

Kelly E. Richardson
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LATHAM & WATKINS LLP

July 22, 2010

Via U.S. Mail and Email

David A. King
Presiding Officer and Chairman
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA. 92123-4340

FIRM / AFFILIATE OFFICES
Abu Dhabi Moscow
Barcelona Munich
Beijing New Jersey
Brussels New York
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Los Angeles Singapore
Madrid Tokyo
Milan Washington, D.C.

File No. 030815-0025

Re: Shipyard Sediment Site Cleanup Project and Tentative Cleanup and Abatement Order No. R9-2010-0002

Dear Presiding Officer King:

Pursuant to the Final Discovery Plan issued on February 18, 2010 in the above-captioned matter, Designated Party National Steel and Shipbuilding Company ("NASSCO") respectfully requests issuance of the enclosed deposition subpoenas for the following individuals:

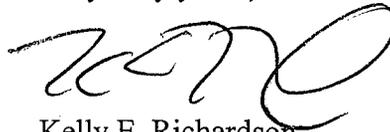
1. Laurie Walsh, Regional Water Quality Control Board, San Diego Region
2. Chris Beegan, State Water Resources Control Board
3. Robert Brodberg, Office of Environmental Health Hazard Assessment
4. Steve Bay, Southern California Coastal Water Research Project
5. Lisa Honma, Regional Water Quality Control Board, San Diego Region
6. Chad Loflen, Regional Water Quality Control Board, San Diego Region

Because the February 18, 2010 Discovery Plan provides that all discovery must be completed by August 23, 2010, and in light of your July 16, 2010 Order denying the Cleanup Team's motion to extend the discovery deadlines, we request that you issue the enclosed deposition subpoenas as soon as possible, and no later than July 27, 2010, so as to allow the depositions to be completed in advance of the August 23 deadline. We have proposed dates and times for the depositions of the above witnesses, but will work to accommodate scheduling conflicts to the extent they occur.

LATHAM & WATKINS^{LLP}

Please feel free to contact me should you have any questions regarding this request.

Very truly yours,

A handwritten signature in black ink, appearing to read 'KER', with a large, stylized flourish at the end.

Kelly E. Richardson
of LATHAM & WATKINS LLP

Enclosures

cc: Designated Parties

1 LATHAM & WATKINS LLP
Robert M. Howard (SB No. 145870)
2 Kelly E. Richardson (SB No. 210511)
Jeffrey P. Carlin (SB No. 227539)
3 Ryan R. Waterman (SB No. 229485)
Jennifer P. Casler-Goncalves (SB No. 259438)
4 600 West Broadway, Suite 1800
San Diego, California 92101-3375
5 Telephone: (619) 236-1234
Facsimile: (619) 696-7419

6 Attorneys for Designated Party
7 National Steel and Shipbuilding Company

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
9 SAN DIEGO REGION

10 **IN THE MATTER OF:**

11 TENTATIVE CLEANUP AND
12 ABATEMENT ORDER NO. R9-2010-0002

**NASSCO'S NOTICE OF VIDEOTAPED
DEPOSITION OF
LAURIE WALSH**

13 Date: August 19, 2010
14 Time: 9:00 a.m.
15 Place: Latham & Watkins LLP
600 West Broadway, Suite 1800
San Diego, CA 92101-3375

16
17 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

18 NOTICE IS HEREBY GIVEN that, pursuant to the Presiding Officer's Order Issuing
19 Final Discovery Plan dated February 18, 2010, that on August 19, 2010, at 9:00 a.m., National
20 Steel and Shipbuilding Company ("NASSCO") will take the deposition of Laurie Walsh
21 ("Deponent"). This deposition will take place at the law offices of Latham & Watkins LLP, 600
22 West Broadway, Suite 1800, San Diego, California, 92101, upon oral examination before a
23 Certified Shorthand Reporter duly authorized to administer oaths, and will continue from day to
24 day, Saturdays, Sundays and holidays excepted, until completed.

25 PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
26 stenographically recorded, and recorded through such means as to provide the instant display of

27 ///

28 ///

1 the testimony. NASSCO reserves the right to use any videotaped portion of the deposition
2 testimony at a hearing in this matter.

3 Dated: July 22, 2010

LATHAM & WATKINS LLP

4

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By 

Kelly E. Richardson
Attorneys for Designated Party
National Steel and Shipbuilding Company

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1 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

2 SAN DIEGO REGION

3 **IN THE MATTER OF:**
4 **TENTATIVE CLEANUP AND**
5 **ABATEMENT ORDER NO. R9-2010-0002**

SUBPOENA DUCES TECUM TO
LAURIE WALSH

6 TO: LAURIE WALSH

7 YOU ARE COMMANDED to appear at the place, date and time specified below,
8 or any subsequent place, date and time set by the Presiding Officer for Prehearing Proceedings
9 ("Presiding Officer"), to testify at the taking of a deposition in the above-referenced matter. This
10 subpoena shall remain in effect until you are granted leave to depart by the Presiding Officer.

11 YOU ARE ALSO COMMANDED to produce and permit inspection and copying
12 of the documents identified in Attachment A to this Subpoena at the place, date, and time
13 specified below.

14 You have been subpoenaed by National Steel and Shipbuilding Company
15 ("NASSCO"), a designated party in the aforementioned proceedings. NASSCO is represented
16 by Latham & Watkins LLP, 600 West Broadway, Suite 1800, San Diego, California, 92101.
17 Inquiries concerning the mechanics of the scheduled deposition should be directed to Jennifer P.
18 Casler-Goncalves, Esq., of Latham & Watkins, at (619) 236-1234.

19 PLACE: LATHAM & WATKINS LLP
20 600 W. BROADWAY, SUITE 1800
21 SAN DIEGO, CA 92101

22 DATE: August 19, 2010

23 TIME: 9:00 a.m.

24 DATED: _____, 2010 REGIONAL WATER QUALITY CONTROL BOARD

25
26 By _____

27 David A. King
28 Presiding Officer for Prehearing Proceedings
San Diego Regional Water Quality Control Board

1 by which any DOCUMENT was created, generated, or reproduced, or with respect to the
2 medium in which the document is embodied. DOCUMENT(S) shall include all "writing" and
3 tangible forms of expression falling within the scope of California Evidence Code § 250, within
4 YOUR custody, possession or control.

5 4. "ENVIRONMENTAL GROUPS" shall mean and refer to any and all non-profit
6 and/or advocacy organizations focused on environmental causes and issues, including but not
7 limited to Designated Parties San Diego Coastkeeper (formerly San Diego Baykeeper) and
8 Environmental Health Coalition.

9 5. "PERSON(S)" shall mean and refer to any natural person, proprietorship, public
10 or private corporation, limited or general partnership, trust, joint venture, firm, association,
11 organization, board, authority, governmental entity, or any other entity, including a
12 representative of such PERSON(S).

13 6. "RELATING TO" shall mean and refer to relating to, pertaining to, referring to,
14 evidencing, in connection with, reflecting, respecting, concerning, based upon, stating, showing,
15 establishing, supporting, bolstering, contradicting, refuting, diminishing, constituting, describing,
16 recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing,
17 discussing, specifying, identifying, or in any other way bearing on the matter addressed in the
18 request, in whole or in part.

19 7. "SITE" shall mean and refer to the Shipyard Sediment Site, as described in the
20 TENTATIVE ORDER and TECHNICAL REPORT.

