



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BLVD.  
KING OF PRUSSIA, PA 19406-2713

February 1, 2021

EA-21-001

William Troxler, Jr.  
President and CEO  
Troxler Electronic Laboratories, Inc.  
3008 Cornwallis Road  
Research Triangle Park, NC 27709

SUBJECT: TROXLER ELECTRONIC LABORATORIES, INC. - NRC INSPECTION NO.  
03039217/2020001 AND NOTICE OF VIOLATION

Dear Mr. Troxler:

This letter refers to the remote, initial inspection conducted on December 1, 2020, and continuing thru January 27, 2021, at your Research Triangle Park facility. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, and interviews with personnel. The findings of the inspection were discussed with Redeat Mesfin, of your staff, at the conclusion of the inspection on January 27, 2021.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice). The violation involved the failure to file a submittal containing an NRC Form 241, a copy of the Agreement State specific license, and the appropriate fee with the appropriate regional office 3 days prior to engaging in licensed activities in a Non-Agreement State as required by 10 CFR 150.20(b)(1). The violation was evaluated in accordance with the NRC Enforcement Policy. The current Policy is located on the NRC's website at <https://www.nrc.gov/aboutnrc/regulatory/enforcement/enforce-pol.html>. The violation is cited in the enclosed Notice of Violation (Notice) because the violation was identified by the NRC.

The NRC has concluded that information regarding: (1) the reason for the violation(s); (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance will be achieved is already adequately addressed on the docket and include: obtaining an NRC license. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS),

accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

If you have any questions regarding this matter, please contact Leonardo Wardrobe of my staff at (610) 337-5171 or via electronic mail at [leonardo.wardrobe@nrc.gov](mailto:leonardo.wardrobe@nrc.gov).

Thank you for your cooperation.

Sincerely,

Christopher Cahill, Chief  
Commercial, Industrial, R&D  
and Academic Branch  
Division of Nuclear Materials Safety  
Region I

Docket No. 03039217  
License No. 32-35585-01

Enclosures:

1. Notice of Violation
2. Inspection Report No. 03039217/2020001

cc w/ enclosures:  
State of North Carolina

TROXLER ELECTRONIC LABORATORIES, INC. - NRC INSPECTION NO.  
03039217/2020001 AND NOTICE OF VIOLATION DATED FEBRUARY 1, 2021

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OFFICE	R1 DNMS	R1 DNMS			
NAME	LWardrobe	CCahill			
DATE	1/27/2021	2/1/2021			

OFFICIAL RECORD COPY

## **NOTICE OF VIOLATION**

Troxler Electronic Laboratories, Inc.  
Research Triangle Park, NC  
EA-21-001

Docket No. 03039217  
License No. 32-35585-01

During an NRC inspection conducted on December 1, 2020, with continued in-office review until January 27, 2021, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 150.20(b)(1) requires, in part, that any person engaging in activities in non-Agreement States shall, at least 3 days before engaging in each activity for the first time in a calendar year, file a submittal containing an NRC Form 241, "Report of Proposed Activities in Non-Agreement States," a copy of its Agreement State specific license, and the appropriate fee with the Regional Administrator of the NRC regional office.

Contrary to the above, from March 4, 2020, to March 8, 2020, Troxler Electronic Laboratories, Inc. (Troxler), a licensee of the State of North Carolina, engaged in licensed activities in a non-Agreement State without filing a submittal containing an NRC Form 241, "Report of Proposed Activities in Non-Agreement States," a copy of its Agreement State specific license, and the appropriate fee with the Regional Administrator of the NRC regional office at least 3 days before engaging in each activity for the first time in a calendar year. Specifically, Troxler engaged in licensed activities in the State of Alaska, a non-Agreement State, without filing NRC Form 241 "Report of Proposed Activities in Non-Agreement States" for calendar year 2020.

This is a Severity Level IV violation ([Enforcement Policy Section 6.9](#))

The licensee obtained an NRC license (32-35585-01), effective March 10, 2020.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Notice of Violation  
Troxler Electronic Laboratories, Inc.

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In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated This 1st day of February 2021

U.S. NUCLEAR REGULATORY COMMISSION  
REGION I

INSPECTION REPORT

Inspection No. 03039217/2020001

EA: 2021-001

Docket No. 03039217

License No. 32-35585-01

Licensee: Troxler Electronic Laboratories, Inc.

Location: 3008 Cornwallis Road  
Research Triangle Park, NC 27709

Inspection Locations: Remote Inspection of the above location.

Inspection Dates: December 1, 2020, with continued in-office review thru  
January 27, 2021

Inspector: \_\_\_\_\_ date \_\_\_\_\_  
Leonardo Wardrobe, Health Physicist  
Commercial, Industrial, R&D, and Academic Branch  
Division of Nuclear Materials Safety, Region I

Approved By: \_\_\_\_\_ date \_\_\_\_\_  
Christopher Cahill, Chief  
Commercial, Industrial, R&D, and Academic Branch  
Division of Nuclear Materials Safety, Region I

## **EXECUTIVE SUMMARY**

Troxler Electronic Laboratories, Inc.

