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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD
DEPOSITION

In the Matter of:)
) Docket Nos. 50-390-CivP
TENNESSEE VALLEY AUTHORITY) 50-327-CivP; 50-328-CivP
) 50-259-CivP; 50-260-CivP
(Watts Bar Nuclear Plant, Unit 1;) 50-296-CivP
Sequoyah Nuclear Plant, Units 1&2;)
Browns Ferry Nuclear Plant, Units) ASLBP No. 01-791-01-CivP
1, 2 & 3)) EA 99-234

The deposition of JACK COX, was taken by the
Nuclear Regulatory Commission, pursuant to Notice, commencing
at 11:30 a.m. on Wednesday, November 28, 2001 at the offices
of Tennessee Valley Authority, Room 313, Mount Eagle
Building, 11th and Market Streets, Chattanooga, Tennessee.

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

MS. EUCHNER: This is a deposition taken on November 28th in the matter of Tennessee Valley Authority, Atomic Safety & Licensing Board Panel Number 01-791-01-CivP.

My name is Jennifer Euchner. I am counsel for the NRC staff. And this is the deposition of Jack Cox. If you could please swear in the witness.

Whereupon,

JACK COX

appeared as a witness herein and, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. EUCHNER:

Q All right, Mr. Cox, I am going to ask you a number of questions today. If at any time you either can't hear me or don't understand the question I am asking, please let me know.

A Okay.

Q Also, if at any time you feel you need a break, please let me know and we'll take a break.

A Okay.

Q I'd like to start with your educational background. Where -- where did you go to college?

A Oklahoma State University.

Q And what was your degree in?

1 A Radiation and nuclear technology.

2 MR. DAMBLY: The boys did a good job for the Gators
3 the other day.

4 Q After college, did you go to work or did you
5 continue with your education?

6 A Went to work. Went to work at Ingles Shipbuilding
7 in Pascagoula, Mississippi.

8 Q And what did you do there?

9 A My title was radiation control engineer.

10 Q And how long were you there?

11 A Fifteen (15) months, I recall correctly.

12 Q Where did you go after you left Ingles?

13 A Houston Lighting & Power as a radiation protection
14 technician.

15 Q How long did you stay with Houston Lighting?

16 A Approximately three years.

17 Q Did you hold the radiation protection technician
18 title the entire three years you were there?

19 A Yes.

20 Q Where did you go after you left Houston Lighting &
21 Power?

22 A South Carolina Electric & Gas. That's B. C. Summer
23 Nuclear Station.

24 Q How long were you there?

25 A Almost nine years.

1 Q What position did you start in there?
2 A I started as a health physics supervisor.
3 Q How long were you in that position?
4 A Approximately three years.
5 Q And then what was your next position there?
6 A Health physics manager.
7 Q Was that a promotion?
8 A Yes.
9 Q Did you compete for that position or were you
10 placed in it?
11 A Competed for that position.
12 Q How long were you in that position?
13 A The remainder of the time, the other six years.
14 Q When you left there, where did you go to work?
15 A TVA, Watts Bar.
16 Q Approximately what year was that when you started
17 with TVA?
18 A '89.
19 Q And what was your first position with TVA?
20 A Let's see, what were the titles back then.
21 Radiological control manager.
22 Q And what areas did you supervisor as the rad con
23 manager?
24 A Just the radiological control area.
25 Q No chemistry at that time?

1 A No. No.

2 Q How long did you hold that position?

3 A Until '93.

4 Q What position did you take in 1993?

5 A The radiological and chemistry control manager.

6 Q Was that a promotion?

7 A Yes.

8 Q Did you have to compete for that position?

9 A Yes.

10 Q Was a selection review board used?

11 A Yes.

12 Q Do you recall how many people were on the review
13 board for that position?

14 A Three or four.

15 Q How long did you hold the rad chem manager
16 position?

17 A Till 1997.

18 Q What position did you take in '97?

19 A Training manager.

20 Q Also at Watts Bar?

21 A Yes. And that's my current position.

22 Q Was that a promotion?

23 A Yes. Well, no. It was a lateral transfer.

24 Q Did you have to compete for that position, or were
25 you simply transferred?

1 A It was a rotational assignment.

2 Q When did it become permanent?

3 A Approximately 1999.

4 Q In the time that you've been with TVA...

5 MR. DAMBLY: Take a break.

6 MS. EUCHNER: Yeah, let's go off the record.

7 (Off the record.)

