

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Atomic Safety and Licensing Board

Before Administrative Judges:

ASLBP BOARD 09-892-HLW-CAB04 Thomas S. Moore, Chairman Paul S. Ryerson Richard E. Wardwell
--

In the Matter of)	
)	
U.S. DEPARTMENT OF ENERGY)	Docket No. 63-001-HLW
)	
(High Level Waste Repository))	December 28, 2009

**STATE OF NEVADA'S NOTICE DUCES TECUM OF THE INTENTION
TO TAKE THE ORAL DEPOSITION OF Gene Runkle**

PLEASE TAKE NOTICE that, pursuant to 10 C.F.R. 2.1019, the State of Nevada will take the deposition of Gene Runkle, at 9:00 a.m., on Friday, the 26th day of February, 2010. The deposition will be conducted in Washington, D.C. The exact address of the deposition will be specified in an amendment to this Notice which will be filed subsequently by State of Nevada. Gene Runkle works at the U.S. Department of Energy, which is located at 1000 Independence Avenue, S.W., Washington, D.C. 20585. The deposition shall be upon oral examination before, and transcribed by, a duly authorized court reporter assigned by Capital Reporting Company, whose primary business address is 1821 Jefferson Place, N.W., 3rd Floor, Washington, DC 20036. The deposition will be transmitted to the Secretary of the United States Nuclear Regulatory Commission for entry in the electronic docket for this proceeding and may be used in evidence therein. The witness will be examined on the following matters, including such information in relation thereto as is reasonably calculated to lead to the discovery of admissible evidence:

1. USGS email controversy and DOE response, as relating to infiltration data/analysis.
2. The Yucca Mountain project ORISE Panel Report "Independent Review of Simulation of Net Infiltration for Present-Day and Potential Future Climates" (April 2008);
3. DOE's Assessments of Net Infiltration in relation to its Yucca Mountain project;
4. DOE's MASSIF infiltration model; and
5. State of Nevada's contentions relating to MASSIF and/or net infiltration at Yucca Mountain project (i.e., contentions NEV-SAFETY-019 through NEV-SAFETY-040).

Gene Runkle shall produce those documents and materials at the time of his deposition, and ten days prior to his deposition, in the form and on the schedule prescribed in the attached Exhibit A which is incorporated herein for all purposes (10 C.F.R. 2.1019(i)).

Respectfully submitted,

(signed electronically)

Charles J. Fitzpatrick *

Martin G. Malsch *

John W. Lawrence *

Egan, Fitzpatrick, Malsch & Lawrence, PLLC

12500 San Pedro Avenue, Suite 555

San Antonio, TX 78216

Tel: 210.496.5001

Fax: 210.496.5011

cfitzpatrick@nuclearlawyer.com

mmalsch@nuclearlawyer.com

jlawrence@nuclearlawyer.com

*Special Deputy Attorneys General

Dated: December 28, 2009

EXHIBIT A

10 C.F.R. Section 2.1019(i):

2.1019(i)(1) After receiving written notice of the deposition under paragraph (a) or paragraph (e) of this section, and ten days before the scheduled date of the deposition, the deponent shall submit an electronic index of all documents in his or her possession, relevant to the subject matter of the deposition, including the categories of documents set forth in paragraph (i)(2) of this section, to all parties and interested governmental participants. The index shall identify those records which have already been made available electronically. All documents that are not identical to documents already made available electronically, whether by reason of subsequent modification or by the addition of notations, shall be treated as separate documents.

(2) The following material is excluded from the initial requirements of § 2.1003 to be made available electronically, but is subject to derivative discovery under paragraph (i)(1) of this section— (i) Personal records; (ii) Travel vouchers; (iii) Speeches; (iv) Preliminary drafts; (v) Marginalia.

(3) Subject to paragraph (i)(6) of this section, any party or interested governmental participant may request from the deponent a paper copy of any or all of the documents on the index that have not already been provided electronically.

(4) Subject to paragraph (i)(6) of this section, the deponent shall bring a paper copy of all documents on the index that the deposing party or interested governmental participant requests that have not already been provided electronically to an oral deposition conducted pursuant to paragraph (a) of this section, or in the case of a deposition taken on written questions pursuant to paragraph (e) of this section, shall submit such documents with the certified deposition.

(5) Subject to paragraph (i)(6) of this section, a party or interested governmental participant may request that any or all documents on the index that have not already been provided electronically, and on which it intends to rely at hearing, be made electronically available by the deponent.

