

# Texas Register

Volume 16, Number 29, April 16, 1991

Pages 2121-2247

## In This Issue...

### **Office of the Governor**

Appointments Made March 20, 1991

2135-Board of Pardons and Paroles

2135-Texas Tech University Board of Regents  
Appointments Made April 4, 1991

2135-The Fire Department of Emergency Board

2135-Texas Agricultural Finance Authority Board of Directors

Appointments Made April 8, 1991

2135-Texas Council on Offenders With Mental Impairments

2135-Texas Planning Council For Developmental Disabilities

### **Emergency Sections**

State Board of Insurance

2137-Corporate and Financial Regulation  
General Land Office

2137-Relationship Between Agency and Private Organizations

Commission on Fire Protection Personnel  
Standards and Education

2137-Practice and Procedure

2138-Administration Practice and Procedure

2145-Standards Manual

2148-Standards for Certification

2178-Forms

2179-Policy

2179-Fire Fighter Safety

2180-Fire Fighter Safety Equipment

2180-Fees

### **Proposed Sections**

State Board of Insurance

2183-Property and Casualty Insurance

Texas Workers' Compensation  
Commission

2183-General Provisions-Practice and Procedures

2185-Medical benefits-General Medical Provisions  
General Land Office

2185-Relationship Between Agency and Private Organizations

Texas Parks and Wildlife Department

2185-Parks

2188-Fisheries and Wildlife

Texas Air Control Board

2214-Control of Air Pollution from Visible Emissions and  
Particulate Matter

Commission on Fire Protection Personnel  
Standards and Education

2216-Practice and Procedure

2216-Administrative Practice and Procedure

CONTENTS CONTINUED INSIDE

## Texas Register

The *Texas Register* (ISSN 362-4781) is published semi-weekly 100 times a year except January 4, July 9, September 6, December 3, December 31, 1991. Issues will be published by the Office of the Secretary of State, 1019 Brazos, Austin, Texas 78711.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Texas Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas.

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

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

Governor-Appointments, executive orders, and proclamations

Attorney General-summaries of requests for opinions, opinions, and open records decisions

Emergency Sections-sections adopted by state agencies on an emergency basis

Proposed Sections-sections proposed for adoption

Withdrawn Sections-sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

Adopted Sections-sections 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 explanation on the contents of each section can be found on the beginning page of the section. The division also publishes accumulative quarterly and annual indexes to aid in researching material published.

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

In Order that readers may cite material more easily page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "14 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 14 TexReg 3"

**How to Research:** The public is invited to research rules and information; of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, Room 245, James Earl Rudder Building, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, sections number, or TRD number.

## Texas Administrative Code

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

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

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



## Texas Register Publications

a section of the  
Office of the Secretary of State  
P.O. Box 13824  
Austin, Texas 78711-3824

Secretary of State  
John Hannah, Jr.

Director  
Dan Procter

Assistant Director  
Dee Wright

Documents Section Supervisor  
Patty Parris

Documents Editors  
Lisa Brull  
Janlene Hagel

Open Meetings Clerk  
Jill Dahmert

Production Section Supervisor  
Ann Franklin

Production Editor

Typographers  
Sherry Rester  
Janice Rhea  
Carla Carter

Circulation/Marketing  
Cheryl Converse  
Roberta Knight

TAC Editor  
Dana Blanton

TAC Typographer  
Madeline Chrisner

---

Subscriptions-one year (96 regular issues), \$90; six months (48 regular issues and two index issues), \$70. Single copies of most issues are available at \$4 per copy.

