

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Chief Administrative Judge:
E. Roy Hawkens

In the Matter of:

LONG MOTT ENERGY, LLC
(Long Mott Generating Station)

Docket No. 50-614-CP

July 22, 2025

MEMORANDUM AND ORDER
(Protective Order Governing Specific Sensitive
Unclassified Non-Safeguards Information)

Upon consideration of the Joint Motion for Entry of a Protective Order of San Antonio Bay Estuarine Waterkeeper (Requestor), Long Mott Energy, LLC (Applicant), and the U.S. Nuclear Regulatory Commission (NRC) Staff, the Presiding Officer GRANTS the motion and issues this Protective Order, the terms of which are as follows:

1. This Protective Order shall remain in effect until specifically terminated by the Presiding Officer and shall govern access, disclosure, and use in this proceeding of the specific Sensitive Unclassified Non-Safeguards Information (SUNSI) denoted below, which is contained within the Applicant's March 31, 2025, construction permit application (CPA):
 - Figure 1.1-6 (containing Security Related Information (SRI));
 - Figures 7.3.1-1 through 7.3.1-13 (containing SRI); and
 - the Aircraft Impact Assessment (containing SRI).
2. Persons who may receive SUNSI pursuant to this Protective Order are designated as "Authorized Recipients." Such persons may receive SUNSI as follows:
 - a. The following persons associated with the Requestor, provided that the Requestor timely files a Non-Disclosure Agreement for that person as prescribed in paragraph 19 of this Protective Order: (i) Requestor's counsel,

Marisa Perales; (ii) Requestor's counsel's law clerk, Sidra Hanson; (iii) Requestor's counsel's legal assistant, Gwenyth Lonergan; (iv) Requestor's founder and director, Diane Wilson; (v) Requestor's Senior Campaigner, Daniel Lê; (vi) Requestor's consultant, Edwin Lyman; (vii) Requestor's consultant, Timothy Judson; and (viii) any additional or substitute person approved pursuant to paragraph 2.b of this Protective Order. These persons shall each execute, and the Requestor shall timely file, the attached Non-Disclosure Agreement (Attachment 1) as provided in paragraph 19 of this Protective Order to gain access to SUNSI. Any aforementioned person for whom an executed Non-Disclosure Agreement is not filed as provided in paragraph 19 of this Protective Order is not an Authorized Recipient and shall not receive access to SUNSI.

- b. The Requestor may request that an additional or substitute person necessary for the preparation of the Requestor's case become an Authorized Recipient. Permission may be obtained either by written agreement with the Applicant or upon approval by the Presiding Officer of a motion requesting such approval. The Requestor shall file any such written agreement with the Applicant via the E-Filing System, consistent with 10 C.F.R. § 2.305, as provided in paragraph 19 of this Protective Order. Such agreed or approved additional or substitute persons shall each execute, and the Requestor shall timely file the attached Non-Disclosure Agreement, as provided in paragraph 19 of this Protective Order to gain access to SUNSI. Any additional or substitute person shall be subject to the terms of this Order and shall not receive access to SUNSI until the individual executes, and the Requestor files, the Non-Disclosure Agreement.

3. "Authorized Holders" of SUNSI are limited to Authorized Recipients; NRC personnel, including the Licensing Board and Atomic Safety and Licensing Board Panel (ASLBP) staff and NRC contractors; Applicant personnel, contractors, and legal counsel; X-energy, LLC, personnel and legal counsel; and Commission adjudicatory employees as defined by 10 C.F.R. § 2.4.
4. Other than the requirements set forth in this Protective Order for filing documents, the terms of this Protective Order do not apply to the NRC Staff, NRC contractors, or NRC legal counsel. The NRC's use of SUNSI is governed by NRC regulations and policies as well as other applicable laws.
5. SUNSI shall not be used or reproduced by Authorized Recipients except as necessary for the conduct of this proceeding, including any appeal to the Commission. SUNSI may be used solely for purposes of participating in this NRC adjudicatory proceeding and for no other purpose whatsoever, including any business, commercial, personal purpose, or for any legal or administrative proceeding unrelated to an NRC adjudication on this construction permit application.
6. SUNSI shall be treated as confidential by Authorized Recipients. Authorized Recipients may copy and take notes of SUNSI, but such copies and notes become SUNSI subject to all of the terms of this Protective Order. Authorized Recipients may generate documents containing SUNSI, but such documents are also subject to all of the terms of this Protective Order. Authorized Recipients who copy or take notes of SUNSI are responsible for marking the information appropriately to indicate SUNSI (i.e., Security Related Information (SRI)), as identified in paragraph 7 below.