21 8. "TECHNICAL REPORT" shall mean and refer to the Draft Technical Report for
22 the TENTATIVE ORDER, publically released on December 22, 2009, including but not limited
23 to the prior drafts released publicly on August 24, 2007, and April 4, 2008.

24 9. "TENTATIVE ORDER" shall mean and refer to Tentative Cleanup and
25 Abatement Order R9-2010-0002, publically released on December 22, 2009, including but not
26 limited to the prior drafts released publicly on April 29, 2005, August 24, 2007, and April 4,
27 2008.

28 10. "YOU" or "YOUR" shall mean the Deponent, including without limitation

1 YOUR employer or prior employer and its agents, employees, representatives, attorneys,
2 accountants, investigators, and insurance companies, and their employees, and anyone else
3 acting on your behalf). With respect to YOUR DOCUMENTS, it includes any DOCUMENTS
4 in YOUR possession, custody or control.

5 11. "PERSON" shall mean any entity or natural person.

6 **III. DOCUMENT REQUESTS**

7 1. All DOCUMENTS RELATING TO any work YOU performed regarding the
8 human health risk assessment utilized in connection with the proposed cleanup levels and
9 remediation of the SITE.

10 2. All DOCUMENTS RELATING TO any work YOU performed regarding the
11 ecological risk assessment utilized in connection with the proposed cleanup levels and
12 remediation of the SITE.

13 3. All DOCUMENTS RELATING TO any work YOU performed regarding the
14 economic feasibility analysis utilized in connection with the proposed cleanup levels and
15 remediation of the SITE.

16 4. All DOCUMENTS RELATING TO any work YOU performed regarding the
17 technological feasibility analysis utilized in connection with the proposed cleanup levels and
18 remediation of the SITE.

19 5. All DOCUMENTS RELATING TO any work YOU performed regarding the
20 cost analysis utilized in connection with the proposed cleanup levels and remediation of the
21 SITE.

22 6. All DOCUMENTS RELATING TO any work YOU performed regarding the
23 remedy selection alternatives analysis utilized in connection with the proposed cleanup levels
24 and remediation of the SITE.

25 7. All DOCUMENTS RELATING TO any work YOU performed regarding the
26 aquatic life impairment analysis utilized in connection with the proposed cleanup levels and
27 remediation of the SITE.

28 8. All DOCUMENTS RELATING TO any work YOU performed regarding the

1 aquatic-dependent wildlife impairment analysis utilized in connection with the proposed cleanup
2 levels and remediation of the SITE.

3 9. All DOCUMENTS RELATING TO any work YOU performed regarding the
4 bioavailability analysis utilized in connection with proposed cleanup levels and remediation of
5 the SITE.

6 10. All DOCUMENTS RELATING TO any work YOU performed regarding any
7 alternative sediment cleanup levels analysis utilized in connection with the proposed cleanup
8 levels and remediation of the SITE.

9 11. All DOCUMENTS RELATING TO any work YOU performed regarding any
10 remedial monitoring analysis utilized in connection with the proposed cleanup levels and
11 remediation of the SITE.

12 12. All DOCUMENTS RELATING TO any work YOU performed regarding the
13 analysis of the contribution of stormwater to sediment contamination in the San Diego Bay,
14 utilized in connection with the proposed cleanup levels and remediation of the SITE.

15 13. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
16 and ENVIRONMENTAL GROUPS RELATING TO the TENTATIVE ORDER or
17 TECHNICAL REPORT.

18 14. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
19 and any local, state or federal agency RELATING TO the TENTATIVE ORDER or
20 TECHNICAL REPORT.

21 15. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
22 and the ADVISORY TEAM RELATING TO the TENTATIVE ORDER or TECHNICAL
23 REPORT.

24 16. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
25 and any PERSON, other than a member of the CLEANUP TEAM, RELATING TO the
26 TENTATIVE ORDER or TECHNICAL REPORT.

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1 LATHAM & WATKINS LLP
Robert M. Howard (SB No. 145870)
2 Kelly E. Richardson (SB No. 210511)
Jeffrey P. Carlin (SB No. 227539)
3 Ryan R. Waterman (SB No. 229485)
Jennifer P. Casler-Goncalves (SB No. 259438)
4 600 West Broadway, Suite 1800
San Diego, California 92101-3375
5 Telephone: (619) 236-1234
Facsimile: (619) 696-7419

6 Attorneys for Designated Party
7 National Steel and Shipbuilding Company

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
9 SAN DIEGO REGION

10 **IN THE MATTER OF:**

11 TENTATIVE CLEANUP AND
12 ABATEMENT ORDER NO. R9-2010-0002

**NASSCO'S NOTICE OF VIDEOTAPED
DEPOSITION OF
CHRIS BEEGAN**

13 Date: August 23, 2010
14 Time: 9:00 a.m.
15 Place: Latham & Watkins LLP
600 West Broadway, Suite 1800
San Diego, CA 92101-3375

16
17 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

18 NOTICE IS HEREBY GIVEN that, pursuant to the Presiding Officer's Order Issuing
19 Final Discovery Plan dated February 18, 2010, that on August 23, 2010, at 9:00 a.m., National
20 Steel and Shipbuilding Company ("NASSCO") will take the deposition of Chris Beegan
21 ("Deponent"). This deposition will take place at the law offices of Latham & Watkins LLP, 600
22 West Broadway, Suite 1800, San Diego, California, 92101, upon oral examination before a
23 Certified Shorthand Reporter duly authorized to administer oaths, and will continue from day to
24 day, Saturdays, Sundays and holidays excepted, until completed.

25 PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
26 stenographically recorded, and recorded through such means as to provide the instant display of

27 ///

28 ///

1 the testimony. NASSCO reserves the right to use any videotaped portion of the deposition
2 testimony at a hearing in this matter.

3 Dated: July 22, 2010

LATHAM & WATKINS LLP

4

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By 

Kelly E. Richardson
Attorneys for Designated Party
National Steel and Shipbuilding Company

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN DIEGO REGION

IN THE MATTER OF:
TENTATIVE CLEANUP AND
ABATEMENT ORDER NO. R9-2010-0002

SUBPOENA DUCES TECUM TO
CHRIS BEEGAN

TO: CHRIS BEEGAN

YOU ARE COMMANDED to appear at the place, date and time specified below, or any subsequent place, date and time set by the Presiding Officer for Prehearing Proceedings ("Presiding Officer"), to testify at the taking of a deposition in the above-referenced matter. This subpoena shall remain in effect until you are granted leave to depart by the Presiding Officer.

YOU ARE ALSO COMMANDED to produce and permit inspection and copying of the documents identified in Attachment A to this Subpoena at the place, date, and time specified below.

You have been subpoenaed by National Steel and Shipbuilding Company ("NASSCO"), a designated party in the aforementioned proceedings. NASSCO is represented by Latham & Watkins LLP, 600 West Broadway, Suite 1800, San Diego, California, 92101. Inquiries concerning the mechanics of the scheduled deposition should be directed to Jennifer P. Casler-Goncalves, Esq., of Latham & Watkins, at (619) 236-1234.

PLACE: LATHAM & WATKINS LLP
600 W. BROADWAY, SUITE 1800
SAN DIEGO, CA 92101

DATE: August 23, 2010

TIME: 9:00 a.m.

DATED: _____, 2010 REGIONAL WATER QUALITY CONTROL BOARD

By _____
David A. King
Presiding Officer for Prehearing Proceedings
San Diego Regional Water Quality Control Board

1 or private corporation, limited or general partnership, trust, joint venture, firm, association,
2 organization, board, authority, governmental entity, or any other entity, including a
3 representative of such PERSON(S).

