

EXHIBIT 23

Case No. 2-1998-023

J/29

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INTEROFFICE MEMORANDUM

TO: RICHARD L. MORLEY

FROM: DELSA L. FRAZIER *Delsa L. Frazier*

SUBJECT: REPORT NO. 95-1021

DATE: JULY 31, 1997

CC: SAMMY WALKER

Several ice condenser basket screws were received at the laboratory on an emergency basis. We were asked to perform a failure analysis on the screws that had been identified by Vonda. Upon issue of the first report, Vonda called and had questions concerning statements made about the operating temperatures, which samples had simulated testing performed, clarification as to what tests were performed on what samples.

The role of the laboratory, plant, and corporate is distinct (when metallurgical engineers are involved from each location) in that the laboratory's role has always been to provide failure mechanisms, not root causes as corporate would do, nor corrective action as the plant is charged to do. This is understandable when the lab is not familiar with systems, plant design, operating factors, etc. Nor are we familiar with programmatic concerns for materials and procedure guidelines. The lab is to provide a possible or the most probable failure mechanism based on testing conducted and some possible theoretical conclusions drawn from the data and textbook knowledge on the material. In this case, since Vonda was our primary customer, there were statements in the first report concerning operation that she stated could not be substantiated nor was there information in our possession to document these statements. It was felt that we had crossed over and out of our realm of responsibility. Since the report did not say from whom the information was obtained, it was felt that the laboratory could not make those statements without corroborating information. Sometimes information received from a customer may be his/her opinions on the failure and may not be based on factual information, therefore those statements were not included in the second report.

Additional information was requested since the laboratory was given additional time to "clean up" the first report. Because the first report was general in description of samples and the type of testing, clarification was needed to provide a corrective action for the cause of failure. This was provided in the second report by better documentation on the figure pages, in the tables, and in the text of the second report.

Vonda was asked by me to return her copies of the first report since there were so many changes that needed to be made, an endorsement would be confusing. The report had not gone to RJMS; therefore we could pull it. She returned the four copies that we sent, and stated that she had asked others who had the report (from copies she had made) to destroy. I destroyed the copies, and we issued the second report.

Because time was short, it was not discovered until later, that there was an endorsement to the first report that existed. This was never cleared up, but information given in the endorsement was given in the second report.