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THE GOVERNOR

As required by Government Code, §2002.011(4), the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations 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) 463-1828.

Appointments

Appointments for November 22, 2024

Appointed to the Texas State Library and Archives Commission for a term to expire September 28, 2029, Arthur T. Mann of Hillsboro, Texas (Mr. Mann is being reappointed).

Appointed to the Texas State Library and Archives Commission for a term to expire September 28, 2029, Darryl S. Tocker of Austin, Texas (Mr. Tocker is being reappointed).

Appointments for November 25, 2024

Appointed to the Advisory Council on Emergency Medical Services for a term to expire January 1, 2030, Brian K. Petrilla of Tomball, Texas (replacing Marian "Lucille" Maes of Angleton, whose term expired).

Appointed to the Advisory Council on Emergency Medical Services for a term to expire January 1, 2030, Rodney K. Tidwell of Post, Texas (replacing Karen M. Pickard of Ovilla, whose term expired).

Appointments for November 26, 2024

Appointed to the Business Advisory Council to the Texas Division of Emergency Management for a term to expire February 1, 2025, Aaron J. Negherbon of McKinney, Texas (replacing Justen R. Noakes of San Antonio, whose term expired).

Appointed to the Business Advisory Council to the Texas Division of Emergency Management for a term to expire February 1, 2025, Patricia A. Rigney of Edinburg, Texas (replacing Al A. Philippus of Boerne, whose term expired).

Appointed to the Business Advisory Council to the Texas Division of Emergency Management for a term to expire February 1, 2026, Matthew C. "Matt" Powell of Cedar Park, Texas (replacing Bart A. McKay of Dallas, whose term expired).

Appointed to the Business Advisory Council to the Texas Division of Emergency Management for a term to expire February 1, 2027, Michael R. "Mike" Matthews of New Braunfels, Texas (replacing Gina M. Spagnola of Galveston, whose term expired).

Appointments for December 2, 2024

Appointed to the Rehabilitation Council of Texas for a term to expire October 29, 2027, Christopher M. "Mark" Baird of San Angelo, Texas (Mr. Baird is being reappointed).

Appointed to the Rehabilitation Council of Texas for a term to expire October 29, 2027, Glenda J. Born of Austin, Texas (Ms. Born is being reappointed).

Appointed to the Rehabilitation Council of Texas for a term to expire October 29, 2027, Erica M. Kress of Aubrey, Texas (replacing Joseph D. "Joe" Powell of Irving, whose term expired).

Appointed to the Rehabilitation Council of Texas for a term to expire October 29, 2027, Michele L. Norris of La Porte, Texas (Ms. Norris is being reappointed).

Appointed to the Rehabilitation Council of Texas for a term to expire October 29, 2027, Shannon L. Rosson of Bedford, Texas (replacing Lisa M. Taylor Coward of Sour Lake, whose term expired).

Appointed as the Chief Executive and Public Counsel of the Office of Public Utility Counsel for a term to expire February 1, 2025, Benjamin C. "Ben" Barkley of Austin, Texas (replacing Courtney K. Hjaltman of Austin who was appointed to the Public Utility Commission of Texas).

Appointments for December 3, 2024

Appointed to the Texas Judicial Council for a term to expire June 30, 2029, George M. "Kevin" Bryant of Dallas, Texas (Mr. Bryan is being reappointed).

Appointed to the Texas Judicial Council for a term to expire June 30, 2029, David Dunmoyer of Pflugerville, Texas (replacing Rachel A. Racz of Houston, whose term expired).

Appointed to the Upper Colorado River Authority for a term to expire February 1, 2029, Nathaniel G. "Nathan" Callicoatte of Mertzson, Texas (replacing Hugh "Che" Stone, III of San Angelo, whose term expired).

Appointed to the Upper Colorado River Authority for a term to expire February 1, 2029, Wade T. "Tanner" Mahan of Menard, Texas (Mr. Mahan is being reappointed).

Appointed to the Upper Colorado River Authority for a term to expire February 1, 2029, Kathryn W. Mews of Menard, Texas (Ms. Mews is being reappointed).

Greg Abbott, Governor

TRD-202405848



Proclamation 41-4153

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on July 8, 2022, as amended and renewed in a number of subsequent proclamations, certifying that exceptional drought conditions posed a threat of imminent disaster in several counties; and

WHEREAS, the Texas Division of Emergency Management has confirmed that those same drought conditions persist in certain counties in Texas;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Aransas, Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brewster, Burnet, Caldwell, Calhoun, Cameron, Childress, Clay, Collingsworth, Colorado, Comal, Crane, Culberson, Delta, Donley, El Paso, Foard, Franklin, Frio, Goliad, Grayson, Guadalupe, Hall, Hardeman, Hays, Hidalgo, Hopkins, Hudspeth, Jeff Davis, Jim Wells, Karnes, Kendall, Kerr, Kleberg, Lamar, Lampasas, Lavaca, Live Oak, Llano, Loving, Lubbock, Matagorda, Maverick, Medina, Midland, Mitchell, Mont-

gomery, Nueces, Pecos, Presidio, Rains, Real, Reeves, San Patricio, Scurry, Terrell, Travis, Uvalde, Val Verde, Victoria, Ward, Washington, Wharton, Wichita, Willacy, Williamson, Wilson, Winkler, Wood, and Zapata Counties.

Pursuant to Section 418.017 of the Texas Government Code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 25th day of November, 2024.

Greg Abbott, Governor
TRD-202405778



Proclamation 41-4154

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on May 31, 2021, certifying under Section 418.014 of the Texas Government Code that the surge of individuals unlawfully crossing the Texas-Mexico border posed an ongoing and imminent threat of disaster for a number of Texas counties and for all state agencies affected by this disaster; and

WHEREAS, I amended the aforementioned proclamation in a number of subsequent proclamations, including to modify the list of affected counties and therefore declare a state of disaster for those counties and for all state agencies affected by this disaster; and

WHEREAS, the certified conditions continue to exist and pose an ongoing and imminent threat of disaster as set forth in the prior proclamations;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the aforementioned proclamation and declare a disaster for Aransas, Atascosa, Bee, Brewster, Brooks, Caldwell, Calhoun, Cameron, Chambers, Coleman, Colorado, Crane, Crockett, Culberson, DeWitt, Dimmit, Duval, Edwards, El Paso, Frio, Galveston, Goliad, Gonzales, Hidalgo, Hudspeth, Jackson, Jeff Davis, Jim Hogg, Jim Wells, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Lavaca, Live Oak, Mason, Maverick, McCulloch, McMullen, Medina, Menard, Midland, Pecos, Presidio, Real, Refugio, San Jacinto, San Patricio, Schleicher, Shackelford, Sutton, Terrell, Throckmorton, Uvalde, Val Verde, Victoria, Webb, Wharton, Wilbarger, Wilson, Zapata, and Zavala Counties and for all state agencies affected by this disaster. All orders, directions, suspensions, and authorizations provided in the Proclamation of May 31, 2021, as amended and renewed in subsequent proclamations, are in full force and effect.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 25th day of November, 2024.

Greg Abbott, Governor
TRD-202405779



Proclamation 41-4155

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, a disaster proclamation was issued on Friday, July 5, 2024, as amended later the same day and again on Saturday, July 6, 2024, certifying that Hurricane Beryl posed a threat of imminent disaster, including widespread and severe property damage, injury, and loss of life due to widespread flooding, life-threatening storm surge, damaging wind, and heavy rainfall in Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bowie, Brazoria, Brazos, Brooks, Burlleson, Caldwell, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Comal, Dallas, DeWitt, Delta, Dimmit, Duval, Ellis, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Galveston, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hardin, Harris, Harrison, Hays, Henderson, Hidalgo, Hill, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kaufman, Kenedy, Kinney, Kleberg, La Salle, Lamar, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Madison, Marion, Matagorda, Maverick, McLennan, McMullen, Medina, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Starr, Titus, Travis, Trinity, Tyler, Upshur, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Wood, Zapata, and Zavala Counties;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, do hereby renew the aforementioned proclamation.

Pursuant to Section 418.017 of the Texas Government Code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 2nd day of December, 2024.

Greg Abbott, Governor
TRD-202405802



PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

Symbols in proposed rule text. Proposed new language is indicated by underlined text. ~~[Square brackets and strikethrough]~~ indicate existing rule text that is proposed for deletion. "(No change)" indicates that existing rule text at this level will not be amended.

TITLE 4. AGRICULTURE

PART 2. TEXAS ANIMAL HEALTH COMMISSION

CHAPTER 41. FEVER TICKS

4 TAC §41.8

The Texas Animal Health Commission (Commission) proposes amendments to Title 4, Texas Administrative Code, Chapter 41 titled "Fever Ticks." Specifically, the Commission proposes amendments to §41.8 regarding Dipping, Treatment, and Vaccination of Animals.

BACKGROUND AND PURPOSE

Cattle Fever Ticks are a significant threat to the United States cattle industry. These ticks are capable of carrying the protozoa, or microscopic parasites, *Babesia bovis* or *B. bigemina*, commonly known as cattle fever. This disease caused enormous economic losses to the U.S. cattle industry in the late 1800s and early 1900s. Since that time, the Commission works to protect the state and nation from the pest and its repercussions.

Section 41.8 establishes guidelines for various treatment methods for fever ticks. These treatments include scheduled dipping, injectable doramectin, vacating premises, and approved acaricides. The proposed amendments to §41.8 update the doramectin administration schedule from 25-28 days to 21-28 days. The proposed amendments also change the extended withdrawal period from 35 days to a period determined by TAHC and USDA APHIS. These changes follow current recommendations from the Food Animal Residue Avoidance Databank (FARAD) and are made in collaboration with the USDA's Cattle Fever Tick Eradication Program.

SECTION-BY-SECTION DISCUSSION

Section 41.8 includes guidelines for administering doramectin. The proposed amendments update the frequency of administration and updates the required withdrawal period.

FISCAL NOTE

Ms. Jeanine Coggeshall, General Counsel for the Texas Animal Health Commission, determined that for each year of the first five years that the rule is in effect, enforcing or administering the proposed rules does not have foreseeable implications relating to costs or revenues of state or local governments. Commission employees will administer and enforce these rules as part of their current job duties and resources. Ms. Coggeshall also determined for the same period that there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed amendments.

PUBLIC BENEFIT NOTE

Ms. Coggeshall determined that for each year of the first five years the rule is in effect, the anticipated public benefits are updated guidelines to administer doramectin that align with current science and guidance from FARAD.

TAKINGS IMPACT ASSESSMENT

The Commission determined that the proposal does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. Therefore, the proposed rules are compliant with the Private Real Property Preservation Act in Texas Government Code §2007.043 and do not constitute a taking.

LOCAL EMPLOYMENT IMPACT STATEMENT

The Commission determined that the proposed rules would not impact local economies and, therefore, did not file a request for a local employment impact statement with the Texas Workforce Commission pursuant to Texas Government Code §2001.022.

REGULATORY ANALYSIS OF MAJOR ENVIRONMENTAL RULES

The Commission determined that this proposal is not a "major environmental rule" as defined by Government Code §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

GOVERNMENT GROWTH IMPACT STATEMENT

In compliance with the requirements of Texas Government Code §2001.0221, the Commission prepared the following Government Growth Impact Statement. The Commission determined for each year of the first five years the proposed rules would be in effect, the proposed rules:

- Will not create or eliminate a government program;
- Will not require the creation or elimination of employee positions;
- Will result in no assumed change in future legislative appropriations;
- Will not affect fees paid to the Commission;
- Will not create new regulation;
- Will not expand existing regulations;
- Will not change the number of individuals subject to the rule; and

Will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Ms. Coggeshall also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities pursuant to Texas Government Code, Chapter 2006. The rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

COSTS TO REGULATED PERSONS

The proposed amendments to Chapter 41 do not impose additional costs on regulated persons and are designed to update the guidelines for administering doramectin to align with current science and guidance from the Food Animal Residue Avoidance Databank. The proposed rules do not otherwise impose a direct cost on a regulated person, state agency, a special district, or a local government within the state.

PUBLIC COMMENT

Written comments regarding the proposed amendments may be submitted to Amanda Bernhard, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719 or by e-mail to comments@tahc.texas.gov. To be considered, comments must be received no later than thirty (30) days from the date of publication of this proposal in the *Texas Register*. When faxing or emailing comments, please indicate "Comments on Proposed Rule-Chapter 41, Fever Ticks" in the subject line.

STATUTORY AUTHORITY

The amendments are proposed under the Texas Agriculture Code, Chapter 161, §161.046 which authorizes the Commission to promulgate rules in accordance with the Texas Agriculture Code.

The Commission is vested by statute, §161.041(a), with the requirement to protect all livestock, domestic animals, and domestic fowl from disease. The Commission is authorized, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock.

Pursuant to §161.005, entitled "Commission Written Instruments" the commission may authorize the executive director or another employee to sign written instruments on behalf of the Commission. A written instrument, including a quarantine or written notice signed under that authority, has the same force and effect as if signed by the entire commission.

Pursuant to §161.007, entitled "Exposure or Infection Considered Continuing" if a veterinarian employed by the Commission determines that a communicable disease exists among livestock, domestic animals, or domestic fowl or on certain premises or that livestock, domestic animals, or domestic fowl have been exposed to the agency of transmission of a communicable disease, the exposure or infection is considered to continue until the Commission determines that the exposure or infection has been eradicated through methods prescribed by rule of the Commission.

Pursuant to §161.048, entitled "Inspection of Shipment of Animals or Animal Products" the Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. An agent of the Commission is entitled to stop and inspect a shipment of animals or animal

products being transported in this state in order to determine if the shipment originated from a quarantined area or herd; or determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or noncommunicable disease.

Pursuant to §161.054, entitled "Regulation of Movement of Animals" the Commission, by rule, may regulate the movement of animals. The Commission may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce.

Pursuant to §161.057, entitled "Classification of Areas" the Commission by rule may prescribe criteria for classifying areas in the state for disease control. The criteria must be based on sound epidemiological principles. The Commission may prescribe different control measures and procedures for areas with different classifications.

Pursuant to §161.061, entitled "Establishment" if the Commission determines that a disease listed in §161.041 of this code or an agency of transmission of one of those diseases exists in a place in this state or among livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl, or that a place in this state or livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl are exposed to one of those diseases or an agency of transmission of one of those diseases, the Commission shall establish a quarantine on the affected animals or on the affected place.

Pursuant to §161.081, entitled "Importation of Animals" the Commission by rule may regulate the movement, including movement by a railroad company or other common carrier, of livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl into this state from another state, territory, or country.

Pursuant to §167.003, entitled "General Powers and Duties of the Commission" the Commission shall eradicate all ticks capable of carrying *Babesia* in this state and shall protect all land, premises, and livestock in this state from those ticks and exposure to those ticks. In carrying out this chapter, the Commission may adopt necessary rule.

Pursuant to §167.004, entitled "Classification of Animals or Premises as Infested, Exposed or Free from Exposure" the Commission by rule shall define what animals and premises are to be classified as exposed to ticks. The Commission shall classify as exposed to ticks livestock that have been on land or in an enclosure that the Commission determines to be tick infested or exposed to ticks or to have been tick infested or exposed to ticks before or after the removal of the livestock, unless the Commission determines that the infestation or exposure occurred after the livestock were removed and that the livestock did not become infested or exposed before removal.

No other statutes, articles, or codes are affected by this proposal.

§41.8. Dipping, Treatment, and Vaccination of Animals.

Unless otherwise determined by the DFTE and approved by the executive director [~~Executive Director~~], the following requirements shall apply:

- (1) (No change.)
- (2) Requirements for Dipping, Treatment, or Vaccination:
 - (A) Dipping Requirements:
 - (i) The owner or caretaker of livestock on infested or exposed premises must present the livestock to be scratch inspected

and dipped with subsequent dipping every seven to 14 days until the livestock are moved from the premises in accordance with these regulations, except as provided in subsection (1)(C) of this section.

(ii) The 14-day interval may be extended due to circumstances beyond the control of the owner upon approval by an authorized representative of the commission. In no event will the extension be more than three days. If the extension is granted, no certificate for movement will be issued after the 14th day, and the next dip must be on the original 14-day schedule.

(iii) The scratch inspection and first dip must be within 14 days from the date infestation or exposure is discovered unless otherwise approved by the commission.

(iv) A dip is not official unless 100% of the livestock within the premises affected are dipped on schedule.

(v) The commission will authorize for use in dipping only those dips that have been approved by the Animal and Plant Health Inspection Service of the United States Department of Agriculture and the commission for use in official dipping to rid animals of the tick.

(vi) The concentration of the dipping chemical used must be maintained in the percentage specified for official use by means of the approved vat management techniques established for the use of the agent; or, if applicable, by an officially approved vat side test or field test of the commission.

(vii) If the commission requires livestock to be dipped, the livestock shall be submerged in a vat. A spray-dip machine may be used in areas where a vat is not reasonably available.

(viii) Careful hand spraying may be used for easily restrained horses and show cattle, and when specifically authorized by a commission representative, certain zoo or domestic animals.

(ix) Livestock unable to go through a dipping vat because of size or physical condition, as determined by a commission representative, may be hand sprayed.

(x) The dip treatment must be paint marked on the animals so that it can be identified for as treated for at least 17 days after the treatment.

(B) Authorized Treatment Requirements:

(i) Following the first clean dipping of 100% of the livestock, the cattle may be treated with injectable doramectin in lieu of systematic dipping. The owner or caretaker of cattle on an infested or exposed premises must present the livestock to be scratch inspected and treated with injectable doramectin every 21[25] -28 days until the livestock are moved from the premises in accordance with these regulations, except as provided in subsection (1)(C) of this section.

(ii) Treatment of doramectin shall be administered by subcutaneous injection by a representative of the commission.

(iii) The owner or caretaker must comply with the extended slaughter withholding period as determined by the commission and USDA APHIS following the last dose [(35 days)] of injectable doramectin by holding cattle at the premises of origin until the withdrawal period is completed.

(iv) Treatment is not official unless 100% of the livestock within the premises affected are treated on schedule.

(v) Free-ranging wildlife or exotic livestock that are found on infested or exposed premises, and which are capable of hosting fever ticks will be treated by methods approved by the commission and for the length of time specified by the commission.

(I) Ivermectin medicated corn may be administered to free-ranging wildlife or exotic livestock by a representative of the commission following the close of the hunting season, provided that treatment is terminated at least 60 days prior to the beginning of the next hunting season to comply with the required withdrawal period.

(II) Permethrin impregnated roller devices may be used for topical treatment of free-ranging wildlife or exotic livestock during periods when ivermectin medicated corn is not administered. The commission may specify the use of other pesticides for treatment of wildlife or exotic livestock when deemed necessary to control and eradicate fever ticks.

(C) Vaccination Requirements:

(i) The fever tick vaccine shall be administered by employees or authorized agents of the USDA/APHIS/Veterinary Services or the commission.

(ii) The owner or caretaker must comply with the 60-day [60 day] slaughter withholding period, or other slaughter withholding timeframe as specified by the label. The owner or caretaker must hold vaccinated cattle at the premises of origin until the withdrawal period is completed.

(iii) In addition to any dipping or treatment required by this section, beef cattle two months of age or older located within the tick eradication quarantine area shall be vaccinated with the fever tick vaccine at intervals prescribed by the commission. The vaccine must be administered when cattle are gathered and presented for annual inspection as required by §41.9 of this chapter (relating to Vacation and Inspection of a Premise) and at other times specified by the commission.

(iv) In addition to any dipping or treatment required by this section, the commission may require fever tick vaccination of beef cattle two months of age and older located within the temporary preventative quarantine area, control purpose quarantine area or other beef cattle or premises epidemiologically determined by the commission to be at an increased risk for fever ticks. The cattle shall be vaccinated at intervals prescribed by the commission.

(3) (No change.)

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 2, 2024.

TRD-202405789
Jeanine Coggeshall
General Counsel

Texas Animal Health Commission

Earliest possible date of adoption: January 12, 2025

For further information, please call: (512) 839-0511



TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 10. GRANT PROGRAMS

SUBCHAPTER D. RURAL RESIDENT PHYSICIAN [PHYSICAN] GRANT PROGRAM

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amending the subchapter title of Texas Administrative Code, Title 19, Part 1, Chapter 10, Subchapter D, Rural Resident Physician Grant Program. Specifically, this amendment will correct the misspelling of "Physician" in the subchapter title.

Elizabeth Mayer, Assistant Commissioner Academic and Health Affairs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Elizabeth Mayer, Assistant Commissioner Academic and Health Affairs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the subchapter will be grant management that is aligned with statute. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Elizabeth Mayer, Assistant Commissioner Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at AHA-comments@highered.texas.gov. Comments will be accepted for 10 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 58A.081, which provides the Coordinating Board with the authority to administer the Rural Resident Physician Grant Program and adopt program rules.

The proposed amendment affects Texas Education Code, Section 58A.081.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 2, 2024.

TRD-202405798

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: January 12, 2025

For further information, please call: (512) 427-6182

TITLE 22. EXAMINING BOARDS

PART 5. STATE BOARD OF DENTAL EXAMINERS

CHAPTER 102. FEES

22 TAC §102.1

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §102.1, concerning fees. The proposed amendment includes a \$100.00 fee for applicants who apply to become a Board approved continuing education course provider.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) the implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule does not expand an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

COST TO REGULATED PERSONS: The Board finds that the provisions of Texas Government Code Section 2001.0045(b) do not apply to the proposed rule because it is necessary to protect the health, safety, and welfare of the people of Texas, as provided in Section 2001.0045(c)(6).

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety, and Texas Occupations Code §254.004, which directs the Board to establish reasonable and necessary fees sufficient to cover the cost of administering the Board's duties.

No statutes are affected by this proposed rule.

§102.1. Fees.

(a) Effective March 12, 2024 [~~November 28, 2024~~], the Board has established the following reasonable and necessary fees for the ad-

ministration of its function. Upon initial licensure or registration, and at each renewal, the fees provided in subsections (b) - (d) of this section shall be due and payable to the Board.

Figure: 22 TAC §102.1(a)

[~~Figure: 22 TAC §102.1(a)~~]

(b) - (f) (No change.)

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 2, 2024.

TRD-202405788

Lauren Studdard

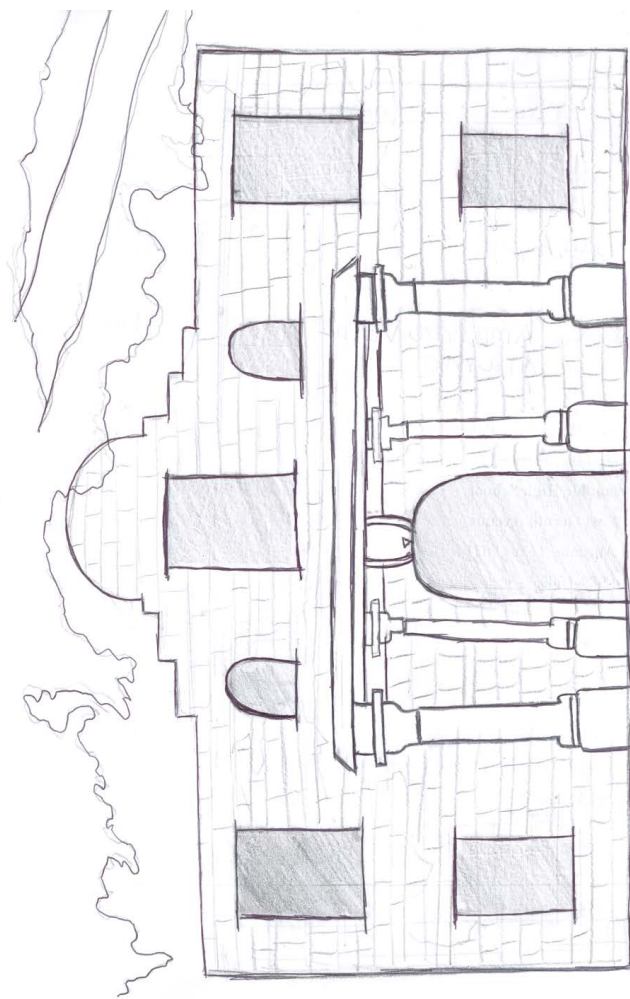
General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: January 12, 2025

For further information, please call: (737) 363-2333

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ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 67. STATE REVIEW AND APPROVAL OF INSTRUCTIONAL MATERIALS SUBCHAPTER CC. COMMISSIONER'S RULES CONCERNING OPEN EDUCATION RESOURCE INSTRUCTIONAL MATERIALS

19 TAC §67.1315

The Texas Education Agency (TEA) adopts new §67.1315, concerning open education resource (OER) instructional materials. The new section is adopted with changes to the proposed text as published in the September 6, 2024 issue of the *Texas Register* (49 TexReg 6950) and will be republished. The adopted new rule implements House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, by providing clarification on the requirements for a school district's OER transition plan.

