

**BEFORE THE FLORIDA PUBLIC SERVICE
COMMISSION**

In re: Fuel and purchased power cost recovery
clause with generating performance incentive
factor.

DOCKET NO.: 20220001-E1

FILED: October 4, 2022

**NOTICE OF WITHDRAWAL OF PORTIONS OF DIRECT TESTIMONY OF
RICHARD A. POLICH**

The Citizens of Florida through the Office of Public Counsel (“OPC”) serves notice of withdrawing the portions of the Direct Testimony of Richard A. Polich, filed on September 14, 2022, as shown below. The reason for the withdrawal is that the specific portion of testimony identified contains an error. The subject matter of this withdrawn portion of testimony was based on incorrect reliance on two discovery responses in the current 2022 fuel docket that indicated FPL’s internal documents related to the August 2020 shutdowns at Turkey Point Unit 3 were subject to FPL’s objections on grounds of relevance, thus not produced. During last year’s fuel docket, some internal documents responsive to the subject outages were produced in Response to Citizens First Request for Production of Documents, Request No. 6 in Docket No. 20210001. Accordingly, the following portions of Mr. Polich’s Testimony are withdrawn.

- Page 21, Line 18, beginning with the word “from” through line 19 up to and including the word “and” ;
- Page 24, Lines 5 -11;
- Page 27, Line 3, beginning with the word “Because” through all of Line 6;
- Page 27, Line 17, beginning with the word “Because” through all of Line 21; and
- Page 28, Line 15, beginning with the word “Because” through all of Line 18.

Attached are the four pages from Mr. Polich's testimony referenced above showing the withdrawn portions in green highlighting for ease of reference.

Respectfully submitted this 4th day of October 2022.

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Public Counsel

/s/ Charles J. Rehwinkel

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CERTIFICATE OF SERVICE

DOCKET NO. 20220001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on this 4th day of October 2022, to the following:

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1 incomplete and inaccurate information to FPL that was subsequently submitted by FPL to
2 the NRC.

3 The NRC determined this was a Severity Level II violation of 10 C.F.R. §.50.7 and
4 imposed the \$232,000 civil penalty on FPL. As a result of this instance, FPL agreed to
5 perform the following corrective actions:

- 6 1. Establish an Employee Concerns Program (ECP) investigation and
7 Safety Conscious Work Environment (“SCWE”) surveys in St.
8 Lucie and Turkey Point radiation protection departments, and
9 training of senior nuclear managers.
- 10 2. Conduct a nuclear fleet-wide communication that reinforced the
11 SCWE policy.
- 12 3. Conduct personnel training, ECP third-party audits, and create a
13 personnel action review board to review certain employment actions
14 involving contractor personnel brought to FPL’s attention.

15 **Q. ARE YOU AWARE OF THE TURKEY POINT UNIT 3 OUTAGES THAT**
16 **OCCURRED IN AUGUST 2020 FOR WHICH FPL IS NOT SEEKING COST**
17 **RECOVERY?**

18 A. Yes. I am aware of this situation, but FPL has blocked me from reviewing their records
19 containing details of these events and from understanding the basis for their decision to
20 exclude the replacement power costs from recovery in the Fuel Clause docket.⁴ I have
21 included in my testimony information related to these events from the publicly available

⁴ See, FPL’s April 2, 2022 *Petition for Approval of Fuel Cost Recovery and Capacity Cost Recovery Net Final True-Ups for the Period Ending December 2021 and 2021 Asset Optimization Incentive Mechanism Results*, Docket No. 2022001-EI.

1 and Commission are entitled to know the circumstances so that the parties can understand
2 whether FPL is properly and prudently pursuing recovery from third parties in all instances
3 where vendors or an insurance company may be obligated to compensate FPL; and if not,
4 why not?

5 **Q. WHAT DO YOU RECOMMEND WITH REGARD TO THESE EVENTS?**

6 A. Given that I have not seen the information, I reserve the right to provide supplemental
7 testimony that addresses any relevant issues related to these events. Furthermore, to the
8 extent that discovery of information related to these events has a bearing on any aspect of
9 my testimony – including any contrasts with contested claims of prudent replacement
10 power cost – the Commission should allow the record to be reopened in a future
11 proceeding, including but not limited to any spin-off investigation docket.