4 4. "RELATING TO" shall mean and refer to relating to, pertaining to, referring to,
5 evidencing, in connection with, reflecting, respecting, concerning, based upon, stating, showing,
6 establishing, supporting, bolstering, contradicting, refuting, diminishing, constituting, describing,
7 recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing,
8 discussing, specifying, identifying, or in any other way bearing on the matter addressed in the
9 request, in whole or in part.

10 5. "SEDIMENT QUALITY OBJECTIVES" or "SQOS" shall mean and refer to the
11 Water Quality Control Plan for Enclosed Bays and Estuaries of California – Part 1 (Phase 1
12 Sediment Quality Objectives).

13 6. "SITE" shall mean and refer to the Shipyard Sediment Site, as described in the
14 TENTATIVE ORDER and TECHNICAL REPORT.

15 7. "TECHNICAL REPORT" shall mean and refer to the Draft Technical Report for
16 the TENTATIVE ORDER, publically released on December 22, 2009, publicly released on
17 December 22, 2009, including but not limited to the prior drafts released publicly on August 24,
18 2007, and April 4, 2008.

19 8. "TENTATIVE ORDER" shall mean and refer to Tentative Cleanup and
20 Abatement Order R9-2010-0002, publically released on December 22, 2009, including but not
21 limited to the prior drafts released publicly on April 29, 2005, August 24, 2007, and April 4,
22 2008.

23 9. "YOU" or "YOUR" shall mean the Deponent, including without limitation
24 YOUR employer or prior employer and its agents, employees, representatives, attorneys,
25 accountants, investigators, and insurance companies, and their employees, and anyone else
26 acting on your behalf). With respect to YOUR DOCUMENTS, it includes any DOCUMENTS
27 in YOUR possession, custody or control.

28 10. "PERSON" shall mean any entity or natural person.

1 **III. DOCUMENT REQUESTS**

2 1. All DOCUMENTS RELATING TO the TENTATIVE ORDER, including but not
3 limited to your personal working files, calendars, notes, and electronic mail.

4 2. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
5 any PERSON RELATING TO the TENTATIVE ORDER.

6 3. All DOCUMENTS RELATING TO the TECHNICAL REPORT, including but
7 not limited to your personal working files, calendars, notes, and electronic mail.

8 4. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
9 any PERSON RELATING TO the TECHNICAL REPORT.

10 5. All DOCUMENTS RELATING TO the SITE, including but not limited to your
11 personal working files, calendars, notes, and electronic mail.

12 6. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
13 any PERSON RELATING TO the SITE.

14 7. All DOCUMENTS RELATING TO the applicability of SEDIMENT QUALITY
15 OBJECTIVES to the SITE, including but not limited to your personal working files, calendars,
16 notes, and electronic mail.

17 8. All DOCUMENTS RELATING TO SEDIMENT QUALITY OBJECTIVES,
18 including but not limited to your personal working files, calendars, notes, and electronic mail.

19 9. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
20 any PERSON RELATING TO SEDIMENT QUALITY OBJECTIVES.

21 10. All DOCUMENTS that YOU reviewed, considered or relied upon in connection
22 with your preparation of the DOCUMENT entitled "Development of Sediment Quality
23 Objectives for Enclosed Bays and Estuaries," dated November 14, 2007.

24 11. All DOCUMENTS that YOU reviewed, considered or relied upon in connection
25 with your preparation of the DOCUMENT entitled "Revised Workplan for the Development of
26 Sediment Quality Objectives for Enclosed Bays and Estuaries of California," dated May 21,
27 2003.

28 12. All DOCUMENTS that YOU reviewed, considered or relied upon in connection

1 with your preparation of the DOCUMENT entitled "Preliminary Summary of the Sediment
2 Quality Objectives and General Process for Implementation," dated August 5, 2005.

3 13. All DOCUMENTS that YOU reviewed, considered or relied upon in connection
4 with your preparation of the DOCUMENT entitled "State Water Board's Program to Develop
5 Sediment Quality Objectives," dated August 10, 2005.

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1 LATHAM & WATKINS LLP
2 Robert M. Howard (SB No. 145870)
3 Kelly E. Richardson (SB No. 210511)
4 Jeffrey P. Carlin (SB No. 227539)
5 Ryan R. Waterman (SB No. 229485)
6 Jennifer P. Casler-Goncalves (SB No. 259438)
7 600 West Broadway, Suite 1800
8 San Diego, California 92101-3375
9 Telephone: (619) 236-1234
10 Facsimile: (619) 696-7419

11 Attorneys for Designated Party
12 National Steel and Shipbuilding Company

13 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

14 SAN DIEGO REGION

15 **IN THE MATTER OF:**

16 TENTATIVE CLEANUP AND
17 ABATEMENT ORDER NO. R9-2010-0002

18 **NASSCO'S NOTICE OF VIDEOTAPED
19 DEPOSITION OF
20 ROBERT BRODBERG**

21 Date: August 20, 2010
22 Time: 9:00 a.m.
23 Place: Latham & Watkins LLP
24 600 West Broadway, Suite 1800
25 San Diego, CA 92101-3375

26 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

27 NOTICE IS HEREBY GIVEN that, pursuant to the Presiding Officer's Order Issuing
28 Final Discovery Plan dated February 18, 2010, that on August 20, 2010, at 9:00 a.m., National
29 Steel and Shipbuilding Company ("NASSCO") will take the deposition of Robert Brodberg
30 ("Deponent"). This deposition will take place at the law offices of Latham & Watkins LLP, 600
31 West Broadway, Suite 1800, San Diego, California, 92101, upon oral examination before a
32 Certified Shorthand Reporter duly authorized to administer oaths, and will continue from day to
33 day, Saturdays, Sundays and holidays excepted, until completed.

34 PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
35 stenographically recorded, and recorded through such means as to provide the instant display of

36 ///

37 ///

1 the testimony. NASSCO reserves the right to use any videotaped portion of the deposition
2 testimony at a hearing in this matter.

3 Dated: July 22, 2010

LATHAM & WATKINS LLP

4

5

By 

Kelly E. Richardson
Attorneys for Designated Party
National Steel and Shipbuilding Company

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN DIEGO REGION

IN THE MATTER OF:
TENTATIVE CLEANUP AND
ABATEMENT ORDER NO. R9-2010-0002

SUBPOENA DUCES TECUM TO
ROBERT BRODBERG

TO: ROBERT BRODBERG

YOU ARE COMMANDED to appear at the place, date and time specified below, or any subsequent place, date and time set by the Presiding Officer for Prehearing Proceedings ("Presiding Officer"), to testify at the taking of a deposition in the above-referenced matter. This subpoena shall remain in effect until you are granted leave to depart by the Presiding Officer.

YOU ARE ALSO COMMANDED to produce and permit inspection and copying of the documents identified in Attachment A to this Subpoena at the place, date, and time specified below.

You have been subpoenaed by National Steel and Shipbuilding Company ("NASSCO"), a designated party in the aforementioned proceedings. NASSCO is represented by Latham & Watkins LLP, 600 West Broadway, Suite 1800, San Diego, California, 92101. Inquiries concerning the mechanics of the scheduled deposition should be directed to Jennifer P. Casler-Goncalves, Esq., of Latham & Watkins, at (619) 236-1234.