REASONED JUSTIFICATION: HB 1605, 88th Texas Legislature, Regular Session, 2023, significantly revised Texas Education Code (TEC), Chapter 31, which addresses instructional materials in public education. Specifically, the bill added TEC, §31.0751, to require school districts to adopt an OER instructional materials transition plan to qualify for additional state aid under TEC, §48.308. School districts participating in an OER instructional material support program are not required to adopt a transition plan.

New §67.1315 provides clarification on the requirements for a school district's OER transition plan, including when a plan must be submitted and what it must contain. The new rule also specifies that the commissioner may request and review OER instructional material transition plans and reject a plan subsequent to review.

At adoption, a change was made to subsection (e) to limit the timeframe for rejection of a transition plan by the commissioner from "at any time" to "before funding is released."

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began September 6, 2024, and ended October 7, 2024. Following is a summary of public comments received and agency responses.

Comment: A publisher commented that the proposed rule could create a barrier to OER implementation as only districts implementing OER materials would have to create a transition plan and those implementing non-OER instructional materials would not.

Response: The agency disagrees that the rule will create a barrier to OER implementation as the requirements of the transition plan are enabling systems necessary to successful instructional materials implementation. Additionally, the OER transition plan is statutorily required in TEC, §31.0751.

Comment: A publisher commented that it is unclear which districts would need to create an OER transition plan as a definition is not provided for "an OER instructional material support program."

Response: The agency provides the following clarification. TEC, §31.0752, defines "Open Education Resource Instructional Material Support Program" as a program developed and maintained by the agency "to assist school districts and open-enrollment charter schools in adopting and using open education resource instructional material." Since the definition is provided in statute, it is not replicated in the rule.

Comment: A publisher commented that the rule does not specify when it would be in effect.

Response: The agency provides the following clarification. According to TEC, §31.0751(a), the OER instructional material transition plan is required to qualify for additional state aid under TEC, §48.308. TEC, §48.308(a), states that "a school district is entitled to additional state aid for each school year...for the costs incurred or for which the district is obligated to pay during the school year in which the aid is provided for the printing and shipping of open education resource instructional materials...." Since an OER instructional material transition plan is required to qualify for this additional state aid, this rule would take effect in the first year this aid is available.

Comment: Texas Classroom Teachers Association (TCTA) opposed the use of the term "internalization" in proposed §67.1315(d)(4), stating it is undefined and not found in HB 1605. TCTA believes this term shifts teacher responsibilities away from lesson design and is premature given the current lack of high-quality instructional materials and OER materials. TCTA recommended removing "internalization" from subsection (d)(4) or revising subsection (d)(4)(B) to read, "lesson design, internalization, when appropriate, and student work analysis protocols."

Response: The agency disagrees. Subsection (d)(4)(B) indicates that the plan should ensure clear expectations for the implementation of internalization protocols. The commenter's recommended revision would require that the plan also ensure clear expectations for the implementation of lesson design protocols. A lesson design protocol is not included in OER materials, so this requirement is not necessary.

Comment: TCTA opposed the inclusion of the term "acceptable" in proposed §67.1315(d)(6), stating it implies district control over teacher flexibility, which, in TCTA's view, contradicts

TEC, §31.0751(b). TCTA further commented that the statute mandates that OER transition plans preserve teachers' ability to address their students' needs.

Response: The agency disagrees. The use of the term "acceptable" in subsection (d)(6) does not imply that the district has control over the instructional flexibility provided by TEC, §31.0751(b), as the term is used in conjunction with the term "guidance."

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code (TEC), §31.003(b), as added by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, which authorizes the commissioner of education to adopt rules consistent with TEC, Chapter 31, as necessary to implement a provision of the chapter that the commissioner or the agency is responsible for implementing; and TEC, §31.0751, as added by HB 1605, 88th Texas Legislature, Regular Session, 2023, which requires school districts to adopt an open education resource instructional material transition plan, unless otherwise exempt.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §31.003(b) and §31.0751, as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

§67.1315. *Open Education Resource Instructional Material Transition Plan.*

(a) The open education resource (OER) instructional material transition plan shall be submitted, when required by this section, in a format determined by the commissioner of education.

(b) A school district or an open-enrollment charter school is required to have a locally maintained OER transition plan that complies with this section to access funding allotted under Texas Education Code (TEC), §48.308.

(c) A school district or an open-enrollment charter school is required to submit an OER instructional material transition plan only when:

(1) first adopting a State Board of Education (SBOE)-approved OER product for a grade level or subject/course; or

(2) expanding implementation of an SBOE-approved OER product to additional campuses and/or grade levels.

(d) The OER instructional material transition plan adopted by the local board of trustees or the governing body of an open-enrollment charter school shall include the plan of the district or charter school to ensure the following:

(1) clear communication and stakeholder change management plans and timelines;

(2) timely access to print materials and related manipulatives through OER procurement and distribution;

(3) sufficient planning and instructional time evidenced by instructional calendars and master schedules aligned to the requirements of the materials;

(4) clear expectations for the implementation of:

(A) instructional materials;

(B) internalization and student work analysis protocols;

and

(C) curriculum-embedded assessments;

(5) processes for stakeholder communication and public posting, as outlined in TEC, §26.006, if materials have been modified by the school district or open-enrollment charter school;

(6) the maintenance of instructional flexibility through clear guidance for acceptable teacher modifications to instructional pacing, sequencing, and lesson content to address the needs of each student; and

(7) sufficient professional learning and development for school leaders, instructional coaches, and teachers, including:

(A) pre-service product onboarding and orientation; and

(B) ongoing, job-embedded, curriculum-based professional learning, including cycles of observation and feedback.

(e) The commissioner may request and review OER instructional material transition plans before funding is released and reject a plan subsequent to review.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 25, 2024.

TRD-202405763

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: December 15, 2024

Proposal publication date: September 6, 2024

For further information, please call: (512) 475-1497



CHAPTER 103. HEALTH AND SAFETY SUBCHAPTER CC. COMMISSIONER'S RULES CONCERNING SAFE SCHOOLS

19 TAC §103.1213

The Texas Education Agency (TEA) adopts new §103.1213, concerning safe schools. The new section is adopted with changes to the proposed text as published in the September 6, 2024 issue of the *Texas Register* (49 TexReg 6951) and will be republished. The new rule requires school safety and security-related reporting through Sentinel in accordance with Texas Education Code (TEC), §37.1083 and §37.115. Sentinel is a comprehensive system designed to enhance the safety and security of students, faculty, and staff in school buildings across Texas.

REASONED JUSTIFICATION: In accordance with TEC, §37.1083, each school district and open-enrollment charter school must submit information requested by TEA in their efforts to monitor the implementation and operation of school district safety and security requirements. The statute allows TEA to review school district records as necessary to ensure compliance.

In addition, TEC, §37.115, requires the establishment of local teams to conduct threat assessments in accordance with rules promulgated by TEA.

New §103.1213(a) outlines school safety reporting requirements for school districts and open-enrollment charter schools under TEC, §37.1083 and §37.115. In response to public comment,

subsection (a) was modified at adoption to reference TEC, §37.115, and TEC, Chapter 37, Subchapters D and G.

New subsection (b) provides the terms and definitions applicable to the new section.

New subsection (c) delineates Sentinel as a repository for all safety and security-related data submitted to TEA by school districts, open-enrollment charter schools, campuses, and other entities.

New subsection (d) affirms the confidentiality of documents or information collected, identified, developed, or produced relating to the monitoring of school district safety and security requirements.

New subsection (e) requires school systems to report through Sentinel information related to Behavioral Threat Assessments (BTAs), District Vulnerability Assessments (DVAs), emergency management, and Intruder Detection Audits (IDAs). In response to public comment, subsection (e)(1)(A) and (B) were modified at adoption to specify an August 1, 2025 begin date for requirements related to BTAs, and the requirement to use Sentinel to transfer disciplinary records was removed. A reference to TEC, §37.1083(h)(1), was added in subsection (e)(3)(D), and a statutory reference was corrected in subsection (e)(1)(B).

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began September 6, 2024, and ended October 7, 2024. Following is a summary of public comments received and agency responses.

Comment: One Texas administrator had a concern that Sentinel only allowed only three members from each district to access the system.

Response: The agency provides the following clarification. The Intruder Detection Audit (IDA) Dashboard restricted the number of authorized users; however, Sentinel does not. The number of authorized users is unlimited, but consideration should be given to operational necessity.

Comment: One Texas administrator noted concerns discovered during brief interactions with the Sentinel platform, specifically that the platform does not provide an opportunity to include teacher input in threat assessments, which is viewed as an extremely important component, and that the parental consent mechanism in Sentinel is structured in a way that may actually hinder the ability to conduct a threat assessment.

Response: The agency disagrees as the Behavioral Threat Assessment (BTA) team would be able to incorporate teacher-provided information by way of teacher inquiry and interview sessions. Additionally, the parent notification component is included as part of the statutory requirement of parent notification in TEC, §37.115, and is provided for proper documentation of those attempts.

Comment: One Texas administrator raised concerns about the requirement for districts to "submit information related to events requiring an emergency response, including the discovery of a firearm on campus, in the Sentinel portal." The administrator pointed out that there is no proposed definition to clarify what qualifies as an "emergency response," leaving room for significant interpretation. The commenter stated that this could raise questions, such as whether the term applies to responses to events like fire alarms, vehicle accidents, or medical emergencies.

Response: The agency provides the following clarification. Certain notifications are statutorily required, including events such as bomb threats or terroristic threats, as outlined in TEC, §37.113. In addition, "notice of an event requiring a district's emergency response including the discovery of a firearm on a campus" is taken directly from TEC, §37.1083(h). Submission of information in the Sentinel portal does not relieve a district of the requirement to notify local law enforcement of certain activities listed in TEC, §37.015.

Comment: One Texas administrator suggested finding ways to connect Sentinel with frequently used school-based tools like Raptor, allowing schools to update information automatically. The administrator commented that in many cases, the information required in Sentinel already exists in another safety system that the school is using, and an import feature would save countless staff hours.

Response: The agency disagrees, as most of the information captured within Sentinel is unique to the state programs for which the agency is responsible.

Comment: The Texas Association of School Boards (TASB) and one parent raised concerns about the cybersecurity measures in place to ensure that data within the Sentinel system cannot be hacked or breached. They emphasized that the information involved is highly sensitive and could compromise the safety of many if accessed by unauthorized individuals, referencing the compromise of the Raptor system last year despite its supposed security. Additionally, they stressed the importance of student data confidentiality, seeking reassurance that security protocols for sensitive data collected through Sentinel align with best practices, comply with state and federal privacy laws, and adequately safeguard student information.

Response: The agency provides the following clarification. This application is subject to standard agency security and privacy requirements and is designed to protect all confidential data in compliance with both state and federal laws, including the Family Educational Rights and Privacy Act (FERPA).

Comment: TASB and one Texas administrator emphasized that any electronic exchange of personally identifiable student record information should be narrowly tailored to serve essential safety purposes. They also recommended including as little student information as possible, noting that school districts are already required to forward any threat assessment documentation to a student's new district.

Response: The agency provides the following clarification. The information and reporting required through Sentinel is narrowly tailored to comply with state law to achieve the essential function of protecting student safety. In addition, the agency recognizes that protection of personally identifiable information is of the utmost importance and will adhere to state and federal requirements regarding the protection of student privacy. Under FERPA, an educational agency may disclose certain information without consent only if certain conditions are met (34 Code of Federal Regulations (CFR) §99.31). In addition, an educational agency or institution may disclose personally identifiable information from an education record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals (34 CFR §99.36).

Comment: The Texas Public Charter Schools Association (TPCSA) suggested that TEA consider attestation for certain documents rather than requiring a full document upload for each

requirement. Alternatively, they proposed requiring complete documentation from a subset of campuses rather than from each campus every year. They also noted that a four-year cycle to update documents would align with TEA's audit cycle.

Response: The agency provides the following clarification. The document repository is a tool to support districts and is only required to be utilized once the district is informed of a District Vulnerability Assessment (DVA) as part of the required four-year review cycle.

Comment: TPCSA recommended that TEA clarify rule language related to "additional required documentation." They pointed out that in two sections, DVA and Intruder Detection Audit (IDA), the language requires that "any documentation requested by TEA for a DVA/IDA must be uploaded to Sentinel." However, it is unclear what is meant by "any documentation," and no timeline for submission is included.

Response: The agency provides the following clarification. "Additional required documentation" provides the agency the flexibility to request documentation that may be unique to the district's situation pertaining to any one of the school safety programs in a timeline determined by the agency or a timeline determined by the agency in collaboration with the school district.

Comment: TPCSA suggested that TEA update the emergency management portion of the rule to help ease implementation challenges.

Response: The agency disagrees, as the emergency management requirements are critical to ensuring effective coordination during statewide or localized emergencies. These requirements play a vital role in enabling timely and accurate reporting to the State Operations Center, which is essential for facilitating a coordinated response and ensuring the safety of all affected individuals, while only collecting the minimal amount of information to ease the requirements on districts. Therefore, any changes to this language could undermine the effectiveness of emergency response efforts.

Comment: A district administrator expressed concern that the definition of "emergency response" in the rule is overly broad, and the requirement to submit information into Sentinel could become unduly burdensome. The commenter noted that the broad definition could include incidents such as 911 misdials, student fights, other relatively minor student disciplinary matters, and even reports of gas or electrical smells, which could result in excessive reporting, diverting attention and resources from more serious threats, and creating unnecessary administrative overload.

Response: The agency disagrees as the language describing "events requiring an emergency response" comes directly from TEC, §37.1083(h).

Comment: TPCSA noted that the proposed rule requires closure information to be "immediately recorded" in Sentinel during a localized emergency. They pointed out that updating Sentinel during an emergency may not be the most urgent task for schools and recommended that TEA allow schools to provide closure information within three business days.

Response: The agency disagrees with the suggestion to allow schools three business days to report closure information. Timely submission of this data is critical, as it is often requested by the Texas Division of Emergency Management (TDEM) or state leadership during a statewide or localized emergency. Delaying the reporting of closure information would hinder the

ability to make informed and effective decisions that impact broader response efforts. Immediate updates are essential to ensure coordinated actions across the state, helping to protect the safety and well-being of affected communities during emergencies.

Comment: TPCSA noted that the Sentinel system requires localized emergency reporting but is not designed to accommodate localized situations. Schools are unable to report a single campus closure--only a whole district closure--even though individual campuses may close due to various issues, such as air conditioning failure, flooding, or a weapon on campus. They suggested that a section for notes or a dropdown menu with a "reason for closure" would help TEA track the types of localized emergencies more effectively.

Response: The agency provides the following clarification. The Sentinel system allows for reporting closures down to the specific campus level; however, this currently needs to be managed at the district level. TEA is actively considering a more localized approach to campus closures, which would include the addition of campus-level administration for greater flexibility in reporting.

Comment: TPCSA, TASB, and three district administrators expressed concerns regarding the proposed timeline for the implementation of the BTA system in Sentinel. They requested that schools be allowed to continue using their existing systems for the 2024-2025 school year and transition into full implementation in the 2025-2026 school year or beyond. They emphasized that the current timeline is rushed and inconsistent with effective program development, posing significant challenges for large districts with established processes. The administrators urged TEA to extend the timeline, allowing for a phased rollout and for districts with strong programs to continue using their current methods. They requested that TEA provide a longer implementation runway to minimize unintended consequences and ensure a smooth transition.

Response: The agency agrees and has modified subsection (e)(1)(A) at adoption to be effective beginning August 1, 2025.

Comment: Four Texas district administrators expressed concern that the requirement to upload all BTAs, inclusive of student discipline records, conducted prior to August 1, 2025, into the Sentinel system represents a monumental task that will consume significant district resources. The commenters stated that this retrospective reporting mandate places a heavy administrative burden on schools, particularly without the allocation of additional funding or personnel to support such an extensive effort.

Response: The agency agrees, and subsection (e)(1)(B), relating to implementation timeline, has been modified at adoption to apply to new BTAs conducted after August 1, 2025. Student discipline records will continue to be transferred via Texas Records Exchange (TREx) or other method determined by the agency.

Comment: One Texas district administrator noted that the specific instruction provided by the Texas School Safety Center (TxSSC) in their training curricula does not align with the guidance and instruction found within the Sentinel Behavioral Threat Assessment and Management Manual and Field Guide. The commenter emphasized that the threat assessment model described in the Field Guide for Sentinel and the one offered in the state's official training appear to be two distinct models.

Response: The agency provides the following clarification. The TEA Manual and Field Guide have been thoroughly reviewed by TxSSC, and adjustments were made to ensure alignment

with their feedback. Such collaboration ensures consistency between the training materials provided by TxSSC and Sentinel and ensures a consistent approach to behavioral threat assessments across the state. In addition, the TEA Manual and Field Guide have been updated to include references to primary sources and research.

Comment: Two district administrators expressed concerns that requiring staff to input information into multiple systems, including retroactively uploading over 5,000 historical BTAs into Sentinel, would hinder collaboration, reduce efficiency, and consume valuable time that could be spent supporting students. They emphasized that their current comprehensive systems, which integrate bullying, harassment, and BTAs, are critical for a holistic approach to student safety. The commenters stated that requiring the use of both Sentinel and existing systems would create unnecessary administrative burdens, and they recommended either allowing districts to integrate their current systems with Sentinel or enabling Sentinel to integrate with existing platforms.

Response: The agency provides the following clarification. The current rule aligns with the statutory requirements outlined in TEC, §37.115. It is designed to ensure that critical information is captured and accessible to support early intervention and collaboration of cases when there is potential harm to others and is standardized across the state. The rule does not prohibit a district from using local resources or additional systems for further documentation and management beyond the scope of legislative requirements.

Comment: One district administrator noted that their district operates with four different calendars due to having schools across Texas, but Sentinel currently only allows for one calendar to be used.

Response: The agency agrees and is in the process of making changes to allow for the input of calendars for each campus by the 2025-2026 school year.

Comment: One Texas district administrator commented that this requirement is not an issue for larger districts, noting that smaller districts are likely pleased with the changes. The commenter stated that since 2018, larger districts have created their own models or signed contracts with Navigate360 and have already invested significant resources into these systems.

Response: This comment is outside the scope of the proposed rulemaking.

Comment: One Texas school district administrator commented that this requirement is an unfunded mandate. The administrator stated that focus is on the whole child and the safe and supportive school program context. The commenter feels it will make their schools less safe and want to know when a transfer happens.

Response: The agency provides the following clarification. Sentinel will be the transfer mechanism beginning August 1, 2025. Furthermore, it will streamline and nearly automate the process with a few verification steps.

Comment: One district administrator noted that, like many other school districts, their district developed its own threat assessment instrument and trained staff to implement it. The commenter stated that their locally developed system, based on models provided by TxSSC, has been successfully used by its more than 70 campuses for six years.

Response: This comment is outside the scope of the proposed rulemaking.

Comment: One district administrator expressed strong objections to being required to use a lesser threat assessment instrument at this time.

Response: This comment is outside the scope of the proposed rulemaking.

Comment: One open-enrollment charter school administrator explained that the majority of their school classrooms are located at licensed hospital facilities, making it challenging to implement many of the requirements for DVAs and IDAs. The commenter stated that since they do not own, operate, or lease any school buildings or facilities, the buildings at the hospital sites are outside the direct control of the open-enrollment charter school. The commenter emphasized that when a classroom is located at a hospital site, this needs to be considered.

Response: This comment is outside the scope of the proposed rulemaking.

Comment: One district administrator expressed support for a system that allows for a statewide repository of threat and safety information on students, calling it a worthwhile endeavor and stating that public schools in Texas should be aware if a student enrolling from another school--whether public, private, or charter--has previous threat or safety concerns. However, the commenter stated that the required BTA reporting through Sentinel would be a step backward in school safety, at least for the students and communities they serve, and that it would make their schools less secure.

Response: This comment is outside the scope of the proposed rulemaking.

Comment: One Texas school administrator expressed concern that the proposed reporting requirements would significantly increase the number of written reports and paperwork for principals, as each campus principal is responsible for school safety at their respective campus. The commenter pointed out that a district-level staff member who is not physically present on the school campus would not have the necessary knowledge to accurately enter campus-level information into Sentinel.

Response: The agency agrees and is in the process of creating campus principal and principal designee accounts for a more localized management process.

Comment: TPCSA suggested that TEA improve the Sentinel system and its accompanying rules to minimize manual entry and the duplication of efforts. They noted that Sentinel requires significant documentation, which is often already managed or reported through other systems. TPCSA stated that without the ability to import data from these systems, schools are spending hours manually recreating documents in Sentinel.

Response: The agency provides the following clarification. Sentinel is designed to streamline the school safety requirements outlined in statute, offering a more efficient solution than the previous methods of managing documentation. Most of the required reporting within Sentinel is unique to TEA's Office of School Safety and Security requirements. Prior to Sentinel, schools relied on a mix of emails, Qualtrics surveys, paper-based submissions, and other systems, which often resulted in inconsistent and fragmented data collection. Sentinel consolidates these processes into a unified platform, reducing

duplication of efforts and improving the efficiency of data management across schools.

Comment: TPCSA recommended that schools be allowed to import their school calendars rather than manually recreating them. They noted that Sentinel requires each campus calendar, but currently, schools must manually recreate the calendar instead of uploading a copy.

Response: The agency disagrees. Requiring school districts or charter schools to input their calendars directly into Sentinel allows for the statewide aggregation of days when schools are closed during a local or statewide emergency. Additionally, manually inputting specific instructional days enables the system to coordinate other critical school safety processes, such as IDAs and DVAs. This ensures that these audits and assessments are conducted during instructional hours, optimizing state resources and enhancing the effectiveness of safety protocols.

Comment: TPCSA suggested that TEA update the rule to reflect the true fiscal impact on schools. They pointed out that while TEA notes no fiscal impact, schools are assigning and training staff to manually input or upload data into a new, often parallel, system and that this process affects small schools without dedicated safety personnel as well as large districts with many campuses.

Response: The agency disagrees as the information required to be reported through the new system is the same as that which is mandated by other existing processes, as outlined in TEC §§37.1083, 37.1084, and 37.115. The transition to the Sentinel system is designed to consolidate and streamline reporting requirements, not to introduce additional burdens. This shift allows for more efficient data management while ensuring compliance with statutory safety obligations, ultimately reducing duplicative efforts over time.

Comment: Five district administrators noted that the rule mandates the use of a new, untested threat assessment instrument that does not align with established, research-based models such as those provided by TxSSC, Comprehensive School Threat Assessment Guidelines (CSTAG), or Salem-Keizer, all of which have been empirically validated. They stated that the proposed tool has not been adequately researched or piloted, and its implementation ahead of the 2025 school year raises concerns about its effectiveness and statutory compliance. The administrators stressed that TEC, §37.115, requires the use of research-based best practices for threat assessments, yet the proposed rule exceeds statutory authority by mandating an unproven tool. They urged TEA to update the rule to allow flexibility, either by establishing minimum BTA tool requirements or adopting a list of approved models that schools can use, with the option to upload findings into Sentinel. Furthermore, they emphasized the need for a longer transition timeline to avoid disrupting existing, effective systems.

Response: The agency offers the following clarification. The BTA process developed by the agency is grounded in extensive research and informed by multiple evidence-based models, including National Threat Assessment Center, Salem-Keizer, and CSTAG. Additionally, it draws from successful state models such as those implemented in Virginia, Pennsylvania, and Florida. Rather than relying on a single framework, the agency has adopted best practices from a variety of sources to ensure a comprehensive and effective approach to threat assessments. A list of these resources is now available in the TEA Manual and Field Guide.

Comment: One Texas district administrator noted that student disciplinary records would also be required to be uploaded into Sentinel.

Response: The agency provides the following clarification. In accordance with TEC, §25.036, student disciplinary records and BTAs are currently uploaded into TREx for transfer to a district receiving a transferred student. Sentinel will be the secure platform for BTA transfer in the future.

