

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 OFFICE OF INVESTIGATIONS

5 INTERVIEW

6 -----X
7 IN THE MATTER OF: :

8 INTERVIEW OF :

Docket No.

9 DOUGLAS F. JOHNSON :

(not assigned)

10 :
11 -----X
12 Tuesday, March 4, 1997

13
14 Point Beach Nuclear Plant

15 Site Boundary Control Center

16 Two Rivers, Wisconsin
17

18
19 The above-entitled interview was conducted at

20 3:30 p.m.

21 BEFORE:

22 RICHARD L. DEVITTO

Investigator
23
24
25

9711130166 971112
PDR ADOCK 05000266
G PDR

(202) 234-4433

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EXHIBIT

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CASE NO. 3-97-008-1

1 ALSO PRESENT:

2
3 TONY MCMURTRAY,
4 Point Beach U.S. Nuclear Regulatory Commission
5 Senior Resident Inspector
6 801 Warrenville Road
7 Lisle, Illinois 60532-4351
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10 JOHN H. O'NEILL, JR.,
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(3:30 p.m.)

INVESTIGATOR DEVITTO: Good afternoon. For the record, this is an interview of Douglas F. Johnson who is currently employed by Wisconsin Electric at the Point Beach Nuclear Plant, Two Rivers, Wisconsin, as the Manager of Regulatory Service and Licensing. The location of the interview is at the Site Boundary Center at the Point Beach Nuclear Plant, Two Rivers, Wisconsin.

Present at this interview and representing the U.S. Nuclear Regulatory Commission is Special Agent Richard L. DeVitto of the Office of Investigations, Chicago Field Office and Point Beach Nuclear Regulatory Commission Senior Resident Inspector Tony McMurtray.

Representing Wisconsin Electric is John H. O'Neill of the law firm Shaw Pittman Trowbridge & Potts of Washington D.C. As agreed, this interview is electronically recorded by Ron LeGrand Sr., of LeGrand Services and will later be transcribed.

The subject matter of this interview concerns Wisconsin Electric's February 20, 1997 written request to the NRC requesting enforcement discretion regarding service water and component cooling water requirements at the Point Beach Nuclear Plants units 1 and 2.

Mr. Johnson, would you please stand and raise

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1 your right hand?

2 Whereupon,

3 DOUGLAS F. JOHNSON,

4 called as a witness herein, after having been first duly
5 sworn, was examined and testified as follows:

6 INVESTIGATOR DEVITTO: Mr. O'Neill, would you
7 please state the nature of your representation here today?

8 MR. O'NEILL: And just to correct the record,
9 the firm is Shaw Pittman Potts & Trowbridge, and I'm
10 representing Mr. Johnson and also Wisconsin Electric.

11 INVESTIGATOR DEVITTO: Okay. And Mr. Johnson,
12 do you feel comfortable in your representation in that Mr.
13 O'Neill represents Wisconsin Electric and you personally?

14 MR. JOHNSON: Yes, sir, I do.

15 INVESTIGATOR DEVITTO: Okay. Thank you.

16 EXAMINATION

17 INVESTIGATOR DEVITTO: Would you please state
18 your name and spell it for the record?

19 MR. JOHNSON: My name is Douglas F. Johnson,
20 D-o-u-g-l-a-s, middle initial F, Johnson, J-o-h-n-s-o-n.

21 INVESTIGATOR DEVITTO: And what is your date
22 of birth, sir?

23 MR. JOHNSON: 

24 INVESTIGATOR DEVITTO: And your Social
25 Security Number?

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1 MR. JOHNSON: [REDACTED]

2 INVESTIGATOR DEVITTO: And we'd like to just
3 add for the record that Mr. Johnson is having some medical
4 problems currently, and may in fact have to leave this
5 interview from time to time and as we stated, he is
6 welcome to do that at any time.

7 MR. JOHNSON: Thank you.

8 INVESTIGATOR DEVITTO: Would you please give
9 us your home address please?

10 MR. JOHNSON: My home address is [REDACTED]

11 [REDACTED]. That is spelled, [REDACTED]

12 [REDACTED] and that is [REDACTED]

13 INVESTIGATOR DEVITTO: And is there a phone
14 number there, Mr. Johnson?

15 MR. JOHNSON: Area code [REDACTED]

16 INVESTIGATOR DEVITTO: And would you give us
17 for the record any formal education or professional
18 training that you may have?

19 MR. JOHNSON: My formal education includes a
20 Masters of Radiation Health Physics from the University of
21 Pittsburgh, which I received in [REDACTED] and I also have a
22 Masters degree of Business Administration that I received
23 from Marquette University in [REDACTED] I have been employed
24 in the nuclear industry since 1979, and specifically I
25 have been employed at Wisconsin Electric since 1981.

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1 INVESTIGATOR DEVITTO: You've indicated you
2 have been employed by Wisconsin Electric since 1981. Did
3 you start off in the Licensing Section or --

4 MR. JOHNSON: No, sir, I did not. My actual
5 education is in radiation health physics, so probably the
6 first five or six years of my career were exclusive to
7 supporting the radiation protection programs here at Point
8 Beach Nuclear Plant.

