

# EXHIBIT 10

Case No. 2-1998-023S

J/74

EXHIBIT 10

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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In the Matter of: :  
INTERVIEW OF :  
DELSA FRAZIER : Case No. 2-1998-023  
(CLOSED) :  
- - - - - X

TVA Central Lab and Field Testing  
Services  
Chickamauga Power Service Center  
Access Road at Highway 153  
Chattanooga, TN  
Wednesday, April 26, 2000

The above-entitled matter came on for interview,  
pursuant to notice, at 1:34 p.m.

BEFORE:

GARY CLAXTON, Special Agent  
WILLIAM BEARDEN, Inspector

APPEARANCES:

On Behalf of the Tennessee Valley Authority:

EDWARD J. VIGLUICCI, Senior Attorney  
Office of the General Counsel  
400 West Summit Hill Drive, ET-11A-K  
Knoxville, Tennessee 37902-1499

2 - 1998 - 0235

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C O N T E N T S

WITNESS EXAMINATION

DELSA FRAZIER

BY MR. CLAXTON AND MR. BEARDEN

4

E X H I B I T S

NUMBER IDENTIFIED

[NONE.]

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

[1:34 p.m.]

1  
2  
3 MR. CLAXTON: For the record today is April 26, the year  
4 2000, time is approximately 1:34 p.m. This is an interview  
5 of Delsa Frazier. The interview is being conducted at the  
6 Central Services Building at the TVA or Tennessee Valley  
7 Authority in Chattanooga, Tennessee. Present at the  
8 interview along with Ms. Frazier is Bill Bearden, who is  
9 with the Maintenance Branch of the Nuclear Regulatory  
10 Commission, Region Two, and Ed Vigluicci who is Senior  
11 Licensing Counsel for the TVA and, Mr. Vigluicci, I'll allow  
12 you to introduce yourself for the record.

13 MR. VIGLUICCI: Thank you, Gary. My name is Ed  
14 Vigluicci and I'm Senior Licensing Counsel for TVA,  
15 specifically for TVA Nuclear, and I'm here today, this  
16 afternoon, to represent Delsa, Delsa Frazier, and also to  
17 represent the Tennessee Valley Authority.

18 MR. CLAXTON: Delsa, have you been -- do you know  
19 Mr. Vigluicci as being an attorney for TVA?

20 MS. FRAZIER: Yes.

21 MR. CLAXTON: Does he have your permission to be  
22 here?

23 MS. FRAZIER: Yes.

24 MR. CLAXTON: Do you realize that anything you say  
25 can be shared with your employer through Mr. Vigluicci?

1 MS. FRAZIER: Yes.

2 MR. CLAXTON: And you have no objection to him  
3 being here?

4 MS. FRAZIER: No.

5 MR. CLAXTON: I'm Gary Claxton, I'm a Senior  
6 Investigator for the Nuclear Regulatory Commission, Office  
7 of Investigations, and I'll be conducting the interview.  
8 Ms. Frazier, do you have any objections to offering the  
9 information under oath?

10 MS. FRAZIER: No.

11 MR. CLAXTON: Would you raise your right hand,  
12 please?

13 Whereupon,

14 DELSA FRAZIER,  
15 the Interviewee, was called for examination and, having been  
16 first duly sworn, was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. CLAXTON:

19 Q As we discussed before the interview began, I would  
20 like to go over some information we talked about in our  
21 previous interview which was March of 1999. And then also I  
22 would like to talk about some information that has  
23 apparently come to light since that time.

24 In our first interview, Delsa, we talked about why  
25 certain information appeared in a metallurgy report dated

1 June 2nd, but then that information did not appear in a  
2 subsequent revised report on June 19th and that -- and  
3 specifically that information was a photograph of a Set B  
4 screw and a Set B screw was identified as a new unused screw  
5 which had been obtained from the warehouse at Watts Bar.  
6 And I think there was a request for that -- several of those  
7 screws to be examined as well as some pieces or broken  
8 screws that had been found in the melt tank at Watts Bar.

