

TEXAS REGISTER

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NOTES ON THE ISSUE

By state law, the Commission on Fire Protection Personnel Standards and Education is required to make and publish requirements for certification of marine firemen. A marine fireman works for a fire department and aboard fireboats, fighting fires on or near waterways, waterfronts, channels, or turning basins. The state commission is proposing a 282-hour training program to qualify those wanting to be certified as marine firemen. At present, the Port of Houston Authority is the only local unit affected by the new requirements. The authority estimates that training for one person will cost approximately \$11,000 per year. A maximum of 35 persons will be involved in the certification program this year. Among requirements are courses in reading, marlinspike seamanship, marine rescue operations, and shipboard fire protection and emergency equipment.

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

Artwork: Gary Thornton

TEXAS REGISTER



Steven C. Oaks
Secretary of State

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The *Register* contains executive orders of the governor; summaries of attorney general's opinions and summaries of requests for opinions; emergency rules, proposed rules, and adopted rules of state agencies; notices of open meetings; and miscellaneous notices of general interest to the public of Texas.

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3610 PROPOSED RULES

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.

Texas Air Control Board

Regulation V—Control of Air Pollution from Volatile Carbon Compounds

(Editor's note: Proposed new rules, amendments, and repeals of the Texas Air Control Board's chapter of general rules and chapters concerning regulations for the control of air pollution are being published serially beginning in the issue of October 10 and continuing in this issue. Consecutive installments will also appear in following issues. The proposed date of adoption for all the serialized proposals is November 10, 1978. The chapter titles and rules to be published serially were published in the October 10, 1978, issue (3 TexReg 3545). A notice of rules proposed for repeal in the chapter entitled Regulation V—Control of Air Pollution from Volatile Carbon Compounds appears in this issue.)

The Texas Air Control Board proposes to repeal its existing rules regarding control of volatile carbon compound emissions. These rules will be superseded by proposed comprehensive new rules. The changes in control requirements made necessary under the Federal Clean Air Act as amended in August of 1977 are so pervasive that amendments to the existing rules are impractical.

Since the repeal will not be made effective until new rules are adopted, this action has no fiscal implications for the state or for units of local government.

The Texas Air Control Board has scheduled public hearings on these proposed repeals and replacements to be held at the following times and places:

Holiday Inn, Medical Center
Tanglewood Room
6701 South Main
Houston, Texas
November 9, 1978
9:30 a.m., 1:30 p.m., 6:30 p.m.

Bowie Building—meeting room
4545 Centerview Drive
(at Centerview Drive and Piedras West)
San Antonio, Texas
November 10, 1978
1:30 p.m. and 6:30 p.m.

Arlington Public Library
Community Room
101 East Abram
Arlington, Texas
November 13, 1978
1:30 p.m. and 6:30 p.m.

El Paso Civic Center
Juarez Room
One Civic Center Plaza
El Paso, Texas
November 15, 1978
1:30 p.m. and 6:30 p.m.

Galvez Hotel
Grecian Room
2024 Seawall Boulevard
Galveston, Texas
November 16, 1978
1:30 p.m. and 6:30 p.m.

Public comment on these proposed rules is invited, orally and in writing, both at the public hearings and by submission of written comments. Because of the limited time available to complete all activities associated with the preparations of revisions to the State Implementation Plan, submission of written comments on or before the hearing date to the maximum extent feasible is requested. All written comments so received will be entered into the record and reviewed. Oral presentation should therefore supplement or highlight but not repeat testimony. Written comments should be submitted to the Texas Air Control Board hearing examiner at 8520 Shoal Creek Boulevard, Austin, Texas 78758, prior to November 16, 1978. Written copies of presentations at the hearing are requested, if possible. Oral presentations may be limited by the hearing examiner if necessary to afford all persons the opportunity to speak.

The following repeals are proposed under the authority of Texas Revised Civil Statutes, Article 4477-5.

(Editor's note: The texts of the following rules proposed for repeal are not being published. The rules may be examined in the office of the Texas Register Division of the Secretary of State's Office, 503E Sam Houston Building, Austin, or in the office of the Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin.)

Counties 131.07.01

.001. *Counties Affected.*

Storage of Volatile Carbon Compounds 131.07.02

.001. *Vapor Loss Control.*

.002. *Stationary or Storage Vessels.*

.003. *Exemptions.*

Volatile Carbon Compounds—Loading and Unloading Facilities 131.07.03

- .001. *Standards.*
- .002. *Exemptions.*

Volatile Carbon Compounds—Water Separation 131.07.04

- .001. *Standards.*
- .002. *Exemptions.*

Waste Gas Disposal 131.07.05

- .001. *Standards for Ethylene.*
- .002. *Standards—General Carbon Compounds.*
- .003. *Annual Limit.*
- .004. *Iron Cupola Standards.*
- .005. *Blast Furnace Standards.*
- .006. *Exemptions.*

Alternate Means of Control 131.07.06

- .001. *Approval by Executive Secretary.*

Exemption 131.07.07

- .001. *Exemptions.*

Compliance 131.07.08

- .001. *Applicability.*
- .002. *Compliance Date.*
- .003. *Change of Interim Dates.*

Effective Date 131.07.09

- .001. *Effective Date.*

Additional Carbon Compound Emission Controls 131.07.10

- .001. *Addition of Hardin and Tarrant Counties.*
- .002. *Storage of Crude Oil or Condensate.*
- .003. *Filling of Gasoline Storage Vessels.*
- .004. *Final Control Plan.*

Issued in Austin, Texas, on October 3, 1978.

Doc. No. 786512- Bill Stewart, P.E.
786530 Executive Director
(inclusive even Texas Air Control Board
numbers)

Proposed Date of Adoption: November 10, 1978

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

Commission on Fire Protection Personnel Standards and Education

Standards Manual

Minimum Standards for Marine Firemen 211.02.09

The Commission on Fire Protection Personnel Standards and Education is proposing adoption of Rule 211.02.09.001 under authority of Article 4413(35), Vernon's Civil Statutes, as mandated by House Bill 322, 65th Legislature, to promulgate standards for the certification of marine firemen.

After committee hearings in five coastal cities, a public hearing was held in Houston as the Port of Houston Authority is the only local unit affected at the present.