9 INVESTIGATOR DEVITTO: Okay. Your current
10 position is again, what?

11 MR. JOHNSON: My job title is Manager of
12 Regulatory Services and Licensing.

13 INVESTIGATOR DEVITTO: And how long have you
14 been in that position?

15 MR. JOHNSON: I was appointed to this position
16 very early this year, approximately the first week in
17 January of 1997.

18 INVESTIGATOR DEVITTO: Okay. Was that a
19 promotion for you, Mr. Johnson?

20 MR. JOHNSON: Yes, sir, it was.

21 INVESTIGATOR DEVITTO: Okay. Who do you
22 currently report to in the management chain?

23 MR. JOHNSON: My immediate supervisor is Scott
24 Patulski.

25 INVESTIGATOR DEVITTO: And his job title?

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1 MR. JOHNSON: Scott Patulski is the site
2 manager for Nuclear Operations. I'm sorry. Let me
3 clarify that please.

4 Mr. Patulski is the Site Vice President of
5 Nuclear Operations.

6 INVESTIGATOR DEVITTO: Okay.

7 MR. JOHNSON: Site Vice President.

8 INVESTIGATOR DEVITTO: Can you give us a
9 description of your current duties, what your responsible
10 areas area?

11 MR. JOHNSON: I am responsible for all issues
12 associated with regulatory compliance. Specifically, I am
13 responsible for assuring that Point Beach Plant is
14 operating in accordance with our contract, which includes
15 our licensing basis, our tech specs and our FSAR
16 documents.

17 INVESTIGATOR DEVITTO: Okay. Do you have a
18 staff?

19 MR. JOHNSON: Yes, sir, I do.

20 INVESTIGATOR DEVITTO: How many people do you
21 have reporting to you?

22 MR. JOHNSON: I have a support staff in
23 Milwaukee that currently includes approximately four
24 Wisconsin Electric employess, and I have a support staff
25 here at the site that I believe totals some seven or eight

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1 Wisconsin Electric employees.

2 INVESTIGATOR DEVITTO: Does Mr. Malanowski
3 report to you?

4 MR. JOHNSON: Yes, sir, he does.

5 INVESTIGATOR DEVITTO: Okay. Can you explain
6 exactly how much time that you spent at the plant, how
7 much time do you spend at corporate, how do you divide
8 your time?

9 MR. JOHNSON: Most of my time has been spent
10 at Point Beach. In fact, I just completed, in the
11 capacity as the site manager for the steam generator
12 replacement project, that caused me to be here at the
13 plant virtually every week day through 1995 and 1996.
14 Since I've assumed my new responsibility as manager of
15 Regulatory Services and Licensing, I believe I have worked
16 here at the plant essentially every day, with the possible
17 exception of a few brief trips to our Milwaukee offices to
18 attend meetings.

19 INVESTIGATOR DEVITTO: So you have offices in
20 both sites, I take it?

21 MR. JOHNSON: Yes, sir, I do.

22 (Whereupon, Exhibit A was marked
23 for identification.)

24 INVESTIGATOR DEVITTO: Okay. Calling your
25 attention to a document I have marked as Exhibit A, would

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1 you please examine it, Mr. Johnson? Take whatever time
2 you need.

3 (Pause.)

4 Have you seen that document before?

5 MR. JOHNSON: This appears to be the document
6 that I signed on February 20th.

7 INVESTIGATOR DEVITTO: Okay.

8 MR. JOHNSON: And it appears to be the
9 document that I was the primary reviewer and approver of.

10 INVESTIGATOR DEVITTO: Okay. And what does
11 that document deal with specifically, Mr. Johnson?

12 MR. JOHNSON: This document formally requests
13 from the NRC, enforcement discretion that allowed the
14 Point Beach Nuclear Plant Unit No. 1 to remain in a hot
15 shut down condition beyond the period of time that was
16 allocated by our technical specifications.

17 INVESTIGATOR DEVITTO: It indicates in this
18 document that it was prepared on February 20th. Is that
19 the day that you signed that document, if you could
20 recall?

21 MR. JOHNSON: I signed the enforcement
22 discretion letter on the afternoon of Thursday, February
23 20, 1997.

24 INVESTIGATOR DEVITTO: Would you recall
25 approximately what time of the day that was?

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1 MR. JOHNSON: I signed the notice of
2 enforcement discretion letter at approximately 3:30 p.m.
3 on that afternoon.

4 INVESTIGATOR DEVITTO: You indicated that you
5 were the lead person on this enforcement discretion, is
6 that correct?

7 MR. JOHNSON: Well, I need to clarify. The
8 original draft was written by Tom Malanowski, who drafted
9 the letter during the evening of February 19, 1997. I
10 assumed responsibility and accountability for the letter
11 on the morning of February 20, 1997.

12 INVESTIGATOR DEVITTO: Is that document the
13 same document that was presented to you by Mr. Malanowski
14 in draft form?

15 MR. JOHNSON: No, it is not.

16 INVESTIGATOR DEVITTO: Were there changes made
17 to that document?

18 MR. JOHNSON: Yes, there were.

19 INVESTIGATOR DEVITTO: Do you have copies of
20 the original draft?

21 MR. JOHNSON: I do not believe that I do, no
22 sir.

23 INVESTIGATOR DEVITTO: You wouldn't have those
24 on a computer by chance?

25 MR. JOHNSON: I can't answer that. They may

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1 exist in our computer system, but this afternoon I can't -
2 - answer that question.

