

TEXAS REGISTER

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Office of the Secretary of State

USPS Publication Number 120080

NOTES ON THE ISSUE

The State Board of Barber Examiners adopts a rule allowing the admission of complainants as parties to contested cases. The rule will notify interested parties of the possibility of the admittance and the proper procedure.

The Board of Vocational Nurse Examiners adopts a rule that allows schools to use individual discretion in including instruction in intravenous therapy in their curriculum. Other adoptions by the agency address the accreditation of nursing programs, application fees and forms, and qualifications for licensure.

The In Addition section contains notice of a forthcoming variation in the publication schedule.

Cover illustration represents Elisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capital.

Artwork: Gary Thornton

TEXAS REGISTER



*Steven C. Oaks
Secretary of State*

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Proposed Rules

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PROPOSED RULES

698

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

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

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

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

Board of Vocational Nurse Examiners

Administration

Definitions 390.01.01

The Board of Vocational Nurse Examiners is proposing Rule 390.01.01.019, which will define legitimate excuse.

The Board of Vocational Nurse Examiners has determined that the proposed rule will cause no fiscal change.

Public comment on the proposed adoption is invited. Comments may be submitted by telephoning Waldeen D. Wilson at (512) 458-1203, or by writing to the Board of Vocational Nurse Examiners, 5555 North Lamar, Commerce Park, Building H, Suite 131, Austin, Texas 78751.

.019. Legitimate Excuse. Legitimate excuse shall mean a written statement consisting of any of the following:

(a) Evidence of personal illness, personal injury, or personal medical emergency as verified by a doctor's statement, including the name and address of the doctor.

(b) A notarized affidavit by the applicant showing evidence of the death of a member of the immediate family (grandparents, parents, parents-in-law, siblings, spouse, or children).

(c) Such other extraordinary circumstances as verified by a notarized affidavit by the applicant which shall be deemed legitimate by the Board of Vocational Nurse Examiners.

Doc. No. 781274

Licensing

Application for Licensure 390.03.01

The Board of Vocational Nurse Examiners is proposing Rule 390.03.01.013, which will clarify for the military graduate who is assigned to overseas duty prior to writing the licensing examination, the opportunities for writing the exam.

The Board of Vocational Nurse Examiners has determined that the proposed rule will cause no fiscal change.

Public comment on the proposed adoption is invited. Comments may be submitted by telephoning Waldeen D. Wilson at (512) 458-1203, or by writing to the Board of Vocational Nurse Examiners, 5555 North Lamar, Commerce Park, Building H, Suite 131, Austin, Texas 78751.

.013. Military Graduates Assigned to Overseas Duty Prior to Examination. Military graduates assigned to overseas duty prior to examination are exempt from the two-year time limit. Proof of overseas assignment is to be submitted with the application for examination.

Issued in Austin, Texas, on February 14, 1978.

Doc. No. 781275 Waldeen D. Wilson, R.N.
Executive Secretary
Board of Vocational Nurse Examiners

Proposed Date of Adoption: March 27, 1978

For further information, please call (512) 458-1203.

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, and the adoption may go into effect no sooner than 20 days after filing, except where a federal statute or regulation requires implementation of a rule on shorter notice.

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

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

State Board of Barber Examiners

Practice and Procedure

Contested Cases 378.01.06

The State Board of Barber Examiners, on February 6, 1978, adopted a new rule allowing admission of complainants as parties to contested cases (see Vernon's Texas Civil Statutes, Article 6252-13a, Section 3(5)) under the authority of the Texas Barber Law, Article 8407a, Texas Civil Statutes.

.001. Admission of Parties. Any person properly interested in the subject matter of a contested case to be heard before the board may apply to the board in writing to be admitted as a party to the case. Upon the board's approval of such application, said person shall be admitted as a party to such contested case.

Issued in Austin, Texas, on February 15, 1978.

Doc. No. 781264 Charles F. Blackburn
Executive Secretary
State Board of Barber Examiners

Effective Date: March 8, 1978

For further information, please call (512) 458-2241.

Board of Vocational Nurse Examiners

Administration

General Practice and Procedure

390.01.02.001, .003, .005, and .040

Under the authority of Article 4528c, Vernon's Civil Statutes, the Board of Vocational Nurse Examiners has amended Rules 390.01.02.001, .003, .005, and .040 to read as follows:

.001. Headquarters of the Board. The headquarters office is located at 5555 North Lamar, Commerce Park, Building H, Suite 131, Austin, Texas 78751.

