

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

In re: Review of Nuclear Outage at
Florida Power Corporation's
Crystal River Unit No. 3

Docket No. 970261-EI

Submitted for filing:
May 23, 1997

**FLORIDA POWER CORPORATION'S
NOTICE OF FILING REBUTTAL TESTIMONY**

Florida Power Corporation ("FPC") hereby gives notice that on May 23, 1997, FPC served the testimony of Ralph G. Bird, James H. Sneizek, Gary R. Doughty (and exhibits), and Paul F. McKee (and exhibits) in response to and rebuttal of the earlier filed testimony of William R. Jacobs, Jr. on behalf of the Florida Office of Public Counsel upon the following individuals by overnight mail:

John W. McWhirter, Jr.
McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas
P.O. Box 3350
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Bob Elias, Esquire
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J. Roger Howe
Office of Public Counsel
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111 West Madison Street
Room 812
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As FPC has consistently asserted, the questions presented in this proceeding with respect to possible management imprudence cannot be determined on the basis of either hindsight review or NRC compliance standards. While professing to pay lip-service to the teachings of the Florida Supreme Court in this regard,

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SEC 1 _____
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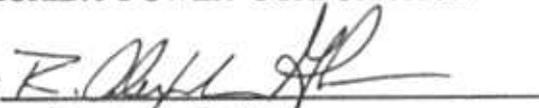
Dr. Jacobs has in actual fact reached his opinions directly on the basis of after-the-fact, hindsight documents and documents relating to NRC standards.

Accordingly, FPC intends to move to strike Dr. Jacobs' testimony upon receipt of the transcript of Dr. Jacobs' deposition, which confirms and details Dr. Jacobs' improper reliance on such documents. Since, under the Commission's case management scheduling order, FPC's rebuttal testimony must be filed by May 27, 1997, FPC is filing the above-described testimony in order to respond to and rebut Dr. Jacobs' testimony in the event that FPC's soon to be filed motion to strike is not granted by the Commission.

This rebuttal testimony is, of course, filed subject to FPC's position that hindsight evidence and other evidence employing NRC compliance standards are not a proper basis for the Commission to rely upon in determining the issues presented in this proceeding. If, however, the Commission rules that Dr. Jacobs' testimony on that basis can be considered by it, then, without in any way waiving its position that this is not proper, FPC must respond to and rebut that testimony through the aforesaid testimony of its experts.

Respectfully submitted this 23rd day of May, 1997.

OFFICE OF THE GENERAL COUNSEL
FLORIDA POWER CORPORATION

By 

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CERTIFICATE OF SERVICE

Docket No. 970261-EI

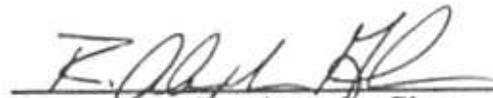
I HEREBY CERTIFY that a true and correct copy of (1) Florida Power Corporation's Notice of Filing Rebuttal Testimony and (2) the rebuttal testimony of Ralph G. Bird, Gary R. Doughty (and exhibits), Paul F. McKee (and exhibits) and James H. Sniezek have been sent by overnight mail to the following individuals on May 23, 1997:

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