

**EXCERPTS FROM  
DEPOSITION OF MARVIN RESNIKOFF**

1 there is not an issue concerning safety, the State  
2 is not going to push issues that are imaginary.

3 Q All I am saying is is there any reason to  
4 believe the crane would not be designed to properly  
5 hold the cask? Do you have any reason to believe  
6 that? That's what I am asking you.

7 A It is a sizeable object that has to be  
8 lifted. You know, we have concerns about dropping  
9 one of these casks, concerns about the effect on  
10 welds, so we have some concerns about the safety of  
11 the crane.

12 MR. GAUKLER: Anything else before I go on  
13 to G?

14 MR. TURK: No.

15 BY MR. GAUKLER:

16 Q What, going to Utah contingent G, quality  
17 assurance -- what did you do today to prepare with  
18 respect to Utah Contingent G?

19 A I reviewed the contention and I reviewed  
20 the NRC regulations.

21 Q What documents have you had a hand in  
22 preparing relating to Utah G?

1           A     Well, I have reviewed the discovery  
2 documents, the discovery documents that we have.

3           Q     I think you misunderstood my question. My  
4 question was what documents have you had a role in  
5 developing or preparing with respect to Utah  
6 Contention G?

7           A     Well, the contention itself.

8           Q     Any others?

9           A     Together with, as I mentioned, Mr. Benz,  
10 Ed Benz.

11          Q     He also played a role in preparing the  
12 contention?

13          A     Yeah. He worked with Lawrence White.

14          Q     And what role did you play in preparing  
15 the contention?

16          A     It is hard to know where one ended, since  
17 documents were passed back and forth, you know,  
18 before they were finalized, but my general role was  
19 to compare the regulations and the application.

20          Q     And what was Mr. Benz's role in preparing  
21 Utah G?

22          A     It was similar, similarly. We had similar

1 roles. I think as I remember the process I was one  
2 of the last ones, technical persons to actually look  
3 at and make sure everything was okay when it was  
4 handed over to the lawyers.

5 Q So you reviewed Mr. Benz's draft?

6 A Also did my own and reviewed his, made  
7 sure it all fit together.

8 Q Was there a particular part of the Utah G  
9 that you drafted versus Mr. Benz?

10 A I have to say I don't remember who drafted  
11 which part. I also reviewed this quality assurance  
12 program description, which was filed, you know, by  
13 -- well, for the Mescaleros sometime ago, 1996.

14 Q You are referring to the Private Fuel  
15 Storage L.L.C. quality program description, August  
16 1996? Is that the date?

17 A Yes.

18 Q What exposure or background do you have  
19 with respect to nuclear quality assurance?

20 A As it relates to this issue, the dry  
21 storage facility, I have reviewed the inspection  
22 reports and correspondence with Consumer Power

1 concerning the Palisades storage facility,  
2 particularly the VSC 24 cask and the welding  
3 problems that had occurred, and the certification of  
4 welders. So that was another different proceeding.

5 Q Excuse me, you said in a different  
6 proceeding?

7 A That was the issue of storage facility at  
8 Palisades. I mean, it was a dry storage facility,  
9 but not PFS's.

10 Q So you are saying those inspection reports  
11 were involved in a different proceeding?

12 A No. They were all -- the inspection  
13 reports were all done as an overview of Palisades,  
14 the Consumer Power operation at Palisades.

15 Q So you reviewed these inspection reports?

16 A Yes.

17 Q Any other exposure or background with  
18 respect to quality assurance as it relates to  
19 nuclear facilities?

20 A I can't remember any more off the top of  
21 my head.

22 Q You don't have any training in nuclear

1 quality assurance?

2 A I don't have specific training concerning  
3 quality assurance.

4 Q Do you have any publications concerning  
5 nuclear quality assurance?

6 A No.

7 Q Have you ever reviewed the adequacy of a  
8 quality assurance program for a nuclear facility?

9 A As I said, only the problems as they  
10 related to the Palisades reactor.

11 Q And that was you reviewed the inspection  
12 reports; is that it?

13 A And an inspection of the cask designers  
14 and the cask manufacturers all the way down the  
15 chain involved in the construction of those dry  
16 storage casks at Palisades.

17 Q Have you ever testified before concerning  
18 a quality assurance program for a nuclear facility?

19 A I do remember -- yes is the answer to  
20 that. And that involved hearings before the Public  
21 Service Commission in Wisconsin concerning the Point  
22 Beach reactors in which these issues involving

1 quality assurance were raised, the issues at  
2 Palisades were raised.

