UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 6 2009

OFFICE OF
AIR AND RADIATION

James McCoy
Chairman, Management Committee
Nelson Industrial Steam Company
P.O. Box 4689
Houston, Texas 77210-4689

Re: CAIR Applicability Determination for the Nelson Industrial Steam Company's Roy S. Nelson Station at Westlake, Louisiana (Facility ID (ORISPL) 1393)

Dear Mr. McCoy:

On October 22, 2007 EPA issued an applicability determination for Nelson Industrial Steam Company's (NISCO) Roy S. Nelson Station at Westlake, Louisiana and concluded that the two boilers at this facility are CAIR NO_X, CAIR SO_2, and CAIR NO_X Ozone Season units subject to the EPA-administered trading programs under the Clean Air Interstate Rule (CAIR) and CAIR Federal Implementation Plans (FIPs). As you know, NISCO appealed the October 22, 2007 applicability determination to the Environmental Appeals Board on November 26, 2007.

On July 31, 2008, EPA notified the Environmental Appeals Board that the United States Court of Appeals for the District of Columbia Circuit had issued an opinion vacating and remanding CAIR and the CAIR FIPs. In light of that decision, the Environmental Appeals Board suspended its deliberations and remanded the applicability determination. Subsequently, on December 23, 2008, on rehearing, the Court remanded CAIR (including the EPA-administered trading programs) to EPA without vacatur. Consequently, the EPA-administered trading programs remain in effect and are being implemented while EPA revises CAIR, consistent with the Court's opinion.

In response to the Environmental Appeals Board's remand, EPA hereby reaffirms the findings and conclusions in, and reissues, the October 22, 2007 applicability

determination (which is attached) for NISCO's facility at Westlake, Louisiana.

Sincerely,

Sam Napolitano, Director
Clean Air Markets Division

cc: Adina Wiley, EPA Region VI
Joyce Johnson, EPA Region VI