ADAMS Document Data Entry Information

Document Title:	January 20, 2011, Arkansas Heightened Oversight Conference Call Summary
Document Date:	February 17, 2011
Availability:	Publicly Available
Document Sensitivity:	Non-Sensitive
Keyword:	SUNSI Review Complete
Date to Be Released:	February 17, 2011

ARKANSAS HEIGHTENED OVERSIGHT CONFERENCE CALL

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Summary:

During the week of October 26-30, 2009, an IMPEP review team performed a review the Arkansas Radiation Control Program (the Program), in part, to determine if the period of Heightened Oversight imposed on the Program in 2007 could be relaxed. The review team noted several improvements in the program, but also identified additional issues that needed programmatic attention. The review team acknowledged that while the Program made significant improvements in problem areas, they had not yet demonstrated a period of sustained performance in any of these areas.

The review team also closed previous recommendations, opened new recommendations, and recommended to the Management Review Board (MRB) that the period of Heightened Oversight continue. On January 14, 2010, the MRB met and agreed with the review team's recommendation and the period of Heightened Oversight was extended for an additional 18 months.

Following the MRB meeting, the Program requested assistance with the development of an updated Program Improvement Plan (the Plan), and on March 4-5, 2010, NRC staff members met with the Program to assist with the development of an updated Plan. The Program submitted the plan on March 11, 2010. NRC staff review of the Plan concluded that the tasks, assignments, and milestones assigned to each recommendation were reasonable and achievable. In a letter dated March 22, 2010 (ML100760131) to the Deputy Director and Chief Operating Officer for the Department, NRC notified the State that the Plan, as submitted, meets the requirements of the Heightened Oversight Process.

Following approval of the plan, an informal meeting with the Program was held on April 20, 2010, in Newport, Rhode Island, in conjunction with the 2010 Conference of Radiation Control Program Director's Meeting. The purpose of this meeting was to briefly discuss the initial implementation of the Plan.

Subsequently, on July 19, 2010, NRC held the initial Heightened Oversight call with the Program to discuss the status of their updated Plan, dated June 30, 2010 (ML102000554). The Program reported that they have completed one of the four recommendations and are making

progress on the remaining three and expect them all to be completed by the next IMPEP review.

On October 20, 2010, NRC held the second Heightened Oversight call with the Program to discuss the status of their revised Plan dated October 7, 2010 (ML102920574). The Program reported that they continue to make progress on the three remaining open recommendations. They noted they are now fully staffed, continue to working on developing procedures, and are working to reduce the licensing renewal backlog. Program management continues to believe they will complete the remaining recommendations by the time of the next IMPEP review.

On January 20, 2011, NRC held the third Heightened Oversight call with the Program to discuss the status of their revised Plan dated January 13, 2011 (ML110130357). During the meeting the Program updated NRC staff on their progress towards completing the remaining three open recommendations, and the Director of Health Protection briefed NRC on the status of the Program's legislative request for a fee increase.

Status of Recommendations from the 2009 IMPEP Review:

1. *The review team recommends that the State take additional actions, such as increasing salary and/or benefits, to stabilize staffing and ensure successful program implementation.*

On July 19, 2010, the Program reported it was encouraged by the recent passage of the Training Plan Pay Grid which would reward the staff with significant salary increases as they attend and pass additional advanced classes. However, the Program submitted a newly issued memorandum from the Director of the Arkansas Department of Finance and Administration freezing any actions that would result in pay increases. This includes the Training Plan as well as cost of living adjustments, longevity increases, etc. These will remain in effect until the economy in Arkansas improves.

On October 20, 2010, the Program reported they are now fully staffed and continue to attend NRC training courses. They have considered alternate work schedules as a means of creating a work-life balance for the staff. While some alternative work schedules have been implemented, not all could be approved due to Department rules. The Program also noted that a needed fee increase is on hold until the November 2010 elections are completed.

On January 20, 2011, the Program reported staffing remains stable. The Department is not under a hiring freeze at the present time. Cost of living and merit increases (which had been frozen) have now been reinstated although they were not retroactive. The Training Pay Plan remains on hold. The Department's Director of the Center of Health Protection briefed NRC on the status of a requested fee increase. Fees have not been increased in over 15 years and the Department has determined that unless a fee increase of 25 percent of NRC fees is approved, the Program may not remain viable past 2013.

NRC offered a Letter of Support to the Department if they believed it would help convince legislators approve a fee increase. The Center Director agreed that a Letter of Support may be useful and the letter is in the process of being drafted by FSME.

2. *The review team recommends that the State update its existing procedures and develop new procedures, if necessary, to memorialize the policies and practices of the Agreement State program and to serve as a knowledge management tool.*

On July 19, 2010, Program management reported that responsibility for procedure development has been disseminated to the inspectors who are working on them as time allows. Several existing procedures have been updated and new procedures are being drafted. Following management approval, they are adopted and implemented. The Program believes they will have completed procedure development by the next IMPEP review.

On October 20, 2010, the Program reported that procedure development continues as time allows. Since date of the previous Heightened Oversight call, staff has been able to develop one new procedure and update three other procedures.

On January 20, 2011, the Program reported that procedure development, implementation and training continues to move forward. Since the date of the previous Heightened Oversight call, staff has been able to develop and implement two new procedures.

3. *The review team recommends that the State develop and implement an action plan to reduce the licensing renewal backlog.*

On July 19, 2010, the Program reported that all staff is engaged in this process and they have seen some reasonable success in reducing the licensing backlog. The Program has reviewed certain renewals of licensees with good inspection histories and has temporarily extended some of these. The Program has a goal of completing 40 license renewals from the MRB held on January 14, 2010, and the next IMPEP tentatively scheduled for spring of 2011. To date, they have completed and issued 17 license renewals. The Program continues to use contracted individuals to assist in the process.

On October 20, 2010, the Program reported they continue to make progress with reducing the licensing renewal backlog. Staff spends about 25 percent of their time working on license renewals. They also meet as a group to review new license renewals that become due. If they have an acceptable enforcement history, they can temporarily extend the renewal for up to two years. This concept was designed to alleviate stress on the renewal process and allow the staff to work on the backlog. Extensions of time occur in about 50 percent of all new renewals reviewed. Currently approximately 50 percent of all license renewals are still backlogged.

On January 20, 2011, the Program reported continued progress on reducing the licensing renewal backlog. The time staff spend working on the backlog is about the same as previously reported. The Program noted that of the 104 license renewals currently in the backlog, approximately 40 are currently being worked on by staff.

4. *The review team recommends that the State develop and implement a license termination procedure to ensure consistent and acceptable quality of information requests and documentation.*

A new license termination procedure was developed and staff received training on the new procedure on January 11, 2010. This recommendation appears completed and will be reviewed during the next IMPEP review.

BBBrowder per email from R. Erickson

Randy Erickson
Regional State Agreements Officer

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Draft: S:\DNMS\!SAO\Heightened Oversight\2011\AR\1.20.11 Arkansas Heightened Oversight Summary
Final:

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RIV: RSAO				
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