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9 San Francisco, CA 94120
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12 Attorneys for Intervenor
Pacific Gas and Electric Company

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14 BEFORE THE ENVIRONMENTAL APPEALS BOARD
15 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
16 WASHINGTON, D.C.

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18 _____) PSD Appeal No. 08-08
In the Matter Of:)
19 Humboldt Bay Repowering Project) **NOTICE OF CLARIFICATION AND**
20) **MOTION TO STRIKE**
21)
22 _____)

23 1. Clarification.

24 Intervenor Pacific Gas & Electric Company (“PG&E”) requests that the
25 Environmental Appeals Board (“Board”) take notice of the following clarification. In
26 its Opposition to Petition for Review and Motion for Summary Disposition
27 (“Opposition”), in footnote 1 PG&E identified “[s]ources for which EPA has issued
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1 permits under § 52.21” as one of three categories of sources for which EPA
2 retained PSD permitting authority when the Agency approved the PSD SIP of the
3 North Coast Unified Air Quality Management District (“North Coast District”) (See
4 40 C.F.R. § 52.270(b)(2)), but did not further elaborate. PG&E correctly stated that
5 none of the three reservations of authority apply with respect to the Humboldt Bay
6 Repowering Project, referring to the Declaration of Gary S. Rubenstein submitted
7 with the Opposition. However, neither PG&E nor Amicus United States
8 Environmental Protection Agency, Region 9 (“Region 9”) specifically identified the
9 sources listed in 40 C.F.R. § 52.270(b)(2)(iii) for which EPA had previously issued
10 PSD permits and retained PSD permitting jurisdiction. Respondent North Coast
11 District did list the sources but also did not elaborate.

12 One of the three sources listed in 40 C.F.R. § 52.270(b)(2)(iii) is “PG&E
13 Buhne Pt. (NC 77-05)”. PSD Permit NC 77-05 was issued to PG&E for a major
14 modification to the Humboldt Bay Power Plant consisting of the installation of two
15 mobile emergency power plants (“MEPPs”), which are diesel-fueled turbines that
16 operate as back-up and peaker units. See PSD Permit NC 77-05, as revised,
17 attached hereto as Exhibit 1; and Declaration of Richard L. Martin, par. 3. This
18 existing PSD permit applies only to the MEPPs. The stationary source consisting
19 of the Humboldt Bay Power Plant as a whole is not subject to PSD Permit NC 77-
20 05 because the two existing steam turbine generators which make the facility a
21 major stationary source began operation in 1953 and 1956 – well before the advent
22 of the PSD permitting program. *Ibid.*

23 The Humboldt Bay Repowering Project does not involve a modification of
24 the MEPPs permitted under PSD permit NC 77-05, nor does it involve that permit
25 in any way. Rather, the MEPPs will be decommissioned and removed after the
26 project is completed. Martin Declaration, par. 3; Final Determination of
27 Compliance/Authority to Construct Evaluation [for] the Humboldt Bay Repowering
28 Project, p. 8 (attached to the Rubenstein Declaration as Exhibit A). Since the

1 MEPPs will be removed, they are not “modified” as part of the project because they
2 will neither have an emissions increase nor emit any pollutant not previously
3 emitted. See 40 C.F.R. § 52.01(d). Accordingly, modification of the Humboldt Bay
4 Power Plant by the Humboldt Bay Repowering Project is subject to PSD review by
5 the North Coast District pursuant to its SIP-approved PSD permitting program, and
6 not by EPA.

7 2. Motion to Strike.

8 Petitioner Rob Simpson included as Exhibits B, C and D to his Response to
9 Request for Summary Dismissal (“Response”) a May 11, 2007 letter from the
10 California Energy Commission to PG&E entitled “Humboldt Bay Repowering
11 Project (06-AFC-7) – Preliminary Air Quality & Public Health Issues”, what appear
12 to be excerpts from supplemental information submitted to the California Energy
13 Commission, and a series of email messages between Mr. Simpson and the
14 California Air Resources Board (“CARB”) and the North Coast District, respectively.
15 These Exhibits do not include any information germane to the issue of whether the
16 Board has jurisdiction over the instant appeal. Rather, they focus exclusively on
17 potential air quality impacts of the project, on air quality modeling issues, and on
18 Mr. Simpson’s recent appeals to CARB and the North Coast District Hearing Board
19 of the project permit issued by the North Coast District.