8 BY MS. EUCHNER:

9 Q In the time since you joined TVA, have you ever
10 been RIF'd?

11 A No.

12 Q Have you ever managed a RIF?

13 A No.

14 Q All right, I'd like to talk now about your work
15 relationship with a number of people. Like to start with
16 Charles Kent.

17 A Charles Kent was the -- my peer at Sequoyah
18 from when I came to TVA in 1989. And he was also promoted to
19 that radiological and chemistry control manager at some date.
20 I don't remember what. But he was my peer up through 1997.

21 Q John Corey?

22 A Let's see. John Corey was my peer whenever --
23 let's see. When I came to TVA, Allen Sorrell was in the
24 radiological control manager position. And whenever John
25 took over for Sorrell is when I met him for the first time.

1 And then he was my peer up again until 1997.

2 Q Rick Rogers?

3 A Rick Rogers. I didn't know Rick until -- when did
4 we go to Atlanta? 1999.

5 Q Wilson McArthur.

6 A Wilson McArthur. I don't remember when he hired
7 in, but he was the manager over corporate radiological --
8 radiological control, and essentially my peer for several
9 years, as well.

10 Q Do you recall when Dr. McArthur became the rad
11 chemistry manager at corporate as opposed to the rad control
12 manager?

13 A Not specifically; no.

14 Q Tom McGrath?

15 A Tom McGrath I knew was Wilson McArthur's boss, and
16 that's it. I just knew him to speak to him.

17 Q Did you have any interactions with him around the
18 time of the selection review board?

19 A Not that I can recall; no.

20 Q Ron Grover?

21 A Ron Grover was hired into TVA as the -- a chemistry
22 program manager, if I recall correctly. And I worked with
23 him some when I was the radiological and chemistry control
24 manager. But it was infrequent.

25 Q E. S. Chandrasekaran, or Chandra, as we will call

1 him for short.

2 A Chandra. I just knew him when I took the
3 radiological and chemistry control manager position. He was
4 one of the chemists on the corporate staff. I worked with
5 him very infrequently.

6 Q Sam Harvey?

7 A Same. I knew he was a chemist on the corporate
8 staff. I worked with him infrequently, once I was the rad
9 chem manager.

10 Q And Gary Fiser?

11 A Gary Fiser was another chemist on the corporate
12 chemistry staff, and we worked with him more. He was
13 assigned to work closely with Watts Bar during our startup
14 period in the 1995, '96 time frame.

15 Q How familiar were you with the work that Fiser was
16 doing at Watts Bar during that time frame?

17 A Specifically, his performance was all secondhand to
18 me. He worked directly with a subordinate of mine, a
19 chemistry superintendent. And I received feedback from him
20 primarily on Gary's performance.

21 Q Who was the chemistry superintendent?

22 A Dave Voeller.

23 Q How much of the work that Fiser did at Watts Bar
24 was chemistry work?

25 A Essentially all.

1 Q Do you know whether any of it was environmental
2 work?

3 A I don't recall. I don't recall any environmental
4 work.

5 Q Do you know whether anyone from corporate supported
6 the site in environmental work during that time period?

7 A I don't think there was anyone that supported Watts
8 Bar from an environmental standpoint. I don't remember
9 anybody on the corporate staff that provided that support.

10 Q Okay. I'd like to talk now about selection review
11 boards in general, not the 1996 selection review board. How
12 many review boards have you served on in your time at TVA,
13 approximately?

14 A Half a dozen.

15 Q Okay. How did they work? First, how many people
16 were on the boards, typically?

17 A The guidance that we're given is typically we try
18 for a customer, a peer, and a superior, plus a human
19 resources person. So, you know, typically three to four
20 people on a board.

21 Q When you say the guidance you gave (sic), who gave
22 you this guidance?

23 A The guidance came from John Scalice when he was I
24 think plant manager or site vice president at Browns Ferry.
25 I don't remember which. Plant manager at Browns Ferry, I

1 believe. He -- they developed the guidance for all of TVA.

2 Q Was this written guidance?

3 A I don't remember ever seeing written guidance. Not
4 at that time.

5 Q What information is typically included in a
6 selection package that a board member would receive?

7 A That a board member would receive?

8 Q Yes.

9 A A list of the interviewees; probably a copy of
10 their resume; and any worksheets or, you know, sheets that
11 the interviewing manager wanted to be filled out during the
12 interview; and sometimes some sample questions or questions
13 for consideration.

