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2001-0011

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Case No. 2-1998-023

EX 7C

EXHIBIT 27

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EXHIBIT 27

C O N T E N T S

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WITNESS

EXAMINATION

DARYL ALLEN 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

(11:56 a.m.)

MR. CLAXTON: For the record, it's 11:56 am. Today's date is March 10th, 1999. This is an interview of Daryl Smith, which is taking place at the offices of Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee.

Also present at the interview is Tom Fine, and Mr. Fine, I will let you identify yourself and get your purpose for being here.

MR. FINE: My name is Tom Fine and I'm in the office of General Counsel of the Tennessee Valley Authority. And I'm here representing Mr. Smith and the Tennessee Valley Authority.

MR. CLAXTON: Mr. Smith, are you aware of Mr. Fine's identity and you know he represents not only you but also your employer?

THE WITNESS: Yes.

MR. CLAXTON: And are you aware of that he can share any information today with your employer?

THE WITNESS: Yes.

MR. CLAXTON: Are you also aware that you have a right to come to the NRC at any time and offer information in confidence without anybody else being there?

THE WITNESS: Yes.

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1 MR. CLAXTON: And he has your permission to be
2 here today.

3 THE WITNESS: Yes.

4 MR. CLAXTON: Do you have any objection to giving
5 us under oath?

6 THE WITNESS: No, sir.

7 Whereupon,

8 DARYL ALLEN SMITH,
9 the Interviewee, was called for examination and, having been
10 first duly sworn, was examined and testified as follows:

11 EXAMINATION

12 BY MR. CLAXTON:

13 Q Will you give us your full name?

14 A Daryl Allen Smith, D-a-r-y-l, A-l-l-e-n.

15 Q What is your home address, please?

16 A [REDACTED]
17 [REDACTED]

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18 Q And your phone number, if you don't mind?

19 A [REDACTED]

20 Q Are you presently employed by TVA?

21 A Yes.

22 Q What is your occupation?

23 A Metallurgical engineer.

24 Q Where is your office located?

25 A It's at Chickamauga Reservation, Power Service

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1 Center.

2 Q And --

3 A Central Laboratory Services.

4 Q That was my next question would have been the
5 actual name of your office; that's Central Laboratory
6 Services?

7 A Yes.

8 Q Who is your supervisor there?

9 A Delsa Frazier.

10 Q How long have you been employed?

11 A Five years.

12 Q All five years as a metallurgical engineer?

13 A Yes.

14 Q Do you have a degree?

15 A Yes.

16 Q What is your degree in?

17 A Bachelor of Science, Material Science Engineering,
18 University of Tennessee, Knoxville.

19 Q Before the interview started, we discussed briefly
20 what the purpose of the interview would be and that included
21 an examination of ice basket screws that you conducted back
22 in June of 1995.

23 Have you reviewed that examination prior to coming
24 today or are you familiar with it or have you refreshed your
25 memory a little bit?

1 A Yes.

2 Q Did you bring some copies of those reports?

3 A Yes.

4 Q How do you normally receive an assignment or work
5 order? What is the correct wording there?

6 A It's assigned to me by Delsa.

7 Q Okay. Is the assignment made in writing; is it a
8 work order?

9 A There is a work order request sheet which is
10 filled out.

11 Q Now -- and you were assigned -- or you were given
12 an assignment back in June of 1995. Looking at your report,
13 95-1021 dated June 2nd, '95 what do you recall about that
14 particular assignment, and in particular, did you discuss
15 that assignment with Ms. Frazier or does she typically just
16 hand you the assignment? Or can you tell me how you receive
17 the assignment?

18 A Ms. Frazier gave me the assignment.

19 Q Did you she also give you the screws for the
20 examination?

21 A Yes.

22 Q Do you remember how they were packaged?

23 A No.

24 Q Would the report reflect how they were packaged?

25 A They were labeled.

1 Q According to the report that I see, my copy of the
2 report, there were eight separate sets of screws, and I
3 believe according to the report, Set B included twelve new
4 screws?

5 A Yes, sir, that is the label that's on the report.

6 Q Okay. Do you know where those screws came from or
7 what their origin could have been?

8 A I was told these were new screws, and that was all
9 the information I was given at the time.

10 Q During your examination, did you call Ms. Sisson
11 or anyone else that was involved with these screws to obtain
12 further or additional information?

