

~~PROPRIETARY~~



Nuclear Innovation
North America LLC
4000 Avenue F, Suite A
Bay City, Texas 77414

August 30, 2011
U7-C-NINA-NRC-110111
10 CFR 2.390
10 CFR 52

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

South Texas Project
Units 3 and 4
Docket Nos. 52-012 and 52-013
Submittal of Combined License Application Revision 6

Nuclear Innovation North America LLC (NINA) submits Revision 6 to the South Texas Project Units 3 & 4 (STP 3 & 4) Combined License Application (COLA) (Reference 1) as an enclosure to this letter.

This letter contains attachments and enclosures providing the following:

- Attachment 1 – “Affidavit for Withholding Proprietary Information under 10 CFR 2.390,” on behalf of Nuclear Innovation North America (NINA).
- Attachment 2 – “Summary of Preflight Evaluations,” checks performed on the PDF files for each Part included with this submittal (Enclosures 1 and 2).
- Attachment 3 – “Summary of Commitments,” completed, revised, deleted, or added (new).
- Attachment 4 – “Summary of Changes” incorporated into Revision 6 to the COLA.
- Attachment 5 – “List of RAI Responses with Changes to the COLA,” NRC staff Requests for Additional Information (RAI) which required changes to the COLA in the responses, incorporated as of Revision 6.

DO9/
MRO

STI 32916923

Enclosures (2) – Two DVDs containing Revision 6 to the COLA in PDF format, prepared in compliance with “Guidance for Electronic Submissions to the NRC.” Each DVD contains a packing slip that explains the contents.

- Enclosure 1 (DVD) provides a complete, non-proprietary and non-security-sensitive version of the STP 3 & 4 COLA suitable for public disclosure.
- Enclosure 2 (DVD) provides a complete proprietary version of the STP 3 & 4 COLA and includes the proprietary and Security Sensitive information.

The affidavit submitted with Reference 1 requesting that proprietary information be withheld from public disclosure in accordance with 10 CFR 2.390 remains applicable to the proprietary information contained in Part 10.

A summary of commitments is provided in Attachment 3.

Upon separation from Enclosure 2 (Proprietary Information), this letter is decontrolled.

If there are any questions regarding this submittal, please contact me at (361) 972-7136, or Bill Mookhoek at (361) 972-7274.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8/30/11



Scott Head
Manager, Regulatory Affairs
South Texas Project, Units 3 & 4

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Attachments: As stated

Enclosures: 1. DVD, South Texas Project Units 3 & 4 COLA Rev. 06, Non-Proprietary
2. DVD, South Texas Project Units 3 & 4 COLA Rev. 06, Proprietary

References:

1. Letter, M. A. McBurnett to Document Control Desk , “Combined License Application,” dated September 20, 2007, ABR-AE-07000004 (ML072830407)
2. Letter, Scott Head to Document Control Desk , “Proposed Update to COLA Part 1 Information,” dated June 23, 2011, U7-C-NINA-NRC-110085 (ML11178A106)
3. Letter, M. A. McBurnett to Document Control Desk , “Parts 30 And 40 License Withdrawal Request ,” dated April 6, 2011, U7-C-NINA-NRC-110062 (ML110980614)
4. Letter, M. A. McBurnett to Document Control Desk , “DCD References to the ABWR Standard Safety Analysis Report,” dated April 5, 2011, U7-C-NINA-NRC-110061 (ML11098400)
5. Letter, M. A. McBurnett to Document Control Desk , “Question From the March 8, 2011 Meeting With ACRS,” dated April 5, 2011, U7-C-NINA-NRC-110053
6. Letter, Scott Head to Document Control Desk , “Supplemental Response to Request for Additional Information,” dated July 19, 2011, U7-C-NINA-NRC-110098 (ML11202A268)
7. Letter, M. A. McBurnett to Document Control Desk , “Proposed Standard Departure from ABWR DCD Tier 2 Chapter 12,” dated May 5, 2011, U7-C-NINA-NRC-110073 (ML11129A057)
8. Letter, Scott Head to Document Control Desk , “Submittal of I&C Information,” dated January 19, 2011, U7-C-STP-NRC-110013 (ML110250367)
9. Letter, Scott Head to Document Control Desk , “Revised COLA Part 9 ITAAC,” dated October 12, 2010, U7-C-STP-NRC-100225 (ML102870125)

cc: w/o attachment except*
(paper copy)