.003. Philosophy of the Board. The Board of Vocational Nurse Examiners believes that:

(a) The patient is the most important person in all nursing institutions and is entitled to competent nursing care.

(c) The nurse rendering direct patient care must be someone who is knowledgeable of scientific nursing principles and applies these to patient care.

(e) Vocational nursing education adequately prepares the vocational nurse for total patient care.

.005. Functions of the Board. The board is authorized to:

(e) provide for annual survey to accredited schools;
(h) conduct hearings for disciplinary action with regard to a licensee, to determine eligibility of candidate to write licensing examination and to review educational matters;

(l) renew licenses of duly qualified licensees.

.040. Bylaws.

(a) Article I, title and purposes.

(1) The name shall be the "Board of Vocational Nurse Examiners," House Bill 47, Chapter 118, Acts of the 52nd Legislature, 1951.

(2) The purpose of the board shall be:

(Q) appoint and employ full time associate director(s) of education.

Doc. No. 781276

390.01.02.005

Under the authority of Article 4528c, Vernon's Civil Statutes, the Board of Vocational Nurse Examiners has amended Rule 390.01.02.005 to read as follows:

.005. Functions of the Board. The board is authorized to:

(e) provide for annual survey of accredited schools

Doc. No. 781277

390.01.02.031 and .039

The Board of Vocational Nurse Examiners has adopted the repeal of Rule 390.01.02.031, Staff Committee Recommendations on Problem Licensure Matters, and Rule 390.01.02.039, Professional and Foreign Graduates. The proposed repeals were published in the January 10, 1978, issue of the *Texas Register* (3 TexReg 124). The repeal of Rule 390.01.02.031 was proposed as it is no longer functional. The repeal of Rule 390.01.02.039 was proposed in this subchapter. It was proposed as a new rule in subchapter 390.03.01 as the content relates to the general subject matter of the subchapter.

Pursuant to the authority of Vernon's Civil Statutes, Article 4528c, the Board of Vocational Nurse Examiners has repealed Rules 390.01.02.031, Staff Committee Recommendations on Problem Licensure Matters, and 390.01.02.039, Professional and Foreign Graduates.

Doc. No. 781278

Education

Accreditation of Programs 390.02.03

Under the authority of Vernon's Civil Statutes, Article 4528c, the Board of Vocational Nurse Examiners has amended Rule 390.02.03.002 by the deletion of one section and renumbering of subsequent sections to read as follows:

.002. *Factors Jeopardizing School Accreditation.* Accreditation may be reduced to conditional status or withdrawn for the following reasons:

- (f) frequent high percentage of failure on licensing examinations;
- (g) failure to provide for adequate clinical practice;
- (h) failure to comply with board representative's recommendations and stipulations within reasonable length of time;
- (i) multiple enrollments per year without adequate faculty, facilities, and patient census;
- (j) other causes deemed justifiable.

Doc. No. 781279

Vocational Nursing Educational Standards 390.02.04.010

Under the authority of Vernon's Civil Statutes, Article 4528c, the Board of Vocational Nurse Examiners has amended Rule 390.02.04.010 to read as follows:

.010. *General Curriculum Statements.* The vocational nursing curriculum shall contain the nursing courses, theory hours, and clinical practice hours as listed below. Subjects or sections of subjects may be combined. Although the hours reflected below total 485, the remaining 65 required hours are to be incorporated at the discretion of the director.

Doc. No. 781280

390.02.04.011

Under the authority of Vernon's Civil Statutes, Article 4528c, the Board of Vocational Nurse Examiners has amended Rule 390.02.04.011 to read as follows:

.011. *Intravenous Therapy.* It is strongly recommended that the techniques of venipuncture for the purpose of administration of intravenous fluids and medications, extracting blood for laboratory tests be taught in the vocational nursing curriculum.

Doc. No. 781281

Licensing

Application for Licensure 390.03.01.002, .003, and .009

Under the authority of Vernon's Civil Statutes, Article 4528c, the Board of Vocational Nurse Examiners has amended Rules 390.03.01.002, .003, and .009 to read as follows:

.002. *Application Form.* Applications for licensure shall be completed on forms provided by the board.