(6) The deposing party or interested governmental participant shall assume the responsibility for the obligations set forth in paragraphs (i)(1), (i)(3), (i)(4), and (i)(5) of this section when deposing someone other than a party or interested governmental participant.

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Atomic Safety and Licensing Board

In the Matter of)	
)	
U.S. DEPARTMENT OF ENERGY)	Docket No. 63-001-HLW
)	
(High Level Waste Repository))	

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Deposition has been served upon the following persons by the Electronic Information Exchange:

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
Washington, DC 20555-0001

CAB 01

William J. Froehlich, Chair
Administrative Judge
E-mail: wjfl@nrc.gov
Thomas S. Moore
Administrative Judge
E-mail: tsm2@nrc.gov
Richard E. Wardwell
Administrative Judge
E-mail: rew@nrc.gov

CAB 02

Michael M. Gibson, Chair
Administrative Judge
E-mail: mmg3@nrc.gov
Alan S. Rosenthal
Administrative Judge
E-mail: axr@nrc.gov
Nicholas G. Trikouros
Administrative Judge
E-mail: NGT@NRC.GOV

CAB 03

Paul S. Ryerson, Chair
Administrative Judge
E-mail: psr1@nrc.gov
Michael C. Farrar
Administrative Judge
E-mail: mcf@nrc.gov
Mark O. Barnett
Administrative Judge
E-mail: mob1@nrc.gov
mark.barnett@nrc.gov

CAB 04

Thomas S. Moore, Chair
Administrative Judge
E-mail: tsm2@nrc.gov
Paul S. Ryerson
Administrative Judge
E-mail: psr1@nrc.gov
Richard E. Wardwell
Administrative Judge
E-mail: rew@nrc.gov

Anthony C. Eitreim, Esq., Chief Counsel
Email: ace1@nrc.gov
Daniel J. Graser, LSN Administrator
Email: djg2@nrc.gov
Lauren Bregman
Email: lrb1@nrc.gov

Sara Culler
 Email: sara.culler@nrc.gov
 Joseph Deucher
 Email: jhd@nrc.gov
 Patricia Harich
 Email: patricia.harich@nrc.gov
 Zachary Kahn
 Email: zxk1@nrc.gov
 Erica LaPlante
 Email: ea11@nrc.gov
 Matthew Rotman
 Email: matthew.rotman@nrc.gov
 Andrew Welkie
 Email: axw5@nrc.gov
 Jack Whetstine
 Email: jgw@nrc.gov

U.S. Nuclear Regulatory Commission
 Office of the Secretary of the Commission
 Mail Stop - O-16 C1
 Washington, DC 20555-0001
 Hearing Docket
 Email: hearingdocket@nrc.gov
 Andrew L. Bates
 Email: alb@nrc.gov
 Adria T. Byrdsong
 Email: atb1@nrc.gov
 Emile L. Julian, Esq.
 Email: elj@nrc.gov
 Evangeline S. Ngbea
 Email: esn@nrc.gov
 Rebecca L. Giitter
 Email: rll@nrc.gov

U.S. Nuclear Regulatory Commission
 Office of Comm Appellate Adjudication
 Mail Stop - O-16C1
 Washington, DC 20555-0001
 OCAA Mail Center
 Email: ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
 Office of the General Counsel
 Mail Stop - O-15 D21
 Washington, DC 20555-0001
 Mitzi A. Young, Esq.
 Email: may@nrc.gov

Marian L. Zobler, Esq.
 Email: mlz@nrc.gov
 Andrea L. Silvia, Esq.
 Email: alc1@nrc.gov
 Daniel Lenehan, Esq.
 Email: dwl2@nrc.gov
 Margaret J. Bupp, Esq.
 Email: mjb5@nrc.gov
 Adam S. Gendelman
 Email: Adam.Gendelman@nrc.gov
 Joseph S. Gilman, Paralegal
 Email: jsg1@nrc.gov
 Karin Francis, Paralegal
 Email: kfx4@nrc.gov
 OGCMailCenter
 Email: OGCMailCenter@nrc.gov

Hunton & Williams LLP
 Counsel for the U.S. Department of Energy
 Riverfront Plaza, East Tower
 951 East Byrd Street
 Richmond, VA 23219
 Kelly L. Faglioni, Esq.
 Email: kfaglioni@hunton.com
 Donald P. Irwin, Esq.
 Email: dirwin@hunton.com
 Michael R. Shebelskie, Esq.
 Email: mshebelskie@hunton.com
 Pat Slayton
 Email: pslayton@hunton.com

