Legion Building, Center, on April 23, 1987, at 11 a.m. Information may be obtained from Katie Bayliss, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704.

The Edwards Underground Water District, Board of Directors, will meet at 1615 North St. Mary's, San Antonio, on April 10, 1987, at 10 a.m. Information may be obtained from Thomas P. Fox, 1615 North St. Mary's, San Antonio, Texas 78215, (512) 222-2204.

The Ellis County Tax Appraisal District, met at 406 Sycamore Street, Waxahachie, on April 9, 1987, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Erath County Appraisal District, Appraisal Review Board, will meet in the boardroom, 1390 Harbin Drive, Stephenville, on April 14, 1987, at 9 a.m. Information may be obtained from Trecia Perales, 1390 Har-

bin Drive, Stephenville, Texas 76401, (817) 965-5434.

The Grand Parkway Association, met in the 140 East Wing, 5757 Woodway, Houston, on April 8, 1987, at 10 a.m. Information may be obtained from Larry W. Nettles, 2328 First City Tower, 1001 Fannin, Houston, Texas 77002-6760, (713) 654-4586.

The Gray County Appraisal District, Board of Directors, met in Suite 196-A, Hughes Building, 400 West Kingsmill, Pampa, on April 9, 1987, at 5 p.m. Information may be obtained from Charles Buzzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791.

The Hale County Appraisal District, Board of Directors, will meet at 302 West Eighth Street, Plainview, on April 16, 1987, at 8 p.m. Information may be obtained from Linda Jaynes, 302 West Eighth Street, Plainview, Texas 79072, (806) 293-4662.

The Hood County Appraisal District, Board of Directors, will meet at 1902 West Pearl, Granbury, on April 14, 1987, at 7:30 p.m. Information may be obtained from Ben H. Griffin, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471.

The Hunt County Tax Appraisal District, Board of Directors, met in the boardroom, 4815-B King Street, Greenville, on April 9, 1987, at 7 p.m. Information may be obtained from Joe Pat Davis or Jeanette Jordan, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Appraisal District of Jones County, Board of Directors, will meet in the District Office, 1137 East Court Plaza, Anson, on April 16, 1987, at 8 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-32422.

The Liberty County Central Appraisal District, Appraisal Review Board, will meet at 1820 Sam Houston, Liberty, on April 16, 1987, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 712, Liberty, Texas 77575, (409) 336-6771.

The Mental Health and Mental Retardation Authority of Brazos Valley, Executive Committee, will meet at Brazos Center, 3232 Briarcrest Drive, Bryan, on April 16, 1987, at 1:30 p.m. Information may be obtained from Ann Pye-Shively, 302 East 24th Street, Bryan, Texas 77803, (409) 969-8585.

The Nortex Regional Planning Commission, Executive Committee and North Texas Planning Region Construction, will meet in the Bounty Room, Trade Winds Motor Hotel, 1212 Broad Street, Wichita Falls, on April 16, 1987, at noon and 1 p.m., respectively. Information may be obtained from Edwin

B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The South Texas Development Council, Board of Directors, met in the Commissioners Courtroom, Courthouse Annex, Zapata, on April 9, 1987, at 1:30 p.m. Information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995.

The Upshur County Appraisal District, Board of Directors, will meet in the District Office, Upshur County Appraisal District, Warren and Trinity Streets, Gilmer, on April 13, 1987, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041. TRD-8703013

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Meetings Filed April 7

The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees, met in the Conference Room, Sixth Floor, 700 Lavaca, Austin, on April 9, 1987, at 5 p.m. Information may be obtained from Sharon Taylor, 611 South Congress Avenue, Suite 501, Austin, Texas 78704, (512) 447-4141.

The Lee County Appraisal District, Appraisal Review Board, will meet at 218 East Richmond Street, Giddings, on April 16, 1987, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The North Texas Municipal Water District, Board of Directors, will meet at 505 East Brown Street, Wylie, on April 23, 1987, at 4 p.m. Information may be obtained from Carl W. Riehn, 505 East Brown Street, Wylie, Texas 75098, (214) 442-5405.

The Appraisal Review Board of Mason County, will meet at 206 Ft. McKavitt Street, Mason, on April 14, 1987, at 11 a.m. Information may be obtained from Ann Stapp, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989.

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

The Trinity River Authority of Texas, Utility Services Committee, will meet at 5300 South Collins, Arlington, on April 13, 1987, at 10 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343. TRD-8703061

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In Addition

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

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

Texas Department on Aging Staffing of Area Agencies on Aging

The Texas Department on Aging adopted new §255.35, dealing with staffing of area agencies on aging in the March 27, 1987, issue of the *Texas Register* (12 TexReg 1031). In the commentary portion of this adoption notice, the Texas Department on Aging cited the executive director and the president, Texas Association of Regional Councils (TARC), as being for the wording of the rule which required the phrase "full time" be included as a stipulation for the employment of a director of area agencies on aging. This statement was in error. The Texas Department on Aging wishes to correct this error. The position of the executive director and the president of the TARC, is that they can not... "support the rule unless it had a provision that would allow the Board on Aging to approve alternates to a full-time staff director when a different staffing arrangement would produce higher quality services to older Texans" and "...that staffing decisions be based on local determination of how to achieve the highest quality services to the elderly." The wording of the rule did not contain such provisions. Consequently, citing the president and executive director of the TARC as in support of the rule was inappropriate. The Texas Department on Aging is pleased to have the opportunity to correct this error and regrets any misunderstanding or inconveniences that this misstatement of fact has caused.

