

July 18, 2002

Royal Crown Bottling Corporation
ATTN. Mike Adamany
Vice President
2801 West 47th Street
Chicago, IL 60632

**SUBJECT: NRC EXERCISE OF ENFORCEMENT DISCRETION REGARDING AN
UNAUTHORIZED TRANSFER OF A GENERALLY LICENSED DEVICE**

Dear Mr. Adamany:

Based on the results of a telephone inspection conducted on March 14, 2002, the NRC has determined that a violation of NRC requirements occurred. The purpose of the telephone inspection was to review the circumstances surrounding the location of one generally licensed device that was purchased by your company in 1977 and used at your Norfolk, Virginia facility.

As shown in the enclosure, based on information developed during the inspection the NRC has determined that a violation of 10 CFR 31.5 occurred. 10 CFR 31.5 requires, in part, that each general licensee shall transfer a device containing byproduct material only to a person holding a specific license to receive the device, or to another general licensee if the device is used at a particular location. The NRC's Interim Enforcement Policy for Generally-Licensed Devices Containing Byproduct Material (May 1, 2000; 65FR 25368) provides that enforcement action normally will not be taken for violations of 10 CFR 31.5, if the violation is identified by the general licensee and reported to the NRC if reporting is required, and if the general licensee takes appropriate corrective action to address the specific violation and prevent recurrence of similar issues. The NRC has concluded that once Royal Crown Bottling Corporation was made aware of the unauthorized transfer of a generally licensed device in their possession, the company assisted the Agency in locating the device in a timely manner, and implemented appropriate corrective action to prevent recurrence. Therefore, the NRC is exercising discretion in accordance with the interim policy and no enforcement action is being taken for this violation. However, any future violations of NRC requirements may be considered for enforcement action.

No response to this letter is required. In accordance with 10 CFR 2.790 of NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in NRC's Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/ADAMS.html> (the Public Electronic Reading Room).

Should you have any questions concerning this letter, please contact Thomas Decker, Branch Chief, Division of Nuclear Materials Safety, at (404) 562-4714.

Sincerely,

JRAL K. Barr acting for:

Douglas M. Collins, Director
Division of Nuclear Materials Safety

Docket No. General License (10 CFR 31.5)

Enclosure: Appendix A

cc w/encl:
Commonwealth of Virginia

*see previous concurrence

PUBLIC DOCUMENT (circle one): YES NO

OFFICE	Rii:ORA	Rii:ORA	Rii:DNMS	Rii:ORA	
SIGNATURE					
NAME	Ctaylor*	TDecker*	DCollins	C.Evans*	
DATE					
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO

OFFICIAL RECORD COPY
Crown bottlingnovltr02.wpd

DOCUMENT NAME: G:\nmssi\DNMS\MLIB1\Staff Documents\CD\2002 Inspections\Royal

Should you have any questions concerning this letter, please contact Thomas Decker, Branch Chief, Division of Nuclear Materials Safety, at (404) 562-4714.

Sincerely,

Douglas M. Collins, Director
Division of Nuclear Materials Safety

Docket No. General License (10 CFR 31.5)

cc:
Commonwealth of Virginia

Distribution:

PUBLIC DOCUMENT (circle one): YES NO

OFFICE	RII:ORA	RII:ORA	RII:DNMS	RII:ORA	
SIGNATURE	<i>CDT</i>	<i>TD</i>		<i>etc</i>	
NAME	Ctaylor	TDecker	DCollins	C.Evans	
DATE	<i>6/12/02</i>	<i>6/13/02</i>		<i>6/14/02</i>	
E-MAIL COPY?	YES NO	YES <input checked="" type="checkbox"/> NO	YES NO	YES NO	YES NO

APPENDIX A

FORM TI-1 CASE RESOLUTION		
Case Status	<input type="checkbox"/> Open	<input checked="" type="checkbox"/> Closed
RCODE: 3086/6835		
Region: 2		
OLD - Complete Name, Address, Contact, Phone Number: Royal Crown Bottling Corporation 711 West 24 th Street Norfolk, Virginia 23517 Contact: Ray Williams, General Manager (757) 625-1668		
NEW - Complete Name, Address, Contact, Phone Number: Headquarters Address 2801 West 47 th Street Chicago, IL 60632 Contact: Mike Adamany President: Fred Adamany		
Agreement State Licensee? (Double Check)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Moved to an Agreement State?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Describe Follow-up: (Telephone, Internet, Chamber of Commerce, Other) Internet Telephone Information: Contacted Mr. Adamany in the Headquarters office.		