U.S. Department Of Energy
 Office of General Counsel
 1551 Hillshire Drive
 Las Vegas, NV 89134-6321
 George W. Hellstrom
 Email: george.hellstrom@ymp.gov

U.S. Department of Energy
 Office of General Counsel
 1000 Independence Avenue, S.W.
 Washington, DC 20585
 Martha S. Crosland, Esq.
 Email: martha.crosland@hq.doe.gov
 Nicholas P. DiNunzio, Esq.
 Email: nick.dinunziok@rw.doe.gov

James Bennett McRae
 Email: ben.mcrae@hq.doe.gov
 Mary B. Neumayr, Esq.
 Email: mary.neumayr@hq.doe.gov
 Christina C. Pak, Esq.
 Email: christina.pak@hq.doe.gov

U.S. Department of Energy
 Office of Counsel
 Naval Sea Systems Command
 Nuclear Propulsion Program
 1333 Isaac Hull Avenue, SE
 Washington Navy Yard, Building 197
 Washington, DC 20376
 Frank A. Putzu, Esq.
 Email: frank.putzu@navy.mil

For the U.S. Department of Energy
 USA Repository Services LLC
 Yucca Mountain Project Licensing Group
 1160 N. Town Center Drive, Suite 240
 Las Vegas, NV 89144
 Jeffrey Kriner, Regulatory Programs
 Email: jeffrey.kriner@ymp.gov
 Stephen J. Cereghino, Licensing/Nucl Safety
 Email: stephen.cereghino@ymp.gov

For the U.S. Department of Energy
 USA Repository Services LLC
 Yucca Mountain Project Licensing Group
 6000 Executive Boulevard, Suite 608
 North Bethesda, MD 20852
 Edward Borella, Sr Staff
 Licensing/Nuclear Safety
 Email: edward.borella@ymp.gov

U.S. Department of Energy
 Office of Civilian Radioactive Waste Mgmt
 Office of Repository Development
 1551 Hillshire Drive
 Las Vegas, NV 89134-6321
 Timothy C. Gunter
 Email: timothy.gunter@ymp.gov

U.S. Department of Energy
 1000 Independence Avenue, S.W.
 Washington, DC 20585
 Eric Knox, Associate Director, Systems
 Operations and External Relations, OCRWM
 Email: eric.knox@hq.doe.gov
 Dong Kim, LSN Project Manager, OCRWM
 Email: dong.kim@rw.doe.gov

Morgan, Lewis, Bockius LLP
 1111 Pennsylvania Ave., NW
 Washington, DC 20004
 Lewis Csedrik, Esq.
 Email: lcshedrik@morganlewis.com
 Jay Gutierrez, Esq.
 Email: jgutterrez@morganlewis.com
 Charles B. Moldenhauer, Associate
 Email: cmoldenhauer@morganlewis.com
 Brian P. Oldham, Esq.
 Email: boldham@morganlewis.com
 Thomas Poindexter, Esq.
 Email: tpoindexter@morganlewis.com
 Alex S. Polonsky, Esq.
 Email: apolonsky@morganlewis.com
 Thomas A. Schmutz, Esq.
 Email: tschmutz@morganlewis.com
 Donald Silverman, Esq.
 Email: dsilverman@morganlewis.com
 Annette M. White, Associate
 Email: c@morganlewis.com
 Paul J. Zaffuts, Esq.
 Email: pzaffuts@morganlewis.com
 Clifford W. Cooper, Paralegal
 Email: ccooper@morganlewis.com
 Shannon Staton, Legal Secretary
 Email: sstaton@morganlewis.com

Carter Ledyard & Milburn, LLP
 Counsel for Lincoln County
 1401 Eye Street, N.W., Suite 300
 Washington, DC 20005
 Barry S. Neuman, Esq.
 Email: neuman@clm.com

Churchill, Esmeralda, Eureka, Mineral
and Lander Counties
1705 Wildcat Lane
Ogden, UT 84403
Loreen Pitchford, LSN Coordinator
for Lander County
Email: lpitchford@comcast.net

Robert List
Armstrong Teasdale LLP
1975 Village Center Circle, Suite 140
Las Vegas, NV 89134-62237
Email: rlist@armstrongteasdale.com