PLACE: LATHAM & WATKINS LLP
600 W. BROADWAY, SUITE 1800
SAN DIEGO, CA 92101

DATE: August 20, 2010

TIME: 9:00 a.m.

DATED: _____, 2010 REGIONAL WATER QUALITY CONTROL BOARD

By _____
David A. King
Presiding Officer for Prehearing Proceedings
San Diego Regional Water Quality Control Board

ATTACHMENT A TO THE SUBPOENA DUCES TECUM OF
ROBERT BRODBERG

I. INSTRUCTIONS

1. Please produce DOCUMENTS as they are kept in the usual course of business or organize and label them to correspond with the categories in these requests.

2. In the event any requested DOCUMENT has been destroyed, lost, discarded or otherwise disposed of, please identify such DOCUMENT as completely as possible, including without limitation the following information: (a) date of disposal; (b) manner of disposal; and (c) person approving of the disposal.

II. DEFINITIONS

The following definitions shall apply to each category of documents set forth below:

1. "COMMUNICATIONS" shall mean and refer to the written or verbal exchange of information by any means, including, without limitation, telephone, telecopy, facsimile, or other electronic medium (including e-mail), letter, memorandum, notes or other writing method, meeting, discussion, conversation or other form of verbal expression.

2. "DOCUMENT(S)" shall mean and refer to any and all written, printed, typewritten, photographic, graphic, or recorded materials (by tape, video or otherwise), however produced or reproduced, including data stored in a computer, data stored on removable magnetic and optical media (e.g., magnetic tape, floppy disks, and recordable optical disks), e-mail, and voice mail, which relate or pertain in any way to the subject matter to which the Interrogatory refers. "DOCUMENT(S)" shall further include, without limitation, all preliminary, intermediate and final drafts or versions of any DOCUMENT, as well as any notes, comments, and marginalia appearing on any DOCUMENT, and shall not be limited in any way with respect to the process by which any DOCUMENT was created, generated, or reproduced, or with respect to the medium in which the document is embodied. DOCUMENT(S) shall include all "writing" and tangible forms of expression falling within the scope of California Evidence Code § 250, within YOUR custody, possession or control.

3. "PERSON(S)" shall mean and refer to any natural person, proprietorship, public

1 or private corporation, limited or general partnership, trust, joint venture, firm, association,
2 organization, board, authority, governmental entity, or any other entity, including a
3 representative of such PERSON(S).

4 4. "RELATING TO" shall mean and refer to relating to, pertaining to, referring to,
5 evidencing, in connection with, reflecting, respecting, concerning, based upon, stating, showing,
6 establishing, supporting, bolstering, contradicting, refuting, diminishing, constituting, describing,
7 recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing,
8 discussing, specifying, identifying, or in any other way bearing on the matter addressed in the
9 request, in whole or in part.

10 5. "SITE" shall mean and refer to the Shipyard Sediment Site, as described in the
11 TENTATIVE ORDER and TECHNICAL REPORT.

12 6. "TECHNICAL REPORT" shall mean and refer to the Draft Technical Report for
13 the TENTATIVE ORDER, publically released on December 22, 2009, publicly released on
14 December 22, 2009, including but not limited to the prior drafts released publicly on August 24,
15 2007, and April 4, 2008.

16 7. "TENTATIVE ORDER" shall mean and refer to Tentative Cleanup and
17 Abatement Order R9-2010-0002, publically released on December 22, 2009, including but not
18 limited to the prior drafts released publicly on April 29, 2005, August 24, 2007, and April 4,
19 2008.

20 8. "YOU" or "YOUR" shall mean the Deponent, including without limitation
21 YOUR employer or prior employer and its agents, employees, representatives, attorneys,
22 accountants, investigators, and insurance companies, and their employees, and anyone else
23 acting on your behalf). With respect to YOUR DOCUMENTS, it includes any DOCUMENTS
24 in YOUR possession, custody or control.

25 9. "PERSON" shall mean any entity or natural person.

26 **III. DOCUMENT REQUESTS**

27 1. All DOCUMENTS RELATING TO the TENTATIVE ORDER, including but not
28 limited to any such DOCUMENTS contained within your personal working files, calendars,

1 notes, and electronic mail.

2 2. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
3 any PERSON RELATING TO the TENTATIVE ORDER.

4 3. All DOCUMENTS RELATING TO the TECHNICAL REPORT, including but
5 not limited to any such DOCUMENTS within YOUR personal working files, calendars, notes,
6 and electronic mail.

7 4. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
8 any PERSON RELATING TO the TECHNICAL REPORT.

9 5. All DOCUMENTS RELATING TO the SITE, including but not limited to any
10 such DOCUMENTS within YOUR personal working files, calendars, notes, and electronic mail.

11 6. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
12 any PERSON RELATING TO the SITE.

13 7. All DOCUMENTS RELATING TO any work YOU performed RELATING TO
14 human health risk assessment RELATING TO the SITE, TENTATIVE ORDER, or
15 TECHNICAL REPORT.

16 8. All DOCUMENTS RELATING TO any work YOU performed RELATING TO
17 ecological risk assessment RELATING TO the SITE, TENTATIVE ORDER, or TECHNICAL
18 REPORT.

19 9. All DOCUMENTS RELATED TO the SITE, TENTATIVE ORDER or
20 TECHNICAL REPORT that you reviewed, considered or relied upon in connection with YOUR
21 preparation of DOCUMENTS contained in the Administrative Record for the SITE, including
22 but not limited to the following:

23 a. SAR104180, Memorandum entitled "Comments on Detailed Sediment
24 Investigation Report," dated 4/29/04;

25 b. SAR292426, Document entitled "Draft Development of Guidance Tissue
26 Levels and Screening Values for Common Contaminants in California Sport Fish: Chlordane,
27 DDTs, Dieldrin, Methylmercury, PCBs, Selenium, and Toxaphene," dated 2/28/06;

28 c. SAR281698, Report entitled "Prevalence of Selected Target Chemical

- 1 Contaminants in Sport Fish from Two Lakes: Public Health Designed Screening Study, Final
2 Project-Report,” dated 6/30/99;
- 3 d. SAR096985, E-mail regarding “OEHHA Comments on Exponent Draft
4 Field Sampling Plan addendum,” dated 8/10/02;
- 5 e. SAR096991, E-mail regarding “Revised OEHHA Comments on Exponent
6 Draft Field Sampling Plan Addendum,” dated 8/21/02;
- 7 f. SAR096878, E-mail regarding “Human Health Assessment,” dated
8 12/3/01;
- 9 g. SAR069430, E-mail regarding “OEHHA Comments on Detailed Sediment
10 Investigation Report,” dated 11/29/03;
- 11 h. SAR069431, Memorandum regarding “Draft Review of Detailed
12 Sediment Investigation Report,” dated 11/30/03;
- 13 i. SAR068209, E-mail regarding “Edible Portinos of Crab and Whole Crab
14 Recommendatinos,” dated 9/09/02.

