

**EXCERPTS FROM  
DEPOSITION OF MARVIN RESNIKOFF**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

IN THE UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

\*\*\*

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

-----x

In Matter of: : Docket No. 72-22  
PRIVATE FUEL STORAGE, L.L.C : ASLBP No.  
(Private Fuel Storage Facility) : 97-732-02-ISFI

-----x

Washington, D.C.

Wednesday, May 19, 1999

Deposition of MARVIN RESNIKOFF, was called  
for examination by counsel, commenced pursuant to  
notice, at 10:10 a.m., at the offices of Shaw,  
Pittman, Potts & Trowbridge, 2300 N Street, NW,  
Washington, D.C., before Karen K. Brynteson,  
Registered Professional Reporter and Notary Public.

## 1 P R O C E E D I N G S

2 Whereupon,

3 MARVIN RESNIKOFF

4 a witness, was called for examination and, having  
5 been first duly sworn, was examined and testified as  
6 follows:

## 7 EXAMINATION

8 BY MR. BLAKE:

9 Q Dr. Resnikoff, my name is Ernie Blake, and  
10 I represent the Applicant in this proceeding, PFS.  
11 Can you state your full name, please.12 A Marvin Resnikoff. That's spelled  
13 R-e-s-n-i-k-o-f-f.14 Q And can you tell me where you are employed  
15 now?16 A Yes, Radioactive Waste Management  
17 Associates.18 Q I have a document that's dated the 21st of  
19 April, a declaration with an attached resume, et  
20 cetera, that I suspect you provided to your counsel  
21 and, in turn, your counsel provided for the  
22 proceeding, but if you would take a look at that, we

1 BY MR. BLAKE:

2 Q Let me turn to F&P now.

3 MS. CURRAN: Just a second. Do you need a  
4 break, Marvin?

5 THE WITNESS: No, I am okay.

6 BY MR. BLAKE:

7 Q Let me start by asking a little bit more  
8 about your background in the training area. When we  
9 went over the earlier resume and materials, I don't  
10 think there were any references at all to training.

11 What exactly is your background in the  
12 training regimen?

13 A Well, I graduated a long time ago from the  
14 University of Michigan.

15 Q We are not going to talk about that kind  
16 of thing.

17 A But since 1975, actually since 1974 I have  
18 worked on radioactive waste issues. In '75 I worked  
19 on transportation issues for the state attorney  
20 general, New York State attorney general, so that's  
21 when I started working on transportation issues.

22 And of the three kind of issues that we

1 work on at WMA, one involves dose reconstruction,  
2 many have involved court cases or personal injury  
3 cases where a person has cancer and we estimate the  
4 exposures that a person received and whether it is  
5 likely those exposures caused cancer. That's one  
6 type of case that I have worked on for the past ten  
7 years.

8 And another involves low level waste  
9 landfills, siting low level waste landfills and also  
10 remediation of leaking low level waste landfills.

11 And the third issue involves, since '75,  
12 transportation issues where I have looked at  
13 accident probabilities and consequences.

14 And increasingly in the last few years I  
15 have worked on dry storage issues, Prairie Island,  
16 Point Beach, Palisades.

17 Q Oyster Creek?

18 A I wouldn't -- I didn't really look at  
19 Oyster Creek extensively. I have looked at some of  
20 these issues as it concerns the Yankee-Rowe reactor.

21 Do you want me to focus then on F&P?  
22 That's my general background. And my general

1 background is training in physics. And then over  
2 the past 25 years I have examined numerous  
3 publications, thousands, I have read thousands of  
4 publications and reports by the NRC and contractors  
5 and performed calculations. I don't know, but  
6 that's my general background, if that's helpful.

7 Q The subject area of F&P are the adequacy  
8 of the licensee's training programs. And where I  
9 don't see any background in your explicit resume and  
10 in your expanded background which you have just  
11 given us with regard to training in particular or  
12 training at nuclear power plants or training more  
13 particularly at dry storage facilities, I wanted to  
14 know what your exposure, what your background, what  
15 your knowledge is in this particular subject area,  
16 the training of employees at these facilities.

17 A Okay. First of all, with regard to the  
18 work on the contentions that were filed on F&P,  
19 these were done jointly, myself and with Larry White  
20 and an associate of Larry White named Ed Benz, who  
21 particularly worked on training and quality  
22 assurance. So this was a joint effort among all of

1 us.

