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# Texas Register

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## Highlights

Texas Youth Council adopts on an emergency basis and simultaneously proposes for permanent adoption amendments affecting preparole furloughs and parole release; effective date - December 28; proposed date of adoption - February 1 . . . page 5 ★ Automated Information Systems Advisory Council proposes new rules concerning guidelines for acquisition of automated information systems; proposed date of adoption - February 1 . . . page 8 ★ Railroad Commission of Texas proposes amendments affecting the submission of plans for installation of liquefied petroleum-gas systems in public buildings; proposed date of adoption - February 1 . . . page 10.

# How To Use the Texas Register

## **Texas Register**

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

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

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

- Governor—appointments, executive orders, and proclamations
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register Division six months after proposal publication date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 starting page of the section. The division also publishes monthly, quarterly, and yearly 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 easier, page numbers are now written as citations. Example: page 2 in the lower left-hand corner of this page is written: "7 TexReg 2 issue date," while on the opposite page, in the lower right-hand corner, page 3 is written "issue date 7 TexReg 3."

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

## **Texas Administrative Code**

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

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

1 indicates the title under which the agency appears in the *Texas Administrative Code* (a listing of all the titles appears below);

TAC stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter).

## **Table of TAC Titles**

- TITLE 1. ADMINISTRATION
- TITLE 4. AGRICULTURE
- TITLE 7. BANKING AND SECURITIES
- TITLE 10. COMMUNITY DEVELOPMENT
- TITLE 13. CULTURAL RESOURCES
- TITLE 16. ECONOMIC REGULATION
- TITLE 19. EDUCATION
- TITLE 22. EXAMINING BOARDS
- TITLE 25. HEALTH SERVICES
- TITLE 28. INSURANCE
- TITLE 31. NATURAL RESOURCES AND CONSERVATION
- TITLE 34. PUBLIC FINANCE
- TITLE 37. PUBLIC SAFETY AND CORRECTIONS
- TITLE 40. SOCIAL SERVICES AND ASSISTANCE



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# Contents

## The Governor

### Appointments Made December 8

- 4 153rd Judicial District Court of Texas

### Appointments Made December 9

- 4 109th Judicial District Court of Texas
- 4 Texas Sesquicentennial Museum Board
- 4 State Board of Veterinary Medical Examiners

### Appointments Made December 15

- 4 Texas Merit System Council
- 4 Texas Board of Physical Therapy Examiners

## Emergency Rules

### Texas Parks and Wildlife Department

- 5 Wildlife

### Texas Youth Council

- 5 General Provisions

## Proposed Rules

### Automated Information Systems Advisory Council

- 8 Acquisition of Automated Information

### Railroad Commission of Texas

- 10 Liquefied Petroleum-Gas Division

### State Board of Insurance

- 11 General Provisions

### Texas Youth Council

- 11 General Provisions
- 12 Reception and Regional Receiving Centers
- 13 Institutional Services for Children Committed for Delinquent Behavior
- 14 Residential Contract Services

## Adopted Rules

### Texas Department of Agriculture

- 15 Consumer Services Division
- 16 Marketing Division

### Texas Department of Labor and Standards

- 16 Residential Conservation Service, Texas Energy and Natural Resources Advisory Council Program

### State Board of Morticians

- 17 Licensing and Enforcement—Specific Substantive Rules

### Texas Department of Health

- 17 Texas Board of Health
- 18 Communicable Diseases

### Texas Department of Public Safety

- 21 Organization and Administration
- 21 Safety Responsibility Regulations

## Texas Department of Human Resources

- 21 Legal Services

## Open Meetings

- 23 Texas Adult Probation Commission
- 23 Texas Aeronautics Commission
- 23 Texas Air Control Board
- 24 Texas Animal Health Commission
- 24 Texas Department of Corrections
- 24 Texas Education Agency
- 25 Texas Employment Commission
- 25 Texas Department of Health
- 25 Texas Health Facilities Commission
- 26 University of Houston System
- 26 State Board of Insurance
- 26 Lamar University
- 26 Texas Board of Land Surveying
- 27 Board of Pardons and Paroles
- 27 State Board of Podiatry Examiners
- 27 Public Utility Commission of Texas
- 27 Railroad Commission of Texas
- 28 Texas Real Estate Commission
- 28 State Securities Board
- 28 Texas Sesquicentennial Museum Board
- 28 Texas A&M University System
- 29 Texas Water Commission
- 29 Regional Agencies

## In Addition

### Texas Air Control Board

- 31 Applications for Construction Permits
- 31 Contested Case Hearing

### Banking Department of Texas

- 32 Applications To Purchase Control of State Banks

### Consumer Credit Commissioner

- 33 Rate Ceilings

### Texas Energy and Natural Resources Advisory Council

- 33 Consultant Contract Awards
- 33 Consultant Proposal Request

### Texas Department of Health

- 35 License Amendments

### Texas State Library and Archives Commission

- 35 Consultant Contract Awards

### Texas Merit System Council

- 36 Correction of Error

### Office of the Secretary of State

- 38 Texas Register Division—Notice of Schedule Variation

# The Governor

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

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

## Appointments Made December 8 153rd Judicial District Court of Texas

To be judge, Tarrant County, until the next general election and until his successor shall be duly elected and qualified:

Sidney C. Farrar, Jr.  
3936 Thistle Lane  
Fort Worth, Texas 76109

Mr. Farrar is replacing Judge Ardell M. Young of Fort Worth, Tarrant County, who retired.

Issued in Austin, Texas, on December 8, 1981.

TRD-819303 William P. Clements, Jr.  
Governor of Texas

## Appointments Made December 9 109th Judicial District Court of Texas

To be judge, Crane, Winkler, and Andrews Counties, until the next general election and until his successor shall be duly elected and qualified:

James Harold Clack  
P.O. Box 1179  
Andrews, Texas 79714

Mr. Clack is replacing Judge Ken Spencer of Crane, Crane County, who is retiring.

## Texas Sesquicentennial Museum Board

Pursuant to House Bill 1986, 67th Legislature, to serve as chairman for a term to expire January 31, 1983:

Lawrence Wood  
P.O. Drawer AA  
Refugio, Texas 78377

## State Board of Veterinary Medical Examiners

Pursuant to Senate Bill 232, 67th Legislature, to be a public member for a term to expire August 26, 1983:

Joseph J. Ballard, Jr.  
P.O. Box 1121  
Fort Worth, Texas 76101

Issued in Austin, Texas, on December 9, 1981.

TRD-819326 William P. Clements, Jr.  
Governor of Texas

## Appointments Made December 15 Texas Merit System Council

For a six-year term to expire February 1, 1987:

Janelle McArthur  
5680 Prue Road  
San Antonio, Texas 78240

## Texas Board of Physical Therapy Examiners

For a term to expire January 31, 1983:

Diane Doehne Rath  
227 Springwood  
San Antonio, Texas 78216

Ms. Rath is filling the unexpired term of Doris Ruth Wood of Fort Worth, Tarrant County, who resigned.

Issued in Austin, Texas, on December 15, 1981.

TRD-819327 William P. Clements, Jr.  
Governor of Texas

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 Division, or on a stated date less than 20 days after filing for no more than 120 days. The emergency action is renewable once for no more than 60 days.

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

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

# Emergency Rules

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part II. Texas Parks and Wildlife Department

#### Chapter 65. Wildlife

##### Subchapter A. Statewide Hunting and Fishing

The Texas Parks and Wildlife Department is renewing the effectiveness of the emergency adoption of amended §§65.6, 65.16, 65.17, 65.24, 65.27, 65.33-65.35, 65.38, 65.45, 65.46, 65.62, 65.63, and 65.91 for a 37-day period effective January 9, 1982. The text of the amended sections, as adopted on an emergency basis, was published in the September 18, 1981, issue of the *Texas Register* (6 TexReg 3494).

Issued in Austin, Texas, on December 21, 1981.

TRD-819302

Maurine Ray  
Administrative Assistant  
Texas Parks and Wildlife  
Department

Effective date: January 9, 1982

Expiration date: February 15, 1982

For further information, please call (512) 479-4806.

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part III. Texas Youth Council

#### Chapter 81. General Provisions Case Management System for Delinquent Youth

The Texas Youth Council adopts amendments to §81.118 (203.01.10.008) concerning furloughs.

The amendments change the time at which some students become eligible for preparole furloughs. Currently all violent offenders may be considered for preparole furlough after 10 months in a TYC institution. This proposal changes that to 22 months for students whose committing or reclassifying offenses were murder, capital murder, or voluntary manslaughter. This will affect only those students committed or reclassified on or after the effective date of these amendments. This change corresponds to the emergency amendment of §81.119 (203.01.10.008) (Parole Release) which increases the mandatory minimum length of stay from 12 months to 24 months for these particular offenders.

This rule is filed on an emergency basis as the agency believes there is imminent peril to public safety and welfare when these individuals are granted preparole furloughs after only 10 months in rehabilitative treatment programs.

The amendments are adopted under the Texas Human Resources Code, §61.075, which provides the Texas Youth Council with the authority to order the confinement of a delinquent child under conditions it believes best designed for the child's welfare and the interests of the public.



**§81.118 (203.01.10.008). Furloughs.**

(a) Policy. Students in residential programs operated by the Texas Youth Council may be granted **preparole [home] furloughs, emergency furloughs, administrative furloughs, and precontract furloughs.**

## (b) Guidelines.

## (1) Preparole [home] furloughs.

(A) Purpose. The **preparole [home] furlough is a home furlough used to evaluate the student's ability to function at home under the conditions of parole [enable a student to maintain his ties with his family and home community and to facilitate gradual and supervised preparation for parole release]. The furloughs are an important part of the student's preparation for re-entering his home and community. Preparole furloughs, when used, are scheduled about one month before the student's expected parole release. [shall be used as part of the staff's evaluation of the student for parole.]**

## (B) Residential program responsibilities.

(i) A **preparole [home] furlough may be given if the student meets the following criteria:**

(I) The student has been in residential care for a minimum of three months or a minimum of 10 months if he is a violent offender, **unless the violent offense is murder, capital murder, or voluntary manslaughter. Students committed or reclassified for these offenses are eligible for furlough after a minimum of 22 months.**

## (II)-(III) (No change.)

(ii) A decision to give a student a **preparole [home] furlough shall be made by the superintendent or his designee.**

(iii) The residential program staff [superintendent] shall **notify [contact] the student's parole officer, committing judge, and prosecutor [to inform him] of the intended furlough 15 days before the furlough begins. [and to obtain any further information the parole office may have which might affect the furlough decision.]**

(iv) The residential program staff [superintendent or his designee] shall **notify the student's family in writing of the plans for the [home] furlough, including transportation plans, place and time of the student's arrival, and length of the visit (not to exceed seven days).**

(v) The residential program staff [superintendent or his designee] shall **consult as needed with the student's parole officer following the student's return to discuss the student's behavior, his relationship with his family, and any other important information about the furlough.**

## (C) Parole responsibilities.

(i) The student's parole officer, upon being informed of an impending home furlough shall **furnish any information on the student's family or community which might affect the furlough decision.]**

(ii) The parole officer shall **assist the program staff in notifying [notify] the student's family and county authorities of the furlough plans.**

(iii) Following the student's return to the institution or halfway house, the parole officer shall

**contact the facility to provide information if the furlough was unsuccessful. [the student's family to discuss the visit and shall provide relevant information to the superintendent or his designee.]**

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

Issued in Austin, Texas, on December 28, 1981.

TRD-819364

Ron Jackson  
Executive Director  
Texas Youth Council

Effective date: December 28, 1981

Expiration date: April 28, 1982

For further information, please call (512) 452-8111.

The Texas Youth Council (TYC) adopts on an emergency basis amendments to §81.119 (203.01.10.009) concerning parole release.

The amendments increase the mandatory minimum length of stay for three categories of offenders. A student whose committing offense (or offense for which he was reclassified) is murder, capital murder, or voluntary manslaughter will be required to stay in a TYC training school at least 24 months. In addition, he cannot be released on parole without the approval of the executive director. This change will apply only to students committed or reclassified on or after the effective date of these amendments. This rule is filed on an emergency basis as the agency feels that there is imminent peril to the public safety and welfare when these individuals are released on parole after only 12 months in rehabilitative programs. Approval of the executive director provides additional review of cases to identify situations requiring more than 24 months in the treatment programs.

The amendments are adopted under Texas Human Resources Code, §61.075, which provides the Texas Youth Council with the authority to order the confinement of a delinquent child under conditions it believes best designed for the child's welfare and the interests of the public.

**§81.119 (203.01.10.009). Parole Release.**

(a) (No change.)

(b) Guidelines.

## (1) Violent offenders.

## (A) Length of stay.

(i) Violent offenders [are to] serve at least 12 months in a TYC training school. [Each violent offender must be evaluated for release on parole at the 12-month IPP review.]

(ii) Violent offenders whose committing offenses (or offenses which led to reclassification) are murder, capital murder, or voluntary manslaughter serve at least 24 months in TYC training schools.

(iii) Violent offenders are evaluated at the 12 or 24 month IPP review corresponding to their minimum length of stay.

(iv) Release of a violent offender whose offense is murder, capital murder, or voluntary manslaughter must be approved by the executive director. The superintendent sends him a release packet including the parole officer's family and community evaluation. The executive director will notify the superintendent in writing of the decision. If release is denied, the ex-

executive director will indicate the date for resubmitting the release packet.

(B) Training school responsibilities. Should training school staff, in evaluating the student's placement at the 12- or 24-month IPP review, decide to continue residential care in the training school, the training school staff shall retain the continuing responsibility to formally review the student's IPP, and to evaluate the student for release on parole, at three-month intervals.

(C)-(D) (No change.)

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

Issued in Austin, Texas, on December 28, 1981.

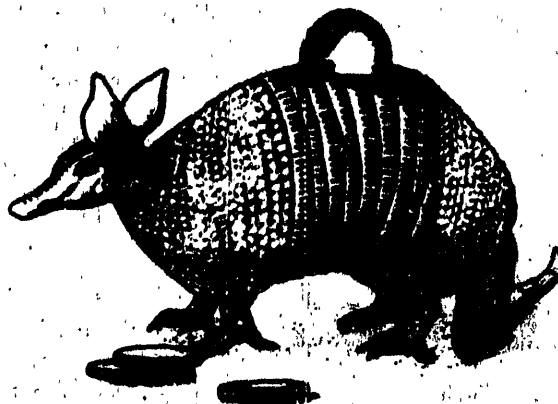
TRD-819367

Ron Jackson  
Executive Director  
Texas Youth Council

Effective date: December 28, 1981

Expiration date: April 18, 1982

For further information, please call (512) 452-8111,  
ext. 203.



# Proposed Rules

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

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

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

## TITLE I. ADMINISTRATION Part X. Automated Information Systems Advisory Council Chapter 201. Acquisition of Automated Information Systems

The Automated Information Systems Advisory Council proposes new §201.1 concerning guidelines. In accordance with §9 of House Bill 1463, 67th Legislature, 1981, the following guidelines are proposed to aid state governmental bodies in making sound judgments in the acquisition, development, and implementation of effective, efficient, and economical automated information systems, which are defined to include office automation systems.

Charles H. Warlick, vice chairman, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

The vice chairman has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be improved effectiveness within state agencies and educational institutions with regard to automated information systems.

(B) There will be no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to the chairman of the Automated Information Systems Advisory Council, P.O. Box 13584, Austin, Texas 78711-3584.

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

Peter A. Nolan  
December 28, 1981

The new section is proposed under House Bill 1463, which provides the Automated Information Systems Advisory Council with the authority to review and comment on agency and educational institution acquisition and use of automated information systems.

*§201.1. Automated Information Systems Advisory Council Guidelines.*

(a) Automated information systems six-year plan.

