

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

LONG MOTT ENERGY, LLC

(Long Mott Generating Station)

Docket No. 50-614-CP

March 6, 2026

**JOINT MOTION BY LONG MOTT ENERGY, LLC AND
SAN ANTONIO BAY ESTUARINE WATERKEEPER
FOR AMENDED PROTECTIVE ORDER**

Pursuant to 10 C.F.R. § 2.323 and paragraph 14 of the Protective Order issued in the above-captioned proceeding,¹ Long Mott Energy, LLC (“LME”) and San Antonio Bay Estuarine Waterkeeper (“Waterkeeper”) hereby jointly and respectfully request that the Atomic Safety and Licensing Board (“Board”) issue the proposed amended Protective Order (Enclosure 1 hereto), which revises certain provisions of the current Protective Order in this proceeding.²

The proposed revisions would facilitate Waterkeeper’s access to a non-public document that LME recently submitted to the U.S. Nuclear Regulatory Commission as a supplement to LME’s Construction Permit Application. LME submitted that document for the purpose of mooted Contention 3B, which the Board admitted for litigation. LME has agreed to provide, to certain individuals associated with Waterkeeper, access to that document under the terms of the proposed amended Protective Order for the purpose of consulting or participating in briefing on LME’s anticipated motion to dismiss Contention 3B. For convenience, a redline comparison of

¹ Licensing Board Memorandum and Order (Corrected Version of Amended Protective Order Governing Specific Sensitive Unclassified Non-Safeguards Information) (Dec. 18, 2025) (ML25352A173) (“Protective Order”).

² Counsel for LME certifies that a sincere effort was made to contact the other party in this proceeding, Waterkeeper, which agreed to join the motion. As requested by the Board, the Parties copied the NRC Staff, which has opted to not participate as a party at this time, on all communications related to these consultations.

the current Protective Order against the proposed amendment also is provided (Enclosure 2 hereto).

The proposed amended Protective Order contains the following primary changes:

- amended subparts of paragraph 1 to differentiate between the previously disclosed SUNSI (from CPA Part VII, containing security-related information and/or X-energy Proprietary Information) and the new SUNSI (Enclosure 1 to Supplement # 1 to CPA Part I, containing LME Proprietary Information);
- amended subparts of paragraph 2 to differentiate the individuals entitled to access the previously disclosed SUNSI versus the new SUNSI, as well as the different posture of individuals who have previously filed non-disclosure affidavits (“NDAs”) versus those who have not; and
- a new paragraph, designated 7.d, prescribing marking requirements for documents containing LME Proprietary Information.

The proposed order also includes other minor edits and conforming changes, including deletion of certain provisions specific to the prior amendment that are no longer relevant.³

The above circumstances provide good cause to amend the Protective Order. Accordingly, LME and Waterkeeper respectfully request (and the NRC Staff does not oppose) that the Board grant this Motion and issue the proposed amended Protective Order attached hereto.

³ *E.g.*, deleting FN1 (pointing to the basis for the prior amendment) and paragraphs 20 and 21 (related to re-filing NDAs and reviewing prior pleadings, necessitated by the prior amendment but now complete).

Respectfully submitted,

Signed (electronically) by Ryan K. Lighty

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Executed in Accord with 10 C.F.R. § 2.304(d)

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Counsel for Long Mott Energy, LLC

Dated in Washington, DC
this 6th day of March 2026

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:

LONG MOTT ENERGY, LLC

(Long Mott Generating Station)

Docket No. 50-614-CP

March 6, 2026

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I certify that, on this date, a copy of the foregoing “JOINT MOTION BY LONG MOTT ENERGY, LLC AND SAN ANTONIO BAY ESTUARINE WATERKEEPER FOR AMENDED PROTECTIVE ORDER” was served upon the Electronic Information Exchange (the NRC’s E-Filing System), in the above-captioned docket.

Signed (electronically) by Ryan K. Lighty

RYAN K. LIGHTY, Esq.