There will be no significant state fiscal implications since, at present, only a maximum of 35 persons will be involved. The Port of Houston Authority submits that an attrition rate of approximately two persons per year requiring training will cost approximately \$11,000 per year at \$18 per hour. The 282-hour program at \$18 per hour amounts to \$5,076 per person or \$55,000 over a five-year period. However, much of this training will be available through the Houston Fire Department at no cost. The addition of fireboat personnel above present strength will depend on the number of personnel added. The addition of 10 firemen, with the acquisition of a new fireboat one year, would cost the port approximately \$50,000 more to have adequately trained personnel to meet emergencies from fire along the ship channel.

Public comment is invited and may be sent to Garland W. Fulbright, executive director, Commission on Fire Protection Personnel Standards and Education, 8330 Burnet Road, Suite 122, Austin, Texas, telephone (512) 459-8701, within 30 days after publication in the *Texas Register*.

.001. *Qualifications for Certification.* In accordance with the provisions and standards hereinafter set forth, the Texas Commission on Fire Protection Personnel Standards and Education shall, acting by and through the executive director of said commission, award the following certificates to qualified applicants: marine fireman certificate. Successful completion of 282 hours of instruction and training in the following minimum prescribed subject areas at an approved training school is required for marine fireman certification. Training must be completed at a school approved or operated by the commission within the first 24 months of effective date of employment, beginning on or after September 1, 1978.

(a) *Effective reading and study skills—15 class hours.* Eye behavior: pausing, fixation, recognition of span, and regressions; purposes of reading: discover main idea, evaluate material, discussing main ideas, and recounting details; increasing reading rate: reading for speed, skimming, surveying books, emphasis on retention, and appropriate comprehension; vocabulary building: learning more about words, drawing conclusions from sentences, paragraphs, and larger units; art of studying: organizing time, classroom learning, and taking examinations. Utilization of visual aids and rating equipment is essential to successful achievement. Course



to be taught by person trained for reading instruction with teacher's certificate.

(b) Departmental organization, rules, and regulations—eight class hours. Departmental organization and history: including traditions, development, and personnel policies; operations of the fire department: duties, responsibilities, and functions; international maritime law: rules of the road for inland waters, rules of salvage, and general rules or regulations relative to local port authorities, harbors, terminals, and coastal facilities; U.S. Coast Guard "Rules of the Road" for the handling of a craft in port; general rules and procedures: employee activities, services, pay and benefit plans, self-improvement, and job enrichment opportunities.

(c) Marlinspike seamanship—five class hours. The care of rope; knots, bends, hitches, splices; blocks and tackles; the art of handling and using lines aboard ship, coiling, faking, flemishing, worming, parcelling, and serving. Important knots and splices, how to select and use properly.

(d) First aid (E.C.A., C.P.R.)—22 class hours. Aspects of first aid: first aid in the fire service, taking charge, general first aid procedures, and legal aspects of first aid—bleeding control, normal and induced breathing, applying mechanical resuscitation, care and cleaning of equipment. Oral poisoning and common emergencies, physical, shock and wounds, the nervous system, openings in the skin. Effects of heat and cold: burns, effects of excessive heat, effects of excessive cold—the skeletal system: bones and fractures, muscles and tendons, bandaging, and transportation; moving victims: planning for transportation and preparation of the victim for transfer.

(e) Merchant vessel orientation—25 class hours. Provide the trainee with the basic knowledge and understanding of tanker and general cargo vessels, including compartmentation, numbering systems, basic structure, actual onboard familiarization with ships, tugs, and barges, and internal subdivisions as well as vessel stability; also, crew member titles and job responsibilities.

(f) Operating procedures and tactics—12 class hours. Provide the trainee with the basic knowledge and understanding of attack procedures deployed on vessels, strongly emphasizing tank ship fire systems and dewatering procedure, water patterns, and amount of water to be used; forcible entry; etc.

(g) Hazardous materials—48 class hours. Subdivision of matter, principles of chemical reactions, marking systems, chemistry of corrosive materials, chemistry of water-reactive materials, toxic materials, oxidation-reduction phenomena, plastics, resins and fibers, common flammable and combustible liquids and gases, cryogenics, explosives, shipment of hazardous materials by water.

(h) Fire science and behavior—15 class hours. To include the following: motion and force; mechanics of liquids and gases; principles of chemistry; combustion and heat; and provide the trainee with the basic knowledge and understanding of the phases of burning, natural laws of heat, flash-over, heat transfer, and fire suppression agents, as well as fire chemistry.

(i) Fireboats—10 class hours. Provide the trainee with thorough familiarization of fireboats and their equipment and provide the basic knowledge of operations. Provide the trainee with the basic knowledge and understanding required to effectively maintain equipment.

(j) Protective breathing apparatus and clothing—eight class hours. Body protection, primary and secondary func-

tion, respiratory protection equipment; the respiratory tract; using protective breathing equipment, inspection, care and testing of equipment; other protection equipment; standard and special protective clothing; radiation detection equipment.

(k) Marine rescue operations—10 class hours. Purpose and scope; rescue incidents and situations; rope guide lines, rescue knots, raising and lowering victims; rescue methods and techniques, prerescue planning; water rescue, man overboard rescue.

(l) Inspection practices—15 class hours. Principal objectives of fire inspections: definition, purpose and scope; fire hazards and causes: common, special, target, and transportation hazards, classification of occupancies, judging the fire load, building construction, and private fire protection; inspection techniques and procedures: equipment, frequency and time, the approach, and map or sketch making; records, recommendations, and inspection reports: forms, check lists, reports, steps in arriving at reasonable recommendations; inspection and surveys: by fire companies, inspections by individuals, special types of inspection, authoritative sources, maps and symbols, and hazardous material markings.

(m) Safety—five class hours. Provide the trainee with the basic knowledge and understanding of the need for safety, including handling and use of tools, appliances, and equipment; climbing and working from shipboard ladders; advancing and working in hazardous areas, confined areas, etc.; securing gas and electric supplies; slippery decks, etc.

(n) Automatic sprinklers—four class hours. Introduction: the origin of the automatic sprinkler system, successes and failures of sprinkler systems, automatic sprinkler systems and the fire service, purpose of this course, components of an automatic sprinkler system, water supply for automatic sprinkler systems, fire department inspections and surveys, planning supporting operations, fire ground support operations, and value of automatic sprinkler systems.

(o) Marine blueprint and manifest reading—four class hours. Blueprint nomenclature, symbols and abbreviations, orthography drawings, general arrangement drawings; basic types of cargo manifest; location aboard vessel; manifest advantages and limitations; manifest reading exercise.