(1) Each state governmental body as defined in §1 of House Bill 1463, 67th Legislature, 1981, is to prepare and file with the advisory council by June 1, 1982, an automated information systems planning document covering the design, acquisition or development, and implementation of automated information systems.

(2) This document will include a detailed description of automated information systems in place and operational, categorized by function, and a comprehensive projection of the governmental body's needs for new automated information systems for a six-year period. The document will include, as well, a description of the governmental body's management decision and review



procedures for development or acquisition of automated information systems.

(3) The planning document will define:

(A) the results to be achieved by any proposed new or enhanced automated information systems;

(B) the availability of operating systems and applications software adequate to produce the defined results, or the proposed methodology for design and development of such software by the governmental body with their own resources or by contracting for such design and development services; and

(C) the additional equipment or devices requisite to the software and to produce the defined results.

(4) The six-year planning document will include in its comments on long-range planning the use of common computing capability and data bases, internal and external communications networking, applications design and development, the potential of sharing software, data, and equipment security, disaster recovery, and the use of shared logic/shared resource devices supporting office automation.

(5) The six-year planning document shall be updated and revised biennially, and resubmitted to the advisory council by June 1st in each even numbered year, or concurrently revised and resubmitted at the time of filing with the advisory council under subsection (b) of this section, a justification for a proposed automated information system, device, or related service not in conformance with the planning document currently on file with the advisory council.

(b) Acquisition procedures. If a state governmental body proposes to take an action under the criteria of subsection (c) of this section, then the governmental body shall file with the council written justification for each specific proposal for acquisition of automated information systems, the computers on which they are automated, or a service related to automated information systems and the computers on which they are automated. The written justification will include the following:

(1) Definition of results to be achieved. It is the responsibility of the management of the governmental body to precisely define the results to be achieved by the implementation of each automated information system. The justification for each specific proposal for the acquisition, development, enhancement, or conversion of an automated information system, the computer on which it is to be automated, or any related service, will include a statement and analysis of the results to be achieved as a result of the proposed action.

(2) Acquisition or development of software. It is the responsibility of the management of the governmental body to promote competent planning for the cost-effective and efficient application of software in the implementation of automated information systems. The justification for each specific proposal for the acquisition of commercially available operating systems and applications software, or for the design and development of such software using the agency's own personnel resources, or the specification of design criteria for the development of such software by a contractor will include the essential specifications for the software requisite to the accomplishment of the defined results, and a projec-

tion of all costs of acquiring, developing, and utilizing such software.

(3) Acquisition of equipment. It is the responsibility of the management of the governmental body to promote competent planning for cost-effective and efficient application of computing equipment in automated information systems. If it is necessary for the governmental body to augment its existing computing capacity, or to acquire new computers or related devices, then the justification will include the essential specifications of the proposed capacity augmentation, new computer systems or related devices, and a projection of all costs of acquiring, installing, and utilizing such equipment.

(4) Filings prior to June 1, 1982. Justifications for proposed actions filed in accordance with the provision of subsection (b) of this section prior to June 1, 1982, should include evidence to indicate the relationship of the proposed action to the overall automated information system plan of the governmental body in the lieu of the filing of the governmental body's automated information systems six-year plan prior to that date.

(c) Criteria for processing.

(1) The following provides the criteria for requiring the information specified in subsection (b) of this section to enable the advisory council to review the proposed actions of governmental bodies in the acquisition and development of automated information systems, which are defined to include office automation systems:

(A) a purchase at a cost of more than \$25,000 of automated information systems, the computers on which they are automated, or a service related to the automation of information systems or the computers on which they are automated;

(B) a lease at a cost of more than \$1,000 per month of automated information systems or the computers on which they are automated;

(C) a major conversion of automated information systems or the computers on which they are automated.

(2) Justifications for proposed actions meeting these criteria must be filed with the advisory council whether requisite purchasing procedures are to be conducted by the State Purchasing and General Services Commission or by the governmental body itself in accordance with the provisions of §3.02 of the State Purchasing and General Services Act, Texas Civil Statutes, Article 601b, or under authority delegated to the governmental body under §3.06 of that Act.

(3) Proposals for commercial maintenance service contracts for software or equipment and renewals thereof need not be filed with the advisory council if the cost of such commercial maintenance service was projected in the justification for acquisition of the software or equipment.

(d) Submission instructions.

(1) The automated information system six-year plans and their revisions, as described in subsection (a) of this section, and the information concerning proposed actions as described in subsection (b) of this section, are to be mailed to chairman, Automated Information Systems Advisory Council, P.O. Box 13564, Austin, Texas 78711-1354.

(2) The advisory council must file with the governor, lieutenant governor, speaker of the House of Representatives, State Purchasing and General Services Commission, and state auditor a report about whether the results described by the governmental body in its automated information system six-year plan currently on file with the advisory council and the results to be achieved as defined in the justification filed under subsection (b) of this section, would be fulfilled if the governmental body's action were taken. A copy of said report will also be sent to the governmental body proposing the subject action.

(e) Advisory council goals. The role of the Automated Information Systems Advisory Council is to aid state governmental bodies in the planning for effective, efficient, and economical use of automated information systems. As part of these guidelines, the following statement of goals is presented:

(1) to facilitate the development of automated information systems in support of more efficient and economical state government;

(2) to promote deliberate, logical, managerially and technically competent planning in state governmental bodies concerning automated information systems, the computers and peripheral devices on which they are automated, internal and external communications networks, and office automation systems that support the strategic goals of the chief executive officer of the body;

(3) to process the advisory council's comments on justifications for the purchase or lease of automated information systems, the computers on which they are automated, or related services, on a timely, unbiased, and objective basis;

(4) to promote interactive planning between state governmental bodies concerning management and technical experiences, software design and development, systems architecture, use of common data bases, communications networking, utilization of excess computing capacity, software licensing, data and equipment security, and resources available in disaster recovery assistance;

(5) to develop and advise the governor, the lieutenant governor, speaker of the House of Representatives, State Purchasing and General Services Commission, and the state auditor on policies relating to the orderly development of automated information systems, the acquisition of equipment, and related automation services;

(6) to provide advice and counsel to state governmental bodies concerning the policies and regulations of the advisory council relating to the review of long-range planning and the justification of purchase or development of automated information systems, the computers on which they are automated, or related services.

Issued in Austin, Texas, on December 22, 1981.

TRD-819363

Charles H. Warwick  
Vice Chairman  
Automated Information Systems  
Advisory Council

Proposed date of adoption: February 1, 1982  
For further information, please call (512) 475-2302.

## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 9. Liquefied Petroleum-Gas Division

##### Subchapter D. Division II

The Railroad Commission of Texas proposes to amend 59.105 (051.05.03.100) concerning the submission of plans prior to installation of a liquefied petroleum-gas system in public buildings. The amendment will require the location of LP-gas containers to be shown on the submitted plans. Since manufacturer's data reports have always been required to accompany the plans for such public installations and such data reports relate only to containers, the intent to include containers has existed since the inception of this rule.

Hugh F. Keepers, Liquefied Petroleum-Gas Division director, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

The division director has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be increased safety at public buildings having LP-gas systems by assuring that LP-gas containers and appliances which are part of the installation are installed in compliance with the safety rules of the LP-Gas Division.

(B) There will be no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Hugh F. Keepers, director, LP-Gas Division, Railroad Commission of Texas, P. O. Drawer 12967, Austin, Texas 78711.

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

Walter Earl Lillie  
December 21, 1981

The amendment is proposed under Texas Natural Resources Code, Texas Civil Statutes, Article 113.051 (Vernon's 1978), which provides the Railroad Commission of Texas with the authority to promulgate and adopt safety rules and standards for the LP-gas industry that will protect or tend to protect the health, welfare, and safety of the general public.

§9.105 (051.05.03.100). *Installations at Public Buildings.* Prior to the installation of a liquefied petroleum-gas system, including containers and appliances, in any building open to the public, plans for such installations and manufacturer's data report(s) shall be submitted to the LP-Gas Division of the Railroad Commission for examination. Upon completion of the examination, a copy of the proposed plans will be return-

ed, marked either for corrections or with a tentative approval by the LP-Gas Division. Final approval will follow a physical inspection of the completed installation by an inspector of the LP-Gas Division.

Issued in Austin, Texas, on December 21, 1981.

TRD-819260      Hugh F. Keepers  
 Director  
 Liquefied Petroleum-Gas Division  
 Railroad Commission of Texas

Proposed date of adoption: February 1, 1982  
 For further information, please call (512) 445-1186.

## TITLE 28. INSURANCE

### Part I. State Board of Insurance

#### General Provisions

#### Insurance Company Insider Trading and Proxy Solicitation Regulation Act 059.21.48

(Editor's note: Because the State Board of Insurance rules have not yet been published in the *Texas Administrative Code*, they do not have designated TAC numbers. For the time being, the rules will continue to be published with their Texas Register Division numbers. However, the rules will be published under the agency's correct TAC title and part.)

The State Board of Insurance proposes to amend Rule 059.21.48.001, which adopts by reference Board Order 8201. The amended Section 6.32 of Part IV will be entitled Exemption from §3 of Article 21.48 of Certain Transactions Occurring Under Employee Benefit Plans. The amendment substantially conforms Section 6.32 to Securities and Exchange Commission (SEC) §16(b)(3), which has been amended under authority of §16 of the Securities and Exchange Act of 1934, as amended (SEC Act). Prior to the amendment, Section 6.32 and SEC §16(b)(3) were in substantial conformity. It should be noted that Section 6.4 of Part VI specifies that domestic insurers satisfying SEC requirements and provisions respecting insider trading (including the provisions and requirements of SEC, §16(b)(3) will be considered to comply with the provisions and requirements of Rule 059.21.48.001 if the matter regulated is the same or substantially the same, any other provision of Rule 059.21.48.001 to the contrary notwithstanding. Accordingly, this amendment merely updates Section 6.32 in accordance with the law as specified in Section 6.4

The State Board of Insurance believes there will be no fiscal implications for units of state or local government resulting from the amendment. No addition or reduction of employees is anticipated. The State Board of Insurance relies on Steve Pence, examiner, Corporate Activities, in making the foregoing determination of fiscal implications.

The State Board of Insurance believes the public benefit will be the updating of Section 6.32. There will

be no additional cost to individuals who are required to comply with the rule. The State Board of Insurance relies on Mr. Pence in determining the public benefit/cost of the proposal.

Comments on the proposal may be submitted to Steve Pence, examiner, Corporate Activities, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

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

James W. Norman  
 December 22, 1981

The amendment is proposed under authority of Texas Insurance Code, Article 21.48, §3 and §10. Section 10 authorizes the State Board of Insurance to make such rules and regulations as may be necessary for the execution of the functions vested in the State Board of Insurance by §§2-9 of Article 21.48. Section 3 authorizes the board to exempt by rules and regulations certain insider trading transactions.

.001. *Insider Trading and Proxy Solicitation.* The State Board of Insurance adopts by reference an amendment as of March 1, 1982, to the attached Amendment of the Permanent and General Rules and Regulations of the State Board of Insurance by adoption of rules of administrative construction and interpretation, insurance company reporting and filing rules, annual statement blanks and supplements, including schedule SIS, supplemental reports, regulations affecting foreign and domestic insurance companies, rules and regulations on proxies, consents, and authorizations of domestic stock insurance companies, rules and regulations governing insurance company insider trading, and provisions for codification. This document is published by and available from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Issued in Austin, Texas, on December 22, 1981.

TRD-819318      James W. Norman  
 Chief Clerk  
 State Board of Insurance

Proposed date of adoption: February 1, 1982  
 For further information, please call (512) 475-2950.

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part III. Texas Youth Council

#### Chapter 81. General Provisions

#### Case Management System for Delinquent Youth

(Editor's note: The Texas Youth Council proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section.)

The Texas Youth Council (TYC) proposes amendments to §1118 (203.01.10.008) concerning furloughs. The proposed amendments change the

times that violent offenders whose committing or reclassifying offenses were murder, capital murder, or voluntary manslaughter can be considered for parole furloughs. In accordance with the proposed amendment to §81.119 (203.01.10.008), concerning parole release, those offenders committed on or after the effective date of these amendments would not be considered for parole furloughs until they had served a minimum of 22 months in a TYC training school.

Byron Griffin, assistant executive director for child care, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ron Jackson, executive director, has determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be an increase in the degree of public protection afforded by the longer period of time these offenders spend in the agency's treatment and training programs.

(B) There will be no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Martha K. McCann, P.O. Box 9999, Austin, Texas 78766.

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

Berkley Bettis  
December 22, 1981.

The amendments are proposed under Texas Human Resources Code, §61.075, which provides the Texas Youth Council with the authority to order the confinement of a delinquent child under conditions it believes best designed for the child's welfare and the interests of the public.

Issued in Austin, Texas, on December 28, 1981.

TRD-819366 Ron Jackson  
Executive Director  
Texas Youth Council

Proposed date of adoption: February 1, 1982  
For further information, please call (512) 452-8111.

### Case Management System for Delinquent Youth

(Editor's note: The Texas Youth Council proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section.)

The Texas Youth Council (TYC) proposes amendments to §81.119 (203.01.10.009) concerning parole release. The proposed amendments increase the mandatory minimum length of stay in a TYC training school for three categories of offenders. Students whose committing or reclassifying offenses are murder, capital murder, or voluntary manslaughter

would be required to spend a minimum of 24 months in a training school under the proposal. The current minimum is 12 months for any violent offender. The proposed amendment concerning the executive director's approval of parole release for these offenders provides further review and additional rehabilitation time in cases where it is deemed necessary. The changes will apply only to students committed or reclassified on or after the effective date of these amendments.

Byron Griffin, assistant executive director for child care, has determined that for the first five-year period the rule will be in effect, there will be fiscal implications as a result of enforcing or administering the rule.

(A) Effect on state government: The estimated additional cost will be \$0 in 1982; \$50,000 in 1983; \$100,000 in 1984; \$105,000 in 1985; and \$110,000 in 1986. There is no estimated reduction in cost, nor any estimated loss or increase in revenue.

(B) There will be no effect on local government.

Ron Jackson, executive director, has determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be an increase in the degree of public protection afforded by the longer period of time these offenders spend in the agency's treatment and training programs.

(B) There will be no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Martha K. McCann, P.O. Box 9999, Austin, Texas 78766.

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

Berkley Bettis  
December 22, 1981

The amendments are proposed under Texas Human Resources Code, §61.075, which provides the Texas Youth Council with the authority to order the confinement of a delinquent child under conditions it believes best designed for the child's welfare and the interests of the public.

Issued in Austin, Texas, on December 28, 1981.

TRD-819368 Ron Jackson  
Executive Director  
Texas Youth Council

Proposed date of adoption: February 1, 1982  
For further information, please call (512) 452-8111.

### Chapter 87. Reception and Regional Receiving Centers Student Funds

The Texas Youth Council proposes to amend §87.92 (203.10.09.002) concerning student cash on hand. The proposal, if adopted, would allow students in the Statewide Reception Center or other reception programs a maximum of \$10 in their personal possession rather than the current limit of \$5.00.

Byron Griffin, assistant executive director for child care, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ron Jackson, executive director, has determined that for each year of the first five years the rule as proposed is in effect:

(A) There is no public benefit anticipated as a result of enforcing the rule as proposed.

(B) There will be no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Martha K. McCann, P.O. Box 9999, Austin, Texas 78766.

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

Berkley Bettis  
December 21, 1981

The amendment is proposed under Texas Human Resources Code, §61.032, which provides the Texas Youth Council with the authority to administer the training, treatment, and supervisory facilities and services of the state for delinquent children.

§87.92 (203.10.09.002). *Student Cash on Hand.* While in the reception center, each student may have no more than \$10 [\$5.00] cash in his personal possession.