3 INVESTIGATOR DEVITTO: Can I ask you to take a
4 look and advise me if that's the case, that there may be
5 something available?

6 MR. JOHNSON: Yes, sir, I can do that.

7 INVESTIGATOR DEVITTO: Do you know offhand if
8 there are any major differences to this document as to
9 when it was presented to you, do you recall?

10 MR. JOHNSON: I would not consider that there
11 were substantial differences made to the letter.

12 Possibly, if you don't mind, I can explain how the letter
13 was reviewed and approved on the day of February 20th.

14 INVESTIGATOR DEVITTO: Yes, why don't you do
15 that please?

16 MR. JOHNSON: As I stated, Mr. Malanowski
17 completed a draft on the evening of February 19th. He
18 loaded his draft on our wide area network and his draft
19 was extracted via the computer system, early Thursday
20 morning, February 20th, by Fritz Flentje. Fritz Flentje
21 is a member of my staff here at the plant. She's been a
22 quality specialist in our regulatory services group for
23 several years.

24 Fritz worked on the draft for approximately
25 two to three hours that morning. I had asked her to do

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1 that because she had participated in the conference call
2 that we made to the NRC staff on the afternoon of February
3 19th, and she had also participated in the manager
4 supervisory staff meeting that we conducted also on the
5 afternoon of February 19th.

6 So I thought that she could provide the
7 service of assuring that the letter accurately
8 characterized the statements that had been said during
9 those meetings and conference calls, and to accurately
10 validate that the content of the letter was in fact what
11 we had agreed upon with the NRC.

12 At approximately 10:00 on the morning of
13 February 20th, I entered the plant site and I began to
14 review the draft that Fritzy had worked on that morning.
15 I did a very quick read of the document, and at that time
16 decided that it would be prudent to have additional staff
17 members perform a review of the document.

18 I asked Fritzy to fax a copy of the draft
19 letter to our Milwaukee engineering staff. She
20 essentially did that immediately, and it was faxed down to
21 the attention of Art Reimer, who is our engineering
22 manager at our Milwaukee corporate offices. Mr. Reimer
23 distributed the letter to about three or four people
24 within his organization. Specifically, he distributed the
25 letter to individuals that had been involved with this

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1 issue during the previous day. And we asked Mr. Reimer to
2 ask his staff to provide us comments by noontime on
3 February 20th.

4 At approximately noontime, we did receive
5 comments from Ed Mercier, Scott Hogit, and received
6 confirmation from Paul Katerz that he had reviewed the
7 letter but had no comments. In addition to that review, I
8 also shared the letter with John Jaeckle. John was at the
9 Point Beach site on the morning of February 20th, and I
10 spent a good 45 to 60 minutes working hand in hand with
11 John to review the letter. John was of considerable value
12 because he had essentially the previous day, helped us
13 formulate the safety basis justification for the
14 enforcement discretion letter.

15 Those inputs were received, like I say, by
16 approximately noontime or 12:30 p.m., and from about 12:30
17 to 1330 hours, I worked to incorporate those comments into
18 the letter. Sometime around 1330, I did one final
19 proofread of the letter, and determined that it was in a
20 condition that would be acceptable for Mr. Cayia's review.
21 So I walked the document into Mr. Cayia's office. He was
22 not in his office, so I laid the letter on his chair with
23 a note asking him to review it.

24 Approximately a half hour later, maybe 45
25 minutes later, Mr. Cayia returned to the work station.

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1 where I was and provided me a handful of editorial
2 comments to the letter and added a specific paragraph that
3 addressed the issues associated with the potential
4 degraded good voltage that existed -- the northeastern
5 part of the state. Mr. Cayia and I probably spent 20 to
6 30 minutes at that time, discussing the letter. He then
7 departed and I worked with Fritz Flentje to incorporate
8 his comments in the letter.

9 I then recall taking it back to Mr. Cayia for
10 one final review, and at that time, he apparently decided
11 to allow Mr. Terry Sullivan a chance to review the letter.
12 Mr. Sullivan is currently a special assistant to Dick
13 Gragon, our Chief Nuclear Officer. Mr. Sullivan is a
14 special assistant to Mr. Gragon on nuclear issues.
15 Approximately 15 or 20 minutes later, Fred came back with
16 a few additional editorial comments that Mr. Sullivan had
17 provided him, and again, I worked with Fritz Flentje to
18 incorporate those comments into the draft letter.

19 That all took until about 1500 hours on that
20 afternoon, and between 1500 hours and 1530 hours, I
21 completed one final detailed proofread of the document,
22 and at approximately 1530 on that afternoon, I in fact
23 signed the letter.

24 INVESTIGATOR DEVITTO: That was the 20th
25 you're talking about?

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1 MR. JOHNSON: All of the activities that I
2 just described over the last three or five minutes, took
3 place on February 20, 1997.

4 After I signed the letter, it was then
5 immediately faxed to NRC Region III, NRR project offices,
6 and I believe a copy was hand delivered to the NRC
7 resident inspectors. And that was all accomplished by
8 1600 hours as we had promised.

9 INVESTIGATOR DEVITTO: Mr. Johnson, do you
10 recall the first date that you became involved with this
11 document, when it was even in a discussion phase?