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1 LATHAM & WATKINS LLP
Robert M. Howard (SB No. 145870)
2 Kelly E. Richardson (SB No. 210511)
Jeffrey P. Carlin (SB No. 227539)
3 Ryan R. Waterman (SB No. 229485)
Jennifer P. Casler-Goncalves (SB No. 259438)
4 600 West Broadway, Suite 1800
San Diego, California 92101-3375
5 Telephone: (619) 236-1234
Facsimile: (619) 696-7419

6 Attorneys for Designated Party
7 National Steel and Shipbuilding Company

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

9 SAN DIEGO REGION

10 **IN THE MATTER OF:**

11 TENTATIVE CLEANUP AND
12 ABATEMENT ORDER NO. R9-2010-0002

**NASSCO'S NOTICE OF VIDEOTAPED
DEPOSITION OF STEVE BAY**

Date: August 20, 2010
Time: 9:00 a.m.
Place: Latham & Watkins LLP
600 West Broadway, Suite 1800
San Diego, CA 92101-3375

16
17 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

18 NOTICE IS HEREBY GIVEN that, pursuant to the Presiding Officer's Order Issuing
19 Final Discovery Plan dated February 18, 2010, that on August 20, 2010, at 9:00 a.m., National
20 Steel and Shipbuilding Company ("NASSCO") will take the deposition of Steve Bay
21 ("Deponent"). This deposition will take place at the law offices of Latham & Watkins LLP, 600
22 West Broadway, Suite 1800, San Diego, California, 92101, upon oral examination before a
23 Certified Shorthand Reporter duly authorized to administer oaths, and will continue from day to
24 day, Saturdays, Sundays and holidays excepted, until completed.

25 PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
26 stenographically recorded, and recorded through such means as to provide the instant display of

27 ///

28 ///

1 the testimony. NASSCO reserves the right to use any videotaped portion of the deposition
2 testimony at a hearing in this matter.

3 Dated: July 22, 2010

LATHAM & WATKINS LLP

4

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By 

Kelly E. Richardson
Attorneys for Designated Party
National Steel and Shipbuilding Company

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN DIEGO REGION

IN THE MATTER OF:
TENTATIVE CLEANUP AND
ABATEMENT ORDER NO. R9-2010-0002

SUBPOENA DUCES TECUM TO
STEVE BAY

TO: STEVE BAY

YOU ARE COMMANDED to appear at the place, date and time specified below, or any subsequent place, date and time set by the Presiding Officer for Prehearing Proceedings ("Presiding Officer"), to testify at the taking of a deposition in the above-referenced matter. This subpoena shall remain in effect until you are granted leave to depart by the Presiding Officer.

YOU ARE ALSO COMMANDED to produce and permit inspection and copying of the documents identified in Attachment A to this Subpoena at the place, date, and time specified below.

You have been subpoenaed by National Steel and Shipbuilding Company ("NASSCO"), a designated party in the aforementioned proceedings. NASSCO is represented by Latham & Watkins LLP, 600 West Broadway, Suite 1800, San Diego, California, 92101. Inquiries concerning the mechanics of the scheduled deposition should be directed to Jennifer P. Casler-Goncalves, Esq., of Latham & Watkins, at (619) 236-1234.

PLACE: LATHAM & WATKINS LLP
600 W. BROADWAY, SUITE 1800
SAN DIEGO, CA 92101

DATE: August 20, 2010

TIME: 9:00 a.m.

DATED: _____, 2010 REGIONAL WATER QUALITY CONTROL BOARD

By _____
David A. King
Presiding Officer for Prehearing Proceedings
San Diego Regional Water Quality Control Board

1 or private corporation, limited or general partnership, trust, joint venture, firm, association,
2 organization, board, authority, governmental entity, or any other entity, including a
3 representative of such PERSON(S).

4 4. "RELATING TO" shall mean and refer to relating to, pertaining to, referring to,
5 evidencing, in connection with, reflecting, respecting, concerning, based upon, stating, showing,
6 establishing, supporting, bolstering, contradicting, refuting, diminishing, constituting, describing,
7 recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing,
8 discussing, specifying, identifying, or in any other way bearing on the matter addressed in the
9 request, in whole or in part.

10 5. "SITE" shall mean and refer to the Shipyard Sediment Site, as described in the
11 TENTATIVE ORDER and TECHNICAL REPORT.

12 6. "TECHNICAL REPORT" shall mean and refer to the Draft Technical Report for
13 the TENTATIVE ORDER, publically released on December 22, 2009, publicly released on
14 December 22, 2009, including but not limited to the prior drafts released publicly on August 24,
15 2007, and April 4, 2008.

16 7. "TENTATIVE ORDER" shall mean and refer to Tentative Cleanup and
17 Abatement Order R9-2010-0002, publically released on December 22, 2009, including but not
18 limited to the prior drafts released publicly on April 29, 2005, August 24, 2007, and April 4,
19 2008.

20 8. "YOU" or "YOUR" shall mean the Deponent, including without limitation
21 YOUR employer or prior employer and its agents, employees, representatives, attorneys,
22 accountants, investigators, and insurance companies, and their employees, and anyone else
23 acting on your behalf). With respect to YOUR DOCUMENTS, it includes any DOCUMENTS
24 in YOUR possession, custody or control.

25 9. "PERSON" shall mean any entity or natural person.

26 **III. DOCUMENT REQUESTS**

27 1. All DOCUMENTS RELATING TO YOUR review or evaluation of the
28 TENTATIVE ORDER or TECHNICAL REPORT, including but not limited to any such

1 DOCUMENTS within YOUR personal working files, calendars, notes, and electronic mail.

2 2. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
3 any PERSON RELATING TO the TENTATIVE ORDER or TECHNICAL REPORT.

4 3. All DOCUMENTS RELATING TO sediment contamination at the SITE or
5 proposed remediation of the SITE, including but not limited to any such DOCUMENTS within
6 YOUR personal working files, calendars, notes, and electronic mail.

7 4. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
8 any PERSON RELATING TO sediment contamination at the SITE or proposed remediation of
9 the SITE.

10 5. All DOCUMENTS RELATING TO any peer reviews YOU performed
11 RELATING TO the SITE, TENTATIVE ORDER, or TECHNICAL REPORT.

12 6. All DOCUMENTS YOU reviewed, considered or relied upon in connection with
13 YOUR preparation of any technical reviews of any version (including drafts) of the report
14 entitled "Development of a Sediment Remediation Footprint to Address Risks to Benthic
15 Invertebrates and Fish in the Vicinity of the Shipyards Site in San Diego Bay, California,"
16 ("Benthic Report"), authored by Donald D. MacDonald.

17 7. All data that YOU provided to Donald D. MacDonald in connection with Mr.
18 MacDonald's preparation of the Benthic Report, including any DOCUMENTS RELATING TO
19 such data.

20 8. All technical reviews of the Benthic Report, including technical reviews of any
21 drafts of the Benthic Report.

22 9. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
23 Donald D. MacDonald RELATING TO the Benthic Report.

24 10. All DOCUMENTS RELATING TO COMMUNICATIONS between YOU and
25 any PERSON RELATING TO the Benthic Report.