3 Q What issues are raised in that proceeding  
4 specifically?

5 A Concern about the quality -- concern about  
6 the safety of these, the dry storage system.

7 Q When were those hearings in Wisconsin  
8 held?

9 A Say that again.

10 Q When were those hearings in Wisconsin  
11 held, approximately?

12 A I would say within the past three years.

13 Q Now, the inspection reports that you  
14 referred to with respect to Palisades, those were  
15 inspection reports concerning the vendors' quality  
16 assurance program; is that correct?

17 A Yes. Well, the vendors, but also we went  
18 further back to the manufacturers of casks, both  
19 quality assurance of the welds, how well the casks  
20 were welded together, it involved issues about  
21 unloading. These were inspection reports also of  
22 the utility involving the ability to unload these --

1 it was more than inspection reports. It was  
2 meetings held with NRC staff and contractors,  
3 correspondence that went back and forth.

4 Q And for what purpose did you do this  
5 review of the inspection reports and the associated  
6 documents? What was the purpose of that review?

7 A To investigate this for this Wisconsin PSC  
8 hearing. I also looked into it for the Prairie  
9 Island Indian community concerning the Prairie  
10 Island reactors, as far as unloading the casks were  
11 concerned, that issue.

12 Q The hearing involved at the PSC in  
13 Wisconsin, did it not involve the licensing of an  
14 independent storage installation? Isn't that  
15 correct?

16 A That's right. It involved rate  
17 proceedings.

18 Q Rate proceedings?

19 A Yes.

20 Q The State claims that the QA program as  
21 submitted by PFS lacks adequate detail. What is  
22 your opinion as to the level of detail required in a

1 quality assurance program?

2 A Well, my answers could be the same as the  
3 last one I gave for F&P that we talked about earlier  
4 today, which is the process that I would undertake,  
5 which is I would look at the QA program for the  
6 utilities and see and compare it to the PFS quality  
7 assurance program, which was developed under part  
8 71, not part 72.

9 So I can't give you specific examples  
10 other than that right now.

11 Q So you don't have an opinion right now in  
12 terms of what the level of detail is in terms of the  
13 quality assurance program?

14 A Right now I don't, not as we sit here.  
15 All the issues, you know, appear in the petition.  
16 And I haven't yet done that review to --

17 Q You have not reviewed any applications of  
18 other nuclear facilities in terms of --

19 A Not yet.

20 Q -- what level of detail they have for the  
21 quality assurance program?

22 A That's right, not yet.

1           Q     Okay.  So you don't know at this point in  
2     time what the appropriate division is between the  
3     level of detail in the quality assurance program and  
4     that which appears in the procedures in planning the  
5     program?

6           A     As we sit here, no.

7           Q     The State also alleges that the quality  
8     assurance program, especially the structure of the  
9     quality assurance program, is not -- strike that.

10           The State also alleges that the quality  
11     assurance organization for PFS is not sufficiently  
12     independent.  What is the basis of that assertion?

13           A     The basis is the following:  It makes it  
14     different from the standard dry storage proposals  
15     that utilities have, in which you have a utility  
16     responsible for those dry storage containers which  
17     set out on its pad.  You have PFS essentially owning  
18     the casks, but you have the utilities actually  
19     filling the casks and sealing the casks so that PFS  
20     depends on some other entity to do the work, depends  
21     on many different entities, many different welders,  
22     many different QA programs.

1           And PFS essentially has the responsibility  
2   of -- well, is essentially responsible then for the  
3   storage of these -- for transporting these  
4   containers and storing them at its site while  
5   someone else was responsible for actually loading up  
6   the containers and sealing them. And in that sense  
7   it is different, different from the standard utility  
8   approach which the NRC has licensed.

9           So we have concerns. That's the basis for  
10   our concern and why the QA program is so important.

11           MR. GAUKLER: Right now does he have the  
12   contention there, counsel?

13           MS. CURRAN: Yeah. Just let me take a  
14   break for a second.

15           (Counsel confers with the witness.)

16           THE WITNESS: Okay, I have been to the  
17   woodshed again.

18           BY MR. GAUKLER:

19           Q    Do you have anything to add with respect  
20   to the last question and answer?

21           A    Well, counsel pointed out to me that  
22   though all the points I raised were well taken, they

1 related to a part of the contention that had been  
2 tossed.