Issued in Austin, Texas, on December 28, 1981.

TRD-819389      Ron Jackson  
Executive Director  
Texas Youth Council

Proposed date of adoption: February 1, 1982  
For further information, please call (512) 452-8111.

## Chapter 89. Institutional Services for Children Committed for Delinquent Behavior Psychotropic Drugs

The Texas Youth Council (TYC) proposes new §89.85 concerning psychotropic drugs. The proposed new section provides for the use and monitoring of psychotropic drugs in treatment of youth in institutions for delinquent youth. The rule ensures that TYC institutions comply with §81.37 relating to standards for service delivery for medical and dental services, adopted June 2, 1980.

Byron Griffin, assistant executive director for child care, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ron Jackson, executive director, has determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be that institutions for delinquent youth, operated by the agency, will

comply with the standards for service delivery previously adopted. The limited use and careful monitoring of psychotropic drugs further assures the public that students are given the opportunity to learn internal behavioral control rather than simply being controlled by drugs during their confinement.

(B) There will be no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Martha K. McCann, P.O. Box 9999, Austin, Texas 78766.

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

Berkley Bettis  
December 21, 1981

The new section is proposed under Texas Human Resources Code, §61.002, which provides the Texas Youth Council with the authority to provide a program of constructive training aimed at rehabilitation and re-establishment in society of children adjudged delinquent.

§89.85. *Psychotropic Drugs.* The use of psychotropic drugs is monitored. Psychotropic drugs are not used for the purpose of program management or control.

Issued in Austin, Texas, on December 28, 1981.

TRD-819370      Ron Jackson  
Executive Director  
Texas Youth Council

Proposed date of adoption: February 1, 1982  
For further information, please call (512) 452-8111.

## Medical Services to Female Students

The Texas Youth Council (TYC) proposes new §89.86 concerning medical services to female students. The proposed new section specifies those additional medical services currently being offered to female students in TYC facilities for delinquent youth. This section, if adopted, will ensure that TYC adequately meets the health care needs of its students by providing these specialized services as required by §81.37, relating to standards for service delivery for medical and dental services, adopted June 2, 1980.

Byron Griffin, assistant executive director for child care, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ron Jackson, executive director, has determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be that the institutions for delinquent youth comply with the standards for service delivery previously adopted. In addition, the public is assured rehabilitation of female students in TYC treatment and training programs will not be hindered due to inadequate services to meet their basic health care needs.

(B) There will be no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Martha K. McCann, P.O. Box 9999, Austin, Texas 78766.

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

Berkley Bettis  
December 21, 1981

The new section is proposed under Texas Human Resources Code, §61.076, which provides the Texas Youth Council with the authority to provide any medical or psychiatric treatment that is necessary.

**§89.86. Medical Services to Female Students.** Medical services either at the facility or by referral of the facility physician are provided to meet the gynecological needs of female students.

Issued in Austin, Texas, on December 28, 1981.

TRD-819371 Ron Jackson  
Executive Director  
Texas Youth Council

Proposed date of adoption: February 1, 1982  
For further information, please call (512) 452-8111.

## Student Funds

The Texas Youth Council (TYC) proposes to amend §89.92 (203.20.10.002) concerning student cash on hand. The proposal, if adopted, would allow students in TYC institutions for delinquents to have a maximum of \$10 in their personal possession rather than the current limit of \$5.00.

Byron Griffin, assistant executive director for child care, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Ron Jackson, executive director, has determined that for each year of the first five years the rule as proposed is in effect:

(A) There is no public benefit anticipated as a result of enforcing the rule as proposed.

(B) There will be no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Martha K. McCann, P.O. Box 9999, Austin, Texas 78766.

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

Berkley Bettis  
December 21, 1981

The amendment is proposed under Texas Human Resources Code, §61.032, which provides the Texas Youth Council with the authority to administer the training, diagnostic treatment, and supervisory facilities and services of the state for delinquent children.

**§89.92 (203.20.10.002). Student Cash on Hand.** While in the institution, each student may have no more than \$10 [\$5.00] cash in his personal possession.

Issued in Austin, Texas, on December 28, 1981.

TRD-819372 Ron Jackson  
Executive Director  
Texas Youth Council

Proposed date of adoption: February 1, 1982  
For further information, please call (512) 452-8111.

## Chapter 95. Residential Contract Services

### Standard or Physical Care

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Youth Council, 8900 Shoal Creek Boulevard, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The Texas Youth Council proposes the repeal of §95.153 (203.41.09.003) concerning privacy and leisure time. The rule is in conflict with §81.11, relating to student's rights, and §81.36, relating to standards for service delivery, adopted June 24, 1980.

Byron Griffin, assistant executive director for child care, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications to state or local government.

Ron Jackson, executive director, has determined that for each year of the first five years the repeal as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the repeal as proposed will be consistency in standards and services provided to all students of the Texas Youth Council.

(B) There will be no economic cost to individuals who are required to comply with the repeal.

Comments on the proposal may be submitted to Martha K. McCann, P.O. Box 9999, Austin, Texas 78766.

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

Berkley Bettis  
December 21, 1981

The repeal is proposed under Texas Human Resources Code, §61.034, which provides the Texas Youth Council with the authority to adopt rules for the government of the schools and facilities under its authority.

**§95.153 (203.41.09.003). Privacy, Leisure Time.**

Issued in Austin, Texas, on December 28, 1981.

TRD-819373 Ron Jackson  
Executive Director  
Texas Youth Council

Proposed date of adoption: February 1, 1982  
For further information, please call (512) 452-8111.

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 Division, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

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

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.

## Adopted Rules

### TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 15. Consumer Services Division Texas Public Weighers

The Texas Department of Agriculture adopts new §§ 15.141-15.146 without changes to the proposed text published in the November 27, 1981, issue of the *Texas Register* (6 TexReg 4357).

The sections are justified by recent legislation, Senate Bill 1276, § 14, 67th Legislature, (1981), (codified as Texas Agriculture Code, Chapter 13, Subchapter E (1981)), which has transferred the authority for the regulation of public weighers from the Office of the Secretary of State to the Texas Department of Agriculture. In accordance with this realignment of responsibilities, Senate Bill 1276 has directed the commissioner of agriculture, Texas Department of Agriculture, to supervise public weighers and adopt rules necessary to enforce Texas Agriculture Code, Chapter 13, Subchapter E. In the interest of carrying out his responsibilities under this Act, the commissioner hereby adopts §§ 15.141-15.146.

The sections will regulate the licensure and conduct of public weighers. A brief summary of the sections herein adopted follows.

Section 15.141 provides definitions relating to this subchapter.

Section 15.142 provides that county public weighers shall reside in the county in which they intend to operate as a public weigher.

Section 15.143 provides that each county public weigher who shall appoint a deputy county weigher shall first submit an appointment of deputy public weigher form to the department.

Section 15.144 provides that each public weigher shall submit to the department an address sheet listing the location and type of scales to be used by such weigher in the performance of his duties. Other subsections in this section provide for amendments to such address sheets.

Section 15.145 provides details relating to the bonding of public weighers.

Section 15.146 provides for the revocation by the department of the certificate of authority of a public weigher.

No comments were received regarding adoption of the new sections.

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.

Steve Haley  
December 28, 1981

The new sections are adopted under Texas Agriculture Code, Chapter 13, § 13.258 (1981) as amended, which provides the Texas Department of Agriculture with the authority to supervise public weighers and adopt rules necessary to enforce the provisions of Texas Agriculture Code, Chapter 13, Subchapter E.

Issued in Austin, Texas, on December 28, 1981.

TRD-819362 Reagan V. Brown  
Commissioner  
Texas Department of Agriculture

Effective date: January 18, 1982  
Proposal publication date: November 27, 1981  
For further information, please call (512) 475-8346.



### Chapter 17. Marketing Division TAP Promotional Emblem

The Texas Department of Agriculture adopts new §§17.51-17.56 without changes to the proposed text published in the November 20, 1981, issue of the *Texas Register* (6 TexReg 4271).

The new sections are justified by the need for the Texas Department of Agriculture to delineate the scope and nature of control the department intends to exercise over the use of the term "Texas Agricultural Product" and the "Texas Agricultural Product" (TAP) emblem. The department seeks, by rule, to adopt standards which will clarify to food and fiber producers, processors, and packers which agricultural products will qualify for the promotional use of the TAP emblem.

The sections herein adopted will restrict the use of the TAP symbology to those products that can be reasonably deemed "produced in Texas," and as such, are of a quality representative of Texas goods. A brief summary of the sections adopted appears below.

Section 17.51 provides definitions pertaining to this subchapter.

Section 17.52 provides that the promotional use of the TAP emblem shall be restricted to those products for which a successful application to the department for permission to make such use has been prosecuted. Other subsections within the section provide for the form and manner of application.

Section 17.53 provides procedural guidelines for agency action on a TAP application.

Section 17.54 provides standards for the granting or denial by the department of a TAP application. The standards require, among other things, that the product for which application is made be produced in Texas and be of a quality representative of similar products produced in Texas.

Section 17.55 provides for the registration of successful TAP applicants.

Section 17.56 provides procedures and guidelines for revocation by the department of permission to use the TAP emblem.

Written comments were received from the Texas Poultry Federation. The comments related to the possibility of allowing commodities to be packed under the TAP label, if substantially produced in Texas. This proposal was not adopted in the rules. In the determination of department, if the TAP symbol is to continue to have integrity with consumers, the department must require products packed under the TAP label be 100% Texas produced.

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.

Steve Haley  
December 21, 1981

The new sections are adopted under Texas Agriculture Code, Chapter 12, §12.017 (1981), which provides the Texas Department of Agriculture with the authority to regulate the use of the term "Texas Agricultural Product" and any symbol connected with that term

in the selling, advertising, marketing, or other commercial handling of food or fiber products.

Issued in Austin, Texas, on December 21, 1981

TRD-819282      Reagan V. Brown  
Commissioner  
Texas Department of Agriculture

Effective date: January 11, 1982  
Proposal publication date: November 20, 1981  
For further information, please call (512) 475-6346.

### TITLE 16. ECONOMIC REGULATION Part IV. Texas Department of Labor and Standards Chapter 73. Residential Conservation Service, Texas Energy and Natural Resources Advisory Council Program

The Texas Department of Labor and Standards adopts new §§73.1-73.9 without changes to the proposed text published in the November 20, 1981, issue of the *Texas Register* (6 TexReg 4275).

The 67th Legislature adopted House Bill 1606, effective June 10, 1981. House Bill 1606 makes the Texas Department of Labor and Standards responsible for implementing the state's Residential Conservation Service (RCS) Program (state plan) under an agreement between the commissioner of the Texas Department of Labor and Standards and the Texas Energy and Natural Resources Advisory Council (TENRAC). The Texas RCS Program (state plan) was developed and written by TENRAC to comply with the requirements of the National Energy Conservation Policy Act of November 1978 (Public Law 95-619, Title II, Part I).

No comments were received regarding adoption of the sections.

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

Lias B. "Bubba" Steen  
December 22, 1981

The new sections are adopted under Texas Civil Statutes, Article 5145a, §2, which provides the Texas Department of Labor and Standards with the authority to implement the RCS Program.

Issued in Austin, Texas, on December 22, 1981.

TRD-819292      Lias B. "Bubba" Steen  
Commissioner  
Texas Department of Labor and  
Standards

Effective date: January 12, 1982  
Proposal publication date: November 20, 1981  
For further information, please call (512) 475-0155.



## TITLE 22. EXAMINING BOARDS

### Part X. State Board of Morticians

#### Chapter 203. Licensing and Enforcement-Specific Substantive Rules

The State Board of Morticians adopts amendments to § 203.15 (387.02.00.016) without changes to the proposed text published in the November 24, 1981, issue of the *Texas Register* (6 TexReg 4326).

The board is adopting the amendments to the rule to further clarify first call. The board feels the public has the right to be served by professional licensed personnel who have been educated to deal with a first call situation. The rule will prevent unlicensed persons from making first calls and ensures that the public will be served by professional licensed personnel.

No comments were received regarding adoption of the amendments.

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.

John W. Shocklee  
December 23, 1981

The amendments are adopted under Texas Civil Statutes, Article 4582b, § 5, which provides the State Board of Morticians with the authority to promulgate rules and regulations.

Issued in Austin, Texas, on December 23, 1981.

TRD-819361      John W. Shocklee  
Executive Secretary  
State Board of Morticians

Effective date: January 13, 1982  
Proposal publication date: November 24, 1981  
For further information, please call (512) 442-6721.

## TITLE 25. HEALTH SERVICES

### Part I. Texas Department of Health

#### Chapter 1. Texas Board of Health

#### Public Employee Organizations - Use of Department Facilities

The Texas Department of Health adopts the repeal of §§ 1.51-1.54 (301.01.04.001-.004) without changes to the proposed notice of repeal published in the July 7, 1981, issue of the *Texas Register* (6 TexReg 2322).

These rules are being replaced by new §§ 1.71-1.74 (relating to Use of Departmental Facilities by Public Health-Related Organizations and Public Employee Organizations), which provide procedures covering the limited use of departmental facilities by public health-related organizations and public employee organizations. The repeal of these rules enables the new rules to take effect.

No comments were received regarding adoption of the repeal.

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.

Robert A. MacLean, M. D.  
December 17, 1981

The repeal is adopted under Texas Civil Statutes, Article 4418a, § 3, which authorizes the Texas Board of Health to adopt rules for the conduct and performance of every duty imposed on the board and the Texas Department of Health.

Issued in Austin, Texas, on December 17, 1981.

TRD-819263      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective date: January 11, 1982  
Proposal publication date: July 7, 1981  
For further information, please call (512) 458-7236.

## Use of Department Facilities by Individuals, Groups, or Organizations Other Than Department Employees

The Texas Department of Health adopts new §§ 1.71-1.74 (301.01.05.001-.004) with changes to the proposed text published in the October 6, 1981, issue of the *Texas Register* (6 TexReg 3687).

The rules provide procedures covering the limited use of departmental facilities by public health-related organizations and public employee organizations. These rules replace existing department rules §§ 1.51-1.54 (301.01.04.001-.004) which are being repealed in this issue. The rules describe the facilities available for use; identify the organizations which will have the limited use; and set the procedures by which the organizations can request to use the facilities on a limited use basis.

The comment was made that the subchapter heading and the language in § 1.71 (301.01.05.001) should be revised in order to clarify that the rules covered only public health-related organizations and public employee organizations. The comment was made that the provision in § 1.74(4) (301.01.05.004(4)) regarding the time period for limited use was vague and should be clarified. Comments were also made which addressed the implementation and administration of the rules rather than the wording of the rules themselves. Two other comments simply expressed support for the rules.

The Texas Public Employees Association submitted comments for the rule. Comments by the Texas State Employees Union indicated the union had no strong substantive objections to the rules themselves, but raised questions about vagueness of rule language.

The agency does not disagree with any of the objections about the wording of the rules.

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.

Robert A. MacLean, M.D.  
December 17, 1981

The new sections are adopted under Texas Civil Statutes, Article 4418a, §3, which authorizes the Texas Board of Health to adopt rules for the conduct and performance of every duty imposed on the board and the Texas Department of Health.

§1.71 (301.01.05.001). Purpose. The purpose of these rules is to prescribe uniform procedures regarding the use of department facilities by public health-related organizations and public employee organizations.

§1.72 (301.01.05.002). Application. These rules apply to all department facilities.

§1.73 (301.01.05.003). Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Commissioner—Texas Commissioner of Health.  
Department—Texas Department of Health.