14 Q What about service reviews?

15 A I know I would never provide those, and I've never
16 been on a selection board where the service reviews were
17 provided to me as a, you know, review board member.

18 Q How far in advance do the board members typically
19 get their selection packages?

20 A Anywhere from a week prior to just prior to the
21 interviews beginning.

22 Q Does the selecting manager sit in on the selection
23 review board?

24 A Selection manager will typically sit in. Sometimes
25 they participate, and sometimes they don't.

1 Q You said earlier that the guidance for the
2 selection review boards is often you have a customer, a peer,
3 and then a superior, and then someone from HR sit on the
4 board?

5 A Uh-huh (affirmative).

6 Q Is it usual to have three site managers sit on a
7 board for all corporate positions?

8 A For the corporate positions, typically we try to do
9 that, because the corporate positions will support all three
10 sites. So we're all three direct peers, or you could say
11 customers, typically, of a corporate selection.

12 Q Have you ever been the selecting manager for a
13 selection review board?

14 A Yes.

15 Q How many times?

16 A Three or four.

17 Q In preparing for the interviews, what information
18 did you review as the selecting manager?

19 MR. MARQUAND: When? As...

20 Q Any of the times that you have served as a
21 selecting manager for a selection review board. In general,
22 what information on the applicants did you review?

23 A Typically, human resources sends you a packet -- or
24 not typically, every time human resources sends you a package
25 of the people who applied on the job, along with the vacant

1 position announcement and any resumes or applications that
2 they sent in with it; okay? They also provide a listing of
3 the candidates with a summary of their background, whether or
4 not they may be handicapped, disabled, or of a minority
5 classification; and it also has on there positions that
6 they've held over the past "X" number of years. I don't
7 remember what that is.

8 With that information, you review their resume and
9 their work history, and also go to -- to HR, and if not
10 already provided, look back through the service reviews for
11 the individuals.

12 Q All right, after you have done all of that, what's
13 the next step in the process?

14 A To set up a interview (sic) panel or selection
15 review board. From the information that you gained in the
16 first part of the process, you narrow down the list of
17 applications to those that are qualified. And from that, you
18 set up the selection review board.

19 Q Do you interview all people who meet the minimum
20 qualifications for the position, or does the selecting
21 manager narrow it down to the best candidates to interview
22 for the position.

23 A Say that again, please.

24 Q When deciding who gets to interview, do all of the
25 candidates who meet the minimum qualifications get the

1 opportunity to interview, or does the selecting manager
2 select only those who are the best qualified candidates to
3 interview for the position?

4 A It can work either way, and it typically depends on
5 the number of people that -- that meet the minimum
6 qualifications. If there are numerous people that meet the
7 minimum qualifications, the manager does have the latitude to
8 establish some other core competencies to be evaluated.

9 Q All right, I'd like to now move on to the 1996
10 selection review board. Who asked you to serve on the
11 selection review board?

12 A Wilson McArthur.

13 Q Do you know why you were selected to serve on this
14 board?

15 A Being a customer to that position, if you will.
16 The chemistry positions would directly support the three
17 sites.

18 Q Who else was asked to serve on the board?

19 A John Corey and Charles Kent.

20 Q How far in advance were you asked to be on the
21 selection review board?

22 A We discussed it probably a month prior, that there
23 was going to be a selection review board. And we all
24 discussed the importance that we all sit in on the board, be
25 a part of the selection review board, because it does support

1 all the sites. The position does support all the sites.

2 Q When did you find out the actual date and time of
3 the interviews?

4 A Only a few days prior to the interview.

5 Q Why were you unable to serve on the board?

6 A The board was scheduled to convene in the
7 afternoon, after lunch. And there were numerous positions;
8 not only the chemistry positions, but I think the
9 radiological control positions and some environmental
10 positions that were all going to be interviewed. And it was
11 going to go late into the evening, and I had a commitment
12 that I would not be able to -- to make it into the evening.

13 Q Okay. Who did you first tell that you weren't
14 going to be able to?

15 A Wilson McArthur.

16 Q When did you tell Wilson?

17 A When he told me the date and the time of the -- the
18 selection review board convening.

19 Q Did Dr. McArthur or anyone else ask if it could be
20 rescheduled at a different time?

21 A I asked if it could be rescheduled, or whether we
22 could start the interviews early in the morning so they
23 didn't go late into the evening.

24 Q And what was Dr. McArthur's response?

25 A He told me that wasn't possible, and I don't

1 remember the specific reason why, but I think it had to do
2 with the scheduling of all the applicants and coordinating
3 all has schedules.