Issued in Austin, Texas, on March 31, 1987.

TRD-8702827 O. P. (Bob) Bobbitt
Executive Director
Texas Department on Aging

Filed: April 1, 1987
For further information, please call (512) 444-2727.



Texas Air Control Board Notice of Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of March 23-27, 1987.

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

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

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

Red River Army Depot, vehicle paint system;
Hooks, Bowie County; 17973; new source

Osborne Oil Company, gas sweetening plant;
Eagle Pass, Maverick County; 17975; new source

Texas Instruments, Inc., avionics technology
center; McKinney, Collins County; 17976; new
source

Phillips Coal Company, lignite processing facili-
ty; Bremond, Robertson County; 17992; new
source

Bureau of Engraving and Printing, currenas
printing facility; Fort Worth, Tarrant County;
17994; new source

Issued in Austin, Texas, on April 1, 1987.

TRD-8703032 Bill Ehret
Director of Hearings
Texas Air Control Board

Filed: April 3, 1987
For further information, please call (512) 451-5711, ext. 354.



Attorney General Motion to Stay Issuance and Delivery of Writ of Income Withholding Form

The Child Support Improvement Act of 1986, Senate Bill 26, requires the attorney general to promulgate the following child support form. In order to comply with this law the Office of the Attorney General has prepared this form for publication in the *Texas Register*.

	Cause #	
Style	§	Court
_____	§	_____
_____	§	_____

**MOTION TO STAY ISSUANCE AND
DELIVERY OF WRIT OF INCOME WITHHOLDING**

This Motion is brought by the undersigned person who states that he contests the issuance of a writ of income withholding which has been requested by the Attorney General of the State of Texas. I state that the ground for contesting the issuance of writ of withholding is that:

(check one)

- I am not the obligor, the person who is required by a Court Order to support the children named in the Notice.
- The amount of current child support listed is incorrect.
- The amount of overdue support (arrearages) is incorrect.
- I am not behind in paying child support.

(Please explain) _____

The information contained above is true and correct.

_____ Your (printed or typed) Name	_____ Signature
() _____ (area code) Home Phone Number	_____ Address
_____ (area code) Employer Phone Number	_____ City, State, Zip Code
_____ Driver License Number	_____ Social Security Number

Sworn to and subscribed before me the Undersigned Notary Public on this _____ day of _____, 19____.

Commission Expires _____	Notary Public, State of Texas _____
	Printed Name of Notary _____

Form 1792
December 1986

**INFORMATION REGARDING MOTION TO STAY
ISSUANCE AND DELIVERY OF WRIT OF INCOME WITHHOLDING**

- 1) If you believe that you have a valid reason to prevent a Writ of Income Withholding from being issued to your employer you may file the Motion to Stay Issuance and Delivery of Writ of Income Withholding.
- 2) The sole ground for successfully contesting the issuance of the Writ is:
 - a) you are not the person who owes child support for the child(ren) named in the Notice.
 - b) you are not behind in the payment of child support; or
 - c) you are not behind as much in the payment of child support as stated in the Notice.

Issued in Austin, Texas, on April 1, 1987.

TRD-8702946 Lou McCreary
Special Assistant Attorney General for
Public Agency Representation
Office of the Attorney General

Filed: April 3, 1987
For further information, please call (512) 463-2087.



Order Withholding from Earnings for Child Support Form

The Child Support Improvement Act of 1986, Senate Bill 26, requires the attorney general to promulgate the following child support form (this is a revision of a form published in the February 28, 1986, issue of the *Texas Register* (11 TexReg 1030). In order to comply with this law the Office of the Attorney General has prepared this form for publication in the *Texas Register*.

Office of the
Attorney General

Form 1784
February, 1986

NO. _____

_____ § _____
_____ § _____
_____ § _____

ORDER WITHHOLDING FROM EARNINGS FOR CHILD SUPPORT

The Court ORDERS you, the employer of the Obligor, to withhold income from the Obligor's disposable earnings from this employment as follows:

OBLIGOR

Name: _____
Address: _____
City, State, Zip: _____
Social Security No. _____

OBLIGEE

Name: _____
Address: _____
City, State, Zip: _____
Social Security No. _____

CHILDREN

Name: _____
Address: _____
City, State, Zip: _____
Social Security No. _____

Name: _____
Address: _____
City, State, Zip: _____
Social Security No. _____

WITHHOLDING EARNINGS FOR CHILD SUPPORT:

The Court ORDERS that any employer of the Obligor shall begin withholding from Obligor's disposable earnings no later than the first pay period which occurs 14 days following the date this Order is served on the employer.

