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November 24, 2004
LIC-04-0126

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

- References:
1. Docket No. 50-285
 2. Letter from NRC (J. E. Dyer) to OPPD (R. T. Ridenoure) dated November 5, 2004, Issuance of Order Imposing Requirements for Protecting Certain Safeguards Information (NRC-04-0134)

SUBJECT: Request for Extension to Respond to the November 5, 2004, Order Imposing Requirements for the Protection of Certain Safeguards Information (EA-04-190)

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 Protections of Certain Safeguards Information (SGI-M), which is incorporated by reference into the Order, contains detailed requirements which recipients of the Order must meet.

This letter constitutes the response of the Omaha Public Power District (OPPQ) to the Order. Pursuant to the provisions of Section IV of the Order, OPPQ 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, and the granting of time to interact with the NRC to ensure that Commission's intent of the Order and how it is to be implemented is clear is both necessary and appropriate.

OPPQ requests an extension of time to respond to 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.
2. Attachment 2 to the Order 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, OPPD will control all material designated SGI-M under its Safeguards Information program. OPPD also requests that the NRC exercise enforcement discretion during this period.

This letter contains the following commitment:

During the extension period, OPPD will control all material designated SGI-M under its Safeguards Information program. (A/R 36283).

I declare under penalty of perjury that the foregoing is true and correct. (Executed on November 24, 2004.)

If you have additional questions, or require further information, please contact Thomas R. Byrne at (402) 533-7368.

Sincerely,



Mary A. Tesar
Division Manager
Nuclear Support Services

MAT/TRB/trb