

11/29/2005

The Honorable George W. Voinovich, Chairman
Subcommittee on Clean Air, Climate Change,
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

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,

R/A

William N. Outlaw, Acting Director
Office of Congressional Affairs

Enclosure: Final Rule

cc: Senator Thomas R. Carper

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Identical letters sent to the following addressees:

The Honorable James M. Inhofe, Chairman
 cc: Senator James M. Jeffords

The Honorable Richard G. Lugar, Chairman
 cc: Senator Joseph R. Biden, Jr.

The Honorable Susan Collins, Chairman
 cc: Senator Joseph I. Lieberman

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Washington, DC 20510

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Committee on Foreign Relations
United States Senate
Washington, DC 20510

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The Honorable Susan Collins, Chairman
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, DC 20510

Dear Madam Chair:

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