Facilities—Institutions or physical plants, or part of either, under the control and management of the Texas Board of Health. This term encompasses both real and personal property and includes specifically, but is not limited to, meeting rooms, auditoriums, cafeterias, parking lots, outdoor grounds, and certain bulletin boards, wherever located within the State of Texas.

Organization—A public health-related organization or a public employee organization.

(A) Public health-related organization—Any nonprofit association, organization, or group which has as its primary purpose the promotion and protection of the public health.

(B) Public employee organization—An organization or association of public employees acting as a representative of such employees to present grievances concerning wages, hours of work, or conditions of work or for any other lawful purpose.

§1.74 (301.01.05.004). Limited Use of Facilities. Organizations may have access to limited use of department facilities under the following conditions.

(1) Public employee organizations may have access for activities which are primarily for department employee-related purposes.

(2) Public health-related organizations may have access for activities which are primarily for public health purposes.

(3) The commissioner, or his designee, will decide if the use is primarily for an employee-related purpose or a public health purpose.

(4) The limited use will be made available to all qualified organizations on a nondiscriminatory basis.

(5) The use also will include organizations using facilities for the purpose of presenting or sponsoring educational or entertainment programs, provided that the programs are open to all department employees.

(6) Requests or applications for the limited use shall be made to the commissioner, or his designee, who may require applicants to provide such information as may be necessary for proper planning and scheduling of the requested use.

(7) The department may require reimbursement for any expense incurred by the department for utilities,

janitorial services, repairs, or other expenditures necessitated by the limited use.

Issued in Austin, Texas, on December 17, 1981.

Doc. No. 819284 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective date: January 11, 1982

Proposal publication date: October 6, 1981

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

### Chapter 97. Communicable Diseases Immunization Requirements in Texas Elementary and Secondary Schools and Institutions of Higher Education

The Texas Department of Health adopts amendments to §§97.62-97.64, 97.67, and 97.77 (301.41.04.002-.004, .007, and .017) with changes to the proposed text published in the September 18, 1981, issue of the *Texas Register* (6 TexReg 3504).

The rule revisions are made in order to incorporate changes recommended by the Board of Health, and by the public during the 30-day period when written comment was requested on the proposed rules. These revisions include the repeal of §97.70 (301.41.04.010) of this title (relating to Statement for a History of Mumps Illness) which has been incorporated into §97.67 (301.41.04.007) of this title (relating to Verification of Measles or Mumps Illness).

School districts are charged with the enforcement of Texas Education Code, §2.09 and §2.09a. These rules provide the foundation for district policies dealing with adequate immunization of students. The revised rules include these changes: (1) simplification and reduction of text; (2) one-year time limit placed on statements of medical contraindication; (3) exemption for students serving on active duty with the armed forces of the United States; (4) clarification of recommended versus required doses of vaccines; (5) establishing similar verification of measles and mumps illnesses; and (6) permitting institutions of higher education to exclude students from requirements.

Comments received from the public were in the form of recommendations and suggestions. Many persons requested that immunization requirements be based on grade, rather than age of student. Numerous comments were received requesting that immunization requirements for students in institutions of higher education be relaxed or eliminated. Of the many comments received from the public, none were clearly for or against revisions of rules. All comments were requests for clarification or recommendations for revision of rules.

The agency disagrees with recommendations to base requirements on grade rather than age of student because of the: (1) medical nature of immunization practices; (2) recommendations for immunization are

age specific; and (3) all vaccine requirements previously were age specific with the exception of mumps.

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.

Robert A. MacLean, M.D.  
December 17, 1981

The amendments are adopted under Texas Education Code, §2.09(a)-(e), which provides the Texas Board of Health with the authority to modify or delete immunizations; require immunizations against additional diseases; provide immunizations in certain areas; and adopt immunization rules on provisional admissions.

**§97.62 (301.41.04.002). Exclusions from Compliance.** Exclusions from compliance are allowable on an individual basis for medical contraindications, religious conflicts, and active duty with the armed forces of the United States. Students in these categories must submit evidence as specified in the law.

(1) Medical contraindications. The student must present an affidavit or certificate signed by a physician, duly registered and licensed to practice medicine in the United States, in which it is stated that, in the physician's opinion, the immunization required would be injurious to the health and well-being of the applicant or any member of his or her family or household. Unless a lifelong condition is specified, the affidavit or certificate is valid only one year from the date signed by the physician, and must be renewed at that time for the exclusion to remain in effect.

(2) (No change.)

(3) Armed forces. Students who can prove that they are serving on active duty with the armed forces of the United States are exempted from the requirements in this title.

**§97.63 (301.41.04.003). Required Immunizations.** (See §97.71 (301.41.04.011) of this title (relating to Provisional Enrollment) and §97.77 (301.41.04.017) of this title (relating to Remarks and Special Recommendations).)

(a) The immunization of infants and young children often requires a larger number of doses of vaccine than does the immunization of older children and adults. This section establishes minimum requirements (three doses each) for immunization against diphtheria, tetanus, pertussis, and poliomyelitis for the admission of school-age children to schools. These requirements should in no way be interpreted as contrary to standing recommendations by this department or by the Academy of Pediatrics, which call for larger numbers of doses (four or five doses each) to be employed in the immunization of infants and young children against these diseases.

(b) Oral polio vaccine is the usual vaccine of choice for preventing polio; however, inactivated polio vaccine may be medically indicated for some students. The required number of doses and booster requirements for inactivated polio vaccine (IPV) differ from the requirements for oral polio vaccine. (See §97.66 (301.41.04.006) of this title (relating to Inactivated Polio Vaccine).) If a student fails to complete the oral polio vaccine series, and, upon medical advice, starts receiving IPV, then the IPV requirements specified in §97.66 (301.41.04.006) of this title (relating to Inactivated Polio Vaccine) will apply.

(c) The following immunizations are required in the respective age groupings.

(1) Children less than five years of age.

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

(E) Children 18 months of age, but not yet five years of age: three doses each of oral polio and DTP vaccines; and one dose each of measles and rubella vaccines. The dose of measles vaccine must have been received on or after the first birthday or during the calendar month of the first birthday; or a physician-validated history of measles illness must be provided. All children in this group must have also received mumps vaccine, or provide a physician-validated history of mumps illness. (See §97.67 (301.41.04.007) of this title (relating to Verification of Measles or Mumps Illness) for policies on the acceptance of histories of measles and/or mumps illnesses in lieu of the vaccines.)

(2) Children or students five years of age or older enrolled in elementary or secondary schools. (See §97.65 (301.41.04.005) of this title (relating to Pregnancy).)

(A) Polio. At least three doses of oral polio vaccine are required, provided at least one dose has been received on or after the fourth birthday. (See §97.77(c) and (d) (301.41.04.017 (c) and (d)) of this title (relating to Remarks and Special Recommendations).) Polio vaccine is not required for persons 18 years of age or older.

(B) Tetanus/Diphtheria. At least three doses of DTP and/or Td vaccines are required, provided at least one dose has been received on or after the fourth birthday. (See §97.64(b) (301.41.04.004(b)) of this title (relating to Boosters) and §97.77(c) and (d) (301.41.04.017(c) and (d)) of this title (relating to Remarks and Special Recommendations).)

(C) Measles. All students in this group must have received measles vaccine on or after the first birthday, or during the calendar month of the first birthday and since January 1, 1968; or provide a physician-validated history of measles illness. (See §97.67 (301.41.04.007) of this title (relating to Verification of Measles Illness).)

(D) (No change.)

(E) Mumps. Beginning September 1, 1981, all children or students nine years of age or less on September 1, 1981, will be required to have received mumps vaccine, or provide a physician-validated history of mumps illness. (See §97.67 (301.41.04.007) of this title (relating to Verification of Mumps Illness).) On the first of September each year thereafter, children or students one year older as of September 1 of that year will also be required to have received mumps vaccine, or provide a physician-validated history of mumps illness. See table below.

Effective Dates	Age as of September 1
September 1, 1981	Thru 9
September 1, 1982	Thru 10
September 1, 1983	Thru 11
September 1, 1984	Thru 12
September 1, 1985	Thru 13
September 1, 1986	Thru 14
September 1, 1987	Thru 15
September 1, 1988	Thru 16
September 1, 1989	Thru 17
September 1, 1990	Thru 18 and older

(3) Students in institutions of higher education.

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part I. Texas Department of Public Safety

#### Chapter 1. Organization and Administration

##### Testimony

The Texas Department of Public Safety adopts amendments to §1.91 (201.01.07.001) without changes to the proposed text published in the November 20, 1981, issue of the *Texas Register* (6 TexReg 4282).

The amendments to the rule clarify the policy for DPS employees testifying in civil cases when under subpoena or testifying as an expert witness. Information gained by an employee of the department from and during the course of his employment, if requested while such person is employed by the department, shall be considered as being the product of state employment and will be generally made available through court testimony by the employee on state time and expense.

No comments were received regarding adoption of the amendments.

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.

Charles C. Bailey  
December 21, 1981

The amendments are adopted under Texas Civil Statutes, Article 4413(4), which authorizes the Public Safety Commission to formulate plans and policies for the enforcement of the criminal laws and of the traffic and safety laws of the state, the prevention of crime, the detection and apprehension of violators of the laws, and for the education of the citizens of the state in the promotion of public safety and law observance.

Issued in Austin, Texas, on December 22, 1981.

TRD-819305      James B. Adams  
Director  
Texas Department of Public  
Safety

Effective date: January 12, 1982  
Proposal publication date: November 20, 1981  
For further information, please call (512) 465-2000.

#### Chapter 25. Safety Responsibility Regulations

The Texas Department of Public Safety adopts new §25.19 (201.13.00.019) without changes to the proposed text published in the November 20, 1981, issue of the *Texas Register* (6 TexReg 4282).

The adoption of the rule clarifies the evidence of liability and facilitates administration of the Safety Responsibility Act. The rule concerns evidence of insurance under the compulsory insurance provisions of Texas

Civil Statutes, Article 6701h, and promulgates the requirements for compulsory liability insurance.

No comments were received regarding adoption of the section.

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.

Charles C. Bailey  
December 21, 1981

The new section is adopted under Texas Civil Statutes, Article 6701h, §2a, which authorizes the Texas Department of Public Safety to make rules and regulations to carry out the intent of the Safety Responsibility Act

Issued in Austin, Texas, on December 22, 1981.

TRD-819306      James B. Adams  
Director  
Texas Department of Public  
Safety

Effective date: January 12, 1982  
Proposal publication date: November 20, 1981  
For further information, please call (512) 465-2000.

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Resources

#### Legal Services

##### Hearing Procedure 326.79.14

(Editor's note: Because the Texas Department of Human Resources' rules have not yet been published in the *Texas Administrative Code* (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register Division numbers. However, the rules will be published under the agency's correct TAC title and part.)

The Texas Department of Human Resources adopts amendments to Rules 326.79.14.001, .002, and .006 with changes to the proposed text published in the September 4, 1981, issue of the *Texas Register* (6 TexReg 3245). Rule 326.79.14.001 is amended to specify that the hearing record will be available for copying during the record retention period. Rule 326.79.14.006 is amended to specify that in food stamp cases, a household member or representative of the decedent must give the department a written notice before the appeal can be withdrawn. Rule 326.79.14.002, paragraphs (1) and (2) subsection (h), are rewritten for clarity.

These revisions to the department's Legal Services rules are needed for clarity. In the first instance, it is necessary to clarify when appellants or their representatives may get copies of their hearing records. In the second instance, it is necessary to emphasize that withdrawn appeals must be in writing, including when an appellant dies during the course of a hearing.

These rules will function in that the department's staff and participants in the department's programs will operate under these procedural clarifications.

One comment was received regarding adoption of the amendments. The comment came from West Texas Legal Services. The comment was against Rule 326.79.14.006, which requires withdrawn appeals to be in writing to the hearing officer of local office. The person making the comment recommended deleting the local office from this requirement. The agency agrees with and incorporates the comment.

The department hereby certifies that the rules as adopted have been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

J. B. McReynolds  
December 18, 1981

The amendments are adopted with the approval of the Texas Board of Human Resources under the Human Resources Code, Title 2, Chapter 22, which provides the Texas Department of Human Resources with the authority to administer public assistance.

*.001. Conduct of Hearing.*

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

(d) The hearing is recorded either by mechanical equipment or by a stenographer. The recording or stenographer's notes will be kept on file for 90 days (three years in food stamp appeals) after the hearing. During this period, the notes or recording will be available to the appellant and representative for copying or transcribing at their own expense. The hearing officer will prepare a summary of what transpired at the hearing which will be the official record of the appeal.

*.002. Hearing Proceedings.*

(a) The appellant or the appellant's representative will have the opportunity:

(1) to examine evidence to be used in the hearing before the hearing when a request is made either orally or in writing to the hearing officer;

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

(b)-(g) (No change.)

(h) If the hearing officer determines that the client's circumstances have changed since the action being appealed was taken, the hearing officer may direct the worker to adjust the client's benefits based on the changed circumstances. In this case, benefits must be adjusted as soon as possible without awaiting the hearing officer's final decision on the appeal. If the hearing officer deter-

mines that the appellant is due restored benefits, the worker must take the action as directed by the hearing officer. If an error is discovered after the request for a hearing, the worker or hearing officer may correct the error by granting or adjusting benefits immediately. If the household lost benefits it was entitled to, the worker must process retroactive payments to the household as directed by the hearing officer. This action should not delay or modify the right of the appellant to proceed with the hearing. The appropriate change in assistance may be made while an appeal is still pending. If the grant, food stamp, or social services benefits should be adjusted before the hearing, the department may provide retroactive payments or food stamp or social services benefits back to the date the incorrect action was taken. Such adjustments may be made immediately by the worker at the direction of the hearing officer. In this event the appeal would normally be withdrawn. However, the appellant may continue with the appeal for retroactive payments or food stamp benefits if desired. In this case, no immediate adjustment will be requested. Reimbursement in social services will be made when payment for services was actually made by the recipient.

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

*.006. Action by Hearing Officer.*

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

(c) Withdrawn appeal. Once an appeal is filed, only the appellant or the authorized agent can withdraw the request. If the appellant wishes, the petition to appeal may be withdrawn. The withdrawal must be in writing to the hearing officer and must give the reason for the withdrawal.

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

(4) When an appellant dies during the course of an appeal, the legal representative of the decedent's estate must pursue the appeal, or the appeal may be considered withdrawn. However, a food stamp appeal cannot be considered withdrawn until a household member or representative gives to DHR written notice to withdraw the appeal.

(d) (No change.)

Issued in Austin, Texas, on December 23, 1981.

Doc. No. 819319 Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Effective date: February 8, 1982  
Proposed publication date: September 4, 1981  
For further information, please call (512) 441-3355,  
ext. 2037.

Agencies with statewide jurisdiction must give a least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

## Open Meetings

### Texas Adult Probation Commission

**Friday, January 8, 1982, 9 a.m.** The Texas Adult Probation Commission will meet in the conference room, Suite 400, 812 San Antonio, Austin. Items on the agenda include: introduction of guests; minutes; financial report; committee reports; program services report; special program funding analysis; intensive supervision funding application—budget adjustment; supplemental funding application—budget adjustment; special program funding application; executive director's report; review of grant awards; consolidation of Young and Stephens Counties; waiver of experience; statistical information; and date and site of next meeting.

**Contact:** Sharon Hull, 812 San Antonio, Suite 400, Austin, Texas 78701, (512) 475-1374.

**Filed:** December 28, 1981, 3:26 p.m.  
TRD-819385

### Texas Aeronautics Commission

**Friday, January 22, 1982, 10 a.m.** The Air Carrier Administration of the Texas Aeronautics Commission will conduct a public hearing in Room 221, 410 East Fifth Street, Austin, on the application of Executive Airlines, Inc., for a Texas air car-

rier certificate of operating authority pursuant to Texas air carrier regulations, §63.3 and §63.16, Article 46c-6, Subdivision 3(b-1).

