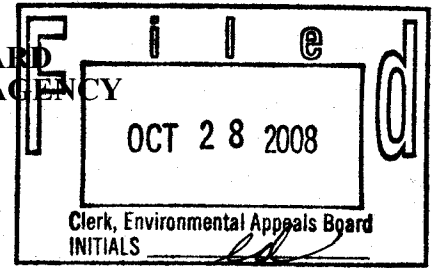


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
Shell Offshore, Inc.)
Kulluk Drilling Unit)
OCS Permit No. R10OCS-AK-07-01)
(Revised))

OCS Appeal Nos. 08-01, 08-02, & 08-03

ORDER DENYING REQUEST TO RESCHEDULING ORAL ARGUMENT

By letter dated October 21, 2008, Bill MacClarence, P.E., one of the petitioners in the above-captioned matter, requests that the oral argument scheduled for December 4, 2008, be rescheduled to a day between November 25 and December 1, 2008. Letter from Bill MacClarence, P.E., to Eurika Durr, Clerk of the Board (Oct. 21, 2008). The letter states that Mr. MacClarence has plans to attend a workshop in Spain beginning on December 3, 2008, and will therefore be unavailable for the argument. The letter further states that Mr. MacClarence has plans to visit his mother in Fredericksburg, Virginia between November 25 and December 1, 2008, and requests that the argument be held during this period. By letter dated October 22, 2008, Mr. MacClarence submitted a revised request to reschedule the oral argument. Letter From Bill MacClarence, P.E., to Eurika Durr, Clerk of the Board (Oct. 22, 2008) ("Revised Letter"). In the Revised Letter, Mr. MacClarence states that he has communicated with counsel for petitioner the North Slope Borough and with U.S. EPA Region 10 ("Region"), and that they oppose rescheduling the oral argument for the time period between November 25 and December 1, 2008. Mr. MacClarence also states that he would be available for oral argument on or after December 12, 2008.

By letter dated October 23, 2008, the Region states that “[c]ounsel for EPA Region 10 have existing travel plans over the Thanksgiving holiday and must devote remaining time to necessary work on a brief in another EAB matter due in early December.” Letter from Kristi M. Smith, Office of General Counsel, and Juliane R. B. Matthews, Office of Regional Counsel, to Eurika Durr, Clerk of the Board (Oct. 23, 2008). The Region further states that it does not object to rescheduling the oral argument for either on or after December 12, 2008, but notes that counsel for the Region have travel plans beginning on December 19, 2008.

On October 24, 2008, Shell Offshore, Inc. (“SOI”) filed a motion opposing any rescheduling of the oral argument in this matter. Shell Offshore Inc.’s Opposition to Bill MacClarence’s Request to Reschedule Oral Argument (Oct. 24, 2008) (“Opposition”). The Opposition states that counsel for SOI also have travel plans for the Thanksgiving holiday and therefore oppose moving the argument to any date between November 25 and December 1. Further, SOI objects to rescheduling the argument for a date after December 12, 2008. In this regard, the Opposition states as follows:

As SOI has previously indicated in its filings, time is of the essence in this matter. Every day that this process is prolonged is a threat to SOI’s ability to conduct 2009 operations because long lead times are required to complete necessary contracting for equipment and services, mobilize vessels to the Beaufort Sea from other operation centers around the world, identify and secure appropriate crew, and provision the fleet.

Opposition at 2.

Upon consideration, Mr. MacClarence’s request to reschedule oral argument for the Thanksgiving holiday period between November 25, 2008, and December 1, 2008, is denied. Further, given the time sensitive nature of this matter, as well as the upcoming December holiday season, Mr. MacClarence’s request to reschedule oral argument for a date after December 12, 2008 is

also denied. The oral argument in this matter will take place on December 4, 2008, in accordance with the procedures explained in the Board's October 16, 2008 Order Scheduling Oral Argument. As stated in the Board's Order, Mr. MacClarence may, if he chooses (and if technically feasible), participate in the argument via the EPA video-conferencing equipment in the Administrative Courtroom by contacting the Clerk of the Board, at 202-233-0122, no later than Thursday, November 20, 2008.

So ordered.

Dated: *Oct. 28, 2008*

ENVIRONMENTAL APPEALS BOARD

By: *Charles J. Sheehan*
Charles J. Sheehan
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Denying Request to Reschedule Oral Argument in the matter of Shell Offshore, Inc., OCS Appeal Nos. 08-01, 08-02, & 08-03, were sent to the following persons in the manner indicated:

First Class Mail:

Bill MacClarence, P.E.
10840 Glazanof Drive
Anchorage, Alaska 99507

Peter Van Tuyn
Bessenyey & Van Tuyn, L.L.C.
310 K. St #200
Anchorage, AK 99507

Kyle W. Parker
Patton Boggs, LLP
601 West 5th Ave., Suite 700
Anchorage, AK 99501

Duane A. Siler
Susan Mathiascheck
Patton Boggs LLP
2550 M Street N.W.
Washington, D.C. 20037

Christopher Winter
Crag Law Center
917 SW Oak Street, Suite 417
Portland, OR 97205

Eric Jorgensen
EARTHJUSTICE
325 Fourth Street
Juneau, AK 99801

Thomas S. Llewellyn
1215 17th Street, NW, Suite 101
Washington, D.C. 20036

Harry M. Ng
Stacy R. Linden
American Petroleum Institute
1220 L Street, NW
Washington, D.C. 20005

Interoffice Mail:


Elliot B. Zenick
Kristi M. Smith
Air and Radiation Law Office
Office of General Counsel

Pouch Mail:

Juliane R. B. Matthews
Assistant Regional Counsel
Office of Regional Counsel (ORC-158)
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98110

Margaret B. Silver
Associate Regional Counsel
Office of Regional Counsel (ORC-158)
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98110

Dated: OCT 29 2008


Annette Duncan
Secretary