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VIA E-MAIL/FILED ELECTRONICALLY

Eurika Durr, Clerk of the Board
Environmental Appeals Board
U.S. Environmental Protection Agency
1341 G Street NW, #500
Washington, DC 20005
durr.erika@epa.gov

**Re: *Shell Offshore Inc. and Shell Gulf of Mexico Inc.,*
Appeal Nos. 11-02 and 11-03**

Dear Ms. Durr:

Shell Offshore Inc. (“SOI”) and Shell Gulf of Mexico Inc. (“SGOMI”)¹ hereby briefly respond to the letters submitted in this matter by counsel for Petitioners Native Village of Point Hope, et al. (“NVPH Petitioners”) dated Nov. 1, 2011, and by counsel for Petitioners Alaska Eskimo Whaling Commission and Inupiat Communities of the Arctic Slope (“AEWC/ICAS”) dated Nov. 2, 2011. Both letters, in essence, ask the Environmental Appeals Board to disregard its recent New Source Review Standing Order of April 19, 2011 so as to allow Petitioners to submit reply briefs after Region 10 and Shell respond to their petitions for review (responses being due November 16, 2011). Both letters also suggest that the Board consider holding oral argument on their petitions for review.

NVPH Petitioners ask the Board to convene an immediate status conference to “discuss the scheduling of a reply brief and, potentially, oral argument.” AEWC/ICAS Petitioners ask the Board to convene a status conference after Region 10 and Shell file their briefs “to discuss the timing of reply briefs and if the Board desires, oral argument in this matter.”

¹ SOI and SGOMI are referred to herein collectively as “Shell.”

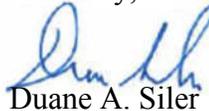
Shell urges the Board to reject Petitioners' request that reply briefing be allowed and their suggestion that oral argument be held. The first page of the Board's Standing Order notes that NSR permits are time-sensitive. For this reason, the Board determined, at page 3, that "in order to facilitate expeditious resolution of NSR appeals, while simultaneously giving fair consideration to the issues raised in any given matter," the Board "will apply a presumption against the filing of reply briefs and sur-replies in NSR appeals" and "will apply a presumption against holding oral argument in NSR cases." Thus, the Board has deemed a single round of briefing presumptively adequate to give fair consideration to whatever issues may be raised by petitioners. Petitioners who seek additional procedures must overcome this presumption. In other words, whether additional briefing should be permitted in an NSR appeal is not simply to be determined by a neutral assessment of arguments for and against. Rather, the Board has established a presumption that must be rebutted and overcome.

Shell respectfully submits that the Petitioners have not made a showing sufficient to overcome this presumption, and that the Board should not abandon the Standing Order's straightforward procedures in the very first OCS air permit case to come before it. As the Board is well aware, Arctic OCS exploration is even more sensitive to delays than onshore NSR permits because of the long lead times for logistical and investment decisions and the seasonal limitations on operations.

Because Shell believes the Board can and should determine now that it will indeed adhere to the Standing Order in these matters, Shell respectfully submits that a status conference is not necessary at this time to address any procedural or other matter.

Shell urges the Board not to elongate its decision-making process with additional briefing or oral argument. For the reasons set forth in Shell's October 4, 2011 letter to you, Shell continues to ask that, when the prescribed single round of briefing is complete, the Board expedite its deliberations so as to reach a decision in these come-back appeals by December 31, 2011.

Sincerely,



Duane A. Siler

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