

# EXHIBIT 19

Case No. 2-1998-023

*K/11*

EXHIBIT 19

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 7C  
FOIA- 2001-0012



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C O N T E N T S

WITNESS

EXAMINATION

PHIL SMITH

BY MR. CLAXTON

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E X H I B I T S

NUMBER

IDENTIFIED

[NONE.]

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

1  
2 MR. CLAXTON: For the record, today is Wednesday,  
3 May 12th, 1999. This is an interview of Phil Smith. The  
4 interview is being conducted at the Watts Bar Nuclear Plant  
5 at 1260 Nuclear Plant Road in Spring City, Tennessee.

6 Also present at the interview is Ed Bigluicci who  
7 is Senior Counsel for the Tennessee Valley Authority, and  
8 myself. I am Gary Claxton, I am a Special Agent with the  
9 Office of Investigations, Nuclear Regulatory Commission,  
10 Region II in Atlanta.

11 Mr. Smith, prior to the beginning of the  
12 interview, I asked you if you were aware of Mr. Bigluicci's  
13 identify and his purpose in being here.

14 MR. SMITH: I am.

15 MR. CLAXTON: And he is here with your permission?

16 MR. SMITH: That is correct.

17 MR. CLAXTON: And you understand that he can share  
18 any information he hears with your employer?

19 MR. SMITH: I understand.

20 MR. CLAXTON: All right. And you also understand  
21 that you have the right to provide information to the NRC at  
22 any time in a confidential nature?

23 MR. SMITH: I do.

24 MR. CLAXTON: All right. If you would raise your  
25 right hand, please.

1 Whereupon,

2 PHIL SMITH,

3 the interviewee, was called for examination and, having been  
4 first duly sworn, was examined and testified as follows:

5 MR. CLAXTON: Thank you. You can put your hand  
6 down.

7 DIRECT EXAMINATION

8 BY MR. CLAXTON:

9 Q As we go along, if you have a proper name or an  
10 acronym, or anything, if you would spell that out, I would  
11 appreciate it.

12 A I understand.

13 Q The transcriptionist would appreciate it.

14 A I am sure she would.

15 Q What is your full name?

16 A My name, Philip F. Smith.

17 Q Okay. And your home address?

18 A [REDACTED]  
19 [REDACTED]

20 Q And your home telephone number?

21 A Local home telephone number is area [REDACTED]  
22 [REDACTED]

23 Q Are you presently employed here at Watts Bar?

24 A Yes, I am.

25 Q And what is your occupation?

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1 A I am an engineer. Engineering -- engineer manager  
2 of the NSSS section.

3 Q And NSSS stands for?

4 A Nuclear Steam Supply Systems.

5 Q Okay. It's all right. That's fine. What is your  
6 office number here?

7 A My office number?

8 Q Or do you have a number here at the plant?

9 A Oh, my phone number.

10 Q Right.

11 A Area 423-365-8956.

12 Q I thought there was a number there that you  
13 weren't aware of.

14 A The number of my door someplace I don't know  
15 about.

16 Q How long have you held your present occupation?

17 A I have been at Watts Bar since January of 1995. I  
18 worked in the mechanical design section from then until  
19 February of '98, in which I moved to another -- another  
20 section in engineering, in system engineering.

21 Q All right. Do you have any professional degrees  
22 or are you degreed?

23 A Yes.

24 Q Okay. What do you have your degree in?

25 A Bachelor in chemical engineering, master's in

1 mechanical engineering, master's in nuclear engineering.

2 Q All right. Where did you receive the degrees  
3 from?

4 A The bachelor's was from Lehigh University in  
5 Bethlehem, Pennsylvania. The masters were both from  
6 Polytechnic University in Brooklyn, New York.

7 Q Now, you have your present position since January  
8 of '95, so, obviously, you were here in June of '95 when  
9 some ice basket screws were examined by the Central Lab  
10 Services.

11 A Yes.

12 Q Did you have any involvement in the examination of  
13 those screws? And when I say any involvement, did you have  
14 any involvement in the request for the examination or --

15 A The only involvement that I would have to the best  
16 of my recollection was the metallurgical engineer, Vonda  
17 Sissom, who worked for her supervisor, Dave Briggs. Dave  
18 Briggs worked for me in that -- in the position at that time  
19 in June of '96.

20 Q All right. Did you come to learn about the  
21 examination of those ice basket screws during that time  
22 period?