The amount of earnings to be withheld is:

- (1) \$_____ if the obligor is paid monthly
- (2) \$_____ if the obligor is paid twice monthly (compute by multiplying the monthly amount by 50% or by dividing the monthly amount by 2)
- (3) \$_____ if the obligor is paid every other week (compute by multiplying the monthly amount by 46.15% or by multiplying the monthly amount by 12 and dividing that figure by 26)
- (4) \$_____ if the obligor is paid weekly (compute by multiplying the monthly amount by 23.08% or by multiplying the monthly amount by 12 and dividing that figure by 52)

The employer shall withhold earnings in the above amount until _____ In the first pay period following that date, the amount of earnings to be withheld is:

- (1) \$_____ if the obligor is paid monthly

- (2) \$ _____ if the obligor is paid twice monthly (compute by multiplying the monthly amount by 50% or by dividing the monthly amount by 2)
- (3) \$ _____ if the obligor is paid every other week (compute by multiplying the monthly amount by 46.15% or by multiplying the monthly amount by 12 and dividing that figure by 26)
- (4) \$ _____ if the obligor is paid weekly (compute by multiplying the monthly amount by 23.08% or by multiplying the monthly amount by 12 and dividing that figure by 52)

The employer shall withhold earnings in the above amount for so long as the Obligor is employed or until _____, whichever occurs first

(Continue with any additional adjustments in the amount withheld on additional pages.)

MAXIMUM AMOUNT WITHHELD:

The maximum amount to be withheld shall not exceed the following percentage of the Obligor's disposable earnings (CHECK ONE ONLY):

- _____ 50%—other spouse or dependent child; no arrear over 12 weeks
- _____ 55%—other spouse or dependent child; arrear over 12 weeks past due
- _____ 60%—no other spouse or dependent child; no arrear over 12 weeks
- _____ 65%—no other spouse or dependent child; arrear over 12 weeks past due

METHOD OF PAYMENT:

The Court ORDERS the employer to pay all amounts withheld on each regular pay day through:

Name of Agency: _____

Agency Address: _____

Account No.: _____

All payments shall be made payable to: _____ (Name of Obligee or Collecting Agency depending on local practice).

All payments shall identify the Obligor, Obligee, the Agency Account Number and the amount of an administrative fee withheld, if any.

CALCULATING DISPOSABLE EARNINGS:

The employer shall calculate the Obligor's disposable earnings which are subject to withholding for child support, as follows:

- a. Determine the "earnings" of the Obligor, which means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, including periodic payments pursuant to a pension, disability and retirement program and unemployment benefits.
- b. Subtract the following sums to calculate the Obligor's "disposable earnings":
 - (1) any amounts required by law to be withheld, *i.e.*, Federal Income Tax and Federal FICA or OASI tax (Social Security), Railroad Retirement Act contributions;
 - (2) union dues;
 - (3) nondiscretionary retirement contributions by the Obligor; and
 - (4) medical, hospitalization, and disability insurance coverage for the Obligor and his or her children.

MORE THAN ONE ORDER WITHHOLDING:

If the employer is served with an Order Withholding from Earnings for Child Support relating to this Obligor in another case, the Court ORDERS the employer to withhold equal amounts on all orders until each Order is fully complied with or until the maximum amount to be withheld from the Obligor's disposable earnings is reached, whichever occurs first.

NOTICE OF CHANGE OF EMPLOYMENT:

The Court ORDERS an employer to notify this Court and the Obligee within seven days of the date that the Obligor terminates employment. The employer is ORDERED to provide the Obligor's last known address and the name and address of the Obligor's new employer, if known.

REFERENCE TO THE INCOME WITHHOLDING LAW:

Attached to this ORDER is a copy of Texas Family Code §14.43, which sets forth rights, duties, and potential liabilities of employers, in addition to the provisions of this ORDER.

SIGNED _____, 1986.

Judge Presiding

Cause # _____

Style _____ § _____ Court _____
_____ § _____
_____ § _____

WRIT OF WITHHOLDING FROM EARNINGS FOR CHILD SUPPORT

You, the employer of the Obligor, are commanded to withhold income from the Obligor's disposable earnings from this employment as follows:

OBLIGOR

OBLIGEE

Name: _____
Address: _____
City, State, Zip: _____
Social Security No. _____

Name: _____
SSN: _____

CHILDREN

Name _____ DOB: _____ SSN: _____
Name: _____ DOB: _____ SSN: _____

WITHHOLDING EARNINGS FOR CHILD SUPPORT:

Any employer of the Obligor is commanded to begin withholding from Obligor's disposable earnings no later than the first pay period which occurs 14 days following the date this Writ is served on the employer

The amount of earnings to be withheld is:

- (1) \$ _____ if the obligor is paid monthly, which is \$ _____ on current support and \$ _____ on the arrearage owed
- (2) \$ _____ if the obligor is paid twice monthly, which is \$ _____ on current support and \$ _____ on the arrearage owed
- (3) \$ _____ if the obligor is paid every other week, which is \$ _____ on current support and \$ _____ on the arrearage owed
- (4) \$ _____ if the obligor is paid every week, which is \$ _____ on current support and \$ _____ on the arrearage owed

The employer shall withhold earnings in the above amounts until _____. In the event that you receive more than one 'Writ of Withholding' or 'Order of Income Withholding', for the named employee you shall pay an equal amount towards the current support portion of all orders or writs until each order is individually complied with, and thereafter pay equal amounts on the arrearage portion of all orders or writs until each order or writ is complied with, or until the maximum total amount of allowable withholding, 50 percent of the obligor's disposable earnings, is reached.