13 A I believe I spoke with Ms. Sisson, I don't recall
14 if she called me or --

15 Q Do you recall what questions you had?

16 A Just needed additional information about how these
17 screws were used in service.

18 Q Do you have any discussions with Curtis Overall?

19 A No, sir.

20 Q For the purposes of our interview today, I would
21 like to focus in on the Set B of the twelve new screws. So
22 any questions we have, you can respond strictly regarding
23 those new screws.

24 Don't even consider the other screws in the
25 examination because, as we discussed earlier, the interview

1 will just involve the new screws and the disposition of
2 those screws, and what was done or not done.

3 Does the -- at the bottom of Page 1, I think you,
4 in your report, you refer to some cracks that were
5 discovered in the screw samples from Set B.

6 Do you recall, or can you determine from the
7 report that you have, how many of the screws in Set B had
8 cracks in them?

9 A I believe one.

10 Q One. Okay. And I think, according to the report,
11 you had twelve new screws, do you recall whether you
12 examined all twelve of those screws for cracks?

13 A I believe we had time to examine one. I do not
14 recall whether we examined all or not. I think we did draw
15 the conclusion that -- I will just say at this time, I do
16 not recall.

17 Q Would this report, or would any subsequent report,
18 would the revised report, show whether -- would they show
19 how many of the screws you examined?

20 THE WITNESS: Do you have a copy of that
21 endorsement, Tom?

22 MR. FINE: No. No, I don't, but I can --

23 MR. CLAXTON: While we're looking for that
24 document, why don't we go off the record at 12:05 p.m.

25 (Discussion held off the record.)

1 MR. CLAXTON: Back on the record at 12:10 with the
2 same parties present.

3 And I will remind you that you're under oath for
4 the information you provide. And we were talking about the
5 number of screws that you had examined in Set B.

6 And I believe especially there was one, but then
7 you had asked to see the endorsement, which may have here.

8 I will give you time to take a look at that.

9 THE WITNESS: All right. There were a total of
10 twelve screws in Set B, five of those screws were destroyed
11 for other tests.

12 Seven of the remaining screws which were not
13 destroyed for other testing were examined for cracks.

14 Of those seven screws -- all right, let me go
15 back.

16 BY MR. CLAXTON:

17 Q Sure.

18 A One of those five, which were destroyed for other
19 test, was the one mentioned in the first report.

20 Four screws then were destroyed for testing.
21 Seven of the remaining screws, we also examined and no
22 additional cracks were found.

23 So of the twelve screws, a total of eight were
24 examined for cracks, one screw contained cracks.

25 Q Now, in your experience, if you found a crack in

1 that one screw, did that cause you any alarm or did you see
2 that as a significant condition?

3 A No. I would say not. I mean, it was a screw from
4 probably a large lot, and there are criteria specified in
5 various sampling publications which states how many
6 rejections you can have in order for the entire lot to be
7 rejected.

8 Q In your position as a metallurgical engineer, is
9 that your responsibility to notify someone of a crack or
10 some type of manufacturing defect -- first of all, I assume
11 that that was a manufacturing defect.

12 Let me ask you, did you determine what caused that
13 crack?

14 A I believe from our conclusions, we determined that
15 it was present during the manufacturing process.

16 Q Now, at that time, how much experience did you
17 have as a metallurgical engineer?

18 A I believe about a year.

19 Q Okay. So you had limited experience, and I'm not
20 saying that to be critical of you, but you had seen a
21 limited amount of work in your professional career?

22 A Yes.

23 Q Were you instructed in any way to raise this type
24 issue to someone else if you saw something which you felt
25 may have been a manufacturing defect?

1 A Yes, if I felt it was significant enough, it would
2 have been raised.

3 Q And did you see this as a significant issue?

4 A Well, I included it in the first version of the
5 report, so yes.

6 Q So you did document it?

7 A Yes.

8 Q Did you talk to Ms. Frazier or anyone else about
9 the significance of this issue whether it should be raised
10 to a higher level?

11 A No.

12 Q Is there a standard -- understanding again that
13 you're a metallurgical engineer and not operations or
14 maintenance -- but to your knowledge, to your recollection,
15 at the time that you performed this exam, was there a
16 percentage that you were working against as far as defective
17 screws, if you found 5 percent, it's okay, but 10 percent
18 wasn't.