Comment: TPCSA suggested that Sentinel be connected with existing TEA tools, such as AskTED, to eliminate duplicative reporting requirements for information that TEA already possesses. They pointed out that the current rule requires schools to manually update information such as the superintendent's name and contact details, school addresses, and emergency contact information, even though schools already provide this data through processes in the AskTED tool.

Response: The agency agrees that duplicative reporting of information already available through TEA's systems, such as AskTED, places an unnecessary burden on district staff. TEA is actively working with the relevant teams to integrate Sentinel with AskTED to minimize redundancies and streamline data reporting efforts. This integration will ensure that information, such as superintendent contact details and school addresses, will automatically synchronize across systems, reducing the need for manual updates and allowing district staff to focus on more critical tasks.

Comment: Four Texas district administrators and TPCSA raised concerns about the Sentinel system's focus solely on threat assessments, which they believe fragments information and undermines a multidisciplinary approach to student safety. They requested flexibility in choosing from approved BTA tools or uploading data from existing systems like Raptor and PowerSchool. They also recommended creating a repository in the Sentinel BTA module for documents related to emergency operations and safety procedures. Additionally, the administrators objected to mandating a specific assessment tool, given their existing systems already meet state requirements. They urged TEA to collaborate with third-party vendors to integrate Sentinel with current digital platforms and requested a longer transition timeline if the Sentinel tool remains mandatory.

Response: The agency disagrees. Allowing school systems to continue using their own unique threat assessment systems creates significant misalignment across the state. This lack of standardization results in inconsistencies in how data is collected, shared, and understood between districts, making it difficult for state and regional entities to provide cohesive support. Furthermore, it impedes the ability to efficiently coordinate threat responses and hinders the seamless communication between districts and external agencies due to varying processes, language, and protocols. Standardizing the system ensures a uniform approach, fostering greater collaboration and more effective statewide threat management.

Comment: TPCSA expressed that TEA and TxSSC need to agree on which entity will ultimately manage the DVAs, audits, and reporting timelines. They noted that Sentinel's DVA requires information that duplicates the Emergency Operations Plans (EOPs) required by TxSSC, resulting in multiple audits since TxSSC conducts audits every three years, while TEA audits every four years, both requiring mostly the same documentation. TPCSA stated that schools need TEA and TxSSC to create

a clear auditing process that ensures safety while reducing redundancy and unnecessary administrative burden.

Response: The agency provides the following clarification. TxSSC is statutorily charged with reviewing local education agencies' EOPs, while the DVAs assess the implementation of these reviewed EOPs down to the campus and staff level. To streamline this process and reduce redundancy, TxSSC is automatically uploading the reviewed EOP for each district into Sentinel, thereby minimizing the need for multiple uploads by districts. This coordinated approach ensures that safety audits and assessments are thorough and effective, without placing an unnecessary administrative burden on districts.

Comment: Two Texas district administrators expressed concerns that the proposed rule would mandate BTA teams under the Safe and Supportive Schools Program to use Sentinel instruments, manuals, and the field guide, requiring retraining for all team members. They believe this change would make campuses less safe by leading to fewer reports due to the cumbersome nature of the system. The commenters stated that the new threat assessment tool is less sophisticated than the ones currently in use, and its manual maintenance requirements are labor-intensive and inefficient. The commenters also stated that this unfunded mandate places a financial burden on districts statewide, contradicting TEA's proposal, and that switching systems after six years will also necessitate extensive retraining, adding to the already numerous state-mandated training requirements.

Response: The agency disagrees as the use of Sentinel instruments, manuals, and the field guide is aligned with TxSSC training, ensuring consistency in the application of threat assessment protocols. The agency will provide resources and support, including training opportunities, to assist in the transition. This alignment with TxSSC processes will not only standardize reporting but also enhance the overall effectiveness of school safety procedures, ultimately improving the protection of students across all districts.

Comment: TPCSA noted that ensuring a secure system to store and transfer students' BTAs as they move between school districts is a significant advantage. They stated that previously, with the TReX system, schools would sometimes forget to send BTAs to a new district because it was a separate, manual process with no secure transfer method.

Response: The agency agrees. In accordance with TEC, §25.036, student disciplinary records and BTAs are currently uploaded into TReX for transfer to a district receiving a transferred student. Sentinel will be the secure platform for that transfer in the future and will further support the transfer process by streamlining the process through connections with other student data systems like the Texas Student Data System (TSDS).

Comment: Three Texas district administrators expressed concerns that mandating a specific BTA exceeds the commissioner's authority, stating that TEC, §37.1083, does not specifically delegate authority to the agency to establish a statewide BTA instrument and does not grant the commissioner authority beyond monitoring and technical assistance.

Response: The agency disagrees. TEC, §37.1083(k), includes explicit rulemaking authority. In addition, TEC, §37.1083(b), mandates coordinated monitoring of school district safety and security requirements. The current system suffers from a lack of coordination with districts collecting, reporting, and sharing information in disparate formats that lead to administrative inefficiency at the local and state level.

TEC, §37.1083(c), similarly mandates technical assistance from the agency in coordination with TxSSC to support the implementation and operation of safety and security requirements. TEC, §37.1083(h) and (i), additionally allow the agency to require districts to submit information necessary for the agency to monitor the implementation and operation of school district safety and security requirements and compliance with TEC, Chapter 37, Subchapters D and G.

Similarly, TEC, §37.115(l), includes explicit rulemaking authority. TEC, §37.115(b)(4), requires the agency to adopt rules that incorporate research-based best practices for school safety, including providing for multidisciplinary and multiagency collaboration to assess risks and threats in schools and provide appropriate interventions, including rules for the establishment and operation of threat assessment teams. TEC, §37.115(k), further dictates that a team must report to the agency in accordance with guidelines developed by the agency information regarding the number and description of the type of threats reported and the outcome of each assessment, including any disciplinary action taken to include a change in school placement; any action taken by law enforcement; or a referral to counseling or other services, among other information listed in the statute.

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code (TEC), §37.1083, which requires school districts and open-enrollment charter schools to submit information requested by the Texas Education Agency in their efforts to monitor the implementation and operation of school district safety and security requirements. This section grants the commissioner rulemaking authority related to administration, implementation, and operation of school safety and security requirements; and TEC, §37.115, which grants the commissioner rulemaking authority related to the implementation of threat assessments.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §37.1083 and §37.115.

§103.1213. Required Reporting through Sentinel.

(a) In accordance with Texas Education Code (TEC), §37.1083 and §37.115, each school district and open-enrollment charter school shall submit information requested by the Texas Education Agency (TEA) in their efforts to monitor the implementation and operation of school district safety and security requirements. TEA may review school district records as necessary to ensure compliance with this section and TEC, Chapter 37, Subchapters D and G.

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

(1) Discipline record--a student's cumulative record of formal disciplinary actions reported through the Public Education Information Management System from the date that the student was first enrolled in a public school and that the local education agency has retained in accordance with the records retention policy.

(2) School system--a term that has the meaning assigned by §61.1031(a)(6) of this title (relating to School Safety Requirements).

(3) Sentinel--TEA's formal school safety system designed to collect, process, store, and distribute school safety and security information.

(c) Sentinel serves as a repository for all safety and security-related data submitted to TEA by school districts, open-enrollment charter schools, campuses, and other entities.

(d) Any document or information collected, identified, developed, or produced relating to the monitoring of school district safety and security requirements under this section is confidential under Texas Government Code, §418.177 and §418.181, and not subject to disclosure under Texas Government Code, Chapter 552.

(e) Each school system shall report the following information through Sentinel.

(1) Behavioral Threat Assessments (BTAs).

(A) Effective August 1, 2025, when conducting a BTA under TEC, §37.115, members of a threat assessment team shall utilize the threat assessment instrument, manual, and field guide in Sentinel, which are consistent with the model policies published by the Texas School Safety Center (TxSSC).

(B) Effective August 1, 2025, school systems shall utilize Sentinel to securely transfer under TEC, §25.036, any threat assessment conducted on a student to a receiving school system when a student transfers to a new school district. All BTAs for a student are subject to the transfer requirement. Any BTAs conducted prior to August 1, 2025, that are associated with a student transfer shall be uploaded into Sentinel in a manner determined by TEA.

(2) District Vulnerability Assessments (DVAs).

(A) In accordance with TEC, §37.1083, the TEA Office of School Safety and Security will monitor the implementation of requirements related to school safety and security, to include conducting detailed vulnerability assessments.

(B) Any documentation requested by TEA for a DVA must be uploaded to Sentinel.

(3) Emergency management.

(A) On or before June 30th of each year, all school systems shall input their upcoming school year calendar into Sentinel. Any changes to the school year calendar shall be updated in Sentinel within three business days after approval by district leadership.

(B) On or before June 30th of each year, school systems must verify that all district facilities listed in Sentinel reflect the correct address and campus emergency contact information.

(C) If a school system closes for a localized emergency, closure information must be immediately recorded in Sentinel.

(D) All school systems shall submit information related to events requiring an emergency response, including the discovery of a firearm on a campus in accordance with TEC, §37.1083(h)(1), in the Sentinel portal. This is inclusive of notifications regarding a bomb threat or terroristic threat, as outlined in TEC, §37.113. Submission of information in the Sentinel portal does not substitute the requirement for local law enforcement notification of certain activities in TEC, §37.015.

(E) Upon completed review of a school system's multi-hazard emergency operations plan, the TxSSC may upload a copy of that plan, including all required appendices, to the Sentinel portal.

(F) Subsequent to a school system superintendent change, the direct contact information of the superintendent (or person acting in that capacity) must be updated in Sentinel within three business days of a corresponding board meeting.

(4) Intruder Detection Audits (IDAs).

(A) In accordance with TEC, §37.1084, the TEA Office of School Safety and Security will establish a school safety review team in each region served by a regional education service center.

Teams shall annually conduct on-site general intruder detection audits of school district campuses in the team's region.

(B) Any documentation requested by TEA for an IDA must be uploaded to Sentinel.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 475-1497



TITLE 25. HEALTH SERVICES

PART 1. DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 289. RADIATION CONTROL SUBCHAPTER G. REGISTRATION REGULATIONS

25 TAC §289.301

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Department of State Health Services (DSHS), adopts an amendment to §289.301, concerning Registration and Radiation Safety Requirements for Lasers and Intense-Pulsed Light Devices.

The amendment to §289.301 is adopted with changes to the proposed text as published in the September 13, 2024, issue of the *Texas Register* (49 TexReg 7177). This rule will be republished.

BACKGROUND AND JUSTIFICATION

The adoption amends Texas Administrative Code, Title 25, Chapter 289 concerning registration and radiation safety requirements for lasers and intense-pulsed light devices. The amendment adds and clarifies registration requirements, personnel requirements, facility requirements, and laser radiation machine requirements to protect workers and the public from laser radiation machine hazards.

The signage requirements are updated to match the guidelines set forth by the American National Standards Institute (ANSI). Specific warning labels, such as "Danger," "Warning," and "Caution," communicate the potential hazards associated with laser operations and promote a safer working environment for employees and visitors. Referencing the standard allows laser facilities to adhere to the most current national standards, which are often proposed and updated faster than regulatory amendments can be implemented.

COMMENTS

The 31-day comment period ended October 14, 2024.

During this period, DSHS received comments regarding the proposed rule from four commenters, including Baylor Scott and White, Rice University, Laser Safety Services, and 3M. A summary of comments relating to §289.301 and DSHS responses follows.

Comment: Commenter wants DSHS to consider changing the reference of "Laser Notice No. 50" to either "current version of Laser Notice" or "Laser Notice No. 56." Laser Notice No. 56 will be replaced by the Food and Drug Administration (FDA) by the end of this year.

Response: DSHS agrees and revised §289.301(b)(4) to reflect the "current Laser Notice guidance document."

Comment: Commenter requests DSHS add language to the rule to outline procedures for assessing laser safety programs, inspections, and track training of personnel.

Response: DSHS appreciates the commenters request. In §289.301(b)(5), the rule currently references the subsections that include the requirements requested.

Comment: Commenter requests the removal of example statements from ANSI on hazard sign requirements.

Response: DSHS appreciates the comments and revised §289.301(u)(3)(A)(ii)(III) and (IV), §289.301(u)(3)(B)(ii)(V), and §289.301(u)(3)(C)(ii)(III) to remove the laser-specific examples and replace with "optical density, laser type, wavelength, and wattage."

Comment: Commenter would like DSHS to consider adding requirements to include Laser-Generated Air Contaminants (LGACs).

Response: DSHS appreciates the comment and the commenter's concern for LGACs. However, DSHS Radiation Program's authority only applies to the receipt, possession, use, ownership, or acquisition of laser radiation machines.

Comment: Commenter requests DSHS consider strengthening training and certification requirements for the LSO, and specifically recommends the requirements of either the Board of Laser Safety (BLS) or the National Council on Laser Certification (NCLC).

Response: DSHS Radiation Program appreciates the standards set by BLS and NCLC, but declines to make the suggested change at this time. DSHS will consider the requested revision in a future rule project to ensure the public has the opportunity to comment on the proposed revision.

Comment: Commenter would like DSHS to enhance and clarify LSO duties.

Response: DSHS appreciates the comment but declines to make the suggested change. The rule sets the minimum requirements for safe use of laser radiation machines. A facility may implement additional safety requirements as it sees fit.

Comment: Commenter wants DSHS to add "firm language" to LSO duties concerning control and authority to institute corrective actions.

Response: DSHS appreciates the comment but declines to make the suggested change. The rule sets the minimum requirements for safe use of laser radiation machines. A facility may implement additional safety requirements as it sees fit.

Comment: Commenter wants DSHS to add requirements for lung or respiratory protection from LGACs.

Response: DSHS appreciates the comment but declines to make the suggested change. The rule sets the minimum requirements for safe use of laser radiation machines. A facility may implement additional safety requirements as it sees fit.

Comment: Commenter requests DSHS strengthen survey requirements and conduct laser inspections.

Response: DSHS Radiation Control Program understands the commenter's concern. The program conducts inspections within the resources available to the program and takes into consideration possible risks in determining inspection frequency.

Comment: Commenter requests DSHS strengthen quality assurance/quality control requirements.

Response: DSHS appreciates the comment but declines to make the suggested change. The rule sets the minimum requirements for safe use of laser radiation machines. A facility may implement additional safety requirements as it sees fit.

Comment: Commenter requests DSHS change laser light show registration requirements. Specifically, to only require registration of light shows using "pulsed lasers, or using high-power lasers (where one or more emitted beams is over 50 watts)."

Response: DSHS appreciates the comment, but respectfully declines to revise the rule in response to this comment. DSHS's current process requires registration for all 3B and 4 lasers, including lasers used in laser light shows. This is to protect the public and ensure all shows are conducted safely.

Comment: Commenter requests to revert laser hazard signage requirements to be posted "within the laser-controlled area," instead of "at the entryway."

Response: DSHS appreciates the comment, but respectfully declines to revise the rule. DSHS considers the entry way within the laser-controlled area if it is noted on the registrant's sketch or description of the floor plan.

STATUTORY AUTHORITY

The amendment is authorized by Texas Health and Safety Code Chapter 401 (the Texas Radiation Control Act), which requires DSHS radiation control rules and the regulatory program to be compatible with federal standards and regulations; §401.051, which provides the authority to adopt rules and guidelines relating to the control of sources of radiation; §401.064, which provides authority to adopt rules related to inspection of x-ray equipment; §401.101, authorizing the registration of facilities possessing sources of radiation; Chapter 401, Subchapter J, which authorizes enforcement of the Act; and Texas Government Code §531.0055 and Texas Health and Safety Code §1001.075, which authorize the Executive Commissioner of HHSC to adopt rules and policies for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001.

§289.301. Registration and Radiation Safety Requirements for Lasers and Intense-Pulsed Light Devices.

(a) Purpose.

(1) This section establishes requirements for protection against all classes of laser radiation and intense-pulsed light (IPL) device hazards. This section includes the responsibilities of the registrant and the laser safety officer (LSO), laser and IPL device hazard control methods, training requirements, and notification of injuries.

(2) For the purpose of this section, any reference to a class of laser includes both International Electrotechnical Commission (IEC)

and United States Food and Drug Administration (FDA) classifications, as appropriate.

(3) This section establishes requirements for the registration of a person who receives, possesses, acquires, uses, or transfers Class IIIb (3B), or Class IV (4) lasers in the healing arts, veterinary medicine, and industrial, academic, research and development institutions, and of a person in the business of providing laser services.

(A) A person must not use a Class 3B or Class 4 laser or perform laser services except as authorized in a certificate of registration issued by the Texas Department of State Health Services (department) as specified in this section.

(B) A person who receives, possesses, uses, owns, or acquires a Class 3B or Class 4 laser before receiving a certificate of registration is subject to the requirements of this chapter.

(4) Class I (1) lasers, Class II (2) lasers, FDA Class IIIa (3a) lasers, IEC Class 3R lasers, and IPL devices are not required to be registered. However, the use of Class 1, Class 2, Class 3a, Class 3R lasers, and IPL devices is subject to applicable requirements in this section.

(b) Scope.

(1) Except as otherwise provided, this section applies to a person who receives, possesses, acquires, transfers, or uses lasers that emit or may emit laser radiation. Lasers or IPL devices must not be used on humans or animals unless under the supervision of a licensed practitioner of the healing arts (practitioner) or veterinary medicine and unless the use of lasers or IPL devices is within the scope of their professional license. This section does not limit the intentional exposure of patients to laser or IPL device radiation for the purpose of diagnosis, therapy, or treatment by a practitioner of the healing arts or veterinary medicine within the scope of their professional license. This section does not apply to the manufacture of lasers or IPL devices.

(2) This section applies to lasers operating at wavelengths between 180 nanometers (nm) and 1 millimeter (mm).

(3) This section applies to IPL devices. These devices must be Class 2 or Class 3 surgical devices certified as complying with the designing, labeling, and manufacturing standards of the FDA.

(4) This section applies to lasers meeting the requirements of IEC standards 60825-1 and 60601-2-22 as allowed by the FDA Centers for Devices and Radiological Health in the current Laser Notice guidance document.

(5) In addition to the requirements of this section, all registrants authorized to use Class 3B and Class 4 lasers are subject to the following requirements:

(A) §289.203 of this chapter (relating to Notices, Instructions, and Reports to Workers; Inspections) except for subsection (d), "Notifications and reports to individuals," and information relating to ionizing radiation or exposure history contained in subsection (i), "Notice to employees."

(B) §289.204 of this chapter (relating to Fees for Certificates of Registration, Radioactive Material Licenses, Emergency Planning and Implementation, and Other Regulatory Services);

(C) §289.205 (a), (b), and (h) - (n) of this chapter (relating to Hearing and Enforcement Procedures); and

(D) §289.231 (d), (f) - (j), (aa), (bb), (ff), (kk), and (ll)(1), (2), and (5) of this chapter (relating to General Provisions and Standards for Protection Against Machine-Produced Radiation) and the applicable definitions in §289.231(c) of this chapter.

(c) Prohibitions.

(1) The department prohibits the use of lasers and IPL devices posing a significant threat or endangering occupational or public health and safety as specified in §289.205 and §289.231 of this chapter.

(2) An individual must not be intentionally exposed to laser or IPL radiation above the maximum permissible exposure (MPE) unless a practitioner has authorized such exposure.

(A) Exposure of an individual for training, demonstration, or other non-healing arts purposes is prohibited unless authorized by a practitioner.

(B) Exposure of an individual for the purpose of healing arts screening is prohibited, except as specifically authorized by the department.

(C) Research and development using radiation machines on humans is prohibited except for the following.

(i) Any research using radiation machines on humans must be approved by an Institutional Review Board (IRB) as required by 45 Code of Federal Regulations (CFR) Part 46, and 21 CFR Part 56. The IRB must include at least one physician to direct any laser radiation or IPL device use as specified in subsection (b)(1) of this section.

(ii) Facilities with radiation machines, with investigational device exemptions, involved in clinical studies must follow regulations governing the conduct of clinical studies and applying to the manufacturers, sponsors, clinical investigators, IRBs, and the medical device. These regulations include:

(I) 21 CFR Part 812, Investigational Device Exemptions;

(II) 21 CFR Part 50, Protection of Human Subjects;

(III) 21 CFR Part 56, Institutional Review Boards;

(IV) 21 CFR Part 54, Financial Disclosure by Clinical Investigators; and

(V) 21 CFR Part 820, Subpart C, Design Controls of the Quality System Regulation.

(d) Definitions. The following words and terms, when used in this section, have the following meanings, unless the context indicates otherwise.

(1) Access to laser radiation--Proximity to radiation not blocked by an intervening barrier or filter.

(2) Accessible emission limit (AEL)--The maximum accessible emission level permitted within a particular class.

(3) Accessible laser radiation--Proximity to radiation not blocked by an intervening barrier or filter.

(4) American National Standards Institute (ANSI) standards--Specific standards for lasers and IPL devices published by the American National Standards Institute.

(5) Aperture--An opening through which radiation can pass.

(6) Beam--A collection of rays characterized by direction, diameter (or dimensions), and divergence (or convergence).

(7) Class 1 laser--Any laser not permitting human exposure during operation to levels of visible laser radiation more than the accessible emission limits contained in ANSI.

(8) Class 2 laser--Any laser permitting human exposure during operation to levels of visible laser radiation more than the accessible emission limits of Class 1 lasers contained in ANSI but does not permit human exposure during operation to levels of visible laser radiation more than the accessible emission limits of Class 2 lasers contained in ANSI.

(9) Class 3a laser, IEC Class 3R--Any laser permitting human exposure during operation to levels of laser radiation more than the accessible emission limits of Class 2 lasers contained in ANSI but does not permit human exposure during operation to levels of laser radiation more than the accessible emission limits of Class 3a lasers contained in ANSI.

(10) Class 3B laser--Any laser permitting human exposure during operation to levels of laser radiation more than the accessible emission limits of FDA Class 3a lasers in ANSI but does not permit human exposure during operation to levels of laser radiation in excess of the emission limits of Class 3B lasers contained in ANSI.

(11) Class 4 laser--Any laser permitting human exposure during operation to levels of laser radiation more than the accessible emission limits of Class 3B lasers contained in ANSI.

(12) Coherent--A light beam is coherent when the electric vector at any point in it is related to any other point by a definite, continuous function.

(13) Collateral radiation--Any electromagnetic radiation, except laser radiation, emitted by a laser that is physically necessary for its operation. The applicable, accessible emission limits for collateral radiation are found in 21 CFR §1040.10.

(14) Continuous wave--A laser operating with a continuous output for greater than or equal to 0.25 seconds is regarded as a continuous wave laser.

(15) Controlled area--An area where the occupancy and activity of those within are subject to control and supervision by the registrant for the purpose of protection from radiation hazards.

(16) Divergence--The increase in the diameter of the laser beam with propagation distance from the exit aperture. This is also referred to as beam spread. The value of the divergence is expressed in radians or milliradians.

(17) Electromagnetic radiation--Radiation consisting of electromagnetic waves, including x-ray, ultraviolet, visible, infrared, and radio waves occupying various portions of the electromagnetic spectrum and differing only in frequency, wavelength, or photon energy.

(18) Electronic product--Any product or article defined as follows:

(A) any manufactured or assembled product, when in operation:

(i) contains or acts as part of an electronic circuit; and

(ii) emits, or in the absence of effective shielding or other controls would emit electronic product radiation; or

(B) any manufactured or assembled article intended for use as a component, part, or accessory of a product described in subparagraph (A) of this paragraph and when in operation emits, or in the absence of effective shielding or other controls would emit radiation.

(19) Energy--The capacity for doing work. Energy content is commonly used to characterize the output from pulsed lasers and is expressed in joules (J).

(20) Engineering controls--Control measures designed or incorporated into the laser or laser system (e.g., interlocks, shutters, watchdog timer) or its application.

(21) Healing arts--Any system, treatment, operation, diagnosis, prescription, cure, relief, palliation, adjustment, or correction of any human disease, ailment, deformity, injury, or unhealthy or abnormal physical or mental condition.

(22) Infrared radiation--The region of the electromagnetic spectrum between the long-wavelength extreme of the visible spectrum (about 0.7 micrometer (μm)) and the shortest microwaves (about 1 mm).

(23) Inoperable--Incapable of operation because of damage, disassembly, removal, or inactivation of key components that cannot be restored without significant repair or renovation.

