

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

PRIVATE FUEL STORAGE, LLC  
(Independent Spent Fuel  
Storage Installation)

)  
) Docket No. 72-22-ISFSI

)  
) ASLBP No. 97-732-02-ISFSI

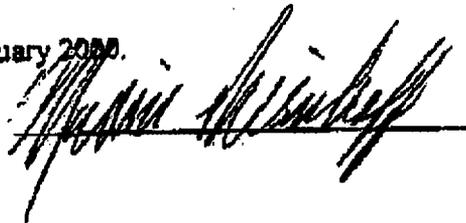
)  
) February 8, 2000

**DECLARATION OF MARVIN RESNIKOFF, Ph.D.**

I, Dr. Marvin Resnikoff, declare under penalty of perjury and pursuant to 28 U.S.C. § 1746, that I am the State of Utah's expert witness on Contention H, and have assisted the State in conducting discovery on Contention H throughout this proceeding. The factual statements contained in State of Utah's February 8, 2000 Motion to Compel Deposition of NRC Staff Member are true and correct to the best of my knowledge, information and belief.

Executed this 8<sup>th</sup> day of February 2000.

By:



**From:** "Diane Curran" <dcurran@harmoncurran.com>  
**To:** Sherwin Turk <pfscase@nrc.gov>  
**Date:** 2/3/00 10:00AM  
**Subject:** Depositions

Dear Sherwin,

I am writing to follow up on our telephone conversation this morning about the State's wish to depose the NRC Staff's expert witness(es) on Contention H. As I told you on the telephone, the State has reviewed the NRC Staff's interrogatory responses, and it does not appear that the Staff has identified an expert witness for Contention H. My understanding from our conversation is that the Staff's expert witness will be Jack Guttman. Please update your discovery responses to confirm that this is correct.

In our conversation, I also told you that in the deposition, the State wants to be able to question a Staff member or members who is or are knowledgeable about the Staff's evaluations of the thermal analyses that were performed by Holtec for the PFS facility, the HI-STORM 100 storage cask system, and the HI-STAR 100 transportation cask system. This is important because, as you know, the Staff is relying on its SERs for both the HI-STORM and HI-STAR cask systems for its evaluation of the thermal analysis for the PFS facility.

It is my understanding from our conversation that Mr. Guttman is familiar with the thermal analyses for the PFS facility and the HI-STORM 100 cask system. However, you did not know whether he was also familiar with the thermal analysis for the HI-STAR 100 cask system. Please let me know as soon as possible whether Mr. Guttman is familiar with the HI-STAR thermal analysis, or identify someone else who can be questioned at the deposition. We ask that whatever witnesses you provide be the same individuals who are responsible for the technical conclusions reached by the Staff regarding the adequacy of the Holtec thermal analyses for the HI-STORM and HI-STAR cask systems and the PFS facility. If Mr. Guttman is only partially or tangentially responsible for reviewing the HI-STORM 100 or HI-STAR 100 thermal analyses, we will want to talk to the key reviewer(s) as well. For efficiency's sake, we are amenable to interviewing Staff members in a panel. Our chief concern is to have access to fully knowledgeable individuals.

As I mentioned on the telephone, in consideration of the expert witnesses' schedules, the State and PFS have arranged for depositions of our Contention H experts on March 8 and 9, with the permission of the Licensing Board. The State would like to take Mr. Guttman's and any other NRC Staff member's deposition on the 10th of March. We also

wonder whether the Staff witness(es) could be available on the afternoon of March 9th. If the depositions of the State and PFS witnesses go quickly, we would like to be able to follow them directly with the Staff deposition(s).

Please call me as soon as possible so that we can make the necessary arrangements. I will be out of the office this afternoon, but will be checking my office voice mail. I will also be in the office tomorrow morning.

Thank you very much.

Sincerely,  
Diane Curran

CC: Denise Chancellor <dchancel@state.ut.us>, Connie Nakahara <atkey01.cnakahar@state.ut.us>