19 Do you have anything like that that you were
20 working against?

21 A No. The determination was to be made by the
22 customer, not by the lab.

23 Q All right. When you completed the report of your
24 examination, what did you do then, what did you do with it?

25 A Well, we compiled the information into a report.

1 Q Uh-huh. And did Ms. Frazier review that?

2 A Yes.

3 Q Did she have any corrections that you recall?

4 A Probably.

5 Q Major corrections?

6 A Not that I'm aware of. It was -- most reports get
7 some corrections to them. It's not a big deal.

8 Q Do you recall that she asked you any questions
9 about the Set B or the new screws that you had examined?

10 A Not that I recall.

11 Q Do you recall that she attached any significance
12 to the one screw that had a preexisting defect in it?

13 A Not that I recall.

14 Q Now, when the first report went out, were you
15 asked later to revise that report?

16 A Yes.

17 Q Now, how did that request come about?

18 Were you in a meeting or did Ms. Frazier come and
19 ask you or tell you what to change or how did that come
20 about?

21 A I believe Delsa was present, basically we -- I
22 conferred with probably Delsa and made a list of things to
23 be added or subtracted from the first report to prepare a
24 second report.

25 Q Okay. Now, was was this revision your initiative

1 or was something brought to your attention that needed to be
2 changed?

3 A Well, if there was something brought to my
4 attention that needed to be changed, I would have wanted it
5 changed, so I would have taken the initiative to change it.

6 Q Let me ask that again in a little bit different
7 way. The report dated June 2nd was revised; who initiated
8 that revision?

9 A I believe that the major influence was Terry,
10 Terry Woods.

11 Q And as I ask that question, I realize that you may
12 not know, but how did you learn of the -- how did you learn
13 that there was some revisions to be made in this report?

14 A Apparently Terry had voiced his concerns to Delsa,
15 I believe.

16 Q And did she come to you one on one or did you
17 discuss this in a larger meeting?

18 A I don't recall.

19 Q Did you agree or disagree with the suggestions
20 that Delsa had?

21 A I agreed.

22 Q What was the nature of the revisions that they
23 requested you make?

24 A Some were technical, some were to omit conjecture.

25 Q What about conjecture?

1 A Some were to omit conjecture.

2 Q Now, when you say conjecture, was this some
3 phrases or words that may have -- from what I have already
4 learned, I understand that there were some phrases that
5 could not be proved in the lab; is that correct?

6 A Yes.

7 Q And words and phrases that related to I think
8 overtorquing; was one of the phrases that were wanted
9 removed?

10 A That's correct.

11 Q Did -- was that a phrase that you used -- let me
12 ask it this way.

13 Was that suggested to you that the failure of
14 those screws were overtorqued and that's why you used those
15 phrases in your report?

16 A Yes.

17 Q Who suggested that to you?

18 A I believe it was Vonda.

19 Q And was this in a verbal conversation you had with
20 her?

21 A I believe so.

22 Q Did she give you any reason why she used those
23 words where --

24 A I don't recall.

25 Q And what is her position; what does she do?

1 A At the time she was chief metallurgist at Watts
2 Bar.

3 Q So she was a site metallurgist?

4 A Yes.

5 Q And with the limited experience you had at that
6 time, you just were kind of going along with what was
7 suggested with you by someone who was more senior than you
8 were?

9 A Yes.

10 Q This was just not something you thought it up that
11 might have sounded good in a report, was it?

12 A No.

13 Q All right. You were asked to revise the report
14 and I think you told me earlier that you had taken out some
15 words and phrases of conjecture.

16 There was also the issue of Figure 7 in the
17 report.

18 A Yes, sir. Before you get started to that, may I
19 have a moment to talk to him?

20 MR. CLAXTON: Why don't we take a break at 12:22.

21 (Discussion held off the record.)

22 MR. CLAXTON: Back on the record at 12:29 p.m.
23 with the same parties present.

24 And once again, Mr. Smith, I would like to remind
25 you that you are under oath with the information that you're

1 to provide.

2 BY MR. CLAXTON:

3 Q We were getting ready to talk about the figure
4 just that were used in the first and second reports, and the
5 revision of those figures.

6 Can you explain briefly for my benefit the purpose
7 of the revision and the Figure 7 in particular and why those
8 were changed.

