

In the Matter of: NUCLEAR INNOVATION NORTH AMERICA LLC  
(South Texas Project Units 3 and 4)



ASLBP #: 09-885-08-COL-BD01

Docket #: 05200012 | 05200013

Exhibit #: STP000070-00-BD01

Admitted: 1/6/2014

Rejected:

Other:

Identified: 1/6/2014

Withdrawn:

Stricken:

STP000070

July 1, 2013

### Chief Executive Officer's Certificate (Interim Certificate)

Nuclear Innovation North America LLC ("NINA") has proposed the protective measures described in Appendix 1D of Chapter 1 of the Final Safety Analysis Report in NINA's combined license application ("COLA") for the South Texas Project, Units 3 and 4 (STP 3&4). These measures are designed to protect against and negate the potential of any foreign ownership, control or domination (FOCD) of NINA within the meaning of the prohibition in Section 103(d) of the Atomic Energy Act of 1954, as amended, and 10 CFR 50.38. These measures are known as the FOCD Negation Action Plan, or NAP. In particular, the NAP contemplates that NINA's owners will adopt a Fourth Amended and Restated Limited Liability Company Agreement ("LLC Agreement"), which will provide for the formation of a Security Committee to be comprised of the U.S. citizen Chairman of the Board of NINA, and two independent, U.S. citizen Directors. The Security Committee will be delegated corporate authority over matters relating to nuclear safety, security, and reliability as necessary to comply with the prohibition against FOCD. The LLC Agreement will provide for the formation of the Security Committee prior to pouring safety-related concrete for STP 3&4. Pending formation of the Security Committee, the Chief Executive Officer (CEO) will exercise the authority of the Security Committee, except for the authority provided in Section 1D.2.2(b)(D) of the NAP relating to the appointment of the CEO, which shall be exercised by the Chairman.

Pending implementation of NINA's NAP and the adoption of the proposed LLC Agreement, I am responsible for assuring NINA's ongoing compliance with regulatory requirements, including compliance with the restriction against impermissible FOCD. By execution of this Certification, I acknowledge that it is my responsibility to assure that NINA is not currently, and will not be, subject to any FOCD in violation of the applicable requirements. I further acknowledge that the United States Government has placed its reliance on me as a United States citizen to exercise this responsibility. If there is any matter raising a concern of potential impermissible FOCD that I am unable to resolve exercising my authority as CEO, I will raise such matter for formal resolution by the NINA Board.

Dated: 6/10/2013

Signature:

Mark A. McBurnett

Chief Executive Officer

Nuclear Innovation North America LLC