12 **Q. PLEASE DESCRIBE THE INCIDENTS THAT LED TO THE NRC ISSUING THE**
13 **APRIL 6, 2021 NOTICE OF VIOLATION AND IMPOSITION OF A \$150,000**
14 **CIVIL PENALTY (EXHIBIT NO. ___(RAP-5)).**

15 A. On April 6, 2021 the NRC issued a Notice of Violation and Civil Penalty related to three
16 instances where FPL employees at Turkey Point falsified information, and/or provided
17 inaccurate or incomplete information in maintenance records. The first incident occurred
18 on July 10, 2019 when FPL mechanics falsified maintenance records on a work order,
19 falsely stating maintenance activities associated with a *safety-related* check valve had been
20 completed. They also recorded inaccurate information on the status of tools that were
21 required (but not used) for conducting the maintenance work (that was not actually
22 performed). The FPL employees also recorded inaccurate measurements using falsified
23 values, copied from a prior actual performance of the work.

1 low-pressure at the suction of the steam generator feedwater pump (SGFP). Investigation
2 by FPL found a design modification in 2012 had not included this scenario in the turbine
3 control system design analysis. Because I have been blocked from accessing and
4 independently reviewing the FPL internal documents related to this event, I am unable to
5 determine the nature of any human element (FPL employee or contractor) related to the
6 prudence of this event as it relates to or affects the recovery of fuel costs.

7 **Q. PLEASE DESCRIBE THE SECOND OF THE FOUR UNPLANNED REACTOR**
8 **SCRAM EVENTS THAT OCCURRED BETWEEN AUGUST 2020 AND MARCH**
9 **2021.**

10 A. The second event occurred on August 19, 2020 (two days after the first event), and was an
11 automatic trip by the plant's reactor protection system during startup, caused by high
12 neutron flux condition in the reactor. According to the NRC, *FPL's own root cause*
13 *evaluation determined this was operator error committed by an FPL employee.* The FPL
14 unit supervisor and FPL reactor plant operators were determined to have had knowledge
15 gaps in conducting reactor startup operations. As a result of the discovery of knowledge
16 gaps among its employees, FPL had to make procedural and training material changes for
17 plant operators and supervisors. Because I have been blocked from accessing and
18 independently reviewing the FPL internal documents related to this event, I am unable to
19 fully formulate an opinion about this event as it relates to the prudence of FPL's culture,
20 workforce staffing or other aspects of prudence as it relates to or affects the recovery of
21 fuel costs.

1 **Q. PLEASE DESCRIBE THE THIRD OF THE FOUR UNPLANNED REACTOR**
2 **SCRAM EVENTS THAT OCCURRED BETWEEN AUGUST 2020 AND MARCH**
3 **2021.**

4 A. The third event that occurred on August 20, 2020, the day after the second event occurred,
5 was caused by improper valve alignment of the pump suction flow control valve and failure
6 to place the recirculation to condenser control valves in automatic. According to the NRC,
7 *FPL's own root cause evaluation determined this was operator error committed by an FPL*
8 *employee.* FPL operators had not properly moved the master controller for the Turkey Point
9 Unit 3 SGFP recirculation valve(s) to the appropriate position for the plant conditions. FPL
10 operators attempted to adjust these recirculation valves after discovering the error, causing
11 low suction pressure on the SGFP. The RCA investigation determined that the FPL
12 operators had failed to properly review valve alignment and status of all components
13 following an unplanned reactor scram. As a result of the discovery of the FPL employee
14 errors, FPL had to implement procedural and training changes to prevent this event from
15 recurring. **Because I have been blocked from accessing and independently reviewing the**
16 **FPL internal documents related to this event, I am unable to fully formulate and opinion**
17 **about this event as it relates to the prudence of FPL's culture, workforce staffing or other**
18 **aspects of prudence as it relates to or affects the recovery of fuel costs.**

19 **Q. PLEASE DESCRIBE THE FOURTH OF THE FOUR UNPLANNED REACTOR**
20 **SCRAM EVENTS THAT OCCURRED BETWEEN AUGUST 2020 AND MARCH**
21 **2021.**

22 A. The fourth event occurred on March 1, 2021, following testing of the Reactor Protection
23 System. The restoration included reactor operators closing the reactor trip breaker and