(24) Institutional Review Board (IRB)--Any board, committee, or other group formally designated by an institution to review, approve the initiation of, and conduct a periodic review of biomedical research involving human subjects.

(25) Intense-pulsed light (IPL) device--A device that emits radiation to energy density levels that could cause bodily harm and used for photothermolysis. This device is a Class 2 or Class 3 surgical device certified as complying with FDA designing, labeling, and manufacturing standards.

(26) Invisible radiation--Laser or collateral radiation having wavelengths greater than or equal to 180 nm but less than or equal to 400 nm or greater than 710 nm but less than or equal to 1.0×10^6 nm (1 millimeter).

(27) Irradiance--Radiant power incident per unit area upon a surface, expressed in watts-per-square-centimeter ($\text{W}\cdot\text{cm}^{-2}$).

(28) Joule (J)--A unit of energy. One joule is equal to one watt \cdot second.

(29) Laser--An electronic device that emits stimulated radiation to energy density levels that could cause bodily harm. A laser may also produce an intense, coherent, directional beam of light by stimulating electronic or molecular transitions to lower energy levels. The term "laser" includes the assembly of electrical, mechanical, and optical components associated with the laser. A laser can be a component of a product or system.

(30) Laser light show--Use of lasers for entertainment, advertising display, or artistic composition.

(31) Laser product--Any manufactured product or assembly of components constituting, incorporating, or intending to incorporate a laser and is classified as a Class 1, Class 2, Class 3a, Class 3B, or Class 4 laser product according to the performance standards set by the FDA. A laser intended for use as a component of an electronic product must be considered a laser product. A laser product can contain an enclosed laser with an assigned class number higher than the inherent capability of the laser product in which it is incorporated and where the product's lower classification is appropriate due to the engineering features limiting accessible emission.

(32) Laser safety officer (LSO)--An individual with knowledge of and the authority and responsibility to apply appropriate laser radiation protection rules, standards, and practices, and is specifically authorized on a certificate of laser registration.

(33) Manufacturer--Any person who designs, manufactures, assembles, fabricates, or processes a finished laser device.

(34) Maximum permissible exposure (MPE)--The level of laser radiation a person may be exposed to without hazardous effects or adverse biological changes in the eye or skin. Maximum permissible exposures to laser radiation may be found in ANSI.

(35) Medical event--Any adverse patient health effect directly resulting from the use of laser equipment on an individual.

(36) Mobile service operation--The provision of lasers and personnel at temporary sites for limited time periods. The lasers may be fixed inside a motorized vehicle or a portable laser that can be removed from the vehicle and taken into a facility for use.

(37) Nominal hazard zone (NHZ)--The space where the level of direct, reflected, or scattered radiation during operation exceeds the applicable MPE. Exposure levels beyond the boundary of the NHZ are below the applicable MPE level.

(38) Optical density (D_λ)--The logarithm to the base ten of the reciprocal of the transmittance. $D_\lambda = -\log_{10} \tau_\lambda$, where τ_λ is transmittance.

(39) Personal protective equipment (PPE)--Device used to mitigate hazards associated with laser use, including laser eye protection (LEP), protective clothing, and gloves.

(40) Practitioner--A person licensed under Texas Occupations Code Title 3 Health Professions. A practitioner's use of a laser is limited to the person's scope of professional practice as determined by the appropriate licensing agency.

(41) Protective housing--An enclosure surrounding the laser preventing access to laser radiation above the applicable MPE level. The aperture through which the useful beam is emitted is not part of the protective housing. The protective housing may enclose associated optics and a workstation and must limit access to other associated radiant energy emissions and to electrical hazards associated with components and terminals.

(42) Provider of lasers--A person providing lasers on a routine basis to a facility for limited time periods.

(43) Pulse duration--The duration of a laser pulse. This is measured as the time interval between the half-power points on the leading and trailing edges of the laser pulse.

(44) Pulsed laser--A laser delivering its energy in the form of a single pulse or a train of pulses. In this section, the duration of a pulse is less than 0.25 seconds.

(45) Reflection--The deviation of laser radiation following incidence on a surface.

(46) Source--A laser or a laser-illuminated reflecting surface.

(47) Supervision--Delegating to a person under the practitioner's authority, the task of applying laser radiation to persons or animals under this section. The practitioner assumes full responsibility for these tasks and must ensure the tasks are administered correctly.

(48) Transmission--Passage of laser radiation through a medium.

(49) Ultraviolet radiation--Electromagnetic radiation with wavelengths shorter than those of visible radiation; for this section, 0.18 to 0.4 μm .

(50) Veterinarian--A person licensed as a veterinarian by the Texas Board of Veterinary Medical Examiners.

(51) Veterinary medicine--When used in this chapter, has the same meaning as found in Texas Occupations Code Chapter 801.

(52) Visible radiation (light)--Electromagnetic radiation that can be detected by the human eye. This term is commonly used to describe wavelengths in the range of 0.4 to 0.7 μm .

(53) Watt--The unit of power or radiant flux. 1 watt equals 1 joule per second.

(54) Wavelength (λ)--The distance between two successive points on a periodic wave having the same phase.

(e) Exemptions.

(1) Lasers in storage or transit are exempt from the requirements of this section. This exemption does not apply to the providers of lasers.

(2) Inoperable lasers are exempt from the requirements of this section.

(3) Class 1, Class 2, and Class 3a lasers, IEC Class 3R lasers, or products and IPL devices are exempt from the registration requirements of subsections (f) and (g) of this section.

(4) Facilities, including academic institutions and research or development facilities, registered for the use of lasers are exempt from the registration requirements of subsection (f) of this section, regarding laser services, and the applicable paragraphs of subsection (g) of this section, to the extent their personnel perform laser services only for the registrant by whom they are employed.

(f) Registration for the use of Class 3B and Class 4 lasers and laser services.

(1) For purposes of this section, use of Class 3B or Class 4 lasers and laser services includes:

(A) possession and use of lasers in the healing arts, veterinary medicine, industry, academics, and research and development institutions;

(B) demonstration or sale of lasers requiring the person to operate or cause a laser to be operated to demonstrate or sell;

(C) provision of lasers on a routine basis to a facility for limited time periods by a provider of lasers. For healing arts facilities, the use of lasers must be directed by a practitioner employed by the contracting facility;

(D) alignment, calibration, installation, or repair; or

(E) laser light shows.

(2) A person who applies for registration as specified in this section and uses a Class 3B or Class 4 laser before receiving a certificate of laser registration is subject to the requirements of this chapter.

(g) Application requirements.

(1) General application requirements.

(A) Application for certificate of laser registration must be completed on forms prescribed by the department and must contain all the information required by the form and accompanying instructions.

(B) An LSO must be designated on each application form. The qualifications of that individual must be submitted to the department with the application. The LSO must meet the applicable requirements of subsection (o) of this section and carry out the responsibilities of subsection (p) of this section.

(C) Each application must be accompanied by a completed RC Form 226-01 (Business Information Form), which must contain the legal name of the entity or business. Unless exempt under Texas Business and Commerce Code Chapter 71, the applicant must:

(i) be authorized to conduct business in the State of Texas as listed on the Texas Secretary of State (SOS) website; and

(ii) file an assumed name certificate with the Texas SOS if using an assumed name in their application.

(D) Each application for a certificate of laser registration must be accompanied by the appropriate fee prescribed in §289.204 of this chapter.

(E) An application for a certificate of laser registration may include a request for authorization of one or more activities.

(F) At any time after filing the original application, the department may require further information to determine whether the certificate of laser registration will be issued or denied.

(G) Applications and documents submitted to the department may be made available for public inspection, except the department may withhold any document or part of a document from public inspection as specified in §289.231(aa) of this chapter.

(2) Application for the use of Class 3B or Class 4 lasers on humans or animals.

(A) In addition to the requirements of subsection (g)(1) of this section, each person having a Class 3B or Class 4 laser for use in the healing arts or for use on animals must submit an application to the department within 30 days after beginning operation of the laser.

(B) Application signatures.

(i) An application for healing arts use must be signed by a practitioner.

(ii) An application for veterinary medicine use must be signed by a licensed veterinarian.

(iii) The signature of the administrator, president, or chief executive officer will be accepted instead of the practitioner's signature if the facility is a licensed hospital or a medical facility.

(iv) A signature by the administrator, president, or chief executive officer does not relieve the practitioner or veterinarian from following the requirements of this section. The LSO must also sign the application.

(C) If a person is furnished a Class 3B or Class 4 laser by a provider of lasers, that person is responsible for ensuring a practitioner authorizes intentional exposure of laser radiation to humans.

(D) The applicant must ensure a laser machine is operated by a person qualified by training and experience to use the laser machine for the purpose requested, and in a manner minimizing danger to occupational and public health and safety.

(3) Application for the use of Class 3B or Class 4 lasers in industrial, academic, and research and development institutions.

(A) In addition to the requirements of subsection (g)(1) of this section, each person having a laser for use in industrial, academic, and research and development institutions must apply to the department within 30 days after beginning operation of the laser.

(B) An application for the use of Class 3B or Class 4 lasers in industrial, academic, and research and development institutions must be signed by the applicant or registrant or a person duly au-

thorized to act on behalf of the applicant or registrant. The LSO must also sign the application.

(4) Application for registration of laser services.

(A) In addition to the requirements of subsection (g)(1) of this section, an applicant who intends to provide laser services described in subsection (f)(1) of this section must apply and receive a certificate of registration from the department before providing the services.

(B) An application for laser services must be signed by the applicant, registrant, or a person duly authorized to act on behalf of the applicant or registrant. The LSO must also sign the application.

(C) Providing services specified in subsection (f)(1) of this section, not specifically authorized by the department, is prohibited.

(D) A service provider must not provide laser machine services for a person who cannot produce evidence of a completed registration application or a valid certificate of registration issued by the department, except for the initial installation of the first machine for a new certificate of registration.

(5) Application for laser light show.

(A) Each applicant must receive a certificate of laser registration for a laser light show before beginning any show.

(B) An application to use Class 3B or Class 4 lasers in a laser light show must be signed by the applicant, registrant, or a person duly authorized to act on behalf of the applicant or registrant. The LSO must also sign the application.

(C) According to subparagraph (A) of this paragraph and in addition to the requirements of subsection (g)(1) of this section, each applicant must submit:

(i) a valid variance issued by the FDA, or evidence of an Annual Report on Radiation Safety Testing of Laser and Laser Light Show Products meeting FDA variance requirements, for the laser intended to be used, with all applicable documents required by the variance; and

(ii) a written notice of the laser light show to be performed in Texas. The information contained in RC Form 301-05 must be provided at least seven days before each show. If, in a specific case, the seven-day period would impose an undue hardship on the applicant, the applicant may, upon written request to the department, obtain permission to proceed sooner.

(6) Application for mobile service operation for Class 3B or Class 4 lasers used in the healing arts and veterinary medicine.

(A) Each applicant must apply for and receive a certificate of laser registration for mobile service operation involving Class 3B or Class 4 lasers before beginning mobile service operation.

(B) In addition to the requirements of subsection (g)(1) of this section, each applicant must submit the address of the established main location where the laser and records will be maintained for inspection. This must be a physical street address, not a post office box number.

(C) An application for mobile service operation for the healing arts must be signed by a practitioner and an application for mobile services for veterinary medicine must be signed by a licensed veterinarian. The LSO must also sign the application.

(h) Issuance of certificate of laser registration.

(1) A certificate of registration application will be approved if the department determines an application meets the Texas Radiation Control Act (Act) requirements and the requirements of this chapter. The certificate of registration authorizes the proposed activity and contains the conditions and limitations the department requires. The certificate of laser registration must be maintained as specified in subsection (cc) of this section.

(2) The department may incorporate in the certificate of laser registration at the time of issuance, or by amendment, additional requirements and conditions concerning the registrant's receipt, possession, acquisition, use, and transfer of lasers subject to this section, as it deems appropriate or necessary to:

- (A) minimize danger to occupational and public health and safety;
- (B) prevent loss or theft of lasers; or
- (C) require additional reports and maintenance records as may be appropriate or necessary.

(3) At the request of the department the registrant must provide additional information after the certificate of laser registration has been issued for the department to determine whether the certificate of laser registration will be modified in accordance with subsection (n) of this section.

(i) Specific terms and conditions of certificates of laser registration.

(1) Each certificate of laser registration issued as specified in this section is subject to the applicable provisions of the Act and the applicable rules in this chapter and orders issued by the department.

(2) Each person registered by the department for laser use as specified in this section must confine use and possession of the laser registered to the locations and purposes authorized in the certificate.

(3) A certificate of laser registration issued under this section must not be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, to any person unless the department authorizes the transfer, in writing.

(4) In determining whether to issue, deny, amend, renew, revoke, suspend, or restrict a certificate of laser registration, the department may consider the technical competence and compliance history of an applicant or holder of a certificate of laser registration.

(5) After an opportunity for a hearing, the department will deny an application, amendment, or renewal of a certificate of laser registration if the applicant's compliance history reveals, within the previous six years, three or more actions have been issued against the applicant assessing administrative or civil penalties, or revoking or suspending a certificate of laser registration.

(j) Registrant responsibilities.

(1) The registrant is responsible for complying with this section and the conditions listed on the certificate of registration.

(2) The registrant must designate a qualified individual as the LSO as specified in subsection (o) of this section and ensure the individual continually performs the responsibilities of the LSO as identified in subsection (p) of this section.

(3) A person must not make, sell, lease, transfer, or lend lasers unless the machine and equipment, when properly placed in operation and used, meet the applicable requirements of this section.

(4) The registrant must notify the department in writing within 30 days of a change in any of the following:

- (A) name and mailing address;
- (B) street address where laser will be used;
- (C) LSO; or
- (D) additional use location.

(5) Each registrant must inventory all Class 3B and Class 4 lasers in their possession at an interval not to exceed 12 months. The inventory record must be maintained for inspection by the department as specified in subsection (cc) of this section and must include:

- (A) the manufacturer's name;
- (B) the model and serial number of the laser;
- (C) a description of the laser (for example, yag, silicon, CO₂, neon);
- (D) the location of the laser (for example, room number); and
- (E) a complete inventory of equipment supplied by a provider of lasers as defined in subsection (d)(42) of this section.

(6) Notification to the department is required within 30 days of:

- (A) any increase in the number of lasers above those authorized by the certificate of laser registration; or
- (B) any change in the category of the machine type or type of use as specified in §289.231(11) or as authorized on the certificate of registration.

(7) The registrant, or the parent company, must notify the department, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy. The notification must include:

- (A) the name of the bankruptcy court; and
- (B) the case name, and number, when known, and the date the petition was filed.

(8) A registrant must not engage a person for services described in subsection (f)(1) of this section until the service provider demonstrates current registration with the department.

(9) Registrants with certificates of laser registration as specified in subsection (g)(5) of this section must have the following documents on site at each laser light show:

- (A) certificate of laser registration;
- (B) FDA variance, or evidence of Annual Report on Radiation Safety Testing of Laser and Laser Light Show Products meeting FDA variance requirements, with all applicable documents required by the variance; and
- (C) instructions for the safe use of lasers as specified in subsection (q)(2) of this section.

(10) Each registrant must maintain records of receipt, transfer, and disposal of Class 3B or Class 4 lasers for inspection by the department. The records must include the following information and be maintained as specified in subsection (cc) of this section:

- (A) manufacturer's name;
- (B) model and serial number of the laser;
- (C) date of the receipt, transfer, and disposal;
- (D) name and address of the person the laser was received from, transferred to, or disposed of; and

(E) name of the person recording the information.

(11) A laser must not be used unless an application for registration is filed with the department, as specified in subsection (g) of this section, within the first 30 days of use. This section does not apply to operation of a laser for installation and calibration.

(12) A service provider must not provide laser services for a person who cannot produce evidence of a completed application for registration or a valid certificate of registration issued by the department, except for:

(A) the initial installation of the first machine for a new certificate of registration; and

(B) the registrant authorized for demonstration and sale, demonstrates a laser machine as specified in paragraph (15) of this subsection.

(13) A person authorized to perform alignment, calibration, installation, and repair of lasers in Texas must maintain:

(A) a daily log including:

(i) date of service;

(ii) name and address of the customer; and

(iii) customer's certificate of registration number, unless the service provided is an initial installation as described in paragraph (12)(A) of this subsection; and

(B) records of all services for inspection by the department as specified in subsection (cc) of this section.

(14) A person authorized to provide lasers must comply with the following.

(A) Providers of equipment must:

(i) ensure all lasers used on humans meet the requirements of this chapter;

(ii) provide lasers only to facilities holding a valid certificate of registration; and

(iii) keep a log of lasers provided in Texas, and record the following information:

(I) date machine provided;

(II) name of customer; and

(III) customer's certificate of registration number.

(B) Records of machines provided must be made and maintained for inspection by the department as specified in subsection (cc) of this section.

(15) A person authorized to demonstrate and sell lasers in Texas must comply with the following.

(A) Maintain a log including:

(i) date of all demonstrations and sales of lasers performed in Texas;

(ii) name and address of the customer; and

(iii) customer's certificate of registration number unless the service provided is an initial demonstration as described in paragraph (12)(B) of this subsection.

(B) Prevent exposure of individuals to a laser except for healing arts purposes and unless a licensed practitioner of the healing

arts has authorized such exposure. This provision specifically prohibits the deliberate exposure of an individual for training, demonstrating, or other non-healing arts purposes.

(C) Demonstrate lasers on phantoms only.

(D) Document all tests required by this section when a demonstration of a laser involves exposure specifically and individually ordered by a practitioner.

(E) Records of demonstrations and sales must be made and maintained for inspection by the department as specified in subsection (cc) of this section.

(16) A person using loaner laser machines must comply with the following.

(A) For a person having a valid certificate of registration, loaner radiation machines may be used for up to 30 days. Within 30 days, the registrant must:

(i) notify the department of a change in the category of the machine type or type of use as specified in §289.231(11) of this title and as authorized in the certificate of registration; or

(ii) notify the department of any increase in the number of machines beyond those authorized by the certificate of registration in any machine type or type of use category.

(B) For a person who does not hold a valid certificate of registration, a loaner laser may be used for human use for up to 30 days, by or under the direction of a practitioner, before applying for a certificate of registration as specified in subsection (g) of this section. This does not include mobile services.

(k) Expiration of certificates of laser registration.

(1) Except as provided by subsection (m) of this section, a certificate of laser registration expires at 11:59 p.m. Central Time in the month and year stated in the certificate of laser registration.

(2) If a registrant does not submit an application for renewal of the certificate of laser registration as specified in subsection (m) of this section, as applicable, the registrant must, before the expiration date specified in the certificate of laser registration, terminate use of all lasers and laser services as specified in subsection (l) of this section.

(3) The expiration of the certificate of laser registration does not relieve the registrant of the requirements of this chapter.

(l) Termination of certificates of laser registration.

(1) When a registrant decides to terminate all activities involving laser or laser services authorized under the certificate of laser registration, the registrant must immediately:

(A) request termination of the certificate of laser registration in writing, signed by the LSO, owner, or a person authorized to act on behalf of the registrant; and

(B) submit to the department a record of the disposition of the laser, and, if applicable, include if the laser was transferred and to whom it was transferred.

(2) The registrant must pay any outstanding fees as specified in §289.204 of this chapter.

(m) Renewal of certificate of laser registration.

(1) An application for renewal of a certificate of laser registration must be filed as specified in subsection (g)(1)(A) - (G) and (g)(2) of this section.

(2) If a registrant applies for a renewal before the existing certificate of laser registration expires, the existing certificate of laser registration does not expire until the application status has been determined by the department.

(n) Modification, suspension, and revocation of certificates of laser registration.

(1) The terms and conditions of all certificates of laser registration are subject to revision or modification.

(2) Any certificate of laser registration may be revoked, suspended, or modified, in whole or in part for:

(A) any materially false statement in the application or any false statement of fact required by the Act;

(B) information received by the department indicating a certificate of laser registration should not be issued;

(C) violation of, or failure to observe any of the terms and conditions of the Act, this chapter, or of the certificate of laser registration, or order of the department or a court; or

(D) existing conditions threatening occupational safety, public health and safety, or the environment.

(3) Except in cases in which occupational and public health or safety requires otherwise, a registrant will be notified, in writing, of the department's intent to suspend or revoke a certificate of registration and be provided an opportunity to demonstrate compliance before proceedings to suspend or revoke begin.

(o) LSO qualifications. LSO qualifications must be submitted to the department and include:

(1) education related to laser radiation safety or a laser safety officer course; or

(2) experience in the use and familiarity of the type of equipment or services registered; and

(3) knowledge of potential laser radiation hazards, laser emergency situations, and the appropriate response to an injury.

(p) LSO duties. The LSO must:

(1) ensure users of lasers are trained in laser safety, as applicable for the class and type of lasers used;

(2) assume control and have the authority to institute corrective actions to include the shutdown of operations, when necessary, in emergencies or unsafe conditions;

(3) specify whether any changes in control measures are required after:

(A) any service and maintenance of lasers affecting the output power or operating characteristics; or

(B) a deliberate modification is made that could change the laser class and affect the output power or operating characteristics;

(4) ensure maintenance and other practices required for the safe operation of the laser are performed;

(5) ensure the proper use of protective eyewear and other safety measures; and

(6) ensure compliance with the requirements in this section, the conditions of the certificate of laser registration, and any engineering or operational controls specified by the registrant.

(q) Requirements for protection against Class 3B or Class 4 lasers and IPL device radiation. These requirements are for Class 3B

or Class 4 lasers and IPL devices in their intended mode of operation and include special requirements for service, testing, maintenance, and modification. During some operations, certain engineering controls may be inappropriate. When an engineering control may be inappropriate, for example, during medical procedures or surgery, the LSO must specify alternate controls to obtain equivalent safety protection.

(1) MPE. A registrant or user of any laser may not permit any individual to be exposed to levels of laser or collateral radiation higher than are specified in ANSI and 21 CFR §1040.10, respectively.

(2) Instructions to personnel. Personnel using a laser must be provided with written instructions for safe use, including clear warnings and precautions to avoid possible exposure to laser and collateral radiation more than the MPE, as specified in ANSI and the collateral limits listed in 21 CFR §1040.10. The instructions to personnel must be maintained as specified in subsection (cc) of this section for inspection by the department.

(3) Engineering controls.

(A) Protective housing.

(i) Each laser must have a protective housing preventing human exposure during the operation to laser and collateral radiation that exceeds the limits of Class 1 lasers as specified in ANSI and 21 CFR §1040.10, if human exposure is not necessary for the laser to perform its intended function.

(ii) If human exposure to laser radiation levels more than the limits of Class 1 is necessary, these levels must not exceed the limits of the lowest laser class required to perform the intended function.

(B) Safety interlocks.

(i) A safety interlock ensuring radiation is not accessible above MPE limits as specified in ANSI must be provided for any portion of the protective housing that, by design, can be removed or displaced during normal operation or maintenance, and thereby allows exposure to radiation above the MPE limits.

(ii) Adjustment during operation, service, testing, or maintenance of a laser containing interlocks must not cause the interlocks to become inoperative or the radiation to exceed MPE limits outside protective housing except where a laser controlled area as specified in subparagraph (E) of this paragraph is established.

(iii) For pulsed lasers, interlocks must be designed to prevent the firing of the laser; for example, by dumping the stored energy into a dummy load.

(iv) For continuous wave lasers, the interlocks must turn off the power supply or interrupt the beam; for example, by using shutters.

(v) An interlock must not allow automatic accessibility of radiation emission above MPE limits when the interlock is closed.

(vi) Either multiple safety interlocks or a means to preclude removal or displacement of the interlocked portion of the protective housing upon interlock failure must be provided if failure of a single interlock would allow the following:

(I) human exposure to levels of laser radiation more than the accessible emission limit of FDA Class 3a laser radiation; or

(II) laser radiation more than the accessible emission limits of Class 2 emitted directly through the opening created by removing or displacing that portion of the protective housing.

(C) Viewing optics and windows.

(i) All viewing ports, viewing optics, or display screens included as an integral part of an enclosed laser or laser product must incorporate suitable means such as interlocks, filters, or attenuators to maintain the laser radiation at the viewing position at or below the applicable MPE as specified in ANSI and the collateral limits listed in 21 CFR §1040.10, under any conditions of operation or use of the laser.