**Contact:** Tom Butler, 410 East Fifth Street, Austin, Texas 78711, (512) 476-9262.

**Filed:** December 23, 1981, 8:54 a.m.  
TRD-819315

### Texas Air Control Board

**Friday, January 8, 1982.** The Texas Air Control Board and committees will meet at 6330 Highway 290 East, Austin. The times, agendas, and meeting rooms are as follows.

**8:30 a.m.** In Room 332, the Regulation Development Committee will consider redesignation to attainment of three TSP nonattainment areas in Dallas and Tarrant Counties; revisions to the general rules, Regulation I and Regulation V; contract approval process; and a contract to compare RACT and BACT for categories of VOC emitting facilities in Harris County.

**9:30 a.m.** In Room 209, the Budget and Finance Committee will consider the contract approval process; pending contracts; budget pro-

cess time frame; and projection of fiscal year 1983 grant funds.

**10 a.m.** In Room 332, the Monitoring and Research Committee will consider Deer Park monitoring program; Dallas lead monitoring plan; contract approval process; SLAMS Network resource evaluation; and discussion of TACB Gulf Coast Hazardous Substances Study.

**10:30 a.m.** In the auditorium, the Texas Air Control Board will consider the following: approval of minutes of November 20, 1981, meeting; reports; redesignation of total suspended particulate areas in Tarrant and Dallas Counties; SIP revision—alternate emission reduction, E.I. DuPont de Nemours and Company, Inc., Orange, Orange County; adoption of administrative changes to regulations; proposed agency contracts; and new business.

**Contact:** Ramon Dasch, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

**Filed:** December 23, 1981, 2:12 p.m.  
TRD-819357-819360

### Texas Animal Health Commission

**Wednesday, January 6, 1982.** The Texas Animal Health Commission will meet in Room 100, Employees Retirement System, 18th and Brazos Streets, Austin. The times and agendas follow.

**10 a.m.** The commission will conduct an administrative hearing concerning Vannie Cook.

**11 a.m.** Items on the agenda summary include: approval of minutes of San Angelo meeting on November 18, 1981; approval of actions of executive director; presentation of award to Dr. Ben Hopson; request of Ronnie Griffith to obtain TAHC permission to retain brucellosis reactor; discussion of brucellosis indemnity funds; discussion of changing Brucellosis Regulations, §35.4 (177.03.01.023) and §35.5 (177.03.01.024) and selection of replacement member for Area 14 Brucellosis Committee.

**Contact:** Jo Anne Conner, 10th Floor, Sam Houston Building, Austin, Texas, (512) 475-4111.

**Filed:** December 29, 1981, 9:46 a.m.  
TRD-819396 and 819397

### Texas Department of Corrections

**Monday, January 11, 1982, 8 a.m.** The board of the Texas Department of Corrections will meet in Room 103, 815 11th Street, Huntsville. Items on the agenda summary include: matters relating to inmate affairs; medical; personnel; business; agriculture; construction; industries; research, planning, and development; miscellaneous; and the Windham School System.

**Contact:** W. J. Estelle, Jr., Texas Department of Corrections, P.O. Box 99, Huntsville, Texas 77340, (713) 295-6371, ext. 160.

**Filed:** December 28, 1981, 2:33 p.m.  
TRD-819382

### Texas Education Agency

**Thursday, January 7, 1982, 3 p.m.** The Select Committee on Public Education, Subcommittee on Construction, Rehabilitation and Repair, and Capitol Debt Financing of the Texas Education Agency will meet in the Senate Finance Room, Room 301, State Capitol, for a staff briefing on data available regarding capital debt financing.

**Contact:** Cis Myers, 201 East 11th Street, Austin, Texas 78701, (512) 475-4536.

**Filed:** December 28, 1981, 11:31 a.m.  
TRD-819377

**Thursday, January 7, 1982, 6:30 p.m.** The State Board of Education Planning Committee of the Texas Education Agency will meet in the board room, 150 East Riverside Drive, Austin. Items on the agenda include: agency building situation; private schools (regulations); State Board of Education, Coordinating Board Committee; and summer school pilot programs.

**Contact:** Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

**Filed:** December 29, 1981, 9:32 a.m.  
TRD-819389

**Friday, January 8, 1982.** The following committees of the Texas Education Agency's State Board of Education will meet in Austin. The times, agendas, and locations are as follows.

**8:30 a.m.** In the second floor conference room, 158 East Riverside Drive, the Committee for Policy, Budget, and Finance will meet on the following: school district data submission to the Texas Education Agency; State Advisory Committee for Computer Services; hearings concerning handicapped students; appeals to the State Board of Education; financial accounting manual; application for 1982-83 National Diffusion Network Continuation Grant; request for authorization to apply for funds under Title VII, Elementary and Secondary Education Act; status of state plans and board rules; status of 630 report (handicapped); interim committee reports; tentative calendar for legislative/budget; and annual report of revenue, expenditures, and fund balances.

**8:30 a.m.** In the board room, 150 East Riverside Drive, the Committee for Instruction, Research, and Evaluation will meet on the following: funding for equipment in secondary vocational programs; general educational development; proposed adoption of kindergarten textbook materials (Spanish); recommendations for appointment to the Advisory Committee for Fine Arts in

Education; recommendations for appointment to the Advisory Committee for the Comprehensive School Health Program; review of draft textbook proclamation for 1982; and status of summer school pilots, 603—planning.

**10:30 a.m.** In the second floor conference room, 150 East Riverside Drive, the Committee for Special Populations will meet on the following: approval of migrant project for St. Edward's University; computer discussion; report on bilingual education pilot projects; advisory input on the gifted and talented; and a report on bilingual education.

**1:30 p.m.** In the second floor conference room, 158 East Riverside Drive, the Committee for Investment of the Permanent School Fund will meet on the following: review of securities transactions; review of investment portfolio; recommended investment program for January; estimated funds available for the January program; discussion of bids received for accounting software; and report of investment officer.

**1:30 p.m.** In the board room, 150 East Riverside Drive, the Committee for Teacher Preparation, School Support Services and Special Projects will meet on the following: testing requirements; services to member schools; school volunteer program; Texas certificates which may be issued based on certificates from other states; organization of the Commission on Standards for the Teaching Profession; recommendations for appointment to the Commission on Standards for the Teaching Profession; extension of date for consideration of the accreditation status of Moody Independent School District; statewide organizations to be invited to address the State Board of Education; and a discussion of recommendations involving the University Interscholastic League.

**Contact:** Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

**Filed:** December 29, 1981, 9:33 a.m.  
TRD-819390-819394

**Saturday, January 9, 1982, 8:30 a.m.** The State Board of Education of the Texas

Education Agency will meet in the board room, 150 East Riverside Drive, Austin. Items on the agenda summary include: agency administration; good neighbor scholarships; appointment of trustees for Lackland Independent School District; school district data submission to the Texas Education Agency; State Advisory Committee for Computer Services; hearings concerning handicapped students; appeals to the State Board of Education; financial accounting manual; application for 1982-83 National Diffusion Network Continuation Grant; request for authorization to apply for funds under Title VII, Elementary and Secondary Education Act; funding for equipment in secondary vocational programs; general educational development; proposed adoption of kindergarten textbook materials (Spanish); recommendations for appointment to the Advisory Committee for Fine Arts in Education; recommendations for appointment to the Advisory Committee for the Comprehensive School Health Program; approval of migrant project for St. Edward's University; testing requirements; services to member schools; school volunteer program; Texas certificates which may be issued based on certificates from other states; organization of the Commission on Standards for the Teaching Profession; recommendations for appointment to the Commission on Standards for the Teaching Profession; extension of date for consideration of the accreditation status of Moody Independent School District; statewide organizations to be invited to address the State Board of Education; and investment of available funds.

**Contact:** Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

**Filed:** December 29, 1981, 9:34 a.m.  
TRD-819395

**Saturday, January 9, 1982, 10:45 a.m.** The Select Committee on Public Education, Subcommittee on Recodification of Education Code, of the Texas Education Agency will meet in Room 416-C2, State Capitol, to consider the recodification of the Texas Education Code.

**Contact:** Margaret Cooper, 201 East 11th Street, Austin, Texas 78701, (512) 475-3272.

**Filed:** December 28, 1981, 11:31 a.m.  
TRD-819378

### **Texas Employment Commission**

**Tuesday, January 5, 1982, 9 a.m.** The Texas Employment Commission will meet in Room 644, TEC Building, 15th and Congress, Austin. Items on the agenda summary include: prior meeting notes; reports of general counsel and administrator; status report on fiscal year 1982 funding levels and staffing; E.S. and U.I. program activities; public information and media update by TIMS; agency attendance at ICESA meeting, January 27 and 28, 1982; and agenda items for January 12, 1982, meeting. The commission will also meet in executive session to consider personnel, premises, and litigation matters.

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

**Filed:** December 28, 1981, 3:21 p.m.  
TRD-819384

### **Texas Department of Health**

**Tuesday, January 19, 1982, 1:30 p.m.** The Texas Department of Health has rescheduled a hearing from January 1, 1982, to be held in the council chamber, city hall, Victoria. According to the agenda, the department will consider Application 120-A of the City of Victoria for a five-acre addition, at the southeast corner, to the existing 40.73-acre Type I municipal solid waste disposal site located at 1510 Southwest Ben Jordan Street, in Victoria, Victoria County. The eastern boundary of the addition will be 750 feet west of South Laurent Street. The application is also for an additional six months time for the operation of the landfill (from October 1, 1982 to April 1, 1983).

**Contact:** Hector H. Mendieta, Bureau of Solid Waste Management, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7271.

**Filed:** December 28, 1981, 1:40 p.m.  
TRD-819381

The Texas Department of Health will conduct public hearings at the times and locations given below.

#### **Thursday, January 21, 1982, 9 a.m.**

A the Kilgore Community Inn, 801 U.S. Highway 259, Kilgore, the department will consider Application 1327-A by the Tiger Corporation to amend an existing Type I municipal solid waste permit to allow for above-ground (aerial-fill) waste disposal. The facility is located immediately south of the Sabine River,

0.5 miles west of U.S. Highway 259, 0.7 miles north of FM Road 1252 (Spinks-Chapman Road), 0.8 miles north of the intersection of U.S. Highway 259 and IH 20, 1.1 miles east of State Highway 42, 2.7 miles north of the Kilgore city limits, and 2.9 miles south of the Longview city limits, in Gregg County.

#### **Tuesday, January 26, 1982, 9 a.m.**

At Bridgeport City Hall, the department will consider Application 926 of the City of Bridgeport to operate an existing Type I municipal solid waste disposal site located approximately 2.5 miles south of Bridgeport and one-fourth mile east of FM Road 2123, approximately 2.2 miles south of its junction with State Highway 114, in Wise County.

**Contact:** Hector H. Mendieta, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7271.

**Filed:** December 22, 1981, 2:02 p.m.  
TRD-819301

### **Texas Health Facilities Commission**

**Friday, January 8, 1982, 10 a.m.** The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

#### Certificate of Need

- Navarro Memorial Hospital, Inc., Corsicana  
AH81-0713-036
- Golden Heritage Nursing Center, Temple  
AN80-0401-012
- Colonial Manor South, McAllen  
AN80-1231-044
- Highland Hospital, Lubbock  
AH81-0626-014
- Highland Hospital, Lubbock  
AH81-0626-028
- Baylor University Medical Center, Dallas  
AH81-0807-029

#### Amendment of Exemption Certificate

- Order Nunc Pro Tunc  
South Plains Hospital Clinic, Amherst  
AH78-0428-021A (092381)

#### Motions for Rehearing/Reconsideration

- Round Rock Community Hospital, Round Rock  
AH81-0203-011
- Tri-Community Hospital and Health Center, Austin  
AH81-0407-009



Georgetown Hospital, Georgetown  
AH81-0416-006

The commission will also consider for final adoption proposed new §515.119, entitled Non-Party Witness and Mileage Fees.

Contact: Linda E. Zatopek, P.O. Box 15023, Austin, Texas 78761, (512) 475-6940.

Filed: December 28, 1981, 9:37 a.m.  
TRD-819376

### University of Houston System

**Monday, January 11, 1982.** The University of Houston System Board of Regents, and committees of the board, will meet in Ballroom D, College Center, University of Houston/Downtown. The times and agendas are as follows.

**9 a.m.** The Facilities Planning and Building Committee will consider the following: UH/CC—Cullen College of Engineering/MR&R roof repairs contract award; Cullen/Gertner property cleanup contract award; and Robertson Stadium bid package. UH/CLC—central services expansion and animal care facility construction contract award; Space Center Boulevard dedication instrument/resolution. UH/DC—MR&R Phase III schematic; energy conservation contract award. UH System—construction reports for October and November 1981; financial status of construction projects for October and November 1981; and information items. The committee will also meet in executive session.

**10:30 a.m.** The Committee on Funding of Construction will discuss funding mechanisms and sources and meet in executive session.

**1:30 p.m.** The Board of Regents will consider the following: resolution of appreciation of Travis C. Johnson; reports of the Campuses, Faculty, and Academic Affairs Committee, the Budget and Finance Committee; the Facilities Planning and Building Committee, and the president.

Contact: Deborah Seldon, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: December 23, 1981, 8:54 a.m.  
TRD-819312-819314

### State Board of Insurance

**Monday, January 4, 1982, 2 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6673—consideration of the incorporation of Consumer Protection Life Insurance Company, Dallas.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78796, (512) 475-2287.

Filed: December 23, 1981, 9:50 a.m.  
TRD-819320

**Tuesday, January 5, 1982, 9:30 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, to consider the Docket 6675—application for approval of articles of agreement by Foremost Lloyds of Texas, Dallas.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: December 23, 1981, 9:51 a.m.  
TRD-819321

**Wednesday, January 6, 1982, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6674—application for admission by Safeway Insurance Company, Chicago, Illinois.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: December 23, 1981, 9:51 a.m.  
TRD-819322

### Lamar University

**Monday, January 11, 1982.** The following committees of the Lamar University Board of Regents will meet in the board room of the Plummer Administration Building, on the university's main campus in Beaumont. The times, agendas, and meeting rooms are as follows.

**9:30 a.m.** The Development and Public Relations Committee will review the university graphics program.

**10:30 a.m.** The Building and Grounds Committee will review bids and cost estimates for university con-

struction programs and meet in executive session.

**11:30 a.m.** The Academic Affairs Committee will review a development leave proposal and recommendation, and meet in executive session.

Contact: Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, (713) 838-7533.

Filed: December 23, 1981, 1:46 p.m.  
TRD-819348-819350

**Thursday, January 14, 1982, 11:30 a.m.** The Lamar University Board of Regents Branch Campuses and Off-Campus Programs Committee will meet in the board room of the Plummer Administration Building, on the university's main campus in Beaumont to review fee policies and administrative policies for the Brown Center.

Contact: Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, (713) 838-7533.

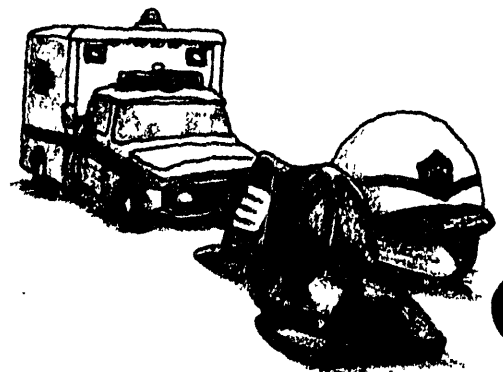
Filed: December 23, 1981, 1:46 p.m.  
TRD-819351

### Texas Board of Land Surveying

**Friday, January 8, 1982, 8:30 a.m.** The Texas Board of Land Surveying will meet in Room 210 West, 1106 Clayton Lane, Austin. Items on the agenda include: consideration of applications; correspondence; interviews with applicants; new business; and minutes of previous meetings.