(p) Marine ventilation practices—eight class hours. Ventilation applied to marine fire fighting, purpose and scope, responsibility of fire fighters, objectives and advantages, combustion and heat, products of combustion, smoke explosions or backdrafts, transmission of heat, and expansion of gases; sizing up the situation for ventilation: situations requiring ventilation, heat conditions, fire severity, life hazard to occupants, potential hazard to fire fighters, rescue work, and evaluating the facts; selecting ventilation procedures and safety precautions; structural characteristics of vessel, hose lines, protective clothing, and breathing equipment, application of water fog as an aid and precaution; forced ventilation: advantages and disadvantages, and forced ventilation equipment; other uses for ventilation, converting ventilators, dangers of hatches and holds.

(q) Swimming and physical conditioning—four class hours. Provide the trainee with swimming ability necessary to protect his own life and to perform in water rescue. Provide the trainee with a program of conditioning to attain and maintain a physical peak.

(r) Shipboard fire protection and emergency equipment—eight class hours. Foam systems, CO₂ and Halon systems, steam smothering systems, cargo tank inertia

systems, fire mains, emergency power, bilge pumping systems, general alarm system, heat detection systems, electromagnetic fire doors, power watertight doors, CO₂ smoke detection systems, specialized equipment foreign and domestic.

(s) Support of land base operations—eight class hours. Waterside manifolds for fireboard boosting, familiarization with land equipment.

(t) Chemical spills—four class hours. Purpose and scope: to acquaint the trainee with the basic procedures in handling chemical spills, hazards in handling cargo; hazards on inland waters; tank cleaning and gas freeing; government marine regulations; International Convention for the Safety of Life at Sea, 1960 (SOLAS '60), as regulating construction and operation of ships of all signatory countries (Code of Federal Regulations, Chapter I, Title 46).

(u) Investigation, analyzing, and reporting damage—three class hours. Provide the trainee with the basic knowledge and understanding required to effectively and efficiently investigate, analyze, and report damage and set fire boundaries.

(v) Report writing—log keeping—four class hours. Purpose and scope: to acquaint the trainee with techniques and procedures for making written reports and log keeping. The recording of cruise data on log sheet forms. How to record clouds, state of sea, wind force, weather, speed, distance run, etc. Table of speeds over a measured mile or distance.

(w) Live ship fires—25 class hours. Galley, crew quarters, engine room, cargo hatch, cargo manifold, tank hatch (ullage).

(x) Tankers and dry cargo vessels—two class hours. Basic loading and unloading procedures; safety—basic knowledge and understanding of the need for safety, including handling and use of specialized tools, appliances, and equipment, advancing and working in hazardous areas, climbing and working from shipboard ladders. Sizes and types of barges, single skinned, double skinned, and cylindrical tank barges; familiarization with hazardous warning placards.

(y) Railroad tank cars and tank trucks—two class hours. Construction, design, loading, and unloading procedures. Design of tank cars—by classes as per DOT Hazardous Materials Regulations, Specification for Tank Cars, Part 179. Tank car safety research and three main causes of fires; tank car fire hazards, exposures to freight equipment, and transportation of hazardous commodities; safety procedures.

(z) Detection of arson and sabotage—four class hours. The arson problem: the law of arson; the fire fighter's responsibility of fire investigation and arson detection; responsibility of preliminary investigation to determine the origin and cause of fire; value of photographs, sketches, reports of the fire officer; surveying the premises. Preservation and protection of evidence.

(aa) Shipboard emergency systems—two class hours. Emergency power, generator, and lights; machinery general layout, and arrangement; bilge pumping systems; remote ventilation and pump shutdown; remote tank valves; emergency breathing apparatus and air masks; communications, available radio frequencies, flag signals; emergency towing, location of emergency towing bridles, mooring systems.

(bb) Construction and design of docks, wharves, etc.—two class hours. Definitions, structural materials and design;

substructures—general, fire-resistive substructures, non-combustible substructures, combustible substructures, composite substructures, protection and subdivision of noncombustible substructures, protection and subdivision of substructures, protection of combustible substructures; superstructures—construction, protection, subdivision of superstructures, fire walls, existing superstructures, bulkhead buildings; water supply for fire protection—fire flow required, water supply and design of system; maintenance and operation; common and special hazards—electrical wiring, equipment and appliances, boilers, and heating equipment.

Issued in Austin, Texas, on September 27, 1978.

Doc. No. 786571

Garland W. Fulbright
Executive Director
Commission on Fire Protection
Personnel Standards and Education

Proposed Date of Adoption: November 13, 1978

For further information, please call (512) 459-8701.

Texas Optometry Board Filing of Charges 392.01.00

The Texas Optometry Board is proposing to amend Rule 392.01.00.001 under the authority of Article 4552, Texas Civil Statutes.

The proposed amendment involves the changing from two-member subcommittees of the Investigation-Enforcement Committee, as presently utilized, to one-member subcommittees. Other changes made in the rule are general "house-cleaning" changes to make it more clear and concise.

Public comment on the proposed amendment to the rule is invited. Comments may be submitted in writing to the Texas Optometry Board, Commerce Park, Suite H 101 5555 North Lamar, Austin, Texas 78751, by November 6, 1978.

The Texas Optometry Board has determined that there are no fiscal implications to the state or local governments in amending this rule.

The following amendment is proposed under the authority of Article 4552, Texas Civil Statutes.

.001. Filing of Charges.

(a) Any person or persons may file with the board a **complaint or formal** charges of violation of any of the optometry laws of this state against any licensed optometrist or other person, firm, or corporation. **Formal** [Such] charges must be in writing, under oath, and set forth the following information:

- (1) the name and office address of the person or entity charged;
- (2) the nature of the acts charged;
- (3) the time and place where such acts are alleged to have occurred;
- (4) a list of persons, if any, who witnessed such acts;
- (5) the charges should be set out in sufficient detail as to enable the person or entity charged to properly meet the same;

(6) any photographs, letters, advertisements, or other documents used as a basis for the charges should be attached thereto.

(b) Investigation-Enforcement Committee.