(ii) All collecting optics, such as lenses, telescopes, microscopes, or endoscopes, intended for viewing use with a laser must incorporate suitable means such as interlocks, filters, or attenuators to maintain the laser radiation transmitted through the collecting optics to levels at or below the appropriate MPE, as specified in ANSI. Normal or prescription eyewear is not considered collecting optics.

(D) Warning systems. Each Class 3B or Class 4 laser or laser product must provide visual or audible indication during the emission of accessible laser radiation. In the case of Class 3B lasers, except those only allowing access to less than 5 milliwatt (mW) peak visible laser radiation, and Class 4 lasers, the indication must be sufficient before emission of such radiation to allow appropriate action to avoid exposure. Any visual indicator must be visible through protective eyewear designed specifically for the wavelength of the emitted laser radiation. If the laser and laser energy source are housed separately and can be operated at a separation distance of greater than two meters, both laser and laser energy source must incorporate visual or audible indicators. The visual indicators must be positioned so viewing does not require human exposure to laser radiation more than the MPE, as specified in ANSI.

(E) Controlled area. With a Class 3B laser, except those only allowing access to less than 5 mW visible peak power, or Class 4 laser, a controlled area must be established when exposure to the laser radiation more than the MPE, as specified in ANSI or the collateral limits listed in 21 CFR §1040.10, is possible. The controlled area must meet the following requirements, as applicable.

(i) The area is posted with hazard signs as required by subsection (u) of this section.

(ii) Access to the controlled area is restricted.

(iii) For Class 4 indoor controlled areas, latches, interlocks, or other appropriate means are used to prevent unauthorized entry into controlled areas.

(I) Such measures are designed to allow rapid exit by laser personnel and allow admittance to the controlled area for emergency personnel. For such emergency conditions, a control-disconnect switch or equivalent device (panic button) must be available for deactivating the laser.

(II) Where safety latches or interlocks are not feasible or are inappropriate, for example, during medical procedures, such as surgery, the following applies.

(-a-) All authorized personnel are trained in laser safety, and appropriate PPE is provided upon entry.

(-b-) A door, blocking barrier, screen, or curtains is used to block, screen, or attenuate the laser radiation at the entryway. The level at the exterior of these devices cannot be more than the applicable MPE, as specified in ANSI.

(-c-) Within the laser controlled area, there is a visible or audible signal indicating the laser is energized and operating at Class 4 levels. A lighted laser warning sign, flashing light (visible through laser protective eyewear), and other appropriate signage are methods to accomplish this requirement.

(iv) For Class 4 indoor controlled areas, during tests requiring continuous operation, the person in charge of the controlled area is permitted to momentarily override the safety interlocks to allow access by other authorized personnel if it is evident there is no optical radiation hazard at the point of entry, and if the necessary protective devices are being worn by the entering personnel.

(v) For Class 4 indoor controlled areas, optical paths (for example, windows) from an indoor facility must be controlled to reduce the transmitted values of the laser radiation to levels at or below the appropriate ocular MPE, as specified in ANSI and the collateral limits listed in 21 CFR §1040.10. When the laser beam must exit the indoor controlled area (as in the case of exterior atmospheric beam paths), the operator is responsible for ensuring air traffic is protected from any laser projecting into navigable air space (contact Federal Aviation Administration (FAA) or other appropriate agencies, as necessary) or controlled ground space when the beam irradiance or radiant exposure is above the appropriate MPE, as specified in ANSI.

(vi) When the removal of panels or protective covers or overriding of interlocks becomes necessary, such as for servicing, testing, or maintenance, and accessible laser radiation exceeds the MPE, as specified in ANSI and the collateral limits listed in 21 CFR §1040.10, a temporary controlled area must be established and posted.

(4) Key control. Each Class 3B or Class 4 laser and IPL device must incorporate a key-actuated or computer-actuated primary control. The key must be removable, and the Class 3B or Class 4 laser or IPL device must not be operable when the key is removed. When the device is not being prepared for operation or is unattended, the key must be removed from the device and stored in a location away from the machine.

(r) Additional requirements for special lasers and applications.

(1) Infrared laser. The beam from a laser must be terminated in fire-resistant material, where necessary. Inspection intervals of absorbent material and actions to be taken in the event of degradation must be specified in the operating and safety procedures.

(2) Laser optical fiber transmission system.

(A) Laser transmission systems employing optical cables are considered enclosed systems with the optical cable forming part of the protective housing.

(B) Disconnection of a connector resulting in exposure to radiation more than the applicable MPE limits, as specified in ANSI and the collateral limits listed in 21 CFR §1040.10, must take place in a controlled area. Except for medical lasers whose manufacture has been approved by the FDA, the use of a tool is required for the disconnection of a connector for service and maintenance purposes when the connector is not within a secured enclosure. All connectors must bear the appropriate label or tag as specified in subsection (u)(3) of this section.

(s) Additional requirements for safe operation.

(1) Eye protection. Protective eyewear must be worn by each individual exposed to laser radiation from IPL, Class 3B, or Class 4 levels of laser radiation. Protective eyewear devices must meet the following requirements:

(A) provide a comfortable and appropriate fit all around the area of the eye;

(B) be in proper condition to ensure the optical filter and holder provide the required optical density or greater at the desired wavelengths, and retain all protective properties during its use;

(C) be suitable for the specific wavelength of the laser and be of optical density adequate for the energy involved;

(D) have the optical density or densities and associated wavelength permanently labeled on the filters or eyewear; and

(E) be examined, at intervals not to exceed 12 months, to ensure the reliability of the protective filters and integrity of the protective filter frames. Unreliable eyewear must be discarded. Documentation of the examination is required to be maintained as specified in subsection (cc) of this section for inspection by the department.

(2) Skin protection. When there is a possibility of exposure to laser radiation more than the MPE limits for skin as specified in ANSI the registrant must require the use of appropriate PPE.

(t) NHZ. Where applicable, in the presence of unenclosed Class 3B and Class 4 laser beam paths, an NHZ must be established. If the beam of an unenclosed Class 3B and Class 4 laser is contained within a region by adequate control measures to protect personnel from exposure to levels of radiation more than the MPE, as specified in ANSI, that region is the NHZ. The NHZ may be determined by information supplied by the laser manufacturer, by measurement, or by using the appropriate laser range equation or other equivalent assessment.

(u) Hazard signs, labels, and posting for lasers and IPL devices.

(1) General requirements. Except as otherwise authorized by the department, signs, symbols, and labels prescribed by this section must use the design and colors as specified in paragraph (3) of this subsection.

(2) Posting. The laser controlled area must be conspicuously posted with a sign or signs as specified in paragraph (3) of this subsection.

(3) Labeling lasers and posting laser facilities. All signs and labels associated with Class 2, 3a, 3B, and 4 lasers must contain the following wording or sign posting requirements found in ANSI.

(A) Danger sign.

(i) The signal word "DANGER" indicating death or serious injury will occur if required control measures are not implemented to mitigate the hazards within the laser controlled area. This signal word is restricted to those Class 4 lasers with high (e.g., multi-kilowatt) output power or pulse energies with exposed beams.

(ii) The danger sign must include:

(I) The signal word "DANGER" in white letters on a rectangular safety red background placed at the top of the sign.

(II) "Class 4 Laser Controlled Area."

(III) "Avoid eye or skin exposure to direct or scattered radiation."

(IV) "Laser eye protection required," and include:

- (-a-) optical density;
- (-b-) laser type;
- (-c-) wavelength; and
- (-d-) wattage.

(iii) The safety alert symbol must precede the signal word.

(I) The base of the symbol must be on the same horizontal line as the base of the letter of the signal word.

(II) The height of the safety alert symbol must be equal to or exceed the signal word letter height.

(III) The words "Avoid eye or skin exposure to direct or scattered radiation" must appear to the right of the safety alert symbol.

(iv) The following sign meets the requirements of this subparagraph.

Figure: 25 TAC §289.301(u)(3)(A)(iv)

(B) Warning sign.

(i) The signal word "WARNING" must be used with all signs and labels associated with lasers and laser systems whose output is more than the applicable MPE for irradiance, including all Class 3B and most Class 4 lasers and laser systems.

(ii) The warning sign must include:

(I) The signal word "WARNING" in black letters on a rectangular orange background placed at the top of the sign.

(II) "Class 4 Laser Controlled Area."

(III) "Avoid eye or skin exposure to direct or scattered radiation."

(IV) "Do not enter when light is illuminated."

(V) "Laser eye protection required," and include:

- (-a-) optical density;
- (-b-) laser type;
- (-c-) wavelength; and
- (-d-) wattage.

(iii) The safety alert symbol must precede the signal word.

(I) The base of the symbol must be the same horizontal line as the base of the letter of the signal word.

(II) The height of the safety alert symbol must be equal to or exceed the signal word letter height.

(III) The words "Avoid eye or skin exposure to direct or scattered radiation" must appear to the right of the safety alert symbol.

(iv) The following sign meets the requirements of this subparagraph.

Figure: 25 TAC §289.301(u)(3)(B)(iv)

(C) Caution sign.

(i) The signal word "CAUTION" must be used with all signs and labels associated with Class 2 and Class 2M lasers and laser systems not more than the applicable MPE for irradiance.

(ii) The caution sign must include:

(I) The signal word "CAUTION" in black letters on a rectangular yellow background placed at the top of the sign.

(II) "Class 2M Laser In Use."

(III) "Do not stare into beam or view directly with optical instruments," and include:

(-a-) optical density, if provided by the manufacturer;

- (-b-) laser type;
- (-c-) wavelength; and
- (-d-) wattage.

(iii) The safety alert symbol must precede the signal word.

(I) The base of the symbol must be on the same horizontal line as the base of the letters of the signal word.

(II) The height of the safety alert symbol must be equal to or exceed the signal word letter height.

(III) The words "Do not stare into beam or view directly with optical instruments" must appear to the right of the safety alert symbol.

(iv) The following sign meets the requirements of this subparagraph.
Figure: 25 TAC §289.301(u)(3)(C)(iv)

(D) Lasers, except a laser used in the practice of medicine or veterinary medicine, must have a label in close proximity to each aperture emitting accessible laser or collateral radiation in excess of the limits specified in ANSI and the collateral limits listed in 21 CFR §1040.10, labeled with the following as applicable:

(i) "AVOID EXPOSURE - Laser radiation is emitted from this aperture," if the radiation emitted through the aperture is laser radiation;

(ii) "AVOID EXPOSURE - Hazardous electromagnetic radiation is emitted from this aperture," if the radiation emitted through the aperture is collateral radiation; or

(iii) "AVOID EXPOSURE - Hazardous x-rays are emitted from this aperture," if the radiation emitted through the aperture is collateral x-ray radiation.

(E) Each defeatable or non-interlocked portion of the protective housing or enclosure designed to be displaced or removed during normal operation or servicing that permits human exposure to laser or collateral radiation must have the following label:

(i) for Class 3B accessible laser radiation, the wording, "DANGER - LASER RADIATION WHEN OPEN. AVOID DIRECT EXPOSURE TO BEAM";

(ii) for Class 4 accessible laser radiation, the wording, "DANGER - LASER RADIATION WHEN OPEN. AVOID EYE OR SKIN EXPOSURE TO DIRECT OR SCATTERED RADIATION"; or

(iii) for collateral radiation more than the emission limits as specified in 21 CFR §1040.10, "CAUTION - HAZARDOUS ELECTROMAGNETIC RADIATION WHEN OPEN" and "CAUTION - HAZARDOUS X-RAY RADIATION" as applicable.

(F) For protective housing or enclosures providing a defeatable interlock, the words "and interlock defeated" must be included in the labels as specified in subparagraph (E)(i) and (ii) of this paragraph.

(G) Other required information.

(i) The word "invisible" must immediately precede the word "radiation" on labels and signs required by this subparagraph for wavelengths of laser and collateral radiation outside of the range of 400 to 700 nm.

(ii) The words "visible and invisible" must immediately precede the word "radiation" on labels and signs required by this subparagraph for wavelengths of laser and collateral radiation both within and outside the range of 400 to 700 nm.

(H) Labels and signs required by this subparagraph must be clearly visible, legible, and permanently attached to the laser or facility.

(4) In lieu of the requirements in paragraphs (1) - (3) of this subsection, the department will accept labeling and signage as specified by:

(A) 21 CFR §1040.10;

(B) ANSI; and

(C) IEC standards 60825-1 and 60601-2-22.

(v) Surveys. Each registrant must conduct surveys necessary to comply with this section and maintain records of the surveys as specified in subsection (cc) of this section for inspection by the department. Surveys must be performed at intervals not to exceed 12 months, and include:

(1) a determination if all laser and IPL protective devices are labeled correctly, functioning within the design specifications, and properly chosen for lasers and IPL devices in use;

(2) a determination if all warning devices are functioning within their design specifications;

(3) a determination if the controlled area is properly controlled and posted with accurate warning signs as specified in subsection (u) of this section;

(4) a re-evaluation of potential hazards from surfaces associated with beam paths; and

(5) additional surveys to evaluate the primary and collateral radiation hazard incident to the use of lasers and IPL devices.

(w) Records or documents. Each registrant must maintain current records or documents required by this subsection as specified in subsection (cc) of this section for inspection by the department.

(x) Measurements and instrumentation. Each determination requiring a measurement for compliance with this section must use instrumentation calibrated and designed for use with the laser or IPL device to be tested. Records of measurements and instrumentation must be maintained as specified in subsection (cc) of this section.

(y) Notification of injury other than a medical event.

(1) Each registrant of Class 3B or Class 4 lasers or user of an IPL device must immediately seek appropriate medical attention for the injured individual and notify the department by telephone of any injury involving a laser possessed by the registrant or an IPL device, other than intentional exposure of patients for medical purposes, that has or may have caused:

(A) an injury to an individual involving the partial or total loss of sight in either eye; or

(B) an injury to an individual involving intentional perforation of the skin or other serious injury excluding eye injury.

(2) Each registrant of Class 3B or Class 4 lasers or user of an IPL device must, within 24 hours of the discovery of an injury, notify the department of any injury involving a laser possessed by the registrant or IPL device possessed by a user, as applicable, other than intentional exposure of patients for medical purposes, that has or may have caused, or threatens to cause, exposure to an individual with second or third-degree burns to the skin or potential injury and partial loss of sight. Record of a notification of injury must be documented and maintained as specified in subsection (cc) of this section.

(z) Reports of injuries.

(1) Each registrant of Class 3B or Class 4 lasers or user of an IPL device must make a report, in writing, or by electronic transmittal, within 30 days to the department of any injury required to be reported as specified in subsection (y) of this section.

(2) Each report must describe:

(A) the extent of injury to each individual from radiation caused by lasers or IPL devices;

(B) power output of laser or IPL device involved;

(C) the cause of the injury; and

(D) corrective steps taken or planned to prevent a recurrence.

(3) A report filed with the department as specified in this subsection must include the full name of each individual injured and a description of the injury. The report must include personally identifying information in a separate part of the report.

(4) When a registrant or user of an IPL device is required, as specified in paragraphs (1) - (3) of this subsection, to report to the department any injury of an individual caused by radiation from a laser or IPL device, the registrant or user of an IPL device must notify the individual. The notice must be sent to the individual at the same time the report is sent to the department. Record of a report of injury must be documented and maintained as specified in subsection (cc) of this section.

(aa) Medical event.

(1) The registrant of a Class 3B or Class 4 laser or user of an IPL device must notify the department, by telephone or electronic transmittal, within 24 hours of the discovery of a medical event involving a Class 3B or Class 4 laser resulting in injury or death of a patient. Within 30 days after a 24-hour notification is made, the registrant of a Class 3B or Class 4 laser or the user of an IPL device must submit a written report to the department of the event. Record of a medical event must be documented and maintained as specified in subsection (cc) of this section.

(2) The written report must include:

(A) the registrant's or user's name;

(B) a brief description of the event;

(C) the effect on the patient;

(D) the action taken to prevent recurrence; and

(E) whether the registrant or user informed the patient or the patient's responsible relative or legal guardian.

(3) When a medical event occurs, the registrant or user must promptly investigate its cause, make a record for department review, and retain the records as specified in subsection (cc) of this section.

(bb) Reports of stolen, lost, or missing Class 3B or Class 4 lasers and IPL devices.

(1) Each registrant of Class 3B or Class 4 lasers or user of an IPL device must report to the department by telephone at (512) 458-7460, or email at RAMAssist@dshs.texas.gov, a stolen, lost, or missing laser or IPL device within 24 hours after its occurrence becomes known to the registrant or IPL device user.

(2) Each person required to make a report as specified in paragraph (1) of this subsection must, within 30 days after making the telephone or email report, make a written report to the department including:

(A) a description of the laser or IPL device involved, including the manufacturer, model, serial number, and class;

(B) a description of the circumstances under which the loss or theft occurred;

(C) a statement of disposition, or probable disposition, of the laser or IPL device involved;

(D) actions taken, or to be taken, to recover the laser or IPL device; and

(E) procedures or measures taken to prevent a recurrence of the loss or theft of lasers or IPL devices.

(3) Report of a stolen, lost, or missing Class 3B or Class 4 laser and IPL device must be maintained as specified in subsection (cc) of this section.

(cc) Record or document retention requirements for registration of a radiation machine. Each registrant must maintain the following records or documents at each site, including authorized records sites for mobile services at the time intervals specified for inspection by the department.

Figure: 25 TAC §289.301(cc)

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 27, 2024.

TRD-202405780

Cynthia Hernandez

General Counsel

Department of State Health Services

Effective date: December 17, 2024

Proposal publication date: September 13, 2024

For further information, please call: (512) 834-6655

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 17. TEXAS STATE SOIL AND WATER CONSERVATION BOARD

**CHAPTER 517. FINANCIAL ASSISTANCE
SUBCHAPTER A. CONSERVATION ASSISTANCE**

31 TAC §517.3

Introduction

The Texas State Soil and Water Conservation Board adopts amendments to §517.3, concerning the use of conservation assistance funds. The amendment is adopted without changes to the proposed text as published in the *Texas Register* on September 6, 2024, (49 TexReg 6967) and will not be republished.

Justification for Rule Action

The amendment clarifies the allowable use of conservation assistance funds appropriated from the general revenue fund and

other sources. Specifically, the rule defines the conditions under which soil and water conservation districts may use these funds to reimburse indirect administrative expenses incurred through travel for official district business.

How the Rule Will Function

The adopted rule provides soil and water conservation districts with guidance on the permissible use of conservation assistance funds for indirect administrative expenses. It limits reimbursement to mileage and lodging costs incurred while attending meetings or events sponsored by the State Board or a local district, ensuring these expenses do not exceed the maximum allowable rates established by the General Appropriations Act for state travel. This enhances transparency and consistency in fund usage.

Summary of Comments

No comments were received regarding the proposed amendment.

Statutory Authority

The amendments are adopted under the Agriculture Code, Title 7, Chapter 201, §201.020, which authorizes the State Board to adopt rules necessary for performing its functions under the Agriculture Code.

No other statutes, articles, or codes are affected by this amendment.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 26, 2024.

TRD-202405769

Heather Bounds

Government Affairs Specialist

Texas State Soil and Water Conservation Board

Effective date: December 16, 2024

Proposal publication date: September 6, 2024

For further information, please call: (254) 773-8225



31 TAC §517.10

Introduction

The Texas State Soil and Water Conservation Board (TSSWCB) adopts amendments to §517.10, concerning deadlines for claims for conservation assistance funds. The amendment is adopted without changes to the proposed text as published in the *Texas Register* on September 6, 2024, (49 TexReg 6968) and will not be republished.

Justification for Rule Action

The amendment establishes clear deadlines for soil and water conservation districts to submit claims for conservation assistance funds, ensuring efficient processing and proper allocation of resources. Exceptions to these deadlines may be granted by the State Board or the Executive Director with the Board's approval, allowing flexibility in unique circumstances.

How the Rule Will Function

The adopted rule provides guidance to districts on the timely submission of claims for conservation assistance funds. It ensures accountability and streamlines the administration of funding programs by setting firm deadlines and defining conditions under which exceptions may be granted. This will enhance the efficiency and consistency of the claims process.

No comments were received regarding the proposed amendment.

Statutory Authority

The amendments are adopted under the Agriculture Code, Title 7, Chapter 201, §201.020, which authorizes the State Board to adopt rules necessary for performing its functions under the Agriculture Code. No other statutes, articles, or codes are affected by this amendment. The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 26, 2024.

TRD-202405771

Heather Bounds

Government Affairs Specialist

Texas State Soil and Water Conservation Board

Effective date: December 16, 2024

Proposal publication date: September 6, 2024

For further information, please call: (254) 773-8225



TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 9. PROPERTY TAX ADMINISTRATION

SUBCHAPTER M. LOCAL GOVERNMENT RELIEF FOR DISABLED VETERANS EXEMPTION

34 TAC §9.4323

The Comptroller of Public Accounts adopts amendments to §9.4323, concerning application, without changes to the proposed text as published in the October 4, 2024, issue of the *Texas Register* (49 TexReg 8069). The rule will not be republished. The comptroller amends the section to add an option for supporting documentation provided with applications.

The comptroller adds new subsection (b)(2)(C) to provide an option allowing an applying city or county to provide certified documentation from an internal auditor or financial officer.

The comptroller received a comment regarding adoption of the amendment from Jessie Rahe, Comal County Auditor.

Ms. Rahe comments that Comal County agrees with the proposal to allow certification by the applicant's internal auditor or

financial officer because it will allow Comal County and other counties with December 31st year ends to apply for this exemption. The comptroller thanks Ms. Rahe for submitting this comment, which requires no change to the rule.

This amendment is adopted under Local Government Code, §140.011(i), which requires the comptroller to adopt rules necessary to implement Local Government Code, §140.011 (Local Governments Disproportionately Affected by Property Tax Relief for Disabled Veterans).

This amendment implements Local Government Code, §140.011 (Local Governments Disproportionately Affected by Property Tax Relief for Disabled Veterans).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 26, 2024.

TRD-202405770

Victoria North

General Counsel for Fiscal and Agency Affairs

Comptroller of Public Accounts

Effective date: December 16, 2024

Proposal publication date: October 4, 2024

For further information, please call: (512) 475-2220



TRANSFERRED RULES

The Government Code, §2002.058, authorizes the Secretary of State to remove or transfer rules within the Texas Administrative Code when the agency that promulgated the rules is abolished. The Secretary of State will publish notice of rule transfer or removal in this section of the *Texas Register*. The effective date of a rule transfer is the date set by the legislature, not the date of publication of notice. Proposed or emergency rules are not subject to administrative transfer.

Department of State Health Services

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, certain functions previously performed by the Department of State Health Services (DSHS), including client services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. The DSHS rules in Texas Administrative Code, Title 25, Part 1, Chapter 139, Abortion Facility Reporting and Licensing, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 504, Abortion Facility Reporting and Licensing.

The rules will be transferred in the Texas Administrative Code effective December 31, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 139

TRD-202405774

Health and Human Services Commission

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, certain functions previously performed by the Department of State Health Services (DSHS), including client services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. The DSHS rules in Texas Administrative Code, Title 25, Part 1, Chapter 139, Abortion Facility Reporting and Licensing, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 504, Abortion Facility Reporting and Licensing.

