

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

In re:)
)
)

Nelson Industrial Steam Company)
)
)

Appeal No. CAA 07-02

REQUEST FOR EXTENSION OF TIME
TO FILE RESPONSE TO PETITION FOR REVIEW

The Clean Air Markets Division (CAMD) and the Office of General Counsel (OGC) of the Environmental Protection Agency request additional time until February 28, 2008 to respond to the Board's December 12, 2007 letter requesting that EPA's Clean Air Markets Division and General Counsel file a Response in the above-captioned matter. This case involves an appeal of a Clean Air Interstate Rule Applicability Determination made by CAMD relating to Nelson Industrial Steam Company's (NISCO) facility located at the Roy S. Nelson Station in Westlake, Louisiana. In support of this request, CAMD and OGC state the following:

1. By correspondence dated December 12, 2007 addressed to Richard Ossias, Associate General Counsel, OGC, the Board requested that CAMD and OGC file a Response that addresses Petitioner's contentions and whether Petitioner has satisfied the requirements for obtaining review under 40 C.F.R. Part 78 no later than January 29, 2008.

2. It was not until a call from the Clerk of the Board to Richard Ossias on January 30, 2008 inquiring about the lack of response from CAMD and OGC that either

the undersigned or CAMD were aware of the Board's December 12, 2007 request. The undersigned is the OGC counsel assigned to this matter. Neither the undersigned, OGC, nor CAMD received the December 12, 2007 request.

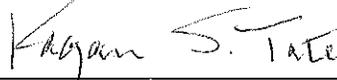
3. Although governed by the appeal procedures of 40 C.F.R. Part 78 which contains no such specific requirement, due to lack of notice explained above, Movants were unable to file this Motion in advance of the due date of the Response.

4. Prior to filing this motion, counsel for OGC made several unsuccessful attempts to contact counsel for Petitioner via telephone but was unable to reach Petitioner's counsel to discuss this Motion.

WHEREFORE, CAMD and OGC respectfully request that the Board grant this Request for Extension of Time to File Response to the Petition beyond the time provided in the Board's December 12, 2007 Request and thereby allow the filing of the Response of CAMD and OGC to be served with the Board no later than February 28, 2008.

Date: January 31, 2008

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that copies of this Unopposed Request for Extension of Time to File Response Petition for Review requested by the Board on December 12, 2007 Request were served on the following persons by Facsimile and First Class U.S. Mail:

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Kyle B. Beall
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Date: January 31, 2008



Ragan S. Tate