Authorized Recipients shall not reveal, either during or after this proceeding, any SUNSI received by virtue of this proceeding as long as the information remains SUNSI.

7. Marking Documents Containing SUNSI

- a. Each document containing SUNSI shall be marked in accordance with its applicable type of protected information. Document marking shall be the responsibility of the Authorized Holder that initially identifies the document as containing SUNSI. Authorized Recipients shall be responsible for marking documents, including copies and notes, generated under paragraph 6.
- b. Each document containing SRI shall be marked "Contains Security Related Information – Subject to NRC Protective Order" in a conspicuous manner at the top of every page and each successive page containing such information and double brackets "[[]]" demarcating the specific information on each page along with an abbreviated marking (such as "SRI").

8. Safeguarding SUNSI: Authorized Recipients shall take all necessary precautions to guard against unauthorized disclosure of SUNSI. Among these precautions, the following measures shall be included:

- a. Each Authorized Recipient shall establish a "controlled environment" in which to protect SUNSI from unauthorized access or disclosure and make use of those controlled environments. A controlled environment is any area or space with adequate physical or procedural controls to protect SUNSI from unauthorized access or disclosure. A controlled environment must satisfy the requirements in paragraphs 8.b to 8.d of this Protective Order.¹

¹ An acceptable controlled environment must prevent unauthorized individuals from accessing, observing, or overhearing the protected information. Thus, an Authorized Recipient may use a computer to view or process the SUNSI only if the computer screen cannot be viewed by unauthorized individuals. Also, viewing or processing the SUNSI on a public computer, such as those found in public libraries, would be a violation of this Order, because unauthorized individuals could access the computer's memory to retrieve the protected information.

- b. Each Authorized Recipient shall ensure that unauthorized individuals are not given access to or control over SUNSI. Each Authorized Recipient shall ensure that no part of SUNSI is entered into or shared with artificial intelligence (A.I.) services, programs, or applications, including but not limited to large language models (LLM), generative A.I., or machine-learning platforms.
 - c. Each Authorized Recipient shall keep SUNSI under their direct control or store SUNSI in a secure location such as a locked filing cabinet, closet, or other storage container so that only Authorized Recipients can observe or access the SUNSI.
 - d. Each Authorized Recipient shall restrict access to electronic information systems containing SUNSI so that only Authorized Recipients can observe or access the SUNSI. This obligation includes (but is not limited to) ensuring all electronic files containing SUNSI are encrypted and password protected when not in use; and, if storing such files in a cloud server, ensuring the cloud service provider uses encrypted servers located in the United States and such files are stored in a password-protected account to which only the Authorized Recipient has access. Each Authorized Recipient shall ensure that electronic information systems containing SUNSI are controlled by an Authorized Recipient and have up-to-date virus and security protections that enable compliance with the terms of this Protective Order.
- 9. SUNSI may be transmitted only to Authorized Holders and only in accordance with the following requirements:
 - a. SUNSI shall be electronically transmitted (such as by phone, computer, tablet, smartphone, facsimile, etc.) in an encrypted form and that only enables access by Authorized Holders.