The rules will be transferred in the Texas Administrative Code effective December 31, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 139

TRD-202405775

Figure: 25 TAC Chapter 139

Current Rules Title 25. Health Services Part 1. Department of State Health Services Chapter 139. Abortion Facility Reporting and Licensing	Move to Title 26. Health and Human Services Part 1. Health and Human Services Commission Chapter 504. Abortion Facility Reporting and Licensing
Subchapter A. General Provisions	Subchapter A. General Provisions
§139.1. Purpose and Scope.	§504.1. Purpose and Scope.
§139.2. Definitions.	§504.2. Definitions.
§139.3. Unlicensed Facility.	§504.3. Unlicensed Facility.
§139.4. Monthly Reporting Requirements for All Abortions Performed or Induced.	§504.4. Monthly Reporting Requirements for All Abortions Performed or Induced.
§139.5. Additional Reporting Requirements.	§504.5. Additional Reporting Requirements.
§139.6. Public Information; Toll-Free Telephone Number.	§504.6. Public Information; Toll-Free Telephone Number.
§139.7. Unique Identifying Number; Disclosure in Advertisement.	§504.7. Unique Identifying Number; Disclosure in Advertisement.
§139.8. Quality Assurance.	§504.8. Quality Assurance.
§139.9. Severability.	§504.9. Severability.
Subchapter B. Licensing Procedures	Subchapter B. Licensing Procedures
§139.21. General Requirements for Licensure.	§504.21. General Requirements for Licensure.
§139.22. Fees.	§504.22. Fees.
§139.23. Application Procedures and Issuance of Licenses.	§504.23. Application Procedures and Issuance of Licenses.
§139.24. Change of Ownership or Services, Change of Physical Location, and Closure of a Licensed Abortion Facility.	§504.24. Change of Ownership or Services, Change of Physical Location, and Closure of a Licensed Abortion Facility.
§139.25. Time Periods for Processing and Issuing a License.	§504.25. Time Periods for Processing and Issuing a License.
Subchapter C. Enforcement	Subchapter C. Enforcement
§139.31. On-site Inspections and Complaint Investigations of a Licensed Abortion Facility.	§504.31. On-site Inspections and Complaint Investigations of a Licensed Abortion Facility.
§139.32. License Denial, Suspension, Probation, or Revocation.	§504.32. License Denial, Suspension, Probation, or Revocation.
§139.33. Administrative Penalties, Injunction, Criminal Penalties, and Civil Penalties.	§504.33. Administrative Penalties, Injunction, Criminal Penalties, and Civil Penalties.
Subchapter D. Minimum Standards for Licensed Abortion Facilities	Subchapter D. Minimum Standards for Licensed Abortion Facilities
§139.40. Adoption by Reference of Ambulatory Surgical Centers Rules.	§504.40. Adoption by Reference of Ambulatory Surgical Centers Rules.
§139.41. Policy Development and Review.	§504.41. Policy Development and Review.
§139.42. Delegation of Authority and Organizational Structure.	§504.42. Delegation of Authority and Organizational Structure.

§139.43. Personnel Policies.	§504.43. Personnel Policies.
§139.44. Orientation, Training, and Demonstrated Competency.	§504.44. Orientation, Training, and Demonstrated Competency.
§139.45. Personnel Records.	§504.45. Personnel Records.
§139.46. Licensed Abortion Facility Staffing Requirements and Qualifications.	§504.46. Licensed Abortion Facility Staffing Requirements and Qualifications.
§139.47. Licensed Abortion Facility Administration.	§504.47. Licensed Abortion Facility Administration.
§139.48. Physical and Environmental Requirements.	§504.48. Physical and Environmental Requirements.
§139.49. Infection Control Standards.	§504.49. Infection Control Standards.
§139.50. Disclosure Requirements.	§504.50. Disclosure Requirements.
§139.51. Patient Rights at the Facility.	§504.51. Patient Rights at the Facility.
§139.52. Patient Education/Information Services.	§504.52. Patient Education/Information Services.
§139.53. Medical and Clinical Services.	§504.53. Medical and Clinical Services.
§139.54. Health Care Services.	§504.54. Health Care Services.
§139.55. Clinical Records.	§504.55. Clinical Records.
§139.56. Emergency Services.	§504.56. Emergency Services.
§139.57. Discharge and Follow-up Referrals.	§504.57. Discharge and Follow-up Referrals.
§139.58. Reporting Requirements.	§504.58. Reporting Requirements.
§139.59. Anesthesia Services.	§504.59. Anesthesia Services.
§139.60. Other State and Federal Compliance Requirements.	§504.60. Other State and Federal Compliance Requirements.

Department of State Health Services

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, certain functions previously performed by the Department of State Health Services (DSHS), including client services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. The DSHS rules in Texas Administrative Code, Title 25, Part 1, Chapter 415, Provider Clinical Responsibilities--Mental Health Services, Subchapter A, Prescribing of Psychoactive Medication, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 320, Rights of Individuals, Subchapter D, Prescribing of Psychoactive Medication.

The rules will be transferred in the Texas Administrative Code effective December 31, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 415, Subchapter A

TRD-202405776

Health and Human Services Commission

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, certain functions previously performed by the Department of State Health Services (DSHS), including client services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. The DSHS rules in Texas Administrative Code, Title 25, Part 1, Chapter 415, Provider Clinical Responsibilities--Mental Health Services, Subchapter A, Prescribing of Psychoactive Medication, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 320, Rights of Individuals, Subchapter D, Prescribing of Psychoactive Medication.

The rules will be transferred in the Texas Administrative Code effective December 31, 2024.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 415, Subchapter A

TRD-202405777

Figure: 25 TAC Chapter 415, Subchapter A

<p>Current Rules Title 25. Health Services Part 1. Department of State Health Services Chapter 415. Provider Clinical Responsibilities--Mental Health Services</p>	<p>Move to Title 26. Health and Human Services Part 1. Health and Human Services Commission Chapter 320. Rights of Individuals</p>
<p>Subchapter A. Prescribing of Psychoactive Medication</p>	<p>Subchapter D. Prescribing of Psychoactive Medication</p>
<p>§415.1. Purpose.</p>	<p>§320.201. Purpose.</p>
<p>§415.2. Application.</p>	<p>§320.203. Application.</p>
<p>§415.3. Definitions.</p>	<p>§320.205. Definitions.</p>
<p>§415.5. General Principles.</p>	<p>§320.207. General Principles.</p>
<p>§415.6. Evaluation and Diagnosis.</p>	<p>§320.209. Evaluation and Diagnosis.</p>
<p>§415.7. Prescribing Parameters.</p>	<p>§320.211. Prescribing Parameters.</p>
<p>§415.8. Emergency Use of Psychoactive Medication.</p>	<p>§320.213. Emergency Use of Psychoactive Medication.</p>
<p>§415.10. Medication Monitoring.</p>	<p>§320.217. Medication Monitoring.</p>
<p>§415.11. Special Populations.</p>	<p>§320.219. Special Populations.</p>
<p>§415.12. Quality Improvement.</p>	<p>§320.221. Quality Improvement.</p>



REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

Adopted Rule Reviews

Department of Aging and Disability Services

Title 40, Part 1

The Texas Health and Human Services Commission (HHSC), as the successor agency of the Texas Department of Aging and Disability Services, adopts the review of the chapter below in Title 40, Part 1, of the Texas Administrative Code (TAC):

Chapter 4, Rights and Protection of Individuals Receiving Intellectual Disability Services

Notice of the review of this chapter was published in the August 30, 2024, issue of the *Texas Register* (49 TexReg 6758). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 4 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting rules in the chapter continue to exist and readopts Chapter 4 except for:

§4.6, Exhibit;

§4.7, References; and

§4.8, Distribution.

The repeals identified by HHSC in the rule review and any amendments, if applicable, to Chapter 4 will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 40 TAC Chapter 4 as required by Texas Government Code §2001.039.

TRD-202405805

Jessica Miller

Director, Rules Coordination Office

Department of Aging and Disability Services

Filed: December 3, 2024



Department of Assistive and Rehabilitative Services

Title 40, Part 2

The Texas Health and Human Services Commission (HHSC), as the successor agency of the Texas Department of Assistive and Rehabilitative Services, adopts the review of the chapter below in Title 40, Part 2, of the Texas Administrative Code (TAC):

Chapter 101, Administrative Rules and Procedures

Notice of the review of this chapter was published in the August 30, 2024, issue of the *Texas Register* (49 TexReg 6759). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 101 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting rules in the chapter continue to exist and readopts Chapter 101 except for:

§101.101, Purpose;

§101.103, Legal Authority;

§101.105, Definitions;

§101.107, Opportunities for Citizen Participation;

§101.109, Complaints;

§101.111, Cooperation with Other Public Agencies;

§101.113, Criminal History Information on Applicants for Employment;

§101.115, Use of Criminal History Information in Contracting;

§101.117, Fees for Department Publications;

§101.119, Gifts and Donations to DARS;

§101.121, Qualified Vocational Rehabilitation Counselor (QVRC);

§101.201, Purpose;

§101.203, Legal Authority;

§101.205, Definitions;

§101.207, Adoption of Rules;

§101.805, Definitions;

§101.807, Privacy Policies;

§101.809, Confidentiality of Consumer Information in Vocational Rehabilitation Program;

§101.811, Confidentiality of Consumer Information in the Specialized Telecommunications Assistance Program;

§101.813, Use of Consumer Information in the Deaf and Hard of Hearing Driver Identification Program;

§101.1307, Memorandum of Understanding Regarding Continuity of Care for Physically Disabled Inmates;

§101.1309, Memorandum of Understanding Regarding the Exchange and Distribution of Public Awareness Information; and

§101.1311, Memorandum of Understanding Concerning Coordination of Services to Disabled Persons.

This concludes HHSC's review of 40 TAC Chapter 101 as required by Texas Government Code §2001.039.

TRD-202405806

Jessica Miller

Director, Rules Coordination Office

Department of Assistive and Rehabilitative Services

Filed: December 3, 2024



TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.


Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word “Figure” followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 22 TAC §102.1(a)	Board Fee	Texas Online	NPDB	PMP	Peer Assistance	Total Fee
DENTIST						
Application by Exam	\$ 330.00	\$ 5.00		\$ 15.00	\$ 10.00	\$ 360.00
Renewal	\$ 411.00	\$ 5.00	\$ 2.50	\$ 15.00	\$ 10.00	\$ 443.50
Renewal - Late 1 to 90 days	\$ 665.25					\$ 665.25
Renewal - Late 91 to 364 days	\$ 887.00					\$ 887.00
Licensure by Credentials	\$ 2,915.00	\$ 5.00		\$ 15.00	\$ 10.00	\$ 2,945.00
Temporary Licensure by Credentials	\$ 865.00	\$ 5.00		\$ 15.00	\$ 10.00	\$ 895.00
Temporary Licensure by Credentials Renewal	\$ 261.00	\$ 4.00	\$ 2.50	\$ 15.00	\$ 10.00	\$ 292.50
Renewal - Late 1 to 90 days	\$ 438.75					\$ 438.75
Renewal - Late 91 to 364 days	\$ 585.00					\$ 585.00
Provisional License	\$ 100.00					\$ 100.00
Faculty Initial Application	\$ 230.00	\$ 3.00		\$ 15.00	\$ 10.00	\$ 258.00
Faculty Renewal	\$ 305.00	\$ 5.00	\$ 2.50	\$ 15.00	\$ 10.00	\$ 337.50
Faculty Renewal - Late 1 to 90 days	\$ 506.25					\$ 506.25
Faculty Renewal - Late 91 to 364 days	\$ 675.00					\$ 675.00
Conversion Fee - Faculty to Full Privilege	\$ 161.00	\$ 2.00	\$ 2.50	\$ 15.00	\$ 10.00	\$ 190.50
Nitrous Oxide Permit	\$ 32.00					\$ 32.00
Level 1 Permit	\$ 32.00					\$ 32.00
Level 2 Permit	\$ 260.00					\$ 260.00
Level 3 Permit	\$ 260.00					\$ 260.00
Level 4 Permit	\$ 260.00					\$ 260.00
Nitrous Level 1 Permit Renewal	\$ 10.00					\$ 10.00
Level 2 Permit Renewal	\$ 60.00					\$ 60.00
Level 3 Permit Renewal	\$ 60.00					\$ 60.00
Level 4 Permit Renewal	\$ 60.00					\$ 60.00
Application to Reactivate a Retired License	\$ 186.00	\$ 3.00		\$ 15.00	\$ 10.00	\$ 214.00
Reinstatement of a Canceled Dental License	\$ 411.00	\$ 5.00		\$ 15.00	\$ 10.00	\$ 441.00
Duplicate License / Renewal	\$ 25.00	\$ 2.00				\$ 27.00
Conversion Fee - Full Privilege to Faculty	\$ 161.00	\$ 2.00	\$ 2.50	\$ 15.00	\$ 10.00	\$ 190.50
Conversion Fee - Temporary Licensure by Credentials to Full Privilege	\$ 2,165.00	\$ 5.00	\$ 2.50	\$ 15.00	\$ 10.00	\$ 2,197.50
DENTAL HYGIENIST						
Application by Exam	\$ 120.00	\$ 3.00			\$ 2.00	\$ 125.00
Renewal	\$ 216.00	\$ 5.00	\$ 2.50		\$ 2.00	\$ 225.50
Renewal - Late 1 to 90 days	\$ 338.25					\$ 338.25
Renewal - Late 91 to 364 days	\$ 451.00					\$ 451.00
Local Infiltration Anesthesia	\$ 32.00					\$ 32.00
Licensure by Credentials	\$ 635.00	\$ 5.00			\$ 2.00	\$ 642.00
Temporary Licensure by Credentials	\$ 225.00	\$ 5.00			\$ 2.00	\$ 232.00
Temporary Licensure by Credentials renewal	\$ 101.00	\$ 3.00	\$ 2.50		\$ 2.00	\$ 108.50
Renewal - Late 1 to 90 days	\$ 162.75					\$ 162.75
Renewal - Late 91 to 364 days	\$ 217.00					\$ 217.00

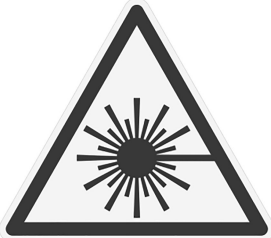
	Board Fee	Texas Online	NPDB	PMP	Peer Assistance	Total Fee
Faculty Initial Application	\$ 120.00	\$ 3.00			\$ 2.00	\$ 125.00
Faculty Renewal	\$ 201.00	\$ 5.00	\$ 2.50		\$ 2.00	\$ 210.50
Faculty Renewal - Late 1 to 90 days	\$ 315.75					\$ 315.75
Faculty Renewal - Late 91 to 364 days	\$ 421.00					\$ 421.00
Conversion Fee - Faculty to Full Privilege	\$ 51.00	\$ 2.00	\$ 2.50		\$ 2.00	\$ 57.50
Application to Reactivate a Retired License	\$ 76.00	\$ 3.00			\$ 2.00	\$ 81.00
Reinstatement of a Canceled Dental Hygiene License	\$ 213.00	\$ 5.00			\$ 2.00	\$ 220.00
Duplicate License / Renewal	\$ 25.00	\$ 2.00				\$ 27.00
Nitrous Oxide Monitoring Application	\$ 25.00					\$ 25.00
Conversion Fee - Full Privilege to Faculty	\$ 55.00	\$ 2.00	\$ 2.50		\$ 2.00	\$ 61.50
Conversion Fee - Temporary Licensure by Credentials to Full Privilege	\$ 415.00	\$ 5.00	\$ 2.50		\$ 2.00	\$ 424.50
DENTAL ASSISTANT						
Initial Application	\$ 36.00	\$ 2.00			\$ 2.00	\$ 40.00
Renewal	\$ 63.00	\$ 4.00	\$ 2.50		\$ 2.00	\$ 71.50
Renewal - Late 1 to 90 days	\$ 107.25					\$ 107.25
Renewal - Late 91 to 364 days	\$ 143.00					\$ 143.00
Duplicate License / Renewal	\$ 25.00	\$ 2.00				\$ 27.00
Nitrous Oxide Monitoring Renewal	\$ 63.00	\$ 4.00	\$ 2.50			\$ 69.50
Nitrous Oxide Monitoring Late 1 to 90 days	\$ 104.25					\$ 104.25
Nitrous Oxide Monitoring Late 91 to 364 days	\$ 139.00					\$ 139.00
Nitrous Oxide Monitoring Application	\$ 25.00					\$ 25.00
Application to Reactivate a Retired Registration	\$ 26.00	\$ 2.00	\$ 2.50		\$ 2.00	\$ 32.50
Reinstatement of a Cancelled Registration	\$ 63.00	\$ 2.00	\$ 2.50		\$ 2.00	\$ 69.50
RDA Course Provider Fee	\$ 100.00					\$ 100.00
DENTAL LABORATORIES						
Application	\$ 125.00					\$ 125.00
Renewal	\$ 134.00	\$ 4.00				\$ 138.00
Renewal - Late 1 to 90 days	\$ 207.00					\$ 207.00
Renewal - Late 91 to 364 days	\$ 276.00					\$ 276.00
Duplicate Certificate	\$ 25.00	\$ 2.00				\$ 27.00
OTHER						
Mobile Application	\$ 121.00					\$ 121.00
Mobile Renewal	\$ 63.00	\$ 2.00				\$ 65.00
Mobile Renewal - 1 to 90 days	\$ 97.50					\$ 97.50
Mobile Renewal - 91 to 364 days	\$ 130.00					\$ 130.00
Continuing Education Course Provider Fee	\$ 100.00					\$ 100.00
Duplicate Certificate Mobile Certificate	\$ 25.00	\$ 2.00				\$ 27.00
Dentist Intern / Resident Prescription Privileges	\$ 51.00			\$ 15.00	\$ 15.00	\$ 81.00
Jurisprudence	\$ 54.00					\$ 54.00
Licensure Verification with Seal	\$ 9.00	\$ 2.00				\$ 11.00
Criminal History Evaluation	\$ 25.00					\$ 25.00

	Board Fee	Texas Online	NPDB	PMP	Peer Assistance	Total Fee
Board Scores	\$ 25.00					\$ 25.00

Figure: 25 TAC §289.301(u)(3)(A)(iv)



DANGER




Class 4 Laser Controlled Area

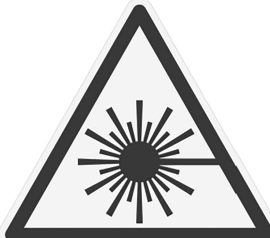
Avoid eye or skin exposure to direct or scattered radiation.
Do not enter when light is illuminated.
Laser eye protection required: OD>7@ 1070 nm
Yb: Fiber Laser, 1070nm
10 kW maximum average power

Laser Safety Officer: _____ Ext: _____

Figure: 25 TAC §289.301(u)(3)(B)(iv)



WARNING



Class 4 Laser Controlled Area

Avoid eye or skin exposure to direct or scattered radiation.
Do not enter when light is illuminated.
Laser eye protection required: OD≥ 5@ 532 nm
Diode laser, 670 nm
Freq. Doubled Nd: YAG laser, 532nm
10 watts maximum average power

Laser Safety Officer: _____ Ext: _____

Figure: 25 TAC §289.301(u)(3)(C)(iv)


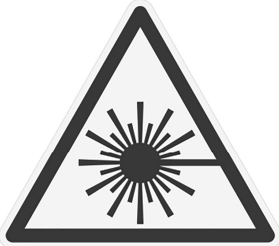
 CAUTION	
	<p>Class 2M Laser In Use Do not stare into beam or view directly with optical instruments.</p> <p>Diode laser, 670 nm 20 mW maximum power</p> <p>Laser Safety Officer: _____ Ext: _____</p>

Figure: 25 TAC §289.301(cc)

Name of Record	Rule Cross-Reference	Time Interval for Record Keeping
Current certificate of laser registration	(h)(1)	Until termination of laser registration
Inventory	(j)(5)	Until termination of laser registration
Receipt, transfer, and disposal	(j)(10)	Until termination of laser registration
Alignment, calibration, and repair	(j)(13)	10 years
Providers of equipment	(j)(14)	10 years
Demonstrations and sales	(j)(15)	10 years
Instructions to personnel	(q)(2)	Until termination of laser registration
Eye protection	(s)(1)	5 years
Surveys	(v)	5 years
Measurements and instrumentation	(x)	5 years
Notification of injury	(y)	5 years
Reports of injuries	(z)	5 years
Medical event	(aa)	5 years
Reports of stolen, lost, or missing lasers	(bb)	Until termination of laser registration
Reports of stolen, lost, or missing IPL devices	(bb)	5 years



IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Texas State Affordable Housing Corporation

Notice of Request for Qualifications for General Contractor

REQUEST FOR QUALIFICATIONS (RFQ) FOR GENERAL CONTRACTOR

TSAHC 1910 MLK, LLC, an affiliate of The Texas State Affordable Housing Corporation (TSAHC), is soliciting proposals from firms with experience delivering similar construction projects. The Project includes 23-units of affordable for-sale condominium homes in a 4-story building and a total area of approximately 20,000 sq ft located in East Austin.

TSAHC will select a contractor based upon demonstrated competence and experience in affordable multifamily and condominium housing construction. TSAHC will give priority to Applicants with condo development experience and in projects financed through HUD, City of Austin, and other affordable homeownership financing sources. The selected contractor team must be prepared to begin planning activities immediately upon award.

A copy of the RFQ along with details regarding the submission process are available on TSAHC's website at: <https://www.tsahc.org/news/article/notice-of-request-for-qualifications-general-contractor>

All communications concerning the RFQ shall be directed via email to actinfo@tsahc.org. The deadline for submissions is December 20th, 2024.

TRD-202405799

David Long
President

Texas State Affordable Housing Corporation
Filed: December 2, 2024

Capital Area Rural Transportation System

Request for Qualifications

Capital Area Rural Transportation System (CARTS) is soliciting proposals for the selection of a Comprehensive Design, Architecture, Engineer and Planning Firm to provide professional services for the planning and design through construction documents of a new CARTS Intermodal Station in Flatonia, Texas.

Request for Qualifications documents will be available on the CARTS Website beginning at 2:00 p.m., Monday, December 16, 2024. Go to: <https://www.ridecarts.com/procurement/> select the **Flatonia Station** link and follow the instructions.

A pre-proposal conference (not mandatory but recommended) will be held at 2:00 p.m., Monday, December 23, 2024, at CARTS, 5300 Tucker Hill Lane, Cedar Creek, Texas.

The schedule is:

Monday, December 16, 2024, 2:00 p.m. - RFQ documents available for download

Monday, December 23, 2024, 2:00 p.m. - Pre-proposal conference

Monday, December 30, 2024, 5:00 p.m. - Deadline for proposal questions

Tuesday, January 7, 2025, 5:00 p.m. - Responses to questions posted on website

Tuesday, January 14, 2025, 2:00 p.m. - Proposals due at CARTS

Proposals will be evaluated on cost, qualifications, experience, and the quality and content of the submittal.

TRD-202405773

David L. Marsh
General Manager

Capital Area Rural Transportation System
Filed: November 26, 2024

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §§303.003 and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 12/02/24 - 12/08/24 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 12/02/24 - 12/08/24 is 18.00% for commercial² credit.

¹ Credit for personal, family, or household use.

² Credit for business, commercial, investment, or other similar purpose.

TRD-202405768

Leslie L. Pettijohn
Commissioner

Office of Consumer Credit Commissioner
Filed: November 25, 2024

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §§303.003, 303.005, 303.008, and 303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 12/09/24 - 12/15/24 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 12/09/24 - 12/15/24 is 18.00% for commercial² credit.

The monthly ceiling as prescribed by §303.005³ and §303.009 for the period of 12/01/24 - 12/31/24 is 18.00%.

The quarterly ceiling as prescribed by §303.008 and §303.009 for the period of 01/01/25 - 03/31/25 is 18.00% for consumer¹ credit.

The quarterly ceiling as prescribed by §303.008 and §303.009 for the period of 01/01/25 - 03/31/25 is 18.00% for commercial² credit.

The annualized ceiling as prescribed by §303.008 and §303.009⁴ for the period of 01/01/25 - 12/31/25 is 18.00% for consumer¹ credit.

The annualized ceiling as prescribed by §303.008 and §303.009⁴ for the period of 01/01/25 - 12/31/25 is 18.00% for commercial² credit.

¹ Credit for personal, family, or household use.

² Credit for business, commercial, investment, or other similar purpose.

³ Only for variable rate commercial transactions, as provided by §303.004(a).

⁴ Only for open-end credit as defined in §301.002(14), as provided by §303.007.

