



**Pacific Gas and
Electric Company™**

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November 23, 2004

PG&E Letter DCL-04-161

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

Diablo Canyon Units 1 and 2
Docket No. 50-275, OL-DPR-80
Docket No. 50-323, OL-DPR-82

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

Dear Mr. Dyer:

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.

This letter constitutes the response of Pacific Gas & Electric Company (PG&E) to the Order. Pursuant to the provisions of Section IV of the Order, PG&E 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.

PG&E 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.

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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, PG&E will control all material designated SGI-M under its Safeguards Information program. PG&E also requests that the Commission exercise enforcement discretion during this period.

This response is hereby submitted to the Commission in accordance with 10 CFR 50.4 and 10 CFR 2.202. If you have any questions, please contact Ronald Todaro at (805) 545-4309.

Sincerely,

Gregory M. Rueger
Senior Vice President – Generation and Chief Nuclear Officer

swh/A0623185

cc:


Bruce S. Mallett, Region IV
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Girija S. Shukla, NRR
Director, Office of Nuclear Material Safety and Safeguards, U.S. NRC
Assistant General Counsel for Materials Litigation and Enforcement, U.S. NRC
Diablo Distribution

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

_____)	Docket No. 50-275
In the Matter of)	Facility Operating License
PACIFIC GAS AND ELECTRIC COMPANY)	No. DPR-80
)	
Diablo Canyon Power Plant)	Docket No. 50-323
Units 1 and 2)	Facility Operating License
_____)	No. DPR-82

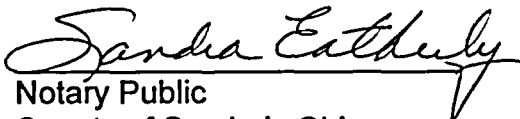
AFFIDAVIT

Gregory M. Rueger, of lawful age, first being duly sworn upon oath says that he is Senior Vice President – Generation and Chief Nuclear Officer of Pacific Gas and Electric Company; that he has executed this request for extension to respond to the November 5, 2004, Order imposing requirements for the protection of certain safeguards information (EA-04-190), on behalf of said company with full power and authority to do so; that he is familiar with the content thereof; and that the facts stated therein are true and correct to the best of his knowledge, information, and belief.



Gregory M. Rueger
Senior Vice President – Generation and Chief Nuclear Officer

Subscribed and sworn to before me this 23rd day of November 2004.



Notary Public
County of San Luis Obispo
State of California