4 Q Did Dr. McArthur or anyone else ask you who you
5 would recommend to serve on the board in your place?

6 A No, I don't recall.

7 Q At any point prior to the day of the interviews,
8 did you have conversations with any of the peer team members
9 or Dr. McArthur about who you favored for one of the
10 positions?

11 A Prior to the interviews?

12 Q Yes.

13 A Yes, I talked to Dr. McArthur and Corey and Kent
14 just prior to the interviews, just prior to me leaving.

15 Q Before that day, did you make any statements about
16 who you favored for a particular position, or was it just on
17 that day that you expressed your opinion?

18 A I don't remember specifically. I could have
19 expressed a -- an opinion that Mr. Fiser had done a good job
20 for us, but not that he necessarily should be the one
21 selected for the job.

22 Q All right, on the day of the interviews you had a
23 peer team meeting in the morning?

24 A That's correct.

25 Q Approximately what time did the meeting start?

1 A The peer team meeting?

2 Q Yes.

3 A Probably 8:00. I'm speculating. I don't know. It
4 was early morning.

5 Q Who attended the meeting?

6 A McArthur, Corey, Kent, myself. And I don't -- I
7 don't recall anybody else.

8 Q Okay. You indicated earlier that you stated, the
9 morning of the interviews, that you favored Mr. Fiser for a
10 position. What exactly was your statement to the other...

11 A Can't remember exactly what my statement was, but
12 it was to the effect that Mr. Fiser had done a very good job
13 for us at Watts Bar during the plant startup, and then to
14 operations. That he worked whatever hours we asked, day or
15 night, did anything we asked him to do. And that he had
16 performed very well for us, and I wanted that to be taken
17 into consideration.

18 Q Did you mention any other candidates for any of the
19 other positions?

20 A No, not that I recall.

21 Q What was the context of making that statement?
22 Were you all discussing the interviews or the candidates, or
23 did you just decide to make that statement before leaving?

24 A I just made the statement before leaving.

25 Q Okay. Prior to the selection review board, did you

1 ever discuss the performances of Sam Harvey and Gary Fiser
2 with David Voeller?

3 A I'm sure we did. I don't remember specifically,
4 but I'm sure we did. As I stated earlier, I got most of my
5 information from Dave Voeller on the performance of Gary
6 Fiser, and also of any work that was done for us by Sam
7 Harvey.

8 Q Did Dave Voeller ever tell you about a phone call
9 he received from Sam Harvey in which Harvey indicated that he
10 would be working more closely with Watts Bar in the future?

11 A Yes.

12 Q Do you recall when he told you about this phone
13 call? Was it before the day of the interviews?

14 A My recollection is yes, it was before the
15 interviews.

16 Q Okay. Do you remember more specifics of that
17 conversation with Mr. Voeller?

18 A All I remember is that he said something to the
19 effect that, "I just received a strange phone call from Mr.
20 Harvey in which he stated that he would be working more
21 closely with us at Watts Bar in the future." And then Mr.
22 Voeller asked me, "Do you have any idea why he would make a
23 statement like that or what he meant?"

24 I said, "Absolutely not." It caught me completely
25 off-guard. I was totally surprised.

1 Q Okay. Did anyone ever indicate to you that Sam
2 Harvey was favored for the PWR chemistry position?

3 A No, not that I recall. Could I ask, favored by
4 who? Is that favored, in general, or...

5 Q Dr. McArthur, Mr. McGrath?

6 A No.

7 Q Mr. Kent?

8 A Mr. Kent had the same opinions of Mr. Harvey as I
9 had of Mr. Fiser, because he had worked very closely with Mr.
10 Harvey at Sequoyah. So he was much more knowledgeable of Mr.
11 Harvey's performance than I was, so...

12 Q Were you aware that, just prior to this
13 reorganization, Charles Kent had sought to have Sam Harvey
14 transferred to Sequoyah?

15 A I had heard about it; yes.

16 Q Did you hear any details about it, or just that he
17 wanted Harvey transferred?

18 A My recollection is, is that there would be a
19 position going away in corporate, and that Charles Kent made
20 the proposal that rather than lose a good candidate or lose a
21 good person, since Mr. Harvey had worked so closely with
22 Sequoyah, if they wanted to transfer his position and him to
23 Sequoyah, that he would be in favor of it. But I don't think
24 anything -- nothing ever came of that, to my knowledge.