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ATTACHMENT 1

**AFFIDAVIT FOR WITHHOLDING PROPRIETARY INFORMATION
UNDER 10 CFR 2.390**

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

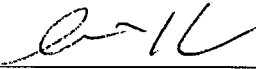
In the Matter of)		
)		
Nuclear Innovation North America LLC)	Docket No.	52-012
)		52-013
South Texas Project)		
Units 3 and 4)		

AFFIDAVIT

I, Scott Head, being duly sworn, hereby depose and say that I am Manager, Regulatory Affairs, of the South Texas Project Units 3 & 4 (STP 3&4); that I am duly authorized to sign and file with the Nuclear Regulatory Commission (NRC) this affidavit on behalf of Nuclear Innovation North America LLC (NINA); and state:

1. I am authorized to execute this affidavit on behalf of NINA, Nuclear Innovation North America Investments Holdings LLC (“NINA Holdings”), Nuclear Innovation North America Investments LLC (“NINA Investments”), NINA Texas 3 LLC (“NINA 3”) and NINA Texas 4 LLC (“NINA 4”).
2. NINA 3 and NINA 4 are providing information to support the application for a Combined License for STP Units 3 & 4. The information being provided is located in Part 1 of the application and contains legal and financial information related to the ownership of STP Units 3 & 4. The application also contains proprietary commercial and financial information that should be held in confidence by the NRC pursuant to the policy reflected in 10 CFR2.390(a)(4), because:
 - i. This information is and has been withheld in confidence by NINA 3, NINA 4 and their affiliates.
 - ii. This information is of a type that is customarily held in confidence by NINA 3, NINA 4 and their affiliates, and there is a rational basis for doing so because the information contains sensitive legal and financial information concerning financing arrangements, project cost, and operating expenses of NINA 3 and NINA 4.
 - iii. This information is being transmitted to the NRC voluntarily, in confidence and under the provisions of 10 CFR2.390(a)(4) and it is to be received in confidence by the NRC.
 - iv. This information is not available in public sources and could not be gathered readily from other publicly available information.

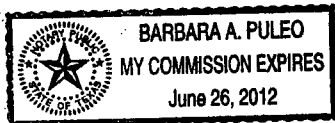
- v. Public disclosure of this information would create substantial harm to the competitive position of NINA 3, NINA 4, and their affiliates by disclosing internal financial information.
- 3. The proprietary information related to the application is shown in Part 1 Tables 1.3-1, 1.3-2, 1.3-3, and 1.3-4 as provided in the attachment to this Affidavit and has been appropriately marked as proprietary.
- 4. The information has substantial commercial value. The information requested to be withheld reveals commercially valuable and sensitive information and information about financing arrangements. Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of NINA 3 and NINA 4, NINA Investments, NINA Holdings and NINA itself because it would enhance the ability of competitors to gain knowledge of our costs and our commercial strategies.
- 5. Accordingly, NINA 3 and NINA 4 request that the designated portion of the COLA be withheld from public disclosure pursuant to 10 CFR 2.390(a)(4).

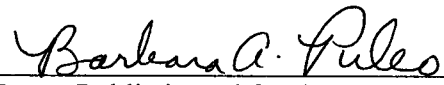


 Scott Head
 Manager, Regulatory Affairs
 South Texas Project Units 3 & 4

STATE OF TEXAS)
)
 COUNTY OF MATAGORDA)

Subscribed and sworn to before me, a Notary Public in and for the State of Texas,
 this 30 day of August, 2011.