.003. *Submission of Application for Initial Examination.* Application for licensure shall be submitted to the Division of Education by the director of the vocational nursing school. An application which is not completed in accordance with board rules or board instructions shall be deemed incomplete and shall be returned to the director of the vocational nursing school. It is the responsibility of the school director to submit a complete and correct application by deadline date. Candidates whose applications are postmarked after deadline date will be scheduled for the next examination.

.009. *Application Fee.* Application fee shall be payable to the Board of Vocational Nurse Examiners, 5555 North Lamar, Commerce Park, Building H, Suite 131, Austin, Texas 78751. The board assumes no responsibility for loss in transit of cash remittances. Applications not accompanied by the proper fee will be returned to the applicant. The fee must be in the form of cashier's check or money order. Personal checks are not acceptable.

(a) Each application for license as a vocational nurse under Section 5, Subsections (a), (b), and (c), and Subsection 7 of the act, shall be accompanied by a fee of \$25 as stated in Section 9 of the act. Fee is not refundable.

(b) When an application has been approved and applicant is scheduled by the board for examination, a temporary permit shall be issued. The permit for applicant writing examination shall be in force for 10 weeks following examination. The permit for reciprocity applicant shall be in force for four weeks following the examination. The temporary permit is not renewable.

Doc. No. 781282

390.03.01.004

Under the authority of Vernon's Civil Statutes, Article 4528c, the Board of Vocational Nurse Examiners has amended Rule 390.03.01.004 to read as follows:

.004. *Qualifications for Licensure by Examination.* The vocational/practical nurse shall:

- (a) have completed a course of not less than 12 months in an approved school of vocational/practical nursing; and
- (b) have at least two years of high school education or its equivalent (equivalency to be established by General Education Development equivalency test); and
- (c) have attained the age of 18 years; and
- (d) be of good moral character; and
- (e) be of good physical and mental health; and
- (f) have passed the examination given by the Board of Vocational Nurse Examiners.

Doc. No. 781283

390.03.01.011 and .012

The Board of Vocational Nurse Examiners has adopted Rules 390.03.01.011 and .012. These rules are promulgated under the authority of Vernon's Civil Statutes, Article 4528c, to read as follows:

.011. Policies Concerning Professional Graduates.

(a) Professional graduates will be considered for vocational nurse licensing examination only after they are no longer eligible to write board examination administered by the Board of Nurse Examiners. The board will admit to the licensing examination only those professional nurse graduates who are within three years of graduation whose transcripts reflect completion of requirements comparable to vocational nursing. Professional nurse graduates will be allowed two opportunities for the licensing examination; one initial and one re-examination within the year of first time scheduled. One temporary permit will be issued with the initial application.

(b) Foreign professional graduates. Foreign professional graduates will be considered for vocational nurse licensing examination only after they are no longer eligible to write board examination administered by the Board of Nurse Examiners. The board will admit to the licensing examination only these professionals whose transcripts reflect completion of requirements comparable to vocational nursing. Foreign professional graduates will be allowed two opportunities for the licensing examination; one initial and one re-examination within the first year of first time scheduled. One temporary permit will be issued with the initial application.

.012. Failure to Appear for Scheduled Examination. Applicants who fail to appear for scheduled examination and do not submit legitimate excuse for board review within four weeks following examination will not be allowed to be scheduled past the two-year limit.

Doc. No. 781284

Examination 390.03.03

The Board of Vocational Nurse Examiners has adopted Rule 390.03.03.003, which will govern writing the examination. This rule is promulgated under the authority of Vernon's Civil Statutes, Article 4528c, to read as follows:

.003. Writing Examination. All regular first-time candidates must write all parts of the examination. Failure to write Part III will void Parts I and II.

Doc. No. 781285

Issuance of Licenses 390.03.04

Under the authority of Vernon's Civil Statutes, Article 4528c, the Board of Vocational Nurse Examiners has amended Rule 390.03.04.007 to read as follows:

.007. Denial, Revocation, or Suspension of License. The board may deny, revoke, or suspend any license to practice vocational nursing, or otherwise discipline a licensee upon proof that the person:

(h) is guilty for any other reason which shall be deemed just cause by the board.

Issued in Austin, Texas, on February 14, 1978.

