

In the Matter of

and

EA 97-387

9803230088 980311
PDR ADOCK 05000029
W PDR

Yankee Atomic Power Station ("MYAPS" or "the facility"). This group of individuals, including individuals denominated in the Demand as "the Manager" and "the Lead Engineer", were collectively known as the "LOCA Group." Subsequent to the events alleged in the Demand, Duke Engineering & Services Co. ("DE&S") purchased the LOCA Group as part of a larger acquisition of certain Yankee assets. The allegations set forth in the Demand concerning the LOCA Group all concern the utilization of a computer program known as RELAP5YA developed by the LOCA Group for, *inter alia*, the purpose of analyzing Small Break Loss of Coolant Accident (SBLOCA) scenarios for MYAPS.

YAEC is in receipt of the filing made by DE&S under date of February 27, 1998, in response to the Demand and the amendment thereto filed under date of March 3, 1998 ("the DE&S Response"). YAEC has thoroughly reviewed the DE&S Response and the attachments thereto and, having done so, states that insofar as YAEC is aware, the statements of fact contained therein are accurate, and, without necessarily agreeing with all the reasoning leading thereto, YAEC is able to, and does hereby, adopt the conclusions expressed therein as its own.¹

WHEREFORE, for its answer to the Demand, and without waiving any legal defense which it might for any purpose have in connection with this matter, YAEC adopts the Duke

¹By adopting the Duke Response as set forth in the text above, YAEC intends to, and specifically does, adopt the Duke conclusions that the Manager and the Lead Engineer (persons for whom YAEC has always had, and continues to have, the highest regard, both personally and professionally) did not engage in any deliberate misconduct or act with careless disregard as to any matter here involved.

Response as its response to the Demand to the extent indicated in the preceding paragraph.

YANKEE ATOMIC ELECTRIC COMPANY

By: Don K Davis
Don K. Davis, Its Chief Executive Officer

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

March 11, 1998

Then appeared before me, the above-subscribed Don K. Davis, and made oath that he had read the foregoing response, understood the contents thereof, and that the statements set forth therein are true to the best of his knowledge and belief.

Before me,



Notary Public

My Commission Expires:

Thomas G. Dignan, Jr.
NOTARY PUBLIC
My commission expires Feb. 4, 2006