APPENDIX A

Describe Communication with Registration Vendor:

ABB Inc. (Vendor)
650 Ackerman Rd.
Columbus, Ohio 43202

Contact: Jonathan Fortkamp, Corporate Radiation Safety Officer
Phone: (614) 261-2337

The NRC inspector contacted Jonathan Fortkamp, Corporate Radiation Safety Officer for ABB on March 14, 2002. According to the vendor, the device an ABB device Model HH-3, source serial number, Cs-4437 with source model S-7 was sold to Royal Crown Bottling Company in 1963 and returned to the vendor on November 15, 1977. The device contained 14 mCi of Cs-137.

Industrial Dynamics Co. LTD. (Vendor)
3100 Fujita Street
Torrance, CA. 90505

Contact: Michelle Alvarez, Field Service
Phone: (310) 325-5633

The NRC inspector contacted Michelle Alvarez, Field Service, for IDC on March 14, 2002. According to the vendor, the source an Industrial Dynamics device Model FT-12, serial number 104325 had been sold to Royal Crown Bottling Company in 1977. The device contained 100 mCi of Am-241. Their records show that the device had been transferred to Lake Country Beverage in Tulsa, Oklahoma in September 1998. The company's address was 3248 N. Sheridan Rd. The company's phone number is 918 835-6906. Second verification of the source transfer was confirmed by World Wide Beverage, an unauthorized licensee who received the gauge from Royal Crown Bottling Company in 1998.

Vendor Follow-up Action:

Vendors stated no further activity nor communication was recorded.

Final Action Taken:

The inspector contacted Bo Westerfield of Lake Country Beverage and confirmed that Lake Country Beverage possessed the device. Mr. Westerfield explained that the source had been removed from the FT-12 by Industrial Dynamics and put into a FT-15 device, serial number 116430. Because the device had been transferred to an unauthorized user in Tulsa, Oklahoma, an agreement state, the inspector referred the matter to the State of Oklahoma Radiation Control program. The contact was Michael Broderick. The phone number is 405 702-5155. The matter was referred to the state on March 27, 2002.

Cause of Bad Address/Lesson Learned:

N/A

FORM TI-2 DEVICE INFORMATION

RCODE: 6835/3086								
ID	Model Number ¹	Serial Number	Isotope	Activity	Sold Date	Vendor	Status (A ² or N ³)	Comments
1	FT-12	104325	Am-241	100 mCi	1977	Industrial Dynamics Co. LTD.		Transferred to World Wide Beverage Company on 3/26/98 who in turn transferred the device to Lake Country Beverage in Tulsa, Oklahoma in 9/98 Returned to vendor on 11/15/77
2	HH-3	S-7	Cs-137	14 mCi	1963	ABB, INC.		
For additional GLD's received by the licensee identified during the inspection:								
ID	Model Number	Serial Number	Isotope	Activity	Sold Date	Vendor	How obtained	Comments
	na							

¹Include only registerable gauges identified by Headquarters as "open" cases.

²Accounted for: A device is accounted for if (1) the device is located at the licensee's facility, (2) it has been verified that the device has been transferred to an authorized recipient or properly disposed, or (3) a reasonable assurance has been provided that the device has been transferred to an authorize recipient or properly disposed.

³Not Accounted for: A device is not accounted for if the location of the device is unknown and/or the licensee cannot provide a reasonable assurance that the device has been transferred to an authorized recipient for proper disposal.