9 The first report dated June 2nd indicated that the  
10 new unused screw which was identified as a Set B screw had a  
11 manufacturer's crack or a crack that apparently was induced  
12 during the manufacturing process, and then in the second  
13 revised report on June 19th that figure did not appear as  
14 well as some text that described the manufacturing defect.  
15 Are you familiar with our previous interview and how we  
16 talked about those items? Do you recall that?

17 A We talked about the screw having a crack in it.

18 Q Uh-huh.

19 A -- from the figure, but whether I ended up saying  
20 that that particular one was a manufacturer's defect, I'm  
21 not sure.

22 Q Okay. Okay. I have a copy of a transcript of our  
23 interview, and just to clarify that if I could just, I want  
24 you to feel comfortable in what was said. My question to  
25 you was, now I believe you said that one screw of Set B, the

1 new screws, exhibited a crack and I take that as a positive  
2 reply, uh-huh. And then we talked on down about what the  
3 significance of that may be, and then I asked you, I said,  
4 you correct me if I'm wrong, but I think what I hear you  
5 saying, that that crack was there in the manufacturing  
6 process. And again, apparently, you replied in a positive  
7 sense and I asked you is that a fair statement and you said  
8 yes. Do you remember?

9 A Okay. Yeah. I said that.

10 Q And the purpose of the interview back in March was  
11 to determine why that information had been removed from the  
12 second report. And primarily what I heard from you was that  
13 the figure was left out, there was an omission and  
14 apparently that it was -- let me see if I can find the  
15 exact words you used, but that there was an inadvertent  
16 omission. And apparently since our interview last year some  
17 information has been developed or has come to light that  
18 might change that.

19 Do you recall as we sit here why that Set B  
20 information was removed from the second report? Have you  
21 had an opportunity to talk with anyone or have you changed  
22 your recollection in any way?

23 A Based on the information that I now know, it wasn't  
24 Set B to begin with, that it was Set A. It was the whole  
25 screw from Set A and that the photograph was labeled wrong.

1 Q When did you learn that?

2 A A couple of weeks ago.

3 Q Now, do you recall talking to Daryl Smith back in  
4 the 1995 time frame when that report was first written and  
5 talking about whether or not that figure was properly  
6 labeled?

7 A No.

8 Q Do you recall Vonda Sisson coming to the lab and  
9 raising a question as to whether that photograph was  
10 properly labeled?

11 A No.

12 Q What was your understanding back in 1995 as to why  
13 that figure B was left out?

14 A My understanding then and based on reading those two  
15 reports, that it was just replaced with another one that was  
16 similar to it.

17 Q Okay. Well, I'm not sure we need to go through all  
18 this again. I think during your first interview you talked  
19 about how the figure was replaced to accommodate a flow or  
20 because some other figures had similar cracks? I'm not  
21 sure if you changed or is there any change to that  
22 understanding --

23 A No.

24 Q --as to -- okay. Now, sometime later Mr. Woods  
25 asked you to do, I think, a side by side comparison as to

1 what the differences were in the two reports, do you recall  
2 that?

3 A I've done two comparisons, one he asked me and the  
4 other one Sammy asked me.

5 Q Sammy Walker here at Central Labs?

6 A Uh-huh.

7 Q Is he the QA manager?

8 A Yes.

9 Q Okay. Did -- which one did you do first, do you  
10 recall?

11 A The one sheet one. The one that should be one page.

12 Q I believe that was the one for QA here at the  
13 Central Labs?

14 A Right.

15 Q Okay. Do you recall what your finding was when --

16 A There were about seventeen or eighteen different  
17 things that I pointed out between the two reports.

18 Q Okay. Did you find that there was also an  
19 inadvertent omission of that Set B photograph when Mr.  
20 Walker asked you to do a comparison?

21 A If I can remember. Let me see what's listed in it.  
22 I haven't seen -- I went through that recently. It says the  
23 second report does not mention Set B and the first report  
24 does not mention Set H and that the two figures were  
25 different.

1 Q Okay. Now, do you have the report of the memo that  
2 you provided to Mr. Woods there?

3 A Uh-huh.

4 MR. VIGLUICCI: That's the September 3. Do you  
5 have a --

6 MR. CLAXTON: Yes.

7 MR. VIGLUICCI: -- September 3 report.

8 MR. CLAXTON: Yeah.

9 BY MR. CLAXTON:

10 Q What was your basic finding that you reported to Mr.  
11 Woods there as to why the Set B was not present in the  
12 second report?