 Notary Public in and for the
 State of Texas

ATTACHMENT 2

SUMMARY OF PREFLIGHT EVALUATIONS

All submittal PDF files were prepared with Adobe Acrobat Version 8 using the current Job Options file provided by the NRC on its web site. All files passed the preflight check (using the latest NRC preflight profile provided on its web site) except a few files that contained scanned pages that were processed by the Acrobat Optical Character Recognition (OCR) process. In these cases, an error is generated for lack of embedded fonts in the files. This is due to the known and documented inability of Acrobat to embed the fonts in a scanned and OCR processed file.

SUMMARY OF COMMITMENTS

The following table provides a summary of commitments completed, revised, added or deleted in Revision 6 to the COLA.

COLA Section (Commitment Number)	Commitment Summary	Milestone	Commitment Type
Part 2			
Appendix 6C (COM 6C-2)	The detailed test procedure for the downstream fuel test will be provided to the NRC at least six months prior to performing the test and will reflect industry experience with such tests; for example, consideration of fuel assembly geometry, debris addition and test protocol, number of tests, and provisions for assessing test variability.	6 Months Prior to performing the downstream test	New
Section 9.1 (COM 9.1-1)	Deleted commitment to perform dynamic and impact analysis of New Fuel Racks since the racks have been deleted by STP DEP T1 2.5-1	N/A	Deleted
Section 9.1 (COM 9.1-2)	Deleted commitment to perform Spent Fuel Rack load drop analysis (post-COL) since it is being provided for licensing.	N/A	Deleted
Section 9.1 (COM 9.1-4)	Deleted commitment to perform Spent Fuel Rack structural evaluation (post-COL) since it is being provided for licensing.	N/A	Deleted
Section 19.4S (COM 19.4S-1)	Due date changed to reflect project milestone.	Prior to construction	Revised
Section 19.4S (COM 19.4S-2)	Due date changed to reflect project milestone.	Prior to construction	Revised
Section 19.4S (COM 19.4S-3)	Due date changed to reflect project milestone.	Prior to construction	Revised
Section 19.4.6 (COM 19.4-1)	Develop an abnormal operating procedure for severe weather.	Prior to fuel load	New
Section 19.9.4 (COM 19.9-4)	Completed an action to provide High-Confidence Low Probability of Failure (HCLPF) values for site-specific SSCs whose failure may affect the plant response to seismic events and which are not included in the analysis described in Appendix 19H. The remaining actions are unchanged.	Prior to fuel load	Revised

COLA Section (Commitment Number)	Commitment Summary	Milestone	Commitment Type
Part 11			
COM 08-18140-57	Hose connections to the FPS standpipes at ground elevation external to the building are provided for a portable pump or fire department pumper truck to connect to the standpipe at ground elevation and provide the makeup flow to the pool operating floor.	Prior to fuel receipt	New
COM 08-18140-58	Between one year prior to initial fuel loading and initial fuel load, a reevaluation of the offsite organizations capabilities to respond to a LOLA event will be conducted.	1 year prior to fuel load	New
COM 08-18140-59	Tabletops will be conducted for firefighting personnel related to Loss of Large Area (LOLA) of the plant due to fire or explosion prior to fuel load. Periodic tabletops and training will be conducted for firefighting personnel related to LOLA of the plant due to fire or explosion. The periodic training will be included in the firefighting training curriculum guide.	Prior to fuel load	New
COM 08-18140-60	STP 3 & 4 will walk through each written procedure identified as applicable to 10 CFR 50.54(hh)(2) prior to the first fuel load. The walkthrough will include all steps of the procedure, either by actual performance or by simulation. Each make-up and spray strategy will receive an engineering evaluation to determine if the strategy can be accomplished in the time available.	Prior to fuel load	New
COM 08-18140-61	STP 3 & 4 will provide training to designated evaluators, decision makers, and implementers on procedures associated with 10 CFR 50.54(hh)(2) events prior to the first fuel load.	Prior to fuel load	New
COM 08-18140-62	An evaluation process will be developed for validation of the mitigating strategies and procedures, including the use of walkdowns in this process.	Prior to fuel load	New

SUMMARY OF CHANGES

The following table is a summary of changes incorporated into Revision 6 to the COLA.*

