

## ARKANSAS HEIGHTENED OVERSIGHT CONFERENCE CALL

<b>NRC Attendees</b>	<b>Arkansas Attendees</b>
Randy Erickson, RSAO	Renee Mallory, Branch Chief
Linda McLean, RSAO	Bernard Bevill, Section Chief
Andy Imboden, FSME	Jared Thompson, Program Leader
Aaron McCraw, FSME	Steve Mack, Health Physicist
	Layne Pemberton, Health Physicist
	Katia Gray, Health Physicist
	Tammy Kriesel, Health Physicist
	Kayla Avery, Health Physicist
	Angela Minden, Health Physicist
	Dave Snellings, Consultant

### Summary

On January 22, 2009, NRC hosted the fifth Heightened Oversight conference call with the Arkansas Radiation Control Program (the Program) to discuss their progress under the Performance Improvement Plan (the Plan), dated January 15, 2009 (ML090220554). The last call with the Program was conducted on October 23, 2008.

NRC staff concluded that the Program's initial Plan was a reasonable and realistic approach to completing the two recommendations identified during the 2006 IMPEP review (ML0633205231). During the October 2008 call, the Program proposed revising the Plan to reflect the challenges facing the Program as they addressed continued staff losses and workload changes, and to adjust the Program's goals in an effort to achieve a better balance between inspection and licensing activities. NRC agreed that these proposed modifications were reasonable given the staff shortages facing the Program and their need to better allocate resources to ultimately eliminate both the licensing and inspection backlogs. Upon review of the January 2009 Plan; NRC staff noted that it no longer contained a mechanism to track alternate methods of achieving a fee increase. This was discussed with the Program during the call and it was agreed that this section should again be included in the Plan because a fee increase will ultimately be needed to help the Program remain viable. The Program resubmitted a new revised Plan dated January 23, 2009 (ML090260738).

It was noted that the Program continued to make sustained and measurable progress in their efforts to reduce the inspection and licensing backlogs. The inspection backlog of Priority 1, 2, and 3 licenses has been eliminated and only a few Priority 5 inspections exist. While work on the licensing backlog progresses at a slower pace, the Program has made additional progress by hiring two former inspectors, one by contract and one part-time to assist with licensing activities. They have also organized the licensing function and can now better control resources expended by documenting time spent by the staff on licensing activities.

The Arkansas legislature is currently in session and any changes that may affect the Program including budget cuts are unknown to them at this time.

NRC staff believes that the goals identified in the revised Plan continue to be reasonable and achievable, and with the reinstatement of the fee tracking mechanism, the Program continues to be on a path towards achieving the goal of meeting workload demands, reducing and ultimately eliminating the existing licensing and inspection backlogs, and remaining a strong and viable program.

The next bimonthly Heightened Oversight conference call is scheduled for March 31, 2009.

## **Discussion**

The initial Plan submitted by the Program addressed each recommendation from the 2006 IMPEP review. The Program divided each recommendation into tasks, milestones, and staff assignments that they believed were necessary to successfully address each recommendation.

During the February 2008 call, the Program introduced the Plan, described the progress they had initially achieved, and discussed plans to evaluate their progress with senior managers at the end of each calendar quarter.

At the time of the May 2008 call, the Program had completed their first internal evaluation of the Plan with management, determined their progress, and identified modifications to the Plan they believed would be necessary to ensure their continued success.

During the July 2008 call, Program managers discussed the progress they have achieved in reducing the inspection and licensing renewal backlogs, and discussed the problems they continue to face with hiring and retaining staff. A fee request was no longer considered a viable option for the program, and a revised Program Improvement Plan was submitted reflecting changes to the Program's workload goals, allowing them to achieve a better balance between inspections and licensing activities.

During the October 23, 2008 call, the Program reported the loss of two technical staff members and their efforts to hire new staff while facing a hiring slowdown. They further discussed the modification of the method used to track progress on reducing the inspection and licensing backlogs and allow the Program to better allocate resources and achieve a balance in activities within the Program.

