

NRC FORM 591M
10 CFR 2.201

U.S. NUCLEAR REGULATORY COMMISSION

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED:

PH Engineering, P.C.
P.O. Box 2496
Missoula, Montana 59806
(remote inspection)

REPORT NO.: 030-38718/2021-001

2. NRC/REGIONAL OFFICE

U.S. Nuclear Regulatory Commission
Region IV, 1600 East Lamar Blvd.
Arlington, Texas 76011-4511

3. DOCKET NUMBER

030-38718

4. LICENSE NUMBER

25-35132-01

5. DATE(S) OF INSPECTION

March 22 – May 4, 2021

LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

1. Based on the inspection findings, no violations were identified.
2. Previous violation(s) closed.
3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, to exercise discretion, were satisfied.

Non-Cited Violation(s) was/were discussed involving the following requirement(s):

4. During this inspection certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited in accordance with the NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

A. 10 CFR 20.1101(c) requires, in part, that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

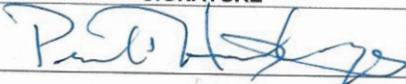
Contrary to the above, from April 1, 2015, to March 22, 2021, the licensee failed to periodically (at least annually) review the radiation protection program content and implementation.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.3.d.).

As corrective actions, the licensee developed a "Radiation Protection Program Audit Checklist." The Radiation Safety Officer put a reminder on their work calendar so that the calendar year 2021 audit would be performed in a timely manner to prevent recurrence of the violation.

Statement of Corrective Actions

I hereby state that, within 30 days, the actions described by me to the Inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

| TITLE | PRINTED NAME | SIGNATURE | DATE |
|---------------------------|-----------------------------|---|--------------|
| LICENSEE'S REPRESENTATIVE | PHILL HIRSCHENBERGER |  | 5-11-2021 |
| NRC INSPECTOR | Janine F. Katanic, PhD, CHP | Janine F. Katanic <small>Digitally signed by Janine F. Katanic Date: 2021.05.04 15:49:48 -05'00'</small> | May 4, 2021 |
| BRANCH CHIEF | Lizette Roldán-Otero, PhD | Lizette Roldan-Otero <small>Digitally signed by Lizette Roldan-Otero Date: 2021.06.02 06:47:45 -05'00'</small> | June 2, 2021 |

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

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|---|----------------------------------|--|--|
| 1. LICENSEE/LOCATION INSPECTED: PH Engineering, P.C. P.O. Box 2496 Missoula, Montana 59806 (remote inspection) REPORT NO: 030-38718/2021-001 | | 2. NRC/REGIONAL OFFICE U.S. Nuclear Regulatory Commission Region IV, 1600 East Lamar Blvd Arlington, Texas 76011-4511 | |
| 3. DOCKET NUMBER 030-38718 | 4. LICENSE NUMBER 25-35132-01 | 5. DATE(S) OF INSPECTION March 22 – May 4, 2021 | |

CONTINUED FROM PART 1

B. 10 CFR 71.5(a), requires, in part, that each licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, shall comply with the applicable requirements of the U.S. Department of Transportation (DOT) regulations in 49 CFR Parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

49 CFR 172.704(c)(2) requires, in part, that a hazmat employee must receive the training required by 49 CFR Part 172, Subpart H, at least once every three years.

Contrary to the above, from May 28, 2020, to September 25, 2020, the licensee failed to provide a hazmat employee the training required by 49 CFR Part 172, Subpart H, at least once every three years. Specifically, from May 28, 2020, to September 25, 2020, a licensee employee transported Class 7 (radioactive) material outside the site of usage, as specified in the NRC license, and the employee last received the required training on April 5, 2017, a period greater than three years.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.8.d.).

As corrective actions, on March 22, 2021, the licensee employee completed the APNGA online U.S. DOT Hazmat Refresher Training for Portable Nuclear Gauges. The licensee only has one hazmat employee but committed to institute a tracking mechanism to prevent recurrence of the violation.

Katanic, Janine

From: Phill Hirschenberger <phillh@ph-engineer.com>
Sent: Tuesday, May 11, 2021 12:07 PM
To: Bischoff, Kyle
Cc: Katanic, Janine
Subject: [External_Sender] RE: NRC Inspection - PH Engineering
Attachments: 2021 PH Engineering NRC Form 591M .pdf

Thank you for the reminder Kyle. Please find attached the signed and dated Form 591. I did not have comments or concerns on the content and descriptions. Have a great day.

Thanks,

Phill Hirschenberger, P.E.

PH Engineering, P.C.
PO Box 2496
Missoula, MT 59806
(406) 381-9819
phillh@ph-engineer.com

From: Bischoff, Kyle [mailto:Kyle.Bischoff@nrc.gov]
Sent: Tuesday, May 11, 2021 10:12 AM
To: Phill Hirschenberger
Cc: Katanic, Janine
Subject: RE: NRC Inspection - PH Engineering

Phill,

I wanted to reach out to you about completing the inspection. In order for the inspection to be completed the report that was sent needs to be signed and dated. Janine is out of the office this week, if you have any questions let me know. Just so you are aware, if a response is not received we would have to issue a formal Notice of Violation.

Thanks,
Kyle Bischoff
817-200-1259

From: Katanic, Janine <Janine.Katanic@nrc.gov>
Sent: Tuesday, May 4, 2021 3:58 PM
To: Phill Hirschenberger <phillh@ph-engineer.com>
Cc: Bischoff, Kyle <Kyle.Bischoff@nrc.gov>
Subject: NRC Inspection - PH Engineering

Phill,

Thanks again for your time this afternoon. We appreciate your willingness and ability to support the remote inspection of your licensed activities. The violations that we discussed are documented on the attached 2-page NRC Inspection Report, along with your corrective actions. If anything has not been documented as described during our call, or if there are any errors, let me know. Otherwise, at the bottom of the form, where it says "Licensee's Representative" please put your name, sign, and date. Upon returning the signed and dated form, that will conclude the NRC's inspection.

Regards,
Janine

Janine F. Katanic, PhD, CHP
Senior Health Physicist
Division of Nuclear Materials Safety
Materials Inspection Branch
US Nuclear Regulatory Commission
Region IV
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email: Janine.Katanic@nrc.gov