Description of Change	Reason for Change
Responses to NRC staff Requests for Additional Information (RAIs) which require a change to the COLA are incorporated, as listed.	Attachment 5
Relocated and revised Foreign Ownership Control and Domination Negation Action Plan from Part 1 to Part 2, Tier 2, Appendix 1D, and incorporated Shaw and the consortium concept in Part 2, Tier 2, Section 1.4.	Reference 2
Elimination of Part 30, 40 license in Part 1, Section 1.1.	Reference 3
Revised Part 1, Section 1.1 to include a statement on reporting criteria in accordance with Part 70.	Staff request on conference call
Listing of the references made to the ABWR Standard Safety Analysis Report (SSAR) in the ABWR DCD, including a description of their resolution, in Part 2, Tier 2, Section 1.1.	Reference 4
Correction in Part 2, Tier 2, Table 5.4-1a to make value for atmospheric head consistent with the DCD.	Reference 5
STP DEP T1 2.5-1 removes fuel racks from new fuel vault.	Reference 6
STD DEP 12.2-1 to address unit errors in Tier 2 Tables 12.2-3b and 12.2-3c.	Reference 7
Added clarifying statement “(including sources containing Special Nuclear Material)” in Part 2, Tier 2, Subsection 12.2.1.2.9.6.	Staff request on conference call
Added paragraph to Part 2, Tier 2, Section 13.6 to clarify return shipments of new fuel using the manufacturer's Part 70 license.	Staff request on conference call
Added Part 2, Tier 2, Appendix 7DS, ‘Digital Instrumentation and Control Design Verification for Safety-Related Systems,’ to consolidate information regarding key design features of the safety-related platforms, and to facilitate mapping of applicable Design Acceptance Criteria (DAC) and Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) against that information.	Reference 8
Revised site plots Part 2, Tier 2, Chapter 21, Figure 1.2-37 and Part 2, Tier 2, Figure 3.7-40 to remove the Alternate Feedwater Injection (AFI) Pumphouse and Tanks.	Consistent with AIA amendment ITAAC

Description of Change	Reason for Change
Revised Part 2, Tier 2, Section 13.6 to include a sentence for implementation of the Physical Security and Cyber Security Plan.	Staff request on conference call
Revised Part 4 and STD DEP 16.3-97 to place Part 4 in agreement with the Technical Specifications Writer's Guide.	Staff request on conference call
Revised table headings from "Design Requirement" to "Design Commitment" to reflect RG 1.206 wording for generic ITAAC requirements in Part 9, Section 3.0.	Identified during Revision 6 preparations
Revised Part 9, Section 5.0, Physical Security ITAAC.	Reference 9
Editorial corrections.	As appropriate

* During review, it was noted that STD DEP 15.6-1 was incorporated incompletely. NINA will provide an update for incorporation of this departure by separate letter within 30 days. This error will be corrected in Revision 7 of the COLA.

LIST OF RAI RESPONSES WITH CHANGES TO THE COLA

The tables below provide NRC staff Requests for Additional Information (RAI) which require a change to the COLA in the response and are incorporated **as of Revision 6**.

RAI responses that require a change to the COLA and are not included in this table will be incorporated into the next routine revision to the COLA.

RAI Question #	Part	Section(s) / Appendices
01-19	2	Tier 1, 2.11 and 2.15 Tier 2, 1.1, 1.2, 1.4 and 1.8 Tier 2, 3.2 and 3H Tier 2, 5.1 Tier 2, 6.2 Tier 2, 7.7 Tier 2, 9.1, 9.5, and 9A Tier 2, 13.5 Tier 2, 14.2 Tier 2, 17.0 and 17.1 Tier 2, 19.1 and 19S
01-20	7	Tier 2, 1.5
02.04.02-3 (NOTE)	2	Tier 2, 2.4S
02.04.04-14	2	Tier 2, 2.4S
02.04.04-15 (NOTE)	2	Tier 2, 2.4S
02.04.05-11	2	Tier 2, 2.4S
02.04.08-1	2	Tier 2, 2.4S
02.04.12-33 (NOTE)	2	Tier 2, 2.4S
02.04.12-49 (NOTE)	2	Tier 2, 2.4S
02.04.12-51	2	Tier 2, 2.4S
02.05.02-28 (NOTE)	2	Tier 2, 2.4S
03.04.02-6 (NOTE)	2	Tier 2, 3.4
03.04.02-11 (NOTE)	2	Tier 2, 2.4S Tier 2, 3.4
03.07.01-2 (NOTE)	2	Tier 2, 3C Tier 2, 3H
03.07.01-22 (NOTE)	2	Tier 2, 3H
03.07.01-25 (NOTE)	2	Tier 2, 3A Tier 2, 3H
03.07.01-26 (NOTE)	2	Tier 2, 3A
03.07.01-27 (NOTE)	2	Tier 2, 3A Tier 2, 3H
03.07.01-28 (NOTE)	2	Tier 2, 3H
03.07.02-13 (NOTE)	2	Tier 2, 3H