26 11. All DOCUMENTS that YOU reviewed, considered or relied upon in connection
27 with YOUR preparation of any reports, evaluations, data compilations or other DOCUMENTS
28 referenced in the Administrative Record for the SITE, including but not limited to the following

1 DOCUMENTS:

- 2 a. SAR373413, Disc entitled "Sediment Quality Objectives Metadata," dated
3 11/30/06;
- 4 b. SAR373414, Disc entitled "Sediment Quality Objectives Metadata," dated
5 11/30/06;
- 6 c. SAR374492, E-mail regarding "SWRCB Sediment Quality Objectives –
7 Shipyard Data," dated 12/18/07;
- 8 d. SAR374493, Disc entitled "SWRCB Sediment Quality Objectives –
9 Shipyard Data," dated 12/18/07;
- 10 e. SAR374494, Report entitled "SWRCB Sediment Quality Objectives –
11 Shipyard Data," dated 12/18/07;
- 12 f. SAR374495, Report entitled "SWRCB Sediment Quality Objectives –
13 Shipyard Data," dated 12/18/07;
- 14 g. SAR286566, Document entitled "Stormwater Toxicity in Chollas Creek
15 and San Diego Bay California," dated 1/31/03;
- 16 h. SAR066194, E-mail regarding "Evaluation of Amphipod Toxicity Data
17 for Background Station Reference Pool," dated 2/21/03;
- 18 i. SAR066199, Report entitled "Evaluation of Amphipod Toxicity Data for
19 Background Station Reference Pool," dated 2/21/03;
- 20 j. SAR066205, E-mail regarding "Amphipod Data Outlier for Background
21 Reference Station Pool," dated 2/26/03;
- 22 k. SAR066206, E-mail regarding "Amphipod Data Outlier for Background
23 Reference Station Pool," dated 2/26/03;
- 24 l. SAR066210, E-mail regarding "95% and 99% Prediction Interval," dated
25 0/5/03;
- 26 m. SAR066214, E-mail regarding "Revised Outlier Analysis Summary for
27 Background Reference Stations," dated 3/7/03;
- 28 n. SAR066197, Report entitled "Evaluation of Amphipod Toxicity Data for

- 1 Background Station Reference Pool,” dated 2/21/03;
- 2 o. SAR066255, Report entitled “Background Reference Site Evaluation
- 3 Research Project,” dated 4/11/03;
- 4 p. SAR066267, Report entitled “Background Reference Site Evaluation
- 5 Research Project,” dated 4/11/03;
- 6 q. SAR066276, Disc entitled “Background Reference Site Evaluation
- 7 Research Project,” dated 4/11/03;
- 8 r. SAR066277, Report entitled “Background Reference Site Evaluation
- 9 Results with Attachments,” dated 4/11/03;
- 10 s. SAR066939, Report entitled “Background Reference Site Evaluation
- 11 Results with Attachments,” dated 4/11/03;
- 12 t. SAR066959, E-mail regarding “Response to Questions on Background
- 13 Reference Site Evaluation Results,” dated 4/15/03;
- 14 u. SAR066215, Report entitled “revised Outlier Analysis Summary for
- 15 Background Reference Stations,” dated 3/7/03;
- 16 v. SAR066254, E-mail regarding “Background Reference Site Evaluation
- 17 Research Project,” dated 4/11/03;
- 18 w. SAR066950, Report entitled “Background Reference Site Evaluation
- 19 Results with Attachments,” dated 4/11/03;
- 20 x. SAR067884, E-mail regarding “Toxicity Data and Distance from Shore
- 21 Approach Summary Dated 12/20/02,” dated 1/2/03;
- 22 y. SAR067885, Report entitled “Toxicity Data and Distance from Shore
- 23 Approach Summary Dated 12/20/02,” dated 1/2/03;
- 24 z. SAR067014, E-mail regarding “Response to Review of Mussel
- 25 Abundance at Shipyard Stations for Background Reference Pool,” dated 3/6/03;
- 26 aa. SAR062664, Letter regarding “Peer Review San Diego Bay Shipyard
- 27 Sediment Cleanup Levels,” dated 2/25/00;
- 28 bb. SAR062665, Report entitled “Peer Review San Diego Bay Shipyard

- 1 Sediment Cleanup Levels,” dated 2/25/00;
- 2 cc. SAR062696, Letter regarding “Peer Reviewer Statement or
- 3 Qualification,” dated 12/23/99;
- 4 dd. SAR062697, Report entitled “Peer Reviewer Statement or Qualification,”
- 5 dated 12/23/99;
- 6 ee. SAR068024, Email regarding “Additional Comparisons of Candidate
- 7 Reference Sites,” dated 1/23/03;
- 8 ff. SAR068025, Document regarding “Additional Comparisons of Candidate
- 9 Reference Sites,” dated 1/23/03;
- 10 gg. SAR068071, Email regarding “Reference Site Evaluation”, dated
- 11 10/10/02;
- 12 hh. SAR068072, Email regarding “Reference Site Evaluation”, dated
- 13 10/10/02;
- 14 ii. SAR068073, Report entitled “Reference Site Evaluation”, dated 10/10/02;
- 15 jj. SAR068097, E-mail regarding “Update on Proposed Reference Station
- 16 Evaluation,” dated 11/13/02;
- 17 kk. SAR068099, Report entitled “Update on Proposed Reference Station
- 18 Evaluation,” dated 11/13/02.
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1 LATHAM & WATKINS LLP
Robert M. Howard (SB No. 145870)
2 Kelly E. Richardson (SB No. 210511)
Jeffrey P. Carlin (SB No. 227539)
3 Ryan R. Waterman (SB No. 229485)
Jennifer P. Casler-Goncalves (SB No. 259438)
4 600 West Broadway, Suite 1800
San Diego, California 92101-3375
5 Telephone: (619) 236-1234
Facsimile: (619) 696-7419
6
7 Attorneys for Designated Party
National Steel and Shipbuilding Company

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
9 SAN DIEGO REGION

10 **IN THE MATTER OF:**

11
12 TENTATIVE CLEANUP AND
ABATEMENT ORDER NO. R9-2010-0002

**NASSCO'S NOTICE OF VIDEOTAPED
DEPOSITION OF
LISA HONMA**

13 Date: August 18, 2010
14 Time: 9:00 a.m.
15 Place: Latham & Watkins LLP
600 West Broadway, Suite 1800
San Diego, CA 92101-3375

16
17 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

18 NOTICE IS HEREBY GIVEN that, pursuant to the Presiding Officer's Order Issuing
19 Final Discovery Plan dated February 18, 2010, that on August 18, 2010, at 9:00 a.m., National
20 Steel and Shipbuilding Company ("NASSCO") will take the deposition of Lisa Honma
21 ("Deponent"). This deposition will take place at the law offices of Latham & Watkins LLP, 600
22 West Broadway, Suite 1800, San Diego, California, 92101, upon oral examination before a
23 Certified Shorthand Reporter duly authorized to administer oaths, and will continue from day to
24 day, Saturdays, Sundays and holidays excepted, until completed.

25 PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
26 stenographically recorded, and recorded through such means as to provide the instant display of

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1 the testimony. NASSCO reserves the right to use any videotaped portion of the deposition
2 testimony at a hearing in this matter.

3 Dated: July 22, 2010

LATHAM & WATKINS LLP

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By 

Kelly E. Richardson
Attorneys for Designated Party
National Steel and Shipbuilding Company

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

IN THE MATTER OF:
TENTATIVE CLEANUP AND
ABATEMENT ORDER NO. R9-2010-0002

SUBPOENA DUCES TECUM TO
LISA HONMA

TO: LISA HONMA

YOU ARE COMMANDED to appear at the place, date and time specified below, or any subsequent place, date and time set by the Presiding Officer for Prehearing Proceedings ("Presiding Officer"), to testify at the taking of a deposition in the above-referenced matter. This subpoena shall remain in effect until you are granted leave to depart by the Presiding Officer.

YOU ARE ALSO COMMANDED to produce and permit inspection and copying of the documents identified in Attachment A to this Subpoena at the place, date, and time specified below.

You have been subpoenaed by National Steel and Shipbuilding Company ("NASSCO"), a designated party in the aforementioned proceedings. NASSCO is represented by Latham & Watkins LLP, 600 West Broadway, Suite 1800, San Diego, California, 92101. Inquiries concerning the mechanics of the scheduled deposition should be directed to Jennifer P. Casler-Goncalves, Esq., of Latham & Watkins, at (619) 236-1234.