(1) The chairman of the board shall appoint a committee to consider all **complaints and formal charges** filed with the board. Such committee may be known as "Investigation-Enforcement Committee" and shall be composed of six board members, one of whom to be designated as chairman. Except as provided in **subsection (2)** [Section(b)] below, when a complaint or **formal charge** is filed with the board against a licensed optometrist or other person, firm, or corporation, the chairman of the Investigation-Enforcement Committee shall designate **one member of the board as a subcommittee of one for the purpose of investigating such complaint or formal charge** [two members of said committee as a subcommittee for the purpose of investigating such complaint or charge]. Such **board member** [two-member subcommittee] shall have the power to issue subpoenas and subpoenas *duces tecum* to compel the attendance of witnesses and the production of books, records, and documents; to administer oaths; and to take testimony concerning the matter under investigation. If, upon review of the **complaint or formal charges** and the evidence with respect to such charges, such **board member** [two-member subcommittee] shall determine that sufficient legal evidence does exist that a violation of the optometry laws of the State of Texas may have occurred, such **board member** [subcommittee] shall forward such determination in writing to the chairman of the board, whereupon the chairman of the board shall fix a time and place for a hearing and shall cause a copy of the **formal charges** (*including complaints which have been redrafted to meet the requirements of a formal charge*), together with a notice of the time and place fixed for hearing, to be served on the person or entity charged or his counsel. The **board member** [two members of the committee] who investigated the charges shall be responsible for the prosecution of the case before the board. However, the **board member** [two members] who handled the investigation and prosecution of the person or entity charged shall recuse **himself** [themselves] from any vote or other determination with respect to the action, if any, to be taken by the board. [If the members of the aforementioned two-member subcommittee disagree concerning whether sufficient legal evidence does exist that a violation of the optometry laws may have occurred, the chairman of the board, or his designate, shall break the tie, in which event, if a hearing results, such person who broke the tie shall also recuse himself from any vote or other determination.]

(2) With a view to the enforcement of the Texas Optometry Act, the chairman of the Investigation-Enforcement Committee shall divide the state into three **primary geographic areas**, with **each member of the Investigation-Enforcement Committee being assigned areas of responsibility within one or more of the three primary geographic areas** [two members of such committee being designated responsibility for one geographic area]. Within the **areas** [area] assigned, such **member** [two members] shall be charged with the responsibility of ascertaining that the provisions of the Texas Optometry Act are complied with. [Each such two-member subcommittee shall hire an investigator and shall be responsible for the instruction of such investigator.] If, as a result of an investigation initiated by an investigator hired by any **board member** [two-member

subcommittee], a complaint or **formal charge** is filed against a licensed optometrist or other person, firm, or corporation by such investigator, the **board member** [two members who hired such investigator and] from whose area the charge originated shall be the **member** [members] designated to handle the further investigation and prosecution of such charge, if any, without the necessity of being formally so designated by the chairman of such committee. The members of the Investigation-Enforcement Committee shall at all times be accountable for their actions to the chairman of the board.

(c)-(f) (No change.)

Doc. No. 786573

Guidelines 392.02.00

The Texas Optometry Board is proposing to amend Rule 392.02.00.003 under the authority of Article 4552, Texas Civil Statutes.

The proposed amendment involves the changing of the guidelines as a result of the changing of the rule for filing of charges, wherein one-member subcommittees, rather than two-member subcommittees, would comprise the Investigation-Enforcement Committee. Other changes made in the guidelines are general "housekeeping" changes.

Public comment on the proposed amendment to the guidelines for filing of charges is invited. Comments may be submitted in writing to the Texas Optometry Board, Commerce Park, Suite H-101, 5555 North Lamar, Austin, Texas 78751, by November 6, 1978.

The Texas Optometry Board has determined that there are no fiscal implications to the state or local governments in amending these guidelines.

.003. Guidelines Regarding Filing of Charges.

(a) All charges received by any board member shall be sent to the board secretary in Austin. The secretary, after checking with the chairman of the Investigation-Enforcement Committee, shall forward the complaint to the appropriate **Investigation-Enforcement Committee member** [two-member subcommittee, with a copy of the charge or violation being sent to both members of the team]. Unless some unusual circumstance exists, **complaints or formal charges** shall be forwarded to the **board member** [two-member subcommittee in charge of [the] enforcement in the **area** [region] of the complaint.

(b) In addition to its subpoena power, **each member of the committee** [the members of the subcommittee] may either investigate an alleged violation in person or use an investigator or investigators for that purpose.

(c) On receipt of a written complaint, whether or not in the form prescribed in **Rule 392.01.00.001, Section (a)** [Section 1 of the applicable board rules], including but not limited to a written complaint by a board investigator, the **board member in charge** [two-member subcommittee] shall determine:

(1) whether to drop the matter and take no further action;

(2) whether to send a letter to the person charged reciting that a complaint has been received and that, while the **investigating board member** [subcommittee] cannot determine or pass on the merits of the complaint without conducting an investigational hearing, that the person charged

be asked to review his practice to insure that the act is being complied with, and that if the allegations are true, to cease and desist from the alleged violations;

(3) whether to conduct further investigations, including conducting investigational hearings to allow the person or persons investigated to appear;

(4) whether, after conducting an investigational hearing to send the person charged: (a) a letter of reprimand or (b) a letter requesting that the person charged cease and desist from the alleged violation or violations;

(5) whether to forward to the chairman of the board in writing *the board member's* [its] determination that a violation of the optometry laws of this state may have occurred;

(6) whether to forward to the board *the board member's* [its] determination that some person, firm, or corporation is practicing optometry without a license, along with *the board member's* [its] recommendation that the board notify the attorney general and appropriate district attorney of *the board member's* [its] findings, and request that action be taken in accordance with the law.

(d) As regard Article 5, Section 5.12 (basic competence), the following combination of omissions shall determine the seriousness of the alleged violation. The alleged omission of the following combinations shall be reason for an *investigational* [investigation] hearing:

(1) No. 4 and No. 5, plus one other finding;

(2) No. 4 and No. 6, near and far, plus one other finding;

(3) No. 5 and No. 6, near and far, plus two other findings;

(4) No. 4 and three other findings;

(5) No. 5 and three other findings;

(6) No. 6 and three other findings;

(7) omission of a total of five findings.

(e) Basic competence includes the following findings (*Article 5, Section 5.12*):

(1) case history (ocular, physical, occupational, and other pertinent information);

(2) par point acuity, O.D., O.S., O.U., unaided; with old glasses, if available, and with new glasses, if any;

(3) external examination (lids, cornea, sclera, etc.);

(4) internal ophthalmoscopic examination (media, fundus, etc.);

(5) static retinoscopy, O.D., O.S.;

(6) subjective findings, far point and near point;

(7) phorias or ductions, far and near, lateral and vertical;

(8) amplitude or range of accommodation;

(9) amplitude or range of convergence;

(10) angle of vision, to right and left.