TRD-202405862

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: December 4, 2024

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **January 17, 2025**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **January 17, 2025**. Written comments may also be sent by facsimile machine to the enforcement coordinators at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2021-0595-MWD-E; IDENTIFIER: RN102344116; LOCATION: Magnolia, Montgomery County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0014141001, Interim Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$27,625; ENFORCEMENT

COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(2) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2023-1314-PWS-E; IDENTIFIER: RN102689544; LOCATION: Cypress, Harris County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j) and Texas Health and Safety Code, §341.0351, by failing to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities; 30 TAC §290.41(c)(1)(A), by failing to locate the facility's well at least 150 feet away from a septic tank perforated drainfields, areas irrigated by low dosage, low angle spray on-site sewage facilities, absorptions beds, evapotranspiration beds, improperly constructed water wells, or underground petroleum and chemical storage tanks or liquid transmission pipelines; 30 TAC §290.41(c)(1)(F), by failing to obtain a sanitary control easement covering land within 150 feet of the facility's well; 30 TAC §290.41(c)(3)(C), by failing to seal the space between the casing and drill hole by using enough cement under pressure to completely fill and seal the annular space between the well casing and the drill hole; and 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; PENALTY: \$12,165; ENFORCEMENT COORDINATOR: Nick Lohret-Froio, (512) 239-4495; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(3) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2024-0613-PWS-E; IDENTIFIER: RN102683935; LOCATION: Waller, Grimes County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.45(b)(1)(C)(ii) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide a total storage capacity of 200 gallons per connection; and 30 TAC §290.45(b)(1)(C)(iii) and THSC, §341.0315(c), by failing to provide two or more service pumps having a total capacity of 2.0 gallons per minute per connection; PENALTY: \$3,000; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(4) COMPANY: Batesville Water Supply Corporation; DOCKET NUMBER: 2024-0654-PWS-E; IDENTIFIER: RN101440394; LOCATION: Batesville, Zavala County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(o)(3) and §290.45(h)(1), by failing to adopt and submit to the Executive Director a complete Emergency Preparedness Plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$50; ENFORCEMENT COORDINATOR: Claudia Bartley, (512) 239-1116; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(5) COMPANY: Bethel-Ash Water Supply Corporation; DOCKET NUMBER: 2024-0608-PWS-E; IDENTIFIER: RN101216612; LOCATION: Athens, Henderson County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$2,500; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(6) COMPANY: Burleson County Municipal Utility District Number 1; DOCKET NUMBER: 2024-0653-PWS-E; IDENTIFIER: RN101397131; LOCATION: Somerville, Burleson County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(o)(3) and §290.45(h)(1), by failing to adopt and submit to

the Executive Director a complete Emergency Preparedness Plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$250; ENFORCEMENT COORDINATOR: Claudia Bartley, (512) 239-1116; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(7) COMPANY: City of Bastrop; DOCKET NUMBER: 2024-0405-PWS-E; IDENTIFIER: RN101245066; LOCATION: Bastrop, Bastrop County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$2,875; ENFORCEMENT COORDINATOR: De'Shaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(8) COMPANY: City of Daingerfield; DOCKET NUMBER: 2023-1533-PWS-E; IDENTIFIER: RN101248706; LOCATION: Daingerfield, Morris County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(d)(2)(B) and §290.110(b)(4) and Texas Health and Safety Code, §341.0315(c), by failing to maintain a disinfectant residual of at least 0.5 milligrams per liter of total chlorine throughout the distribution system at all times; PENALTY: \$750; ENFORCEMENT COORDINATOR: Hilda Iyasele, (512) 239-5280; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(9) COMPANY: City of Lipan; DOCKET NUMBER: 2023-1148-PWS-E; IDENTIFIER: RN101398063; LOCATION: Lipan, Hood County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(j), by failing to complete a Customer Service Inspection certificate prior to providing continuous water service to new construction or any existing service when the water purveyor has reason to believe a cross-connection or other potential contamination hazard exists; 30 TAC §290.110(c)(4)(B), by failing to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day; and 30 TAC §290.121(a) and (b), by failing to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the facility will use to comply with the monitoring requirements; PENALTY: \$1,071; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$857; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(10) COMPANY: City of Nome; DOCKET NUMBER: 2020-1270-PWS-E; IDENTIFIER: RN101387843; LOCATION: Nome, Jefferson County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.111(e)(1)(A) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to achieve a turbidity level of combined filter effluent (CFE) that is less than 1.0 nephelometric turbidity unit (NTU); and 30 TAC §290.111(e)(1)(B) and THSC, §341.0315(c), by failing to achieve a turbidity level of CFE that is less than 0.3 NTU in at least 95% of the samples tested during the months of June 2020 and July 2020; PENALTY: \$7,695; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$7,695; ENFORCEMENT COORDINATOR: Samantha Salas, (512) 239-1543; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(11) COMPANY: City of Refugio; DOCKET NUMBER: 2024-0626-MWD-E; IDENTIFIER: RN103913935; LOCATION: Refugio, Refugio County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0010255001, Effluent Limitations and Monitoring Requirements

Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$5,437; ENFORCEMENT COORDINATOR: Sarah Castillo, (512) 239-1130; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(12) COMPANY: HEAVENS MOBILE HOME PARK, LLC; DOCKET NUMBER: 2024-0355-PWS-E; IDENTIFIER: RN101214229; LOCATION: Kerrville, Kerr County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.108(e), by failing to provide the results of beta radiochemical sampling to the executive director (ED) for the April 1, 2023 - June 30, 2023, monitoring period; 30 TAC §290.115(e), by failing to provide the results of Stage 2 Disinfection Byproducts sampling to the ED for the July 1, 2023 - September 30, 2023, monitoring period; and 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$2,825; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(13) COMPANY: Larry Kotrla; DOCKET NUMBER: 2024-0589-WR-E; IDENTIFIER: RN109806315; LOCATION: Georgetown, Falls County; TYPE OF FACILITY: small farm; RULES VIOLATED: TWC, §11.081 and 30 TAC §304.15(a) and (b), by failing to submit to the watermaster a declaration expressing the diverter's intent prior to diverting state water; PENALTY: \$550; ENFORCEMENT COORDINATOR: Arti Patel, (512) 239-2514; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(14) COMPANY: NPC Braunfels, LLC; DOCKET NUMBER: 2024-1167-EAQ-E; IDENTIFIER: RN111753661; LOCATION: New Braunfels, Comal County; TYPE OF FACILITY: construction site; RULE VIOLATED: 30 TAC §213.4(a)(1), by failing to obtain approval of an Edwards Aquifer Protection Plan prior to commencing regulated activity over the Edwards Aquifer Recharge Zone; PENALTY: \$20,000; ENFORCEMENT COORDINATOR: Megan Crinklaw, (512) 239-1129; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(15) COMPANY: PD Industries II, LLC dba The Texan 103; DOCKET NUMBER: 2024-0496-PST-E; IDENTIFIER: RN102257243; LOCATION: Monahans, Ward County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.7(d)(1)(B), (3), and (e)(2), by failing to provide a completely and accurately filled out underground storage tank (UST) registration form including any change or additional information regarding the UST system within 30 days of the occurrence of the change or addition; 30 TAC §334.45(d)(1)(E)(vi), by failing to equip tank manways and dispenser sumps of a secondarily contained UST system with liquid sensing probes which will alert the system owner or operator if more than two inches of liquid collects in any sump or manway; 30 TAC §334.48(c) and (e)(1) and §334.50(b)(1)(B), (2)(A)(i)(III), and (iii), and (d)(1)(B) and TWC, §26.3475(a) and (c)(1), by failing to monitor the USTs and associated pressurized piping installed on or after January 1, 2009, in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring, also, failing to conduct effective manual or automatic inventory control procedures for the UST system, additionally, failing to conduct a test of the proper operation of the release detection equipment at least annually, and lastly, failing to test the line leak detector for performance and operational reliability at least once per year; and 30 TAC §334.48(g)(1)(A)(ii) and (B) and TWC, §26.3475(c)(2), by failing to test the spill prevention equipment and containment sumps used for interstitial monitoring of piping at least once every three

years to ensure the equipment is liquid tight, and failing to inspect the overflow prevention equipment for operability at least once every three years to ensure that the equipment is set to activate at the correct level and will activate when a regulated substance reaches that level; and PENALTY: \$6,239; ENFORCEMENT COORDINATOR: Danielle Fishbeck, (512) 239-5083; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(16) COMPANY: PEBBLE CREEK INTERESTS, LTD.; DOCKET NUMBER: 2023-1531-WR-E; IDENTIFIER: RN105806319; LOCATION: College Station, Brazos County; TYPE OF FACILITY: golf course; RULES VIOLATED: TWC, §11.081 and 30 TAC §304.15(a) and (b) and §304.32(a)(1), by failing to submit to the watermaster a declaration expressing the diverter's intent prior to diverting state water; PENALTY: \$1,400; ENFORCEMENT COORDINATOR: Nancy Sims, (512) 239-5053; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(17) COMPANY: Skidmore Water Supply Corporation; DOCKET NUMBER: 2023-0637-MWD-E; IDENTIFIER: RN102342201; LOCATION: Skidmore, Bee County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0014112001, Effluent Limitations and Monitoring Requirements Number 2, by failing to comply with permitted effluent limitations; 30 TAC §305.125(1) and (5) and TPDES Permit Number WQ0014112001, Operational Requirements Number 1, by failing to maintain records of process control tests for a period of three years; 30 TAC §305.125(1) and (5) and §317.4(b)(4) and TPDES Permit Number WQ0014112001, Operational Requirements Number 1, by failing to ensure the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained; and 30 TAC §305.125(1) and (11)(C) and TPDES Permit Number WQ0014112001, Monitoring and Reporting Requirements Number 3.c, by failing to properly record monitoring activities during effluent sampling; PENALTY: \$7,227; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(18) COMPANY: TWAN Development, L.L.C.; DOCKET NUMBER: 2024-0642-MWD-E; IDENTIFIER: RN105154900; LOCATION: Tomball, Harris County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0014776001, Final Effluent Limitations and Monitoring Requirements Numbers 1 and 6, by failing to comply with permitted effluent limitations; PENALTY: \$6,750; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(19) COMPANY: Walnut Cove Water Supply Corporation; DOCKET NUMBER: 2024-0586-MWD-E; IDENTIFIER: RN103123279; LOCATION: Willis, Montgomery County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0012416001, Interim Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$4,875; ENFORCEMENT COORDINATOR: Sarah Castillo, (512) 239-1130; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(20) COMPANY: William Richard Gunkel dba Richard's RV Park; DOCKET NUMBER: 2022-1411-PWS-E; IDENTIFIER: RN107074924; LOCATION: Shallowater, Lubbock County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC

§290.39(e) and (h)(1) and Texas Health and Safety Code, §341.035(a), by failing to submit plans and specifications to the executive director (ED) for review and approval prior to the construction of the new public water supply; 30 TAC §290.39(m), by failing to provide written notification to the ED of the reactivation of an existing public water supply system; 30 TAC §290.41(c)(3)(A), by failing to submit well completion data for review and approval prior to placing the facility's public drinking water well into service; and 30 TAC §290.42(b)(1) and (e)(3), by failing to provide disinfection facilities for the ground water supply for the purpose of microbiological control and distribution protection; PENALTY: \$3,625; ENFORCEMENT COORDINATOR: Hilda Iyasele, (512) 239-5280; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-202405803

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: December 3, 2024



Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater New Proposed Permit No. WQ0016474001

APPLICATION AND PRELIMINARY DECISION. OP III ATX Georgetown 220, LP, 500 West 5th Street, Suite 700, Austin, Texas 78701, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016474001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 990,000 gallons per day. TCEQ received this application on January 25, 2024.

The domestic wastewater treatment facility will be located approximately 0.95 miles northeast of the intersection of County Road 107 and County Road 110, in Williamson County, Texas 78626. The treated effluent will be discharged to an unnamed creek, thence to Huddleston Branch, thence to Mankins Branch, thence to San Gabriel/North Fork San Gabriel River in Segment No. 1248 of the Brazos River Basin. The unclassified receiving water uses are limited aquatic life use for the unnamed tributary of Huddleston Branch and the Huddleston Branch upstream of the confluence with an unnamed tributary located approximately 0.4 miles upstream of County Road 106 and high aquatic life use for the Huddleston Branch downstream of the confluence with an unnamed tributary located approximately 0.4 miles upstream of County Rd 106. The designated uses for Segment No. 1248 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Huddleston Branch (perennial), which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application. <https://gisweb.tceq.texas.gov/Location-Mapper/?marker=-97.605,30.600277&level=18>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Georgetown Public Library, Front Desk, 402 West 8th Street, Georgetown, Texas.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notice>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notice>.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The TCEQ will hold a public meeting on this application because it was requested by a local representative.

The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. A written response to all timely, relevant and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the permit application. A copy of the written response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Thursday, January 16, 2025 at 7:00 p.m.

**Courtyard Austin Pflugerville and Pflugerville Conference Center
16100 Impact Way
Pflugerville, Texas 78660**

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or (800) RELAY-TX (TDD) at least one week prior to the meeting.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at www.tceq.texas.gov/goto/comment within 30 days from the date of newspaper publication of this notice, or by the date of the public meeting, whichever is later.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this

includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from OP III ATX Georgetown 220, LP at the address stated above or by calling Mrs. Jennifer Glaess, P.E., Associate Vice President, Pape-Dawson Engineers, at (512) 454-8711 extension 2898.

Issuance Date: December 3, 2024

TRD-202405882

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 4, 2024



Enforcement Orders

An agreed order was adopted regarding Terranona Properties LP, Docket No. 2022-0774-PWS-E on November 26, 2024 assessing \$3,038 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney at (512) 239 3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711 3087.

An agreed order was adopted regarding Josh Ingram, Docket No. 2023-0964-EAQ-E on November 26, 2024 assessing \$1,625 in administrative penalties with \$325 deferred. Information concerning any aspect of this order may be obtained by contacting Mark Gamble, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Jagodik Investments, LLC, Docket No. 2024-0096-PWS-E on November 26, 2024 assessing \$4,000 in administrative penalties with \$800 deferred. Information concerning any aspect of this order may be obtained by contacting Rachel Frey, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2024-0204-PWS-E on November 26, 2024 assessing \$350 in administrative penalties with \$70 deferred. Information concerning any aspect of this order may be obtained by contacting Miles Caston, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Everett Square Inc., Docket No. 2024-0251-MLM-E on November 26, 2024 assessing \$900 in administrative penalties with \$180 deferred. Information concerning any aspect of this order may be obtained by contacting Mason DeMasi, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Spur, Docket No. 2024-0321-PWS-E on November 26, 2024 assessing \$2,750 in administrative penalties with \$550 deferred. Information concerning any aspect of this order may be obtained by contacting Ilia Perez-Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Diamond S Rentals LLC, Docket No. 2024-0334-SLG-E on November 26, 2024 assessing \$5,925 in administrative penalties with \$1,185 deferred. Information concerning any aspect of this order may be obtained by contacting

Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Bardwell, Docket No. 2024-0406-PWS-E on November 26, 2024 assessing \$180 in administrative penalties with \$36 deferred. Information concerning any aspect of this order may be obtained by contacting Daphne Greene, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ingram Readymix No. 101, L.L.C., Docket No. 2024-0482-WQ-E on November 26, 2024 assessing \$3,000 in administrative penalties with \$600 deferred. Information concerning any aspect of this order may be obtained by contacting Megan Crinklaw, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Great Western Drilling Ltd., Docket No. 2024-0851-AIR-E on November 26, 2024 assessing \$5,000 in administrative penalties with \$1,000 deferred. Information concerning any aspect of this order may be obtained by contacting Michael Wilkins, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding MC. D. C., INC. dba Honey's Drive In, Docket No. 2024-0866-PST-E on November 26, 2024 assessing \$3,750 in administrative penalties with \$750 deferred. Information concerning any aspect of this order may be obtained by contacting Faye Renfro, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202405781

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 27, 2024



Notice of Application and Opportunity to Request a Public Meeting for a New Municipal Solid Waste Facility Registration Application No. 40342

Application. Strategic Materials, Inc. has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Registration No. 40342, to construct and operate a Type V municipal solid waste transfer station with recovery operations. The proposed facility, Strategic Materials Transfer Station, will be located at 3240 Robinson Rd, Midlothian, Texas 76065 in Ellis County. The Applicant is requesting authorization to accept municipal solid waste for processing and recycling. The recycling rate will be a minimum of 10% of incoming waste streams. The registration application is available for viewing and copying at the Midlothian Public Library, 215 North 8th Steet, Midlothian, Texas 76065. The application, including any updates and notices, is available electronically at the following webpage: www.tceq.texas.gov/goto/wasteapps. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice: <https://arcg.is/04ifn50>. For exact location, refer to the application.

Alternative Language Notice/Aviso de Idioma Alternativo. Alternative language notice in Spanish is available at www.tceq.texas.gov/goto/wasteapps. El aviso en el idioma de español está disponible en www.tceq.texas.gov/goto/wasteapps.

Public Comment/Public Meeting. You may submit public comments or request a public meeting on this application. **Written public comments or written requests for a public meeting must be submitted to the Office of the Chief Clerk at the address included in the information section below. If a public meeting is held, comments may be made orally at the meeting or submitted in writing by the close of the public meeting.** A public meeting will be held by the executive director if requested by a member of the legislature who represents the general area where the development is to be located, or if there is a substantial public interest in the proposed development. The purpose of the public meeting is for the public to provide input for consideration by the commission, and for the applicant and the commission staff to provide information to the public. A public meeting is not a contested case hearing. The executive director will review and consider public comments and written requests for a public meeting submitted during the comment period. The comment period shall begin on the date this notice is published and end 30 calendar days after this notice is published. The comment period shall be extended to the close of any public meeting. The executive director is not required to file a response to comments.

Executive Director Action. The executive director shall, after reviewing an application for registration, determine if the application will be approved or denied in whole or in part. If the executive director acts on an application, the chief clerk shall mail or otherwise transmit notice of the action and an explanation of the opportunity to file a motion to overturn the executive director's decision. The chief clerk shall mail this notice to the owner and operator, the public interest counsel, to adjacent landowners as shown on the required land ownership map and landowners list, and to other persons who timely filed public comment in response to public notice. Not all people on the mailing list for this notice will receive the notice letter from the Office of the Chief Clerk.

Information Available Online. For details about the status of the application, visit the Commissioners' Integrated Database (CID) at www.tceq.texas.gov/goto/cid. Once you have access to the CID using the above link, enter the registration number for this application, which is provided at the top of this notice.

Mailing List. If you submit public comments, you will be added to the mailing list for this application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. To be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

Agency Contacts and Information. All public comments and requests must be submitted either electronically at www14.tceq.texas.gov/epic/eComment/ or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this registration application or the registration process, please call the TCEQ's Public Education Program, Toll Free, at (800) 687-4040 or visit their webpage, www.tceq.texas.gov/goto/pep. General information regarding the TCEQ can be found on our website at www.tceq.texas.gov/. *Si desea información en español, puede llamar al (800) 687-4040.*

Further information may also be obtained from Strategic Materials, Inc. at the mailing address 3240 Robinson Rd, Midlothian, Texas 76065 or by calling Mr. Jason Plummer at (262) 581-7132.

Issued Date: November 22, 2024

TRD-202405879

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 4, 2024

◆ ◆ ◆
Notice of District Petition TCEQ Internal Control No.
D-10112024-016

Notice issued December 4, 2024

TCEQ Internal Control No. D-10112024-016: Apexx 241 AC McKinney Partnership LLC, a Texas limited liability company and Parkwood Hill School Real Estate LLC, a Texas limited liability company (Petitioners) filed a petition for creation of Bainbridge Municipal Utility District (District) of Collin County with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioners holds title to a majority in value of the land to be included in the proposed District; (2) the proposed District will contain approximately 239.729 acres located within Collin County, Texas; and all of the land within the proposed District is not located within the corporate limits or extraterritorial jurisdiction of any municipality. On August 23, 2024, McKinney provided a letter to Petitioner acknowledging the tract assigned ETJR2024-0027 was released from McKinney's extraterritorial jurisdiction. By Resolution No.2024-06-24-R, adopted on June 24, 2024, the City of Princeton, Texas, which released the approximately 37.108 acres from Princeton's extraterritorial jurisdiction. The petition further states that the proposed District will: (1) construction, maintenance and operation of a waterworks system, including the purchase the purchase and sale of water, for domestic and commercial purposes; (2) the construction, maintenance and operation of a sanitary sewer collection, treatment and disposal system, for domestic and commercial purposes; (3) the construction, installation, maintenance, purchase and operation of drainage and roadway facilities and improvements; and (4) the construction, installation, maintenance, purchase and operation of facilities, systems, plants and enterprises of such additional facilities as shall be consonant with the purposes for which the purposes for which the District is organized. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$58,265,000 (\$48,595,000 for water, wastewater, and drainage plus \$9,670,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property rel-

ative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202405883

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 4, 2024



Notice of District Petition TCEQ Internal Control No. D-10292024-053

Notice issued December 4, 2024

TCEQ Internal Control No. D-10292024-053: GRBK Edgewood, LLC, (Petitioner) filed a petition for creation of Seven Springs Municipal Utility District of Collin County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District (3) the proposed District will contain approximately 405.654 acres located within Collin County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) construct, maintain and operate a waterworks system, including to purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain and operate a sanitary wastewater collection, treatment and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase and operate facilities, systems, plants and enterprises such additional facilities as shall be consonant with the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$83,730,000 (\$63,620,000 for water, wastewater, and drainage plus \$20,110,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown

at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202405884

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 4, 2024



Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **January 17, 2025**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's

central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on January 17, 2025. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in writing.

(1) COMPANY: Brion Murphy dba Longhorn Valley RV Park; DOCKET NUMBER: 2022-1666-PWS-E; TCEQ ID NUMBER: RN111567913; LOCATION: 9819 Farm-to-Market Road 3126 near Livingston, Polk County; TYPE OF FACILITY: public water system (PWS); RULES VIOLATED: 30 TAC §290.42(b)(1) and (e)(3), by failing to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection; and Texas Health and Safety Code, §341.035(a) and 30 TAC §290.39(e)(1) and (h)(1), by failing to submit plans and specifications to the executive director for review and approval prior to the construction of a new PWS; PENALTY: \$8,803; STAFF ATTORNEY: Alexander Kepczyk, Litigation, MC 175, (512) 239-3992; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(2) COMPANY: JIS LLC dba I-35 Texaco; DOCKET NUMBER: 2023-1065-PST-E; TCEQ ID NUMBER: RN102719630; LOCATION: 6005 South R.L. Thornton Freeway, Dallas, Dallas County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(a) and 30 TAC §334.50(b)(2), by failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$3,681; STAFF ATTORNEY: Alexander Kepczyk, Litigation, MC 175, (512) 239-3992; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(3) COMPANY: Raitz Enterprises Inc; DOCKET NUMBER: 2022-0052-WQ-E; TCEQ ID NUMBER: RN111364469; LOCATION: Farm-to-Market Road 1476 at the intersection of Farm-to-Market Road 1476 and County Road 343 (West Side of Farm-to-Market Road 1476), Proctor, Comanche County; TYPE OF FACILITY: aggregate production operation (APO); RULES VIOLATED: 30 TAC §342.25, by failing to register the site as an APO no later than the 10th business day before the beginning date of regulated activities; and TWC, §26.121, 30 TAC §281.25(a)(4), and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge stormwater associated with industrial activities; PENALTY: \$12,500; STAFF ATTORNEY: William Hogan, Litigation, MC 175, (512) 239-5918; REGIONAL OFFICE: Abilene Regional Office, 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

TRD-202405808

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: December 3, 2024



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Alliance Wholesale Tires, L.L.C. SOAH Docket No. 582-25-04026 TCEQ Docket No. 2021-0763-MSW-E

The Texas Commission on Environmental Quality (TCEQ or the Commission) has referred this matter to the State Office of Administrative Hearings (SOAH). An Administrative Law Judge with the State Office of Administrative Hearings will conduct a public hearing via Zoom videoconference:

10:00 a.m. - December 12, 2024

To join the Zoom meeting via computer or smart device:

<https://soah-texas.zoomgov.com>

Meeting ID: 161 984 0712

Password: TCEQDC1

or

To join the Zoom meeting via telephone dial:

+1 (669) 254-5252

Meeting ID: 161 984 0712

Password: 5247869

The purpose of the hearing will be to consider the Executive Director's Preliminary Report and Petition mailed June 29, 2022 concerning assessing administrative penalties against and requiring certain actions of Alliance Wholesale Tires, L.L.C., for violations in Gregg County, Texas, of: 40 Code of Federal Regulations § 279.22(d)(3), Tex. Health & Safety Code § 361.112(a), 30 Texas Administrative Code §§324.4(l), and 328.60(a).

The hearing will allow Alliance Wholesale Tires, L.L.C., the Executive Director, and the Commission's Public Interest Counsel to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford Alliance Wholesale Tires, L.L.C., the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. **Upon failure of Alliance Wholesale Tires, L.L.C. to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing may be granted by default. The specific allegations included in the notice are those set forth in the Executive Director's Preliminary Report and Petition, attached hereto and incorporated herein for all purposes.** Alliance Wholesale Tires, L.L.C., the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Water Code § 7.054, Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 371, and 30 Texas Administrative Code chs. 70, 324, and 328; Tex. Water Code § 7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Texas Administrative Code §§70.108 and 70.109 and ch. 80, and 1 Texas Administrative Code ch. 155.

