



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION IV
1600 E. LAMAR BLVD.
ARLINGTON, TX 76011-4511

March 8, 2022

Mr. Monte Weeden, President
M.K. Weeden Construction, Inc.
Hwy 87 West
P.O. Box 1164
Lewistown, MT 59457

**SUBJECT: RESPONSE TO NRC INSPECTION REPORT 030-38169/2021-001 AND NOTICE
OF VIOLATION**

Dear Mr. Weeden:

On February 3, 2022, the U.S. Nuclear Regulatory Commission (NRC) cited M.K. Weeden Construction, Inc. for four violations of NRC requirements, involving the failures to: 1) provide recurrent hazmat transportation training every 3 years; 2) perform annual reviews of the radiation protection program content and implementation; 3) perform tests for leakage of sealed sources at 12-month intervals; and 4) use a minimum of two independent physical controls to secure portable nuclear gauges when not under the constant surveillance of the licensee. Inspection Report 030-38169/2021-001 with enclosed Notice of Violation (Agencywide Documents Access and Management System (ADAMS) [ML22034A671](#)) required you to respond in writing within 30 days. You responded by letter dated February 4, 2022 (ADAMS [ML22055A714](#)).

After reviewing the information you provided in your response to the Notice of Violation, we have concluded that your completed and proposed actions appear to adequately address the regulatory noncompliance's described in the Notice of Violation. We will review your implementation of these corrective actions during a future inspection to determine whether full compliance has been restored and whether compliance will be maintained.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

A handwritten signature in black ink that reads "Lizette Roldán-Otero".

Signed by Roldan-Otero, Lizette
on 03/08/22

Lizette Roldán-Otero, PhD, Chief
Materials Inspection Branch
Division of Radiological Safety and Security

License No. 25-29366-01
Docket No. 030-38169

cc:

Carter S. Anderson, Administrator
Division Administrator QAD
Montana Department of Public Health & Human Services
P.O. Box 202953
Helena, MT 59620-2953

SUBJECT: RESPONSE TO NRC INSPECTION REPORT 030-38169/2021-001 AND NOTICE OF VIOLATION, DATED MARCH 8, 2022.

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ADAMS ACCESSION NUMBER: **ML22067A240**

X SUNSI Review

ADAMS:

Non-Publicly Available

X Non-Sensitive

Keyword:

By: JLT

X Yes No

X Publicly Available

Sensitive

N/A

OFFICE	DNMS:MLIB	DNMS:C:MIB				
NAME	JLThompson	LROtero				
SIGNATURE	/RA/	LRO				
DATE	2/24/2022	03/08/22				

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