Doc. No. 781286

Waldeen D. Wilson, R.N.
Executive Secretary
Board of Vocational Nurse Examiners

Effective Date: March 9, 1978

For further information, please call (512) 458-1203.

The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the *Register*. Each notice published includes an agenda or a summary of the agenda as furnished for publication by the agency and the date and time of filing. Notices are posted on the bulletin board outside the offices of the secretary of state on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

State Board of Insurance

Thursday, March 9, 1978, 10 a.m. The State Board of Insurance has rescheduled a meeting with manufacturers of fixed fire extinguisher systems to be held in Room 343, 1110 San Jacinto Street, Austin.

Additional information may be obtained from Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: February 15, 1978, 10:43 a.m.
Doc. No. 781238

Texas Judicial Council

Friday, March 3, 1978, 10 a.m. The Texas Judicial Council will meet at 1414 Colorado, Austin, to consider the following items, as summarized: report from Committee on Continuing Legal Education of Municipal Court Judges; report on staff activities; and discussion of legislative interim committees, binding arbitration, television in the courtroom, jurisdiction of the Supreme Court, legal representation in suits to terminate parental relationships, juries in county courts of law, *voir dire* examination of jurors.

Additional information may be obtained from C. Raymond Judice, P.O. Box 12066, Austin, Texas 78711, telephone (512) 475-2421.

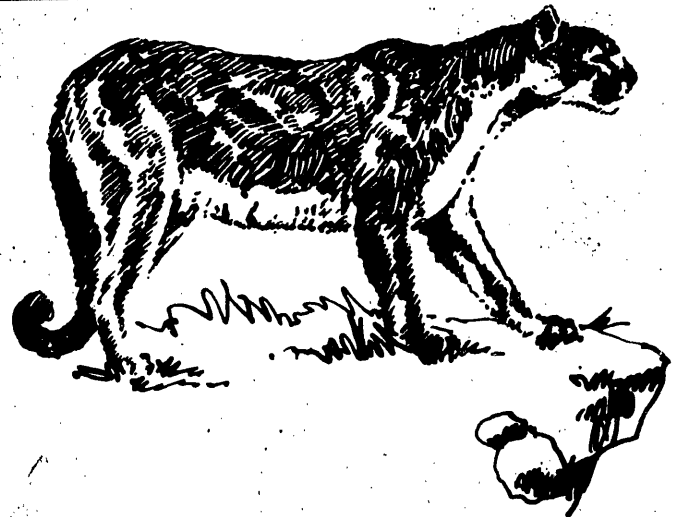
Filed: February 17, 1978, 10:12 a.m.
Doc. No. 781307

Natural Resources Council

Tuesday, February 21, 1978, 11:30 a.m.-1 p.m. The Advisory Committee of the Natural Resources Council met in emergency session at the Steak and Ale Restaurant, 2211 West Anderson Lane, Austin, to hear briefings on the council and on the Coastal Management Program and to discuss work program.

Additional information may be obtained from Frank Sheffield, Room 601, 411 West 13th Street, Austin, Texas 78701, telephone (512) 475-6283.

Filed: February 16, 1978, 4:23 p.m.
Doc. No. 781288



Texas Organized Crime Prevention Council

Wednesday, March 1, 1978, 1:30 p.m. The Legal and Legislative Subcommittee of the Texas Organized Crime Prevention Council will meet in the TOCPC staff offices, Suite 200 East, 1106 Clayton Lane, Austin, to discuss organized crime legislation for possible recommendation to the council, as summarized in the agenda.

Additional information may be obtained from Ralph L. Bowman or Nadia Bice, Suite 200 East, 1106 Clayton Lane, Austin, Texas 78723, telephone (512) 475-6536.

Filed: February 16, 1978, 4:16 p.m.
Doc. No. 771287

Texas Parks and Wildlife Department

Tuesday, March 7, 1978, 2 p.m. The Fisheries Division/Resource Protection Branch of the Texas Parks and Wildlife Department will meet in Room A-200, 4200 Smith School Road, Austin, to consider the application of Gerald W. Perry, Jr. The application requests a permit to remove approximately 500 cubic yards of marl per month (10,000 cubic yards total) by means of a dragline from the Laguna Madre for the purpose of constructing a marina. Location of the project will be Tract "A" of Tyler Subdivision, approximately one mile southwest from John F. Kennedy Causeway in Flour Bluff, Nueces County. Adjacent property owners are J. R. Williams and Paul A. Keller. (COE Notice No. 12004).