23 A Yes.

24 Q What was your -- what did you learn about the  
25 examination?

1           A     I knew that they did some metallurgical  
2 examination and they developed what they thought were --  
3 what they observed from their examinations in terms of what  
4 the fracture surface looks like or what the metallurgy of  
5 the screw had looked like. And specifics beyond that, I  
6 don't recall at this time without going back and looking at  
7 any of the old documentation.

8           Q     Did you see the report dated June 2nd, which was  
9 the first report, when it came out, or would you have had  
10 reason to review that report?

11          A     I would not have had a reason to review that  
12 report. The report would have been issued by the Central  
13 Labs, it would have been reviewed likely by the chief  
14 metallurgical engineer, Terry Woods, or one of his staff  
15 downtown, and then would have been transmitted up to likely  
16 one of the metallurgical engineers in design engineering,  
17 usually Vonda Sissom, or Dave Briggs, one of those two.

18          Q     Which would have been one of your reports?

19          A     Would have been one of my reports, yes.

20          Q     And then what would have happened to that report?

21          A     Typically, what they would have done is the  
22 metallurgical report was very technical in orientation and  
23 there would have been a memorandum or a letter written by  
24 the metallurgical engineers on site to be able to say, here  
25 is what this really means. It was a very technical report,



1 typically, and they would typically write a letter saying,  
2 here is what that means in English, or for the management to  
3 understand that without having to read the whole report.

4 Q What would you call that report that the site  
5 engineer would write? Is there a particular name for it?

6 A There might have been, I just don't happen to  
7 recall a specific name for it.

8 Q Okay. Now, would -- and I call it the site  
9 engineer's report, for want of a better term.

10 A Okay.

11 Q Would you have received a copy of that site  
12 engineer's report?

13 A I don't recall if I got a copy of this one. I  
14 just don't remember.

15 Q Were you aware in June of '95 that that first  
16 report dated June 2nd was returned to the Central Lab and a  
17 subsequent report was issued?

18 A Yes, I was.

19 Q Were you aware of it at the time it was issued,  
20 which was about June 19th, 1995?

21 A I can't be sure of the date. I was probably aware  
22 of it within the month of June, that they were going to pull  
23 the report, the first report back and then reissue a second  
24 report.

25 Q Do you recall how you became aware of that?

1           A     I believe that I either had discussion with some  
 2 of my staff, or it was with the chief metallurgist, Terry  
 3 Woods, regarding some conclusions which were made in the  
 4 report, which he believed were not supported the data or the  
 5 analysis which they did. And I recall a discussion with  
 6 Terry that said that those reports had to stand on their own  
 7 and that the conclusions that were made there, they couldn't  
 8 really substantiate that based on what they had tested, and  
 9 that in his opinion, that that was something that, in order  
 10 to keep the report very self-standing, that he felt that  
 11 that should be revised, and that led to the second report.

12           Q     [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 Q Okay. There was no issue as to whether or not  
2 that information should remain in the first report?

3 A No, I do not recall any discussion on that.

4 Q When the second report came out, were you aware  
5 that the set B information was not included?

6 A No, I was not.

7 Q Do you know when you became aware of that?

8 A It has been fairly recently. In fact, discussions  
9 that I had in the last few days where somebody had made me  
10 aware of that. I didn't know that that had been taken out  
11 of the report, in the second one.

12 Q We discussed, prior to the interview, a meeting  
13 dated 6/14/95, and I showed you a list of people who had  
14 signed in apparently at that meeting, and I think you  
15 identified your name as being your handwriting, and you said  
16 apparently you were there.

17 A It is my handwriting on the attendance list.

18 Q Apparently. Was it unusual or is it normal to  
19 have an attendance list passed around at a meeting?

20 A Maybe a third to 40 percent of the time you would  
21 get an attendance list. It generally would depend on  
22 perhaps who had called the meeting, and some people tend to  
23 like to have a record of who was there, that if they were  
24 going to print it up, if they were going to publish meeting  
25 notes, they would know who to send those to. Or if there

1 were very important topics being discussed, they might want  
2 to have that so that there was representation from certain  
3 organizations.

4 Q Do you recall anything about this meeting?

5 A No. I don't recall being at the meeting. I don't  
6 even recall the subjects that had been discussed. I do  
7 recall one meeting where I had -- where we discussed ice  
8 condenser screws somewhere in the spring to summer  
9 timeframe. I couldn't tell you when it was. It was the  
10 only time that -- the only reason I remember it, it is the  
11 only time I happened to have met Mr. Overall since I had  
12 been there.

