



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

June 4, 2015

Ms. Kimberly Manzione
Licensing Manager
Holtec International
Holtec Center
One Holtec Drive
Marlton, NJ 08053

SUBJECT: EXEMPTION REQUEST TO THE HOLTEC INTERNATIONAL HI-STORM 100 CASK SYSTEM, CERTIFICATE OF COMPLIANCE NO. 1014 TO ASME CODE REQUIREMENTS- ACKNOWLEDGEMENT OF WITHDRAWAL (TAC NO. L24978)

Dear Ms. Manzione:

By letter dated December 18, 2014, as supplemented January 23, 2015 (ADAMS Accession Nos. ML14352A383 and ML15023A471), Holtec International (Holtec) submitted an exemption request to the U.S. Nuclear Regulatory Commission (NRC) to revise the HI-STORM 100 Cask System, Certificate of Compliance (CoC) No. 1014. The application requested exemption from the requirements of 10 CFR 72.214 that requires compliance with the terms, conditions, and specifications of CoC No. 1014, Amendment Nos. 0 through 9 for the HI-STORM 100 cask system. Specifically, Holtec had requested an exemption from Appendix B and B-100U, Section 3.3, "Codes and Standards" of CoC No. 1014, for Amendments 0 through 9. By letter dated June 2, 2015 (ADAMS Accession No. ML15153A682), Holtec withdrew its exemption request.

For clarification purposes only, 10 CFR 72.7, "Specific Exemptions," cannot be used to grant the type of exemption requested. Specifically, the requested change would have been one of general applicability to both the certificate holder and all general licensees, and as discussed below, would therefore constitute a rule under the Administrative Procedure Act (5 USC § 551(4)). The exemption request sought, among other things, relief from 10 CFR 72.214, which also applies to general licensees for which a certificate holder cannot request relief. Therefore, to make the requested change, the NRC would have to undertake rulemaking. According to 10 CFR 72.244, any changes to the terms, conditions, or specifications of a CoC must be submitted as an amendment to the CoC, and could therefore only be adopted through rulemaking. In this instance the requested change could have been processed as revision requests to CoC No. 1014, Amendment Nos. 0 through 9.

K. Manzione

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Please reference Docket No. 72-1014 and TAC No. L24978 in future correspondence related to this licensing action. If you have any questions, please contact me at (301) 415-9956 or John Goshen of my staff at (301) 415-6933.

Sincerely,

/RA/

John Goshen, P.E., Project Manager
Spent Fuel Licensing Branch
Division of Spent Fuel Management
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-1014

TAC No.: L24978

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Distribution: SFST r/f,

This closes out TAC No. L24978

File location: G:\SFST\HI-STORM 100\ASME Code Exemption Request\ HS 100 Exemption Request Withdrawal response letter.docx

ADAMS Accession No.: ML15134A091

OFC:	DSFM	DSFM	OGC	DSFM			
NAME:	JGoshen	MDeBose	AGendelman	MSampson			
DATE:	4/29/2015	4/29/2015	5/8 /2015	6/04/2015			

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