The following are the specific details, setbacks, and accomplishments for each of the recommendations, as presented by the Program during the January 22, 2009, call:

**Recommendation 1** - The review team recommends that the State evaluate current and future staffing needs and business processes to develop and implement a strategy that improves the effectiveness and efficiency of the Program to ensure its continued adequacy and compatibility.

**Status** – During the January 22<sup>nd</sup> call, the Program reported that despite a hiring slowdown, both Health Physicist positions were filled in November and December 2008; however, the Program's secretary left the Program. They are now in the process of hiring a replacement. They hope to have a replacement on staff soon.

The Program discussed difficulties with training newer inspectors. They noted that they continue to have difficulty getting these staff members seated in the training classes. The Program acknowledged that there continues to be significant competition for seats due to new Agreement States training their staff, but asked for consideration given they are working to recover from a Heightened Oversight situation. The acting Agreement States Program Branch Chief agreed to look into this situation.

The Program continues to have junior inspectors accompany the senior staff at least once per month during the review period. Additional accompaniments are performed as time allows. Since the October 2008 call, a total of 14 accompaniments were performed.

At the time of the January 2009 call, the Arkansas legislature was in session. At the conclusion of the session in May a final decision on the pay plan study should be made which may result in adjustments to State-wide pay rates. The Program continues to remain committed to developing an Arkansas Health Physicist certification program; however, the program as initially conceived is currently on hold until the legislature makes a final determination on the pay plan study. During the October 2008 call, Department management stated that a draft backup pay plan they have on hold would likely become an implementation plan if State-wide salaries are increased. Alternatively, this backup pay plan could be their fall back position if the legislature does not approve a new salary structure.

As noted during the October 2008 call, the Program's fees have not been increased in over 13 years and are currently insufficient to independently support the Program. While a fee increase was rejected by Department management, the Program continues to consider alternate strategies for a potential fee increase. However, pursuit of any fee increase strategy is on hold throughout the legislative session. NRC staff noted that the tracking mechanism for a fee increase had been inadvertently removed from the January Plan. This was discussed during the January call and the Program submitted a revised Plan on January 23, 2009 to add this back into the Plan.

The Program reported that despite being short two inspectors for most of 2008, the Program continued to make progress on the inspection backlog. They reported that as of December 31, 2008, of the original 42 backlogged inspections, all the Priority 1, 2, and 3 inspections have been eliminated. Only 12 Priority 4 and 5 inspections are left to complete. Eighty eight percent of all quarterly planned inspections were completed since the October 2008 call. Reciprocity and Priority 1 inspections, in addition to incident and allegation reviews, continue to take priority within the Program.

The staff is also involved in other project areas. During the quarter, the staff continued to follow-up on an investigation of an individual who was dispensing radiopharmaceuticals without a license. Additionally, staff responded to a leaking source involving a Georgia manufacturer.

NRC staff is encouraged by the Program's continued success in reducing the inspection backlog while dealing with continued staff losses and training new individuals. However, NRC staff believes that the Department should continue to explore alternative methods to increase fees. The ability to effectively support the Program and bring salaries to competitive levels is vital to the retention of employees and success of the Program.

**Recommendation 2** - The review team recommends that Department management develop and implement an action plan to reduce the licensing renewal backlog.

**Status** – The Program reported that steady progress continues in the area of licensing, specifically in the area of reducing the renewal backlog. While progress had been slowed significantly by the departure of two Health Physicists, the Program has been successful in hiring replacement staff and has started the process of training them to work independently. In the interim, the Program has been able to hire two fully qualified former license reviewers to work as contractors to assist the Program with licensing activities. This should have a significant impact on turn around times for current licensing actions and help to reduce the licensing backlog. In addition to the new contactors, the Program has another contract individual who works half time solely on licensing. The remaining staff split time between licensing and inspection activities.

NRC staff had been encouraged by the Program's ability to hire two former employees to assist them with licensing activities and is further encouraged by the Program's continued progress towards elimination of the licensing backlog.

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Randy Erickson  
Regional State Agreements Officer  
Region IV

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