Additional information may be obtained from Chester D. Harris, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4831.

Filed: February 17, 1978, 10:12 a.m.
Doc. No. 781306

Public Utility Commission of Texas

Thursday, March 9, 1978, 9 a.m. The Hearings Division of the Public Utility Commission of Texas has rescheduled a pre-hearing conference to be held in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding a petition of Peoples Telephone Cooperative, Inc., for authority to change rates (Docket No. 1619). This conference was originally scheduled for February 17.

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

Filed: February 13, 1978, 4:05 p.m.
Doc. No. 781203

Monday, March 20, 1978, 9 a.m. The Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider an application by Gulf States Utility Company for a certificate of convenience and necessity for proposed transmission lines and associated substations in Newton, Jasper, Liberty, and Hardin Counties (Docket No. 701), as summarized in the agenda.

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

Filed: February 16, 1978, 9:51 a.m.
Doc. No. 781266

Wednesday, April 12, 1978, 9:30 a.m. The Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider an application of El Paso Electric Company for a certificate of convenience and necessity for Copper Station (Docket No. 1642, previously Docket No. 478), as summarized in the agenda.

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

Filed: February 16, 1978, 9:51 a.m.
Doc. No. 781267



Railroad Commission of Texas

Tuesday, February 21, 1978, beginning at 9 a.m. The Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the 10th floor conference room, Ernest O. Thompson Building, 10th and Colorado Streets, Austin. The Special Counsel's Office presented a proposal to extend the period for public comment on proposed rules of practice and procedure appearing in the *Texas Register* on January 13, 1978 (3 TexReg 152-166). Consideration on less than seven days notice was required because the extension was not requested until February 16, and the meeting on February 21 was the last scheduled meeting before the previous deadline (February 24) for submitting comments.

Additional information may be obtained from John G. Soule, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-4686.

Filed: February 17, 1978, 11:30 a.m.
Doc. No. 781311

Tuesday, February 21, 1978, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin, to include consideration of Gulf Oil Corporation's application to amend Rule 2 and density exceptions, as summarized.

Additional information may be obtained from Luci Castleberry, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-3003.

Filed: February 17, 1978, 11:31 a.m.
Doc. No. 781310

Monday, February 27, 1978, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas will meet in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin, to consider the following items, as summarized: Docket No. 1053, Examiner Glenn E. Johnson, complaint and/or appeal of Southwest Gas Distributors, Inc., from actions by the City Council of Woodville, consideration of final order; Docket No. 1468, Examiner Thomas H. Hill, Cities of Bryan, Greenville, etc., application of exception to Gas Utilities Division 600 Order (Rule 051.04.03.018 of the substantive rules of the Gas Utilities Division), on behalf of the Cities of Bryan, Greenville, Garland, and Denton.

Additional information may be obtained from Joy Wood, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-2747.

Filed: February 17, 1978, 11:32 a.m.
Doc. No. 781312

Monday, February 27, 1978, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin, to consider the following items, as summarized: consideration of various Rule 37 cases, exception to Statewide Rule 38, unitization and secondary recovery, proper plugging, Statewide Rule 10, Net Gas-Oil Ratio, temporary field rules; administrative new oil and gas field discoveries, Statewide Rule 28/29, exception to SWR 14(B)(2), and exception to SWR 11 and SWR 8(C).

Additional information may be obtained from Luci Castleberry, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-3003.

Filed: February 17, 1978, 11:31 a.m.
Doc. No. 781309

Monday, February 27, 1978, 9 a.m. The Transportation Division of the Railroad Commission of Texas has made an addition to the agenda of a meeting to be held in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. As summarized in the agenda, the commission will consider contested cases for agency discontinuance and for new authority.

Also to be considered are uncontested cases to amend authority, for bus rate, for motor brokers authority, to consolidate authority, to divide authority, to amend ICC authority registration, for ICC authority registration, for lease cancellation, for interstate exempt authority, for rail rate, for requested authority cancellation, for reinstatement, to sell authority, for bus schedule change, for truck rate, to transfer authority, and for voluntary suspension.

Additional information may be obtained from Susan K. Holman, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-5698.