Contact: Betty J. Pope, 1106 Clayton Lane, Room 210 West, Austin, Texas 78723, (512) 452-9427.

Filed: December 23, 1981, 8:54 a.m.  
TRD-819311



**Board of Pardons and Paroles**  
**Monday-Friday, January 11-15, 1982, 9 a.m., daily.** The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by the board, and take action upon gubernatorial directives.

**Contact:** Ken Casner, 711 Stephen F. Austin Building, Austin, Texas, (512) 475-3363.

**Filed:** December 28, 1981, 3:59 p.m.  
 TRD-819387

### State Board of Podiatry Examiners

**Thursday-Saturday, January 14-16, 1982, 2 p.m., 9 a.m., and 9 a.m. respectively.** The State Board of Podiatry Examiners will meet in the Sheraton Crest Hotel, 111 East First Street, Austin. Items on the agenda include the following.

January 14—routine board business; hearing for revocation of license; and adoption of rules for examination.

January 15—examinations for licensure.

January 16—continuation of examinations; oral examinations of applicants; compilation of grades; granting of licenses; and routine board business.

**Contact:** J. C. Littrell, D.P.M., 411 West 13th Street, Suite 504, Austin, Texas 78701, (817) 754-1811.

**Filed:** December 22, 1981, 3:21 p.m.  
 TRD-819309

### Public Utility Commission of Texas

**Friday, January 29, 1982, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, for a prehearing in Docket 4233—complaint of Dawn Smith against County Terrace Water District.

**Contact:** Philip F. Ricketts, 7800 Shoal

Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** December 23, 1981, 8:53 a.m.  
 TRD-819316

**Wednesday, February 3, 1982, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, for a hearing in Docket 4197—application of Southwestern Public Service Company for a rate/tariff revision (electric).

**Contact:** Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** December 23, 1981, 8:56 a.m.  
 TRD-819317

**Thursday, April 22, 1982, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, for a hearing in Dockets 2782 and 4061—petition of the Woodlands Development Corporation and Mading Fixtures Company, Inc., doing business as Jack Eckerd Drug Company, for amendments to the certificates of convenience and necessity of Conroe Telephone Company and Southwestern Bell Telephone Company, for the establishment of local measured service, and for other relief.

**Contact:** Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** December 22, 1981, 2:01 p.m.  
 TRD-819300

### Railroad Commission of Texas

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

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

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

**Filed:** December 23, 1981, 10:45 a.m.  
 TRD-819328

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

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

**Filed:** December 23, 1981, 11:15 a.m.  
 TRD-819329

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

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

**Filed:** December 23, 1981, 10:45 a.m.  
 TRD-819330

The Gas Utilities Division will meet in Room 107 to consider Gas Utilities Dockets 2645 consolidated, 3178, 3179, 3180, 3181, 3182, 3241, 3293, 3314, 3315, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3332, 3334, 3016 consolidated, 3263, an application, and the director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas, (512) 445-1126.

**Filed:** December 23, 1981, 10:49 a.m.  
 TRD-819331

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

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

**Filed:** December 23, 1981, 10:46 a.m.  
 TRD-819332

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

**Contact:** Hugh F. Keepers, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-1301.

**Filed:** December 23, 1981, 10:47 a.m.  
 TRD-819333

The Oil and Gas Division will meet in the first floor auditorium to consider various matters falling within the Railroad Com-

mission's oil and gas regulatory jurisdiction.

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

**Filed:** December 23, 1981, 10:44 a.m.  
TRD-819334

Addition to the above agenda: Hearings in the following dockets: 3-76,730 and 3-76,729—investigation into complaints and allegations of General Production Corporation regarding the Humble Exploration Company, Inc., Teresa Carrett Unit Well 1, Giddings (Austin Chalk, Gas) Field, Lee County; and 3-77,343—investigation into complaints and allegations of Joe D. Burtshell regarding the Humble Exploration Company, Inc., Lauren B. Unit Well 1, Giddings (Austin Chalk) Field, Lee County.

**Contact:** John W. Camp, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1285.

**Filed:** December 23, 1981, 10:44 a.m.  
TRD-819335

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

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

**Filed:** December 23, 1981, 10:46 a.m.  
TRD-819336

The Office of Special Counsel will meet in the third floor conference room to consider and act on the division director's report relating to pending litigation, Sunset Commission procedures, and other budget, administrative, and personnel matters.

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

**Filed:** December 23, 1981, 10:45 a.m.  
TRD-819337

The Surface Mining and Reclamation Division will meet in the first floor auditorium to consider final adoption of the uranium exploration hole regulations promulgated pursuant to House Bill 1413, and to consider and act on the division director's

report on division administration, budget, procedures, and personnel matters.

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

**Filed:** December 23, 1981, 10:46 a.m.  
TRD-819338

The Transportation Division will meet in the first floor auditorium, Room 107, to consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction.

**Contact:** Owen T. Kinney, 1125 IH 35 South, Austin, Texas 78704, (512) 445-1330.

**Filed:** December 23, 1981, 10:42 a.m.  
TRD-819339

**Wednesday, January 6, 1982, 1 p.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in Room 107, 1124 IH 35 South, Austin, to hear oral argument in Oil and Gas Docket 8-76,365—application of BTA Oil Producers for the establishment of a pooled unit in the Howe (Atoka) Field, Ward County.

**Contact:** Susan Cory Kovar, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1286.

**Filed:** December 23, 1981, 10:43 a.m.  
TRD-819340

**Wednesday, January 20, 1982, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in Room 107, 1124 IH 35 South, Austin, for a statewide oil and gas hearing.

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

**Filed:** December 23, 1981, 10:43 a.m.  
TRD-819341

### **Texas Real Estate Commission**

**Monday, January 11, 1982, 9:30 a.m.** The Texas Real Estate Commission will meet at the conference room of the TREC office facility, 1101 Camino La Costa, Austin. Items on the agenda summary include: minutes of December 7, 1981, meeting; staff reports for the month of November 1981; report on appeal of San Antonio Community College of administrative decision to decline acceptance of certain courses toward education prerequisites for applying for real estate licen-

sure; consideration of motions for rehearing; consideration of proposed amendments to §537.11 and §535.132 and new §541.1; school matters; and executive session to discuss pending litigation and personnel matters.

**Contact:** Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 459-1123.

**Filed:** December 28, 1981, 9:36 a.m.  
TRD-819379

### **State Securities Board**

**Monday, January 4, 1982, 9 a.m.** The securities commissioner of the State Securities Board will conduct a hearing at 1800 San Jacinto, Austin, for the purpose of determining whether a cease and desist order should be issued prohibiting the sale of securities issued by the Arizona Utah Colorado Development Corporation.

**Contact:** Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas, (512) 474-2233.

**Filed:** December 22, 1981, 2:39 p.m.  
TRD-819304

### **Texas Sesquicentennial Museum Board**

**Friday, January 8, 1982, 10 a.m.** The Texas Sesquicentennial Museum Board will meet in Room 346 of the State Capitol. Items on the agenda include: review of authorization of House Bill 1986; discussion of goals and objectives; appointments of appropriate committees; and items for general discussion.

**Contact:** Randy M. Lee, P.O. Box 19840, Austin, Texas 78750, (512) 475-5726.

**Filed:** December 23, 1981, 10:14 a.m.  
TRD-819323

### **Texas A&M University System**

**Thursday, January 7, 1982, 10 a.m.** The Texas A&M University System Board of Regents Committee for Academic Campuses will meet in Conference Room A, Tarleton Center Tarleton State University, Stephenville. According to the agenda, the committee will consider the following for recommendation to the Board of Regents: practice plan for TAMU College of Medicine; degree programs (TAMU); increase in fee for foreign studies program (TAMU); authorization for a bachelor of science degree in computer information systems and an option in computer information systems in the bachelor of business

administration degree program (TSU); organizational changes at TSU; increase in fees (TSU); regents authorization for PVAMU to file an application for a grant under provisions of §§301-306 of Title III, Higher Education Act, 1965, (20 United States Code 1051-1056) as amended; certification of institutional representative from PVAMU to Region IV Education Service Center Joint Committee; Board of Visitors (TAMUG) and increase in cruise fee (TAMUG).

**Contact:** Robert G. Cherry, Texas A&M University, College Station, Texas 77843, (713) 845-4334.

**Filed:** December 23, 1981, 1:56 p.m.  
TRD-819341

### Texas Water Commission

**Monday, January 4, 1982, 10 a.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, regarding applications for district bond issues, use of surplus funds, release from escrow, setting of hearing date for district creation, water quality permits, amendments and renewals voluntary cancellation, final decisions, adjudication matters, voluntary withdrawal and dismissal of claims, and the filing and setting of hearing dates.

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

**Filed:** December 22, 1981, 2:54 p.m.  
TRD-819304

**Wednesday, January 6, 1982, 11 a.m.** The Texas Water Commission will conduct a hearing in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, to determine whether Temporary Order 81-12E, issued on December 22, 1981, to the City of Midland should be affirmed, modified, or set aside by the commission. The order authorizes the City of Midland to discharge treated domestic wastewaters from the secondary treatment plant and from the irrigation storage lagoons at its Water Pollution Control Plant 1, in Midland County.

**Contact:** Georgia Kyser, P.O. Box 13087, Austin, Texas 78711, (512) 475-7851.

**Filed:** December 23, 1981, 10:52 a.m.  
TRD-819346

**Friday, February 5, 1982, 10 a.m.** The Texas Water Commission will conduct hearings in Room 618, Stephen F. Austin

Building, 1700 North Congress, Austin, on the following applications.

Application 4180 of Walnut Creek Farms of Granbury, Inc., for a permit to maintain two existing dams and reservoirs on Ike's Branch, tributary of Walnut Creek, tributary of Brazos River, Brazos River Basin, to impound water for irrigation purposes in Hood County.

Application 4182 of Maxine Robson Kyle and William Allen Kyle, Jr., co-trustees, for a permit to divert and use not to exceed 200 acre-feet of water per annum from the Guadalupe River, Guadalupe River Basin, for irrigation purposes in Victoria County.

Application 4181 of Margaret E. Baetz, independently and as independent executrix of the estate of Bertrand O. Baetz, for a permit to divert 86.6 acre-feet of water from the San Antonio River, San Antonio River Basin, for irrigation purposes in Wilson and Bexar Counties.

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

**Filed:** December 23, 1981, 1:22 p.m.  
TRD-819352-819354

**Thursday, February 11, 1982, 10 a.m.** The Texas Water Commission will conduct hearings in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin, on the following applications.

Application 3698A of Marvin Riggs and Barbara Riggs for an amendment to Permit 3422 for an additional 10-year period, Colorado River Basin, San Saba County.

Application 3971A of J. Weldon Simmons for an amendment to Permit 3677, Red River Basin, Fannin County.

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

**Filed:** December 23, 1981, 1:21 p.m.  
TRD-819355 and 819356

### Regional Agencies Meetings Filed December 23

**The Wheeler County Appraisal District,** will meet in the district's office, Courthouse Square, Wheeler, on January 4, 1982, at

### Meetings Filed December 28

**The Ark-Tex Council of Governments, Executive Committee,** will meet at the Alps Restaurant, Mount Pleasant, on January 7, 1982, at 5:30 p.m. Information may be obtained from Vivienne Arvin, P.O. Box 5307, Texarkana, Texas 75501, (501) 774-3481.

**The Brown County Appraisal District** will meet in the Brown County District Court Room, Brownwood, on January 4, 1982, at 6:30 p.m. Information may be obtained from Alvis Sewalt, 400 South Broadway, Brownwood, Texas, (915) 643-5676.

**The Deep East Texas County Commissioners and County Judges Association** will meet at the Peace Officers Building, Martha Drive, Nacogdoches, on January 14, 1982, at 3:30 p.m. Information may be obtained from Ivy Mays, P.O. Drawer 1170, Jasper, Texas 75951, (713) 384-5704.

**The Eastland County Appraisal District** will meet in the commissioners' courtroom, Eastland County Courthouse, Eastland, on January 6, 1982, at 3 p.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597.

**The Fisher County Appraisal District, Board of Directors,** will meet in the Hospitality Room, Fisher County Courthouse, Roby, on January 4, 1982, at 7 p.m. Information may be obtained from Billie L. Holcomb, P.O. Box 516, Roby, Texas 79543.

**The Gillespie County Appraisal District, Board of Directors,** will meet in the county courtroom, County Courthouse, Fredericksburg, on January 7, 1982, at 9 a.m. Information may be obtained from Fredolin Kaderli, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-7655.

**The Gregg County Appraisal District** will meet at 2010 Gilmer Road, Longview, on January 5, 1982, at 7 p.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas, (214) 759-0015.

**The Hockley County Appraisal District, board,** will meet at 913 Austin Street, Levelland, on January 4, 1982, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

**The Northeast Texas Health Systems Agency, Executive Committee,** will meet in the agency offices, Suite 201, Travis Terrace Building, 505 East Travis Street, Marshall, on January 5, 1982, at 7 p.m. Information may be obtained from Bayard S. Galbraith, 505 East Travis Street, Suite 201, Marshall, Texas 75670, (214) 938-8331.

**The Panhandle Health Systems Agency, Review Committee,** will meet in the first floor conference room of the Gibraltar Savings Building, 801 South Jackson, Amarillo, on January 7, 1982, at 5 p.m. Information may be obtained from Linda Maxey, P.O. Box 9257, Amarillo, Texas 79105-9257, (806) 372-3381.

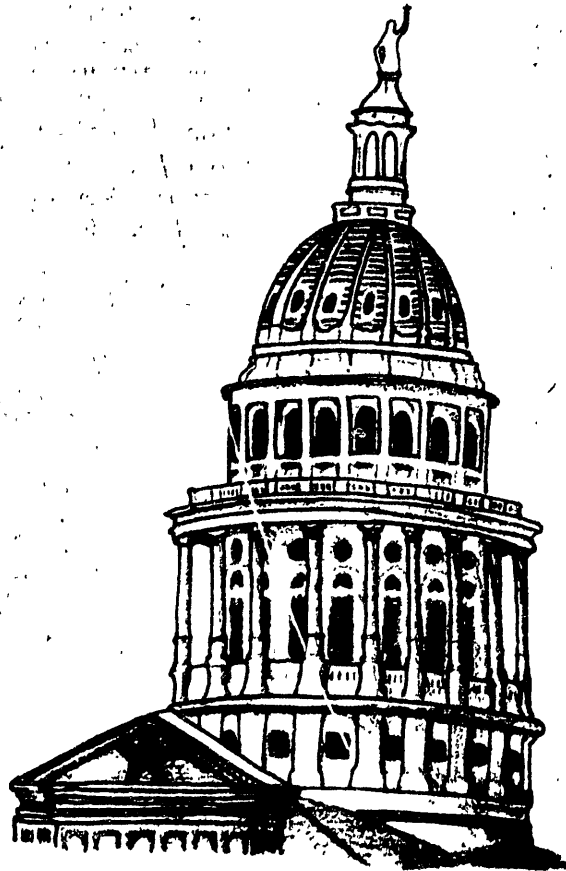
**The Tyler County Tax Appraisal District, Board of Directors,** will meet at 1004 West Bluff, Woodville, on January 5, 1982, at 7 p.m. Information may be obtained from Leslie J. Silva, P.O. Drawer 9, Woodville, Texas, (713) 283-3736.

TRD-819380.

#### Meetings Filed December 29

**The Capitol Area Rural Transportation System, Board of Directors,** will meet at the Capitol Area Planning Council Office, 2520 IH 35 South, Austin, Texas on January 7, 1982, at 10 a.m. Information may be obtained from Jace Graf, 2520 IH 35 South, Austin 78704, (512) 443-7653.