Continue with any additional adjustments in the amount withheld on additional pages

MAXIMUM AMOUNT WITHHELD:

The maximum amount to be withheld shall not exceed 50 percent of the Obligor's disposable earnings

METHOD OF PAYMENT:

The employer is directed to pay all amounts withheld on each regular pay day to:

Attorney General State of Texas
c/o _____

All payments shall identify the Obligor, Obligee, the Attorney General Case Number, which is

CALCULATING DISPOSABLE EARNINGS:

The employer shall calculate the Obligor's disposable earnings which are subject to withholding for child support, as follows:

- a. Determine the "earnings" of the Obligor, which means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, including periodic payments pursuant to a pension, disability and retirement program and unemployment benefits.

- b. Subtract the following sums to calculate the Obligor's "disposable earnings":
- (1) any amounts required by law to be withheld, *i.e.*, Federal Income Tax and Federal FICA or OASI tax (Social Security), Railroad Retirement Act contributions;
 - (2) union dues;
 - (3) nondiscretionary retirement contributions by the Obligor; and
 - (4) medical, hospitalization and disability insurance coverage for the Obligor and his or her children.

NOTICE OF CHANGE OF EMPLOYMENT:

An employer must notify this Court and the Obligee within seven days of the date that the Obligor terminates employment. The employer must provide the Obligor's last known address and the name and address of the Obligor's new employer, if known

REFERENCE TO THE INCOME WITHHOLDING LAW:

Attached to this writ is a copy of Texas Family Code, Section 14.43, which sets forth rights, duties and potential liabilities of employers, in addition to the provisions of this writ.

Issued and Given under my hand and on the seal of said Court in the City of _____
 _____ County, Texas, this _____ day of _____, 19____

 Clerk of the _____ Court
 _____ County, Texas

By _____
 Deputy

Form 1794
 March 1987

CLERK'S RETURN

Came to hand on _____, 19____, at _____ o'clock _____ m., and executed on _____, 19____, at _____ o'clock _____ m., by delivery by certified mail, return receipt requested, to the employer named within, as herein directed, a true copy of this writ together with a copy of Section 14.43 TEXAS FAMILY CODE.

This original returned on _____, 19____.

 Clerk of the _____ Court
 _____ County, Texas

By _____
 Deputy

Issued in Austin, Texas, on April 1, 1987.

TRD-8702947 Lou McCreary
 Special Assistant Attorney General for
 Public Agency Representation
 Office of the Attorney General

Filed: April 3, 1987
 For further information, please call (512) 463-2087.



**Office of Consumer Credit
 Commissioner**

Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 04/06/87-04/12/87	18.00%	18.00%
Monthly Rate— Article 1.04(c) ⁽¹⁾ 04/01/87-04/30/87	18.00%	18.00%

Standard Quarterly Rate—Article 1.04(a)(2) 04/01/87-06/30/87	18.00%	18.00%
Retail Credit Card Quarterly Rate—Article 1.11 ⁽³⁾ 04/01/87-06/30/87	18.00%	N/A
Lender Credit Card Quarterly Rate—Article 15.02(d) ⁽³⁾ 04/01/87-06/30/87	14.00%	N/A
Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 04/01/87-06/30/87	18.00%	18.00%
Retail Credit Card Annual Rate—Article 1.11 ⁽³⁾ 04/01/87-06/30/87	18.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 04/01/87-06/30/87	18.00%	N/A
Judgment Rate—Article 1.05, §2 04/01/87-04/30/87	10.00%	10.00%

- (1) For variable rate commercial transactions only
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f).
- (3) Credit for personal, family, or household use.
- (4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on March 30, 1987.

TRD-8702995 Al Endsley
Consumer Credit
Commissioner

Filed: April 3, 1987
For further information, please call (512) 479-1280.



Texas Economic Development Commission Private Activity Bond Allocation Report

The Tax Reform Act of 1986 (the "Tax Act") imposes a volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1987 is \$1,227,750,000.

The Tax Act and the Internal Revenue Code of 1986 authorize the governor of a state to proclaim a formula for allocating the state ceiling among the governmental units (or other authorities) in such state having authority to issue private activity bonds. Executive Order MW-40A establishes the procedures for the 1987 allocation for the state ceiling on private activity bonds.

It specifies that no more than an aggregate amount of \$327,750,000 may be reserved by local housing finance corporations for the purpose of issuing qualified mortgage bonds, no more than an aggregate amount of \$200 million may be reserved by issuers of state-voted issues (no more than \$100 million of which may be reserved by any one such issuer), and no more than an aggregate of \$700 million may be reserved for all other bonds requiring an allocation.

Generally, the state ceiling will be allocated on a first-come, first-served basis within the applicable subceiling, with the Texas Economic Development Commission (the commission) administering the allocation system.

The information that follows is a summary report of the allocation activity for the period March 20, 1987, through March 27, 1987.

Weekly Report on the 1987 Allocation of the State Ceiling on Certain Private Activity Bonds as Pursuant to Executive Order MW-40A.

Total amount of state ceiling remaining unreserved for the \$327,750,000 subceiling for qualified mortgage bonds through March 27, 1987: \$13,543,775.