13 A I just said to keep the flow of the original report,  
14 the initial figure was revised to include the results of  
15 additional testing and figure seven was chosen because the  
16 crack observed in the original figure seven which depicts  
17 samples A and B was similar to the cracking observed in  
18 sample H and the whole screw A depicted in the revised  
19 figure. And I talked about the substitution which was  
20 incorporated in sample H and B was performed to include  
21 additional information in analysis results while eliminating  
22 duplication of a similar fracture mode information. That's  
23 what it reads.

24 Q What was the additional testing that was required?

25 A We did some metallography and some hardness

1 traverses.

2 Q Was any of that additional testing at the request of  
3 Vonda Sisson?

4 A At the request of the customer. I'm not sure if it  
5 was her or somebody else in corporate, but it was based on  
6 an additional request from them.

7 Q Do you recall whether Vonda talked to you or talked  
8 to the group, a group, regarding a question she had about  
9 mislabeling of those figures?

10 A No.

11 Q In other words, if Ms. Sisson said that she  
12 questioned whether figure seven was properly labeled in the  
13 June 2nd report, do you recall that?

14 A No, not in a meeting, no.

15 Q Do you recall the meeting that Mr. Woods had  
16 shortly after the first report was issued where there were  
17 some revisions that your group talked about?

18 A Yes.

19 Q Do you recall whether Vonda was there at that time?

20 A Yes.

21 Q Do you recall whether there was any discussion about  
22 figure seven and whether it was -- may have been properly or  
23 improperly labeled?

24 A No.

25 Q Okay. Okay. Now, in talking with Daryl, he said

1 after the June 12th edition, which was the endorsement, I  
2 guess, that we, he's talking about his group or your group,  
3 we somehow clarified the fact that the photograph in the  
4 first report labeled Set B was mislabeled, that actually was  
5 from Set A. And he was asked who we were, and Daryl said  
6 myself and the engineering technician, Phil Gass, and Delsa  
7 Frazier and anyone else at the lab who was working on this  
8 project. So, Daryl recalls that he sat down with you and  
9 some others and clarified the fact that the photograph from  
10 the first report was improperly labeled. Do you recall  
11 that?

12 A No, I don't. And I remembered the meeting. I  
13 remember Vonda and Terry being there, but I guess my focus  
14 was on the things that was in there on the thermocycling or  
15 whatever. I remember that. But as far as going through the  
16 report, I don't remember that part.

17 Q Okay. In our March interview last year, we were  
18 talking about this same topic and -- I'll show it to you  
19 here in just a minute. I was talking to you back in March  
20 of 1999 as to why a different figure seven had been placed  
21 in the subsequent report, and I asked you how did that come  
22 about being changed. And you said, well -- and this is a  
23 typographical -- General Smith -- I'm sure you said Daryl  
24 and the recorder picked it up incorrectly, but you said that  
25 Smith revised the report and he wrote the report, so he

1 substituted the figures. And you said in my conversation  
2 with him and it looks like you broke off and said at that,  
3 when we doing fractography and figure pages and you go on  
4 describing, so apparently you discussed it with him or you  
5 were aware that he changed the figures.

6 My concern is that he recalls now a meeting in  
7 1995 where a possible mislabeling came up and that he talked  
8 to you about this, you were part of the meeting and that was  
9 part of the June 19th report which you signed, and you don't  
10 remember any of this?

11 A I don't remember any of that in '95. In '97 when  
12 all of this started coming to light we started talking about  
13 the different figures and why that particular figure was  
14 changed and that's why it was basically to include that  
15 information on Set H and to put it in right at the same  
16 place it would normally be if we had had it all done the  
17 first time.