12 MR. JOHNSON: Can you repeat the question
13 please?

14 INVESTIGATOR DEVITTO: Yes. The first date
15 that you became aware of this enforcement discretion, even
16 before being drafted, say in a discussion stage, can you
17 recall?

18 MR. JOHNSON: Probably Point Beach staff
19 members began to assess the desirability of seeking out
20 enforcement discretion some time on Tuesday, February 18,
21 1997.

22 INVESTIGATOR DEVITTO: How was that brought to
23 your attention?

24 MR. JOHNSON: To the best of my recollection,
25 at 10:00 a.m. on Tuesday morning, February 18, 1997, there

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17
1 was a meeting convened in the plant's technical support
2 center with many of the plant managers, to discuss the
3 process that would be used to repair the CCW pumps and the
4 service water pumps. To the best of my recollection, an
5 outcome of that meeting was a discussion, a very brief
6 discussion I should point out, of the staff's desire to
7 consider enforcement discretion.

8 INVESTIGATOR DEVITTO: They were desiring
9 enforcement discretion on what particular issue at that
10 time? Or were there many?

11 MR. JOHNSON: No, I think there has only been,
12 there was only one discussion regarding enforcement
13 discussion. I'm sorry, enforcement discretion. And that
14 was always very specific to the operability of the CCW
15 pump.

16 INVESTIGATOR DEVITTO: And that took place on
17 the 18th, you're saying, the 18th of February?

18 MR. JOHNSON: Well, I've lost track of what
19 exactly your precise question is.

20 INVESTIGATOR DEVITTO: That discussion
21 relative to the pumps. You said there was a discussion on
22 the 18th?

23 MR. JOHNSON: There were many discussions that
24 took place on the 18th, regarding the condition of the
25 pump, the technical specification requirements that

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1 applied to those pumps, and there were several discussions
2 that took place regarding the possibility of seeking
3 enforcement discretion.

4 INVESTIGATOR DEVITTO: So there were many
5 issues discussed on the 18th?

6 MR. JOHNSON: There were many issues
7 discussed.

8 INVESTIGATOR DEVITTO: Where did this take
9 place, this discussion, Mr. Johnson?

10 MR. JOHNSON: A lot of those discussions
11 primarily took place in our front office conference
12 building. Some of them took place in Mr. Cayia's office.
13 Some of them probably took place, to the best of my
14 recollection, in our front office conference room. Some
15 of them may have very well taken place in the hallways.
16 But the point I'm trying to make sir, is that on the day
17 of the 18th, the resolution and disposition of this
18 particular plant configuration was of the highest priority
19 to all of our senior staff managers, and virtually any
20 contact that I personally had with a plant manager,
21 involved some sort of discussion associated with this
22 particular plant configuration.

23 INVESTIGATOR DEVITTO: Okay. Were you present
24 on February 19th when this was discussed in a
25 teleconference with the NRC?

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1 MR. JOHNSON: Can you be more precise as to
2 what teleconference you are referring to?

3 INVESTIGATOR DEVITTO: Relative to this NOED,
4 there was a teleconference that took place. Do you recall
5 being party to it?

6 MR. JOHNSON: Yes, sir. I can tell you that I
7 participated in a teleconference with the Nuclear
8 Regulatory Commission at approximately 1600 hours on the
9 afternoon of February 19, 1997.

10 INVESTIGATOR DEVITTO: Do you know who was
11 present at that teleconference from Wisconsin Electric?

12 MR. JOHNSON: I do not know for certain, but I
13 will try to the best of my recollection to point out to
14 you who I thought was in attendance. It was me, -- Cayia,
15 Jaeckle, Gray, Guay, Ms. Fritzzy Flentje, and I believe
16 Brad Fromm, but I can't say with as much certainty as the
17 others. Also participating in that call from Milwaukee
18 via conference call, was Tom Malanowski. But again, I
19 simply can't tell you with great confidence this
20 afternoon, who precisely was there. That is the best of
21 my recollection.

22 INVESTIGATOR DEVITTO: Do you recall the
23 length of that call, how long you were involved in the
24 discussion?

25 MR. JOHNSON: That conference call probably

1 lasted between 30 to 45 minutes.

2 INVESTIGATOR DEVITTO: Can you recall the
3 substance of that conversation?

4 MR. JOHNSON: We had determined at a meeting
5 at 1400 hours that afternoon, that we wanted to make
6 contact with the NRC and explore the NRC's receptiveness
7 for our request for a notice of enforcement discretion.
8 So the 1600 hours conference call on the afternoon of
9 February 19th, was intended to explore the NRC's
10 receptiveness to our potential desire for enforcement
11 discretion.

12 INVESTIGATOR DEVITTO: During that discussion,
13 that teleconference, was there any discussion relative to
14 the cross connect between Unit 1 and Unit 2 in the
15 component cooling water systems?

16 MR. JOHNSON: To the best of my recollection,
17 yes, there was. The discussion was driven by a review of
18 potential compensatory measures that we could, excuse me,
19 I need to take a break. That we could apply to support
20 the enforcement discretion.

21 MR. O'NEILL: Off the record.

22 INVESTIGATOR DEVITTO: Do you want to take a
23 break?

24 MR. JOHNSON: Yeah.

25 (Whereupon, a short break was

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1 taken.)

