

**SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION**

1. LICENSEE/LOCATION INSPECTED:  
Niking Corporation  
235 Kellog Street  
Wahiana, HI  
  
REPORT NO: 030-38233/2016-001

2. NRC/REGIONAL OFFICE  
  
U.S. Nuclear Regulatory Commission  
Region IV, 1600 East Lamar Blvd  
Arlington, Texas 76011-4511

3. DOCKET NUMBER  
030-38233

4. LICENSE NUMBER  
53-29380-01

5. DATE OF INSPECTION  
February 8, 2016

**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.

49 CFR 172.704(c)(2) require each hazardous material employee to receive the training required in Subpart H at least once every three years.

Contrary to the above, none of the seven authorized users at Niking Corporation had completed Subpart H refresher training. Specifically, all authorized users completed initial Subpart H training on September 26, 2009 and were due for refresher training on or before September 26, 2012. The gauge was used multiple times from September 26, 2012 to November 14, 2013 when the gauge was placed in storage pending transfer to another licensee.

**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	Kevin Kleinhans		02/18/16
NRC INSPECTOR	Martha Poston-Brown		2-16-16
BRANCH CHIEF	Brooke Smith		2/25/16

Non-Public  Sensitive - Security-Related

Public

Non-Sensitive



Niking, LLC

235 Kellog Street  
Wahiawa, Hawaii 96786  
Phone: (808) 226-0443  
Fax: (808) 622-0445

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Kevin Kleinhans  
Niking Corporation  
NSO  
235 Kellog Street  
Wahiawa, Hawaii 96786

02/18/16

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

Dear Martha,

Here is the corrective action Niking Corporation plans to take for the issued violation.

Subject; Safety Inspection Report and Compliance Inspection - Notice Of Violation

Docket Number; 030-38233

License Number; 53-29380-01

Violation; 49 CFR 172.704(c)(2) require each hazardous material employee to receive the training required in Subpart H at least once every three years.

Corrective Action; Niking Corporation is in the process of transferring the nuclear gauge to Mid Pac Engineering within the next 30 days. Until this time the gauge will remain in its storage area located at Niking Corporations office until Mid Pac Engineering comes to the Niking Office to take possession, and transfer the gauge to their storage area.

At that time Niking Corporation will issue a notice of transfer of the nuclear gauge, and a notice to terminate their nuclear license with the NRC.

Please contact me if you require any more information.

Thanks You

Kevin Kleinhans

A handwritten signature in black ink, appearing to read "Kevin Kleinhans".

Attachments; Mid Pac Engineering's Amended License

## Poston-Brown, Martha

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**From:** Kevin Kleinhans <kevink@nikingcorp.com>  
**Sent:** Thursday, February 18, 2016 3:39 PM  
**To:** Poston-Brown, Martha  
**Cc:** Bob King; Stephen Teijeiro  
**Subject:** [External\_Sender] Re: Inspection results  
**Attachments:** NRC .pdf; ATT00001.htm; Ammended License 2015.pdf; ATT00002.htm

Hi Marti,

Please see the attached NOV notice, Corrective action letter, and Mid Pac Engineering amended License.

Please contact me if you require more information.

Thank You

Kevin Kleinhans CHST  
Niking Corporation  
Cell: 808-478-7447  
[kevink@nikingcorp.com](mailto:kevink@nikingcorp.com)

On Feb 18, 2016, at 3:46 AM, Poston-Brown, Martha <[Martha.Poston-Brown@nrc.gov](mailto:Martha.Poston-Brown@nrc.gov)> wrote:

Kevin –

Attached please find the NRC Form 591 Part 1 for my recent inspection of your license. I am issuing a NOV for failure to provide the hazardous material refresher training required under Subpart H to 49 CFR 172. Please sign the attached form and return it to me, along with a description of the corrective actions (if any) you will take. If you intend the transfer of the gauge and termination of your license to be your only corrective action, please state so in your response. Please contact me if you have any questions. My contact information is provided below. Thank you.

*Marti*

Marti Poston  
Health Physicist  
Nuclear Materials Safety Inspections Branch  
Division of Nuclear Materials Safety  
USNRC Region IV  
817 200 1181  
[Martha.Poston-Brown@nrc.gov](mailto:Martha.Poston-Brown@nrc.gov)

<Niking Part1.doc>