Total amount of state ceiling remaining unreserved for the \$200 million subceiling for state-voted issues from March 20, 1987, through March 27, 1987: \$200,000,000.

Total amount of state ceiling remaining unreserved for the \$700 million subceiling for all other bonds from March 20, 1987, through March 27, 1987: \$428,620,000.

Total amount of the \$1,227,750,000 state ceiling remaining unreserved as of March 27, 1987: \$642,163,775.

Comprehensive listing of bond issues which have received a reservation date per Executive Order MW-40A from March 20, 1987, through March 27, 1987: None.

Comprehensive listing of bonds issued and delivered as per Executive Order MW-40A from March 20, 1987, through March 27, 1987: Brazos River Authority, Texas Utilities Electric Company, H₂O pollution control/solid waste disposal facility; \$100,000,000.

Issued in Austin, Texas, on April 1, 1987.

TRD-8702986 David V. Brandon
Executive Director
Texas Economic Development
Commission

Filed: April 3, 1987
For further information, please call (512) 472-5059.



Texas Education Agency Consultant Contract Award

This notice of this award is filed in accordance with Texas Civil Statutes, Article 6252-11c.

Description. After publication of a consultant proposal request in the October 3, 1986, issue of the *Texas Register* (11 TexReg 4181), the Texas Education Agency executed a contract with MGT of America, Inc. to conduct the ECIA Chapter 2 Task Force on Dropout Prevention Study.

Name of Consultant. MGT of America, Inc., 2425 Torrey Drive, Tallahassee, Florida 32303.

Amount of Contract. The total amount of the contract is \$280,388.

Dates of Contract. The contract period begins January 16, 1987, and ends June 30, 1988.

The consultant will work closely with the Texas Education Agency staff on a continuing basis. The following products are required: a resource manual on existing dropout research and programs; a report on evaluation of successful dropout programs presently in existence; a reference manual containing models of successful dropout programs;

a list of incentives for districts in planning and implementing dropout prevention models; and a final report which summarizes all Task Force on Dropout Prevention Study activities.

Issued in Austin, Texas, on April 1, 1987.

TRD-8702932 W. N. Kirby
Commissioner of Education

Filed: April 2, 1987

For further information, please call (512) 463-9212.

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Correction of Error

A notice of withdrawal submitted by the Texas Education Agency contained an error as published in the March 27, 1987, issue of the *Texas Register* (12 TexReg 1028).

The withdrawal notice to §149.44 should read:

The Texas Education Agency has withdrawn the emergency effectiveness of §149.44. The text of the emergency amendment appeared in the January 27, 1987, issue of the *Texas Register* (12 TexReg 293)."

Texas Department of Health Intent to Revoke Certificates of Registration

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following registrants for failure to pay fees pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8:

- (1) C.T. Scan of Galveston, Brent E. Masel, M.D., 200 University, Galveston, Texas 77550, Registration 11-13617;
- (2) Daniel P. Walsler, 1001 Southwest Fifth, Grand Prairie, Texas 75051, Registration 6-13909;
- (3) The Billy Anderson Company, 6208 Benjamin Road, Suite 201, Tampa, Florida, 33614, Registration 99-12992;
- (4) Jerry E. Young, 2301 Cataline Drive, Mesquite, Texas 75150, Registration 6-13939;
- (5) Derrick Petroleum, 200 North Denison Street, Gainesville, Texas 76240, Registration 5-11794;
- (6) Frederick D. Gibson, D.D.S., Inc., 1108 West Cannon, Fort Worth, Texas 76104, Registration 5-10916;
- (7) Milton J. Otto, D.D.S., F.M. Road 1626 West, P.O. Box 337, Manchaca, Texas 78652, Registration 6-11747;
- (8) Emery J. Covington, D.D.S., 1704 Blodgett, Houston, Texas 77004, Registration 11-08783;
- (9) Buena Vista Veterinary Clinic, Melton G. Sowell, D.V.M., 647 South Horizon, El Paso, Texas 79927, Registration 3-01520;
- (10) Morris E. Lepow, D.D.S., 3805 North Braeswood, Houston, Texas 77025, Registration 11-04176;
- (11) Larry C. Glass, D.D.S., 2901-A Wesley Street, Greenville, Texas 75401, Registration 5-08042;
- (12) Leon R. Brill, D.P.M., 5459 La Sierra Drive, Suite 103, Dallas, Texas 75231, Registration 5-09619;
- (13) Marshall Harvey, Jr., D.P.M., 1612 Tenth Street, Wichita Falls, Texas 76301, Registration 4-04710;
- (14) Charles W. Cline, D.D.S., 2348 West Main, League City, Texas 77573, Registration 11-13714.

The agency intends to revoke the certificates of registration, order the registrants to cease and desist use of radiation machine(s), and order the registrants to divest themselves of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of each complaint, no order will be issued. This notice affords the opportunity for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the 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, 1212 East Anderson Lane, Austin, Texas from 8 a.m. to 5 p.m., Monday through Friday (except holidays).

Issued in Austin, Texas, on April 3, 1987.

TRD-8702942 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: April 3, 1987

For further information, please call (512) 835-7000.