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Counsel for Long Mott Energy, LLC

ENCLOSURE 1

APPENDIX

[PROPOSED] PROTECTIVE ORDER as Amended on March __, 2026

1. This Amended Protective Order amends and supersedes the Amended Protective Order issued in this proceeding by the Atomic and Safety Licensing Board on December 1, 2025, and corrected on December 18, 2025. This Amended 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, related to the Applicant's March 31, 2025, construction permit application (CPA).
 - a. CPA Part VII (in its entirety), which contains SRI; and the following portions of CPA Part VII, which additionally contain X Energy LLC (X-energy) Proprietary Information: Preliminary Safety Analysis Report (PSAR) Section 3.12.2.2 (in its entirety); PSAR Section 3.12.6 (the portions at pages VIII and IX only); and PSAR Figures 3.12-1 and 7.3.1-1 through 7.3.1-13.
 - b. Enclosure 1 to Supplement 1 to CPA Part I, dated March 4, 2026.
2. Persons who may receive SUNSI pursuant to this Amended Protective Order are designated as "Authorized Recipients." Such persons may receive SUNSI as follows:
 - a. As to the SUNSI identified in paragraph 1.a, the following persons associated with the Requestor, each of whom has previously executed, and for whom Requestor has previously filed, the requisite Non-Disclosure Agreement:
 - (i) Requestor's counsel, Marisa Perales;
 - (ii) Requestor's counsel, Sidra

Hanson; (iii) Requestor's counsel's legal assistant, Gwyneth Lonergan; (iv) Requestor's founder and director, Diane Wilson; (v) Requestor's consultant, Edwin Lyman; (vi) Requestor's consultant, Timothy Judson; and (vii) any additional or substitute person approved pursuant to paragraph 2.d of this Amended Protective Order.

- b. As to the SUNSI identified in paragraph 1.b, the following persons associated with the Requestor, each of whom has previously executed, and for whom Requestor has previously filed the requisite Non-Disclosure Agreement: (i) Requestor's counsel, Marisa Perales; (ii) Requestor's counsel, Sidra Hanson; (iii) Requestor's counsel's legal assistant, Gwyneth Lonergan; and (iv) Requestor's consultant, Timothy Judson.
- c. As to the SUNSI identified in paragraph 1.b, the following persons associated with the Requestor, provided that the Requestor timely files an Amended Non-Disclosure Agreement for that person as prescribed in paragraph 19 of this Protective Order: (i) Requestor's consultant, Dr. Mark Cooper; (ii) Requestor's counsel, Claire Krebs; and (iii) any additional or substitute person approved pursuant to paragraph 2.d of this Amended Protective Order. These persons shall each execute, and the Requestor shall timely file, the attached Amended Non-Disclosure Agreement (Attachment 1) as provided in paragraph 19 of this Amended 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 Amended Protective Order is not an Authorized Recipient and shall not receive access to SUNSI.
- d. 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 Amended 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 Amended 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 Amended Protective Order for filing documents, the terms of this Amended 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 Amended Protective Order. Authorized Recipients may generate documents containing SUNSI, but such documents are also subject to all of the terms of this Amended Protective Order. Authorized Recipients who copy or take notes of SUNSI are responsible for marking the information appropriately to indicate SUNSI, either SRI only, Proprietary Information only, or SRI and Proprietary Information, 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 only SRI shall be marked "Contains Security Related Information – Subject to NRC Protective Order" in a conspicuous manner at the top of the first page as well as each successive page containing such information and double brackets "[[]]" demarcating the specific information on each page along with an abbreviated marking (such as "SRI").
 - c. Each document containing both SRI and Proprietary Information shall be marked "Contains Security-Related Information and Proprietary

Information – Subject to NRC Protective Order” in a conspicuous manner at the top of the first page as well as each successive page containing such information and double brackets “[[]]” demarcating the specific information on each page along with an abbreviated marking (such as “SRI, XE”).

- d. Each document containing only Proprietary Information shall be marked “Contains Proprietary Information – Subject to NRC Protective Order” in a conspicuous manner at the top of the first page as well as each successive page containing such information and double brackets “[[]]” demarcating the specific information on each page along with an abbreviated marking (such as “LME”).
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 Amended 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 also shall ensure that other Authorized Recipients are not given access to or control over specific SUNSI information or documents to which they are not entitled access, as specified in paragraphs 1 and 2. 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 Amended 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 Amended 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. 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 whether it is SRI only, Proprietary Information only, or SRI and Proprietary Information, as applicable.
 - 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

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

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.
- f. In all filings containing SUNSI, Requestor’s counsel will include a certification that they have reviewed the Amended Protective Order and that to the best of their knowledge and belief the filing is in compliance with the Amended Protective Order’s terms.