18 Q Okay. Now, the figure that was replaced -- do you  
19 have your lab report there?

20 A Uh-huh.

21 Q The June 2nd report, figure seven. And then if you  
22 turn over to the June 19th report, figure seven, what we see  
23 is a completely different photograph identified as a Set A  
24 screw and the Set B screw is not shown in the second report.  
25 Daryl recalls that there was a decision or a realization

1 that the bottom figure on the June 2nd report was not a Set  
2 B screw but, in fact, was a Set A screw and then that was  
3 corrected in the second report. Now, according to Daryl,  
4 you were a part of that conversation and this alteration or  
5 change in the report. Do you -- you still don't recall  
6 that?

7 A I don't recall that particular -- I was in the  
8 meeting, but that doesn't mean that it wasn't mentioned,  
9 because I was in the meeting and it may have been. There  
10 were several changes -- and I may have been in and out,  
11 because I had a tendency to do that because if someone was  
12 discussing something with an engineer, chances are I  
13 wouldn't sit through the entire thing, but I was at that  
14 meeting.

15 Q Okay. Well, you know what we're trying to determine  
16 is, you know, Daryl has come up with some additional  
17 information and said you were there, this is how we did it,  
18 this is what we did and all I can do is ask you about your  
19 version of that story and if that's what you recall. And  
20 you're telling me you don't recall replacing that picture at  
21 all?

22 A I wouldn't have replaced it. You're asking me if I  
23 replaced it?

24 Q Okay. Daryl said he discussed it with you.

25 A He may have, but in particular I don't recall it.

1 Q There was some discussion earlier about maybe a  
2 misunderstanding of what the real importance of all of this  
3 was. And if I didn't explain it clearly enough the first  
4 time, I'm going to go over it again. The Set B screws, as  
5 you recall, were new unused warehouse screws and in the  
6 first report a photograph was shown that had a crack in a  
7 new unused screw which had some amount of implications in  
8 the larger world of TVA, in other words, can we use these  
9 screws in a nuclear reactor if they have defects in them.  
10 And that picture did not appear in the revised report which  
11 the Nuclear Regulatory Commission was addressing. In other  
12 words, the NRC wants to know why that condition, adverse to  
13 quality, did not appear in a subsequent report and may or  
14 may not have been acted upon as a result of it not appearing  
15 in that second report.

16 So that's why we're coming to you to find out what  
17 you recall about Daryl's conversation because this is a --  
18 you know, I perceive this as a fairly major, significant  
19 change in a report that you okayed. And I'm just thinking  
20 you would have talked to Daryl about it, he would have  
21 consulted you about it, he was fairly new at that time and  
22 all I can do is explain it the best that I can so that you  
23 understand the question and ask you whether you remember  
24 replacing that figure or discussing it with Daryl and I hear  
25 you saying that you don't recall that?

1 A I don't recall that in particular.

2 Q Okay.

3 A I mean, we may have discussed and we did discuss  
4 that there were some changes that need to be made and some  
5 clarifications. That's one of the reasons for the  
6 endorsement. But in particular what was changed, when,  
7 where and how, huh-uh, no.

8 Q Okay. Did you take part here recently in the last  
9 couple of weeks in a meeting where several of your employees  
10 reviewed the facts of this case to try to put all the pieces  
11 together?

12 A Yes.

13 Q Okay. Did you learn anything new at that time or  
14 did you have any recollections that maybe you didn't relate  
15 to me in our first interview?

16 A Well, I learned something new. I learned that these  
17 were the same sample, just one was etched and the other one  
18 wasn't etched, it was as polished.

19 Q Okay. Now, when you say these, because we've got a  
20 recorder here we need to describe it a little bit more.  
21 What was the same?

22 A That the bottom photograph in the first report which  
23 is described as Set B is the same as the top photo -- it's  
24 the same sample as the top photograph from not in service  
25 Set A.

1 Q Okay. So are you saying that you learned that there  
2 may have been a mislabeling issue involved?

3 A Yes.

4 Q You're saying that the same crack appears in a screw  
5 identified as a Set B screw and then later it's identified  
6 as a Set A screw?

7 A Right.

8 Q Okay. How did you learn that that was the same  
9 crack?

10 A We were talking about it being similar and Daryl  
11 said it's the same. And he said, I'm pretty sure it's the  
12 same. And he started to talk about that he may have  
13 mentioned that to you, that it was the same. And I then  
14 said, well, the crack tips are different and we went into  
15 that discussion. And he said, well, I'll just see if I can  
16 find up with some way to show it and later on that day he  
17 did show it to me.