20 In its Order Extending Time to File Response, the Board stated that “Mr.
21 Simpson’s reply must be limited solely to the jurisdictional issue raised in the North
22 Coast Response and in the briefs submitted by PG & E and the Region.” Order at
23 2. Since Exhibits B, C and D to Mr. Simpson’s Response do not adhere to this
24 straightforward directive, PG&E moves to strike these three Exhibits.

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26 ///

27 ///

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1 Dated: November 20, 2008

Respectfully submitted,

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PILLSBURY WINTHROP SHAW PITTMAN LLP

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By 

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DAVID R. FARABEE
ATTORNEYS FOR INTERVENOR
PACIFIC GAS AND ELECTRIC COMPANY

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CERTIFICATE OF SERVICE BY MAIL

I, BERTHA NECOHEA, the undersigned, hereby declare as follows:

1. I am over the age of 18 years and am not a party to the within cause.

I am employed by Pillsbury Winthrop Shaw Pittman LLP in the City of San Francisco, California.

2. My business address is 50 Fremont Street, San Francisco, CA 94105-2228. My mailing address is 50 Fremont Street, P. O. Box 7880, San Francisco, CA 94120-7880.

3. I am familiar with Pillsbury Winthrop Shaw Pittman LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service; in the ordinary course of business, correspondence placed in interoffice mail is deposited with the United States Postal Service with first class postage thereon fully prepaid on the same day it is placed for collection and mailing.

4. On November 20, 2008, at 50 Fremont Street, San Francisco, California, I served a true copy of the attached document titled exactly **NOTICE OF CLARIFICATION AND MOTION TO STRIKE** by placing it in an addressed, sealed envelope clearly labeled to identify the person being served at the address shown below and placed in interoffice mail for collection and deposit in the United States Postal Service on that date following ordinary business practices:

Nancy Diamond, Esq.
District Counsel
North Coast Unified Air Quality, Management District
833 G Street, Suite 3
Arcata, CA 95521
Phone: (707) 826-8540
Fax: (707) 826-8541

Rob Simpson
27126 Grandview Avenue
Hayward, CA 94542

1 Nancy J. Marvel, Regional Counsel
Office of the Regional Counsel
2 U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
3 San Francisco, Ca 94105
4 Phone: (415) 947-8705

5 Ann H. Lyons, Assistant Regional Counsel
Office of the Regional Counsel
6 U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
7 San Francisco, Ca 94105
8 Phone: (415) 947-8705

9

10 I declare under penalty of perjury that the foregoing is true and correct.

11 Executed this 20th day of November, 2008, at San Francisco, California.

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Exhibit 1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

IN REPLY AIR-3
REFER TO: NSR 4-4-1
NC 99-01

October 30, 2000

Tom Moulia
Plant Manager
Pacific Gas and Electric Co.
Humboldt Bay Power Plant
1000 King Salmon Avenue
Eureka, CA 95503

Table with routing information for Humboldt Bay Power Plant, including columns for Review, Comment, and initials.

Dear Mr. Moulia

This is in response to your letter dated September 18, 2000, requesting the amendment of PG & E's February 23, 1979 PSD permit (NC 77-05, NSR 4-4-1) to change the operating hour limit on gas turbine Units MEPP2 and MEPP3.

After reviewing the PG & E amendment request, EPA has determined that the proposed permit revision changing the operating hour limit from 1560 hours for each turbine to 3120 hours for both turbines combined is justified and will have no impact on emissions or air quality.

If you have any questions regarding this matter, please contact Roger Kohn of our Permits Office at (415) 744-1238.