3 Q That had been dismissed by the board,  
4 right?

5 A Yes, that's a more kindly way to put it.

6 Q I would like to have you focus on the --  
7 do you have the contention in front of you there  
8 now?

9 A I do. The question that you raised  
10 relates to this failure to demonstrate independence  
11 of QA organization.

12 Q Correct, which is page 50 of the  
13 contention.

14 A Yes.

15 Q What is the basis, as you understand it,  
16 for that concern?

17 A I don't think I have anything to add,  
18 other than what appears in that contention, which is  
19 questioning the independence of the QA committee.

20 Q If the QA committee had access to the  
21 chairman of the board, would that alleviate your  
22 concerns? In other words, if there was an

1 organizational access to the chairman of the board?

2 A That would give me more confidence, yes.

3 Q That they would have an avenue beyond the  
4 manager to go up to the board to express their QA  
5 concerns, correct?

6 A That would give me more confidence, you  
7 know, and there are some other issues that are also  
8 included in the petition that are indicated.

9 Q Have you ever reviewed previously the  
10 organizational structure for a company or group of  
11 people operating a nuclear facility to evaluate the  
12 independence of the quality assurance organization  
13 within the organizational structure?

14 A Not really, not really. I see the  
15 importance of the issue but --

16 Q You have not evaluated other  
17 organizational structures with respect to whether  
18 the quality assurance organization within that  
19 structure was sufficiently independent to meet the  
20 NRC requirements; is that correct?

21 A Not really.

22 MR. GAUKLER: I have no further questions

1 on G.

2 MR. TURK: I have a few follow-up  
3 questions.

4 EXAMINATION

5 BY MR. TURK:

6 Q Are you aware of any NRC regulatory  
7 guidance that would apply to the independence of a  
8 QA organization?

9 A No, I am not. Similar to F&P, I haven't  
10 reviewed any, if any exists.

11 Q What is your understanding of how a QA  
12 program has to be structured in order to satisfy NRC  
13 requirements?

14 A My understanding is the following: The QA  
15 has to be set up so that if there are problems that  
16 arise, it can call a halt to operations. It has to  
17 have that independence and that connection with the  
18 manager of the organization. That's a general gut  
19 feeling that I have about what has to be done with  
20 the QA program.

21 Q I am not sure I understood what your point  
22 was. The manager of QA has to have -- what did you

1 say he has to have?

2 A The manager of the QA program has to be  
3 able -- must have the independence to call a halt to  
4 operations if there is some failure and has to have  
5 the connections to the board of managers to be able  
6 to have the board of managers call a halt to the  
7 operations.

8 Q In terms of --

9 A That's why it has to be independent. It  
10 can't be just part of the operation but has to be  
11 able to have a check role.

12 Q In terms of the program itself, do you  
13 understand what the program elements are? For  
14 instance, is there supposed to be a plan, a quality  
15 assurance plan?

16 A It is my understanding.

17 Q Are there any other elements of a program,  
18 other than the plan itself?

19 A Well, yeah, the guts of the plan. That  
20 is, the plan is just a piece of paper, the personnel  
21 who are responsible for it and procedures.

22 Q Have you ever looked at the procedures of

1 any other quality assurance organization?

2 A No.

3 Q Have you ever looked at the quality  
4 assurance plan of any organization, other than PFS?

5 A Other than PFS?

6 Q Yes.

7 A No. As I said, only as concerns the VSC  
8 storage cask and its construction of the Palisades  
9 reactor.

10 Q But you didn't look at the QA plan or QA  
11 procedures of any organization involved with the VSC  
12 cask, did you?

13 A I didn't. I just looked at --

14 Q You did not?

15 A I did not. Rather, I looked at the  
16 license -- the inspection reports that discussed the  
17 QA procedures and the fact that they weren't  
18 satisfactory.

19 MR. TURK: That's all I have.

20 MS. CURRAN: I need a consult, and then I  
21 may have a question.

22 (Counsel confers with the witness.)

1 MS. CURRAN: I don't have any questions.

2 EXAMINATION

3 BY MR. GAUKLER:

4 Q Dr. Resnikoff, I would like to turn to  
5 Utah Contention K next. What did you do today, what  
6 did you do to prepare for today's deposition with  
7 respect to Utah Contention K?

8 A I reviewed the contention. I reviewed  
9 some of the responses, the RAI responses. I  
10 reviewed some of the discovery materials that -- is  
11 it General Cole? Is that the right term?

12 Q Yes.

13 A -- has developed, has obtained. I  
14 reviewed that file.

15 Q Did you review any other discovery  
16 documents, other than those that General Cole had  
17 obtained?

18 A Some maps that I reviewed, a map of the  
19 Utah testing range.

20 Q Of the Utah Testing Training Range?

21 A Yes. I had a discussion with General  
22 Matthews.