TRD-819388



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

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

## In Addition

### Texas Air Control Board Applications for Construction Permits

Notice is hereby given by the Texas Air Control Board of applications for construction permits received during the period of December 14-18, 1981.

Information relative to the applications listed below, 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 address stated above, and at the regional office for the Air Quality Control Region within which the proposed facility will be located.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

IMC Carbon Products, Corpus Christi; petroleum coke storage and handling; near Navigation Boulevard; 2523A; new source

Conoco Chemicals Co., Alvin; Olefins Units 2; Chocolate Bayou; 4634A; new source

Conoco Chemicals Co., Alvin; ethylene cracking heater-20 units; Chocolate Bayou; 4323A; new source

B & L Landfill, Inc., Houston; trench burner; 4211 Clow Road; 8503A; new source

B F Goodrich Co., Chemical Group, La Porte; PVC production facility; Independence; 8984; new source

B F Goodrich Co., Chemical Group, La Porte; PVC production facility; Independence; 8985; new source

Delhi Gas Pipeline Corp., Dallas; amine treater-sulfur recovery unit; Route 1, Box 128; 8986; new source

Gulf Oil Co.-U.S., Port Arthur; sulfur recovery unit; West Seventh Street; 8987; new source

Getty Oil Co., Natural Gas Plant, Streetman; processing natural gas; Aker Field Plant; 8988; new source

Apache C.O.D. Concrete, Three Rivers; ready mix concrete; Highway 281; 4684A; new source

Texas Industries, Inc., Clodine; crushed stone terminal; 8989; new source

Pacific Adhesive Co. of Texas, Inc., Fort Worth; blood drying; 3601 North Grove; 6690A; new source

Issued in Austin, Texas, on December 18, 1981.

TRD-819299

Ramon Dasch  
Director of Hearings  
Texas Air Control Board

Filed: December 22, 1981, 9:26 a.m.

For further information, please call (512) 451-5711, ext. 354.

### Contested Case Hearing

Pursuant to the authority provided in §§3.15, 3.16, and 3.17 of the Texas Clean Air Act, Texas Civil Statutes, Article 4477-5, §103.31 (131.02.04.001) and §103.41 (131.02.05.001) of the Procedural Rules of the Texas Air Control Board (TACB), and Paragraph II C 3 b(2)(b) of the Texas State Implementation Plan for the Control of Lead Pollution (Lead SIP), an examiner for the TACB will conduct a hearing to consider a proposed point source control plan (proposed plan) submitted by Gould, Inc. (the company) for their plant located in Frisco.

Said company is directed to appear at the time and place given and to demonstrate by a preponderance of the evidence that the proposed plan will comply with the provisions of the Lead SIP and applicable sections of the Federal Clean Air Act (FCAA).

The record of the hearing will be used by the TACB in

making a final determination on the proposed plan's acceptability. Factors to be considered shall include but are not limited to a showing that the proposed plan provides for reductions sufficient to attain the lead standards as soon as practicable but no later than November 5, 1981 (or, with possible extension, by November 5, 1984) and a commitment by the company to implement additional control measures as necessary if the standard is exceeded in the future. If the proposed plan is accepted it will be submitted to the EPA as a supplement to the Lead SIP.

The proposed plan calls for the use of the following: the utilization of a ventilation system for controlling the charging emissions; the enclosure of the furnace to further control fugitive emissions; a specialty alloy ventilation system utilizing a ventilated enclosure for the storage of refinery drosses, and a ventilated enclosure for the storage of lead drosses; and the use of a flue dust furnace to receive dust from all of the smelter baghouses.

Copies of the proposed plan, background data, TACB staff analysis, and the board's rules and regulations are available for public inspection at the central office of the agency located at 6330 Highway 290 East, Austin, Texas 78723, the regional office of the agency located at 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, and the office of the Frisco city secretary located at 503 West Main Street, Frisco, Texas 75034.

The time and place for the hearing are set for 6 p.m., February 17, 1982, at the Frisco City Hall Building located at 503 West Main Street, Frisco. Prospective parties to the hearing are the staff of the TACB and the company. Any other persons desiring to be made a party to the hearing must submit a written request, postmarked no later than January 10, 1982, to Examiner Kenneth E. Davison, Jr., Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. At the hearing on the merits only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. If an interested person desires to give testimony at the hearing on the merits but does not desire to be a party, he or she may call the Legal Division of the TACB at (512) 451-5711, ext. 358, to determine the names and addresses of all admitted parties. These parties may then be contacted about the possibility of presenting testimony.

Pursuant to §103.46 (131.02.05.006) of the Procedural Rules of the TACB, the examiner has scheduled a prehearing conference for January 20, 1982, at the Frisco City Hall Building located at 503 West Main Street, Frisco. All persons wishing to be admitted as parties must attend the conference. Proposed disputed issues for consideration at the hearing on the merits and requests for official notice should be made at the prehearing conference. At the conference a specific date prior to the hearing on the merits will be established for the exchange of witness lists, short summaries of their prospective testimony, and copies of written and documentary evidence pursuant to §103.46(2) (131.02.05.006(2)).

Interested members of the general public who plan to attend the hearing are encouraged to telephone the central

office of the TACB in Austin, at (512) 451-5711, ext. 358, or the regional office in Fort Worth, at (817) 732-5531, a day or two prior to the hearing date in order to confirm the setting, since continuances are granted from time to time.

Issued in Austin, Texas, on December 17, 1981.

TRD-819298 Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Filed: December 22, 1981, 9:26 a.m.  
For further information, please call (512) 451-5711, ext. 354.

### Banking Department of Texas Application to Purchase Control of a State Bank

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

On December 14, 1981, the banking commissioner received an application to acquire control of Citizens State Bank, Cross Plains, by B. G. Barton, Mary Lou Braymer, Rayburn L. Brazzel, E. Allen Daigle, D. Truitt Davis, Don Earney, Edward R. Goode, John R. Thompson, John Korman, Walter V. Rinehart, James B. Skinner, John G. Thompson, and Jerry Wylie of Abilene; Richard Fox, Albany; Pat S. Holloway, Eugene R. Sanders, and Max Williams of Dallas; Ken L. Horan, Cross Plains; William H. Jowell, Homer E. Pace, Jr., Joe Bill Pierce, and Jack W. Young of Midland; John Luciani, Allendale, New Jersey; and Roy H. Smith, Wichita Falls.

On December 21, 1981, the banking commissioner received an application to acquire control of Highlands State Bank, Highlands, by Kenneth E. Rolston of Houston.

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

Issued in Austin, Texas, on December 22, 1981.

TRD-819324 and O. A. Cassity  
819375 Assistant General Counsel  
Banking Department of Texas

Filed: December 23, 1981, 8:54 p.m.  
For further information, please call (512) 475-4451.

## Office of Consumer Credit Commissioner Notice of Rate Ceilings

Pursuant to the provisions of House Bill 1228, 57th Legislature of Texas, 1981, the consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Article 1.04, Title 79, as amended Texas Civil Statutes, Article 5069-1.04.

Effective Period(1)	Type of Transaction	
	Commercial(3) Consumer(2)/thru \$250,000	Commercial(4) over \$250,000
<b>Indicated Rate</b>		
<b>Weekly Rate Ceiling</b>		
1/4/82-1/10/82	24%	25%
<b>Monthly Rate Ceiling</b> (Variable Commercial Only)		
1/1/82-1/31/82	23.13%	23.13%
<b>Quarterly Rate Ceiling</b>		
1/1/82-3/31/82	24%	26.37%
<b>Annual(5) Rate Ceiling</b>		
1/1/82-3/31/82	24%	28%

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

Issued in Austin, Texas, on December 28, 1981.

TRD-819374 Sam Kelly  
Consumer Credit Commissioner

Filed: December 28, 1981, 9:34 a.m.  
For further information, please call (512) 475-2111.

## Texas Energy and Natural Resources Advisory Council Consultant Contract Award

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Energy and Natural Resources Advisory Council hereby furnishes this notice of consultant contract award. The consultant proposal request appeared in the May 26, 1981, issue of the *Texas Register* (6 TexReg 1930). A description of the study follows.

Project 80-L-12-8 is a study to investigate ways in which the utilization of Texas coal and lignite may be promoted through reasonable permitting approaches that eliminate regulatory conflicts, overlaps, and inconsistencies while providing reasonable environmental protection. The contractor will provide a detailed overview and matrix of federal and state permitting and regulatory requirements governing the recovery of coal and lignite through surface mining and/or in situ recovery techniques. The contractor will trace the implications of these requirements

insofar as their terms or their implementation are concerned, and will develop and analyze alternatives for the resolution of identified problems.

The contractor is Radian Corporation, 8501 Mo-Pac Boulevard, Austin, Texas 78766. The total value of the contract is \$39,022. The beginning date of the contract is November 9, 1981, and the ending date is April 30, 1982.

Progress reports are due December 11, 1981, January 8, 1982, and February 11, 1982; a draft final report is due March 12, 1982; and a final report is due April 16, 1982.

Issued in Austin, Texas, on December 22, 1981.

TRD-819325 J. Mark Lawless, Director  
Natural Resources Division  
Texas Energy and Natural  
Resources  
Advisory Council

Filed: December 23, 1981, 8:53 a.m.  
For further information, please call (512) 475-0414.

## Consultant Proposal Request

**Description.** Texas Energy and Natural Resources Advisory Council (TENRAC) is soliciting proposals for carrying out drilling, coring, and logging of deep basin lignite (deeper than 200 feet below earth surface) in Texas.

This solicitation is issued in accordance with the Texas Energy Development Act of 1977, Texas Civil Statutes, Article 4413(47b), as amended by Senate Bill 921, 66th Texas Legislature, and pursuant to the rules adopted for administration of the Texas Energy Development Act (4 TexReg 4604) and under the provisions of Texas Civil Statutes, Article 6252-11c. Furthermore, the characterization work described herein is in general conformity with the philosophy of spending state funds on the collection of needed energy data in cooperation with the private sector to generate public information essential for the state to foster an equitable development climate and to fulfill its responsibilities relative to environmental protection and optimal resource recovery.

Lignite resources in Texas are currently estimated at 58 billion short tons (755 quadrillion Btu's or Quads), constituting just over 1/4 or 26% of the state's total energy endowment of 2,915 Quads. Near-surface lignite resources, or those at depths between 20 feet and 200 feet, are about 23 billion tons (300 Quads), of which some 8.6 to 11.1 billion tons are exploitable by current surface mining methods. Projections are that approximately six to seven billion tons of lignite must be committed by the year 2000 to meet the needs of the electric and industrial sectors in Texas. Near-surface reserves are adequate to meet the energy needs of this century. Meeting demand in the early decades of the 21st century and beyond will require the recovery of deep-basin lignite, or that occurring at more than 200 feet below the surface.

Deep-basin lignite resources at exploitable depths between 200 feet and 2,000 feet and in seams greater than five feet



thick are about 35 billion tons (455Q) or 16% of the state's energy endowment. They occur mainly north of the Colorado River in two geologic units, primarily the Wilcox Group and secondarily the Jackson Group. Approximately 200 Quads of energy are potentially recoverable by deep-recovery technology or more than twice the energy equivalent of Texas proven oil and gas reserves (95 Quads). However, at this time, these resources are not economically extractable. Small tonnages are now technically exploitable by in situ gasification and potentially large tonnages are recoverable by deep-surface mining or in situ gasification or other methods. Few details are known about the deep-basin lignite. In fact, lack of data is perhaps a major factor contributing to industry's reluctance at this time to make major commitments in Texas to in situ gasification, a very site-specific technology. There is concern over the economics of deep recovery and whether deep lignite is a reserve.

Therefore, TENRAC has ventured on a multiyear program to collect hydrogeologic, chemical, physical property, and engineering data about the deep lignite resources of the state. Such data will facilitate the assessment of exploitability of deep-basin lignite and identification of areas with high potential for deep recovery. Just as earlier public sector research on near-surface lignite did, this research is expected to ultimately stimulate private exploration and exploitation by providing valuable reference data. It could also form a base for feasibility studies and large-scale field testing of recovery technologies such as in situ gasification.

The overall program will be carried out by the Texas University Coal Research Consortium presently comprising of Texas A&M University, Texas Tech University, University of Houston, and the University of Texas at Austin. The drilling, coring, and logging work covered by this SPI is being carried out under the project direction of the Bureau of Economic Geology, University of Texas at Austin (UT-BEG). The present SPI covers drilling, coring, and logging to be carried out in the East Texas Sabine Uplift region in the Wilcox. Eventually, similar work will be conducted over the entire Texas lignite belt on a region-by-region basis.

**Specific Areas of Work.** Proposals for the following work are requested. Additional proposals may be solicited at a later date for drilling, coring, and logging in other lignite regions as well as for hydrologic testing. Proposals may be submitted for all or independent parts of the work specified below.

*SPI Number 82-L-1: Drilling and coring for deep Wilcox lignite in the Sabine Uplift region.*

**Equipment.** The drilling contractor shall furnish truck-mounted rotary rig capable of drilling a five inch to six inch diameter hole to a maximum depth of 2,000 feet, 5-½ by eight inch mud pump or equivalent able to bring cuttings to the surface in reasonable time, water truck of 1,000 gallon to 1,500 gallon capacity, portable mud pit, backhoe, sufficient 2-7/8 inch by 20 feet drill pipe, drill collars, and tools.

Coring is anticipated with a 4-½ inch (OD), 20 feet solid or split core barrel and openface discharge diamond bit. Alternate sizes of the drill hole, core, and drilling/coring components may be proposed and may be accepted if considered adequate by the project director.

**Experience.** Contractor shall have experience with drilling and coring lignite, setting downhole cement plugs according to Texas Railroad Commission or equivalent requirements, and completing water wells, and shall hold a water well license. Contractor's experience with Gulf Coast lignite will be a major consideration.

**Performance.** Contractor shall drill a minimum of 12 holes and up to 24 holes (5.0% tolerance subject to deviation survey) to a minimum depth of 500 feet and up to depths of 2,000 feet (at hourly or footage rates applicable in the terrain and location), provide one experienced driller and two helpers, collect samples at five feet intervals, guarantee loggability of holes, and maximize recovery of core (three inch minimum diameter). All work shall conform to industry practice and standards.

**Location.** Work shall be confined to the East Texas counties of Gregg, Smith, Cherokee, Rusk, Panola, Nacogdoches, and Shelby. The drilling, coring, and logging work is envisioned to be a continuous activity once begun.

*SPI Number 82-L-2: Logging in the drilled holes of the type and degree to be determined by UT-BEG Project Director.*

The logging contractor shall provide an experienced lignite logging engineer. For the total depth of each hole gamma-gamma density, natural gamma, focused resistivity, resistivity (64-inch normal or induction), neutron-neutron, and caliper logs will be run and recorded digitally.

**Funding.** Funding under this SPI will cover only the above named lignite region. Cost sharing either through contribution of funds or facilities or by providing in field services is encouraged and will strengthen a proposal's potential for selection. The reasonableness of the budget and the experience of the proposer will be considered in proposal evaluation. TENRAC reserves the right not to fund any proposal if no satisfactory proposal is received.

**Eligibility.** The following criteria are established for acceptability of proposers:

- (1) Texas-based proposers will be given priority consideration and only in unusual circumstances will this priority be disregarded.
- (2) Individual members of the council, TENRAC staff, or their immediate families are not eligible.
- (3) Individuals who are part of the TENRAC review team are eligible and their review function will be appropriately limited.

**State Universities and State Agencies.** TENRAC cannot contract to pay indirect costs for state universities and state agencies who may respond to this SPI. However, the full federally audited equivalent indirect costs would be listed as matching funds. This restriction does not apply to other proposers.