PLACE: LATHAM & WATKINS LLP
600 W. BROADWAY, SUITE 1800
SAN DIEGO, CA 92101

DATE: August 18, 2010

TIME: 9:00 a.m.

DATED: _____, 2010 REGIONAL WATER QUALITY CONTROL BOARD

By _____
David A. King
Presiding Officer for Prehearing Proceedings
San Diego Regional Water Quality Control Board

1 by which any DOCUMENT was created, generated, or reproduced, or with respect to the
2 medium in which the document is embodied. DOCUMENT(S) shall include all "writing" and
3 tangible forms of expression falling within the scope of California Evidence Code § 250, within
4 YOUR custody, possession or control.

5 4. "ENVIRONMENTAL GROUPS" shall mean and refer to any and all non-profit
6 and/or advocacy organizations focused on environmental causes and issues, including but not
7 limited to Designated Parties San Diego Coastkeeper (formerly San Diego Baykeeper) and
8 Environmental Health Coalition.

9 5. "PERSON(S)" shall mean and refer to any natural person, proprietorship, public
10 or private corporation, limited or general partnership, trust, joint venture, firm, association,
11 organization, board, authority, governmental entity, or any other entity, including a
12 representative of such PERSON(S).

13 6. "RELATING TO" shall mean and refer to relating to, pertaining to, referring to,
14 evidencing, in connection with, reflecting, respecting, concerning, based upon, stating, showing,
15 establishing, supporting, bolstering, contradicting, refuting, diminishing, constituting, describing,
16 recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing,
17 discussing, specifying, identifying, or in any other way bearing on the matter addressed in the
18 request, in whole or in part.

19 7. "SITE" shall mean and refer to the Shipyard Sediment Site, as described in the
20 TENTATIVE ORDER and TECHNICAL REPORT.

21 8. "TECHNICAL REPORT" shall mean and refer to the Draft Technical Report for
22 the TENTATIVE ORDER, publically released on December 22, 2009, including but not limited
23 to the prior drafts released publicly on August 24, 2007, and April 4, 2008.

24 9. "TENTATIVE ORDER" shall mean and refer to Tentative Cleanup and
25 Abatement Order R9-2010-0002, publically released on December 22, 2009, including but not
26 limited to the prior drafts released publicly on April 29, 2005, August 24, 2007, and April 4,
27 2008.

28 10. "YOU" or "YOUR" shall mean the Deponent, including without limitation

1 YOUR employer or prior employer and its agents, employees, representatives, attorneys,
2 accountants, investigators, and insurance companies, and their employees, and anyone else
3 acting on your behalf). With respect to YOUR DOCUMENTS, it includes any DOCUMENTS
4 in YOUR possession, custody or control.

5 11. "PERSON" shall mean any entity or natural person.

6 **III. DOCUMENT REQUESTS**

7 1. All DOCUMENTS RELATING TO any work YOU performed regarding the
8 human health risk assessment utilized in connection with the proposed cleanup levels and
9 remediation of the SITE.

10 2. All DOCUMENTS RELATING TO any work YOU performed regarding the
11 ecological risk assessment utilized in connection with the proposed cleanup levels and
12 remediation of the SITE.

13 3. All DOCUMENTS RELATING TO any work YOU performed regarding the
14 economic feasibility analysis utilized in connection with the proposed cleanup levels and
15 remediation of the SITE.

16 4. All DOCUMENTS RELATING TO any work YOU performed regarding the
17 technological feasibility analysis utilized in connection with the proposed cleanup levels and
18 remediation of the SITE.

19 5. All DOCUMENTS RELATING TO any work YOU performed regarding the
20 cost analysis utilized in connection with the proposed cleanup levels and remediation of the
21 SITE.

22 6. All DOCUMENTS RELATING TO any work YOU performed regarding the
23 remedy selection alternatives analysis utilized in connection with the proposed cleanup levels
24 and remediation of the SITE.

25 7. All DOCUMENTS RELATING TO any work YOU performed regarding the
26 aquatic life impairment analysis utilized in connection with the proposed cleanup levels and
27 remediation of the SITE.

28 8. All DOCUMENTS RELATING TO any work YOU performed regarding the

1 aquatic-dependent wildlife impairment analysis utilized in connection with the proposed cleanup
2 levels and remediation of the SITE.

3 9. All DOCUMENTS RELATING TO any work YOU performed regarding the
4 bioavailability analysis utilized in connection with proposed cleanup levels and remediation of
5 the SITE.

6 10. All DOCUMENTS RELATING TO any work YOU performed regarding any
7 alternative sediment cleanup levels analysis utilized in connection with the proposed cleanup
8 levels and remediation of the SITE.

9 11. All DOCUMENTS RELATING TO any work YOU performed regarding any
10 remedial monitoring analysis utilized in connection with the proposed cleanup levels and
11 remediation of the SITE.

12 12. All DOCUMENTS RELATING TO any work YOU performed regarding the
13 analysis of the contribution of stormwater to sediment contamination in the San Diego Bay,
14 utilized in connection with the proposed cleanup levels and remediation of the SITE.

15 13. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
16 and ENVIRONMENTAL GROUPS RELATING TO the TENTATIVE ORDER or
17 TECHNICAL REPORT.

18 14. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
19 and any local, state or federal agency RELATING TO the TENTATIVE ORDER or
20 TECHNICAL REPORT.

21 15. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
22 and the ADVISORY TEAM RELATING TO the TENTATIVE ORDER or TECHNICAL
23 REPORT.

24 16. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
25 and any PERSON, other than a member of the CLEANUP TEAM, RELATING TO the
26 TENTATIVE ORDER or TECHNICAL REPORT.

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1 LATHAM & WATKINS LLP
Robert M. Howard (SB No. 145870)
2 Kelly E. Richardson (SB No. 210511)
Jeffrey P. Carlin (SB No. 227539)
3 Ryan R. Waterman (SB No. 229485)
Jennifer P. Casler-Goncalves (SB No. 259438)
4 600 West Broadway, Suite 1800
San Diego, California 92101-3375
5 Telephone: (619) 236-1234
Facsimile: (619) 696-7419

6 Attorneys for Designated Party
7 National Steel and Shipbuilding Company

8 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

9 SAN DIEGO REGION

10 **IN THE MATTER OF:**

11 TENTATIVE CLEANUP AND
12 ABATEMENT ORDER NO. R9-2010-0002

**NASSCO'S NOTICE OF VIDEOTAPED
DEPOSITION OF
CHAD LOFLEN**

13 Date: August 16, 2010
14 Time: 9:00 a.m.
15 Place: Latham & Watkins LLP
600 West Broadway, Suite 1800
San Diego, CA 92101-3375

16
17 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

18 NOTICE IS HEREBY GIVEN that, pursuant to the Presiding Officer's Order Issuing
19 Final Discovery Plan dated February 18, 2010, that on August 16, 2010, at 9:00 a.m., National
20 Steel and Shipbuilding Company ("NASSCO") will take the deposition of Chad Loflen
21 ("Deponent"). This deposition will take place at the law offices of Latham & Watkins LLP, 600
22 West Broadway, Suite 1800, San Diego, California, 92101, upon oral examination before a
23 Certified Shorthand Reporter duly authorized to administer oaths, and will continue from day to
24 day, Saturdays, Sundays and holidays excepted, until completed.

