



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20565

AUG 15 1977



Mr. Samuel H. Kirbo
Administrative Specialist
Georgia Institute of Technology
Atlanta, Georgia 30332

Dear Mr. Kirbo:

Your letter of 28 July 1977, requesting an opinion as to whether 10 CFR Part 21 applies to state owned research reactors, has been forwarded to me for reply.

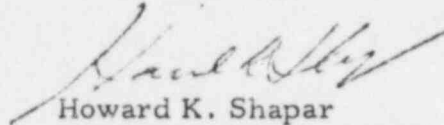
A similar question arose during the course of the public meetings and will be addressed in a soon-to-be published document containing NRC staff positions on the numerous questions and areas of concern identified as a result of the public meetings. In essence, it is our position that Part 21 applies not only to reactor licensees but also to source, byproduct and special nuclear material licensees. Georgia Institute of Technology, as a licensee under 10 CFR Part 50 for two research reactors and as a licensee of special nuclear material, is within the scope of Part 21. Therefore, the provisions of Part 21 apply to Georgia Institute of Technology and also to the first tier suppliers of "basic components" to Georgia Institute of Technology.

With regard to your query as to who in your organization should be the responsible person for purposes of reporting under Part 21, we are unable to provide a precise answer based on the information we have. Each organization must comply with Part 21 in this regard according to its own structure. The rule requires that the responsible person be a "responsible officer or director" and, further defines "responsible officer" as meaning the president, vice-president or other individual in the organization who is vested with executive authority over activities subject to Part 21. In the context, then, of a state academic institution, the responsible person would be someone with comparable authority to that of a vice-president of a

corporation with authority over the regulated activity (e.g. chairman of the department having responsibility for the research reactors and special nuclear material).

I hope this information is helpful to you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Howard K. Shapar".

Howard K. Shapar
Executive Legal Director