18 Q What did he show you?

19 A He showed me an overlay of this photograph on the  
20 other photograph.

21 Q And he had never brought that to your attention  
22 before?

23 A No, we didn't even discuss -- well, I guess we  
24 didn't really discuss all these particulars of all the facts  
25 and it was just recently that we all just got together and

1 started talking about it.

2 Q How certain are you that that's the same crack?

3 A Based on the overlay, I'm pretty well certain.

4 Q Did Daryl describe to you how that mislabeling may  
5 have come about?

6 A We all sat down and talked about it and he said that  
7 possibly -- well, these screws were real small and in the  
8 mount that they may not have all been labeled and they might  
9 have, I don't know, just got mixed up. And I think in his  
10 mind and my mind and everybody else's mind initially A and B  
11 were both new so it really wouldn't matter whether it came  
12 from A or B since they were both new.

13 Q Did he tell you whether that A screw may have been  
14 accidentally been put in the same tray or the same bag as  
15 the B screw?

16 A We didn't discuss that. I asked who -- and trying  
17 to remember it because it's not listed in the report of who  
18 worked with him on it and he said Phil. And he said chances  
19 are, between the two of them that might have happened so ...  
20 but he didn't tell me how they kept them.

21 Q Yeah. That was my next question, when you've got  
22 little screws like that and you're doing an examination, do  
23 you take one out at a time or do you have them laying in a  
24 tray? Are they each one in an individual bag? How do you  
25 keep up with which one is what?

1           A That would depend on who's working on it. Some  
2 people have different ways of keeping up with stuff.

3           Q Do you know how Daryl does it?

4           A No.

5           Q From your experience?

6           A From the experience I would say he probably would  
7 keep them in individual bags.

8           Q How would you do it? If you had twelve pieces of  
9 screws and you were going to examine them, how would you  
10 ensure or make sure that they didn't get in the wrong bag or  
11 in another set of screws?

12           A Well, it depends if you're the only one working on  
13 it. If you're the only one working on it, you can pretty  
14 well keep it pretty straight and, I guess, I'd keep them in  
15 bags and you can't label the screws, so you try to label  
16 something that you know is near it that could tell you.

17           Q Would you normally assign a unique identifier to  
18 each one of those screws? Let's say you had twelve screws  
19 in a baggy. Would you -- maybe a better example would be,  
20 let's say, you've got twelve broken pieces and each broken  
21 piece is going to be unique. Do you assign some type of  
22 unique identifier to all of those pieces?

23           A Not all the time. It depends on what you're going  
24 to do with the broken pieces. In this case it took two or  
25 three of those pieces just to do one carbon or sulfur

1 analysis, one chemical analysis. So you wouldn't  
2 individually label all of those because you would have to  
3 put them all together and burn them. When we do hardness,  
4 we try to keep each individual piece sort of separated. But  
5 if -- if you've used some for different tests, then you  
6 can't enter -- use the same ones for all of the tests, there  
7 is no need to even individually label them. I mean, like if  
8 you said Set H and you had twelve from Set H, you wouldn't  
9 label H-1, two, three, four, five, unless you were able to  
10 do everything the same on all of them.

11 Q Do you recall when you first learned that set -- I  
12 mean, sorry. Do you recall when you first learned that the  
13 June 19th report did not match the June 2nd report?

14 A Uh-huh. Yes, I do.

15 Q Okay. What was the occasion or how did you learn  
16 about that?

17 A Vonda called me and told me that the first report, I  
18 guess, was in RIMS and the second report wasn't, and that  
19 was in '97.

20 Q And did she have a question about it or was she just  
21 asking you about it? What was the purpose of her call?

22 A To ask me why the 19th report wasn't in RIMS.

23 Q Do you recall what your answer was?

24 A I told her I didn't know.

25 Q So you didn't understand why the June 19th report

1 was not in RIMS?

2 A Uh-huh.

3 Q Okay. But did she point out some differences to you  
4 or ask you about some differences?

5 A No.

6 Q Okay. And the question was in regards to the Set B  
7 information or the Set B figure that did not appear in the  
8 June 19th report, when did you first realize that?