25 PLEASE TAKE FURTHER NOTICE that the deposition may also be videotaped,
26 stenographically recorded, and recorded through such means as to provide the instant display of

27 ///

28 ///

1 the testimony. NASSCO reserves the right to use any videotaped portion of the deposition
2 testimony at a hearing in this matter.

3 Dated: July 22, 2010

LATHAM & WATKINS LLP

4
5 By 
6 Kelly E. Richardson
7 Attorneys for Designated Party
8 National Steel and Shipbuilding Company
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1 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

2 SAN DIEGO REGION

3 **IN THE MATTER OF:**
4 **TENTATIVE CLEANUP AND**
5 **ABATEMENT ORDER NO. R9-2010-0002**

SUBPOENA DUCES TECUM TO
CHAD LOFLEN

6 TO: CHAD LOFLEN

7 YOU ARE COMMANDED to appear at the place, date and time specified below,
8 or any subsequent place, date and time set by the Presiding Officer for Prehearing Proceedings
9 ("Presiding Officer"), to testify at the taking of a deposition in the above-referenced matter. This
10 subpoena shall remain in effect until you are granted leave to depart by the Presiding Officer.

11 YOU ARE ALSO COMMANDED to produce and permit inspection and copying
12 of the documents identified in Attachment A to this Subpoena at the place, date, and time
13 specified below.

14 You have been subpoenaed by National Steel and Shipbuilding Company
15 ("NASSCO"), a designated party in the aforementioned proceedings. NASSCO is represented
16 by Latham & Watkins LLP, 600 West Broadway, Suite 1800, San Diego, California, 92101.
17 Inquiries concerning the mechanics of the scheduled deposition should be directed to Jennifer P.
18 Casler-Goncalves, Esq., of Latham & Watkins, at (619) 236-1234.

19 PLACE: LATHAM & WATKINS LLP
20 600 W. BROADWAY, SUITE 1800
21 SAN DIEGO, CA 92101

22 DATE: August 16, 2010

23 TIME: 9:00 a.m.

24 DATED: _____, 2010 REGIONAL WATER QUALITY CONTROL BOARD

25
26 By _____
27 David A. King
28 Presiding Officer for Prehearing Proceedings
San Diego Regional Water Quality Control Board

1 by which any DOCUMENT was created, generated, or reproduced, or with respect to the
2 medium in which the document is embodied. DOCUMENT(S) shall include all "writing" and
3 tangible forms of expression falling within the scope of California Evidence Code § 250, within
4 YOUR custody, possession or control.

5 4. "ENVIRONMENTAL GROUPS" shall mean and refer to any and all non-profit
6 and/or advocacy organizations focused on environmental causes and issues, including but not
7 limited to Designated Parties San Diego Coastkeeper (formerly San Diego Baykeeper) and
8 Environmental Health Coalition.

9 5. "PERSON(S)" shall mean and refer to any natural person, proprietorship, public
10 or private corporation, limited or general partnership, trust, joint venture, firm, association,
11 organization, board, authority, governmental entity, or any other entity, including a
12 representative of such PERSON(S).

13 6. "RELATING TO" shall mean and refer to relating to, pertaining to, referring to,
14 evidencing, in connection with, reflecting, respecting, concerning, based upon, stating, showing,
15 establishing, supporting, bolstering, contradicting, refuting, diminishing, constituting, describing,
16 recording, noting, embodying, memorializing, containing, mentioning, studying, analyzing,
17 discussing, specifying, identifying, or in any other way bearing on the matter addressed in the
18 request, in whole or in part.

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20 TENTATIVE ORDER and TECHNICAL REPORT.

21 8. "TECHNICAL REPORT" shall mean and refer to the Draft Technical Report for
22 the TENTATIVE ORDER, publically released on December 22, 2009, including but not limited
23 to the prior drafts released publicly on August 24, 2007, and April 4, 2008.

24 9. "TENTATIVE ORDER" shall mean and refer to Tentative Cleanup and
25 Abatement Order R9-2010-0002, publically released on December 22, 2009, including but not
26 limited to the prior drafts released publicly on April 29, 2005, August 24, 2007, and April 4,
27 2008.

28 10. "YOU" or "YOUR" shall mean the Deponent, including without limitation

1 YOUR employer or prior employer and its agents, employees, representatives, attorneys,
2 accountants, investigators, and insurance companies, and their employees, and anyone else
3 acting on your behalf). With respect to YOUR DOCUMENTS, it includes any DOCUMENTS
4 in YOUR possession, custody or control.

5 11. "PERSON" shall mean any entity or natural person.

6 **III. DOCUMENT REQUESTS**

7 1. All DOCUMENTS RELATING TO any work YOU performed regarding the
8 human health risk assessment utilized in connection with the proposed cleanup levels and
9 remediation of the SITE.

10 2. All DOCUMENTS RELATING TO any work YOU performed regarding the
11 ecological risk assessment utilized in connection with the proposed cleanup levels and
12 remediation of the SITE.

13 3. All DOCUMENTS RELATING TO any work YOU performed regarding the
14 economic feasibility analysis utilized in connection with the proposed cleanup levels and
15 remediation of the SITE.

16 4. All DOCUMENTS RELATING TO any work YOU performed regarding the
17 technological feasibility analysis utilized in connection with the proposed cleanup levels and
18 remediation of the SITE.

19 5. All DOCUMENTS RELATING TO any work YOU performed regarding the
20 cost analysis utilized in connection with the proposed cleanup levels and remediation of the
21 SITE.

22 6. All DOCUMENTS RELATING TO any work YOU performed regarding the
23 remedy selection alternatives analysis utilized in connection with the proposed cleanup levels
24 and remediation of the SITE.

25 7. All DOCUMENTS RELATING TO any work YOU performed regarding the
26 aquatic life impairment analysis utilized in connection with the proposed cleanup levels and
27 remediation of the SITE.

28 8. All DOCUMENTS RELATING TO any work YOU performed regarding the

1 aquatic-dependent wildlife impairment analysis utilized in connection with the proposed cleanup
2 levels and remediation of the SITE.

3 9. All DOCUMENTS RELATING TO any work YOU performed regarding the
4 bioavailability analysis utilized in connection with proposed cleanup levels and remediation of
5 the SITE.

6 10. All DOCUMENTS RELATING TO any work YOU performed regarding any
7 alternative sediment cleanup levels analysis utilized in connection with the proposed cleanup
8 levels and remediation of the SITE.

9 11. All DOCUMENTS RELATING TO any work YOU performed regarding any
10 remedial monitoring analysis utilized in connection with the proposed cleanup levels and
11 remediation of the SITE.

12 12. All DOCUMENTS RELATING TO any work YOU performed regarding the
13 analysis of the contribution of stormwater to sediment contamination in the San Diego Bay,
14 utilized in connection with the proposed cleanup levels and remediation of the SITE.

15 13. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
16 and ENVIRONMENTAL GROUPS RELATING TO the TENTATIVE ORDER or
17 TECHNICAL REPORT.

18 14. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
19 and any local, state or federal agency RELATING TO the TENTATIVE ORDER or
20 TECHNICAL REPORT.

21 15. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
22 and the ADVISORY TEAM RELATING TO the TENTATIVE ORDER or TECHNICAL
23 REPORT.

24 16. All DOCUMENTS RELATING TO any COMMUNICATIONS between YOU
25 and any PERSON, other than a member of the CLEANUP TEAM, RELATING TO the
26 TENTATIVE ORDER or TECHNICAL REPORT.

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