- i. To double-check that a transmission to a telephone number, email address, or other electronic destination will be received only by an Authorized Holder, the sender must verify prior to transmission that the telephone number, email address, or other electronic destination is correct.
 - ii. SUNSI shall only be transmitted via email after the sender has verified that the recipient's email server meets the requirements of this Protective Order.
 - iii. SUNSI may be discussed during a web-based meeting or phone call only if all those capable of listening are Authorized Holders.
 - iv. SUNSI shall not be transmitted by facsimile unless no other form of electronic transmission is available.
 - v. SUNSI may be provided via read-only data room (e.g., where documents can be accessed and viewed, but may not be edited, printed, or downloaded) hosted by the Applicant or X-energy, LLC. If such a read-only data room is used, then an Authorized Recipient may not take any screenshots, photographs, or otherwise re-create the material in the data room—other than what is necessary to incorporate into a filing in this proceeding (e.g., to support a proposed contention), which must be marked in accordance with paragraph 7.
- b. SUNSI may be physically transmitted only by the following means:
- i. by hand delivery from an Authorized Holder to another Authorized Holder, or
 - ii. by U.S. mail or commercial delivery service in an opaque envelope addressed to the Authorized Holder with no external markings to indicate the presence of SUNSI.

10. Documents containing SUNSI that need to be filed in this proceeding shall be filed using the E-Filing System² as follows:

- a. The Authorized Holder filing the document shall take the necessary actions to obtain a digital certificate and file documents in this proceeding using the E-Filing System.
- b. The Authorized Holder filing the document shall choose the option “Non-Public Submission” to prevent the document from being filed in the public docket of the proceeding.
- c. In the “Submission Comment” portion of the “Non-Public Submission” form, the Authorized Holder filing the document shall include a statement that the filing contains SUNSI and specify that it is SRI.
- d. Only the Board, Presiding Officer and Special Assistants, NRC Staff counsel, the Applicant’s counsel, the Requestor’s counsel, the Office of the Secretary (HearingDocket@nrc.gov), the Office of Commission Appellate Adjudication (OCAAmal@nrc.gov), and other Authorized Holders shall be “checked” as recipients on the electronic service list for the non-public docket.
- e. Within fourteen (14) days of a party filing pleadings or other documents containing SUNSI in the non-public docket, such party will file a redacted version in the public docket. All redactions to documents containing SUNSI filed by the Authorized Recipients shall be approved by the Applicant in writing prior to filing in the public docket.

11. Persons may not reveal SUNSI during any public hearing or conference session. Any person who anticipates discussing SUNSI at any public hearing or conference shall notify the Presiding Officer and the other participants at least three (3) business days

² Participants seeking an exemption from the E-Filing requirements must request an exemption in accordance with 10 C.F.R. § 2.302(g).

prior to that hearing or conference that SUNSI may be discussed. During any public hearing or conference, any person who intends to discuss SUNSI shall notify the Presiding Officer and the participants that such discussion will contain SUNSI prior to the statement being made. Such statements containing SUNSI may be provided only in nonpublic sessions as permitted by the Presiding Officer.

12. All Authorized Recipients shall maintain a log of all copies of SUNSI materials within their possession or control, and any such material transferred by the Authorized Recipient, for the duration of the proceeding, including documents derived from SUNSI under paragraph 6 or otherwise. The log shall be maintained in real time and shall record the document title and version; date received; source/sender; method of transmission; storage location; and date destroyed/returned. Upon the written request of NRC Staff or the Applicant, or their respective legal counsel, an Authorized Recipient shall supply within five (5) business days (i) a copy of such log, and (ii) a written report (which may be incorporated in such log) indicating the location of all such materials and the manner of their safeguarding under paragraph 8.
13. If any Authorized Recipient has reason to believe that SUNSI may have been lost or misplaced, or that SUNSI has become available or is believed to have become available to unauthorized persons (even if not actually accessed by unauthorized persons), notification shall promptly be made to the Presiding Officer, NRC Staff counsel, Applicant's counsel, and counsel for Requestor regarding that belief and the reason for that belief by filing a notification through the E-Filing system as a non-public submission in accordance with paragraphs 10.b to 10.d of this Protective Order, without publicly filing a cover letter as would otherwise be required by paragraph 10.e of this Protective Order.
14. The Presiding Officer may alter or amend this Protective Order and resolve disputes regarding the application of its terms. Requestor, Applicant, or NRC Staff may seek

amendments to this Protective Order or the Non-Disclosure Agreement via motion (see 10 C.F.R. Part 2).

