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)	)	**January 8, 2010**

STATE OF NEVADA'S NOTICE DUCES TECUM OF THE INTENTION TO TAKE THE ORAL DEPOSITION OF DANIEL B. STEPHENS

PLEASE TAKE NOTICE that, pursuant to 10 C.F.R. 2.1019, the State of Nevada will take the deposition of Daniel B. Stephens, Ph.D., at 9:00 a.m. on March 10, 2010 and at 9:00 a.m. on March 11, 2010. The deposition will be conducted in Albuquerque, New Mexico. The exact address of the deposition will be specified in an amendment to this Notice which will be filed subsequently by State of Nevada. Dr. Stephens works at Daniel B. Stephens & Associates, Inc., which is located at 6020 Academy Road, N.E., Albuquerque, N.M., 87109. 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 contentions, including such information in relation thereto as is reasonably calculated to lead to the discovery of admissible evidence:

1. NEV-SAFETY-014
2. NEV-SAFETY-015
3. NEV-SAFETY-017
4. NEV-SAFETY-018
5. NEV-SAFETY-020
6. NEV-SAFETY-021
7. NEV-SAFETY-022
8. NEV-SAFETY-023
9. NEV-SAFETY-024
10. NEV-SAFETY-025
11. NEV-SAFETY-026
12. NEV-SAFETY-027
13. NEV-SAFETY-028
14. NEV-SAFETY-029
15. NEV-SAFETY-030
16. NEV-SAFETY-031
17. NEV-SAFETY-032
18. NEV-SAFETY-033
19. NEV-SAFETY-034
20. NEV-SAFETY-036
21. NEV-SAFETY-037
22. NEV-SAFETY-040

Dr. Stephens 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*)
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Dated: January 8, 2010

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	)	
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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:

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