Sincerely,

Handwritten signature of Amy K. Zimpler
Amy K. Zimpler
Acting Director, Air Division

Enclosure

cc: Wayne Morgan, NCUAQMD, w/ enclosures
Ray Menebroker, CARB, w/ enclosures

**PERMIT MODIFICATION
PACIFIC GAS & ELECTRIC COMPANY
(NSR 4-4-1, NC 77-05)**

The February 23, 1979 Approval to Construct issued to Pacific Gas & Electric Co. is hereby amended as follows:

The EPA hereby amends Special Condition VII.B, to read as follows:

- B. The combined total operating hours for both turbines shall not exceed 3120 hours during any 365-day period. A log will be maintained to reflect the actual hours of operation for each turbine.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

IN REPLY AIR-3
 REFER TO: NSR 4-4-1
 NC 77-05

April 20, 2000

Tom Moulia
 Plant Manager
 Pacific Gas and Electric Co.
 Humboldt Bay Power Plant
 1000 King Salmon Avenue
 Eureka, CA 95503

HUMBOLDT BAY POWER PLANT			
TOM MOULIA			
RBW	Review	Comment	MNO
MDS			RCP
TKT	APR 27 2000		WRM
BAT			TJW
JJB	Preply	Handle	EW
BAA	QC	BEC	LIB
PQR	JHP	BAB	RAN
			JDC

Dear Mr. Moulia:

In accordance with provisions of the Clean Air Act, as amended (42 U.S.C. 7401 et seq.), the Environmental Protection Agency has reviewed your request to amend the PSD permit (NC 77-05) issued on February 23, 1979 (and amended on December 11, 1981) for the construction and operation of two 15 megawatt turbine-powered electric generators located in Eureka, CA.

A request for public comment regarding EPA's proposed action on the above application was published in the Eureka Times-Standard on March 8, 2000. We have enclosed a copy of EPA's response to the written comments we received. After consideration of the expressed view of all interested persons, and pertinent Federal statutes and regulations, the EPA hereby issues the enclosed Approval to Construct/Modify for the facility described above. This action does not constitute a significant change from the proposed action set forth and offered for public comment.

The Consolidated Permit Regulations (40 CFR Part 124) which were promulgated by the Environmental Protection Agency require that we notify interested parties of the permit issuance and advise them that they may petition the Administrator of the Environmental Protection Agency to review the permit decision. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues were raised during the public comment period to the extent required by the regulations and when appropriate, a showing that the condition in question is based on:

- (1) A finding of fact or conclusion of law which is clearly erroneous; or

- (2) An exercise of discretion or an important policy consideration which the Administrator should, in his or her discretion, review.

An appeal to the Administrator for review of the permit decision along with an original and one copy must be filed not later than thirty (30) days from the date the final permit is issued with the Headquarters Hearing Clerk at the following address:

Headquarters Hearing Clerk (A-110)
Room M3708
U.S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

This amendment to the Approval to Construct/Modify shall take effect thirty (30) days from the date it is received by Pacific Gas & Electric Co.

If you have any questions regarding this matter, please contact Roger Kohn of our Permits Office at (415) 744-1238.

Sincerely,



Deborah Jordan
Acting Director
Air Division

Enclosures

cc: Wayne Morgan, NCUAQMD, w/enclosures

**PERMIT MODIFICATION
PACIFIC GAS & ELECTRIC COMPANY
(NSR 4-4-1, NC 77-05)**

The February 23, 1979 Approval to Construct issued to Pacific Gas & Electric Co. is hereby amended as follows:

1. Amend Special Condition VII.C.1:

C. Performance Tests

PG&E shall conduct performance tests for NO_x on each turbine once every two years, and at such other times as specified by EPA. If a performance test on a turbine demonstrates noncompliance with the emission limit for NO_x, PG&E shall conduct performance tests on that turbine annually. If two consecutive annual tests demonstrate compliance, the test frequency shall revert to biennial. PG&E shall furnish EPA and the North Coast Unified Air Quality Management District a written report of the results of such tests. All performance tests shall be conducted at the maximum operating capacity of the facilities being tested. EPA (Attention AIR-1) shall be notified in writing at least 30 days prior to the week of such tests to allow time for the development of an approvable performance test plan and to arrange for an observer to be present at the test. Such prior approval will minimize the possibility of EPA rejection of test results for procedural deficiencies. Upon prior written request and adequate justification from PG&E, EPA may waive a performance test and/or allow for testing to be done at less than the maximum operating capacity. Such request must be submitted to EPA no later than 60 days prior to the test date. Maximum operating capacity is defined as 90% to 110% of the design capacity of the emissions unit.