FORM TI-3 GENERAL LICENSEE INSPECTION DOCUMENTATION

RCODE: 15962/15963

General Licensee Information:

Check Box if Current Complete Name, Mailing Address, Contact, and Phone Number is Same as Provided by ORNL. If not, include correct information below:

Results of inspection: (check the appropriate boxes)

<input type="checkbox"/>	The general licensee of record is located at the address of record and
<input type="checkbox"/>	all GLD are accounted for
<input type="checkbox"/>	<u>not</u> all GLD are accounted for
<input type="checkbox"/>	The general licensee of record is <u>not</u> located at the address of record, however GLD are being used under new ownership at the address of record and
<input type="checkbox"/>	all GLD are accounted for
<input type="checkbox"/>	<u>not</u> all GLD are accounted for
<input type="checkbox"/>	The general licensee of record is <u>not</u> located at the address of record, however they are using GLD at another location and
<input type="checkbox"/>	all GLD are accounted for
<input type="checkbox"/>	<u>not</u> all GLD are accounted for;
<input type="checkbox"/>	Neither the general licensee of record nor the facility operated by the general licensee are located at the address of record and the site has been abandoned or is being used for an alternate purpose.
<input checked="" type="checkbox"/>	Other: (explain) One device has been transferred to an unauthorized recipient in Tulsa, Oklahoma. The other device was returned to the vendor on November 15, 1977.

Gauge Information:

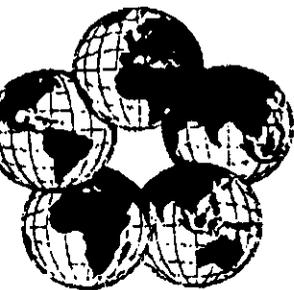
ID	For each gauge for which status is unaccounted for (see last column of Form TI-2), provide any conclusions about location of the gauge:
	The gauge is located at Lake Country Beverage, Tulsa Oklahoma. The matter has been referred to the state radiation control program

Royal Crown Bottling Corporation

RC Bottling plant in Norfolk is no longer a production facility. It is only a distribution plant, so GLDs are no longer used. David, the receptionist at the plant was contacted and gave me the number to Mike Adamany in RC Corporate HQ. I called Mike.

RC Bottling:

Mike Adamany (800) 558-6207



WORLD WIDE BEVERAGE INDUSTRIES, INC.

P.O. BOX 191 • GLENCOE, ILLINOIS 60022 • U.S.A.

TEL: 847-835-3444
FAX: 847-835-3434

(404) 562-4955

To NRC

ATTN Cynthia Taylor

4 pages

DEAR Ms. Taylor,

Pursuant to your request, I am faxing copies of my P.O., invoice, & bill of lading relating to the FILTEC FT 12 in question. FEEL FREE to call with any further questions.

Harold Buehler

MAR-14-02 THU 9:42 AM WORLD WIDE BEV
 HEBETAH TRANSPORTATION

FAX NO. 8478353434

P 4
 Carrier No: 2210-108-086

Subject to the classifications and tariffs in effect on the date of the type of this bill of lading.

711 W 24th St
 Norfolk, Virginia 1098
 FROM R.G. Bottling Co - Norfolk

NEED TO LAKE COUNTY BEVERAGE 3248 N. SHELDON RD

STATE OK COUNTY 7411 DELIVERY ADDRESS

SHIPPER PER Howard R. Bunker

SHIPPER PER Howard R. Bunker

SHIPPER PER Howard R. Bunker

No. Degrees	Kind or Package, Description of Articles, Special Marks, and Exception	Weight or Subject to Collection	Class or Rate	Check Column
1	CETS 40V GAW Filter w/ ANGELUS LMK SANGER	15,000		
1	Sect HOF+282	7000		
1	SJ-E WARRIOR SS MAND 512	7000		
1	1800 GAL S.S. TANKS	8500		
1	SKID Pallet	1000		
1	SKID Pallet	1000		
4	SKID Plastic Chain	1000		

The shipper must advise the carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight."