Troxler Electronic Laboratories, Inc. (Troxler) possesses an Agreement State license (North Carolina, 032-0182-1) to manufacture and provide service (maintenance/repair, calibration and leak checks) of portable gauges (PG) used in the construction industry. On March 10, 2020 they were issued a NRC service provider license (32-35585-01), to perform maintenance/repair, calibration and leak checks of portable gauges.

On the day of the inspection, no temporary jobsite (TJS) work was available for observation. During the initial, remote inspection of Troxler, the inspector determined that the licensee engaged in licensed activities in Palmer, Alaska from March 4, 2020, through March 8, 2020, and failed to file an NRC Form 241 for calendar year 2020 prior to performing work in Alaska. Troxler performed maintenance/repair, calibrations and leak checks on PG's at the Palmer, Alaska worksite. During the above time period, the NRC was in the process of authorizing and issuing an NRC license (NRC license 32-35585-01 issued March 10, 2020). Based on the inspection started on December 1, 2020, one apparent violation of NRC requirements was identified.

The inspector also reviewed training records, survey meter calibrations and leak check records of activities performed in NRC jurisdiction. No other issues were identified.

## **REPORT DETAILS**

### **I. Organization and Scope of the Program**

#### **a. Inspection Scope**

This was an announced, initial inspection conducted remotely using video conferencing.

#### **b. Observations and Findings**

The licensee sends their technicians to portable gauge licensees located in NRC jurisdiction to perform various routine maintenance, repair, calibrations and leak checks of portable gauges. Prior to issuance of their NRC license, the licensee would file an NRC form 241 to perform work in NRC jurisdiction. During the remote inspection it was identified that the Radiation Safety Officer (RSO) listed on the license was laid-off from the licensee and the President of the company was the next RSO (see MCN 623643).

#### **c. Conclusions**

No violations were observed.

### **II. Program Inspection (Inspection Procedures (87126 and 87124))**

#### **a. Inspection Scope**

The inspector reviewed work performed in NRC jurisdiction, training of the technicians, calibration of survey meters and leak checks. The licensee performed work in NRC jurisdiction from March 4-20, 2020.

#### **b. Observations and Findings**

During the discussion with the ARSO and review of the licensee's records, it was identified that the licensee worked in NRC jurisdiction (Palmer, Alaska) from March 4-8, 2020 without having a valid NRC license or failing to file an NRC form 241 and having approved reciprocity to work in NRC jurisdiction.

#### **c. Conclusions**

Based on the results of the inspection, one apparent violation of NRC requirements was identified:

10 CFR 150.20(b)(1) requires, in part, that any person engaging in activities in non-Agreement States shall, at least 3 days before engaging in each activity for the first time in a calendar year, file a submittal containing an NRC Form 241, "Report of Proposed Activities in Non-Agreement States," a copy of its Agreement State specific license, and the appropriate fee with the Regional Administrator of the NRC regional office.

Contrary to the above, from March 4, 2020, to March 8, 2020, Troxler Electronic Laboratories, Inc. (Troxler), a licensee of the State of North Carolina, engaged in

licensed activities in a non-Agreement State without filing a submittal containing an NRC Form 241, "Report of Proposed Activities in Non-Agreement States," a copy of its Agreement State specific license, and the appropriate fee with the Regional Administrator of the NRC regional office at least 3 days before engaging in each activity for the first time in a calendar year. Specifically, Troxler engaged in licensed activities in the State of Alaska, a non-Agreement State, without filing NRC Form 241 "Report of Proposed Activities in Non-Agreement States" for calendar year 2020.

This is a Severity Level IV violation ([Enforcement Policy Section 6.9.](#))

### **III. Authorized Use of Material**

a. Inspection Scope

The inspector reviewed the licensee's NRC license and confirmed that the licensee was authorized to perform maintenance/repair, calibration and leak checks on portable gauges in NRC jurisdiction from March 10, 2020 onward.

b. Observations and Findings

During the discussion with the ARSO and review of the licensee's records, it was identified that the licensee worked in NRC jurisdiction (Palmer, Alaska) from March 4-8, 2020 without having a valid NRC license or failing to file an NRC form 241 and having approved reciprocity to work in NRC jurisdiction.

c. Conclusions

See 2c for violation.

### **IV. Exit Meeting**

On January 27, 2021 an exit brief was conducted with Redeat Mesfin Assistant Radiation Safety Officer (ARSO). The inspection and the apparent violation were discussed.

### **LIST OF PERSONS CONTACTED**

#### **Licensee**

\*Redeat Mesfin – ARSO

\* Individuals present at entrance briefing conducted on December 1, 2021.

### **INSPECTION PROCEDURE USED**

IP 87126, "Industrial/Academic/Research Programs"

IP 87124, "Fixed and Portable Gauge Programs"