2 I VESTIGATOR DEVITTO: Mr. Johnson, let me ask
3 you, that teleconference on the 19th, who was the lead
4 person on that particular teleconference? Was it yourself
5 or was it the plant manager, or were you taking turns as
6 far as discussions?

7 MR. JOHNSON: Mr. Cayia had the lead in that
8 discussion, and I cannot recall substantial input in that
9 conference call by other members of the Point Beach staff.
10 Mr. Cayia explained the current plant conditions and he
11 explained the potential safety basis for the enforcement
12 discretion and then the discussion essentially included a
13 review of the NRC technical guidance that is used for
14 enforcement discretion options. And what I observed
15 during that teleconference, is the fact that many of the
16 acceptance criteria that the NRC utilizes to approve
17 enforcement discretion, were systematically being reviewed
18 one by one by the NRC staff and our Point Beach staff
19 going to teleconference.

20 In fact, it was a fairly uncomfortable
21 position to be in because the NRC staff members were
22 actually leading the discussion through those 11 or 12
23 enforcement discretion acceptance criteria. So during
24 that teleconference, we were actually following in my
25 mind, as I observed, the discussion that the NRC was

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1 pursuing regarding those 11 or 12 enforcement discretion
2 acceptance criteria. And Mr. Cayia was responding to the
3 best of his ability, two inquiries from the NRC staff that
4 were directly associated with those 11 or 12 acceptance
5 criteria.

6 INVESTIGATOR DEVITTO: Do you recall if Mr.
7 Cayia made any kind of commitments relative to the
8 condition of the cross connect between the Unit 1 and Unit
9 2 component water cooling system?

10 MR. JOHNSON: To the best of my recollection,
11 Mr. Cayia did state that the plant would consider as a
12 compensatory measure, the plant's capability to cross
13 connect the CCW systems. And I believe Mr. Cayia's
14 response was made in response to an inquiry staff member
15 that asked him whether that capability existed, and I
16 believe Mr. Cayia responded affirmatively, that yes, that
17 capability does in fact exist at Point Beach, and that we
18 were potentially considering it as a compensatory measure.

19 INVESTIGATOR DEVITTO: Did he make any
20 comments relative to the conditions of the valves?

21 MR. JOHNSON: During that telephone
22 discussion, there was no discussion whatsoever regarding
23 the condition of the CCW cross connect valves.

24 INVESTIGATOR DEVITTO: I asked you this
25 question when I called you initially, Mr. Johnson,

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ERRATA SHEET

10

STATEMENT OF ALfred L. Dayia GIVEN ON March 5, 1997 TO NRC
SPECIAL AGENT RICHARD L. DEVITTO, AT THE Point Beach Nuclear Plant

PAGE LINE RECOMMENDED
NO. NO. CORRECTION

52 22 "MOV" vice "MOB"
53 14, 19 "open" vice "opened"
53 18 "SO. 59" vice "50 59"
53 21 "struck" vice "struck"
54 9 "PURSUIT" vice "PURSUANT"
60 12, 22 "ERICH" vice "ERIC"
61 2, 5, 12, 25 "ERICH" vice "ERIC"
62 18 "procedure. None of the operators -- That" vice
"procedure, none of the operators. That"
63 2 "ERICH" vice "ERIC"
64 21, 22 "both req. services" vice "both -- services"
64 23 "the" vice "this"
65 25 "forum" vice "form"
66 2 "the reactor coolant pumps" vice "the --
cooling pumps"

SIGNATURE: Alfred L. Dayia

DATE: 4/15/97

1 relative to any concurrent page, and you indicated that
2 there wasn't. Is that still the case, that there's no way
3 of determining who in fact concurred specifically on this
4 enforcement discretion?

5 MR. JOHNSON: I'm sorry, I'm not quite sure I
6 understand your --

7 INVESTIGATOR DEVITTO: Is there any formalized
8 way to determine who in fact concurred or signed off on
9 this particular document? Is there any audit trail?

10 MR. JOHNSON: I am the only person who signed
11 of on this document.

12 INVESTIGATOR DEVITTO: So the drafters of the
13 documents, for example, you mentioned a Fritz Flentje,
14 there would be no concurrence or no signing by her
15 officially that she had input into this document?

16 MR. JOHNSON: That is a fact.

17 INVESTIGATOR DEVITTO: So there's no way,
18 other than your recollection, to determine who in fact
19 contributed to this document?

20 MR. JOHNSON: To the best of my knowledge, the
21 working notes that were provided to either me or Fritz
22 Flentje from the reviewers, have been destroyed. Meaning,
23 they were not saved. They were probably put in the
24 recycle bin as we worked to draft the letter on February
25 20th.

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1 INVESTIGATOR DEVITTO: Is that a practice at
2 Point Beach, to destroy the documents?

3 MR. JOHNSON: That's a very open ended
4 question. What kind of documents?

5 INVESTIGATOR DEVITTO: The draft documents
6 that were used to come up with this particular enforcement
7 discretion. For example, Ms. Flentje's notes.

8 MR. JOHNSON: Let me point out that it is very
9 infrequent that such a letter is drafted requesting
10 enforcement discretion, and we have no policy to the best
11 of my knowledge, that requires us to maintain working
12 drafts of any document. Our procedures only specifically
13 require us to maintain as a permanent record, the final
14 draft version.