AGREED OR DECLINED VALUE OF THE PROPERTY IS HEREBY SPECIFICALLY STATED BY THE SHIPPER TO BE NOT EXCEEDING

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World Wide Beverage Industries, Inc.

P.O. Box 191
Glencoe, IL 60022

Purchase Order

DATE	P.O. NO.
3/28/98	P0326-1

Vendor
RC Bottling Company of Chicago 2801 W. 47th Street Chicago, IL 60632

DESCRIPTION	QTY	RATE	AMOUNT
CAN LINE			
Canco Depalletizer, Model 610	1	0.00	0.00
Twist Can Rinser	1	0.00	0.00
Crown, Cork & Seal 40 Valve Filler, Model UB40FTCP, Serial No. 40FT282, Year 1987 with Angelus seamer, Model No. 31H, Serial No. 11520287, set for 202 on common base	1	0.00	0.00
Mojonnier Carbo Cooler, Model 22-48, Catalog No. 6901, Serial No. 6901, Year 1972 with Mojonnier Flo-Mix, Model "G", Serial No. 6902FM, twin Vilter XLVMC450 Ammonia compressors and evaporative condensers and receivers	1	0.00	0.00
SJI Warmeer, Model No. 512, Serial No. 400001010 with plastic mat top, Evans heater, Model S-1500, Serial No. 9825407	1	0.00	0.00
Seco Mild steel accumulation table with plastic mat top	1	0.00	0.00
Standard Knapp traymore, Model 263, Serial No. 111	1	0.00	0.00
ARPAC Shrink Wrap/Heat Tunnel, Model No. 105 28TWSS, Serial No. 1456	1	0.00	0.00
Filter, Model No. FT12, Serial No. 104325	1	0.00	0.00
Von Gai Palletizer, Model No. SPLX3636/4840 LH(F)SEPD, Serial No. 1815 with A.B. Program, complete with cable track - full can stainless steel conveyor, case conveyor	1	0.00	0.00

F.O.B., Norfolk, VA	Total	\$0.00
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WORLD WIDE BEVERAGE INDUSTRIES, INC.

P.O. BOX 191
 GLENCOE, IL 60022
 TEL: (847) 835-3444
 FAX: (847) 835-3434

Invoice

DATE	INVOICE #
9/28/98	880928-1

BILL TO

Lake Country Beverage, Inc.
 3248 N. Sheridan Road
 Tulsa, OK 74115

P.O NUMBER	TERMS	PROJECT
25457	Wire Transfer	

QUANTITY	DESCRIPTION	RATE	AMOUNT
1	Canco Depalletizer, Model 610	0.00	0.00
1	Twist Can Rinser	0.00	0.00
1	Crown, Cork & Seal 40 Valve Filler, Model UB40FTCP, Serial No. 40FT282, Year 1987 with Angelus seamer, Model No. 61H, Serial No. 11520287, set for 202 on common base	0.00	0.00
1	Mojonnier Carbo Cooler, Model 22-48, Catalog No. 6901, Serial No. 8901, Year 1972 with Mojonnier Flo-Mix, Model "G", Serial No. 6902FM, twin Vilter VMC450XL	0.00	0.00
1	SJI Warmer, Model No. 512, Serial No. 400001010 with plastic mat top, Evans heater, Model S-1500, Serial No. 9825407	0.00	0.00
1	Seto Mild steel accumulation table with plastic mat top	0.00	0.00
1	Standard Knapp traymore, Model 263, Serial No. 111	0.00	0.00
1	ARPAC Shrink Wrap/Heat Tunnel, Model No. 105 28TWSS, Serial No. 1456	0.00	0.00
* 1	Filtec, Model No. FT12, Serial No. 104326	0.00	0.00

TOTAL



ABB INC.
RADIOLOGICAL OPERATIONS CENTER
650 Ackerman Road
Columbus, Ohio 43202

Please deliver the following message

TO: **Cynthia Taylor**
PHONE:
FAX: 404-562-4955

FROM: Jonathan Fortkamp
Corporate Radiation Safety Officer
PHONE: 1-614-261-2337
FAX: 1-614-261-2778
EMAIL: jonathan.fortkamp@us.abb.com

DATE: Monday, March 18, 2002

Total pages including cover: 2 If all pages are not received, call 1-614-261-2337.

