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June 14, 2017

Ms. Maureen Wylie  
Chief Financial Officer  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Fee Exemption Request for NEI White Paper, *First Principles for Use in Developing Design Certification Tier 1 Information and Inspections, Tests, Analyses and Acceptance Criteria, June 2017*

**Project Number: 689**

Dear Ms. Wylie:

On June 14, 2017, the Nuclear Energy Institute (NEI)<sup>1</sup> submitted the subject white paper for NRC consideration and feedback. This paper is intended for use by design certification applicants to determine the scope of Tier 1 and ITAAC.

From 2013 to 2016, the NRC held numerous public meetings with the industry to discuss the standardization of inspections, tests, analyses and acceptance criteria (ITAAC) with the objective to clarify the scope of ITAAC required for design certification applications. Over the same period, the industry has engaged NRC in several public meetings on the use of Tier 2\* information – information that resides in Tier 2 of a design certification but requires prior NRC approval to change, similar to Tier 1. In both cases, the lack of a common understanding on criteria for determining the scope of Tier 1 versus Tier 2 information has been an impediment.

The industry white paper on Tier 1/ITAAC First Principles will advance the ongoing dialog with the NRC staff and assist the staff and applicants in determining the proper categorization of design certification information. NEI requests that the NRC's review of this white paper, and any future submissions related to the scope of

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<sup>1</sup> The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

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Tier 1/ITAAC or Tier 2\* for design certification applicants be granted a fee waiver pursuant to the provisions of 10 CFR 170.11. The report meets the exemption requirement in 10 CFR 170.11(a)(1)(ii) in that it will "...assist the NRC in generic regulatory improvements or efforts (e.g., rules, regulatory guides, regulations, policy statements, generic letters, or bulletins)." In this case, the establishment of Tier 1/ITAAC First Principles will promote clarity, consistency and efficiency in the preparation and review of design certification applications, consistent with Commission policy.

Please contact me or Russ Bell (202.739.8087 or [rjb@nei.org](mailto:rjb@nei.org)) should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Tschiltz". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Tschiltz".

Michael D. Tschiltz

c: Mr. Michael E. Mayfield, NRO, NRC  
Mr. Timothy J. McGinty, NRO/DCIP, NRC  
Mr. Joseph Colaccino, NRO/DARR/NRGB, NRC  
NRC Document Control Desk