

November 15, 2004

MEMORANDUM TO: Michael Lesar, Chief
Rules and Directives Branch
Division of Administrative Services
Office of Administration

FROM: Margaret M. Doane, Deputy Director
Office of International Programs

SUBJECT: RIN 3150-AH51, FINAL RULE PACKAGE, NUCLEAR GRADE
GRAPHITE, SPECIAL HANDLING REQUIRED

On October 12, 2004, the Executive Director for Operations signed a final rule, effective immediately, entitled, "Export and Import of Nuclear Equipment and Material: Nuclear Grade Graphite." The rule amends the export/import regulations in 10 CFR Part 110, by removing nuclear grade graphite for non-nuclear end use from NRC's export licensing jurisdiction. We request special handling of this Final Rule in that your office coordinate its publication in the same issue of the Federal Register (FR) with a companion, U.S. Department of Commerce (DOC) Final Rule. The DOC rule, also effective immediately, transfers the jurisdiction of nuclear grade graphite for non-nuclear end use from NRC to the DOC. The contact for publication of the DOC rule is Jeff Lynch. He can be reached by telephone at 202-482-2440.

Attachment 1 contains the original Federal Register Notice (FRN), signed by the Executive Director for Operations, 13 clean and clear copies of the FRN, and an electronic version of the FRN on a 3.5-inch diskette. The ADAMS accession number for the FRN to be published is ML042220226. ADM/DAS/RDB and the EDO are owners of the FRN in ADAMS.

Attachment 2 is the Congressional letter package to be transmitted to the Office of Congressional Affairs (OCA) for signature. Each letter includes two copies of the FRN for the Chairman of each oversight committee. It includes an electronic, WordPerfect version on 3.5-inch diskette. The forms are in ADAMS, accession numbers, ML043170499 and ML043170485. ADM/DAS/RDB and OCA are owners of the letters in ADAMS.

Attachment 3 contains three copies of the Congressional Review Act Form, one each for the House, the Senate, and the Government Accountability Office. The forms are in ADAMS, accession number, ML043200463. ADM/DAS/RDB and OCA are owners of the forms in ADAMS.

Please note that this NRC Final Rule is excluded from environmental impact requirements and the Small Business Regulatory Enforcement Fairness Act. Attachment 4 contains copies of the Daily Staff and the Approved for Publication notes. They are in ADAMS, accession number, ML042730573.

Finally, Attachment 5 is a copy of the Draft DOC Final Rule, with annotations reflecting changes requested by the NRC staff prior to its publication in the FR. The draft rule is in ADAMS ML042730573.

A press release will be coordinated with the Office of Public Affairs once NRC and DOC have agreed upon the "joint" publication date in the FR. Questions may be addressed to Suzanne Schuyler-Hayes of my staff at 301-415-2333.

Attachments:

- 1) Federal Register Notice (FRN)
(Original signed by the EDO, 13 copies and diskette)
- 2) Congressional letter package
(Includes 2 copies of the FRN and diskette)
- 3) Congressional Review Act Forms
- 4) Daily Staff Note and Approved for Publication
- 5) Copy of Draft DOC Rule, w/ Requested NRC Changes

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DISTRIBUTION:

S.Schuyler-Hayes, OIP

ADAMS Package (ML043170476):

Memo (ML043170520)

Attachment 1 (ML043280418)

Attachment 2 (ML043170499 and ML043170485)

Attachment 3 (ML043200463)

Attachment 4 (ML042730573)

Attachment 5 (ML042730573)

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