25 Q Prior to the day of the interviews, were you aware

1 that Gary Fiser had filed a Department of Labor complaint in
2 1993?

3 A I had heard that he had in 1993. But I had no idea
4 what it was about.

5 Q Did you know of anyone who was involved in the 1993
6 complaint?

7 A No.

8 Q Prior to the day of the interviews, were you aware
9 that he had filed a complaint in 1996?

10 A No.

11 Q Before you left the day of the interviews, after
12 the peer team meeting, were you present when Charles Kent
13 made a statement about Gary Fiser's DOL activity?

14 A Yes. I recall him saying that -- basically
15 conveying to Dr. McArthur that his recommendation is that
16 because of Mr. Fiser's DOL complaint, maybe Mr. McArthur
17 should remain separate from the selection review board, not
18 participate as far as the selection review board. But I
19 assumed that Mr. Kent was talking about the 1993 DOL. I had
20 no idea about a 1996.

21 Q Did Dr. McArthur respond to Mr. Kent's comment?

22 A My recollection is he said, "Yes, it's probably --
23 that's probably a good idea."

24 Q When serving on a selection review board, do you
25 review the resumes of the individual applicants before you go

1 into the interviews?

2 A Typically; yes. Before the interview starts,
3 anyway. Uh-huh (affirmative).

4 Q Okay. What weight do you place on the resume after
5 you review it?

6 A What weight do I place on the resume?

7 Q Yes.

8 A It's just information for me, as far as the
9 background and the experience of the person.

10 Q Does that influence your -- your rating of the
11 individual during the interview?

12 A The resume, itself? I would say very little, if
13 any.

14 Q Okay. When you are rating each candidate, do you
15 personally rate them solely on their interview responses?

16 A During the interview, I use just the interview
17 responses; yes.

18 Q Okay. Do you consider any personal dealings you
19 may have had with the individual when making your
20 recommendations?

21 A I try not to. Obviously, when you work closely
22 with an individual, some of that will come into play, though.

23 Q The selection review boards that you have sat on,
24 who are they conducted in terms of did you do the interview,
25 and then after the candidate had left, have discussions about

1 the candidate's responses to the questions? Or did you
2 simply go from interview to interview?

3 A Typically, you'd have a brief discussion on, for
4 example, strengths and weaknesses during the interview; what
5 went well, what didn't go well.

6 Q And did you personally rate sort of -- or grade, so
7 to speak, the candidate as they were answering the questions,
8 or did you wait until you had that discussion about strengths
9 and weaknesses, to hear what the other selection review board
10 members would have to say about the candidate?

11 A No, typically you allow time for the interviewers
12 to complete the documentation, and then it's discussed. So
13 that the opinions of the others don't influence.

14 Q Okay. Could you, if you wanted to, change your
15 score on a particular question or overall based on what --
16 what the other board members said in that discussion?

17 A I suppose you could, but I don't know why you
18 would.

19 Q All right. In the review boards that you have been
20 on, when do you turn in your score sheets?

21 A It's -- it varies. Sometimes after each interview,
22 and sometimes at the -- it's basically -- the ones I've been
23 on is based on the preference of the interviewing manager.

24 Q Who do you typically turn the score sheets in to?

25 A The interviewing manager.

1 Q All right. How did you prepare for this
2 deposition?

3 A How did I prepare?

4 Q Yes. Did you talk to or meet with anybody to
5 discuss this deposition?

6 A Yes, with our counsel.

7 Q Okay. How many times did you talk to your counsel?

8 A Once.

9 Q Okay. Did you review any documents in preparation?

10 A Yes.

11 Q What documents did you look at?

12 A Previous deposition and the -- whatever it's
13 called, the writeup from the enforcement conference.

14 Q Okay.

15 MS. EUCHNER: Do you have a question?

16 MR. DAMBLY: I have one.

17 EXAMINATION

18 BY MR. DAMBLY:

19 Q Do the -- the sites, Watts Bar and Sequoyah and...

20 MS. EUCHNER: Browns Ferry.

21 Q ...Browns Ferry---I should remember that---do they
22 have separate personnel, HR policies, practices from
23 headquarters or is TVA one -- one set of personnel policies?

24 A I assumed it was one set of personnel policies. I
25 know of no separate sets; no.

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Q Okay. That was it.

MS. EUCHNER: Do you have any questions?

MR. MARQUAND: No questions.

MS. EUCHNER: This deposition is concluded.

(Whereupon, the deposition was concluded at 12:00

p.m.)