Filed: February 17, 1978, 11:32 a.m.
Doc. No. 781313



Texas Water Commission

Monday, February 27, 1978, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, Austin, to consider the following items, as summarized: applications for approval of bond issues; district change order; application for use of surplus funds; examiner's proposal for decision on water quality matters; voluntary cancellation of water quality permits; voluntary suspension of water quality permit; final decisions on applications; abandonment of Section 11.303 claim, extension of time; application for amendments; contractual permit applications; unpermitted reservoir; and setting of hearing dates on applications for permits.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: February 16, 1978, 4:41 p.m.
Doc. No. 781290

Tuesday, March 7, 1978, 10 a.m. The Texas Water Commission has rescheduled a hearing to be held in the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the commission will consider a petition for organization of New Caney Municipal Utility District which will contain approximately 9300.27 acres of land.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: February 16, 1978, 10:42 a.m.
Doc. No. 781270

Tuesday, March 7, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, Austin, to consider a petition for organization of Harris County Municipal Utility District No. 154, which will encompass the amount of 195.5936 acres of land, as summarized in the agenda.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: February 16, 1978, 4:41 p.m.
Doc. No. 781292

Tuesday, March 21, 1978, 10 a.m. The Texas Water Commission has rescheduled a hearing to be held in the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the commission will consider an application for approval of preliminary plans for construction of a levee or other improvements by J. K. Eichelberger, Jr., and Oscar W. Holmes.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: February 13, 1978, 3:50 p.m.
Doc. No. 781191

Tuesday, March 21, 1978, 10 a.m. The Texas Water Commission will continue hearings in the Stephen F. Austin Building, Austin, regarding the Medina River Watershed of the San Antonio River Basin. On February 13, 1978, the commission granted in part the applications for rehearing of Anita, Bessie, Edward, Frank, Harry, and Mary Walsh. On March 21, 1978, legal argument will be made before the commission on whether the Walshes filed a claim for a water right in substantial compliance with Section 11.303 of the Texas Water Code.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: February 16, 1978, 4:41 p.m.
Doc. No. 781291

Thursday, March 23, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the commissioners courtroom, Fayette County Courthouse, La Grange. As summarized, the commission will consider an application by the Lower Colorado River Authority (Fayette Power Project) for a permit to discharge cooling water and storm water runoff.

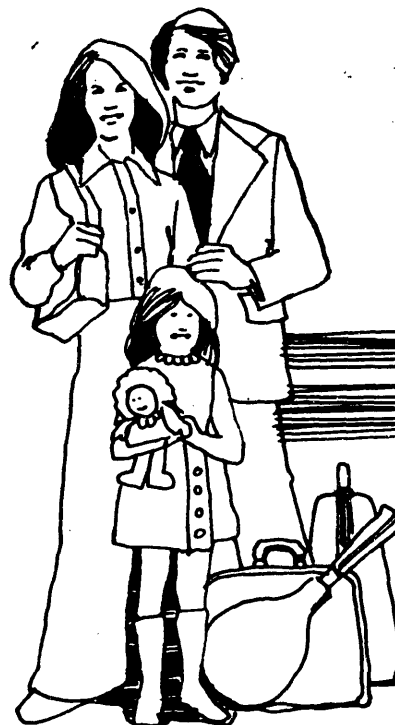
Additional information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: February 13, 1978, 3:50 p.m.
Doc. No. 781190

Monday, March 27, 1978, 1 p.m. The Texas Water Commission will conduct a hearing in the commissioners courtroom, Brazoria County Courthouse, Angleton. As summarized, the commission will consider an application by Country Roads Inn, Wadsworth, seeking a permit to allow for a discharge not to exceed an average flow of 5,000 gallons per day of domestic sewage effluent from the motel and food unit.

Additional information may be obtained from Phillip Paine, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: February 15, 1978, 2:21 p.m.
Doc. No. 781258



Monday, March 27, 1978, 1 p.m. The Texas Water Commission will conduct a hearing in the commissioners courtroom, Brazoria County Courthouse, Angleton. As summarized, the commission will consider an application by Dow Chemical Company U.S.A., Freeport, seeking an amendment to permit No. 00007 to accommodate production facility expansions.

