

From: [Hogan, MaryAnn G. \(Fed\)](#)
To: [RulemakingComments Resource](#); [Lopez, Juan](#); [Lin, Bruce](#)
Cc: [usatbtep](#); [jennifer_a_stradtman@ustr.eop.gov](#); [Paster, Nick K. EOP/USTR](#); [Manseau, Gwenann S. EOP/USTR](#); [Loke, Yue Heng EOP/USTR](#); [Strickler, J. Sloane S. EOP/USTR](#); ["Shigetomi, Kent C. EOP/USTR"](#); [Brendan_A_Lynch@ustr.eop.gov](#); [Glass, Billy S. EOP/USTR](#); [Forder, Dawn](#)
Subject: [External_Sender] Inquiry Point Sharing Comments from India on NRC Docket ID NRC-2017-0025-0001 Approval of American Society of Mechanical Engineers' Code Cases, USA WTO Notification G/TBT/N/USA/1696
Date: Monday, April 19, 2021 1:52:25 PM
Attachments: [G-TBT-N-USA-1696.docx](#)
[IND Comments on USA1696.pdf](#)
Importance: High

Dear Colleagues in the Nuclear Regulatory Commission (NRC),

My office received earlier today (Monday 4/19/2021) and is passing along the attached comments from the Government of India on the NRC action indicated below. You are receiving this message because you are listed in Regulations.gov and/or in the Federal Register as a contact for further information, and/or you may have a trade or professional interest in India's comments on:

TITLE: Approval of American Society of Mechanical Engineers' Code Cases

AGENCY: Nuclear Regulatory Commission (NRC)

ACTION: Proposed rule

Date Published: 2/2/2021

Docket Number: NRC-2017-0025

Docket Folder on Regulations.gov: <https://www.regulations.gov/document/NRC-2017-0025-0001>

Dates: Submit comments on the proposed rule, documents to be incorporated by reference, and related guidance by April 5, 2021. Submit comments specific to the information collections aspects of this rule by March 4, 2021. Comments received after these dates will be considered if it is practical to do so, but the NRC is able to ensure consideration only of comments received on or before these dates.

URLs: <https://www.govinfo.gov/content/pkg/FR-2021-02-02/html/2021-00890.htm> and <https://www.govinfo.gov/content/pkg/FR-2021-02-02/pdf/2021-00890.pdf>

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to incorporate by reference proposed revisions of three regulatory guides, which would approve new, revised, and reaffirmed Code Cases published by the American Society of Mechanical Engineers. The NRC is also incorporating by reference one NRC NUREG associated with a proposed condition on one of the regulatory guides. This proposed action would allow nuclear power plant licensees, and applicants for construction permits, operating licenses, combined licenses, standard design certifications, standard design approvals and manufacturing licenses, to use the Code Cases listed in these draft regulatory guides as voluntary alternatives to engineering standards for the construction, inservice inspection, and inservice testing of nuclear power plant components. The NRC is requesting comments on this proposed rule and on the draft versions of the three regulatory guides proposed to be incorporated by reference. The NRC is also making available a related draft regulatory guide that lists Code Cases that the NRC has not approved for use. This draft regulatory guide will not be incorporated by reference into the NRC's regulations.

This action was notified to the WTO TBT Committee by the USA TBT Inquiry Point and Notification

Authority, and issued by the TBT Committee on 2/3/2021 under the notification symbol [G/TBT/N/USA/1696](#) (copy attached).

We were unable to submit India's comments to the Docket Folder on Regulations.gov as the comment period closed on 4/5/21.

Can you please forward this correspondence to any other appropriate NRC contact(s) for follow up and possible response if not already copied on or otherwise included in this message?

G/TBT/N/USA/1696 is the notification symbol, similar to a reference number or Docket ID, assigned to this NRC action by the Committee on Technical Barriers to Trade (TBT) at the World Trade Organization (WTO TBT Committee), to which our office is obligated to submit certain U.S. proposed rules and related actions that could affect international trading partners.

A basic overview of the notification of certain regulatory actions by the USA to the WTO TBT Committee is available at <https://www.nist.gov/standardsgov/usa-wto-tbt-inquiry-point>.

Please contact us if you have any questions or if you need additional information, and please also confirm receipt of this message as well as India's comments.

Thank you,

MaryAnn Hogan
USA WTO TBT Inquiry Point
Standards Coordination Office (SCO)
National Institute of Standards and Technology (NIST)
Mobile: 240-654-2415
Email: usatbtep@nist.gov
URL: www.nist.gov/notifyus

From: Parmod Siwach <tech5@eicindia.gov.in>
Sent: Monday, April 19, 2021 1:53 AM
To: usatbtep <usatbtep@nist.gov>
Cc: Jyoti Yadav <d2tpd-doc@nic.in>; Tanu Singh <us5tpd-doc@nic.in>; tbt-2 <tbt-2@slg-india.com>
Subject: India Submits Comments on USA WTO Notification G/TBT/N/USA/1696 related to nuclear power plant engineering
Importance: High

To
USA WTO TBT Enquiry Point
Email: usatbtep@nist.gov

Dear Sir/Madam,

In reference to the subject mentioned TBT Notification of USA, please find attached India's comments for kind consideration. Please acknowledge the receipt of communication.

