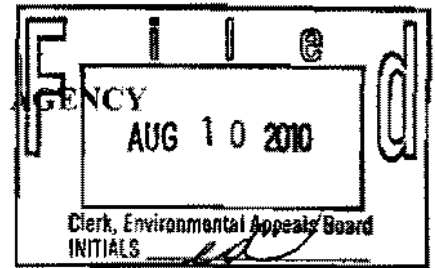


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Shell Gulf of Mexico, Inc.)
Shell Offshore, Inc.) OCS Appeal Nos. 10-01 through 10-04
Frontier Discovery Drilling Unit)
)
OCS Permit No. R10OCS/PSD-AK-09-01)
OCS Permit No. R10OCS/PSD-AK-2010-01)
_____)

SECOND ORDER RESCHEDULING ORAL ARGUMENT

On August 2, 2010, the Board issued an order rescheduling oral argument in the above-captioned matter to be held on Monday, September 13, 2010. *See* Order Rescheduling Oral Argument and Allotting the Time for Argument (rescheduling argument originally set to be held on August 17, 2010) (“Order Rescheduling Argument”). Before the Board at this time is a motion filed by the Alaska Eskimo Whaling Commission and Inupiat Community of the Arctic Slope (“AEWC”) requesting that the Board reschedule oral argument to take place during the week of October 4, 2010. AEWG explains that its counsel have a conflict the week of September 13-17, counsel for EARTHJUSTICE, on behalf of several conservation groups (“EJ Petitioners”),¹ have a conflict from September 20-24, and that counsel for U.S. Environmental Protection Agency Region 10 (“Region”) have a conflict from September 23-28. AEWG states that all parties except for Shell Gulf of Mexico, Inc. and Shell Offshore, Inc. (collectively, “Shell”) consent to rescheduling oral argument to take place during the week of October 4, 2010.

¹ 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.

On August 9, 2010, Shell filed a motion opposing AEW's motion to reschedule oral argument, followed by a supplement to its opposition filed on August 10, 2010. Shell objects to petitioners "seeking a delay of an additional three weeks," and states that such a lengthy delay should not be necessary. Shell avers that it did not oppose the previous motion to reschedule oral argument, filed by the Region, in an attempt to accommodate the parties' schedules while still benefitting from fairly expedited review, but reiterates its concern that further delay in the resolution of the petitions could jeopardize Shell's ability to conduct drilling in 2011, and potentially require Shell to once again seek expedited review next spring should the Board remand the permits for any reason. Shell did not indicate that it has any conflicts that would preclude rescheduling oral argument for the week of October 4, 2010.

Upon consideration,² the Board grants AEW's motion to reschedule oral argument and hereby reschedules oral argument to be held on Thursday, October 7, 2010, beginning at 1pm 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.

The Board's previous allocation of one hour and twenty minutes for this argument remains in effect, divided as follows with the parties presenting in the following order:

² The Board, while sensitive to Shell's concerns, notes that in the Order Rescheduling Argument issued on August 2, the Board clearly stated that the judges have a conflict and are unavailable for argument on September 9, 2010, even though no party opposed rescheduling argument for that date. Beyond September 13, 2010, a date chosen by the Board in lieu of the parties' requested date of September 9, 2010, the Board is unavailable for oral argument until the week of October 4, 2010.

- 15 minutes for EARTHJUSTICE;
- 25 minutes for AEWG;
- 30 minutes for the Region;
- 10 minutes in total for Shell.

At the outset of the oral argument, the EJ Petitioners may reserve up to three minutes and AEWG may reserve up to five minutes of their allocated time for rebuttal. As stated in the Board's prior Order Rescheduling Argument, the Board did not allocate petitioner Center for Biological Diversity ("CBD") time to present argument because CBD's petition 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 Thursday, September 23, 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 Thursday, September 23, 2010, to make arrangements to use the video conference equipment.

So ordered.

Dated: August 10, 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 Second Order Rescheduling Oral 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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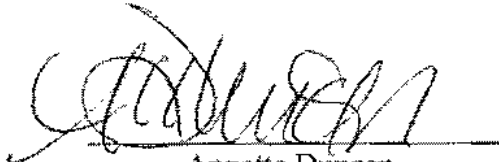
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Dated: AUG 10 2010



Annette Duncan
Secretary