2216—Standards Manual  
2220—Forms  
2221—Fire Fighter Safety  
2221—Fire Fighter Safety Equipment  
2221—Fees  
Texas Department of Human Services  
2222—Utilization Control  
**Adopted Sections**  
Texas Department of Licensing and Regulation  
2225—Air Conditioning and Refrigeration Contractor License Law  
Texas Air Control Board  
2225—Control of Air Pollution from Motor Vehicles  
Texas Department of Human Services  
2227—Purchased Health Services  
**Open Meetings**  
2231—Texas Department of Agriculture  
2231—Texas Alcoholic Beverage Commission  
2231—Texas Animal Health Commission  
2231—State Bar of Texas  
2231—Texas Commission for the Blind  
2231—Bond Review Board  
2231—Texas Department of Commerce  
2232—Texas Commission for the Deaf  
2232—Texas Council on Vocational Education  
2232—Texas Education Agency  
2232—Office of the Governor-Criminal Justice Division  
2232—Governor's Task Force on Revenue  
2232—Texas Department of Health  
2233—Texas Health and Human Services Coordinating Council  
2233—Texas Historical Commission  
2233—Department of Information Resources  
2233—State Board of Insurance  
2234—Lamar University System  
2234—Board of Law Examiners  
2234—Texas Department of Mental Health and Mental Retardation

2234—Texas State Occupational Information Coordinating Committee  
2235—Texas State Board of Pharmacy  
2235—Public Utility Commission of Texas  
2235—Texas Racing Commission  
2235—Railroad Commission of Texas  
2236—Texas Rehabilitation Commission  
2236—Texas National Research Laboratory Commission  
2236—Stephen F. Austin State University  
2236—Teacher Retirement System of Texas  
2237—Texas Turnpike Authority  
2237—University of Houston System  
2237—The University of Texas at Austin  
2237—Texas Water Commission  
2237—Texas Water Development Board  
2237—Regional Meetings  
**In Addition**  
Texas Air Control Board  
2239—Notice of Public Hearing  
Texas Department of Aviation  
2239—Professional Engineering Services Contract Award  
State Banking Board  
2239—Notice of Hearing  
Comptroller of Public Accounts  
2239—Correction of Error  
Office of Consumer Credit Commission  
2240—Correction of Error  
Texas Department of Health  
2240—Chronically Ill and Disabled Children's Services Request for Proposals  
2241—Permit Application for Municipal Solid Waste Site Notice of Filing  
Texas Department of Human Services  
2242—Cancellation of Consultant Proposal Request  
2242—Notice of Public Hearing  
2242—Request for Proposals  
Public Utility Commission of Texas  
2242—Application for Approval of Promotional Rates Pursuant to Public Utility Commission Substantive Rule 23.28

2242–Notice of Application to Amend Certificate of Convenience and Necessity

2245–Notice of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27

**Railroad Commission of Texas**

2245–Invitation for Bids

**Texas Water Commission**

2245–Enforcement Order

2246–Notice of Application for Waste Disposal Permit  
**Texas Workers' Compensation  
Commission**

2247–Announcement of Public Hearings on Proposed Rules

and from the Monday following the first Saturday in November through the first Sunday in January.]

(III)(V) On Richland Creek Wildlife Management Area (Unit 703), [it is unlawful to hunt white-tailed deer at any time except during the archery only season and from the Monday following the first Saturday in November through the first Sunday in January; and] on that portion of the area which lies north of U.S. Highway 287, it is an offense [unlawful] to use firearms in hunting deer at any time except during the period from the [Monday following the] first Saturday in November through November 30.

(IV)(VI) On the Black Gap Wildlife Management Area (Unit 701), it is an offense [unlawful] to hunt javelina at any time except during daylight hours from noon on Friday through noon on Monday during the period from the third Friday in January through the third Monday in February. It is a violation if a person hunting javelina fails to check in at the departmental check station and obtain a regular permit prior to hunting javelina fails to possess a valid regular permit fails to confine javelina hunting activities to the assigned hunting compartment or fails to check out at the departmental check station and complete a javelina harvest questionnaire upon completion of the hunt and prior to departing the Black Gap Wildlife Management Area. The bag and possession limit is one javelina per season [from the second Saturday in January through the last Sunday in February and the bag limit is one per season].

(V)(VII) On Black Gap (Unit 701) and Matador (Unit 702) Wildlife Management Areas, it is an offense [unlawful] to hunt rabbits and hares at any time except during open seasons for javelina, quail, and mourning dove.