**Proposal Content.** Voluminous proposals are not desired. The proposals should include the: (1) cover page, which should include title, SPI number, name and address of the proposer(s), name, address, and telephone number of the person(s) to be contacted concerning technical and contractual questions, and the signature of the proposer's authorized representative(s); (2) proposal summary; (3) technical section; (4) administrative section; (5) financial section; (6) experience and qualifications section; and (7) appendices. Appendices should be included as appropriate.

**Review Criteria and Procedures.** Evaluation of the submitted proposals will be in accordance with the rules adopted for the administration of the Texas Energy Development Act cited. A copy of the rules will be provided upon request.

**Deadline and Address for Proposal Submission.** In order to be considered for funding in March 1982, 10 copies of the proposal must be received at TENRAC, Technology Development Division, Room 506, Employees Retirement System Building, 200 East 18th Street, Austin, Texas 78701, no later than 5 p.m. February 1, 1982.

**Contract Terms.** The detailed terms of the contract will be negotiated with the selected proposer. A blank contract form with standard terms and conditions will be supplied to interested proposers upon request. Work to be compensated with the current funding must be completed by not later than the end of the present State of Texas funding biennium, i.e., August 31, 1983. It is anticipated that the contract awards will be made by about March-April 1982.

**Contact Person for Additional Information.** Address questions and requests for additional information pertaining to contractual matters to Charles Mauk or C. D. Rao, Texas Energy and Natural Resources Advisory Council, 200 East 18th Street, Room 506, Austin, Texas 78701, (512) 475-0236 or STS 822-0236, and those relating to the actual drilling, coring, and logging to W. R. Kaiser, Bureau of Economic Geology, University of Texas at Austin, Geology Building, Room 523, Austin, Texas 78712, (512) 471-1534 or STS 821-1534.

Issued in Austin, Texas, on December 23, 1981.

TRD-819345 Roy R. Ray, Jr., Director  
Technology Development  
Division  
Texas Energy and Natural  
Resources Advisory Council

Filed: December 23, 1981, 11:02 a.m.  
For further information, please call (512) 475-0236.

## Texas Department of Health License Amendments

Notice is hereby given that the following licenses have been amended to designate R.R. LeClair as the radiation safety officer.

- (1) License 8-2436—issued to Mobil Oil Corp. for the

**Holiday-El Mesquite Project** located approximately five miles east of Bruni, Duval County.

- (2) License 8-2485—issued to Mobil Oil Corp. for the Piedre Lumbre-Brelum Project located approximately nine miles north of Freer, Duval County.

- (3) License 8-2600—issued to Mobil Oil Corp. for the Nell Uranium Plant located approximately four miles west of Pawnee, Karnes County.

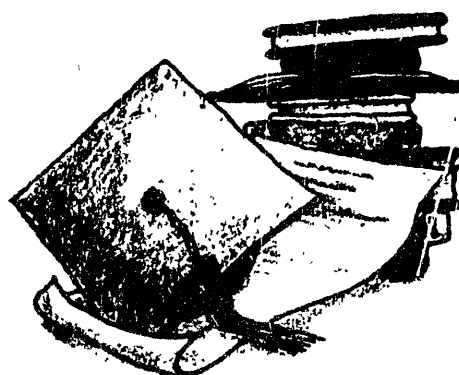
This notice affords the opportunity for a public hearing upon written request, within 30 days, by an affected person, as required by Texas Civil Statutes, Article 4590(f), §11, as amended.

Additional information may be obtained from David K. Lacker, chief, Bureau of Radiation Control, 1100 West 49th Street, Austin, Texas 78756.

Issued in Austin, Texas, on December 21, 1981.

TRD-819308 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: December 22, 1981, 2:02 p.m.  
For further information, please call (512) 458-7341.



## Texas State Library and Archives Commission Consultant Contract Award

The Texas State Library and Archives Commission has awarded a private consultant contract for a statewide public information project. The consultant proposal request was filed under the provisions of Texas Civil Statutes, Article 6252-11c, and was published in the October 16, 1981, issue of the *Texas Register* (6 TexReg 3851).

**Description.** The statewide public information project promotes public awareness of libraries through the production and distribution of advertising materials to be displayed as public service announcements. In addition to consultation services, video and audio public service

announcements, print materials, and placement assistance are to be provided.

**Contractor.** The name and address of the consultant are Wilson and Wilson, 1210 Castle Hill, Austin, Texas 78703.

**Contract Value and Period.** Total costs of the contract are not to exceed \$23,000. The beginning date of the contract is December 11, 1981, and the completion date is March 19, 1982.

**Due Date for Reports.** The due date for documents (products) relating to the statewide public information project is March 19, 1982.

Issued in Austin, Texas, on December 22, 1981.

TRD-819307 William D. Gooch  
Assistant State Librarian  
Texas State Library and  
Archives Commission

Filed: December 22, 1981, 2:01 p.m.  
For further information, please call (512) 475-6656.

## Texas Merit System Council Correction of Error

An adoption submitted by the Texas Merit System Council, concerning §§161.1-161.24 (Merit System of Personnel Administration), contained several errors as published in the December 11, 1981, issue of the *Texas Register* (6 TexReg 4617). Corrections for these errors follow.

At 6 TexReg 4618—The last sentence in the second paragraph of the first column should read:

In the absence of specific legislative permission, it would seem inappropriate for the council to delegate its responsibility to the participating agencies as would be the effect of resorting to the substantial evidence rule.

At 6 TexReg 4620—The following definitions should read:

(31) Payroll exception—Certification by the director that the employment of an individual is not in conformity with the regulation.

(36) Probationary period—The trial or work test period as described in §161.9 of this title (relating to Probationary Period).

(39) Provisional appointment—An appointment to fill a position pending the establishment of a register for such position

At 6 TexReg 4626—The correct title for §161.10 is Promotion, Lateral Class Change, and Demotion without Prejudice.

At 6 TexReg 4627—Portions of §161.12 and §161.13 were pasted up in the wrong order. Information on that page is reprinted below for clarification purposes.

At 6 TexReg 4628—The last sentence of paragraph (1) in §161.13(c) should read:

Except in cases where the recommendation is that the action of the agency be sustained, promptly give written notification to the applicant and the director of its deci-

sion as to whether the council recommendation will be implemented.

### §161.12. Adverse Action.

(a) A permanent employee may be dismissed, demoted, reduced in salary, or suspended for:

- (1) negligence in the performance of duties;
- (2) failure to meet agency standards of job performance;
- (3) failure to follow instructions issued by management or supervisor;
- (4) physical or mental inability to perform duties;
- (5) engaging in conduct which interferes with the proper performance of duties;
- (6) continuing employment with the agency where such employment is a violation of any provision of state law;
- (7) abandonment of a position by being absent without authorization for three consecutive workdays;
- (8) conviction of an offense which is a contraindication to continued employment for which hired;
- (9) making a false statement of material fact on the agency or Merit System Council application; or
- (10) violation of any state or agency rules, regulations, or policies.

(b) The agency must furnish to the employee at the time such action is taken, or prior thereto, a statement in writing specifying the reason(s) for the action and what type of discipline will be effected. In an emergency situation, where it is impracticable to give prior or immediate notice in writing, such notice shall be given as soon as possible. The notice shall also state that the employee has the right to appeal the action as provided in §161.13 of this title (relating to Appeals)

(c) Suspension for disciplinary reasons. The appointing authority may suspend without pay any employee for any of the reasons specified in subsection (a) of this section. Such suspension shall not exceed one month for any one offense

(d) Suspension for investigative purposes. The appointing authority may place an employee on leave-without pay status pending the outcome of an investigation concerning the employee for any reason indicated in subsection (a) of this section

(e) The appointing authority may reduce an employee's salary to a step rate no lower than the minimum rate for that employee's designated salary group for any reason listed in subsection (a) of this section. An employee's pay may be restored to any step rate in the designated salary group up to and including the prior rate.

(f) An employee may be demoted for any reason given in subsection (a)(1) of this section upon certification by the director that minimum qualifications for the new class have been met

(g) Like penalties shall be imposed for like offenses insofar as is practicable

(h) The appointing authority is not required to reconsider for appointment any employee dismissed for any of the reasons specified in subsection (a) of this section.

### §161.13. Appeals

(a) Actions which may be appealed to the Merit System Council.

(1) Appeal from rejection of application or disqualification. Applicants who have been disqualified or whose applications are rejected in accordance with §161.5(b) and (c) of this title (relating to Applications and Examinations), may be admitted to an examination pending consideration of an appeal, but such admission shall not constitute any assurance of removal of disqualification or approval of applicant's training and experience as satisfying minimum qualifications

(2) Appeal from examination rating. Applicants

may appeal to the council for a review to assure that uniform rating procedures have been applied fairly and equally in the rating of any part of the examination. No change will be made in the rating unless the council finds that an error has been made and any correction shall not affect certifications or appointments previously made from the register.

(3) Appeal from removal from register. An eligible whose name has been involuntarily removed from a register may appeal to the council for reconsideration of the removal.

(4) Appeal from discrimination. An applicant, eligible, or employee who feels adversely affected in employment status or opportunity for employment as a result of discrimination prohibited by §161.17 of this title (relating to Discrimination), shall have the right of appeal to the council.

(5) Appeal from dismissal, suspension, demotion, or salary reduction. A permanent employee who is dismissed, suspended, demoted, or reduced in salary shall have the right to appeal such action to the council.

(b) Requirements and procedures governing appeals.

(1) Contents and time limitation on filing appeals.

All appeals shall be in writing and shall be received by the director within 20 days after either the action complained of; the date of appellant's first official notice of the action complained of, or notice of denial of any administrative remedies sought by appellant. The appeal shall state the following:

- (A) appellant's name, employing agency (if applicable), and mailing address.
- (B) specific action(s) complained of, including the alleged violation of this regulation.
- (C) relief sought by the appeal.
- (D) whether the appellant wishes to appear when the appeal is considered, and
- (E) whether appellant is represented by counsel.

(2) Scheduling and processing appeals. Upon receipt of an appeal, the director shall arrange for a council hearing to be held within 45 calendar days of receipt of the appeal, unless an extension of time is agreed to by the parties. The director shall notify the appellant and appointing authority, if applicable, of time and place of the hearing as soon as practicable, but in any event not less than 15 calendar days in advance thereof. The council shall issue its written decision on the appeal within 30 calendar days after the hearing. The director shall promptly transmit copies of the decision to the appellant and to the appointing authority, if the appellant is an employee.

(3) Procedures governing conduct of appeal hearings. The following procedures shall govern the conduct of appeal hearings before the council:

(A) Appeal proceedings before the council shall be open, public hearings, but either party may invoke the rule to exclude nonparty witnesses except while giving evidence.

(B) Any party shall have the right, but shall not be required, to be represented by counsel.

(C) The director shall arrange for a notary public, or other officer empowered to administer oaths, to be in attendance at every hearing and all evidence offered shall be under oath.

(D) All evidence offered shall bear upon the action from which the appeal is taken and the council may properly exclude all extraneous evidence.

(E) The proceedings of all hearings before the council shall be recorded, but shall be transcribed only upon request of a party to the appeal. The council will

determine a reasonable fee per transcript page and also will require a deposit sufficient to cover the cost of the transcript prior to its preparation.

(F) Either party may request the other party to produce relevant records, exhibits, and witnesses under custody or control of the requested party. Such requests shall be made at least 10 calendar days prior to the scheduled hearing and copies of all such requests to the adverse party shall be filed with the council. The council may direct compliance with such requests. Upon a showing of good cause, the council may order production of such relevant documents and/or witnesses when such requests are made later than 10 calendar days prior to the hearing. The council will summarily dismiss the appeal of an appellant who refuses to comply with this procedure.

(G) At the appellant's request, a certified interpreter shall be provided by the council for the appellant whose hearing is so impaired as to prohibit understanding voice communications. The appellant must provide notice of the hearing impairment at least 10 calendar days prior to the appeal hearing.

(H) Appeals made directly to the council shall be heard and considered *de novo*. When an appeal to the council is taken from an agency's internal grievance proceeding which included a due process hearing, upon motion by either party, a certified transcript of such hearing shall be admitted into evidence. Thereafter, the council shall not rehear any of the evidence so admitted.

(I) A certified transcript is an accurate and complete written record of any and all proceedings of a due process hearing including copies of all exhibits, motions, and pleadings, and a verbatim transcript of all testimony, objections, rulings, arguments, and findings made in such proceeding.

(J) A due process hearing is an adversary hearing conducted under standards and conditions substantially equivalent to those established in this regulation, including the following:

- (i) all testimony is given under oath or penalty of perjury.
- (ii) parties are given notice of the rights of representation by legal counsel and cross-examination of witnesses.
- (iii) irrelevant and immaterial evidence is excluded.
- (iv) decisions are made by a person or persons not under the supervision, directly or indirectly, of the agency official proposing or recommending the adverse action.
- (v) parties have the right to compel the attendance and testimony of witnesses who are under control, direction, or supervision of the opposing party.

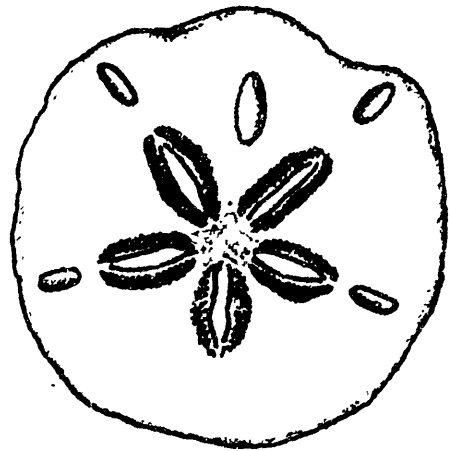
(c) Enforcement of appeal decisions.

(1) Appeal from dismissal, suspension, demotion, or salary reduction. In appeals brought under subsection (a) of this section, the opinion of the council shall be recommendatory to the appointing authority. Within 15 calendar days after receipt of the opinion, the appointing authority shall make its decision which shall be final and record same in the permanent records of the agency. Except in cases where the recommendation is that the action of the agency be sustained, promptly give written notification to the appellant and the director of its decision as to whether the council recommendation will be implemented.

(2) Appeals from other actions. In cases of all appeals except those brought under subsection (a)(5) of this section, the decision of the council shall be final and binding upon the director and/or the appointing authority. Within 15 calendar days after receipt of the council's decision, except in cases where the decision is that the action of the agency be sustained, the agency shall advise the director of the agency's action in implementing the decision.

**Office of the Secretary of State  
Texas Register Division  
Notice of Schedule Variation**

Because of the New Year's Day holiday on January 1, no issue will be published on January 5. All documents except notices of open meetings filed between 10 a.m. Monday, December 28, and 10 a.m. Monday, January 4; and all open meeting notices filed between 10 a.m. Tuesday, December 29, and 10 a.m. Tuesday, January 5, will be published in the January 8 issue. Regularly scheduled deadlines resume with the Tuesday, January 12 issue.



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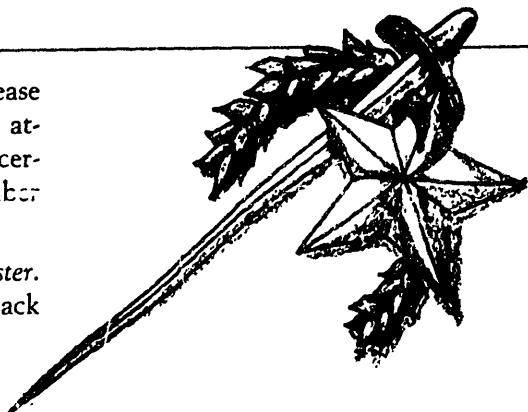
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