13 Q Now, even though you are not sure whether this is  
14 the same meeting, let me make sure I am wording this right,  
15 you remember a meeting concerning the ice basket screws, but  
16 you are not sure it was this meeting of June 14th?

17 A I am not sure that it was.

18 Q You are not sure you can match those?

19 A I am not sure I can.

20 Q Okay. But you recall that you met Mr. Overall or  
21 that he was a meeting, is that correct?

22 A That he was a meeting where we talked something  
23 about ice baskets or ice basket screws, in around that time,  
24 so I am making an assumption, and it may be incorrect, that  
25 that was this meeting.

1 Q Okay. Do you recall what Mr. Overall's -- what  
2 his approach was to the ice basket screws or why he was  
3 discussing them? Do you remember the topic of the  
4 discussion?

5 A Not from the meeting, I don't.

6 MR. CLAXTON: Why don't we take a short break at  
7 1:20 p.m.

8 [Recess.]

9 MR. CLAXTON: We are back on the record at 1:21  
10 p.m. with the same parties present. I would remind you, Mr.  
11 Smith, that you are under oath for the information that you  
12 give.

13 THE INTERVIEWEE: I understand.

14 BY MR. CLAXTON:

15 Q Did you see or read a reconciliation report that  
16 Mr. Woods prepared back in October where he compared the  
17 findings of the June 2nd report to the findings of the June  
18 19th report?

19 A The 1998, I don't recall reading this report, but  
20 by 1998 my involvement in the issue on the ice basket screws  
21 was very limited, in fact, almost to the point of being, you  
22 know, not even involved in it at all. By the time 1998  
23 rolled around, civil design section, Mr. Adair was handling  
24 the issue on the reports and the PERs, the problem  
25 evaluation reports that had been written on the screws and

1 on the subsequent findings on testing and things like that.

2 Q [REDACTED]

3 [REDACTED] 7c

4 [REDACTED]

5 A On either --

6 Q On the reconciliation report.

7 A On the reconciliation, he did not.

8 Q Okay. Thank you. All right. Well, I think to  
9 summarize, if I hear you correctly, is that you acknowledge  
10 that you did sign in on the attendance sheet for the June  
11 14th meeting, but, basically, you don't remember anything  
12 that went on. You don't recall the purpose or who spoke?

13 A No, I don't.

14 Q Or the subject areas.

15 A As I said before we had started the tape, that I  
16 had gone back through my old day planner from 1995 and had  
17 no entry on June 14th and plus or minus a week on that, no  
18 entries relative to any meetings on ice basket screws.

19 MR. CLAXTON: Right. Ed, do you have any  
20 questions that you would like to ask?

21 MR. BIGLUICCI: Could we take just a couple of  
22 minutes?

23 MR. CLAXTON: Sure. Let's go off, take a break at  
24 1:24.

25 [Recess.]

1 MR. CLAXTON: We are back on the record at 1:29  
2 p.m., and apparently there are no further questions.

3 BY MR. CLAXTON:

4 Q I will ask you, Mr. Smith, do you have anything  
5 you would like to add, or do you have any questions of me as  
6 far as what we have talked about?

7 A No. Nothing more that I think I can add. If you  
8 have questions on anything I have said, I will try and  
9 clarify that for you.

10 Q I don't think I have anything else. But I would  
11 like to ask you if the information that you have provided  
12 has been provided freely and voluntarily?

13 A Absolutely.

14 Q Okay. Have there been any threats or promises  
15 either from myself or any other employee of the Nuclear  
16 Regulatory Commission?

17 A No.

18 MR. CLAXTON: Thank you. And with that we will  
19 conclude the interview at 1:30 p.m.

20 [Whereupon, at 1:30 p.m., the interview was  
21 concluded.]  
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23  
24  
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CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding:       INTERVIEW OF  
                                  PHIL SMITH  
                                  (CLOSED)

Docket Number:            2-1998-023

Place of Proceeding:      Spring City, TN

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission transcribed by me from recorded tapes provided by the Nuclear Regulatory Commission, and that the transcript is a true and accurate record of the foregoing proceedings to the best of my belief and ability.

  
\_\_\_\_\_

Martha Brazil

Transcriber

Ann Riley & Associates, Ltd.