



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 7, 2022

Kenneth W. Robuck
President and Chief Executive Officer
EnergySolutions, LLC
121 West Trade Street, Suite 2700
Charlotte, NC 28202

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
IN THE APPLICATION FOR ORDER APPROVING THE INDIRECT TRANSFER
OF CONTROL OF DECOMMISSIONING POWER REACTOR LICENSES
DPR-39, DPR-48, DPR-73, AND DPR-45, RADIOACTIVE MATERIALS
LICENSE 39-35044-01, AND EXPORT LICENSES XW010 AND XW018
(EPID L-2021-LLO-0003)

Dear Mr. Robuck:

As Enclosure 3 of Attachment 1 to letter dated December 7, 2021 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML21344A114), you submitted to the U.S. Nuclear Regulatory Commission (NRC) an affidavit dated December 7, 2021, executed by Gerald H. Cromack on behalf of TriArtisan Capital Advisors, LLC (TriArtisan), which requested that the information contained in the following document be withheld from public disclosure pursuant to Sections 2.390 and 9.17 of Title 10 of the *Code of Federal Regulations* (10 CFR):

Enclosure 1A of Attachment 1: Stock Purchase Agreement (Proprietary)

A nonproprietary version of this document has been placed in the NRC's Public Document Room and added to the NRC Library in ADAMS under Accession No. ML21344A107.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

The Stock Purchase Agreement contains trade secrets and confidential information, including proprietary aspects of the finances, balance sheets, and audits of TriArtisan and affiliated entities, which constitute proprietary commercial information that should be held in confidence by the NRC pursuant to the policy reflected in 10 CFR 2.390(a)(4) and 10 CFR 9.17(a)(4), because:

- a. This information is and has been held in confidence by TriArtisan and its affiliates.

- b. This information is of a type that is held in confidence by TriArtisan and its affiliates, and there is a rational basis for doing so because the information contains sensitive trade secret or financial information concerning the decommissioning business, financial audits, and non-public transactions, as well as the terms of contracts with private entities.
- c. This information is being transmitted to the NRC in confidence.
- d. This information is not available in public sources and could not be gathered readily from other publicly available information.
- e. Public disclosure of this information would create substantial harm to the competitive position of TriArtisan and its affiliates by disclosing information and the terms of unique contracts to other parties whose commercial interests may be adverse to those of TriArtisan.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

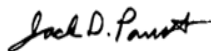
Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-6634, or via email at Jack.Parrott@nrc.gov.

Sincerely,



Signed by Parrott, Jack
on 01/07/22

Jack D. Parrott, Senior Project Manager
Reactor Decommissioning Branch
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket Nos:

50-295, 50-304, and 72-1037 (Zion)

50-320 (TMI-2)

50-409 and 72-046 (La Crosse)

030-39013 and 030-38619 (EnergySolutions, LLC Radioactive Materials License)

11005620 and 11005897 (EnergySolutions, LLC Export Licenses)

cc: TMI-2, La Crosse, and Zion ListServes

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Request for Withholding Information from Public Disclosure on Application for Approval of In-Direct Transfer of Licenses Held by EnergySolutions, LLC (Zion Nuclear PS, TMI Unit-2, La Crosse BWR, and EnergySolutions Radioactive Materials/Export Licenses) DATE January 7, 2022

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ADAMS Accession No.: Ltr ML22005A020

*** via email**

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NAME	JParrott <i>JP</i>	JWachutka <i>JW</i>	BWatson <i>BW</i>	JParrott <i>JP</i>
DATE	Jan 5, 2022	Jan 7, 2022	Jan 7, 2022	Jan 7, 2022

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