

# WOLF CREEK NUCLEAR OPERATING CORPORATION

Matthew W. Sunseri  
Vice President Oversight

April 28, 2005  
WM 05-0025

Ms. Annette Vietti-Cook  
Secretary  
Office of the Security of the Commission  
U.S. Nuclear Regulatory Commission  
Attn: Rulemakings and Adjudication Staff  
Washington, DC 20555

- Reference: 1) Letter dated November 5, 2004, from J.E. Dyer, USNRC, to R. A. Muench, WCNOG  
2) Letter WM 04-0052, dated November 24, 2004, from M. W. Sunseri, WCNOG, to J. E. Dyer, USNRC  
3) Letter dated April 11, 2005, from J.E. Dyer, USNRC, to M. W. Sunseri, WCNOG

Subject: Docket No. 50-482: Wolf Creek Nuclear Operating Corporation's Response to the November 5, 2004, Order Imposing Requirements for the Protection of Certain Safeguards Information (EA-04-190)

Dear Ms. Vietti-Cook:

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. By letter dated November 24, 2004, Wolf Creek Nuclear Operating Corporation (WCNOG) requested an extension of time in which to submit an answer to or request a hearing with respect to one or more provisions of Attachment 2 to the Order. The implications of the Order to licensees who have a program for controlling Safeguards Information that meets all current regulatory requirements was not clear, and time was requested to receive clarification from the NRC Staff to ensure that Commission's intent of the Order and how it is to be implemented was understood.

Specifically, clarification was sought that licensees with an existing Safeguards Information program could use that program to satisfy the Order (i.e., a separate SGI-M program is not required); and how licensees with an existing Safeguards Information program are to interface with an entity using an SGI-M program.

During the period from Order issuance until clarity was received on the issues raised, WCNOG committed to control all material designated SGI-M under its Safeguards Information program. WCNOG also requested that the Commission exercise enforcement discretion during this period.

WCNOG will continue to use its existing Safeguards Information program, in accordance with 10 CFR 73, to process and control Safeguards Information. At such time as WCNOG anticipates the need to transmit Safeguards Information to an individual or an entity who only has a SGI-M program, suitable modifications will be made to our Safeguards Information program consistent with the April 11, 2005, letter. As a result, WCNOG is in full compliance with the November 5, 2004, Order and the April 11, 2005, letter.

This letter contains no commitments. If you have any questions concerning this matter, please contact me at (620) 364-4008, or Mr. Kevin Moles, Manager Regulatory Affairs at (620) 364-4126.

Very truly yours,



Matthew W. Sunseri

MWS/rlg

cc: J. N. Donohew (NRC)  
D. N. Graves (NRC)  
B. S. Mallett (NRC)  
Assistant General Counsel for Materials Litigation and Enforcement (NRC)  
Director, Office of Nuclear Material and Safeguards (NRC)  
Director, Office of Nuclear Reactor Regulation (NRC)  
Document Control Desk (NRC)  
Senior Resident Inspector (NRC)

STATE OF KANSAS )  
 ) SS  
COUNTY OF COFFEY )

Matthew W Sunseri, of lawful age, being first duly sworn upon oath says that he is Vice President Oversight of Wolf Creek Nuclear Operating Corporation; that he has read the foregoing document and knows the contents thereof; that he has executed the same for and on behalf of said Corporation with full power and authority to do so; and that the facts therein stated are true and correct to the best of his knowledge, information and belief.

By M. W. Sunseri  
Matthew W. Sunseri  
Vice President Oversight

SUBSCRIBED and sworn to before me this 28<sup>th</sup> day of April, 2005.

Cindy Novinger  
Notary Public



Expiration Date 7/08/06