2. Amend Condition VIII to read as follows:

VIII Agency Notifications

All correspondence as required by this Approval to Construct/Modify shall be forwarded to:

- A. Director, Air Division (AIR-1)
EPA Region IX
75 Hawthorne St.
San Francisco, CA 94105
- B. Chief, Stationary Source Branch
California Air Resources Board
P.O. Box 2815, Room 459
Sacramento, CA 95812

C. Air Pollution Control Officer
North Coast Unified Air Quality Management District
2300 Myrtle Avenue
Eureka, CA 95501-3327

**EPA RESPONSE TO COMMENTS
ON THE PROPOSED
PREVENTION OF SIGNIFICANT DETERIORATION PERMIT MODIFICATION FOR
PACIFIC GAS AND ELECTRIC CO., EUREKA, CA
Public Comment Period: March 8, 2000 to April 6, 2000**

I. Written Comments from Pacific Gas and Electric Co. (dated March 28, 2000):

1. Change Source Test Frequency to Once Every Two Years.

Since usage of the turbines has been increasing, the proposed testing frequency (test both turbines when they have been operated for a cumulative total of 800 hours) would not be less than the current permit requires. In addition, it would be difficult to schedule source tests within just 30 days of reaching 800 hours of operation. Such a requirement might force PG&E to hire a commercial testing lab from outside the North Coast area, which would significantly increase the cost of testing. For these reasons, PG&E requests that the permit be changed to require that both turbines be tested once every two years. If EPA determines that this is not sufficient, PG&E requests that the frequency remain annual, i.e. no change in the current requirement.

EPA Response

EPA agrees that if turbine usage is increasing, the proposed testing frequency in the draft permit modification defeats the purpose of PG&E's original request. Due to the facts that each turbine is limited to 1560 hours of operation during any 365 day period, and the turbines have always demonstrated compliance with the NOx limit, EPA has changed the testing frequency in the final permit modification to once every two years. However, given the turbines' historic modest margin of compliance, EPA believes that any demonstrated noncompliance should trigger more frequent source testing. Therefore, we have added a requirement to the permit that states that if a source test on either turbine shows a violation of the emission limit, the source testing frequency of that turbine shall revert to annual. If two consecutive annual source tests demonstrate compliance, the testing frequency will be revert to once every two years.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

215 Fremont Street

San Francisco, Ca. 94105

IN REPLY E-4-2
 REFER TO: NSR 4-4-1
 NC 77-05

TOW	PWD	ASC	DDR	GJB
HJD	ACP	AF	AT	DAP
DMV	RML	BCC	RJJ	JTG
HUMBOLDT BAY P.P.				
DED	DEC 16 1981			KG
RTH				UC
SF				OS
Ret. Id				File
Comment				Discuss
Post	Lib	Discard		

Mr. E. D. Weeks
 Plant Superintendent
 Pacific Gas and Electric Company (PG&E)
 77 Beale Street
 San Francisco, CA 94106

DEC 11 1981

Dear Mr. Weeks:

This is in response to your letter dated July 22, 1981, requesting a change in the allowable NO_x emission limits and hours of operation for PG&E's Humboldt Bay Power Plant Units Nos. 2 and 3. The limitations are those contained within EPA's January 10, 1979 PSD permit (NSR 4-4-1, NC 77-05) for Units Nos. 2 and 3.

Based on the information submitted by PG&E, EPA has determined that an increase in the allowable NO_x emission rate for each unit from .54 to .70 lb/MMBTU, coupled with a reduction in the allowable annual hours of operation from 2000 to 1560 hours, would not result in an increase in the sources annual allowable emissions of NO_x. Therefore, EPA hereby amends VII. Special Conditions B. and D. of PG&E's January 10, 1979 PSD permit (NSR 4-4-1, NC 77-05) to read as follows:

- B. Each turbine will be operated for no more than 1560 hours during any 365-day period. A log will be maintained to reflect the actual hours of operation for each turbine.
- D. Emission Limits for Nitrogen Oxides

On and after the date this permit is issued the above discussed PG&E gas turbine units shall not discharge or cause the discharge into the atmosphere of any gases which contain Nitrogen Oxides in excess of .70 lb/MMBTU heat input.

