



Nebraska Public Power District

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NLS2004148

November 23, 2004

J. E. Dyer
Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Nebraska Public Power District - Request for extension to answer the November 5, 2004, Order Imposing Requirements for Protecting Certain Safeguards Information (EA-04-190)

Reference: NRC Letter from J. E. Dyer to Holders of Licenses for Power and Research and Test Reactors as listed in Attachment 1, dated November 5, 2004 regarding Order Imposing Requirements for the Protection of Certain Safeguards Information

Section IV of the November 5, 2004, Order Imposing Requirements for the Protection of Certain Safeguards Information (EA-04-190) ("Order") states that, in accordance with 10 CFR 2.202, the recipient of the Order must submit an answer to the Order, and may request a hearing on the Order, within 20 days of the date of the Order. Attachment 2 to the Order, "Modified Handling Requirements for the Protection of Certain Safeguards Information (SGI-M)," which is incorporated by reference into the Order, contains detailed requirements which recipients of the Order must meet.

Pursuant to the requirements of Section IV of the Order, Nebraska Public Power District (NPPD) hereby requests an extension of time in which to submit an answer to or request a hearing with respect to one or more provisions of the Order. The implications of the Order to licensees who have a program for controlling Safeguards Information that meets all current regulatory requirements is not clear. The granting of time to interact with the NRC to ensure that the Commission's intent in issuing the Order, and how it is to be implemented, is both necessary and appropriate.

NPPD requests an extension of time to answer the Order not to exceed twenty (20) days after clarification of the following issues:

1. Clarify that an existing Safeguards Information program can be used and how it can be used to satisfy the Order (i.e., a separate SGI-M program is not required), and that no changes to that Safeguards Information program are required by the Order.

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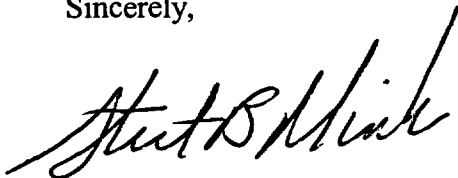
2. Attachment 2 establishes different, and in some cases, more restrictive requirements than our existing Safeguards Information program.
3. Resolution of potential programmatic compliance issues arising when a licensee uses its existing Safeguards Information program but must interface with an entity using an SGI-M program where the requirements are different (e.g, double versus single envelopes; differing requirements on telecommunications.)

The need for clarity regarding these and related issues constitutes good cause for the requested extension to be granted. During this period, NPPD will control all material designated SGI-M under its Safeguards Information program. NPPD also requests that the Commission exercise enforcement discretion during this period.

If you have any questions or require additional information, please contact Ms. Norena Robinson at 402-825-5691. This letter includes no new commitments.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 23rd day of November 2004.

Sincerely,



Stewart B. Minahan
General Manager of Plant Operations

/nr

cc: Office of the Secretary (Fax)
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CNS Records

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The following table identifies those actions committed to by Nebraska Public Power District (NPPD) in this document. Any other actions discussed in the submittal represent intended or planned actions by NPPD. They are described for information only and are not regulatory commitments. Please notify the Licensing & Regulatory Affairs Manager at Cooper Nuclear Station of any questions regarding this document or any associated regulatory commitments.

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