

**SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION**

<b>1. LICENSEE/LOCATION INSPECTED:</b> M. K. Weeden Construction, Inc. Main Office at Highway 87 West, PO Box 1164, Lewistown, Montana 59457 and 209 5th Street, Harlowton, Montana  REPORT NO: 2015-001		<b>2. NRC/REGIONAL OFFICE</b>  U.S. Nuclear Regulatory Commission Region IV, 1600 East Lamar Blvd Arlington, Texas 76011-4511	
<b>3. DOCKET NUMBER</b>  030-38169	<b>4. LICENSE NUMBER</b>  25-29366-01	<b>5. DATE OF INSPECTION</b>  October 20, 2015	

**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) and Corrective Action(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. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

Title 10 of the Code of Federal Regulations (CFR) Part 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR.

Title 49 CFR 172.704(a) specifies the elements of hazmat employee training as: (1) general awareness/familiarization training; (2) function-specific training; and (3) relevant training, 172.704(c)(2) requires that a hazmat employee receive recurrent training at least once every three years.

Contrary to the above, the licensee failed to provide the recurrent training for its hazmat employees transporting radioactive material, which satisfied the DOT requirements in Subpart H to 49 CFR Part 172. Specifically, hazmat employees had not received recurrent training from January 2010, through October 2015, a period which exceeded the three-year interval specified above.

The licensee has committed to providing recurrent training at least once every three years and will complete the recurrent training for its hazmat employees by November 19, 2015.

**Licensee's Statement of Corrective Actions for Item 4, above.**

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	CHARLIE JOHNSTON		11/05/15
NRC INSPECTOR	Jason Dykert		October 26, 2015
BRANCH CHIEF	Brooke G. Smith		11/1/15

Non-Public   
  Sensitive - Security-Related   
  Public   
  Non-Sensitive