15 (Whereupon, Exhibit B was marked
16 for identification.)

17 INVESTIGATOR DEVITTO: I'm calling your
18 attention to what I have marked as Exhibit B, Mr. Johnson.
19 If you would examine that document please?

20 Have you seen this document previously?

21 MR. JOHNSON: Yes, I have.

22 INVESTIGATOR DEVITTO: Can you tell me when?

23 MR. JOHNSON: This document was brought to my
24 attention sometime in the early afternoon on Friday,
25 February 21, 1997.

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1 INVESTIGATOR DEVITTO: And who brought it to
2 your attention?

3 MR. JOHNSON: It was available to me at a
4 staff meeting that was conducted at 1300 hours on Friday
5 afternoon, February 21st, to the best of my recollection.

6 INVESTIGATOR DEVITTO: Can you recall the
7 presenter of the document, the identity of that
8 individual?

9 MR. JOHNSON: To the best of my recollection,
10 there really was not a presenter. We conducted a
11 manager's supervisory staff meeting at 1300 hours and a
12 component of the discussion that occurred during that
13 staff meeting was associated with issues dealing with the
14 emerging issues identified in this condition report. So I
15 don't believe I can tell you with certainty that a
16 specific individual brought it to my attention --

17 INVESTIGATOR DEVITTO: Did you have a --

18 MR. JOHNSON: -- or as you pointed out,
19 presented it to me.

20 INVESTIGATOR DEVITTO: Did you have any
21 discussions with Mr. Cayia, subsequent to that?

22 MR. JOHNSON: Subsequent to what?

23 INVESTIGATOR DEVITTO: The date it was
24 presented to you on the 21st.

25 MR. JOHNSON: I had considerable discussions

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1 with Mr. Cayia that afternoon. As a matter of fact, I
2 spent most of the afternoon with him, on February 21st.

3 INVESTIGATOR DEVITTO: What did you discuss at
4 that time?

5 MR. JOHNSON: Well, I think I can go through a
6 sequence of events, if you don't mind.

7 INVESTIGATOR DEVITTO: Certainly.

8 MR. JOHNSON: At 1300 hours, the manager
9 supervisory staff convened in the front office conference
10 room. This staff meeting was essentially a routine
11 meeting to update the staff on the status of the Unit 2
12 refueling outage. That meeting however, quickly emerged
13 as a discussion of the condition of the component cooling
14 water pump and the service water pump, and a discussion of
15 whether we would have the capability of repairing those
16 pumps prior to the 2400 hours enforcement discretion time
17 limit.

18 This item was also discussed during that
19 meeting and the staff engaged in a brief discussion
20 regarding whether the enforcement discretion was continued
21 to be valid and whether because of this issue, it would
22 prudent to even consider approaching the NRC to request
23 for an extension of the enforcement discretion beyond the
24 2400 hour time limit that had been agreed to previously.

25 Because we had committed to teleconferencing

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1 with the NRC at 1400 hours, we probably as a staff, did
2 not have satisfactory time to fully address this emerging
3 issue prior to the 1400 hour conference call. At 1400
4 hours, Mr. Cayia, Mr. Fromm, and myself went to Mr.
5 Cayia's office and we participated in a brief
6 teleconference with NRC staff members. The primary
7 objective of that conference call was to update the NRC
8 regarding the status of the repairs to those pumps.

9 At that, excuse me, during that
10 teleconference, this issue was discussed and we
11 immediately realized that at the time of 1400 hour
12 conference call, the Point Beach staff had not had
13 satisfactory time to determine what remedies if any were
14 needed, or whether it would continue to be prudent and
15 warranted to ask for an extension of the enforcement
16 discretion time limit.

17 That teleconference ended at about 20 after
18 two or 2:30 p.m. and the manger supervisory staff
19 reconvened at about 1345. Excuse me, I left out a detail.
20 At the end of the 1400 hour teleconference with the NRC,
21 we advised the NRC that we would call them back at 1530 to
22 discuss the issue further. The manager staff reconvened
23 at 15, I'm sorry. The manager supervisory staff
24 reconvened at approximately 1445, and for the following 45
25 minutes, most of our discussion was relevant to the issues

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1 that were identified in this condition report.

2 The staff, after what I thought was a very
3 challenging and aggressive discussion, concluded that
4 although we could not speak confidently that the CCW cross
5 connect valves were operable, the staff determined that
6 because the CCW pumps were merely offered up as a
7 compensatory measure, that the original safety basis
8 justification that was contained in our February 20th
9 letter, remained unchanged and continued to properly
10 characterize our manager supervisory staff beliefs
11 regarding the desirability of staying in a hot shut down
12 condition.

13 MR. O'NEILL: Off the record for a second.
14 You mis-spoke.

15 (Whereupon, an off the record
16 discussion was had.)

17 MR. O'NEILL: Back on the record.

18 INVESTIGATOR DEVITTO: Okay.

19 MR. JOHNSON: What I intended to say
20 obviously, was the CCW cross connect capability as a
21 compensatory measure. Thank you for that clarification.