City of Las Vegas
400 Stewart Ave.
Las Vegas, NV 89101
Margaret Plaster, Management Analyst
Email: mplaster@LasVegasNevada.gov

Clark County Nuclear Waste Division
500 S. Grand Central Parkway
Las Vegas, NV 89155
Irene Navis
Email: iln@co.clark.nv.us
Engelbrecht von Tiesenhausen
Email: evt@co.clark.nv.us
Philip Klevorick
Email: klevorick@co.clark.nv.us

Nuclear Waste Project Office
1761 East College Parkway, Suite 118
Carson City, NV 89706
Bruce Breslow
Email: breslow@nuc.state.nv.us
Steve Frishman, Tech. Policy Coordinator
Email: steve.frishman@gmail.com

Eureka County and Lander County
Harmon, Curran, Speilberg & Eisenberg
1726 M. Street N.W., Suite 600
Washington, DC 20036
Diane Curran, Esq.
Email: dcurran@harmoncurran.com

Nevada Nuclear Waste Task Force
P.O. Box 26177
Las Vegas, NV 89126
Judy Treichel, Executive Director
Email: judyntwf@aol.com

Talisman International, LLC
1000 Potomac St., N.W., Suite 300
Washington, D.C. 20007
Patricia Larimore
Email: plarimore@talisman-intl.com

Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708
Michael A. Bauser, Esq.
Associate General Counsel
Email: mab@nei.org
Anne W. Cottingham, Esq.
Email: awc@nei.org
Ellen C. Ginsberg, Esq.
Email: ecg@nei.org
Rod McCullum
Email: rxm@nei.org
Steven P. Kraft
Email: spk@nei.org
Jay E. Silberg
Email: jay.silberg@pillsburylaw.com
Timothy J.V. Walsh
Email: timothy.walsh@pillsburylaw.com

White Pine County
City of Caliente
Lincoln County
P.O. Box 126
Caliente, NV 89008
Jason Pitts
Email: jayson@idtservices.com

Nuclear Information and Resource Service
6930 Carroll Avenue, Suite 340
Takoma Park, MD 20912
Michael Mariotte, Executive Director
Email: nirsnet@nirs.org

Radioactive Waste Watchdog
Beyond Nuclear
6930 Carroll Avenue, Suite 400
Takoma Park, MD 20912
Kevin Kamps
Email: kevin@beyondnuclear.org

Abigail Johnson
612 West Telegraph Street
Carson City, NV 89703
Email: abbyj@gbis.com

National Congress of American Indians
1301 Connecticut Ave. NW - Second floor
Washington, DC 20036
Robert I. Holden, Director
Nuclear Waste Program
Email: robert_holden@ncai.org

Churchill County (NV)
155 North Taylor Street, Suite 182
Fallon, NV 89406
Alan Kalt
Email: comptroller@churchillcounty.org

Inyo County Water Department
Yucca Mtn Nuclear Waste
Repository Assessment Office
163 May St.
Bishop, CA 93514
Matt Gaffney, Project Associate
Email: mgaffney@inyoyucca.org

Mr. Pat Cecil
Inyo County Planning Director
P.O. Box L
Independence, CA 93526
Email: pcecil@inyocounty.us

Robert S. Hanna
233 E. Carrillo St., Suite B
Santa Barbara, CA 93101
Email: rshanna@bsglaw.net

Michael C. Berger
233 E. Carrillo St., Suite B
Santa Barbara, CA 93101
Email: mberger@bsglaw.net

Environmental Protection Agency
Ray Clark
Email: clark.ray@epa.gov

Nuclear Waste Technical Review Board
Joyce Dory
Email: dory@nwtrb.gov

Intertech Services Corporation
(for Lincoln County)
P.O. Box 2008
Carson City, NV 89702-2008
Dr. Mike Baughman
Email: bigboff@aol.com

Nye County Department of Natural
Resources & Federal Facilities
1210 E. Basin Road, Suite 6
Pahrump, NV 89048
David Swanson
Email: dswanson@nyecounty.net

Lincoln County Nuclear Oversight Prgm
100 Depot Ave., Suite 15; P.O. Box 1068
Caliente, NV 89008-1068
Lea Rasura-Alfano, Coordinator
Email: jcciac@co.lincoln.nv.us

Nye County Regulatory/Licensing Adv.
18160 Cottonwood Rd. #265
Sunriver, OR 97707
Malachy Murphy
Email: mrmurphy@chamberscable.com

