

October 3, 2008

Ms. Eurika Durr
Clerk of the Board
Environmental Appeals Board (MC 11038)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Re: Public Petition of a Title V Air Quality Permit, Shell Offshore Inc.'s Alaska Outer Continental Shelf (OCS) Air Quality Control Minor Permit No. R10OCS-AK-07-01 (Revised) – OCS Source: Kulluk Drilling Unit

Dear Ms. Durr:

On October 1, 2008, I was informed by Mr. Thomas Llewellyn of the American Petroleum Institute (API) that they were planning to submit an amicus brief (together with a motion for leave to file the brief) in the appeals before the EAB of the permit for the Shell Offshore, Inc. Kulluk Drilling Unit (OCS Appeal Nos. 08-01, 08-02 & 08-03). Mr. Llewellyn announced that the intent of the brief would specifically be to support the use by EPA of the January 2, 2007 Oil and Gas Memorandum from EPA Acting Assistant Administrator William Wehrum (Wehrum Oil and Gas Memo) in setting out conditions for this permit.

It is my contention that this memorandum sets out certain permitting procedures and defines a "facility" in such a way that is preferential to the Oil and Gas industry at the expense of all other American industry. If Oil and Gas industry facilities can be disaggregated, all other facilities should be as well. Thus, if the API amicus brief is to be considered by the EAB in these proceedings, I formally request additional time to seek comment from all other American industry.

Respectfully submitted,



BILL MacCLARENCE, P.E.