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 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 Amended Protective Order, without publicly filing a cover letter as would otherwise be required by paragraph 10.e of this Amended Protective Order.
14. The Presiding Officer may alter or amend this Amended Protective Order and resolve disputes regarding the application of its terms. Requestor, Applicant, or NRC Staff may seek amendments to this Amended 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 Amended 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 Amended 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 Amended 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 Amended Protective Order. The Presiding Officer may issue additional orders concerning the use of SUNSI.
17. Nothing in this Amended Protective Order shall preclude any person from seeking through discovery in any other administrative or judicial proceeding, any information protected by this Amended Protective Order.
18. Any violation of this Amended 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 Amended Protective Order restricts or waives Applicant's, X-energy'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.c of this Amended Protective Order, the Requestor must file executed Amended Non-Disclosure Agreements (Attachment 1 to this Amended Protective Order) within three (3) business days after the issuance of this Amended Protective Order. For any agreed or approved

additional or substitute persons under paragraph 2.d of this Amended Protective Order, the Requestor must file executed Amended Non-Disclosure Agreements within three (3) business days after receipt of such agreement or approval. Within two (2) business days after the deadline for filing such executed Amended Non-Disclosure Agreements, the Applicant shall provide to the Authorized Recipients access to the particular SUNSI specified in paragraph 1 of this Amended Protective Order to which they are entitled to access as described in paragraph 2 of this Amended Protective Order.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

Stefan R. Wolfe, Chair
Dr. David A. Smith
Nicholas G. Trikouros

In the Matter of

LONG MOTT ENERGY, LLC

(Long Mott Generating Station)

Docket No. 50-614-CP

ASLBP No. 25-991-01-CP-BD01

Date: _____

AMENDED NON-DISCLOSURE AGREEMENT

I, _____, being duly sworn, state:

1. I have read the _____, 2026 Amended Protective Order issued in the above-referenced proceeding and certify that I will comply in all respects with its terms and conditions, including any future amendments thereto, regarding the Sensitive Unclassified Non-Safeguards Information (SUNSI) produced in connection therewith. I certify that I will protect and keep confidential all SUNSI in accordance with the terms of this Amended Non-Disclosure Agreement.
2. I will not disclose the SUNSI to anyone except an Authorized Holder as defined in the Amended 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 Amended Protective Order.

5. I will transmit SUNSI and file documents containing SUNSI only in accordance with the terms of the Amended Protective Order.
6. I will mark each document containing SUNSI in accordance with the terms of the Amended 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 Amended 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 Amended 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 Amended 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 Amended Protective Order.
11. I acknowledge that any violation of the terms of this Agreement or the Amended 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 Amended 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 _____, 202__.

Notary Public
My commission expires: _____

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

Stefan R. Wolfe, Chair
Dr. David A. Smith
Nicholas G. Trikouros

In the Matter of

LONG MOTT ENERGY, LLC

(Long Mott Generating Station)

Docket No. 50-614-CP

ASLBP No. 25-991-01-CP-BD01

Date: _____

TERMINATION OF POSSESSION DECLARATION

I, _____, state:

In accordance with the Amended Protective Order in the above-captioned proceeding, I have destroyed all Sensitive Unclassified Non-Safeguards Information (SUNSI), as defined in that Amended Protective Order, that is in my possession or for which I was otherwise responsible for controlling access under the Amended 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 Amended Protective Order and of the Amended Nondisclosure Agreement I previously executed on _____.

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: _____

ENCLOSURE 2

APPENDIX

~~[PROPOSED] PROTECTIVE ORDER
as Amended on December 1, 2025 March 1, 2026,
and Corrected on December 18, 2025~~

1. This Amended Protective Order amends and supersedes ~~(except to the extent described in paragraph 20, below)~~ the Amended Protective Order issued in this proceeding by the ~~Chief Administrative Judge of the~~ Atomic and Safety Licensing Board ~~Panel~~ on ~~July 22, 2025~~ December 1, 2025, and corrected on December 18, 2025. This Amended 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 Part VII of~~ related to the Applicant's March 31, 2025, construction permit application (CPA), ~~as updated by the Applicant's letter dated August 4, 2025;~~¹
 - a. ~~CPA Part VII~~ (in its entirety), which contains SRI; and
 - a. ~~the~~ the following portions of CPA Part VII, which additionally contain X Energy LLC (X-energy) Proprietary Information: Preliminary Safety Analysis Report (PSAR) Section 3.12.2.2 (in its entirety); PSAR Section