Nye County Nuclear Waste Repository Project
Office (NWRPO)
2101 E. Calvada Blvd., Suite 100
Pahrump, NV 89048
Zoie Choate, Secretary
Email: zchoate@co.nye.nv.us
Sherry Dudley, Admin. Technical Coordinator
Email: sdudley@co.nye.nv.us

Mineral County Board of Commissioners
 P.O. Box 1600
 Hawthorne, NV 89415
 Linda Mathias, Administrator
 Office of Nuclear Projects
 Email: yuccainfo@mineralcountynv.org

State of Nevada
 100 N. Carson Street
 Carson City, NV 89710
 Marta Adams
 Email: madams@ag.state.nv.us

White Pine County (NV) Nuclear
 Waste Project Office
 959 Campton Street
 Ely, NV 89301
 Mike Simon, Director
 (Heidi Williams, Adm. Assist.)
 Email: wpnucwst1@mwpower.net

Fredericks & Peebles, L.L.P.
 1001 Second Street
 Sacramento, CA 95814
 916-441-2700
 FAX 916-441-2067
 Darcie L. Houck
 Email: dhouck@ndnlaw.com
 John M. Peebles
 Email: jpeebles@ndnlaw.com
 Joe Kennedy, Chairman
 Email: chairman@timbisha.org
 Barbara Durham
 Tribal Historic Preservation Officer
 Email: dvdurbarbara@netscape.com

Susan Durbin
 Deputy Attorney General
 California Department of Justice
 1300 I St.
 P.O. Box 944255
 Sacramento, CA, 94244-2550
 Email: susan.durbin@doj.ca.gov

Brian Hembacher
 Deputy Attorney General
 California Department of Justice
 300 S. Spring St
 Los Angeles, CA 90013
 Email: brian.hembacher@doj.ca.gov

Timothy E. Sullivan
 Deputy Attorney General
 California Department of Justice
 1515 Clay St., 20th Flr.
 P.O. Box 70550
 Oakland, CA 94612-0550
 Email: timothy.sullivan@doj.ca.gov

Brian Wolfman
 Public Citizen Litigation Group
 1600 20th Street, N.W.
 Washington, D.C. 20009

Kevin W. Bell
 Senior Staff Counsel
 California Energy Commission
 1516 9th Street
 Sacramento, CA 95814
 Email: kwbell@energy.state.ca.us

Jeffrey D. VanNiel
 530 Farrington Court
 Las Vegas, NV 89123
 Email: nbridvnr@gmail.com

Ethan I. Strell
 Carter Ledyard & Milburn LLP
 2 Wall Street
 New York, NY 10005
 Email: strell@clm.com

Jennings, Strouss & Salmon, PLC
 1700 Pennsylvania Avenue, N.W., Suite 500
 Washington DC 20006-4725
 Alan I. Robbins
 Email: arobbins@jsslaw.com
 Debra D. Roby
 Email: droby@jsslaw.com

Steven A. Heinzen
Godfrey & Kahn, S.C.
One East Main Street, Suite 500
P.O. Box 2719
Madison, WI 53701-2719
Email: sheinzen@gklaw.com

Douglas M. Poland
Godfrey & Kahn, S.C.
One East Main Street, Suite 500
P.O. Box 2719
Madison, WI 53701-2719
Email: dpoland@gklaw.com

Arthur J. Harrington
Godfrey & Kahn, S.C.
780 N. Water Street
Milwaukee, WI 53202
Email: aharring@gklaw.com

Gregory Barlow
P.O. Box 60
Pioche, NV 89043
Email: lcta@lcturbonet.com

Connie Simkins
P.O. Box 1068
Caliente, NV 89008
Email: jcciac@co.lincoln.nv.us

Bret O. Whipple
1100 South Tenth Street
Las Vegas, NV 89104
Email: bretwhipple@nomademail.com
Eric Hinckley
Email: erichinckley@yahoo.com

Richard Sears
801 Clark Street, Suite 3
Ely, NV 89301
Email: rwsears@wpcda.org

Alexander, Berkey, Williams & Weathers
2030 Addison Street, Suite 410
Berkeley, CA 94704
Curtis G. Berkey
Email: cberkey@abwwlaw.com
Scott W. Williams
Email: swilliams@abwwlaw.com
Rovianne A. Leigh
Email: rleigh@abwwlaw.com

(signed electronically)
Susan Montesi