9 And I read the memo about it, but if you could
10 explain it to me a little bit better, I would --

11 A We had some additional work which we had done
12 after the release of the first report which we needed to
13 incorporate some photographs into the second report.

14 The figures or the photographs which we wanted to
15 put into the figure pages on the second report, logically
16 fell into place in that figure, and we didn't have the space
17 to include the other one.

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 Q Now, who made the decision to move the pictures
23 around, so to speak?

24 A I believe it was me. I mean, I was the one who
25 was doing the cutting and pasting.

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1 Q Did you or do you recall discussing with Ms.
2 Frazier the revision of the figures and which figures should
3 go where?

4 A I don't recall that.

5 Q [REDACTED] 7C

6 [REDACTED]

7 [REDACTED]

8 A I don't believe that came up, not until the Curtis
9 Overall case.

10 Q Do you know why it came up then?

11 A It's part of his conspiracy theory.

12 Q Did -- okay.

13 Can you go into that a little bit more -- when you
14 say part of his conspiracy theory?

15 A I don't know much about it other than the fact
16 that he thought there were several people in TVA that were
17 out to get him, if it was there at all. But he certainly
18 got a lot of money out of it -- so.

19 Q From what I hear you saying, you came to
20 understand that some people thought the original Figure 7
21 and the June 2nd report was removed as part of a conspiracy?

22 A That apparently came up a couple of years later, I
23 think. I believe that was part -- I wasn't there when he
24 gave his testimony in the court case.

25 Q What you're telling me is hearsay?

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1 A Yes.

2 Q [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 A No. I mean, you're referring to when we were
6 issuing these reports? No.

7 Q And just to clarify, I think you and I understand
8 what we're talking about, but just for the person that might
9 be reading this transcript later, we're discussing the two
10 metallurgical reports -- one dated June 2nd and one dated
11 June 19th, [REDACTED]

12 [REDACTED]
13 A [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 Q Do you know whether or not any additional testing
20 was conducted on any of the new screws from the warehouse
21 after these two -- actually on one exam, but were there any
22 additional examinations conducted subsequent to this
23 examination that you did on the new screws?

24 Do you understand that?

25 A I have not had any dealings with any screws since

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1 then.

2 Q You have not been asked to examine the new screws?

3 A No.

4 Q And you don't have any knowledge of any outside
5 laboratories or outside examinations of any new screws?

6 A I seem to recall somebody talking about this --
7 some testing going on, but that had been recently. I don't
8 know anything about it though.

9 Q Like when you say recently, within days?

10 A No. I mean within the last year or so, I think.
11 It's -- it was part of Delsa's -- I think what she was
12 working -- this issue came back up again, and we had some
13 more screw theory examining.

14 And I seem to recall that there were some that was
15 sent to another lab and some sent to us.

16 MR. FINE: This is something that Terry Woods can
17 help you with. BY MR. CLAXTON:

18 Q So as far as you're concerned, Mr. Smith, you have
19 not been involved in any additional testing?

20 A No.

21 Q You don't have firsthand knowledge of any
22 additional testing?

23 A No.

24 Q Can you tell from your examination and report
25 whether or not there was a standard you measured these

1 screws against as far as any type minimum standards?

2 A The first report mentions a -- excuse me, the
3 second report mentions specifications 678956.

4 Q Where is that located?

5 A In the second report.

6 Q Uh-huh.

7 A Second page, the paragraph which says "in
8 conclusion."

9 Q I see it.

10 So correct me if I am wrong, but what this
11 paragraph says is that these screws have a specification for
12 a particular combination of elements; is that a correct
13 term?

14 If you have a 1022 carbon steel, is that a
15 particular blend or type of steel?

16 A Yes.

17 Q So it must be certain elements or certain
18 percentage of elements?

19 A Yes.

20 Q And that's set forth in the Westinghouse Equipment
21 Spec Number 678956?

22 A I believe to be technically accurate, I believe
23 that spec calls for screws to be 1022.

24 Q Uh-huh.

25 A However, I'm not sure if that spec actually delves

1 into to what that means.

2 Q Okay.

3 A Typically 1022 is a -- you can look that up in an
4 AISI reference.

5 Q Is that an industry standard?

6 A Yes.

7 Q And you --

8 A And you can get the blend, as you call it, of
9 elements from that.

10 Q On Table 1 on the second report on the third page,
11 would that relate to the standard of a carbon 1022 in any
12 way?