¹ ~~Letter from E. Stones, LME, to NRC Document Control Desk, "Submittal of Long Mott Energy, LLC, Construction Permit Application, Part VII, 'Security Related Information to be Withheld per 10 CFR 2.390(d)(1),' Revision 0 with Updated Proprietary Markings; Withdrawal of Administrative Update Submitted July 17, 2025" (Aug. 4, 2025) (ML25216A265). The original version of CPA Part VII identified the information therein as Security Related Information (SRI), whereas the updated version of CPA Part VII submitted by the Applicant on August 4, 2025 identified a subset of the information therein as both SRI and Proprietary Information, which was approved by the NRC on September 8, 2025. Letter from A. Muniz, NRC, to M. Feltner, LME, "Request for Withholding Proprietary Information from Public Disclosure for the Long Mott Generating Station Construction Permit Application Part VII" (Sept. 8, 2025) (ML25240B524).~~

3.12.6 (the portions at pages VIII and IX only); and PSAR Figures 3.12-1 and 7.3.1-1 through 7.3.1-13.

b. Enclosure 1 to Supplement 1 to CPA Part I, dated March 4, 2026.

2. Persons who may receive SUNSI pursuant to this Amended Protective Order are designated as "Authorized Recipients." Such persons may receive SUNSI as follows:

a. As to the SUNSI identified in paragraph 1.a., the following persons associated with the Requestor, provided that the Requestor timely files an Amended Non-Disclosure Agreement for that person as prescribed in paragraph 19 of this Protective Order, each of whom has previously executed, and for whom Requestor has previously filed, the requisite Non-Disclosure Agreement:

(i) Requestor's counsel, Marisa Perales; (ii) Requestor's counsel's law clerk, Sidra Hanson; (iii) Requestor's counsel's legal assistant, Gwyneth 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.d of this Amended Protective Order. ~~These persons shall each execute, and the Requestor shall timely file, the attached Amended Non-Disclosure Agreement (Attachment 1) as provided in paragraph 19 of this Amended 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 Amended Protective Order is not an Authorized Recipient and shall not receive access to SUNSI.~~

b. As to the SUNSI identified in paragraph 1.b, the following persons associated with the Requestor, each of whom has previously executed, and for whom Requestor has previously filed the requisite Non-Disclosure Agreement: (i) Requestor's counsel, Marisa Perales; (ii) Requestor's counsel, Sidra Hanson; (iii) Requestor's counsel's legal assistant, Gwyneth Lonergan; and (iv) Requestor's consultant, Timothy Judson.

c. As to the SUNSI identified in paragraph 1.b, the following persons associated with the Requestor, provided that the Requestor timely files an Amended Non-Disclosure Agreement for that person as prescribed in paragraph 19 of this Protective Order: (i) Requestor's consultant, Dr. Mark Cooper; (ii) Requestor's counsel, Claire Krebs; and (iii) any additional or substitute person approved pursuant to paragraph 2.d of this Amended Protective Order. These persons shall each execute, and the Requestor shall timely file, the attached Amended Non-Disclosure Agreement (Attachment 1) as provided in paragraph 19 of this Amended 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 Amended Protective Order is not an Authorized Recipient and shall not receive access to SUNSI.

a.—

b-d. 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 Amended 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 Amended 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 Amended Protective Order for filing documents, the terms of this Amended 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 Amended Protective Order. Authorized Recipients may generate documents containing SUNSI, but such

documents are also subject to all of the terms of this Amended Protective Order. Authorized Recipients who copy or take notes of SUNSI are responsible for marking the information appropriately to indicate SUNSI, either SRI only, Proprietary Information only, or SRI and Proprietary Information, 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 only SRI shall be marked “Contains Security Related Information – Subject to NRC Protective Order” in a conspicuous manner at the top of the first page as well as each successive page containing such information and double brackets “[[]]” demarcating the specific information on each page along with an abbreviated marking (such as “SRI”).
- c. Each document containing both SRI and Proprietary Information shall be marked “Contains Security-Related Information and Proprietary Information – Subject to NRC Protective Order” in a conspicuous manner at the top of the first page as well as each successive page containing such information and double brackets “[[]]” demarcating the specific

information on each page along with an abbreviated marking (such as “SRI, XE”).

e.d. Each document containing only Proprietary Information shall be marked “Contains Proprietary Information – Subject to NRC Protective Order” in a conspicuous manner at the top of the first page as well as each successive page containing such information and double brackets “[]” demarcating the specific information on each page along with an abbreviated marking (such as “LME”).

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 Amended Protective Order.²
- b. Each Authorized Recipient shall ensure that unauthorized individuals are not given access to or control over SUNSI. Each Authorized Recipient also shall ensure that other Authorized Recipients are not given access to or control over specific SUNSI information or documents to which they

² 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.

are not entitled access, as specified in paragraphs 1 and 2. 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 Amended 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 Amended 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. 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 System³ 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 whether it is SRI only, Proprietary Information only, or SRI and Proprietary Information, as applicable.
- 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

³ Participants seeking an exemption from the E-Filing requirements must request an exemption in accordance with 10 C.F.R. § 2.302(g).