EPA concurs with PG&E's analysis that the high NO_x measurements at Units Nos. 1 and 2 were likely caused by the use of fuel oil with a high nitrogen content. In order to keep track of the fuel nitrogen content and the subsequent effect it has on NO_x emissions, EPA is requiring that a record be kept of the nitrogen

-2-

in fuel content. Therefore, VII. Special Condition E. Nitrogen in Fuel Record Keeping is hereby added to the permit as follows:

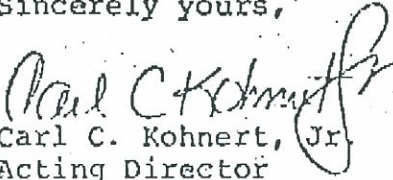
E. Nitrogen in Fuel Record Keeping

Pacific Gas and Electric Company shall maintain a log of the nitrogen content of the diesel oil received for use as fuel oil for Units Nos. 1 and 2. Nitrogen content shall be measured using the most current ASTM method, or by methods approved by EPA, or as certified by the supplier.

All other conditions contained with PG&E's January 10, 1979 PSD permit (NSR 4-4-1, NC 77-05) shall remain in effect and unchanged.

If you have any questions regarding this matter, please contact David Solomon of our Permits Branch at (415)974-8066.

Sincerely yours,


Carl C. Kohnert, Jr.
Acting Director
Enforcement Division

cc: ARB
Humboldt County APCD; Eureka

Nov. 18. 2008. 9:35AM

Pacific Gas and Electric Co

No. 7796 P. 11



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

215 Fremont Street

San Francisco, Ca. 94105

In Reply E-4-3
Refer to: NSR 4-4-1

Pacific Gas & Electric Company
Attn: Elmer E. Hall
77 Beale Street
San Francisco CA. 94106

FEB 23 1979

Dear Mr. Hall:

In accordance with provisions of the Clean Air Act, as amended (42 U.S.C. 7401 et seq.), the Environmental Protection Agency has reviewed the application submitted by Pacific Gas & Electric Company for two 15 megawatt turbine-powered electric generators located at Eureka, California.

A request for public comment regarding EPA's proposed action on the above application has been published. After consideration of the expressed view of all interested persons, including State and local agencies, and pertinent Federal statutes and regulations, the enclosed Approval to Construct/Modify a Stationary Source of air pollutants has been issued for the facility described above. This action does not constitute a significant change from the proposed action set forth and offered for public comment.

Approval to Construct/Modify shall take effect on the date of this notice.

Sincerely,

Clyde B. Eller
Clyde B. Eller
Director
Enforcement Division

Enclosures

cc: California Air Resources Board, Sacramento
Attn: Harmon Wong-Woo
Humboldt County Air Pollution Control District, Eureka

PREPLY
COMMENT SITING
FEB 26 1979
HANDLE DEPT. FILE
SEE ME
INFO

I. F. MCKENZIE - CHIEF PERMITS GROUP 22-4552
BERNIE B. WROBLEWSKI 22-2613

I. Facilities Operation

All equipment, facilities, and systems installed or used to achieve compliance with the terms and conditions of this Approval to Construct/Modify shall at all times be maintained in good working order and be operated as efficiently as possible so as to minimize air pollutant emissions.

II. Malfunction

The Regional Administrator shall be notified by telephone within 48 hours following any failure of air pollution control equipment, process equipment, or of a process to operate in a normal manner which results in an increase in emissions above any allowable emissions limit stated in Section VIII of these conditions. In addition, the Regional Administrator shall be notified in writing within fifteen (15) days of any such failure. This notification shall include a description of the malfunctioning equipment or abnormal operation, the date of the initial failure, the period of time over which emissions were increased due to the failure, the cause of the failure, the estimated resultant emissions in excess of those allowed under Section VIII of these conditions, and the methods utilized to restore normal operations.

III. Right to Entry

The Regional Administrator, the head of the State Air Pollution Control Agency, the head of the responsible local air pollution control agency, and/or their authorized representatives, upon the presentation of credentials shall be permitted:

A. to enter upon the premises where the source is located or in which any records are required to be kept under the terms and conditions of this Approval to Construct/Modify; and

B. at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this Approval to Construct/Modify; and

-2-

- C. to inspect any equipment, operation, or method required in this Approval to Construct/Modify; and
- D. to sample emissions from the source.