13 A When you say that, you're referring to?

14 Q That table?

15 A That table does give you an idea of what is in the
16 base metal. However EDS analysis does not do well at
17 quantifying carbon.

18 So you could not readily determine if it was a
19 1022 screw by Column 1 results from Table 1.

20 Q Uh-huh. All right.

21 Now then on Table 2, and Table 3, actually that
22 just gives a results of your finding; that's correct?

23 A Table 2 gives the carbon and sulfur results, which
24 were obtained from the screws.

25 Q Okay. And then would you compare that to the

1 industry standard for carbon 1022 to see if it meet the
2 standards?

3 A Yes.

4 Q Do you know or do you recall, or can you tell from
5 the report whether these screws met these standards?

6 A Yes. You would be able to determine if they met
7 or failed from this table. Well, at least the carbon and
8 sulfur specifications.

9 Q

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1 A No.

2 Q Or that that was not necessary that you didn't or
3 that that was someone may have asked you to leave that out
4 intentionally?

5 A No.

6 Q Okay. If you will look at Page 2 -- do you have
7 both reports there, sir?

8 A Yes, I do.

9 Q If you will look at Page 2 on each of those
10 reports and on the first report, June 2nd, if you look down
11 to the almost to the bottom, the paragraph begins: The mode
12 of failure and the report states that the mode of failure in
13 the screws was intergranular separations and the mechanism
14 was stress overload.

15 And then if you will look over at the June 19th
16 report that states, in conclusion the failure mode of a
17 fractured screws from Set A, specifically discusses Set A,
18 but does not refer to Set B, do you recall changing that or
19 revising that paragraph?

20 A Yes.

21 Q Do you recall why you specified Set A?

22 A Because Set A were fractured; B was not fractured.

23 Q [REDACTED]

24 [REDACTED]

25 A [REDACTED] We added the

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1 Set A stipulations to the second report for clarification
2 purposes.

3 Q My point here, Mr. Smith, is that it appears that
4 in the first report by assumption or by reference you would
5 include both A and B because you did find a crack in the one
6 screw in Set B?

7 A Yes. However, those new screws, even though they
8 contained cracks, didn't necessarily label -- didn't give
9 them the label of being failed.

10 Q Okay.

11 A When I referred to failed, I mean the head came
12 off.

13 Q Now, I think you said that -- I'm sorry. I may be
14 confused over what Ms. Frazier had told you and what you had
15 discussed with her and what you haven't, and I apologize for
16 asking this question again, but I want to make sure I'm very
17 clear on it.

18 On those two paragraphs that we're talking about
19 on the two reports here, did she discuss those with you and
20 how to revise those paragraphs?

21 A I don't remember. I don't remember.

22 Q Okay. So if I understand you correctly, what
23 you're telling me is that you changed it because Set A had
24 failed, but of course there was only one screw in Set B that
25 had the intergranular separation?

1 A And that's not typically considered a failed
2 screw. It was declared there that the mode of failure was
3 specifically relating to the ones that were in Set A.

4 Q Did anyone else other than Ms. Frazier talk to
5 you about the wording or the revisions in your report?

6 A Not to my knowledge. I think most information
7 came through her.

8 Q Okay. Now, at a later date, let's back up just a
9 minute.

10 A Were all these screws tested or just a portion of
11 those screws that you were given initially?

12 A I believe that all the screws from -- well, I
13 believe that screws from all the sets were tested.

14 Q Okay. And the reason I'm asking that is memo
15 dated September 3rd, 1998 from Delsa Frazier to Terry Woods
16 -- have you seen that memo before?

17 A Yes, I'm sure I have.

18 Q I will let you review it, and I have just a couple
19 of questions about it.

20 A Uh-huh.

21 MR. FINE: I think he's finished looking at it.

22 BY MR. CLAXTON:

23 Q In the second paragraph, it says all of the
24 samples received were not completely analyzed.

25 A Just from your memory, do you recall what was not

1 analyzed or what was not done?

2 A I don't recall off the top of my head. I know
3 that Set H was analyzed after the first report, and I would
4 say there were some other sets that weren't analyzed in the
5 first report.

6 Q All right. I think Mr. Woods may be able to
7 address that. I think he had some information on additional
8 testing. So we'll address that with him.