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.

- f. In all filings containing SUNSI, Requestor's counsel will include a certification that they have reviewed the Amended Protective Order and that to the best of their knowledge and belief the filing is in compliance with the Amended Protective Order's terms.

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 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 Amended Protective Order, without publicly filing a cover letter as would otherwise be required by paragraph 10.e of this Amended Protective Order.
14. The Presiding Officer may alter or amend this Amended Protective Order and resolve disputes regarding the application of its terms. Requestor, Applicant, or NRC Staff may seek amendments to this Amended 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 Amended 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 Amended 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 Amended 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 Amended Protective Order. The Presiding Officer may issue additional orders concerning the use of SUNSI.

17. Nothing in this Amended Protective Order shall preclude any person from seeking through discovery in any other administrative or judicial proceeding, any information protected by this Amended Protective Order.

18. Any violation of this Amended 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 Amended Protective Order restricts or waives Applicant's, X-energy'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.~~ac~~ of this Amended Protective Order, the Requestor must file executed Amended Non-Disclosure Agreements (Attachment 1 to this Amended Protective Order) within three (3) business days after the issuance of this Amended Protective Order. For any agreed or approved additional or substitute persons under paragraph 2.~~bd~~ of this Amended Protective Order, the Requestor must file executed Amended Non-Disclosure Agreements within three (3) business days after receipt of such agreement or approval. Within

two (2) business days after the deadline for filing such executed Amended Non-Disclosure Agreements, the Applicant shall provide to the Authorized Recipients access to the particular SUNSI specified in paragraph 1 of this Amended Protective Order; to which they are entitled to access as described in paragraph 2 of this Amended Protective Order ~~as updated by the Applicant's August 4, 2025 letter, referenced in footnote (1) above.~~

~~20. For persons named in paragraph 2.a of this Amended Protective Order for whom the Requestor previously filed executed Non-Disclosure Agreements, but for whom the Requestor does not file executed Amended Non-Disclosure Agreements within three (3) business days after the issuance of this Amended Protective Order, the Access Termination Date shall be the fourth business day after the issuance of this Amended Protective Order. The right of access to SUNSI for such persons shall be immediately rescinded as of the Access Termination Date, pursuant to paragraph 15 of the Protective Order, which shall remain in full force and effect as to the obligations of such persons.~~

~~21.19. Applicant, Requestor, and the NRC Staff shall confer to determine whether any of their respective prior filings in this proceeding must be revised, retroactively, to conform to paragraph 7.c of this Amended Protective Order; and, if so, the respective entity shall file revised versions of such filings (both non-public and public) within fourteen (14) days of the issuance of this Amended Protective Order.~~

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

Stefan R. Wolfe, Chair
Dr. David A. Smith
Nicholas G. Trikouros

In the Matter of

LONG MOTT ENERGY, LLC

(Long Mott Generating Station)

Docket No. 50-614-CP

ASLBP No. 25-991-01-CP-BD01

Date: _____

AMENDED NON-DISCLOSURE AGREEMENT

I, _____, being duly sworn, state:

1. I have read the July 22, 2025, 2026 Amended Protective Order issued in the above-referenced proceeding and certify that I ~~have complied~~will comply in all respects with its terms and conditions, including any future amendments thereto, regarding the Sensitive Unclassified Non-Safeguards Information (SUNSI) produced in connection therewith. ~~I also have read the December 18, 2025 version of the Amended Protective Order issued in the above-referenced proceeding and will continue to comply in all respects with its terms and conditions, including any future amendments thereto. I~~ certify that I ~~protected and kept confidential all SUNSI in accordance with the terms of the Non-Disclosure Agreement (NDA) that I previously executed on _____, 2025 and I~~ will continue to~~will~~ protect and keep confidential all SUNSI in accordance with the terms of this Amended ~~NDA~~Non-Disclosure Agreement.
2. I will not disclose the SUNSI to anyone except an Authorized Holder as defined in the Amended 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 Amended Protective Order.

5. I will transmit SUNSI and file documents containing SUNSI only in accordance with the terms of the Amended Protective Order.
6. I will mark each document containing SUNSI in accordance with the terms of the Amended 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 Amended 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 Amended 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 Amended 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 Amended Protective Order.
11. I acknowledge that any violation of the terms of this Agreement or the Amended 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 Amended 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 _____, 202__.

Notary Public

My commission expires: _____