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Intent to Revoke Radioactive Material Licenses

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following licensees for failure to pay fees pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8:

- (1) Emerald Tubular Inspection, Inc., 1409 Story, Houston, Texas 77055, Radioactive Material License 11-3100;
- (2) Quality Diagnostic, Inc., 111767 Katy Freeway, Houston, Texas 77079, Radioactive Material License 11-3517.

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

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

hearing be timely filed or if the fee is not paid, the radioactive material licenses will be revoked at the end of the 30-day period of notice.

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

Issued in Austin, Texas, on April 3, 1987.

TRD-8702941 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: April 3, 1987

For further information, please call (512) 835-7000.

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Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Houston	The Institute for Rehabilitation and Research	11-4000	Houston	0	03/17/87
Throughout Texas	Ash Management Systems, Inc.	6-4045	Jewett	0	03/17/87
Throughout Texas	Brown Collins and Associates, Inc.	6-4046	Temple	0	03/17/87
Throughout Texas	Sander Construction Company	3-4041	El Paso	0	03/18/87
Throughout Texas	A. D. Surratt Pipe Inspection, Inc.	7-4033 6-4030	Linden College Station	0	03/20/87
Throughout Texas	Petroleum Electronic Instruments, Inc.			0	03/20/87

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Alvin	Alvin Community Hospital	11-2474	Alvin	6	03/17/87
Athens	Lakeland Medical Center	7-2470	Athens	13	03/12/87
Baytown	Mobay Corporation	11-1577	Baytown	26	03/27/87
Beaumont	Sandoz Crop Protection Corporation	10-2016	Beaumont	7	03/26/87
Cameron	Cameron Community Hospital	6-3249	Cameron	6	03/10/87
Carrollton	Thompson Components—Mostek Corporation	5-3930	Carrollton	2	03/16/87
Corpus Christi	Spohn Hospital	8-2357	Corpus Christi	4	03/12/87
Cuero	Cuero Community Hospital	8-2448 5-630	Cuero Dallas	3 24	03/25/87 03/24/87
Dallas	Wadley Institutes of Molecular Medicine				
Denton	North Texas State University	5-101	Denton	27	03/18/87
Elgin	Elgin-Butler Brick Company	6-3299	Elgin	3	03/27/87
Fort Worth	All Saints Episcopal Hospital	5-2212	Fort Worth	15	03/18/87
Hillsboro	Hill Regional Hospital	6-1949	Hillsboro	16	03/17/87
Houston	The U. T. Health Science Center at	11-3685	Houston	3	03/17/87

Houston	Houston The U. T. Health Science Center at Houston	11-2774	Houston	9	03/17/87
Houston	University of Texas System Cancer Center	11-466	Houston	36	03/18/87
Houston	West Houston Medical Center	11-2224	Houston	12	03/19/87
Houston	Hermann Hospital	11-650	Houston	31	03/20/87
Houston	General Welding Works, Inc.	11-2895	Houston	13	03/19/87
Lubbock	Texas Tech University Health Sciences Center	2-1869 8-2205	Lubbock	37	03/25/87
McAllen	Rio Grande Cancer Treatment Center		McAllen	22	03/18/87
McAllen	McAllen Medical Center	8-1713	McAllen	39	03/27/87

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Mineral Wells	Palo Pinto General Hospital	5-1732	Mineral Wells	14	03/17/87
San Antonio	Syncor International Corp.	9-2033	San Antonio	35	03/12/87
San Antonio	Santa Rosa Medical Center	9-556	San Antonio	20	03/17/87
San Antonio	Santa Rosa Medical Center	9-2237	San Antonio	19	03/18/87
Taylor	Johns Community Hospital	6-3657	Taylor	7	03/17/87
Texarkana	Wadley Regional Medical Center	7-2486	Texarkana	9	03/17/87
Throughout Texas	R A Services, Inc.	12-3010	Odessa	19	03/09/87
Throughout Texas	P & S Perforators	8-2396	Victoria	5	02/27/87
Throughout Texas	Homco International, Inc.	11-2827	Houston	8	03/06/87
Throughout Texas	Carlisle Property Company	5-3025	Dallas	4	03/16/87
Throughout Texas	Welex	11-387	Houston	71	03/16/87
Throughout Texas	R A Services, Inc.	12-3010	Odessa	20	03/19/87
Throughout Texas	MIDA Electric Wireline, Inc.	8-3145	Retugio	4	02/27/87
Throughout Texas	K & N Perforators	8-2300	Victoria	15	03/18/87
Throughout Texas	Schlumberger Well Services	11-1833	Houston	58	03/27/87
Throughout Texas	Tracer Service, Inc.	7-3526	Kilgore	10	03/06/87
Throughout Texas	Gearhart Industries, Inc.	5-2113	Fort Worth	49	03/27/87
Throughout Texas	Perfojet Services, Inc.	12-1112	Midland	12	03/27/87
Throughout Texas	Production Logging, Inc.	4-2698	Snyder	12	03/27/87
Throughout Texas	Hooper Engineering Laboratories, Inc.	5-2309	Dallas	5	03/27/87
Throughout Texas	Southwestern Laboratories	5-1934	Dallas	17	03/24/87
Throughout Texas	Texas Industrial X-Ray, Inc.	11-1851	Pasadena	36	03/20/87
Tyler	The U T Health Center at Tyler	7-1796	Tyler	27	03/20/87
Weslaco	Knapp Memorial Methodist Hospital	8-3290	Weslaco	4	03/17/87
West	West Community Hospital	6-2979	West	13	03/12/87