IV. Transfer of Ownership

In the event of any changes in control or ownership of facilities to be constructed or modified, this Approval to Construct/Modify shall be binding on all subsequent owners and operators. The applicant shall notify the succeeding owner and operator of the existence of this Approval to Construct/Modify and its conditions by letter, a copy of which shall be forwarded to the Regional Administrator and the State and local Air Pollution Control Agency.

V. Severability

The provisions of this Approval to Construct/Modify are severable, and, if any provision of this Approval to Construct/Modify is held invalid, the remainder of this Approval to Construct/Modify shall not be affected thereby.

VI. Other Applicable Regulations

The owner and operator of the proposed project shall construct and operate the proposed stationary source in compliance with all other applicable provisions of 40 CFR Parts 52, 60 and 61 and all other applicable Federal, State and local regulations.

VII. Special Conditions

- A. The sulfur content of the diesel oil used as fuel will not exceed 0.5 percent by weight. A log will be maintained to reflect the percent by weight sulfur content of diesel oil received for use as fuel oil. A log will also reflect the amount of diesel oil burned.
- B. Each turbine will be operated for no more than 2,000 hours during any 365-day period. A log will be maintained to reflect the actual hours of operation for each turbine.

C. Performance Tests

1. Subsequent to the date of issuance of this approval; within 180 days after the initial startup of either turbine and at such times as specified by the EPA, PG&E shall conduct on both turbine units performance tests for NO_x . PG&E shall furnish the Humboldt County Air Pollution Control District and EPA a written report of the results of such tests. All performance tests shall be conducted at the maximum operating capacity of the facilities being tested. The tests shall be conducted on an annual basis. The EPA (Attention: E-3-1) shall be notified in writing at least 30 days prior to the week of such tests to allow time for the development of an approvable performance test plan and to arrange for an observer to be present at the test. Such prior approval will minimize the possibility of EPA rejection of test results for procedural deficiencies.
2. Performance test for the emissions of NO_x shall be conducted in accordance with the methods set forth in Parts 60.8 and the Appendix A, Methods 1, 3 and 7 of the Standards of Performance for New Stationary Sources regulations (40 CFR 60), or in accordance with other methods which have first been approved by EPA.

D. Emission Limits for Nitrogen Oxides

On and after the date this permit is issued the above discussed PG&E gas turbine units shall not discharge or cause the discharge into the atmosphere of any gases which contain Nitrogen Oxides in excess of .59 lb/MM BTU heat input.

VIII. Agency Notifications

All correspondence as required by this Approval to Construct/Modify shall be forwarded to:

- A. Director, Enforcement Division (Attn: E-3)
EPA Region IX
215 Fremont Street
San Francisco CA 94105 (415/556-6150)
- B. Chief, Stationary Source Control Division
California Air Resources Board
P. O. Box 2815
Sacramento CA 95814
- C. Humboldt County Air Pollution
Control District, Eureka,
5630 So. Broadway
Eureka CA 95501

APPROVAL TO CONSTRUCT/MODIFY
A STATIONARY SOURCE

In compliance with provisions of the Clean Air Act, as amended (42 U.S.C. 7401 et seq.), Pacific Gas & Electric Company is granted approval to construct two 15 megawatt turbine-powered electric generators at Eureka, California in accordance with the plans submitted with the application and with the Federal regulations governing the Review of New or Modified Stationary Sources of air pollution (40 CFR 52.233(g)) and Prevention of Significant Deterioration (40 CFR 52.21) and other conditions attached to this document and made a part of this approval.

Failure to comply with any condition or term set forth in this approval will be considered grounds for enforcement action pursuant to Section 113 of the Clean Air Act.

This Approval to Construct/Modify a stationary source grants no relief from the responsibility for compliance with any other applicable provision of 40 CFR Parts 52, 60 and 61 or any applicable Federal, State, or local regulations.

This approval replaces existing permit (NSR 4-4-1: NC 77-05) dated June 10, 1977 and shall become effective immediately.

Dated: February 23, 1979

Ryder B. Ellen
Director, Enforcement Division