(VI)(VII) During seasons other than the Early Teal Season, it is an offense [unlawful] to hunt waterfowl at any time except on Wednesday, Saturday, and Sunday and only during legal shooting hours in the a.m. until noon each week during the regular seasons.

(VII)(IX) Black Gap Wildlife Management Area (Unit 701) : Impoundments are closed to fishing and fishermen shall be required to use Maravillas Canyon and Horse Canyon Roads only while going to and from the Rio Grande on the Black Gap Wildlife Management Area (Unit 701). From the point where the Maravillas Canyon Road enters the Rio Grande Valley downstream to the area boundary, a fisherman who does not

possess a Type II permit commits an offense if the fisherman does not stay within the area between the road and the river or within 300 yards of the river from the aforementioned [same] point upstream to the area boundary.

#### *§65.705. Permit Required and Fees.*

(a) Except as provided in subsections (b) and (d) of this section, it is an offense [unlawful] for a person 13 years of age or older to enter or hunt on a Type II Wildlife Management Area without having in his or her possession a Type II Wildlife Management Area-Public Hunting Lands Permit.

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

(d) The permits required under subsections (a) and (b) of this section are not required for:

(1) persons who enter on United States Forest Service System lands designated as a Type II area (Units 901, 902, 903, and 904), including Caddo National Grassland (Unit 501), or any portion of Units 902 and 903 in Sabine and San Augustine Counties for any purpose other than hunting white-tailed deer with firearms;

(2) persons who enter on United States Army Corps of Engineers lands (Unit 501) designated as a Type II area for purposes other than hunting;

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

(6) fishing access on the Black Gap Wildlife Management Area (Unit 701).

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

(g) The fee for the Limited Use Type II Wildlife Management Area Permit is \$10 and entitles the possessor to enter Type II Wildlife Management Areas and engage in activities as provided by commission adopted regulations. The Limited Use Type II Permit does not authorize a person to hunt, [or] fish, or possess firearms or archery equipment. The fee for a duplicate (lost) limited use permit is \$5.00.

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

Issued in Austin, Texas, on April 8, 1991.

TRD-9104040

Paul M. Shinkawa  
Director, Legal Services  
Texas Parks and Wildlife  
Department

Earliest possible date of adoption: May 17, 1991

For further information, please call: 1-800-792-1112, ext. 4700 or (512) 389-4700



## Part III. Texas Air Control Board

### Chapter 111. Control of Air Pollution from Visible Emissions and Particulate Matter

#### Abrasive Blasting of Water Storage Tanks Performed by Portable Operations

• 31 TAC §§111.131, 111.133, 111.135, 111.137, 111.139

The Texas Air Control Board (TACB) proposes §§111.131, 111.133, 111.135, 111.137, and 111.139, concerning abrasive blasting of water storage tanks performed by portable operations. The proposed new §111.131, concerning definitions, defines eight terms as they are used in regard to abrasive blasting. The proposed new §111.133, concerning testing requirements, outlines the test methods required before abrasive blasting is performed on any water storage tank. The proposed §111.135, concerning control requirements for surfaces with coatings containing lead, describes the notification procedures and allowable methods that must be used during abrasive blasting operations if the coating contains 1.0% or more of lead. The proposed §111.137, concerning control requirements for surfaces with coatings containing less than 1.0% lead, lists allowable methods that may be used during abrasive blasting operations on unleaded surfaces. The proposed §111.139, concerning exemptions, lists the abrasive operations that are exempt from testing and control requirements.

The new sections are being proposed to reduce public exposure to emissions from the removal of lead-based coatings on water storage tanks and to set consistent requirements for the abrasive blasting industry.