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Abilene	Humana Hospital Abilene	4-2126	Abilene	6	03/25/87
Amarillo	The Don and Sybil Harrington Cancer Center	1-3053	Amarillo	4	03/17/87
Austin	Austin Radiological Association	6-545	Austin	50	03/12/87
Conroe	Medical Center Hospital	11-1769	Conroe	16	03/17/87
Corpus Christi	I. David Wright,	8-506	Corpus	10	03/12/87

Houston	M.D. Core Laboratories, Inc	11-2628	Christi Houston	6	03/17/87
Houston	Kelsey-Seybold Clinic, P.A	11-391	Houston	29	03/20/87
Nederland	Mid Jefferson Hospital	10-1756	Nederland	16	03/12/87
Port Arthur	R. William Carabelle, M.D.	10-29	Port Arthur	8	03/17/87
San Antonio	James L. Pipkin, M.D.	9-790	San Antonio	12	03/12/87
Throughout Texas	Baytown Industrial X-Ray, Inc.	11-2143	Texas City	27	02/20/87
Throughout Texas	AECL Medical	5-2623	Dallas	9	03/06/87
Throughout Texas	Welco, Inc.	4-2077	Albany	14	01/12/87
Throughout Texas	Royal Wireline, Inc.	8-3110	Riviera	10	03/20/87
Throughout Texas	Allied Testing Laboratories	11-0880	Houston	29	03/19/87
Throughout Texas	C & H Industrial X- Ray Company	11-3134	Houston	6	03/20/87
Throughout Texas	Ultrasonic Specialists, Inc.	11-1774	Houston	35	03/16/87

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Beaumont	Mobil Oil Cor- poration	10-867	Beaumont	19	03/16/87
Houston	University of Texas System Cancer Center	11-317	Houston	36	03/19/87
Throughout Texas	Austin Power, Inc.	5-3313	Dallas	1	03/16/87
Throughout Texas	Brytest, Inc.	6-1989	Austin	15	03/27/87

AMENDMENTS TO EXISTING LICENSES DENIED:

Location	Name	License#	City	Amend- ment #	Date of Action
Throughout Texas	Gearhart Industres, Inc.	5-3284	Alvarado	12	03/19/87

In issuing new licenses and amending and renewing existing licenses, the Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Texas Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons

why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on April 3, 1987.

TRD-8702943 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: April 3, 1987

For further information, please call (512) 458-7245.

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Public Hearing

This notice affords an opportunity for public hearing on the following application for solid waste site filed with the Texas Department of Health. Hutchinson County has filed Application 1747 with the Texas Department of Health for a permit to operate an existing Type III municipal solid waste facility located 1.75 miles southeast of Stinnett, one mile east of the junction of FM Highway 2277 with State Highway 152, approximately 0.5 mile south of FM Highway 2277, and on the east side of Oil Field Road in Hutchinson County. The site consist of approximately 11.49 acres of land, and is to daily receive approximately 0.75 ton of solid waste under the regulatory jurisdiction of the Texas Department of Health.

The Division of Solid Waste Management, Texas Department of Health, has evaluated the application in coordination with other state and local agencies. The application adequately addresses land use, ground and surface water protection, site development and operation, and other regulatory requirements. The Division of Solid Waste Management is of the opinion that, based on the information provided in the application and comments received from other review agencies, the solid waste site will not pose a reasonable probability of adverse agencies, the solid waste site will not pose a reasonable probability of adverse effects on the health, welfare, environment, or physical property of nearby residents or property owners.

No public hearing will be held on this application unless a person affected has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, has suffered or will suffer actual injury or economic damage by the granting of the application.

If a hearing is requested by a person affected, notice of such hearing will be provided to the requester and will also be published in a newspaper of general circulation in the area where the site is located at least 30 days prior to the date of such hearing. If no request for a hearing is received within 30 days of the date of publication of the said notice in a newspaper of general circulation, the department will make a decision. If a hearing is requested, it will be conducted, and the final decision will be rendered, in accordance with the applicable rules contained in the

department's Municipal Solid Waste Management Regulations, including all changes in effect as of changes in effect as of December 1986.

Requests for a public hearing and/or requests for a copy of the application shall be submitted in writing to the director, Division of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. A copy of the complete application may be reviewed at the Division of Solid Waste Management or at the department's Public Health Region 1 headquarters located at 300 Victory Drive, Old Health Center Building, Canyon, Texas 79016, (806) 655-7151.

Issued in Austin, Texas, on April 3, 1987.

TRD-8702940 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: April 3, 1987

For further information, please call (512) 458-7271.

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Revocation of Certificates of Registration

The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following certificates of registration.

Kenneth P. Kuhlman, D.D.S., 5-07770, Fort Worth, March 5, 1987; Larry E. Freeman, D.D.S., 11-06279, Houston, March 5, 1987; Richard D. Odom, D.P.M., 9-13568, San Antonio, March 5, 1987; Tom G. Hatfield, D.D.S., 5-07604, Richardson, March 5, 1987.

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

Issued in Austin, Texas, on April 3, 1987.