With best regards,

प्रमोद सिवाच/ Parmod Siwach

सहायक निदेशक (तो)/Assistant Director (T)

निर्यात निरीक्षण परिषद/Export Inspection Council (EIC)

वाणिज्य एवं उद्योग मंत्रालय, भारत सरकार/Ministry of Commerce & Industry, Govt. of India

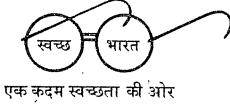
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निर्यात निरीक्षण परिषद्

(आई एस ओ 9001 : 2015 प्रमाणित संस्थान)

(वाणिज्य एवं उद्योग मंत्रालय, भारत सरकार)

EXPORT INSPECTION COUNCIL

(An ISO 9001:2015 Certified Organisation)

(Ministry of Commerce & Industry, Govt. of India)

EIC/TECH/WTO/52002/2020/

19th April 2021

To

USA WTO TBT Enquiry Point

Email: usatbtep@nist.gov

Subject: TBT Notification – G/TBT/N/USA/1696 dated 3 February 2021 related to nuclear power plant engineering

Sir/Madam,

The Government of India acknowledges the WTO-TBT notification – G/TBT/N/USA/1696 dated 3 February 2021 issued by the United States of America concerning 'Approval of American Society of Mechanical Engineers' Code Cases'. In this regard, we would like to seek clarifications from the notifying agency – Nuclear Regulatory Commission (NRC) on the below point.

In Point B under Section III- Discussion, it is observed that 'Code Cases Proposed To Be Approved for Use With Conditions', Code Case N-833 has been listed as the following:

Type: New.

Title: Construction of Items Prior to the Establishment of a Section III, Division 1

Owner, Section III, Division 1.

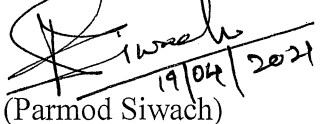
In this context, we would like to know how the NRC plans to condition the code case of N-883.

India would be grateful if these comments could be taken into account. The above mentioned comments are without prejudice to any stand which India may adopt on this issue at a later stage.

It may kindly be noted that Export Inspection Council (EIC) has been assigned by the Ministry of Commerce and Industry, the National Notification Authority, to review the TBT notifications issued by the member countries.

Early response in this regard would be highly appreciated.

Yours faithfully,


(Parmod Siwach)

Assistant Director (T)



3 February 2021

(21-0896)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1.	Notifying Member: UNITED STATES OF AMERICA If applicable, name of local government involved (Article 3.2 and 7.2):
2.	Agency responsible: Nuclear Regulatory Commission (NRC) [1725] Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Please submit comments to: USA WTO TBT Enquiry Point, Email: usatbtep@nist.gov
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [X], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Nuclear power plant engineering; Quality (ICS 03.120), Nuclear energy engineering (ICS 27.120)
5.	Title, number of pages and language(s) of the notified document: Approval of American Society of Mechanical Engineers' Code Cases (19 page(s), in English)
6.	Description of content: Proposed rule - The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to incorporate by reference proposed revisions of three regulatory guides, which would approve new, revised, and reaffirmed Code Cases published by the American Society of Mechanical Engineers. The NRC is also incorporating by reference one NRC NUREG associated with a proposed condition on one of the regulatory guides. This proposed action would allow nuclear power plant licensees, and applicants for construction permits, operating licenses, combined licenses, standard design certifications, standard design approvals and manufacturing licenses, to use the Code Cases listed in these draft regulatory guides as voluntary alternatives to engineering standards for the construction, inservice inspection, and inservice testing of nuclear power plant components. The NRC is requesting comments on this proposed rule and on the draft versions of the three regulatory guides proposed to be incorporated by reference. The NRC is also making available a related draft regulatory guide that lists Code Cases that the NRC has not approved for use. This draft regulatory guide will not be incorporated by reference into the NRC's regulations.
7.	Objective and rationale, including the nature of urgent problems where applicable: Protection of the environment; Quality requirements
8.	Relevant documents: 86 Federal Register (FR) 7820, 2 February 2021; Title 10 Code of Federal Regulations (CFR) Part 50: https://www.govinfo.gov/content/pkg/FR-2021-02-02/html/2021-00890.htm https://www.govinfo.gov/content/pkg/FR-2021-02-02/pdf/2021-00890.pdf This proposed rule is identified by Docket Number NRC-2017-0025. The Docket Folder is

<p>available on Regulations.gov at https://www.regulations.gov/docket?D=NRC-2017-0025 and provides access to primary documents as well as comments received. Documents are also accessible from Regulations.gov by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the USA TBT Enquiry Point. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with the regulator and will also be submitted to the Docket on Regulations.gov if received within the comment period.</p>	
9.	Proposed date of adoption: To be determined Proposed date of entry into force: To be determined
10.	Final date for comments: 5 April 2021
11.	Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body: https://members.wto.org/crnattachments/2021/TBT/USA/21_0838_00_e.pdf