(f) All other omissions or combination of omissions of findings shall be reason to send letters pursuant to Section (c)(2) above. Pupillary distance, lens prescription right and left, color and tint, segment type size or position, and the optometrist's signature shall be considered as omissions of findings when not properly done and recorded.

(g) When a previous letter pursuant to Section (c)(2) above has been sent to a licensee for alleged violation of *Article 5*, Section 5.12, and a subsequent complaint is received against the same optometrist for alleged violation of *Article 5*, Section 5.12, an investigational hearing is required with respect to the second alleged violation. Likewise, if a licensee has had a previous investigational or formal hearing for

alleged violation of *Article 5*, Section 5.12, and a subsequent complaint for alleged violation of *Article 5*, Section 5.12, is received, a formal hearing is required.

(h) When the willful or repeated failure or refusal of an optometrist to comply with Article 5, Section 5.12, occurs, the *board member in charge* [subcommittee] shall forward to the chairman of the board in writing a formal determination that a violation of *Article 4*, Section 4.04(a)(3) of the act, may have occurred by virtue of the willful or repeated failure or refusal of an optometrist to comply with *Article 5*, Section 5.12.

(i) Similarly, when the *board member in charge* [subcommittee] determines that a violation has occurred under *Article 4*, Section 4.04 of the act, *he* [it] shall forward to the chairman of the board in writing a formal determination that a violation of the optometry laws of this state may have occurred, stating in the letter the specific parts of *Article 4*, Section 4.04, that the *board member in charge* [subcommittee] thinks the person charged may have violated.

(j) When willful or repeated violations have occurred under *Article 5*, Section 5.10, the *board member in charge* [subcommittee] shall request from the chairman of the board proceedings in accordance with Section 5.10(k), *Article 5*.

(k) At any hearing conducted pursuant to *Article 5*, Section 5.10(k), the person charged shall have the right to appear either personally or by counsel, or both, to produce witnesses and evidence on his behalf, to cross-examine witnesses, and to have subpoenas issued by the board. The board shall thereupon determine the matter upon the merits.

(l) When violations have occurred under *Article 5*, Section 5.13, the *board member in charge* [subcommittee] shall request from the chairman of the board proceedings in accordance with *Article 5*, Section 5.13(j).

(m) Nothing in these guidelines or in the board rules regarding filing of charges shall be construed to prohibit the Investigation-Enforcement Committee [Subcommittee] from initiating investigations as provided by the act.

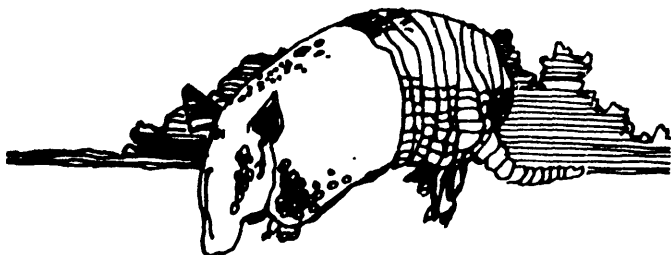
Issued in Austin, Texas, on October 3, 1978.

Doc. No. 786574

Lois Ewald
Executive Secretary
Texas Optometry Board

Proposed Date of Adoption: First board meeting after
November 13, 1978

For further information, please call (512) 458-2141.



State Board of Veterinary Medical Examiners

Professional Conduct 405.02.00

The State Board of Veterinary Medical Examiners is proposing to amend Rules 405.02.00.015 and .023(4). The proposed amendment to Rule 405.02.00.015 amends the existing rule to more specifically define direct supervision and the authorized functions of laymen working in clinics of licensed veterinarians.

The proposed amendment to Rule 405.02.00.023(4) removes the requirement that practicing veterinarians mail notices of recurring services to clients in first class, sealed envelopes, and permits the use of postcard reminders for such notices. This rule is amended as an economy measure to benefit the citizens of the state.

The agency has determined that the proposed amendment has no fiscal implications for the state or for any units of local government. Written comments are invited and may be sent to T. D. Weaver, executive secretary, State Board of Veterinary Medical Examiners, 603 Capital National Bank Building, Austin, Texas 78701, within 30 days of publication in this Register.

This amendment is proposed under the authority of Section 8, Article 7465(a), Vernon's Annotated Texas Statutes.

.015. Direct Supervision of Laymen.

(a) *A licensed veterinarian shall not allow an unlicensed person to issue certificates with the veterinarian's signature affixed thereto, nor shall he permit an unlicensed person to inoculate or treat animals unless done under the direct supervision of the licensed veterinarian; provided however, an unlicensed individual shall not perform the following health care services: surgery, diagnosis and prognosis of animal diseases, and prescribing of drugs, medicine, and appliances for domestic animals.*

(b) *"Direct supervision" shall mean the supervision of those tasks or procedures that do not require the presence of the veterinarian in the room where performed, but require his presence on the premises and availability for prompt consultation and treatment.*

[A licensed veterinarian shall not allow an unlicensed person to issue certificates with the veterinarian's signature affixed thereto, nor shall he permit an unlicensed person to inoculate or treat animals unless done under the direct supervision of the licensed veterinarian.]

.023. *Advertising. Except as hereinafter provided, a veterinarian shall not advertise his services, his facilities, his training, or his fees.*

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

(4) *Mail advertising. Utilization of postcard notices to remind clients of the need for seasonal or recurrent services is authorized, provided the card carries no further imprint than the practitioner's letterhead. All other authorized advertising, including notices of new openings, new associations, and relocations, shall be sent first class in sealed envelopes.* [Advertising by mail shall be sent first class in sealed envelopes and shall be confined to the distribution of cards or letters reminding clients of the need for seasonal or recurrent services and shall carry no further imprint than the practitioner's letterhead except for standard announcements of new openings, new associations, and relocations.]

(5)-(6) (No change.)

Issued in Austin, Texas, on October 3, 1978.

Doc. No. 786572

T. D. Weaver
Executive Secretary
State Board of Veterinary Medical
Examiners

Proposed Date of Adoption: November 13, 1978

For further information, please call (512) 475-3933.

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.