TRD-8703014 Robert A. MacLean
Deputy Commissioner
Texas Department of Health

Filed: April 6, 1987

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

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Revocation of Radioactive Material License

The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following radioactive material license, in order of licensee, license number, location, and date of action:

Technical Survey Company; 12-1893; Andrews; 3/9/87.

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

Issued in Austin, Texas, on April 3, 1987.

TRD-8703015 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: April 6, 1987

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

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Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of March 30-April 3, 1987.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Listed is the name of the applicant and the city in which each facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of March 30-April 3, 1987

City of Asherton; wastewater treatment facilities; approximately 6,000 feet north-east of U.S. Highway 83 and 4,000 feet northwest of FM Road 190 in Dimmit County; Asherton; 11801-01; renewal

Motivation, Education and Training, Inc.; wastewater treatment facilities; on the south side of FM Road 2969, approximately one mile west of the Town of Goodrich in Polk County; Goodrich; 11288-01; renewal

City of Bullard; wastewater treatment facilities; approximately 2,600 feet southwest of the Bullard School in Cherokee County; Bullard; 11787-01; renewal

Amoco Chemicals Company, Chocolate Bayou; chemical plant which manufactures organic chemicals; on the northwest side of FM Road 2004 on the north bank of Chocolate Bayou approximately 15 miles south of the City of Alvin; Brazoria County; Alvin; 01333; amendment

Harris County Water Control and Improvement District No. 99; wastewater treatment plant; on the north side of Cypress Creek approximately 4,600 feet east of IH 45 in Harris County; Spring; 11444-01; amendment

Castlewood Municipal Utility District; wastewater treatment plant; on the north side of IH 10 approximately 4,700 feet east of the IH 10 crossing of Mason Creek in Harris County; Houston; 11883-01; renewal

Southwestern Refining Company, Inc.; hazardous and non-hazardous solid waste, processing, and disposal facility; in the southwest corner of a 320-acre tract of land owned by Southwestern Refining Company, five miles southeast of Robstown, Nueces County, at the intersection of Nueces County Roads 61 and 28; Corpus Christi; HW-50075-001; new

Central Power and Light Company; steam electric generating plant; at a site bounded by Laguna Madre on the east and Oso Creek on the west and at the southern limits of the City of Corpus Christi in Nueces County; Corpus Christi; 01490; amendment

Trinity Bay Conservation District; sewage treatment plant; approximately 570 feet east of West Bayshore Road and 470 feet north of Eagle Road in Oak Island, Chambers County; Anahuac; 11537-01; renewal

Southern Clay Products, Inc.; clay mine; four miles northeast of the community of Muldoon; 2.5 miles northeast of FM Road 2237 on the east side of a dirt road in Fayette County; Muldoon; 01926; renewal

City of Copperas Cove; wastewater treatment plant; north of the City of Copperas Cove at a point approximately 1.8 miles north of the intersection of FM Roads 116 and 1113 in Coryell County; Copperas Cove; 10045-05; renewal

Wayne R. Johnson, doing business as Fabens Delinting Plant; cotton seed delinting plant; at the intersection of East First Street and Railroad Row in the Community of Fabens, El Paso County; Fabens; 00516; renewal

Vancouver Management, Inc.; wastewater treatment facilities; approximately 500 feet east of Windfern Road

on White Oak Bayou in Harris County; Houston; 11051-01; renewal

Harris-Fort Bend Counties MUD No. 1; wastewater treatment facilities; on the north side of Roesner Road; approximately 3,000 feet northeast of the intersection of Green Busch Road and Roesner Road; approximately 2.5 miles southeast of the intersection of IH 10 and FM Road 1463 in Fort Bend County; Houston; 12805-01; renewal

Moore Industrial Disposal, Inc., A Subsidiary of Browning-Ferris, Inc.; municipal solid waste disposal facility; adjacent to East Cleveland Road, approximately 1.3 miles east of IH 45 in the City of Hutchins, Dallas County; Hutchins; 02907; new

Cameron Iron Works, Inc.; wastewater treatment facilities; at the southwest corner of the intersection of IH 10 and Pederson Road, approximately 3½ miles east of the City of Brookshire in Waller County; Brookshire; 12412-01; renewal

City of Levelland; wastewater treatment plant; 2½ miles southwest of the intersection of State Highway 114 and FM Road 3261, and two miles southeast of the intersection of U.S. Highway 385 and State Highway 114, southeast of Levelland, Hockley County; Levelland; 10965-01; renewal

Issued in Austin, Texas, on April 3, 1987.

TRD-87030C8 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: April 3, 1987
For further information, please call (512) 463-7898.

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Remond Coleman

Name: Remond Coleman
Grade: 8
School: Marshall Jr. High School,
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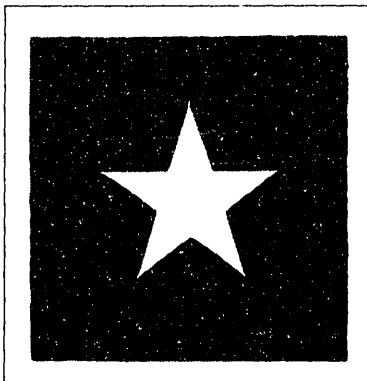
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