9 Were all of the revisions that you made to the
10 report made at that one time?

11 Did you make any other revisions to the report
12 subsequently?

13 Let me try to clarify it a little bit. You had
14 two reports and you reviewed the first report in order to
15 produce the second report?

16 A Yes.

17 Q Did you revise that report any more after that?

18 A If I did, it wouldn't have been an official copy
19 because once it has gone to RIMS, it becomes the official
20 copy and any additional information should have been
21 reduced.

22 Q Who is responsible for assigning -- who is
23 responsible for seeing that that document is given a RIMS
24 number?

25 A The clerk.

1 Q So if you produced a report then you have someone
2 in your department that is assigned the job of making sure
3 that report has a RIMS number?

4 A Yes.

5 Q Okay. Do you have any responsibility at all for
6 determining or for making sure a document is given a RIMS
7 number?

8 A If I am out there at four o'clock in the morning
9 working on an emergency job, I can operate the RIMS stamp,
10 if need be, but during normal business hours when
11 emergencies are not pending, the clerks are in charge of
12 that.

13 Q I think the last thing I would have is just to
14 clarify the reasons for revising the first report.

15 [REDACTED]
16 [REDACTED]

17 [REDACTED]

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18 A [REDACTED]

19 Q [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 A No. As I said, the omission was accidental.

23 Q And I think what we're talking about here or from
24 what I hear you saying -- are you referring to the Figure 7?

25 A Yes, sir.

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1 Q Was there anything else that was left out of the
2 first report accidentally regarding Set B?

3 A Not that I'm aware of. We did include information
4 in the second report on Set B that was also, you know,
5 carried over from first report.

6 Q Do you have any questions about what we have
7 talked about, or would you like to clarify or add to
8 anything that you said?

9 A No, but I could talk with Tom again.

10 MR. CLAXTON: We will take a break again at 12:57
11 p.m.

12 (Pause.)

13 MR. CLAXTON: We're back on the record at 12:58
14 p.m. with the same parties present, and once again I would
15 remind you that you're under oath for the information you
16 provide.

17 BY MR. CLAXTON:

18 Q During the break, Mr. Smith provided a photocopy
19 of a document. And at this time, I would let you explain
20 what that is the best you can and tell me what that
21 includes.

22 A All right. What this is was a set of notes that I
23 had taken on one page, which documented some changes that I
24 wanted to make from the first report to be incorporated into
25 the second report.

1 Q Uh-huh.

2 A I don't recall exactly how these came about. The
3 date is after the release of the first report and prior to
4 the release of the second reports.

5 Q Just for the record, I note that this is on a
6 Tennessee Valley Authority memo sheet or letterhead?

7 A An engineering computation sheet.

8 Q Dated June 8, 1995?

9 A Yes.

10 Q I'm unable to read --

11 A Cracked screw from Set H is what begins the title,
12 but the content is more specifically things to change in the
13 second report.

14 Q Do you know when you made these notes, was this
15 during a conversation?

16 A I believe I was talking to Delsa after she had
17 talked to Mr. Terry Woods, and we were discussing things
18 that need to be changed.

19 And I was making notes as we went through a
20 conversation.

21 Q Okay.

22 A First notes.

23 Q You have a number of items here, and I will get
24 let you go down that to the best of your recollection.

25 A To include in a table a hardness check of the Set

1 B screws, which we did in the second report. Figure 13
2 includes that information, which I noted. The next note is
3 scribbled out.

4 Q Let me ask you something.

5 Actually it says the "M" or micro hardness check
6 on Set B?

7 A Yes.

8 Q And that was the set of new screws?

9 A Yes.

10 Q So, and also says include in table.

11 What was the purpose of the micro hardness check;
12 what does that tell you?

13 A That would tell us how these screws were heat
14 treated.

15 Q And which table would that have been on the
16 subsequent or second reports?

17 A That was included in Figure 13 on the second
18 report. I believe it's also mentioned in text also in some
19 place.

20 Q And then on the next notes?

21 A The next note is scribbled out. I can't read it.
22 It says something about Table 1. Next note says to attach
23 the Westinghouse spec to the second report.

24 Q Okay. You can go ahead.

25 A The next note says -- has the word overtorqued

1 with a line through indicating to omit that statement.

