

# **ADAMS Document Data Entry Information**

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## ARKANSAS HEIGHTENED OVERSIGHT CONFERENCE CALL

<b>NRC Attendees</b>	<b>Arkansas Attendees</b>
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Linda McLean, RSAO	Bernard Bevill, Section Chief
Duncan White, FSME	Jared Thompson, Program Leader
Aaron McCraw, FSME	Steve Mack, Health Physicist
	Layne Pemberton, Health Physicist
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	Angela Minden, Health Physicist
	Dave Snellings, Consultant

### Summary

On March 31, 2009, NRC hosted the sixth Heightened Oversight conference call with the Arkansas Radiation Control Program (the Program) to discuss their progress under the Performance Improvement Plan (the Plan), dated March 25, 2009 (ML090850649). The last call with the Program was conducted on January 22, 2009. A revised Plan dated April 14, 2009, containing updated information, was received by NRC on April 15, 2009 (ML091110517).

During the call 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 had been eliminated and the Program continued to keep up with all current Priority 1, 2, and 3 licenses that came due since the last call. The Program completed four backlogged Priority 5 inspections and completed 92 percent of currently due Priority 5 inspections. While work on the licensing backlog continues to progress slowly, they are making progress. A total of three renewals were completed each month during the last quarter, and one of the two former employees who were hired to assist with licensing activities is producing a measurable work product.

At the time of the call, the Arkansas legislature was still in session but had recently passed the 2009 Arkansas Pay Plan. The Pay Plan is expected to go into effect on July 1, 2009; however, to date the Program had not yet received any guidance on implementation of the Plan.

NRC staff believes that the goals identified in the revised Plan continue to be reasonable and achievable, and the Program continues to be on a path towards ultimately eliminating all existing licensing and inspection backlogs, developing a stable inspection staff, and returning to a strong and viable program.

The next bimonthly Heightened Oversight conference call is scheduled for June 11, 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.

The first call was held in February 2008. During that 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 increase 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.

During the January 22, 2009 call, the Program reported that despite a hiring slowdown, both Health Physicist positions had been filled in November and December 2008 respectively; however, the Program's secretary had now left the Program. They also discussed their continued efforts to compete for seats in upcoming training classes. The Program noted their elimination of the backlog of Priority 1, 2 and 3 inspections, and discussed their progress towards reducing the licensing backlog.

The following are the specific details, setbacks, and accomplishments for each of the recommendations, as presented by the Program during the March 31, 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 March 31<sup>st</sup> call, the Program reported that the newly hired staff continues to progress and learn their positions. Their experience in the nuclear medicine field has shortened the time needed to contribute to the inspection and licensing of medical licensees which comprise the majority of inspection activities.

The Program noted that while the competition for seats in NRC sponsored training courses still exists, they have been able to get staff into classes. NRC has augmented their training by spending time within the program, accompanying the newer inspectors, and helping to train them in performance based inspection techniques. Additionally, informal licensing training will be taught by NRC licensing staff from Region III.

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. A total of 22 accompaniments were performed this last quarter.

At the time of the March 2009 call, the Arkansas legislature had passed the Pay Plan. Program management anticipates the implementation date for the Pay Plan will be July 1, 2009; however, they have yet to receive guidance on how the plan is to be implemented. The Program continues to be committed to developing an Arkansas Health Physicist certification program. How the certification program ultimately looks will be determined after the Pay Plan is implemented. Department management still has the draft backup pay plan in reserve and may implement it depending on how the Pay Plan is implemented.

As previously noted, 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.

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 April 14, 2009, of the original 42 backlogged inspections, all the Priority 1, 2, and 3 inspections have been eliminated and the Program continues to perform all new Priority 1, 2, and 3 inspections that come due. Ninety two percent of all quarterly planned inspections were completed during the last quarter. Reciprocity and Priority 1 inspections, in addition to incident and allegation reviews, continue to take priority within the Program.

NRC staff is encouraged by the Program's continued success in reducing the inspection backlog while 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 continued progress continues in the area of licensing, specifically in the area of reducing the renewal backlog. While progress continues to be affected by the loss of two former 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. One of those individuals has already been a contributor to reducing the licensing backlog. In addition to the new contractors, 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 has 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.

A handwritten signature in black ink, appearing to read "Randy Erickson". The signature is fluid and cursive, with a large initial "R" and "E".

Randy Erickson  
Regional State Agreements Officer  
Region IV

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