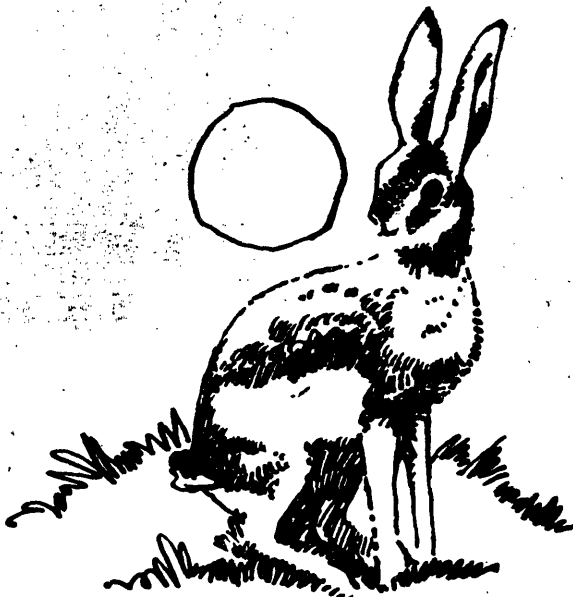
Additional information may be obtained from Phillip Paine, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: February 15, 1978, 2:21 p.m.
Doc. No. 781259

Monday, March 27, 1978, 1 p.m. The Texas Water Commission will conduct a hearing in the commissioners courtroom, Brazoria County Courthouse, Angleton. As summarized, the commission will consider an application by Tesoro Petroleum Corporation seeking a permit to allow for the disposal of wastewater from its Angleton Terminal treatment plant not to exceed 19,600 gallons per week.

Additional information may be obtained from Phillip Paine, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: February 15, 1978, 2:21 p.m.
Doc. No. 781260



Friday, March 31, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the commission will consider an application by Gordon F. Parkey and Fred Parkey seeking an amendment to authorize appropriation of an additional 148 acre-feet of water per annum from Beaver Creek, tributary Wichita River, tributary Red River, Red River Basin, for irrigation purposes in Wichita County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: February 13, 1978, 2:47 p.m.
Doc. No. 781188

Friday, March 31, 1978, 10 a.m. The Texas Water Commission has made an emergency addition to the agenda of a meeting to be held in the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the commission will consider an application by World Challenge, Inc., seeking an amendment to Permit No. 3332 to add a Reservoir No. 5 as an impoundment authorized to be used for domestic, livestock, and recreational purposes. Reservoir No. 5 is on an unnamed tributary of Duck Creek, tributary Sabine River, Sabine River Basin, and impounds 73 acre-feet of water in Smith County, approximately 17 miles northwest of Tyler.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: February 13, 1978, 3:50 p.m.
Doc. No. 781192

Friday, March 31, 1978, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the commission will conduct a hearing concerning an application by Cleon Gorbett seeking a permit to divert and use 145 acre-feet of water per annum from three reservoirs with a combined capacity of 56 acre-feet, located on an unnamed tributary of South Fork Neils Creek, and on South Fork Neils Creek, tributary Neils Creek, tributary North Bosque River, tributary Bosque River, tributary Brazos River, Brazos River Basin, for irrigation purposes in Hamilton County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: February 13, 1978, 3:50 p.m.
Doc. No. 781193

Texas Water Development Board

Friday, February 24, 1978, 8 a.m. The Texas Water Development Board will meet in the Island Room, Galvez Hotel, Galveston, to consider the following agenda, as summarized: report of the Development Fund Manager, including the balance of uncommitted funds available under the Water Quality Enhancement Program; financial assistance to the Del Mar Conservation District and the Town of Prosper; an amendment to the Cypress Basin Operating Agreement; recommendations for the Killeen-Temple and Corpus Christi Designated 208 Areas; approval of Step 3 construction grant increase to the Town of Prosper and City of Brownsville; approval of contracts with U.S. Army Corps of Engineers and Texas A&M; and payment to the U.S. Army Corps of Engineers relating to the Cooper Dam and Reservoir Project.

Additional information may be obtained from Harvey Davis, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-3187.

Filed: February 16, 1978, 4:41 p.m.
Doc. No. 781289

The Coastal Bend Council of Governments, Membership, will meet in the Central Jury Room, Nueces County Courthouse, 901 Leopard, Corpus Christi, on February 24, 1978, at 2 p.m. Further information may be obtained from John Buckner, P.O. Box 6609, Corpus Christi, Texas 78411, telephone (512) 854-3081.