Bennie Engelke, director of administrative services, has determined that for the first five-year period the sections are in effect, an additional cost of \$12,000 per year will be incurred by the agency as a result of administering the sections. The effect on local governments and water storage tank owners is expected to be an increase in cumulative costs of \$22.5 million per year for the next five years. This figure is based on the projection that approximately 500 water tanks are blasted per year. Blasting structures with lead-free coatings in populated areas is anticipated to cost an additional \$10,000 per blasting project, while blasting structures covered in lead-based coatings will cost an additional \$60,000 per blasting project. Although costs to local governments will rise, the proposed rules will minimize the public exposure to lead and abrasive dust and greatly reduce the potential requirements for extensive cleanup following blasting. Thus, the new rules should minimize the legal and accompanying financial liabilities which may result when inadequate precautions are taken to protect public access areas near the structure being blasted.

Lane Hartsock, director of planning and development, has determined that for each of the first five years the sections are in effect,

the public benefit anticipated to result from implementing the sections will be reduced public exposure to lead and abrasive dust resulting from abrasive blasting, and reduced deposition of lead into the environment. The fiscal implications for small businesses performing blasting operations will be negligible since increased costs to complete a project will be offset by correspondingly higher contract revenues.

A public hearing on this proposal is scheduled for 7 p.m., Tuesday, May 21, 1991: Texas Air Control Board, Auditorium, 6330 Highway 290 East, Austin, Texas.

Copies of the proposed new sections are available at the TACB central office and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearing. Written testimony received by 4 p.m. on May 22, 1991, will be included in the hearing record. Written comments should be sent to the Regulation Development Section, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

The new sections are proposed under the Texas Clean Air Act (TCAA), §382. 017, Texas Health and Safety Code, Annotated (Vernon, 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

**§111.131. Definitions.** The following words and terms, when used in this undesignated head, shall have the following meanings, unless the context clearly indicates otherwise.

**Abrasive blasting**—The operation of cleaning or preparing a surface by forcibly propelling a stream of abrasive material against the surface.

**Hydroblasting**—Any abrasive blasting using high pressure liquid as the propelling force or as the active cleaning agent.

**Private residence**—A residence not occupied or used solely by the owner of the property upon which the water storage tank to be blasted is located.

**Public area**—An outdoor area where it may be reasonably anticipated that the public could congregate for more than short-term periods, including, but not limited to, schools, day care centers, convalescent centers, parks, and recreation areas.

**Shroud**—A device which is designed to enclose or surround the area being blasted to minimize the atmospheric entrainment of fine particulates and direct that material to a confined area for disposal. The shroud shall have overlapping seams to prevent leakage of particulates, and shall have a shade factor of 95%. A shade factor is defined as the amount of area impermeable to particles and sunlight.

**Vacuum blasting**—Any abrasive blasting in which the spent abrasive, surface material, and dust resulting from blasting are immediately collected by a vacuum device.

**Water storage tank**—Any above-ground vessel designed and constructed for the purpose of storing water.

**Wet abrasive blasting**—Any abrasive blasting using compressed air as the propel-

ling force, which mixes with water to minimize emissions.

**§111.133. Testing Requirements.**

(a) Before abrasive blasting is performed on any previously-coated water storage tank, the owner or operator of the tank must determine if lead is present in the existing protective coating by applying the following test methods from the United States Environmental Protection Agency SW-846, Test Methods for Evaluating Solid Waste:

(1) Method 3050, Acid Digestion of Sediments, Sludges, and Soils; and

(2) Method 6010, Inductively Coupled Plasma Atomic Emission Spectroscopy, or Method 7000, Atomic Absorption Methods. Lead concentrations should be reported in micrograms per gram (ug/gm); or

(3) an alternate method approved in advance by the executive director or a designated representative of the Texas Air Control Board (TACB).

(b) Results of the test(s) required in subsection (a) of this section must be available to the TACB staff or staff from governmental entities having jurisdiction at the site for the duration of the abrasive blasting project. The results must include the name of the testing facility and a person responsible for the accuracy of the test results.

(c) Successive coatings need not be retested following initial testing, provided the owner or operator of the water storage tank can furnish verifiable documentation that the lead level of the post-testing coatings is less than 1.0% (10,000 ug/gm) lead by weight.