22 The manager supervisory staff endorsed a
23 position that would cause us to withdraw that issue, I'm
24 sorry. Would cause us to withdraw the CCW cross connect
25 capability as a compensatory measure, but still pursue

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1 with the NRC, an extension to the enforcement duration,
2 the enforcement discretion duration time limit.

3 Based upon the manager supervisory staff
4 recommendation, we did in fact then have an additional
5 teleconference with the NRC staff at 1530, and during that
6 teleconference, we advised the staff that we would like a
7 36 hour duration extension to the enforcement discretion.
8 That teleconference probably lasted less than three to
9 five minutes, and the NRC advised us that they would
10 consider our request and respond to us later that
11 afternoon or evening.

12 INVESTIGATOR DEVITTO: Okay. Prior to that
13 21st of February date at which time you became aware of
14 this condition report, were you aware at any time prior to
15 that, that those particular cross connect valves had been
16 overtorqued?

17 MR. JOHNSON: I had no knowledge of those
18 valves potentially being overtorqued. Prior to actually
19 seeing this condition report and prior to discussing the
20 issue at the 1300 hours manager supervisory staff meeting
21 on February 21, 1997.

22 INVESTIGATOR DEVITTO: Were you present at any
23 of the morning staff meetings that had taken place on the
24 19th or 20th, 6:45 I believe, a.m., staff meetings?

25 MR. JOHNSON: Can you clarify which staff

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1 meeting you're talking about?

2 INVESTIGATOR DEVITTO: I don't know if it has
3 a specific name.

4 MR. MCMURTRAY: I think it's specifically the
5 daily plan meeting, the update meeting.

6 MR. JOHNSON: I can say with certainty, that I
7 did not attend the 6:45 a.m. daily plan update staff
8 meetings that occurred either on February 19th, 20th or
9 21st.

10 INVESTIGATOR DEVITTO: Is that the type of
11 meeting that you generally would not attend?

12 MR. JOHNSON: I send my representative to that
13 meeting. My representative at that meeting is Mr. Terry
14 Guay. And I can't recall having attended those 6:45
15 meetings on a regular basis within the last month. I used
16 to attend them routinely while I was managing the steam
17 generator replacement project, but during the last month
18 or so, I have not routinely attended them.

19 INVESTIGATOR DEVITTO: Did you ever have
20 occasion to talk to Eric Ziller during that time period?

21 MR. JOHNSON: Can you define which time period
22 you're talking about?

23 INVESTIGATOR DEVITTO: The 18th, 19th, 20th or
24 21st of February. He's the shift outage coordinator.

25 MR. JOHNSON: I can't say with great

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1 certainty, but I believe it was probably either on the
2 18th or the 19th of February, that I asked Mr. Ziller for
3 his advice. As we were considering the possibility of an
4 enforcement discretion, I thought that Mr. Ziller would
5 provide a good input to that decision and I can vaguely
6 recall that I may have asked Mr. Ziller what he thought
7 would be the safest position for us to keep the plant in.
8 And I believe Mr. Ziller's response was that he supported
9 keeping the plant in a hot shut down condition, and again,
10 to the best of my recollection, I believe such a brief
11 discussion occurred on February 18th.

12 INVESTIGATOR DEVITTO: Did he ever mention
13 that he felt that the position of those valves, that they
14 were overtorqued?

15 MR. JOHNSON: He did not, in any capacity,
16 describe to me his potential concern regarding the
17 condition of the CCW cross connect valves during any
18 discussions I had with him prior to February 20th of last
19 week.

20 INVESTIGATOR DEVITTO: What about any
21 discussions with Mr. Robert Harvey, relative to that
22 situation, specifically this condition report I have
23 marked as Exhibit B?

24 MR. JOHNSON: I don't recall have any personal
25 direct discussions with Mr. Harvey any time during the

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1 week of February 17, 1997.

2 INVESTIGATOR DEVITTO: Okay. Mr. McMurtray?

3 MR. MCMURTRAY: I just have two questions.

4 EXAMINATION

5 MR. MCMURTRAY: The first one was, you met
6 through the time line of the review pretty much, that had
7 took place on the 20th of February. There was no other
8 individuals of manager supervisory staff that reviewed
9 that document at all, other than, well Mr. Cayia you
10 mentioned, and Terry Sullivan looked at that.

11 MR. JOHNSON: Yes, sir, that is a fact. The
12 individuals that I described earlier, to the best of my
13 recollection, were the only ones to review and comment on
14 the draft letter.

15 MR. MCMURTRAY: Okay. And my second question
16 is, did Mr. Cayia at any time during any of his reviews
17 that he had on the 20th, mention at all this issue about
18 the condition report of the CCW cross connect issue at
19 all?

20 MR. JOHNSON: No, sir, he did not.

21 MR. MCMURTRAY: Okay. That's all I've got.

22 MR. O'NEILL: One question if I could.

23 What was the deadline for the February 20th
24 letter that is Exhibit A?

25 MR. JOHNSON: The deadline, John, I believe

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1 the NRC policy requires that the letter be provided to the
2 NRC within 24 hours upon receiving verbal approval of the
3 enforcement discretion. However, during the
4 teleconference we had with the NRC staff on the evening of
5 February 19th, we committed to having that letter to them
6 by 1600 hours on February 20, 1997. So that is the
7 deadline that I working to.