9 A I don't know exactly when it was, but it had to be  
10 somewhere between, I guess, '97 and '99. It was somewhere  
11 in the last couple of years because when she called me it  
12 was just to ask me about the reports and I told her I'd find  
13 out or try to find out and that was it.

14 Q Uh-huh. What did you find out?

15 A That the 19th report was not in RIMS and that the  
16 June 2nd report was.

17 Q Did you take any kind of corrective action or did  
18 you report that in any way as far as entering the June 19th  
19 report into RIMS?

20 A Yes. The June 19th report was entered into RIMS at  
21 that time.

22 Q Okay. Now, I thought you said Ms. Sisson called to  
23 say that it wasn't in RIMS?

24 A It wasn't in RIMS, but we placed it in RIMS.

25 Q You did put it in RIMS, okay. Now the RIMS number

1 on the June 19th report shows 1995. It shows a June 19th,  
2 1995 number.

3 A Right.

4 Q Can you reconcile that as -- if it shows a 1995  
5 number, how it was entered in RIMS, I think you said,  
6 sometime between '97 and '99?

7 A That number wouldn't change. That number is placed  
8 on it after it's signed. It's not done by -- it's done by a  
9 secretary here in the building.

10 Q Okay. Does that mean that the number was stamped on  
11 it and it just wasn't forwarded to the labs -- I'm sorry,  
12 not the labs. Does that mean the number was placed on it  
13 and it somehow did not make it to central records --

14 A Basically.

15 Q -- to be entered. Okay.

16 MR. CLAXTON: Do you have anything, Bill?

17 BY MR. BEARDEN:

18 Q Both the June 2nd and the June 19th reports discuss  
19 the presence of zinc in the cracks. Can you tell me the  
20 significance of that? I'm not a metallurgist remember.

21 A Well, the presence of zinc in the crack could come  
22 from possibly one of two sources. The fact that it's in a  
23 polished mount, the fact that the sample that was analyzed  
24 was in a polished mount makes a difference because these  
25 were so small, I guess it wasn't broken open. It could come

1 from the manufacturing because the plating would have been  
2 done last after the copperization and the heat treating and  
3 then the plating is applied, and if there is a crack then  
4 zinc could possibly seep into a crack during that plating  
5 process.

6 The second possibility is since it's in a polished  
7 mounted sample, it could have gotten into the crack just  
8 like the mounting media gets into the crack when you mount  
9 it and you polish and etch it.

10 Q Okay. But the zinc was determined through the EDX  
11 process, right? Do you send the mounted sample through  
12 that process?

13 A We can place a mounted sample in the scope.

14 Q Okay. The only zinc that was identified in the  
15 crack was -- my understanding now is that it was only in a G  
16 Set screw?

17 A That was the screw that was used to document it.

18 Q There was no other cracks with zinc present  
19 identified other than just one screw in the G Set?

20 A That was documented, yeah.

21 Q So that's not a conclusive piece of information  
22 then? You all didn't view it as conclusive or significant  
23 at the time?

24 A We presented it and it probably was explained, but  
25 it would be something to look at and to possibly explain and

1 that's what we did.

2 Q Do you know how it was ever explained?

3 A Well, very recently it was explained as basically  
4 being one of two ways and --

5 Q Okay.

6 A So it's been explained that way.

7 Q But at the time that was not dispositioned in any  
8 way?

9 A I don't know.

10 MR. VIGLIUCCI: Does your report discuss the  
11 amount of zinc in the crack?

12 THE INTERVIEWEE: It discusses --

13 MR. BEARDEN: The presence not the amount?

14 THE INTERVIEWEE: No, but the table discusses the  
15 amount.

16 MR. VIGLIUCCI: What percentage and what does that  
17 mean to you?

18 THE INTERVIEWEE: It basically in both because  
19 even both reports and the table refer to it as Set G so the  
20 zinc is 2.8 percent as opposed to an analysis being done  
21 directly on the outside plating and it's twenty-eight  
22 percent so it's a -- BY MR. BEARDEN:

23 Q So it's a small amount?

24 A By a factor of ten, (witness nods head up and down.)

25 Q But there was no conclusion drawn at the time as to

1 whether or not that really meant that that was an indication  
2 of a preexisting crack?