**§111.135. Control Requirement for Surface with Coatings Containing Lead.**

(a) The authority to conduct abrasive blasting activities under this section does not exempt or excuse any person from responsibility for the consequences, damages, or injuries resulting from the abrasive cleaning. The authority to conduct such activities under this regulation also does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the abrasive blasting is otherwise conducted in compliance with this regulation. The owner or operator of the water storage tank being blasted must control emissions from abrasive blasting in a manner that does not cause nuisance conditions, as defined in §101.4 of this title (relating to Nuisance).

(b) For water storage tanks with lead concentrations of 1.0% (10,000 ug/gm) or greater in the coating, the owner or operator of the tank shall notify the appropriate TACB regional office of the blasting in writing at least 10, but not more than 30, working days prior to the date scheduled for

the beginning of blasting operations. The notification must include:

- (1) the location of the tank;
- (2) the name of the abrasive blasting company;
- (3) the weight percent of lead in the coating;
- (4) the control methods to be used; and
- (5) the expected hours of operation and scheduled start and finish dates.

(c) Emissions from abrasive blasting of water storage tanks which have lead in concentrations of 1.0% (10,000 ug/gm) or greater by weight in the coating must be controlled by one of the following methods:

- (1) vacuum blasting;
- (2) shrouded wet abrasive blasting;
- (3) shrouded hydroblasting; or
- (4) equivalent method approved in advance by the executive director or a designated representative of TACB.

**§111.137. Control Requirements for Surface with Coatings Containing Less Than One Percent Lead.**

(a) The authority to conduct abrasive blasting activities under this section does not exempt or excuse any person from responsibility for the consequences, damages, or injuries resulting from the abrasive cleaning. The authority to conduct such activities under this regulation also does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the abrasive blasting is otherwise conducted in compliance with this regulation. The owner or operator of the water storage tank being blasted must control emissions from abrasive blasting in a manner that does not cause nuisance conditions, as defined in §101.4 of this title (relating to Nuisance).

(b) When there are private residences or public areas within a distance of 500 feet of the water storage tank or 10 times the height of the tank, whichever is greater, the owner or operator of the tank must control emissions from abrasive blasting by one of the following methods:

- (1) vacuum blasting;
- (2) shrouded wet abrasive blasting;
- (3) shrouded dry blasting;
- (4) shrouded hydroblasting; or
- (5) equivalent method approved in advance by the executive director or a designated representative of TACB.

(c) When there are no private residences or public areas within a distance of

500 feet of the water storage tank or 10 times the height of the tank, whichever is greater, no additional controls are required beyond those stipulated in subsection (a) of this section.

**§111.139. Exemption.**

(a) Interior abrasive blasting of water storage tanks is exempt from §111.133 of this title (relating to Testing Requirements); §111.135 of this title (relating to Control Requirements for Surfaces With Coatings Containing Lead); and §111.137 of this title (relating to Control Requirements for Surfaces with Coatings Containing Less Than One Percent Lead), if no visible emissions to the atmosphere result from such cleaning.

(b) Any abrasive blasting process which propels abrasives at a rate of less than 500 pounds per day is exempt from §§111.133, 111.135, and 111.137.

(c) Any alternate control method approved in advance by the executive director or a designated representative of TACB may be exempted from §111.135, and §111.137. An exemption may be revoked by TACB at any time if the blasting project is causing nuisance conditions or a violation of any air quality standard.

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

Issued in Austin, Texas, on April 10, 1991.

TRD-9104195 Lane Hartscock  
Director, Planning and  
Development Program  
Texas Air Control Board

Earliest possible date of adoption: May 17, 1991

For further information, please call: (512) 451-5711 ext. 433

**TITLE 37. PUBLIC SAFETY AND CORRECTIONS**

**Part VIII. Commission on Fire Protection Personnel Standards and Education**

**Chapter 231. Practice and Procedure**

**• 37 TAC §§231.1-231.56**

*(Editor's Note: The Commission on Fire Protection Personnel Standards and Education proposes for permanent adoption the repeals it adopts on an emergency basis in this issue. The text of the repeals is in the Emergency Rules section of this issue.)*

The Commission on Fire Protection Personnel Standards and Education proposes the repeal of §§231.1-231.56, concerning the standards of practice and procedures of this agency. The repeals are necessary to delete

obsolete, contradictory, and inadequate language which is seriously hampering the commission in its actions to comply with its legislative mandates.

