

July 19, 2005

The Honorable Ralph M. Hall, Chairman
Subcommittee on Energy and Air Quality
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed for your information is a copy of a final rule which the Nuclear Regulatory Commission (NRC) has sent to the Office of the Federal Register for publication. This final rule updates the regulation of nuclear grade graphite in 10 CFR Part 110, Export and Import of Nuclear Equipment and Material. The rule removes nuclear grade graphite for non-nuclear end use from NRC export licensing jurisdiction, making NRC's regulations consistent with the Nuclear Non-Proliferation Treaty (NPT) Exporters Committee and the Nuclear Suppliers Group (NSG) Trigger Lists of controlled items (International Atomic Energy Agency INFCIRC/209 and 254 respectively).

The Executive Branch, including the Departments of State, Energy, Defense and Commerce, concurs in this NRC determination. The responsibility for the licensing of exports of nuclear grade graphite for non-nuclear end use will be assumed by the Department of Commerce (DOC). The DOC, which has concurred in this rule, is publishing elsewhere in the same issue of the Federal Register a final rule that places such exports under its jurisdiction.

This NRC final rule involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)), so the notice and comment provisions and the 30-day delayed effective date under 5 U.S.C. 553 of the Administrative Procedure Act do not apply. The rule eliminates the NRC licensing burden on exporters for nuclear grade graphite exported purely for non-nuclear end use.

Sincerely,

/RA/

William N. Outlaw, Acting Director
Office of Congressional Affairs

Enclosure: Final Rule

cc: Representative Rick Boucher

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Identical letters sent to the following addresses:

The Honorable Joe Barton, Chairman
cc: Representative Rick Boucher

The Honorable Henry Hyde, Chairman
cc: Representative Tom Lantos

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Committee on Energy and Commerce
United States House of Representatives
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William N. Outlaw, Acting Director
Office of Congressional Affairs

Enclosure: Final Rule

cc: Representative John D. Dingell

July 19, 2005

The Honorable Henry Hyde, Chairman
Committee on International Relations
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

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