



United States Department of State

Washington, D.C. 20520

BUREAU OF OCEANS AND INTERNATIONAL
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

September 3, 1985

Mr. James R. Shea
Director of International Programs
United States Nuclear Regulatory Commission
Bethesda, Maryland

Dear Mr. Shea:


I refer to the letter from your office dated October 2, 1984, requesting Executive Branch views as to whether issuance of an export license in accordance with the application hereinafter described meets the applicable criteria in the Atomic Energy Act as amended by the Nuclear Non-Proliferation Act of 1978:

NRC No. XMAT0314 — Application by Poco Graphite, Incorporated, for authorization to export to South Africa a total of 10 short tons of nuclear-grade graphite over a two-year period, for various commercial and industrial applications.

The Executive Branch has reviewed the proposed export and concluded that it cannot make the necessary determinations under the Atomic Energy Act, as amended, for a recommendation of approval.

In view of the foregoing, and as it is our understanding that the applicant would prefer a negative response rather than deferral of action until a possible change of circumstances, the Executive Branch recommends that the request for a license either be denied or returned without action.

Sincerely,


James B. Devine
Deputy Assistant Secretary

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