8 MR. O'NEILL: That's all.

9 INVESTIGATOR DEVITTO: Okay. Mr. Johnson,
10 have I or any other NRC representative here threatened you
11 in any manner or offered you any rewards for this
12 statement?

13 MR. JOHNSON: No, sir.

14 INVESTIGATOR DEVITTO: Have you given this
15 statement freely and voluntarily?

16 MR. JOHNSON: Yes, sir.

17 INVESTIGATOR DEVITTO: Is there anything
18 further you care to add for the record?

19 MR. JOHNSON: No, sir.

20 INVESTIGATOR DEVITTO: Okay. Thank you for
21 your time and we certainly hope you feel better, Mr.
22 Johnson.

23 (Whereupon the hearing concluded at 4:30 p.m.)
24
25

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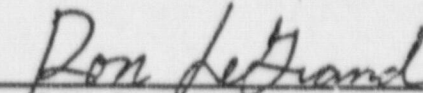
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Regulatory Commission in the matter of:

Name of Proceeding: INTERVIEW OF DOUGLAS F. JOHNSON

Docket Number: N/A

Place of Proceeding: TWO RIVERS, WISCONSIN

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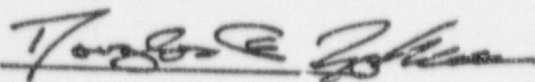
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STATEMENT OF DOUGLAS F. JOHNSON GIVEN ON TUESDAY, MARCH 4, 1997 TO NRC
SPECIAL AGENT RICHARD L. DEVITTO, AT THE POINT BEACH NUCLEAR PLANT

PAGE LINE RECOMMENDED
NO. NO. CORRECTION

4	7	"SERVICES" VICE "SERVICE"
8	10	"ARE" VICE "AREA"
8	24	"EMPLOYEES" VICE "EMPLOYESS"
9	6	"SPEND" VICE "SPENT"
12	20	"FAITZIE" VICE "FAITZY"
12	24	"FAITZIE" VICE "FAITZY"
13	3	"MANAGER'S" VICE "MANAGER"
13	14	"FAITZIE" VICE "FAITZY"
13	18	"FAITZIE" VICE "FAITZY"
14	5	"HOGGATT" VICE "HOGIT"
15	4	"GRID" VICE "GOOD"
15	4	"EXISTED IN THE" VICE "EXISTED -- THE"
15	7	"FAITZIE" VICE "FAITZY"
15	13	"GAIGG" VICE "GAAGON"
15	14	"GAIGG" VICE "GAAGON"
15	17	"FAITZIE" VICE "FAITZY"
17	25	"PUMPS" VICE "PUMP"
18	11	"OFFICE" VICE "OFFICE CONFERENCE"
21	19	"DURING THE" VICE "GOING TO"
22	3	"TO" VICE "TWO"

SIGNATURE:



DATE:

APR 15, 1997

STATEMENT OF DOUGLAS F. JOHNSON GIVEN ON TUESDAY, MARCH 4, 1987 TO NRC
SPECIAL AGENT RICHARD L. DEVITTO, AT THE POINT BEACH NUCLEAR PLANT

PAGE LINE RECOMMENDED
NO. NO. CORRECTION

22	14	"inquiring [NRC] staff"	VICE	"inquiry staff"
23	1	"CONCURRENCE"	VICE	"CONCURRENT"
23	11	"off"	VICE	"of"
23	13	"Faitzie"	VICE	"Faitzy"
23	21	"Faitzie"	VICE	"Faitzy"
25	3	"WAS MADE AVAILABLE"	VICE	"WAS AVAILABLE"
26	16	"2400 HOURS [FEB. 21 ST] ENFORCEMENT"	VICE	"2400 HOURS ENFORCEMENT"
26	24	"2400 HOURS [FEB. 21 ST] TIME"	VICE	"2400 HOUR TIME"
27	18	"MANAGER'S"	VICE	" ^{ALL} MANAGER'S MANAGER"
27	19	"1445"	VICE	"1345"
28	10	"MANAGER'S"	VICE	"MANAGER"
28	22	"MANAGER'S"	VICE	"MANAGER"
29	3	"MANAGER'S"	VICE	"MANAGER"
30	20	"ERICH"	VICE	"ERIC"
31	24	"HAVING"	VICE	"HAVE"
32	5	"WENT"	VICE	"MET"
33	7	"I WAS WORKING"	VICE	"I WORKING"
19	15	"FAITZIE"	VICE	"FAITZY"
26	8	"MANAGER'S"	VICE	"MANAGER"

SIGNATURE:



DATE:

APRIL 15, 1987

STATEMENT OF DOUGLAS F. JOHNSON GIVEN ON TUESDAY, MARCH 4, 1997 TO NRC
SPECIAL AGENT RICHARD L. DEVITTO, AT THE POINT BEACH NUCLEAR PLANT

PAGE LINE RECOMMENDED
.. NO. NO. CORRECTION

26	20	"discretion continued"	VICE "discretion was continued"
26	23	"an extension"	VICE "for an extension"
27	22	"managers"	VICE "manager"
27	23	"manager's"	VICE "manager"
29	18	"overtorgued price"	VICE "overtorgued. Prior"

SIGNATURE: Douglas F. Johnson

DATE: April 15, 1997

EXHIBIT 15