Railroad Commission of Texas Oil and Gas Division

Miscellaneous 051.02.99

The Railroad Commission of Texas has amended Rule 051.02.99.001, Special Order Number 20-68, 382, **Determination of Gas Market Demand and Procedures for the Allocation of Gas Well Allowables and for Ratable Take Between Gas Wells and Gas Fields in the State of Texas**. The amendment includes:

- (1) revision of Section (e)(4);
- (2) revision of Section (e)(5) by substituting a new paragraph;
- (3) revision of Section (f) to exempt certain small capacity wells from the special field rules.

It is the opinion of the division's staff that this amendment has no fiscal implications for the state or for the units of local government.

This amendment was published in the August 14, 1978, issue of the *Texas Register* (3 TexReg 2936), and has been adopted with no changes in text.

The amendment to Statewide Rule 051.02.99.001 is adopted under the authority of Title 3, Oil and Gas, Natural Resources Code.

.001. Determination of Gas Market Demand and Procedures for the Allocation of Gas Well Allowables and for Ratable Take Between Gas Wells and Gas Fields in the State of Texas.

(a)-(d) (No change.)

(e) The initial nominator of gas shall ratably apportion its nominations on Form T-3 and shall ratably apportion its actual take from all gas wells connected to its system so that takes from various gas-producing properties shall be made without discrimination in favor of one producer or person as against another in the same field and without unjust or unreasonable discrimination as between fields. The following instructions shall apply to initial nominators in preparing nominations (Form T-3) and in taking gas from various

sources of supply, and to commission staff in calculating allowables:

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

(4) Each new gas well operated under Statewide Rules 28 and 29 (Rules 051.02.02.028 and .029) shall be assigned an allowable not to exceed the deliverability test volume as reported on Form G-10 or 25 percent of the calculated openflow potential, whichever is the smaller volume. No statewide gas well with a daily natural open flow (deliverability) of 200 mcf per day or more shall be assigned an allowable rate less than 200 mcf per day, except on special commission order, and all gas wells with a daily natural open flow (deliverability) of less than 200 mcf per day shall not be assigned an allowable rate less than its capacity to produce.

(5) Actual takes from a limited capacity well in a prorated field shall not be reduced to less than its capacity to produce unless all wells in the same field with capacity to produce exceeding that of the limited capacity wells have had their actual takes ratably reduced to the level of such limited capacity well. Section 86.091, Texas Natural Resources Code shall control the minimum takes from gas wells.

(f) Prior to January 1, 1979, the commission shall take appropriate action to require that all gas wells in the State of Texas be operated pursuant to special field rules (including an allowable production allocation formula) promulgated by the commission after proper notice and hearing. Gas fields where all the gas wells therein have a daily natural open flow capacity (deliverability) equal to or less than 200 mcf per day shall be exempt from this requirement.

(g)-(j) (No change.)

Doc. No. 786584



Transportation Division

Bills of Lading and Waybills 051.03.06

The Railroad Commission of Texas has amended Section (b) of Rule 051.03.06.009 by adding to subsection (10) a new paragraph (F) with no changes to the proposed text. No comments on the proposed amendment were received.

This amendment is promulgated pursuant to Article 911b, Section 6-aa, Texas Revised Civil Statutes.

.009. Common Carriers Providing Courier Service.

- (a) (No change.)
- (b) Each courier route manifest shall include the following information:
 - (1)-(9) (No change.)
 - (10) For each shipment picked up at each route stop point, the following information shall be shown:
 - (A)-(E) (No change.)
 - (F) Commodity description. Commodity description or numerical reference to applicable rate item in RCT Tariff 41 series shall be placed on courier's route manifest, and such reference may be used in lieu of placing commodity description on carrier's invoice or statement of charges.

Doc. No. 786587

Tariffs and Schedules 051.03.08

The Railroad Commission of Texas has amended Section (b) of Rule 051.03.08.011 with no changes to the proposed text. No comments on the proposed amendment were received.

This amendment is promulgated pursuant to Article 911b, Section 6-aa, Texas Revised Civil Statutes.

.011. Freight Bills.

- (a) (No change.)
- (b) When agreeable to both shipper and carrier, carriers may, on a shipment consisting of one truck load or less, elect to machine-l. t charges on a statement or invoice supported by the attached freight bill and cross-reference to the freight bill number. In such event, the combination of the statement or invoice and freight bill shall contain all information required by Rules 051.03.06.004 and 051.03.08.011. One or more such shipments may be presented to the shipper on a single statement or invoice for transportation charges. If the carrier utilizes computerized billing based upon information required by this item, the carrier may separately retain and store bills of lading, freight bills, waybills, trip reports, weight tickets, and certifications without the same being physically attached to the computerized billing, as long as they are subject to inspection by authorized representatives of the Railroad Commission at a single location.
- (c) (No change.)

Issued in Austin, Texas, on September 25, 1978.

Doc. No. 786588 Mack Wallace
Chairman
Railroad Commission of Texas

Effective Date: October 26, 1978

For further information, please call (512) 475-4738.

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*.



Texas Department of Agriculture

Friday, October 13, 1978, 10 a.m. The Agricultural Protective Act Division of the Texas Department of Agriculture will meet in Room 202, 4900 Fannin, Houston, to review alleged violations by Commission House by their own admission.

Additional information may be obtained from Ed Whitesides, P.O. Box 12847, Austin, Texas 78711, telephone (512) 475-4304.

Filed: October 5, 1978, 3:20 p.m.
Doc. No. 786594

Office of the Governor

Friday, October 13, 1978, 9 a.m. The Criminal Justice Division Advisory Board of the Governor's Criminal Justice Division will meet in Room 118, Stephen F. Austin Building, Austin. As summarized, the board and its subcommittees will meet to consider grant applications and new business.

Additional information may be obtained from Willis Whatley, 411 West 13th Street, Austin, Texas 78701, telephone (512) 475-6065.

Filed: October 5, 1978, 4:29 p.m.
Doc. No. 786601

Texas Department of Health

Friday, October 13, 1978, 2 p.m. The Executive Committees of the Texas Board of Health and the Texas Board of Mental Health and Mental Retardation will meet in the Eugene Kahn Board Room, Texas Research Institute of Mental Sciences, 1300 Moursund, Houston, to discuss plans of the Texas Department of Health concerning the provision of public health service.

Additional information may be obtained from Phillip Montgomery, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7488.