RAI Question #	Part	Section(s) / Appendices
03.07.02-20 (NOTE)	9	3.0
03.07.02-22	2	Tier 2, 3H
03.07.02-24 (NOTE)	2	Tier 2, 3H
03.07.02-27	2	Tier 2, 3H
03.07.02-29 (NOTE)	2	Tier 2, 3C
03.07.02-31	9	3.0
03.08.01-4 (NOTE)	2	Tier 2, 3H
03.08.01-7 (NOTE)	2	Tier 2, 3H
03.08.01-9 (NOTE)	2	Tier 2, 3.4
03.08.04-17 (NOTE)	2	Tier 2, 3H
03.08.04-18 (NOTE)	2	Tier 2, 3H
03.08.04-19 (NOTE)	2	Tier 2, 3.8
	9	3.0
03.08.04-22 (NOTE)	2	Tier 2, 3H
03.08.04-28 (NOTE)	2	Tier 2, 3.8
	9	3.0
03.08.04-29 (NOTE)	2	Tier 2, 3H
03.08.04-30 (NOTE)	2	Tier 2, 2.3S and 2.5S Tier 2, 3.2, 3.7, 3.8, and 3H
03.08.04-31	2	Tier 2, 3H
03.08.04-32 (NOTE)	2	Tier 2, 3.8
03.08.04-33 (NOTE)	2	Tier 2, 1.8
	7	2.1 (STD DEP 1.8-1)
03.08.05-4 (NOTE)	2	Tier 2, 3H
03.08.05-5 (NOTE)	2	Tier 2, 3H
03.09.02-21 (NOTE)	2	Tier 2, 3D
		Tier 2, 4.1
03.09.02-49 (NOTE)	2	Tier 2, 3.9
03.09.06-5 (NOTE)	2	Tier 2, 3.9
03.09.06-7 (NOTE)	2	Tier 2, 3.9
03.09.06-27	2	Tier 2, 3.9
03.09.06-28	2	Tier 2, 3.9
03.11-1 (NOTE)	2	Tier 2, 3.11
03.11-7 (NOTE)	2	Tier 2, 3.11
04.04-4 (NOTE)	2	Tier 2, 6C
04.06-3	2	Tier 2, 4.6
05.04.06-3 (NOTE)	2	Tier 2, 5.4
06.04-1 (NOTE)	2	Tier 2, 2.2S
06.06-4 (NOTE)	2	Tier 2, 6.6
	7	3.0 (STD DEP 6.6-2)

