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

In the Matter of:	:	TSCA Appeal No. 06-(01)
Environmental Protections Services, Inc.	:	
P.O. Box 710	:	
Wheeling, WV 26003-0091,	:	U.S. EPA, Region III's Motion for
Appellant.	:	Clarification of Issues for Oral Argument
Docket No. TSCA -03-2001-0331	:	
4 Industrial Park Drive	:	
Wheeling, WV 26003,	:	
Facility.	:	

ENVIRONMENTAL APPEALS BOARD

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Complainant-Appellee's Motion for Clarification of Issues for Oral Argument

The U.S. Environmental Protection Agency, Region III, ("Appellee") is in receipt of the Environmental Appeals Board's *Order Scheduling Oral Argument*, dated October 4, 2006. Pursuant to 40 C.F.R. § 22.16, Appellee respectfully requests clarification on the issues likely to be of most interest to the Board at the December 12, 2006 Oral Argument. By filing this motion, Appellee does not seek to limit or preclude the scope of the issues that Respondent appropriately can raise at Oral Argument, as Respondent is entitled to present oral argument on any issues raised in the appeal briefs. 40 C.F.R. § 22.30(d).

Appellee files this motion because the record and briefs in this matter are quite voluminous and cover a very broad range of issues, including an Appendix to the Appellant's Appeal Brief, incorporated by reference, alleging more than 59 errors of law and fact. In

addition to aiding in the parties' efforts at using its limited argument time efficiently, clarification regarding the issues would help Appellee in responding to the Board's request in the October 4 Order to identify by December 6th the name(s) of counsel who will present argument. Appellee is in the process of identifying appropriate counsel, including potentially counsel from EPA Region II and Headquarters, who can most effectively and efficiently address the issues on which the Board wishes to hear argument. Therefore, in order to assist the EAB in deciding this appeal, counsel for Appellee respectfully requests guidance from the Board regarding the scope of issues about which it wishes to hear from the Parties at the Oral Argument.

Respectfully submitted,



Cheryl Lynn Jamieson
Counsel for Appellee
U.S. Environmental Protection Agency
Region III

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In Re:

Environmental Protection Services, Inc. : Docket No.: TSCA Appeal No. 06-(01)
4 Industrial Park Drive :
Wheeling, WV 26003-0091, :
Appellant. :

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on the date provided below, I served the *U.S. Complainant-Appellee's Motion for Clarification of Issues for Oral Argument* in the above-captioned matter on the following persons in the manner set forth below:

Via Hand Delivery:

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Oct. 19, 2006

Date

Cheryl Lynn Jamieson

Cheryl Lynn Jamieson
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