September 12, 2003

Mr. Bill Topping
P.O. Box 62
Baldwin, MI 49304

Dear Mr. Topping:

I understand that you have had discussions with U.S. Nuclear Regulatory Commission (NRC) staff concerning the NRC's regulatory authority over nuclear reactors. Your specific question involved naturally occurring fission reactions which could be harnessed to produce electric power. For purposes of this letter, I am using the NRC's definition of nuclear reactor, which is an apparatus, other than an atomic weapon, that is designed or used to sustain nuclear fission in a self-supporting chain reaction (see Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50.2). The NRC has regulatory authority over nuclear reactors, as set forth in the Atomic Energy Act of 1954 as amended. For background information, I have enclosed NUREG/BR-0164, "NRC - Regulator of Nuclear Safety," and NUREG/BR-0256, "The U.S. Nuclear Regulatory Commission and How It Works."

The NRC's Office of Nuclear Reactor Regulation is responsible for ensuring the safe operation of all nuclear reactors, including research, test, and commercial nuclear reactors. In order to operate a nuclear reactor, an NRC license is required. The type of license depends on how the nuclear reactor is to be used (see 10 CFR 50.20) and the process for applying for a license is set forth in 10 CFR Parts 50 and 52. Also, the NRC regulates the possession and use of nuclear materials. I understand that you have reviewed 10 CFR Part 40. If you have specific questions on regulating nuclear reactors, you may contact me at 301-415-3145.

/RA/

Jerry N. Wilson, Sr. Policy Analyst
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs, NRR

cc w/o encl: J. Moore, OGC

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