The Copano Bay Soil Conservation, District 329, will meet in the Council Room, Refugio City Hall, Refugio, on February 27, 1978, at 7 p.m. Further information may be obtained from Jim Wales, Drawer 340, Refugio, Texas 78377, telephone (512) 526-2334.

The Houston-Galveston Area Council, Executive Committee, met at 3701 West Alabama, Houston, on February 21, 1978, at 9:30 a.m. Further information may be obtained from Stevie Walters, P.O. Box 22777, Houston, Texas 77027, telephone (713) 627-3200.

The McLennan County Non-Urban Administrative Unit, Region XI, met at 130 North 6th Street, Waco, on February 23, 1978, at 10 a.m. Further information may be obtained from Nancy Miller, 130 North 6th Street, Waco, Texas 76701, telephone (817) 756-1851.

Doc. No. 781308

Regional Agencies

Meetings Filed February 17, 1978

The Amarillo MH/MR Regional Center, Executive Committee of the Board of Trustees, met in the Psychiatric Pavilion, 7201 Evans, Amarillo, on February 23, 1978, at 10:30 a.m. The Board of Trustees met at 12:30 p.m. Further information may be obtained from Clark E. Wooldridge, P.O. Box 3250, Amarillo, Texas 79106, telephone (806) 353-7235.

Texas Health Facilities Commission

Notice of Applications

Notice is given by the Texas Health Facilities Commission of applications (including a general project description) for declaratory rulings or exemption certificates accepted February 7-13, 1978.

Should any person wish to contest the application for a declaratory ruling or an exemption certificate, that person must file a notice of intent to contest the application with the chairman of the commission within 12 days after the enclosed listing is published. The first day for calculating this 12-day period is the first calendar day following the dating of the publishing. The 12th day will expire at 5 p.m. on the 12th consecutive day after said publishing if the 12th day is a working day. If the 12th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. When notice of intent to contest is mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, it must be postmarked no later than the day prior to the last day allowed for filing notice of intent to contest.

The contents and form of a notice of intent to become a party to an application for a declaratory ruling or exemption certificate must meet the minimum criteria set out in Rule 506. Failure of a party to supply the minimum necessary information in the correct form by the 12th day will result in a defective notice of intent to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02, 3.03, or 6.02 of Article 4418(h), Vernon's Annotated Texas Statutes, and Rules 302, 502, and 515.

In the following notice, the applicant is listed first, the file number second, and the relief sought and project description third. EC indicates exemption certificate and DR indicates declaratory ruling.

St. Joseph Hospital, Bryan
AH78-0208-011

EC—Acquire inhouse mini-computer for financial operations

Medical Center Hospital, Tyler
AH78-0209-015

EC—Add six chronic renal dialysis units to existing hemodialysis department

Medical Plaza Hospital, Fort Worth
AH78-0210-028

EC—Acquisition of additional ultrasound equipment including multi-image camera and post scan processing

Texas Department of Human Resources, Amarillo
AA78-0210-030

EC/DR—Conduct day health services project for alternatives to ICF-II or ICF-III nursing care

St. Anthony's Hospital, Amarillo
AH78-0124-001

EC—Add one dialysis machine for the treatment of isolation cases

Valley Hemodialysis Center, McAllen
AH78-0213-030

EC—Rent additional 1,400 square feet to provide separation of infectious patients and sexes, addition of a classroom and nurse's lounge

McAllen General Hospital, McAllen
AH75-0728-020E

AO—Amended request for extension of completion deadline from January 15, 1978, to July 1, 1978, in D/R AH75-0728-020 to modify existing facility

Issued in Austin, Texas, on February 17, 1978.

Doc. No. 781314

William D. Darling
General Counsel
Texas Health Facilities
Commission

Filed: February 17, 1978, 11:49 a.m.

For further information, please call (512) 475-6940

Texas Register

Notice of Schedule Variation

Due to a state holiday, Texas Independence Day, on March 2, 1978, no issue will be published on March 7, 1978. Publication of regular issues will resume with the March 10 issue of the *Texas Register*. Regular deadline dates will apply for this issue (Friday, March 3, by noon—all copy except notices of open meetings; Monday, March 6, by noon—notice of open meetings).



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