

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

**Numbering System**-- Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the category of rules to which the rule belongs. The third unit (two digits) indicates the subcategory of rules, if any, within the category. The fourth unit (three digits) indicates the individual rule.

**Symbology**-- Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

## Texas Air Control Board

### Control of Air Pollution from Nitrogen Compounds 131.09.00

The Texas Air Control Board proposes to amend Rule 131.09.00.001 by adding Section (e) which would provide for an exemption from Rule 131.09.00.001 for existing gas-fired steam generating units of less than 1,100,000 lbs/hour maximum continuous steam capacity, provided the total steam generated from the unit during any one calendar year does not exceed 30 percent of the product of the maximum continuous steam capacity of the unit times the annual operating hours of the unit. The amendment further provides for the maintenance of written records of steam generated on a daily basis. The amendment is proposed because it seems unwise to require expenditure of capital for air pollution controls on smaller, older units which will be phased out over a period of time and which are used only periodically to meet periods of high demand for energy.

Public comment on the proposed amendment is invited. A public hearing will be held on April 6, 1976, at 9:30 a.m., in the auditorium of the Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, for the purpose of receiving public testimony relative to the proposed amendment. Interested persons are invited to submit

data, views, and recommendations on the amendment either orally or in writing. Written statements may be submitted prior to the hearing by mailing fifteen (15) copies of such statements to the Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758.

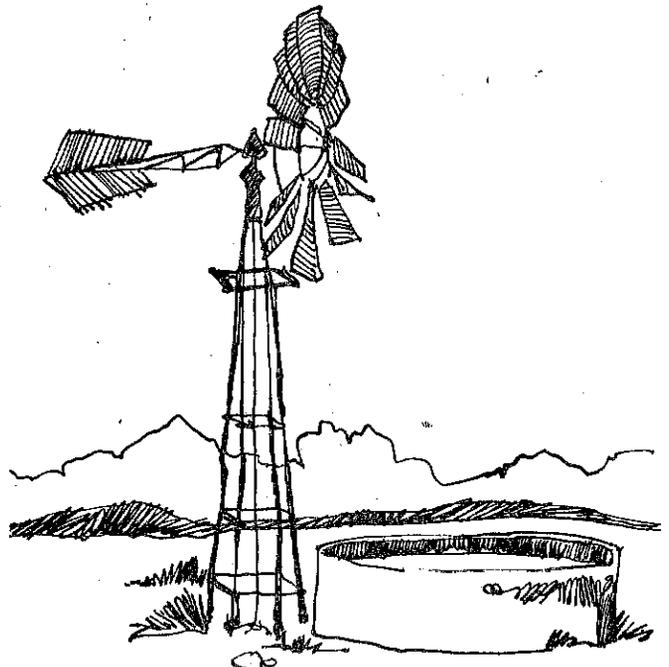
This amendment is proposed under the authority of Section 3.09 of Article 4477-5, Texas Civil Statutes.

#### .001. Gas-fired Steam Generating Rules.

(a) Rules 131.09.00.001(b), 131.09.00.001(c), and 131.09.00.001(d) shall apply only in the Dallas-Fort Worth and Houston-Galveston Air Quality Control Regions.

(b) No person may cause, suffer, allow, or permit emissions of nitrogen oxides, calculated as nitrogen dioxide, from any "opposed fired" steam generating unit of more than 600,000 lbs/hour maximum continuous steam capacity to exceed 0.7 lbs/million Btu heat input, maximum two-hour average, at maximum steam capacity. An "opposed fired" steam generating unit is defined as a unit having burners installed on two opposite vertical firebox surfaces.

(c) No person may cause, suffer, allow, or permit emissions of nitrogen oxides, calculated as nitrogen dioxide, from any "front fired" steam generating unit of more than 600,000 lbs/hour maximum continuous steam capacity to exceed 0.5 lbs/million Btu heat input,



maximum two-hour average, at maximum steam capacity. A "front fired" steam generating unit is defined as a unit having all burners installed in a geometric array on one vertical firebox surface.

(d) No person may cause, suffer, allow, or permit emissions of nitrogen oxides, calculated as nitrogen dioxide, from any "tangential fired" steam generating unit of more than 600,000 lbs/hour maximum continuous steam capacity to exceed 0.25 lbs/million Btu heat input, maximum two-hour average, at maximum steam capacity. A "tangential fired" steam generating unit is defined as a unit having burners installed on all corners of the unit at various elevations.

(e) *Existing gas-fired steam generating units of less than 1,100,000 lbs/hour maximum continuous steam capacity are exempt from Rule 131.09.00.001, provided the total steam generated from the unit during any one calendar year does not exceed 30 percent of the product of the maximum continuous steam capacity of the unit times the annual operating hours of the unit. Written records of the amount of steam generated for each day's operation shall be made on a daily basis and maintained for at least three years from the date of each entry. Such records shall be made available for inspection by employees of state and local agencies during regular business hours.*

Issued in Austin, Texas, on February 24, 1976.

Doc. No. 761139 Charles R. Barden  
Executive Director  
Texas Air Control Board

Proposed Date of Adoption: April 23, 1976

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

## Texas Education Agency

### Role and Function of the Texas Education Agency

#### Texas Education Agency in General 226.11.07

The State Board of Education is proposing to adopt Rule 226.11.07.010, setting forth general responsibilities and guidelines for appraisal procedures.

Public comment on Proposed Rule 226.11.07.010 is invited. Comments may be submitted by telephoning the office of J. B. Morgan, Associate Commissioner for Education Policy Formulation, at (512) 475-4789, or by writing to Dr. J. B. Morgan at 201 East 11th Street, Austin, Texas 78701.

This rule is promulgated under the authority of Sections 11.24 and 11.26, Texas Education Code.

.010. *Non-biased Public Appraisal Procedures.* The State Board of Education commits itself to the belief that schools are responsible for ensuring that students of a particular race, sex, national origin, or primary home language are not denied the opportunity to obtain the education generally obtained by other students in the system.

It affirms that school districts should exercise particular care in the referral, assignment, or placement of students to any of a variety of special programs-- including special education, migrant, bilingual, gifted and talented, and vocational programs-- so that such procedures do not discriminate against students on the basis of race, sex, national origin, or primary home language.

In order to be non-discriminatory in the aforementioned areas, any selection procedure must be formulated and administered solely on criteria appropriate to meeting the special education needs of the student for whom the program is designed and, further, must provide for timely reassessment and opportunity for reassignment. Procedures and tests must be used which give adequate consideration to such factors, related to the assessment of learning, as sociocultural and adaptive behaviors of students being tested, and linguistic and cultural competencies of test examiners. Similarly, adequate consideration to these factors should be included in the training of teachers, aides, and other instructional personnel.

Issued in Austin, Texas, on March 1, 1976.

Doc. No. 761165 M. L. Brockette  
Commissioner of Education  
Texas Education Agency

Proposed Date of Adoption: April 8, 1976

For further information, please call (512) 475-2268.

## Adult

### Adult Education and Training in General 226.35.41

The State Board of Education is proposing an amendment to Rule 226.35.41.010 to include bilingual education as a method of instruction in adult education programs.

Public comment on the proposed amendments to Rule 226.35.41.010 is invited. Comments may be submitted by telephoning the office of J. B. Morgan, Associate Commissioner for Educational Policy Formulation, at (512) 475-4789, or by writing to Dr. J. B. Morgan at 201 East 11th Street, Austin, Texas 78701.

This rule is promulgated under the authority of Sections 11.18, 21.111, and 21.902, Texas Education Code.