15. SUNSI shall remain available to each Authorized Recipient until the Access Termination Date. The Access Termination Date is the earlier of (a) the date of an order by the Presiding Officer rescinding the right of access granted by this Protective Order; or (b) the date of an order by the Presiding Officer terminating this proceeding for any SUNSI other than that needed to pursue or defend against an appeal of an order by the Presiding Officer. Within sixty (60) days of the Access Termination Date, the Authorized Recipients shall destroy all materials containing SUNSI and execute the attached Termination of Possession Declarations (Attachment 2) via the E-Filing System. After the Access Termination Date, no Authorized Recipient shall retain, create, reference, rely on, or use, on the basis of memory or otherwise, any materials containing SUNSI subject to this Protective Order. Each Authorized Recipient shall take those actions necessary for the Requestor to satisfy this obligation, but Authorized Recipients may retain copies of filings, official transcripts, exhibits, and notes that have been permanently redacted so that only those portions not containing SUNSI remain in their possession or otherwise accessible.
16. Nothing in this Protective Order shall preclude a participant to this proceeding from objecting to the use of an exhibit, testimony, or a pleading with information subject to the Protective Order. The Presiding Officer may issue additional orders concerning the use of SUNSI.
17. Nothing in this Protective Order shall preclude any person from seeking through discovery in any other administrative or judicial proceeding, any information protected by this Protective Order.
18. Any violation of this Protective Order or of any Non-Disclosure Agreement executed hereunder may result in the imposition of sanctions as the Presiding Officer deems

appropriate either *sua sponte* or upon motion by a participant to this licensing proceeding. Nothing in this Protective Order restricts or waives Applicant's, X-energy LLC's, or the NRC's rights to pursue any legal or equitable remedies that may be available in the event of actual or anticipated disclosure of SUNSI.

19. For persons named in paragraph 2.a of this Protective Order, the Requestor must file executed Non-Disclosure Agreements within three (3) business days after the issuance of this Protective Order. For any agreed or approved additional or substitute persons under paragraph 2.b of this Protective Order, the Requestor must file executed Non-Disclosure Agreements within three (3) business days after receipt of such agreement or approval. Within two (2) business days after filing of such executed Non-Disclosure Agreements, the Applicant shall provide to the Authorized Recipients access to the SUNSI specified in paragraph 1 of this Protective Order.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD PANEL

/RA/

E. Roy Hawkens
CHIEF ADMINISTRATIVE JUDGE

Rockville, Maryland
July 22, 2025

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Chief Administrative Judge:
E. Roy Hawken

In the Matter of:

LONG MOTT ENERGY, LLC

(Long Mott Generating Station)

Docket No. 50-614-CP

Date: _____

NON-DISCLOSURE AGREEMENT

I, _____, being duly sworn, state:

1. I have read the _____, 2025 Protective Order issued in the above-referenced proceeding and will comply in all respects with its terms and conditions regarding the Sensitive Unclassified Non-Safeguards Information (SUNSI) produced in connection therewith. I will protect and keep confidential all SUNSI in accordance with the terms of this Non-Disclosure Agreement (NDA).
2. I will not disclose the SUNSI to anyone except an Authorized Holder as defined in the Protective Order. I will protect documents containing or revealing the SUNSI in written or recorded form (including any portions of transcripts of in-camera hearings, filed testimony, or any other documents that contain or reveal such SUNSI), so that the SUNSI contained therein remains at all times under the control of an Authorized Holder and is not revealed to anyone else.
3. When not under my direct control or the direct control of another Authorized Holder, I will securely maintain all documents containing or revealing SUNSI (including, without limitation, transcripts, pleadings that I may generate, and any notes and copies that I may make). I will not transmit by unsecured methods any material containing SUNSI. I will only transmit using facsimile when there are no other forms of electronic transmission available.
4. I will restrict access to electronic information systems with SUNSI in accordance with the terms of the Protective Order.
5. I will transmit SUNSI and file documents containing SUNSI only in accordance with the terms of the Protective Order.
6. I will mark each document containing SUNSI in accordance with the terms of the Protective Order.