RAI Question #	Part	Section(s) / Appendices
07.01-14 (NOTE)	2	Tier 2, 1.8
	7	2.1 (STD DEP 1.8-1)
07.06-1	2	Tier 2, 7.6
08.03.01-4	2	Tier 2, 8.3
08.03.01-11	2	Tier 2, 9.5
09.01.01-3 (NOTE)	2	Tier 2, 9.1
09.01.01-4 (NOTE)	2	Tier 2, 9.1
09.01.01-5 (NOTE)	2	Tier 2, 9.1
	7	3.0 (STD DEP 9.1-1)
09.01.03-2	2	Tier 2, 9.1
09.04.03-3	2	Tier 2, 1.2 Tier 2, 9.4 Tier 2, 19.2 Tier 2, 21.0
	7	3.0 (STD DEP 9.4-3)
10.02-3 (NOTE)	2	Tier 2, 10.2 Tier 2, 14.2
	7	3.0 (STP DEP 10.2-3)
10.02-4 (NOTE)	2	Tier 2, 10.2
	9	3.0
10.02-5 (NOTE)	2	Tier 2, 10.2
	7	3.0 (STP DEP 10.2-3)
10.02-6 (NOTE)	2	Tier 2, 10.2
	9	3.0
10.02-7 (NOTE)	2	Tier 2, 10.2
10.02-8 (NOTE)	2	10.2
10.04.07-3 (NOTE)	2	Tier 1, 2.10 Tier 2, 1.9S Tier 2, 19.2
	7	2.1 (STD DEP T1 2.10-1)
11.02-4	2	Tier 2, 12.2
11.02-10 (NOTE)	2	Tier 2, 1.9S Tier 2, 11.2 and 11.5 Tier 2, 12.2
12.01-1	2	Tier 2, 12.5S
12.02-3	2	Tier 2, 12.2
12.02-7 (NOTE)	2	Tier 2, 12.2
12.02-12	2	Tier 2, 12.2
12.02-17 (NOTE)	2	Tier 2, 12.2

RAI Question #	Part	Section(s) / Appendices
12.02-20 (NOTE)	2	Tier 2, 12.2 and 12.4 Tier 2, 12B
12.02-21	2	Tier 2, 12.2
12.03-12.04-13 (NOTE)	2	Tier 2, 12.3
12.03-12.04-14 (NOTE)	2	Tier 2, 12.3
13.06.01-1 (NOTE)	2	Tier 2, 13.4S and 13.7
13.06.01-2 (NOTE)	2	Tier 2, 13.4S and 13.7
14.02-15	2	Tier 2, 10.2 Tier 2, 14.2
	7	3.0 (STP DEP 10.2-1)
14.03.05-2 (NOTE)	9	3.0
14.03.07-4	2	Tier 1, 2.10
14.03-1 (NOTE)	2	Tier 1, 2.12
16-65 (NOTE)	2	Tier 2, 16.3 2.2 (STD DEP 16.3-100)
16-70	2	Tier 2, 7.2 Tier 2, 10.3 Tier 2, 16B 3.3 and 16B 3.6
	4	Bases 3.3.1.1, 3.3.1.2, and 3.6.1.3
	7	2.2 (STD DEP 16.3-105)
16-71	2	Tier 2, 16.4
	4	4.0
	7	2.1 (STP DEP T1 2.5-1)
17.04-1	2	Tier 2, 19K
17.04-2 (NOTE)	2	Tier 2, 19K
17.04-3	2	Tier 2, 19K
19-1 (NOTE)	7	3.0 (STD DEP 9.5-2)
19-14 (NOTE)	2	Tier 2, 19.2
19-23 (NOTE)	2	Tier 2, 19N
19-26 (NOTE)	2	Tier 2, 19K and 19R
19-30 (NOTE)	2	Tier 2 2.4S Tier 2, 19.9 and 19R
19-31 (NOTE)	2	Tier 2, 19.9, 19H and 19I
19.01-2	2	Tier 2, 19R
19.01-25 (NOTE)	2	Tier 2, 19.4S and 19.9
19.01-26	2	Tier 2, 19.4S
19.01-31 (NOTE)	2	Tier 2, 19.4 and 19K
19.03-1 (NOTE)	11	Site plot
19.03-2 (NOTE)	11	1.0
19.03-3	11	Mitigative Strategies Table (MST) Phase I, Item 15

RAI Question #	Part	Section(s) / Appendices
19.03-11	11	Mitigative Strategies Report MST Phase 1 Item 5
19.03-12	11	MST Phase 1, Item 13
19.03-15 (NOTE)	11	MST Phase 2, Item 1
19.03-16	11	Mitigative Strategies Report
19.03-17	11	MST Phase 2, Item 2 MST Phase 3, Item 6 5.0 7.11

NOTE: RAI response is supplemented and/or revised.