



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

ENVIRONMENTAL APPEALS BOARD

JUL 22 2008

Edward Kowalski, Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, WA 98101

Re: Shell Offshore, Inc. Kulluk Drilling Unit
Permit Number: R10OCS-AK-07-01 (Revised)
Appeal Number: OCS 08-01 thru OCS 08-03

Dear Mr. Kowalski:

Enclosed are three petitions dated July 15, 2008, July 19, 2008 and July 21, 2008 (received by the Environmental Appeals Board (the "Board") on July 17, 2008 and July 21, 2008), filed by Bill MacClarence, P.E., (OCS 08-01), Christopher Winter, Attorney, Crag Law Center (OCS 08-02), on behalf of the North Slope Borough, the Inupiat Community of the Arctic Slope, the Alaska Eskimo Whaling Commission, Peter Van Tuyn, Attorney, Bessenyey & Van Tuyn, L.L.C., Clayton Jernigan and Eric Jorgensen, Attorneys, Earthjustice, (OCS 08-03), on behalf of Alaska Wilderness League, Center for Biological Diversity, Natural Resources Defense Council, Northern Alaska Environmental Center, Pacific Environment, and Resisting Environmental Destruction On Indian Land), a project of the Indigenous Environmental Network (REDOIL), asking the Board to review a revised PSD determination by the Environmental Protection Agency, Region 10.

To assist the Board in deciding whether the matters raised by Petitioners should be reviewed, please have your staff prepare a response that addresses Petitioners' contentions and whether Petitioners have satisfied the requirements for obtaining review under 40 C.F.R. Section 124.19.

Response Seeking Summary Disposition. If you believe that the petitions in their entirety may be appropriate for summary disposition, either because the Board does not have jurisdiction to consider the petitions, the appeal is untimely, Petitioners lack standing to file an appeal, or none of the issues raised in the petitions were preserved for review, please file a response to that

effect by no later than **August 6, 2008**. Please include relevant portions of the administrative record with your response.

File an original (**signed in blue ink**) and five copies of these materials with the Board (at the address shown below) by the date specified above, and send a copy to Petitioners, with a certificate of service showing the date and method of service. Petitioners shall have 10 days from the date of service of a response seeking summary disposition to file a reply with the Board.¹

If the Board determines that summary disposition is appropriate, the Board will issue an order to that effect. If the Board determines that summary disposition is not appropriate, or that the issue of summary disposition should be reserved until after a response to the merits of the petitions are filed, the Board will issue an order directing that a response to the merits of the petitions be filed within 15 days of the Board's order.

Response not Seeking Summary Disposition. If you do not file a response seeking summary disposition, please file a response to the merits of the petitions by not later than **August 21, 2008**. Please include with your response relevant portions of the administrative record, together with a certified index of the entire administrative record.

File an original (signed in blue ink) and five copies of these materials with the Board, and send a copy to petitioners, with a certificate of service showing the date and method of service.

Mailing and Hand Delivery Instructions²

All documents that are sent through the U.S. Postal Service, Express Mail, hand-delivered, via courier must include the name of the organization, address, facsimile

¹The Environmental Appeals Board has an innovative system that allows parties to submit copies of documents, including exhibits, electronically in PDF. Instructions on registration and document submission, are available by using the "Electronic Submission" link on the Board's website. Please note that, at the present time, electronic submissions will not be considered a substitute for filing an original document with the Clerk of the Board. The Clerk of the Board still must actually received the original document by the document's due date in order for it to be timely filed. However, Agency offices and private parties that use this system for submitting electronic copies will be excused from the requirement to submit multiple paper copies with their original filing.

² The Environmental Protection Agency may experience delays in delivery of mail from the U.S. Postal Service. These delays are due to a new sterilization procedure applied to all U.S. Postal Service mail delivered to the federal government. Parties are encouraged to utilize non-U.S. Postal Service carriers and the Board's hand-delivery address when filing time-sensitive pleadings with the Board. Additional information regarding mail delivery to the Board is available on the Environmental Appeals Board website (www.epa.gov/eab) at the Clerk of the Board or Frequently Asked Questions.

number, telephone number, and an email address, if available.

Documents that are sent through the U.S. Postal Service (except by Express Mail) **MUST** be addressed to the Environmental Appeals Board's mailing address which is:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board 1103B
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Documents that are sent to the Environmental Appeals Board's hand-delivery address (below) through the U.S. Postal Service (except by Express Mail) will be returned to the sender and shall not be considered as filed.

Hand Delivery Address

Documents that are **hand-carried** in person, delivered via courier, mailed by Express Mail, or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) **MUST** be delivered to:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
1341 G Street NW, Suite 600
Washington, D.C. 20005

Documents that are hand-carried may be delivered to the Clerk of the Board from 8:30 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:30 p.m., Monday through Friday (excluding federal holidays).

Filing Requirements

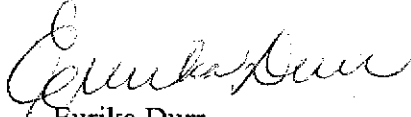
IMPORTANT: All documents, including the materials due **August 6, 2008**, and **August 21, 2008**, must reference the appeal number. In addition, any envelope or other packaging containing documents sent to the address, as prescribed above, must bear a complete and accurate return address in the upper left hand corner. The envelope or packaging must also clearly state the case name and case identifier in the lower left hand corner.

No further briefing will be allowed except by order of the Board.

A copy of this letter is being sent to the petitioners as notification of these filing requirements.

Thank you for your attention to this matter.

Sincerely,



Eurika Durr
Clerk of the Board

Enclosure

cc: w/o encl: Bill MacClarence, P.E.
10840 Glazanof Drive
Anchorage, Alaska 99507

Christopher Winter
Crag Law Center
917 S W 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

w/encl: Janis Hastings, Director
Office of Air Quality
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, WA 98101