Filed: October 5, 1978, 4:19 p.m.
Doc. No. 786596

Monday, October 16, 1978, 12:15 p.m. The Maternal and Child Health Division of the Texas Department of Health will meet at Totah's Restaurant, 2911 Houston Highway, Victoria, to consider the following items, as summarized: budget report; auditor's report; secretary's report; discussion of county and school contacts; introduction of new staff member; and report from child study clinic staff member.

Additional information may be obtained from Clift P. Price, M.D., 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7352.

Filed: October 5, 1978, 4:20 p.m.
Doc. No. 786597

State Board of Insurance

Thursday, October 12, 1978, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to discuss Board Order No. 33851, regarding deposit term order.

Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: October 6, 1978, 9:49 a.m.
Doc. No. 786609

State Board of Morticians

Wednesday, October 11, 1978, 10 a.m. The State Board of Morticians will meet at 1513 South Interstate Highway 35, Austin, to consider the following matters, as summarized: appearance of Douglas Glenn Helton, regarding his application by reciprocity from Iowa; and request by T. Byron Benbow for permission to reinstate his apprenticeship.

Additional information may be obtained from James W. McCammon, 1513 South Interstate Highway 35, Austin, Texas 78741, telephone (512) 442-6721.

Filed: October 6, 1978, 11:26 a.m.
Doc. No. 786622

Texas Parks and Wildlife Department

Wednesday, October 11, 1978, 9 a.m. The Parks and Wildlife Commission of the Texas Parks and Wildlife Department made an emergency addition to the agenda of a meeting held in Building B, 4200 Smith School Road, Austin. The commission considered an amendment to the Wildlife Operational Plan, 1979, Eastern Turkey Telemetry Study.

Additional information may be obtained from Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4954.

Filed: October 6, 1978, 9:46 a.m.
Doc. No. 786611

Thursday, November 2, 1978, 10 a.m. The Wildlife Division of the Texas Parks and Wildlife Department will meet in Room A-200, Building A, 4200 Smith School Road, Austin, to consider a request by STM Corporation to conduct geophysical work on the Chaparral Wildlife Management Area in Dimmit and La Salle Counties.

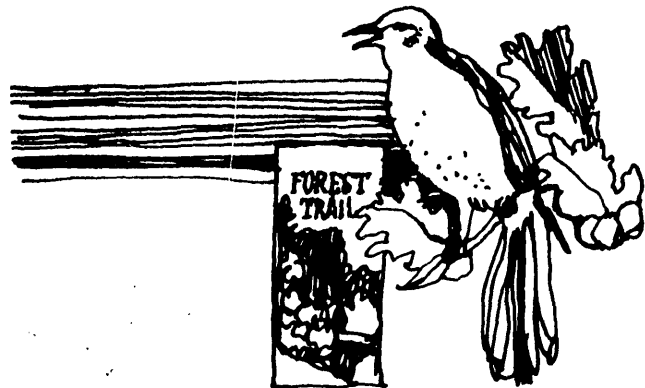
Additional information may be obtained from J. K. Parsons, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4875.

Filed: October 5, 1978, 4:24 p.m.
Doc. No. 786598

Thursday, November 2, 1978, 11 a.m. The Wildlife Division of the Texas Parks and Wildlife Department will meet in Room A-200, Building A, 4200 Smith School Road, Austin, to consider a request by Cities Service Gas Company for gas pipeline right-of-way on the Gene Howe Wildlife Management Area in Hemphill County.

Additional information may be obtained from J. K. Parsons, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4875.

Filed: October 5, 1978, 4:24 p.m.
Doc. No. 786599



Legislative Commission on Public School Finance

Monday, October 16, 1978, 9 a.m. The Legislative Commission on Public School Finance will meet in Room 100E, John H. Reagan Building, Austin, to discuss reports and impacts of the School Tax Assessment Practices Board preliminary figures and, to conduct other business as is necessary, as summarized in the agenda.

Additional information may be obtained from L. T. Cave, Room 118, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-1547.

Filed: October 5, 1978, 4:27 p.m.
Doc. No. 786600

Public Utility Commission of Texas

Tuesday, October 17, 1978, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding the appeals of Texas Electric Service Company from rate ordinances of various municipalities (Docket No. 2168), as summarized in the agenda.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: October 6, 1978, 9:49 a.m.
Doc. No. 786610

Monday, November 13, 1978, 9 a.m. The Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding an application of Answering Unlimited, Inc., for a certificate of convenience and necessity within Dallas County (Docket No. 1720), as summarized in the agenda.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: October 5, 1978, 4:59 p.m.

Doc. No. 786606

Texas State Seed and Plant Board

Tuesday, October 24, 1978, 2:30 p.m. The Texas State Seed and Plant Board will meet in the Catamaran Room, Holiday Inn-Emerald Beach, Corpus Christi, to consider new growers and to consider various requests concerning cotton, corn, peanut, rye, sorghum, soybean, and sunflower.

Additional information may be obtained from Don Ator, P.O. Box 12847, Austin, Texas 78711, telephone (512) 475-2038.

Filed: October 5, 1978, 3:20 p.m.

Doc. No. 786595

Advisory Council for Technical-Vocational Education in Texas

Tuesday, October 31, 1978, 9:30 a.m. The Advisory Council for Technical-Vocational Education in Texas will meet in the Cedar Room, Quality Inn South, 2200 South Interregional, Austin, to consider the following items, as summarized: presentation on the equity in vocational education issue; review of concerns raised in the regional hearings; review of the responses of the State Board of Education to the eighth annual report of the council; and review of the State Board of Education status report on ACTIVE recommendations.

Additional information may be obtained from Valeria Bieck, P.O. Box 1886, Austin, Texas 78767, telephone (512) 475-2046.

Filed: October 6, 1978, 9:49 a.m.

Doc. No. 786608

MANUFACTURING



Texas Water Commission

Monday, October 16, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, to consider the following items, as summarized: application for district bond issues, release from escrow and change in plans, district conversion, examiner's proposals for decisions on water quality matters, application for production area authorization, amendment to water quality permit, voluntary suspension of water quality permits, final decisions on applications, approval of preliminary plans, temporary application docket, and consideration of setting hearing dates on applications.

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

Filed: October 5, 1978, 4:50 p.m.

Doc. No. 786604

Thursday, October 19, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin, to hear examiner's proposals for decision on various water quality permits, 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: October 5, 1978, 4:51 p.m.

