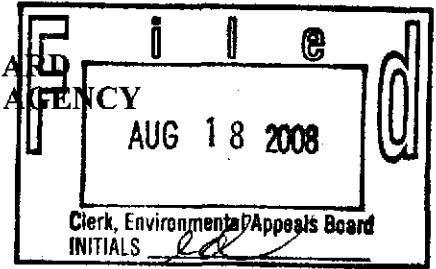


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



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 REVISING BRIEFING SCHEDULE

Before the Board are three petitions for review filed by: 1) Bill MacClarence, P.E.; 2) The North Slope Bureau ("NSB"), Inupiat Community of the Arctic Slope, and the Alaska Eskimo Whaling Commission (collectively "NSB"); and 3) The Alaska Wilderness League, Center for Biological Diversity, Natural Resources Defense Council, Northern Alaska Environmental Center, Pacific Environment; and Resisting Environmental Destruction on Indian Land (collectively "AWL"). By order dated August 6, 2008, the Board consolidated these petitions and granted a request submitted by Shell Offshore Inc. ("SOI") for leave to participate in these proceedings. Order Consolidating Petitions for Review and Granting Leave to Participate (Aug. 6, 2008). Under the Board's existing briefing schedule, the filing¹ deadline for U.S. EPA Region 10's (the "Region's") response to these petitions is August 21, 2008. The deadline for SOI's response is August 22, 2008. Finally, the deadline for any reply briefs submitted by petitioners is September 5, 2008.

By submission filed with the Board on August 8, 2008, AWL seeks a modification of the existing briefing schedule. See Request to Modify Briefing Schedule and Response to Shell Offshore

¹ Documents are "filed" with the Board on the date they are received.

Inc.'s Motion for Expedited Review (Aug. 8, 2008) ("AWL Motion").² The AWL Motion requests that the Board establish a "contingent" briefing schedule in the event that the Region's certified index to the administrative record contains additional documents not previously made available on the Region's website. In the event that the Region's certified index includes any such additional documents, the AWL Motion requests that Board allow petitioners to file revisions to their existing petitions for review on or before September 4, 2008, "to take into account new information contained in the formal Administrative Record." AWL Motion at 4. The Region and SOI would then have until September 25, 2008 to file their responses and Petitioners would have until October 9, 2008 to file any replies. *Id.* The Region, as well as SOI, have filed responses to the AWL Motion. *See* EPA's Response to Request to Modify Briefing Schedule (Aug. 13, 2008) ("Region's Response"); Shell Offshore Inc.'s Response to Request to Modify Briefing Schedule (Aug. 14, 2008) ("SOI Response").

In its response, the Region states that the certified index to the administrative record "that EPA will file on August 21, 2008, will include a number of documents" that are not posted on the Region's website. Region's Response at 1. Under these circumstances, the Region states that it "does not oppose Petitioners' motion to modify the current briefing schedule." *Id.* However, the Region requests that it be given until October 4, 2008, to file a substantive response to the petitions for review and any revisions thereto, and that petitioners be given until October 18, 2008 to file any replies. *Id.* Similarly, SOI states that, in light of fact that the certified index to the administrative

² The AWL Motion states that the other petitioners, Bill MacClarence and NSB, join in the request. AWL Motion at 2.

record will include some additional documents, a revision to the briefing schedule is appropriate.
SOI Response at 3.

Accordingly, the briefing schedule in this matter is revised as follows: (1) Petitioners will have until September 4, 2008 to file any revisions to their respective petitions in light of documents contained in the Region's certified index to the administrative record that were not previously made available to petitioners;³ (2) The Region and SOI will have until October 6, 2008 to respond to the petitions for review and any revisions thereto; and (3) Petitioners will have until October 20, 2008 to file any responses.

So ordered.

Dated: August 18, 2008

ENVIRONMENTAL APPEALS BOARD

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

³ Any such revisions may only address the information not previously provided. The Board will not consider any other revisions to the existing petitions.

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Revising Briefing Schedule 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

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

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

Clayton Jernigan
Eric Jorgensen
EARTHJUSTICE
325 Fourth Street
Juneau, AK 99801

Duane A. Siler
Susan Mathiascheck
Patton Boggs LLP
2550 M Street N.W.
Washington, D.C. 20036

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

Interoffice Mail:

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

Pouch Mail:

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

Dated: AUG 18 2008


Annette Duncan
Secretary