Further information regarding this hearing may be obtained by contacting Taylor Pearson, Staff Attorney, Texas Commission on Environmental Quality, Litigation Division, Mail Code 175, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-3400. Information concerning your participation in this hearing may be obtained by contacting Sheldon Wayne, Staff Attorney, Office of Public Interest Counsel, Mail Code 103, at the same P.O. Box address given above, or by telephone at (512) 239-6363.

Any document filed prior to the hearing must be filed with TCEQ's Office of the Chief Clerk and SOAH. Documents filed with the Office of the Chief Clerk may be filed electronically at www.tceq.texas.gov/goto/efilings or sent to the following address: TCEQ Office of the Chief Clerk, Mail Code 105, P.O. Box 13087,

Austin, Texas 78711-3087. Documents filed with SOAH may be filed via fax at (512) 322-2061 or sent to the following address: SOAH, 300 West 15th Street, Suite 504, Austin, Texas 78701. When contacting the Commission or SOAH regarding this matter, reference the SOAH docket number given at the top of this notice.

In accordance with 1 Texas Administrative Code §155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH."

Persons who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445, at least one week before the hearing.

Issued: November 8, 2024

TRD-202405782

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 27, 2024



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Jacob White Construction Co. SOAH Docket No. 582-25-04025 TCEQ Docket No. 2022-1544-WQ-E

The Texas Commission on Environmental Quality (TCEQ or the Commission) has referred this matter to the State Office of Administrative Hearings (SOAH). An Administrative Law Judge with the State Office of Administrative Hearings will conduct a public hearing via Zoom videoconference:

10:00 a.m. - December 12, 2024

To join the Zoom meeting via computer or smart device:

<https://soah-texas.zoomgov.com>

Meeting ID: 161 984 0712

Password: TCEQDC1

or

To join the Zoom meeting via telephone dial:

+1 (669) 254-5252

Meeting ID: 161 984 0712

Password: 5247869

The purpose of the hearing will be to consider the Executive Director's Preliminary Report and Petition mailed July 29, 2024, concerning assessing administrative penalties against and requiring certain actions of JACOB WHITE CONSTRUCTION CO., for violations in Harris County, Texas, of: Tex. Water Code § 26.121(a), 30 Texas Administrative Code §305.125(1), and Texas pollutant Discharge Elimination System ("TPDES") General Permit No. TXR1503IK, Part III, Sections D.2, F.6(d), and G.1.

The hearing will allow JACOB WHITE CONSTRUCTION CO., the Executive Director, and the Commission's Public Interest Counsel to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford JACOB WHITE CONSTRUCTION CO., the Executive Director of the Commission, and the Commission's

Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. **Upon failure of JACOB WHITE CONSTRUCTION CO. to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing may be granted by default. The specific allegations included in the notice are those set forth in the Executive Director's Preliminary Report and Petition, attached hereto and incorporated herein for all purposes.** JACOB WHITE CONSTRUCTION CO., the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Water Code chs. 7 and 26 and 30 Texas Administrative Code chs. 70 and 305; Tex. Water Code § 7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Texas Administrative Code §70.108 and §70.109 and ch. 80, and 1 Texas Administrative Code ch. 155.

Further information regarding this hearing may be obtained by contacting William Hogan, Staff Attorney, Texas Commission on Environmental Quality, Litigation Division, Mail Code 175, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-3400. Information concerning your participation in this hearing may be obtained by contacting Sheldon Wayne, Staff Attorney, Office of Public Interest Counsel, Mail Code 103, at the same P. O. Box address given above, or by telephone at (512) 239-6363.

Any document filed prior to the hearing must be filed with TCEQ's Office of the Chief Clerk and SOAH. Documents filed with the Office of the Chief Clerk may be filed electronically at www.tceq.texas.gov/goto/efilings or sent to the following address: TCEQ Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087. Documents filed with SOAH may be filed via fax at (512) 322-2061 or sent to the following address: SOAH, 300 West 15th Street, Suite 504, Austin, Texas 78701. When contacting the Commission or SOAH regarding this matter, reference the SOAH docket number given at the top of this notice.

In accordance with 1 Texas Administrative Code §155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH."

Persons who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445, at least one week before the hearing.

Issued: November 8, 2024

TRD-202405783

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 27, 2024



Notice of Water Quality Application - MINOR AMENDMENT - WQ0016254001

The following notice was issued on December 3, 2024:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to

the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN (30) DAYS FROM THE DATE THIS NOTICE IS ISSUED.

INFORMATION SECTION

The Texas Commission on Environmental Quality has initiated a minor amendment of the Texas Pollutant Discharge Elimination System Permit No. WQ0016254001. Clayton Properties Group, Inc., Brohn Homes and LB Warren, LLC has applied for a minor amendment to the TCEQ permit to authorize the reduction of the effluent storage pond from 56.38 acre-feet to 34.85 acre-feet. The existing permit authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 170,000 gallons per day via surface irrigation of 48.75 acres of public access land. This permit will not authorize a discharge of pollutants into water in the state. The wastewater treatment facility and disposal site are located approximately 0.9 miles southwest of the intersection of County Road 207 and County Road 211, in Williamson County, Texas 78642.

TRD-202405880

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 4, 2024

◆ ◆ ◆ **Texas Ethics Commission**

Correction of Error

The Texas Ethics Commission adopted amendments to 1 TAC §§12.41 - 12.45 in the October 25, 2024, issue of the *Texas Register* (49 TexReg 8576). Due to an error by the Texas Register, the incorrect effective date was published for the adoption. The correct effective date for the adoption is October 27, 2024.

TRD-202405863

◆ ◆ ◆ **Texas Department of Insurance**

Company Licensing

Application for Agents National Title Insurance Company, a foreign title company, to change its name to Essent Title Insurance, Inc. The home office is in Columbia, Missouri.

Application for American Mercury Lloyds Insurance Company, a domestic fire and/or casualty company, to change its name to Mercury Insurance Company of Texas. The home office is in Austin, Texas.

Application for Central Mutual Insurance Company, a foreign fire and/or casualty company, to change its name to Central Insurance Company. The home office is in Van Wert, Ohio.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of Andrew Guerrero, 1601 Congress Ave., Suite 6.900, Austin, Texas 78711.

TRD-202405787

Justin Beam

Chief Clerk

Texas Department of Insurance

Filed: December 2, 2024

◆ ◆ ◆ **Texas Lottery Commission**

Scratch Ticket Game Number 2625 "HOT PINK 7s™"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2625 is "HOT PINK 7s™". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2625 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2625.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 7 SYMBOL, 77 SYMBOL, 777 SYMBOL, \$5.00, \$10.00, \$15.00, \$20.00, \$50.00, \$100, \$500, \$1,000 and \$100,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2625 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWFV
26	TWSX
28	TWET
29	TWN
30	TRTY

31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
48	FRET
49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
56	FFSX
58	FFET
59	FFNI
7 SYMBOL	WIN\$
77 SYMBOL	DBL
777 SYMBOL	TRP

\$5.00	FIV\$
\$10.00	TEN\$
\$15.00	FFN\$
\$20.00	TWY\$
\$50.00	FFTY\$
\$100	ONHN
\$500	FVHN
\$1,000	ONTH
\$100,000	100TH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2625), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2625-0000001-001.

H. Pack - A Pack of the "HOT PINK 7s™" Scratch Ticket Game contains 075 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 075 while the other fold will show the back of Ticket 001 and front of 075.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "HOT PINK 7s™" Scratch Ticket Game No. 2625.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "HOT PINK 7s™" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose forty-nine (49) Play Symbols. BONUS PLAY INSTRUCTIONS: If a player reveals 2 matching prize amounts in the same BONUS play area, the player wins that amount. HOT PINK 7s™ PLAY INSTRUCTIONS: If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a

"7" Play Symbol, the player wins the prize for that symbol instantly. If the player reveals a "77" Play Symbol, the player wins DOUBLE the prize for that symbol. If the player reveals a "777" Play Symbol, the player wins TRIPLE the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

- Exactly forty-nine (49) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
- Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
- Each of the Play Symbols must be present in its entirety and be fully legible;
- Each of the Play Symbols must be printed in black ink except for dual image games;
- The Scratch Ticket shall be intact;
- The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
- The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
- The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
- The Scratch Ticket must not be counterfeit in whole or in part;
- The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
- The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
- The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly forty-nine (49) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the forty-nine (49) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the forty-nine (49) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: A Ticket can win up to twenty-two (22) times in accordance with the prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

D. KEY NUMBER MATCH: Each Ticket will have five (5) different WINNING NUMBERS Play Symbols.

E. KEY NUMBER MATCH: Non-winning YOUR NUMBERS Play Symbols will all be different.

F. KEY NUMBER MATCH: Non-winning Prize Symbols will never appear more than three (3) times.

G. KEY NUMBER MATCH: The "7" (WIN\$), "77" (DBL) and "777" (TRP) Play Symbols will never appear in the WINNING NUMBERS or BONUS Play Symbol spots.

H. KEY NUMBER MATCH: The "77" (DBL) and "777" (TRP) Play Symbols will only appear on winning Tickets as dictated by the prize structure.

I. KEY NUMBER MATCH: Non-winning Prize Symbol(s) will never be the same as the winning Prize Symbol(s).

J. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 20 and \$20).

K. BONUS SPOTS: Matching Prize Symbols will only appear in a winning BONUS play area as dictated by the prize structure.

L. BONUS SPOTS: Non-winning Prize Symbol(s) will never be the same as the winning Prize Symbol(s).

M. BONUS SPOTS: A Ticket will not have matching non-winning Prize Symbols across the two (2) BONUS play areas.

2.3 Procedure for Claiming Prizes.

A. To claim a "HOT PINK 7s™" Scratch Ticket Game prize of \$5.00, \$10.00, \$15.00, \$20.00, \$50.00, \$100 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00, \$100 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "HOT PINK 7s™" Scratch Ticket Game prize of \$1,000 or \$100,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "HOT PINK 7s™" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or
4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "HOT PINK 7s™" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "HOT PINK 7s™" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game

or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 7,200,000 Scratch Tickets in Scratch Ticket Game No. 2625. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2625 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5.00	768,000	9.38
\$10.00	384,000	18.75
\$15.00	288,000	25.00
\$20.00	192,000	37.50
\$50.00	96,000	75.00
\$100	29,040	247.93
\$500	720	10,000.00
\$1,000	75	96,000.00
\$100,000	5	1,440,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.10. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2625 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2625, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202405785
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: December 2, 2024



Scratch Ticket Game Number 2671 "INSTANT MILLIONS"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2671 is "INSTANT MILLIONS". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2671 shall be \$20.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2671.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 5X SYMBOL, 10X SYMBOL, \$20.00, \$40.00, \$100, \$200, \$500, \$1,000, \$10,000 and \$1,000,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2671 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH

34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
5X SYMBOL	WINX5
10X SYMBOL	WINX10
\$20.00	TWY\$
\$40.00	FRTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$1,000	ONTH
\$10,000	10TH
\$1,000,000	TPPZ

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2671), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 025 within each Pack. The format will be: 2671-0000001-001.

H. Pack - A Pack of the "INSTANT MILLIONS" Scratch Ticket Game contains 025 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 025 while the other fold will show the back of Ticket 001 and front of 025.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "INSTANT MILLIONS" Scratch Ticket Game No. 2671.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "INSTANT MILLIONS" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose sixty-two (62) Play Symbols. BONUS PLAY INSTRUCTIONS: If the player reveals 2 matching prize amounts in the same BONUS, the player wins that amount. INSTANT MILLIONS PLAY INSTRUCTIONS: If the player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the prize for that symbol. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly sixty-two (62) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;

4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly sixty-two (62) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;
14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;
15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;
16. Each of the sixty-two (62) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the sixty-two (62) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;
18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and
19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. BONUS: A non-winning Prize Symbol in a BONUS play area will never match a winning Prize Symbol in the other BONUS play area.

D. BONUS: A Ticket will not have matching non-winning Prize Symbols across the two (2) BONUS play areas.

E. INSTANT MILLIONS - Key Number Match: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 20 and \$20).

F. INSTANT MILLIONS - Key Number Match: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

G. INSTANT MILLIONS - Key Number Match: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

H. INSTANT MILLIONS - Key Number Match: A non-winning Prize Symbol will never match a winning Prize Symbol.

I. INSTANT MILLIONS - Key Number Match: A Ticket may have up to five (5) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

J. INSTANT MILLIONS - Key Number Match: The "5X" (WINX5) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

K. INSTANT MILLIONS - Key Number Match: The "10X" (WINX10) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "INSTANT MILLIONS" Scratch Ticket Game prize of \$20.00, \$40.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$40.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "INSTANT MILLIONS" Scratch Ticket Game prize of \$1,000, \$10,000 or \$1,000,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "INSTANT MILLIONS" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or
4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "INSTANT MILLIONS" Scratch Ticket Game, the Texas Lottery shall deliver to

an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "INSTANT MILLIONS" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 6,000,000 Scratch Tickets in Scratch Ticket Game No. 2671. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2671 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$20.00	660,000	9.09
\$40.00	480,000	12.50
\$100	360,000	16.67
\$200	70,500	85.11
\$500	6,500	923.08
\$1,000	200	30,000.00
\$10,000	16	375,000.00
\$1,000,000	4	1,500,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 3.80. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2671 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2671, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202405786
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: December 2, 2024

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North Central Texas Council of Governments

Notice of Contract Award for Hurst SH10/Hurst Boulevard Corridor Redevelopment Plan

Pursuant to the provisions of Government Code, Chapter 2254, the North Central Texas Council of Governments publishes this notice of

contract award. The request appeared in the July 19, 2024, issue of the *Texas Register* (49 TexReg 5441). The selected entity will perform technical and professional work for the Hurst SH10/Hurst Boulevard Corridor Redevelopment Plan.

The entity selected for this project is Halff Associates, Inc. 1201 N. Bowser Road, Richardson, Texas 75081 for a contract not to exceed \$350,000.

Issued in Arlington, Texas on December 2, 2024.

TRD-202405804
 Mike Eastland
 Executive Director
 North Central Texas Council of Governments
 Filed: December 3, 2024

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Texas Parks and Wildlife Department

Notice of Availability and Request for Public Comment

Notice of Availability and Request for Public Comment Within 30 Days.

Proposed Amended Draft Natural Resource Damage Assessment Plan; Mountain Creek Lake: Naval Air Station Dallas and Naval Weapons Industrial Reserve Plant, Dallas, Dallas County, Texas

AGENCIES: Texas Parks and Wildlife Department (TPWD), Texas Commission on Environmental Quality (TCEQ), and Texas General Land Office (GLO) (collectively, the Trustees).

ACTION: Notice of availability of a proposed Amended Draft Natural Resource Damage Assessment Plan, Mountain Creek Lake: Naval Air Station Dallas and Naval Weapons Industrial Reserve Plant (Draft Assessment Plan) and of a 30-day period for public comment on the Amended Draft Assessment Plan beginning on the date of publication of this notice.

SUMMARY: This notice serves to inform the public that the Trustees have developed an Amended Draft Assessment Plan to describe how the Trustees propose to determine and quantify natural resource injuries and damages to Mountain Creek Lake and the associated nearshore zone impacted by the release of oil or hazardous substances at or from Naval Air Station Dallas and the Naval Weapons Industrial Reserve Plant. Due to a regulatory change, the Trustees are amending the assessment plan to add two per- and polyfluoroalkyl substances, perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), to the list of chemicals of concern and providing another opportunity for public comment due to the change.

This opportunity for public review and comment on the Amended Draft Assessment Plan is made pursuant to 43 CFR §11.32(c).

ADDRESSES: Interested members of the public may request a copy of the Draft Assessment Plan by contacting Kimberly Biba at the TPWD, Coastal Fisheries Division, 1502 FM 517 Road East, Dickinson, Texas 77539; by phone at (281) 534-0133; or by email at Kimberly.biba@tpwd.texas.gov.

DATES: Public comments on the Amended Draft Assessment Plan must be submitted in writing to Kimberly Biba at the same mailing or e-mail address within 30 days of the publication date of this notice. The Trustees will consider all written comments received during the comment period.

SUPPLEMENTARY INFORMATION: The natural resource damage assessment and restoration (NRDAR) is being conducted jointly by the Trustees pursuant to their respective authorities and responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. §§9601-9675) and other applicable federal and state laws. The Trustees were designated by the governor of Texas as trustees for natural resources pursuant to Section 107(f)(2)(B) of CERCLA, 42 U.S.C. §9607(f)(2)(B). Relevant regulations include Subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR §§300.600-300.615) and U.S. Department of the Interior's (DOI's) NRDAR Regulations at 43 CFR Part 11 (DOI NRDAR Regulations), which provide guidance for the NRDAR process under CERCLA.

The U.S. Department of the Navy formerly owned and operated the Naval Weapons Industrial Reserve Plant and Naval Air Station Dallas, located along the northwest shore of Mountain Creek Lake in the City of Dallas, Dallas County, Texas.

Pursuant to 43 CFR Part 11, the Trustees completed a Preassessment Screen and Determination (PAS) in July 2000, which determined that sufficient information was available to proceed with a NRDAR. Specifically, the Trustees have determined that a discharge of oil or a release of a hazardous substance occurred from Naval Air Station Dallas and the Naval Weapons Industrial Reserve Plant; natural resources for which the Trustees may assert trusteeship under CERCLA have been or are likely to have been adversely affected by the release; the quantity and concentration of the discharged oil or released hazardous substance is sufficient to potentially cause injury to natural resources; data sufficient to pursue an assessment are readily available or likely to be obtained at a reasonable cost; and response actions carried out or planned do not or will not sufficiently remedy injury to natural resources without further action.

TRD-202405784
James Murphy
General Counsel
Texas Parks and Wildlife Department
Filed: December 2, 2024

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Permian Basin Regional Planning Commission

Invitation for Bid - Roofing Services

The Permian Basin Regional Planning Commission (PBRPC) is seeking qualified roofing companies to replace the roof for offices located at 2910 LaForce Blvd, Midland, Texas 79706.

The Invitation for Bid (IFB) may be obtained by downloading the **IFB** and attachments from PBRPC's website at pbrpc.org/procurement-and-bid-opportunities. Proposals must be received by 12:00 p.m. (CDT), January 6, 2025, at the PBRPC office.

TRD-202405760
Virginia Belew
Executive Director
Permian Basin Regional Planning Commission
Filed: November 25, 2024

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Texas Department of Transportation

Notice of Agreement on Identification of Future Transportation Corridors within Waller County

The Texas Department of Transportation and Waller County, Texas, have entered into an agreement that identifies future transportation corridors within Waller County in accordance with Transportation Code, Section 201.619. Copies of the agreement and all plans referred to by the agreement are available at the department's Houston District Office, 7600 Washington Avenue, Houston, Texas 77007.

TRD-202405772
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Filed: November 26, 2024

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Notice of Issued Waiver

On November 8, 2024, the Texas Department of Transportation (TxDOT) published a Notice of Proposed Waiver in the *Texas Register*. See Tex. Reg. Vo. 49, No. 45 Page 9075. That notice set forth TxDOT's intention to issue a waiver of the domestic iron and steel requirements for the pump station project, identified as CSJ 14-0914-04-362, related to the Interstate 35 improvement project due to the lack of domestically produced iron and steel pump components sufficient for the project. The notice provided a 15- day period for public comments on the proposed waiver. The comment period ended at 5 p.m. on Monday November 25th, 2024.

TxDOT did not receive any comments in response to the Notice of Proposed Waiver.

After substantial efforts to find domestically sourced pump components, including a market analysis conducted on behalf of TxDOT, Marc Williams, the Executive Director of TxDOT, found that neither those efforts nor public response to the notice of the proposed waiver identified domestically manufactured items capable of satisfying the project requirement and further found that the issuance of the waiver

is essential to achieving the goal of providing a pump station that can effectively drain the Interstate 35 project for the safety of the traveling public and improve the water quality of the area by removing trash and sediment from discharged water.

In conformance with Texas Transportation Code, §223.045 and the application of a waiver process that is analogous to the process used for a waiver of preference provisions for iron and steel and iron and steel products that are required under federal law for an improvement made with federal aid, Marc Williams issued a waiver of the iron and steel domestic sourcing requirements for the pump station project, identified as CSJ 14-0914-04-362, effective December 13, 2024. A copy of the waiver is available upon request by emailing TxDOTGeneralCounsel@txdot.gov with the subject line "Pump station waiver."

TRD-202405861
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Filed: December 4, 2024

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Workforce Solutions Brazos Valley Board

Public Notice for Addition of Construction Laborers & Paving, Surfacing and Tamping Equipment Operators to the Targeted Occupations List

The Workforce Solutions Brazos Valley Board seeks public comment on an update to the 2025 Target Occupations list for the time period of November 21, 2024, to December 21, 2024. Two occupations are being added, **Construction Laborers (SOC 47.2061) And Paving, Surfacing and Tamping Equipment Operators (SOC 47.2071)**. The Target Occupations list is used to provide eligible Workforce Innovation Opportunity Act (WIOA) customers training in an industry where they can acquire a certification in an industry to help attain self-sufficient wages. A copy of this occupation may be reviewed at the Center for Regional Services located at 3991 East 29th Street, Bryan, Texas 77802 between 8:00 a.m. to 5:00 p.m., Monday through Friday, for the period of November 21, 2024, to December 21, 2024. After the review period, the updated 2025 Target Occupation List will be posted on www.bvjjobs.org under the Board tab. Any questions and/or comments can be emailed to Barbara Clemmons at bclemmons@bvcog.org by December 21, 2024.

Equal Opportunity Employer/Program

Auxiliary aids and services are available upon request to individuals with disabilities.

Deaf, hard-of-hearing or speech-impaired customers may contact Relay Texas 800-735-2989 (TTY) and

711 (Voice) and (979) 595-2180.

Equal opportunity is the law.

TRD-202405766

Vonda Morrison
Workforce Board Program Manager
Workforce Solutions Brazos Valley Board
Filed: November 25, 2024

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PUBLIC NOTICE Workforce Solutions Brazos Valley Board Request for Proposals for Available Commercial Space to Lease in Madisonville, Texas

The Workforce Solutions Brazos Valley Board (WSBVB) is soliciting proposals for lease of available commercial space in Madisonville, Texas for their workforce center. The lease for space RFP can be downloaded at www.bvjjobs.org or by request to Barbara Clemmons via email at bclemmons@bvcog.org on or after November 21, 2024, 1:00 p.m. CST.

The purpose of the RFP is to solicit proposals for available commercial lease space to be used for the day-to-day operations for the workforce center in Madisonville, Texas.

The primary consideration in selecting a vendor will be their ability to provide a space to lease as specified in the RFP.

The deadline for proposals will be 2:00 p.m. CST on December 20, 2024.

Bidders will have the opportunity to ask questions during the bidder's conference call, which is scheduled for December 3, 2024, 10:00 a.m. CST. Attendance on the bidder's conference call is not mandatory. All answers to questions from bidders for this Request for Proposal will be posted at www.bvjjobs.org by close of business on December 13, 2024.

Deadline for Questions: The Bidder's Conference Call will be held on **Tuesday, December 3, 2024 at 10:00 a.m. CST. The call in number is (979) 595-2802. If Bidders cannot attend the bidder's conference call on Tuesday, December 3, 2024, they can submit their questions in writing concerning this RFP to Barbara Clemmons at bclemmons@bvcog.org no later than Tuesday, December 10, 2024, 5:00 p.m. CST. Answers to all questions received will be posted to www.bvjjobs.org no later than Friday, December 13, 2024, 5:00 p.m. CST.**

A proud partner of the American Job Center network.

Equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

Deaf, hard of hearing or speech-impaired customers may contact:

Relay Texas (800) 735-2989 (TTY) and 711 Voice.

TRD-202405765
Vonda Morrison
Workforce Board Program Manager
Workforce Solutions Brazos Valley Board
Filed: November 25, 2024

How to Use the Texas Register

Information Available: The 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.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

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

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

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 cumulative 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 the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 24 of Volume 49 (2024) is cited as follows: 49 TexReg 24.

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 “49 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 49 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, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <http://www.sos.state.tx.us>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete *TAC* is available through the Secretary of State’s website at <http://www.sos.state.tx.us/tac>.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
26. Health and Human Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each 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 the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION Part 4. Office of the Secretary of State Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

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