2 Q Okay.

3 A Same thing for cyclically temp -- to omit the
4 statement about the temperatures being cycled and surfaced.
5 The next note it says crack from Set G, apparently that's
6 indicating to -- I believe it has to do with -- let me see
7 -- it's referring to the statement in the first report, the
8 second page in the paragraphs starting "all screws examined"
9 where it discussed that the crack may have been promulgated
10 by intergranular fatigue. That was conjecture which was
11 omitted in the second report.

12 Q Okay.

13 A The next note is scribbled out. It says note
14 that. And I had started to write, I believe, the set that
15 we talked about, something -- well, I don't know what that
16 was about.

17 The next one says etch to reveal case depth,
18 include figure. I believe I was making reference to a
19 figure in the second report that was not referenced in the
20 first report, from a statement talking about the case depth.

21 I could find it if you think it's important.

22 Q No. Go ahead.

23 A Next discussed revising Table 3, to categorically
24 capture the case in core readings more accurately or more
25 clearly, which was done. Table 3 was revised between the

1 first report and the second report.

2 I can explain that more in depth if you want. It
3 was just to make it more clear.

4 Q Okay.

5 A Certainly not to remove anything.

6 Q All right. Go ahead.

7 A The next is a another comment scratched out, next
8 says fracture and surface appears higher than newer screws.

9 And I believe that is referring to the hardness,
10 and I believe it was just to point that out in the text
11 which was not pointed out in the first revision of the
12 report.

13 Next it says, at the bottom of the first page,
14 mentioned zinc found in the set from Set G, and that was
15 added to the second report.

16 Q Just go ahead. Whenever you're ready.

17 A The next comment says to strike the term plating
18 and use the term surface coating as a clarification.

19 Next one says lapping could be due to fatigue or
20 something along that line, which the line there indicates to
21 omit that conjecture from the second report.

22 The next comment has the intergranular fatigue
23 with an X in that, which I believe we covered previously.

24 And the final comments says broke A and G, which
25 indicates further testing we had performed on screws from A

1 and G which was incorporated in the second report.

2 The reason I wanted to show that to you to show
3 that you nowhere was it told to me to omit anything about
4 the Set B screws.

5 Q And you recall that you made these notes during
6 your conversation with Ms. Frazier?

7 A Yes, I believe so.

8 Q And that was after the first report was issued and
9 before you had revised it to produce a second report?

10 A That's correct.

11 MR. CLAXTON: Knowing this -- if I can get about
12 five minutes to review, we'll go off the record at 1:08.

13 (Discussion held off the record.)

14 MR. CLAXTON: I don't think back on the record at
15 1:12 PM with the same parties present.

16 Mr. Fine, do you have anything else?

17 MR. FINE: No, sir, I do not.

18 MR. CLAXTON: I don't think I have any other
19 questions.

20 Mr. Smith, do you have any questions about what
21 we've talked about or would you like to clarify or add to
22 anything that we have said?

23 MR. FINE: I believe Mr. Smith would like an
24 opportunity the review any transcript prepared in the normal
25 course.

1 MR. CLAXTON: All right. I will note that.

2 And if there are no other questions, I would like
3 to ask you if you provided all this information freely and
4 voluntarily?

5 THE WITNESS: Yes.

6 MR. CLAXTON: And I would like to ask you also
7 whether you have received any threats or promises either
8 from myself or any other employee of the Nuclear Regulatory
9 Commission?

10 THE WITNESS: No.

11 MR. CLAXTON: If you have no further questions,
12 we'll conclude the interview at 1:15.

13 (Whereupon, the interview was concluded.)
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REPORTER'S CERTIFICATE

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

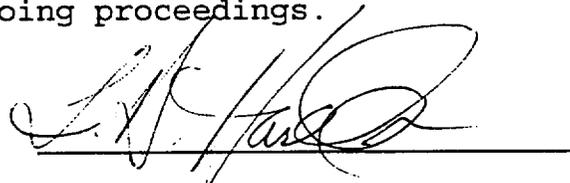
NAME OF PROCEEDING: INTERVIEW OF
DARYL ALLEN SMITH
(CLOSED)

CASE NUMBER:

ASLBP No.

PLACE OF PROCEEDING: Chattanooga, Tennessee

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.



Loretta D. Harden

Official Reporter

Ann Riley & Associates, Ltd.