K. R. Ethridge, field representative, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Ethridge also has determined for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be a better understanding of the procedures of the agency and improved agency operation due to the repeal of obsolete, inaccurate, and contradictory language. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to K. R. Ethridge, Field Representative, Commission on Fire Protection, Personnel Standards and Education, 9800 North Lamar, Suite 160, Austin, Texas 78753, (512) 837-9851.

The repeals are proposed under the Government Code, Executive Branch, Chapter 416, §416.007, which provides the commission with the authority to adopt rules for the administration of the chapter and for the commission's internal management and control.

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

Issued in Austin, Texas, on March 29, 1991.

TRD-9104155 K. R. Ethridge  
Field Representative  
Commission on Fire  
Protection Personnel  
Standards and  
Education

Earliest possible date of adoption: May 17, 1991

For further information, please call: (512) 837-9851

**Chapter 231. Administration Practice and Procedure**

- 37 TAC §§231.1, 231.3, 231.5, 231.7, 231.9, 231.11, 231.13, 231.15, 231.17, 231.19, 231.21, 231.23, 231.25, 231.27, 231.29, 231.31, 231.33, 231.35, 231.37, 231.39, 231.41, 231.43, 231.45, 231.47, 231.49, 231.51, 231.53, 231.55, 231.57, 231.59, 231.61, 231.63, 231.65, 231.67, 231.69, 231.71, 231.73, 231.75, 231.77, 231.79, 231.81, 231.83, 231.85, 231.87, 231.89, 231.91, 231.93, 231.95, 231.97, 231.99, 231.101, 231.103, 231.105, 231.107

*(Editor's Note: The Commission on Fire Protection Personnel Standards and Education proposes for permanent adoption the new*

*sections it adopts on an emergency basis in this issue. The text of the new sections is in the Emergency Rules section of this issue.)*

The Commission on Fire Protection Personnel Standards and Education proposes new §§231.1, 231.3, 231.5, 231.7, 231.9, 231.11, 231.13, 231.15, 231.17, 231.19, 231.21, 231.23, 231.25, 231.27, 231.29, 231.31, 231.33, 231.35, 231.37, 231.39, 231.41, 231.43, 231.45, 231.47, 231.49, 231.51, 231.53, 231.55, 231.57, 231.59, 231.61, 231.63, 231.65, 231.67, 231.69, 231.71, 231.73, 231.75, 231.77, 231.79, 231.81, 231.83, 231.85, 231.87, 231.89, 231.91, 231.93, 231.95, 231.97, 231.99, 231.101, 231.103, 231.105, and 231.107, concerning administration practice and procedure. These sections supply the rules of procedure for the administrative operation of the agency. They will provide clear and concise language to aid in agency operation and promote better understanding of agency procedures.

K. R. Ethridge, field representative, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Ethridge also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a better understanding of the procedures of the agency and improved agency operation due to the replacement of obsolete, inaccurate, and contradictory language. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to K. R. Ethridge, Field Representative, Commission on Fire Protection, 9800 North Lamar Boulevard, Suite 160, Austin, Texas 78753, (512) 837-9851.

The new sections are proposed under the Government Code, Executive Branch, Chapter 416, §416.007, which provides the commission with the authority to adopt rules for the administration of this chapter and for the commission's internal management and control.

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

Issued in Austin, Texas, on March 29, 1991.

TRD-9104163 K. R. Ethridge  
Field Representative  
Commission on Fire  
Protection Personnel  
Standards and  
Education

Earliest possible date of adoption: May 17, 1991

For further information, please call: (512) 837-9851

**Chapter 233. Standards Manual**

The Commission on Fire Protection Personnel Standards and Education proposes the repeal of §§233.1-233.4, 233.11-233.13,