

ORIGINAL
FILE COPY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 970261-EI

Submitted for filing:
April 17, 1997

**FLORIDA POWER CORPORATION'S
OBJECTIONS TO PUBLIC COUNSEL'S
SECOND REQUEST FOR PRODUCTION
OF DOCUMENTS TO FLORIDA POWER CORPORATION**

Florida Power Corporation ("FPC") hereby files its objections to Public Counsel's Second Request for Production of Documents to Florida Power Corporation, as follows:

1. Certain document requests may involve highly sensitive, confidential, proprietary, trade secret material and information. FPC is nonetheless willing to produce such material and information, provided that the parties are first able to enter into an appropriate confidentiality agreement that would ensure adequate protection of such material and information. FPC will provide a proposed form of confidentiality agreement to Public Counsel.

2. FPC objects to the instruction to produce documents at the offices of Public Counsel. Subject to the specific and general objections described above and below, FPC will make production of all responsive, non-privileged documents by making them available for inspection and copying at Florida Power Corporation, 3201 34th Street South, St. Petersburg, Florida, or by releasing such documents to a commercial service for copying and forwarding of the copies to Public Counsel.

DOCUMENT NUMBER-DATE

04017 APR 21 97

3. FPC objects to producing responsive documents on or before April 28, 1997, on the ground that such a short time period is unreasonably burdensome. Because of the expedited time schedule for this proceeding, FPC, subject to this objection and without waiving it, will produce as many responsive documents as reasonably possible by the date requested.

4. FPC believes certain of Public Counsel's requests may call for privileged information or materials. FPC is unable to identify such information or materials with specificity until it has prepared its document responses in full. FPC therefore reserves its rights to object to particular requests to the degree those requests call for privileged information or materials once FPC has been able to prepare its full response to the requests. Nothing contained in this response is intended to waive such privilege claims.

5. FPC believes certain of Public Counsel's document requests may call for documents in FPC's knowledge or possession pursuant to a confidentiality agreement with third parties. FPC is unable to identify such information or materials with specificity until it has prepared its document responses in full. FPC therefore reserves its right to object to particular requests to the degree those requests call for such confidential information or materials once FPC has been able to prepare its full response to the requests. Nothing contained in this response is intended to waive FPC's right to object to producing such information or materials, or to producing it pursuant to protections appropriate to permit FPC to satisfy its obligations under such confidentiality agreements.

6. FPC objects to the document requests to the extent they seek documents that are not relevant to the prudence of FPC's specific actions and circumstances that

led to the shutdown of the unit on September 2, 1996, and the reasons Florida Power Corporation determined it was necessary to keep the unit down for an extended outage" -- the issues identified in the Prehearing Officer's February 28, 1997 Order Establishing Procedure.

7. FPC objects to Public Counsel's failure to number appropriately what are distinct document requests, as required under the Order Establishing Procedure. FPC specifically notes and objects that, for purposes of determining whether Public Counsel reached or exceeded the 200 document request limit established in the Order Establishing Procedure, Public Counsel has propounded more requests than the 27 he has chosen to number.

8. FPC objects to Document Request No. 9 as overly broad and burdensome and seeking information not relevant to the subject matter of the instant action nor reasonably calculated to lead to the discovery of admissible evidence because it seeks documents "since 1990" and without respect to specific subject matter, and which therefore may have no bearing on the outage of FPC's Crystal River Unit No. 3. See Objection No. 6.

9. FPC objects to Document Request No. 10 as overly broad and burdensome and seeking information not relevant to the subject matter of the instant action nor reasonably calculated to lead to the discovery of admissible evidence because it seeks documents "since 1990" and without respect to specific subject matter, and which therefore may have no bearing on the outage of FPC's Crystal River Unit No. 3. See Objection No. 6. FPC further objects on the ground that the request seeks documents covered by confidentiality agreements with third parties. See Objection No.