2 My primary role was to compare the  
3 regulations with the application in that respect. I  
4 haven't had, other than reviewing reports and  
5 training documents, I haven't directly been involved  
6 in training workers or been involved in those  
7 courses, other than reviewing their texts. I  
8 haven't actually, you know, been involved in the  
9 training of those workers.

10 Q What kind of -- I am sorry.

11 A The only other aspect that I wanted to  
12 mention is direct, in terms of direct experience, is  
13 I toured these facilities. I have toured dry  
14 storage facilities and reactors and storage pools.  
15 That's the extent of my background.

16 MS. CURRAN: Is that the end of your  
17 answer?

18 THE WITNESS: Yes.

19 MS. CURRAN: Could I just have a minute,  
20 please?

21 MR. BLAKE: Yes.

22 (Counsel confers with the witness.)

1 BY MR. BLAKE:

2 Q Now that you have been to the woodshed  
3 again, what do you have to add?

4 A Well, counsel has berated me for selling  
5 myself short. I just want to underline that in  
6 reviewing training manuals and reviewing the  
7 regulations and reviewing what the company has done,  
8 I am familiar with the kind of training required,  
9 and the company has not filed the kind of documents  
10 that are required.

11 Q Have you had occasion in any other docket  
12 regarding any other plant to review the adequacy of  
13 applicant's submittals to the NRC with regard to  
14 training?

15 A Well, a long time ago with regard to the  
16 West Val, the West Valley plant. No, in this  
17 particular case the answer is no.

18 Q Okay.

19 A But the answer is "no but." And the but  
20 is in this particular case it is our intention to  
21 actually review training manuals and training at  
22 reactor sites to compare it with what the company

1 has provided. That's how we intend to pursue this  
2 particular contention.

3 Q And do you intend to do that yourself?

4 A We haven't decided whether I am going to  
5 do it or whether we are going to bring in another  
6 person, such as Ed Benz, who helped to write the  
7 original contentions.

8 Q You may not be aware, Mr. Resnikoff, but  
9 we asked specifically earlier the State whether or  
10 not Benz would be involved as an expert and were  
11 told no.

12 A And what?

13 Q And we were told no.

14 MS. CURRAN: Let me just note for the  
15 record that you are asking Dr. Resnikoff questions  
16 about decisions the State is going to make and that  
17 --

18 MR. BLAKE: That's why I informed him  
19 about this, because I thought he might not know it.

20 MS. CURRAN: Yeah.

21 THE WITNESS: They can change their mind.  
22 No? I am not a lawyer.

1 BY MR. BLAKE:

2 Q That's a fair observation on both parts,  
3 one that they can and, two, that you are not a  
4 lawyer.

5 If you have not looked at any others, what  
6 standard do you use for determining whether or not  
7 the applicant has complied with the staff  
8 requirements in training?

9 A I think I mentioned what I did to file the  
10 contention. I reviewed the regulations and I  
11 reviewed what the company has filed. More recently  
12 I looked at the Department of Transportation  
13 requirements for locomotive engineers just to get an  
14 understanding of how another agency, looking at the  
15 requirements of another agency. And I think some of  
16 this was inserted in our response to your motion,  
17 was it? That's right, the answers to  
18 interrogatories.

19 Q And what applicability do you think those  
20 have to your contention which is that we haven't  
21 complied with a portion of part 72?

22 A It is just to understand the kind of

1 training and certification required by other  
2 agencies, the depth and to compare it with what PFS  
3 had filed, which in my view was minimal.

4 Q Was the Department of Transportation  
5 material that you were looking at a description of  
6 what needed to be filed in an application or how to  
7 fully develop a training program?

8 A A training program. And also  
9 certification of personnel, and also when that  
10 certification would be removed. For instance, the  
11 physical requirements of personnel.

12 Q I have no more questions, thank you.

13 MR. TURK: I have just a few questions on  
14 this one.

15 EXAMINATION

16 BY MR. TURK:

17 Q Are you aware of any staff guidance which  
18 indicates to an applicant for ISFSI what is required  
19 to be in the application with regard to training and  
20 certification?

