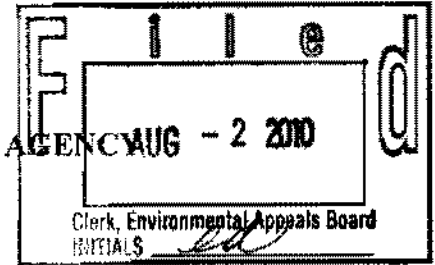


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Shell Gulf of Mexico, Inc.)
Shell Offshore, Inc.)
Frontier Discovery Drilling Unit)
)
OCS Permit No. R10OCS/PSD-AK-09-01)
OCS Permit No. R10OCS/PSD-AK-2010-01)

OCS Appeal Nos. 10-01 through 10-04

**ORDER RESCHEDULING ORAL ARGUMENT
AND ALLOCATING THE TIME FOR ARGUMENT**

On July 19, 2010, the Environmental Appeals Board issued an order in the above-captioned matter scheduling oral argument to be held on August 17, 2010. The Board directed the parties to focus their arguments on three issues. Before the Board at this time is the unopposed motion filed by U.S. Environmental Protection Agency (“EPA”) Region 10 (“Region”) requesting that the Board reschedule the oral argument. The Region explains that EPA’s and the Region’s experts on the OCS issues identified in the Board’s order are not available to present argument on August 17, 2010, and that the Region needs additional time to coordinate with a number of EPA program offices the Region’s argument on the specific environmental justice issues identified in the Board’s order. The Region represents that no party objects to the Region’s request and that all parties would be available for oral argument on Thursday, September 9, 2010.

Upon consideration, the Board grants in part the Region’s motion to reschedule oral argument. The Board will not hold oral argument on August 17, 2010; however, the Board

denies the Region's request that oral argument be rescheduled to September 9, 2010.¹ Instead, the Board hereby reschedules oral argument to be held on Monday, September 13, 2010, beginning at 1 pm Eastern Daylight Time, in the Board's Administrative Courtroom, U.S. Environmental Protection Agency, EPA East Building, Room 1152, 1201 Constitution Avenue NW, Washington, DC 20005. In all other respects, the Board's July 19 Order Scheduling Oral Argument remains in effect.

The Board has allocated one hour and twenty minutes total for this oral argument, divided as follows and with the parties presenting in the following order:

- 15 minutes for EARTHJUSTICE, on behalf of several conservation groups ("EJ Petitioners");²
- 25 minutes for Alaska Eskimo Whaling Commission and Inupiat Community of the Arctic Slope ("AEWC");
- 30 minutes for the Region;
- 10 minutes in total for Shell Gulf of Mexico, Inc. and Shell Offshore, Inc. (collectively, "Shell").

At the outset of the oral argument, the EJ Petitioners may reserve up to three minutes and AEWC may reserve up to five minutes of their allocated time for rebuttal. The Board has not allocated time for Center for Biological Diversity ("CBD") to present argument because CBD's petition

¹ The judges have a conflict and are unavailable for oral argument on this date.

² The EJ Petitioners include Natural Resource Defense Council, Native Village of Point Hope, Resisting Environmental Destruction of Indigenous Lands ("REDOIL"), Alaska Wilderness League, Audubon Alaska, Center for Biological Diversity, Northern Alaska Environmental Center, Ocean Conservancy, Oceana, Pacific Environment, and Sierra Club.

does not raise any of the issues on which the Board has directed the parties to focus their arguments.

The parties shall notify the Clerk of the Board in writing on or before Monday, August 30, 2010, of the names of counsel who will present argument. Any party wishing to participate in the oral argument via the Board's video-conferencing equipment located in the Administrative Courtroom will be given an opportunity to do so. Counsel for any of the parties who wish to participate via video-conference shall contact the Clerk of the Board, at (202) 233-0110, by Monday, August 30, 2010, to make arrangements to use the video conference equipment.

So ordered.

Dated:

August 2, 2010

ENVIRONMENTAL APPEALS BOARD

By:

Anna L. Wolgast

Anna L. Wolgast

Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Rescheduling Oral Argument and Allocating the Time for Argument in the matter of Shell Gulf of Mexico, Inc., and Shell Offshore, Inc., OCS Appeal Nos. 10-01 through 10-04, were sent to the following persons in the manner indicated:

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Dated: AUG - 2 2010



Annette Duncan
Secretary