5. FPC further objects on the ground that the term "assessments" is vague and ambiguous.

10. FPC objects to Document Request No. 11 as overly broad and burdensome and seeking information not relevant to the subject matter of the instant action nor reasonably calculated to lead to the discovery of admissible evidence because it seeks documents "since 1990" and without respect to specific subject matter, and which therefore may have no bearing on the outage of FPC's Crystal River Unit No.

3. See Objection No. 6. FPC further objects on the ground that the terms "organizations" and "assessments" are vague and ambiguous.

11. FPC objects to Document Request No. 13 on the grounds that it is overly broad and burdensome and seeks documents not relevant to the subject matter of the instant action nor reasonably calculated to lead to the discovery of admissible evidence because it seeks documents without respect to date, and the general subject matter may have no bearing on the outage of FPC's Crystal River Unit No. 3. See Objection No. 6.

12. FPC objects to Document Request No. 17 on the grounds that it is overly broad and burdensome and seeks documents not relevant to the subject matter of the instant action nor reasonably calculated to lead to the discovery of admissible evidence because it seeks documents without respect to date, and the general subject matter may have no bearing on the outage of FPC's Crystal River Unit No. 3. See Objection No.

6. Subject to this objection, and without waiving it, FPC will produce its Nuclear Operations Long Range Plan for Excellence program description.

13. FPC objects to Document Request No. 18 on the grounds that it is overly broad and burdensome and seeks documents not relevant to the subject matter of the instant action nor reasonably calculated to lead to the discovery of admissible evidence because it seeks documents without respect to date, and the general subject matter may have no bearing on the outage of FPC's Crystal River Unit No. 3. See Objection No. 6. Subject to this objection, and without waiving it, FPC will produce its Nuclear Operations Event Free Operations program description.

14. FPC objects to Document Request No. 21 on the grounds that it is overly broad and burdensome and seeks documents not relevant to the subject matter of the instant action nor reasonably calculated to lead to the discovery of admissible evidence because it seeks documents without respect to date, and the general subject matter may have no bearing on the outage of FPC's Crystal River Unit No. 3. See Objection No. 6. Subject to this objection, and without waiving it, FPC will produce documents reasonably related to the subject matter of the request.

15. FPC objects to Document Request No. 24 on the grounds that it is overly broad and burdensome and seeks documents not relevant to the subject matter of the instant action nor reasonably calculated to lead to the discovery of admissible evidence. See Objection No. 6. Subject to this objection, and without waiving it, FPC will produce documents reasonably related to the subject matter of the request.

16. FPC objects to Document Request No. 25 on the grounds that it is overly broad and burdensome and seeks documents not relevant to the subject matter of the instant action nor reasonably calculated to lead to the discovery of admissible evidence.

See Objection No. 6. Subject to this objection, and without waiving it, FPC will produce documents reasonably related to the subject matter of the request.

17. FPC objects to Document Request No. 26 on the grounds that it is overly broad and burdensome and seeks documents not relevant to the subject matter of the instant action nor reasonably calculated to lead to the discovery of admissible evidence.

See Objection No. 6. Subject to this objection, and without waiving it, FPC will produce documents reasonably related to the subject matter of the request.

18. FPC objects to Document Request No. 27 on the grounds that it is overly broad and burdensome and seeks documents not relevant to the subject matter of the instant action nor reasonably calculated to lead to the discovery of admissible evidence because it seeks documents without respect to date, and the general subject matter may have no bearing on the outage of FPC's Crystal River Unit No. 3. See Objection No. 6. Subject to this objection, and without waiving it, FPC will produce documents reasonably related to the subject matter of the request.

Respectfully submitted,

OFFICE OF THE GENERAL COUNSEL
FLORIDA POWER CORPORATION

By 

R. Alexander Glenn
Post Office Box 14042
St. Petersburg, FL 33733-4042
Telephone: (813) 866-5587
Facsimile: (813) 866-4931