7. I will not publicly reveal any of the identified SUNSI during or after this proceeding. I understand that this obligation is permanent and survives the termination of this proceeding for as long as the information remains designated as SUNSI.
8. I will destroy any SUNSI I acquire or generate during this proceeding as required by the Protective Order. I will ensure that any SUNSI contained in electronic form is permanently deleted using appropriate deletion tools and not merely placed in a recycle bin or trash folder. If requested, I will certify such deletion or provide evidence of destruction in accordance with the Protective Order.
9. I will not use any artificial intelligence (A.I.) tools, large language models, or machine-learning services to process or analyze any SUNSI content, and I will ensure that no part of the SUNSI is entered into or otherwise shared with such services, as required by the Protective Order.
10. If I become aware of any actual or suspected loss, breach, or unauthorized access to SUNSI, I will immediately notify the Presiding Officer, NRC Staff counsel, Applicant's counsel, and the affected party, as required by the Protective Order.
11. I acknowledge that any violation of the terms of this Agreement or the Protective Order, which incorporates the terms of this Agreement, may result in the imposition of such sanctions on me that the Presiding Officer may deem to be appropriate. I also acknowledge that if I am involved in the actual or anticipated disclosure of the SUNSI or otherwise violate the terms of this agreement or the Presiding Officer's Protective Order, then the entity or person that produced the information or another affected entity or person might pursue legal or equitable remedies against me personally, and this includes, but is not limited to, potential civil or criminal penalties under applicable law.

WHEREFORE, I do certify under penalty of perjury that the foregoing is true and correct, and I do solemnly agree to protect and keep confidential such SUNSI as may be disclosed to me in this proceeding, in accordance with the terms of this Agreement.

Electronic signatures are not allowed for this Agreement.

Signature

Date Executed

E-mail address (may be used to provide electronic access to SUNSI)

Subscribed to and sworn before me this ____ day of _____, 2025.

Notary Public

My commission expires:

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Chief Administrative Judge:
E. Roy Hawkens

In the Matter of:

LONG MOTT ENERGY, LLC
(Long Mott Generating Station)

Docket No. 50-614-CP

Date: _____

TERMINATION OF POSSESSION DECLARATION

I, _____, state:

In accordance with the Presiding Officer's Protective Order in the above-captioned proceeding, I have destroyed all Sensitive Unclassified Non-Safeguards Information (SUNSI), as defined in that Protective Order, that is in my possession or for which I was otherwise responsible for controlling access under the Protective Order.

WHEREFORE, I certify under penalty of perjury that the foregoing is true and correct and do solemnly agree to CONTINUE to protect and keep in confidence such identified SUNSI as may have been disclosed to me in connection with the above-captioned proceeding in accordance with the terms of the Protective Order and of the Nondisclosure Agreement I previously executed on

_____, 2025.

Electronic signatures are not allowed for this Declaration.

Signature

Date Executed

(Name)

Subscribed to and sworn before me this _____ day of _____, 202__.

Notary Public

My commission expires:

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
LONG MOTT ENERGY, LLC.)	Docket No. 50-614-CP
)	
)	
(Construction Permit Application))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Protective Order Governing Specific Sensitive Unclassified Non-Safeguards Information)** have been served upon the following persons by Electronic Information Exchange or by e-mail.

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Mail Stop: O-16B33
Washington, DC 20555-0001
E-mail: ocaamail.resource@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop: O-16B33
Washington, DC 20555-0001
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Atomic Safety and Licensing Board Panel
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Long Mott Energy, LLC., Docket No. 50-614-CP

MEMORANDUM AND ORDER (Protective Order Governing Specific Sensitive Unclassified Non-Safeguards Information)

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Representative
Karen Hadden, Texas Nuclear Watchdogs
Tom “Smitty” Smith, former director of Public
Citizen’s Texas Office
Email: karendhadden@gmail.com

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 22nd day of July 2025.