

March 4, 2010
EN-10-013

OFFICE OF ENFORCEMENT
NOTIFICATION OF ENFORCEMENT ACTION

Licensee: Troxler Electronic Laboratories, Inc. (EA-09-082)
3008 Cornwallis Road
Research Triangle Park, NC 27709

Subject: NOTICE OF VIOLATION – POTENTIAL PUBLIC INTEREST

This is a discretionary notification to inform the Commission of an issue of potential public interest. A Notice of Violation will be issued on or about March 9, 2010, to Troxler Electronic Laboratories, Inc. (TEL) for a severity level III violation identified during an in-office review of a licensee report of export activities for Calendar Year 2008. Specifically, on November 21, 2008, TEL failed to apply for a specific license as required by 10 CFR 110.20(a)(2) when it exported byproduct material listed in 10 CFR 110.23, Appendix L to an embargoed country listed in 10 CFR 110.28. TEL shipped a moisture density gauge containing Americium-241 (Am-241) to a destination in Iraq, which was an embargoed country listed in 10 CFR 110.28. Further, this failure to apply for a specific export license prevented an Executive Branch review of the export activity as required by 10 CFR 110.41(a)(9).

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$16,250 is considered for a Severity Level III violation. Because TEL has not been the subject of escalated enforcement within the last two years, the NRC considered whether credit was warranted for *Corrective Actions* in accordance with the civil penalty assessment process in Section VI.C.2 of the Enforcement Policy. Credit is warranted for corrective actions because the actions were considered to be prompt and comprehensive. These actions included, in part, (1) training all TEL employees involved in exporting activities in the requirements of the NRC general license, (2) developing export compliance procedures and policies especially regarding shipments to end users in embargoed or restricted countries, (3) developing computer-based export shipment controls to prevent future similar violations, and (4) revising the annual radiation protection program audit to include a review of byproduct material export compliance. In recognition of the absence of previous escalated enforcement, and the prompt and comprehensive correction actions taken in response to this violation, a civil penalty is not proposed in this case.

It should be noted that the applicable licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Letter	March 9, 2010
Telephone Notification of TEL	March 9, 2010

The State of North Carolina will be notified when the letter is issued.

CONTACTS: John Wray, OE, 415-1288 Nick Hilton, OE, 415-3055

Electronic Distribution: EN-10-013, March 04, 2010

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