Doc. No. 786603

Monday, November 13, 1978, 2 p.m. The Texas Water Commission will conduct a hearing in the district courtroom, Uvalde County Courthouse, Uvalde, to consider all claims of water rights in the Upper Nueces River Segment of the Nueces River Basin, 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: October 5, 1978, 4:51 p.m.

Doc. No. 786602

Regional Agencies

Meetings Filed October 6, 1978

The Alamo Manpower Consortium met at 532 Three Americas Building, San Antonio, on October 11, 1978, at 3 p.m. Further information may be obtained from Al J. Notzon III, 400 Three Americas Building, San Antonio, Texas 78205, telephone (512) 225-5201.

The Brazos River Authority, Board of Directors, will meet at 4400 Cobbs Drive, Waco, on October 16, 1978, at 9 a.m. Further information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76710, telephone (817) 776-1441.

The Central Texas Health Systems Agency, Inc., Board of Directors, will meet in the Banquet Room, Ponderosa Motor Inn, 2625 South 31st, Temple, on October 24, 1978, at 7 p.m. Further information may be obtained from Irwin R. Salmonson, 1106 Clayton Lane, Suite 140 East, Austin, Texas 78723, telephone (512) 458-9161.

The Concho Valley Council of Governments, Executive Committee, met in the City Commission Chambers, City Hall Plaza, San Angelo, on October 11, 1978, at 7 p.m. Further information may be obtained from James F. Ridge, 17 South Chadbourne, Suite 200, San Angelo, Texas 76903, telephone (915) 653-1214.

The Lubbock Regional MH/MR Center met at 1210 Texas Avenue, Lubbock, on October 10, 1978, at 4:30 p.m. Further information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, telephone (806) 763-4213.

The Trinity River Authority of Texas, Huntsville Regional Water Supply Right-of-Way Committee, will meet at the Southern Region Office, 1117 Tenth Street, Huntsville, on October 16, 1978, at 2 p.m. Further information may be obtained from Geri Elliott, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

The Tri-Region Health Systems Agency, Nortex MH/MR Task Force, will meet in the dining room, Medcenter Psychiatric Hospital, 1505 Eighth Street, Wichita Falls, on October 17, 1978, at 7 p.m. The Concho Valley MH/MR Task Force will meet at the Greater West Texas MH/MR Center, 244 North Magdelen, San Angelo, on October 19 at 7 p.m. The West Central MH/MR Task Force will meet at 2642 Post Oak Road, Abilene, on October 24 at 7 p.m. Further information may be obtained from Bob Caras, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

The Tri-Region Health Systems Agency, Concho Valley Cancer Task Force, will meet in the Community Meeting Room, San Angelo National Bank, 301 West Beauregard, San Angelo, on October 19, 1978, at 7 p.m. Further information may be obtained from Steve Enders, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

Doc. No. 786613

Texas Adjutant General's Department

Texas Court of Military Appeals

Appointment of Judge

Pursuant to Section 67(a)(1) of the Texas Code of Military Justice (Article 5788, Vernon's Annotated Texas Statutes), the Adjutant General of Texas, upon the recommendation of the Judge Advocate General of the State Military Forces, has appointed the following named individual as a judge of the Texas Court of Military Appeals, to serve as such from October 1, 1978, until September 30, 1984:

Winchester Kelso
7502 Valleydale Drive
Austin, Texas 78731

Judge Kelso is being reappointed.

Issued in Austin, Texas, on October 4, 1978.

Doc. No. 786554 Jack L. Slayton
Major, TexANG
Judge Advocate General

Filed: October 4, 1978, 2:36 p.m.

For further information, please call (512) 475-5057.

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 September 26, 1978, through October 2, 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.

Nacogdoches Medical Center, Nacogdoches
AH78-0927-001

EC—Acquire additional telemetry ECG monitoring equipment

Zimmerman Medical Center, Houston
AS76-0819-001T (092778)

CN Transfer—Transfer CN AS76-0819-001 from Zimmerman Medical Clinic Dialysis Unit to Drs. Stanley J. Zimmerman and David Turell

St. Mary's Hospital, Galveston
AH78-0928-005

EC—Acquire automatic clinical analyzer

St. Mary's Hospital, Galveston
AH78-0928-001

EC—Acquire ultrasound equipment and modify existing room to accommodate equipment

Nan Travis Memorial Hospital, Jacksonville
AH78-0928-010

EC—Acquire telemetry monitoring equipment to replace existing intensive care monitoring equipment

Twelve Oaks Hospital, San Antonio
AH78-0929-004

EC—Acquire ultrasound equipment

Westbury General Hospital, Houston
AH78-0929-008

EC—Acquire Pho/Gamma camera to replace existing rectilinear scanner

Citizens General Hospital, Houston
AH78-0929-012

EC—Acquire ultrasound equipment

Texas Department of Corrections Hospital, The University of Texas Medical Branch, Galveston
AH78-0929-020

DR—Request for ruling that neither an EC nor a CN is required to construct a hospital at The University of Texas Medical Branch at Galveston to serve inmates of the Texas Department of Corrections

Sierra Medical Center, El Paso
AH78-0929-016

EC—Remodel existing conference/classroom space and portions of existing patient solarium to provide one additional nursing station

Nan Travis Memorial Hospital, Jacksonville
AH78-1002-010

EC—Provide patient transfer services between hospital and other health care facilities on a scheduled basis and acquire vehicle equipped to be licensed as ambulance

Sam Houston Memorial Hospital, Houston
AH78-0926-015

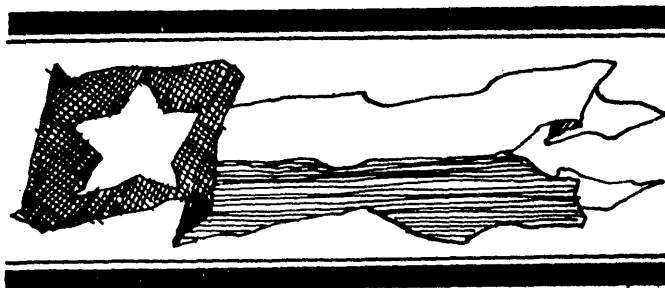
EC—Acquire B-scan diagnostic ultrasound equipment

Issued in Austin, Texas, on October 5, 1978.

Doc. No. 786585 Dan R. McNery
 General Counsel
 Texas Health Facilities Commission

Filed: October 5, 1978, 11:32 a.m.

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



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PLEASE MAKE CHECKS OR MONEY ORDERS PAYABLE TO SECRETARY OF STATE