3 A In the June 2nd report I think it does say that.

4 Q It says --

5 A It says possibly formed when equaled during the  
6 manufacturer's heat treatment, but I don't think in the June  
7 19th report because we couldn't verify that. More than  
8 likely it was taken out.

9 BY MR. CLAXTON:

10 Q Okay. I don't think I have anything else, Delsa,  
11 except I'm a little puzzled over the two explanations here  
12 as far as why the Set B figure was removed. We have talked  
13 earlier, I think I showed you a response to one of my  
14 questions where you said the one figure looks identical to  
15 the other and that that figure was replaced because they  
16 looked similar. And then later I asked you -- now, this is  
17 our last March interview.

18 A Okay.

19 Q I asked you about the figure, I mean, the  
20 replacement of the figure seven and you said we never had a  
21 meeting about replacing the figures. The only thing I guess  
22 to say about not putting it in there is it was just merely  
23 an oversight. And then you said later on, so I don't think  
24 anybody realized at the time that it was anything different  
25 than putting in a typical photograph.

1 I'm having trouble putting those two statements  
2 together. Whether it was an oversight because you talked  
3 somewhat about the time frame and having to send the  
4 photographs down to the print shop and I'm just hearing  
5 several different explanations for why that Set B screw, I'm  
6 sorry, the Set B photograph did not appear in the second  
7 report. As we sit here now do you have a good recollection  
8 of why it didn't?

9 A Well, now we know it's not a Set B, it belongs to A.  
10 It was Set A. It was substituted for an etched one.

11 Q But you said you didn't remember that?

12 A I didn't remember that specifically being said in  
13 that meeting. And that's why I said I didn't recall, I  
14 didn't know that we had a meeting to discuss the figure  
15 changes. I do remember being at the meeting.

16 Q Okay.

17 A And that was the meeting that Daryl took notes in.  
18 I didn't take any.

19 Q Okay. But, you know, what I wanted to express was  
20 that I still have a little bit of a concern. I don't  
21 understand the different explanations, you know. At one  
22 time you said that you put it in there or that you didn't  
23 put it in there because it was just an oversight. And then,  
24 you know, at another time it was to make the flow, you know,  
25 for similarity purposes and -- but you're saying now that

1 you understand that that was the same screw or the Set A  
2 screw was mislabeled?

3 A Now, I know it to be the Set A screw was mislabeled.  
4 The flow still remains the same. I mean, whether you  
5 changed it to one etched or one as polished, it would still  
6 be put in that same location as far as all of those figure  
7 pages go and the fact is a mere oversight. At that time I  
8 thought they were two separate ones, and I thought they were  
9 two separate screws that we were talking about between those  
10 two reports.

11 MR. VIGLUICCI: Help me with the flow thing again.  
12 Why would it have been still a matter of flow in your mind?

13 THE INTERVIEWEE: Because in the way we write  
14 reports it would have been a matter of flow. I mean, if  
15 you're going to talk about cracking and he's going to  
16 correct a photograph, he's going to put in the corrective  
17 photograph at the same place the other one was. He wouldn't  
18 have had the other one to put side by side with it, possibly  
19 didn't have it because it could have still been downtown.  
20 So if it's downtown -- because we didn't get the originals  
21 back with the copies until much later.

22 MR. VIGLUICCI: Uh-huh?

23 THE INTERVIEWEE: So he wouldn't have had the Set  
24 B, this photograph was labeled Set B to put side by side  
25 which that would have been the ideal thing to do was to put

1 the polished one and the etched one side by side. So when  
2 he made the revision, he just revised the one page because  
3 he didn't have the other ones to revise.

4 BY MR. CLAXTON:

5 Q Okay. Daryl was telling us and actually showed us  
6 the original photographs. Do you have any other files or  
7 documents regarding this issue and this particular report?

8 A No, other than what I have here. I think the rest  
9 of them Daryl has. He got them yesterday. He got the whole  
10 thing yesterday. He said he was going to keep it.

