



**Pacific Gas and
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PG&E Letter DCL-10-020

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001

Docket No. 50-275, OL-DPR-80
Docket No. 50-323, OL-DPR-82
Diablo Canyon Units 1 and 2
Annual Fitness for Duty Performance Report for 2009

Dear Commissioners and Staff:

Pursuant to 10 CFR 26.717, Pacific Gas and Electric Company (PG&E) is submitting the enclosed Fitness for Duty (FFD) Performance Report for 2009. The performance data have been compiled on the standard forms developed by the Nuclear Energy Institute and are provided in Enclosure 1.

Statistical analysis of the data was conducted and the results are provided in Enclosure 2. During this period, no licensed operators or supervisors tested positive. There were no significant FFD event reports made during the period.

PG&E implemented work hour controls as specified in 10 CFR 26.203 in October 2009. No work hour control waivers were issued in 2009.

If you have any questions regarding the information enclosed or other FFD Program activities, please contact William F. Ryan, Access/FFD Supervisor, at (805) 545-3329.

Sincerely,

James R. Becker

swh/64033616

Enclosures

cc: Diablo Distribution
cc/enc: Elmo E. Collins, NRC Region IV
Richard E. Enkeboll, NEI
Michael S. Peck, NRC Senior Resident Inspector
Alan B. Wang, NRC Project Manager

**FITNESS FOR DUTY PERFORMANCE DATA
FOR 2009**

A021
NRR

Breakdown of Confirmed Positive Tests for Specific Substances

	Marijuana	Cocaine	Opiates	Amphe- tamines	Phency- clidine	Alcohol	Total
Licensee Employees	0	0	0	0	0	2	2
Long-Term Contractors	0	0	0	0	0	1	1
Short-Term Contractors	17	2*	0	3	0	2	24
Total	17	2	0	3	0	5	27

*Combination: Cocaine/THC

Per Reference 10 CFR 26.717(a)(7) and (8), the following tables are provided:

Subversion Attempts for 2009

Subversion Type	Number of Subversion Attempts
Physical Evidence	1
Observed/Behaviors	1
Refusal to Cooperate	2
Other	0

Summary of Management Actions for 2009

During 2009 personnel that violated FFD program rules were sanctioned in accordance with 10 CFR 26 and DCPD procedures. The following sanctions were applied to the policy violation type listed.

Violation type	Sanction
First confirmed positive test for illegal drugs or alcohol	Unfavorable access termination and denial of authorization for minimum of 14 days. For a pre-access test the minimum sanction is loss of authorization for a minimum of 6 months.
Second confirmed positive test for illegal drugs or alcohol	Unfavorable access termination and denial of authorization for a minimum of 5 years.
Subversion attempt	Unfavorable termination of access and permanent denied of authorization.

STATISTICAL ANALYSIS FOR 2009

Analysis of the data indicates that 52.3 percent of the average eligible population was randomly tested during the period January 1, 2009 through December 31, 2009.

The overall positive test rate for this period was 0.58 percent. Pre-access tests for short-term contractor personnel accounted for 82.1 percent of all positive tests. The large number of positive tests recorded for short-term contractor personnel in the pre-access testing category is attributable to 1R15 and 2R15 refueling outages.

The random positive rate for 2009 is 0.15 percent.

PG&E submitted blind performance specimens in accordance with 10 CFR 26.168 requirements. There were two false negative blind performance results in 2009. The false positive results were for dilute specimens spiked with marijuana. Information on this was sent to the commission in a separate letter and the testing laboratories have implemented corrective action. (Reference PG&E Letter DCL-09-063 dated September 2, 2009.)

On March 31, 2009 DCPD updated the FFD program to perform drug testing as allowed under the revised 10 CFR 26. The lower cutoff level on the DCPD pre-employment test panel have been replaced with the standard cutoff levels contained in 10 CFR 26, to include the use of lower cutoff levels for dilute specimens allowed under 10 CFR 26.163(a)(2).