21 A I didn't review any staff guidance.

22 Q Are you aware of any?

1           A     I wasn't aware of any with regard to any  
2     dry storage facility. Does such a document exist?  
3     I know you are supposed to ask the questions.

4           Q     That's correct. Have you ever reviewed  
5     the adequacy of a training or certification program  
6     for any other type of facility?

7           A     I have reviewed training programs, the  
8     manuals, not specifically for this type of facility.  
9     I didn't know if any existed.

10          Q     What training manuals have you reviewed,  
11     for which facilities?

12          A     I think that I gave a list of some that we  
13     had, I think, in the office. I don't have the  
14     response to what we submitted.

15                 MS. CURRAN: What is it you are looking  
16     for? The answer to the interrogatory?

17                 THE WITNESS: Yes.

18                 MS. CURRAN: Yeah, here. Here is the  
19     first one.

20                 THE WITNESS: I listed this Appendix B,  
21     transportation of hazardous materials, state and  
22     local activities prepared by the Office of

1 Technology Assessment, and that has a list of  
2 training programs.

3 BY MR. TURK:

4 Q What are you looking at now?

5 A I am looking at State of Utah's response  
6 and objections to applicant's first set of formal  
7 discovery requests.

8 Q That's the one dated April 14th, 1999?

9 A Yes.

10 Q Which page are you looking at there?

11 A 12.

12 Q My question to you --

13 A Then on page 13.

14 Q My question to you didn't ask you about  
15 that. I asked you if you reviewed the training  
16 programs for any facilities, not limited to ISFSI's.  
17 And you are now referring, as I understand it, to  
18 something prepared by the Department of  
19 Transportation or is it -- I guess it is the  
20 Department of Energy.

21 A Yes. But these relate -- yes, that's  
22 right.

1 Q But my question to you is which  
2 facilities' training programs have you reviewed?

3 A Specific facilities?

4 Q Yes.

5 A For specific facilities, I looked at West  
6 Valley many years ago.

7 Q Was that back in approximately the 1972  
8 time frame?

9 A '75 time frame and I mentioned earlier  
10 that it was our intention to review submittals for  
11 reactor sites.

12 Q In the future?

13 A In the future.

14 Q And West Valley training manual, was it  
15 the training manual you looked at?

16 A Yes, the entire application.

17 Q Including the training manual?

18 A Yes.

19 Q Was there some reason in particular that  
20 you looked at the training manual for West Valley?

21 A I looked at all aspects of the facility  
22 and proposed application.

1 Q And what was the paper filed?

2 A These were affidavits that were filed in  
3 that case on behalf of the intervenors.

4 MS. CURRAN: If you should want any of  
5 that material, I am sure I could get it for you.

6 MR. TURK: That's all right. If it is  
7 files in a proceeding, I am sure we have access to  
8 it.

9 MS. CURRAN: I could tell you where to  
10 look in general. I am representing the intervenor.

11 MR. TURK: That's all I have. Thank you.

12 EXAMINATION

13 BY MS. CURRAN:

14 Q Dr. Resnikoff, are you generally familiar  
15 with the NRC safety requirements for transportation  
16 and storage of spent nuclear fuel?

17 A Yes.

18 Q So is it fair to say that you are familiar  
19 with the kinds of activities that need to be  
20 performed in transporting and storing spent nuclear  
21 fuel?

22 A Yes, yes, particularly in one case,

1 Prairie Island, we examined in great detail the  
2 methodology for loading and unloading storage casks,  
3 what workers had to do at each particular stage.

4 Q So is it fair to say that you are familiar  
5 with the specific steps that need to be taken in the  
6 course of a day or a week or a year at a spent fuel  
7 storage facility by the employees there?

8 A Yes.

9 MS. CURRAN: That's all the questions I  
10 have. Now I really need a break.

11 MR. BLAKE: That's fine. Let's take a  
12 break.

13 (Recess.)

14 EXAMINATION

15 BY MR. GAUKLER:

16 Q Dr. Resnikoff, my name is Paul Gaukler. I  
17 am going to be asking you some questions next. I  
18 thought we would first focus on Utah B, which  
19 concerns the intermodal transfer point.

20 What did you do, if anything, to  
21 specifically prepare with respect to Utah B today?

22 A Oh, I reviewed the petition to intervene,