11 Q Where was that file maintained? Do you know where  
12 it was?

13 A It's maintained upstairs in the lab.

14 Q Do you have a file cabinet or was it filed in a --  
15 how was it filed or where was it?

16 A It's not filed in his original location because we  
17 don't keep -- the secretary has been instructed to kind of  
18 throw out the '95 ones because we're only under an  
19 obligation to keep them for three years. So, but I had the  
20 file most of the time and it was in a fireproof cabinet that  
21 we keep our working files in, so it would have been between  
22 me and there.

23 Q Okay. Do you know why you kept these, you're saying  
24 more than three years or five years?

25 A More than three years?

1 Q Yeah. I'm sorry. You said awhile ago you were  
2 required to keep them for --

3 A Three years.

4 Q -- three years, okay. Do you know why these were  
5 kept past the three year time period?

6 A Because at the time when the subject first came up  
7 it was in '97, so it wasn't three years, so we had it. And  
8 since it kept coming up, it was just best to just keep it as  
9 opposed to throwing it away.

10 Q Now, you're telling me that you were not aware of  
11 the mislabeling aspects of this until a couple of weeks ago  
12 when it came up in the staff meeting when Daryl brought it  
13 up; is that correct?

14 A As best I can -- I mean, as best as I can remember.

15 Q Okay.

16 A From the time I talked to you until now.

17 Q Did you talk to Daryl after our initial interviews  
18 and try to get together and come up with what's this guy  
19 looking for or what's he trying to figure out?

20 A No.

21 Q It would be okay if you did. I mean, I just --

22 A No. I mean, I think that's part of the problem, we  
23 should have but, no.

24 MR. CLAXTON: Okay. Do you have anything, Bill?

25 MR. BEARDEN: no.

1 MR. CLAXTON: Ed.

2 MR. VIGLUICCI: No, Gary, I don't.

3 MR. CLAXTON: Do you have anything that you would  
4 like to add to round out what we've talked about? I know  
5 we've kind of gone around and round over the same thing, but  
6 I want to make absolutely sure that I understand what your  
7 knowledge and awareness was of the time frames and what you  
8 knew when, because of the additional information that did  
9 come up from Daryl, and his statement that he did talk to  
10 you back in 1995 and that it was realized that this Set B  
11 photograph -- I'm sorry, this Set A photograph was actually  
12 mislabeled and in actuality it was a Set A photograph.

13 Do you have anything else that you would like to  
14 add or think might clear up what we're talking about?

15 THE INTERVIEWEE: No, other than if -- I mean, I  
16 knew I was in a meeting. And if it was discussed in the  
17 meeting, I may have heard it, I may not have heard it. I  
18 may have still been sitting there and I may not have because  
19 it was also in my work area. So I may have stepped away, or  
20 been on the phone or whatever but I don't recall  
21 specifically. I know we discussed conclusions in the report  
22 and that would have been the area of my most concern, so as  
23 far as revising the report, I don't remember going step by  
24 step through it to do that, not in '95.

25 MR. CLAXTON: Okay. Well, if there are no other

1 questions, we'll conclude the interview at 2:27 p.m.

2 [Whereupon, at 2:27 p.m., the interview was  
3 concluded.]

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CERTIFICATE

COUNTY OF HAMILTON  
STATE OF TENNESSEE

I, Pamela A. Fisher, Notary Public and  
Certified Court Reporter, do hereby certify that I  
reported in machine shorthand the record interview of  
Delsa Frazier, that the said witness was duly sworn by  
me; that the foregoing pages, numbered from 1 to 32,  
inclusive, were typed under my personal supervision and  
constitutes a true and correct record of the recorded  
statement of said witness.

I further certify that I am not an attorney  
or counsel of any of the parties, nor a relative or  
employee of any attorney or counsel connected with the  
action, nor financially interested in the action.

Witness my hand in the City of Chattanooga,  
County of Hamilton, State of Tennessee, this 1st day of  
May, 2000.

*Pamela A Fisher*

Pamela A. Fisher, Notary Public  
and Certified Court Reporter  
My Commission Expires: 08/26/00.  
Certificate No.0232.