Ms. Taylor,

Enclosed please find a copy of the receipt letter for the source in question from Royal Crown Bottling in Norfolk, VA.

Please let me know if you need additional information.

Best regards,

A handwritten signature in black ink that reads "Jonathan Fortkamp". The signature is written in a cursive style with a large loop at the end of the last name.

CONFIDENTIALITY NOTE

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that you are strictly prohibited from reading, disseminating, distributing or copying this communication. If you have received this communication in error, please notify us immediately by telephone at the number indicated above and return the original message to us at the above address via the U.S. Postal Service.

*AccuRay*

650 ACKERMAN ROAD/P.O. BOX 02248/ COLUMBUS, OHIO 43202 (614) 261-2000

November 15, 1977

Mr. Ray Harell
Plant Superintendent
Royal Crown Bottling Co., Inc.
705 West 25th Street
Norfolk, Virginia 23517

Dear Mr. Harell:

Please be advised that the following source was received at Industrial Nucleonics Corporation, Columbus, Ohio, and is now in our possession under USNRC Byproduct Material License 34-00255-03.

<u>Date</u> <u>Received</u>	<u>Source</u> <u>Serial #</u>	<u>Isotope</u>	<u>Quantity</u>	<u>Source</u> <u>Model</u>	<u>Device</u> <u>Model</u>
11/15/77	CS-4437	Cs-137	14 mCi	S-7	HH-3

To comply with the requirement for notification of transfer in the Code of Federal Regulations Title 10, Part 31.5, we recommend you forward a copy of this letter to:

Director of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Very truly yours,

A handwritten signature in cursive script that reads "Doris Kramer".

Doris Kramer
Administrator
Radiological Operations

DK/ja

Per a phone conversation with Receptionist DAVID, this company no longer has devices.

The phone number is (757) 625-1668.

Attached is a list of devices that NRC has in its database for this Recipient.

Please have this Recipient document any returns/disposals and return this information to the NRC for inclusion in the General License Tracking System.

Receptionist said this is a distribution center only. No gauges/devices used.

Reg II

Phone calls for Database Corrections

No Number Listed Out of Business

Date 4/2/00 Initials JGJ

Rec Code from Printout: 6835/3086

Company: Royal Crown Bottling

Spoke to: Receptionist David Phone No.: 7576251668

Left message with a person Left message on answering machine Waiting for callback

Indicate Changes Here:

Street Address: 711 W 24th St

City: NORFOLK State: VA Zip: _____

Point of Contact: N/A Phone No.: _____

POC's Title: N/A

Introduction: This is _____ from CSC. Our office is working with the Nuclear Regulatory Commission to record information from material transfer reports. We need to clarify the _____ (correct name of the company, address, point of contact, etc.).

Option: If you would rather not provide this information over the phone, you can either e-mail the information to me (your name) at (NRC e-mail address) or fax the information to me at 301-721-1510. You can also mail the information to the U.S. Nuclear Regulatory Commission, ATTN: GLTS Registrar, M/S 08-E-42, Washington, DC 20277-2904.

Problem Area: Entries have one or more of the following anomalies:

- Company has various names.
- Company has no street address.
- Address is incomplete.
- Company has different addresses.
- Company has only P.O. box listed (location of device or billing address?)
- Same POC is listed in different ways.
- Company has no POC listed.
- Company has different POCs listed.
- Possible typo errors in one or more fields (transposed numbers in zip codes, phone numbers, etc.)

- Anomalies resolved.
- POC will send information by mail e-mail fax .
- Caller validated vendor name, address, point of contact, and phone number.

Notes: _____

(Use other side if necessary.)

Mailed
BTS
2/2

Devices Reported in General Licensee's Possession

For NRC Use Only	General Licensee	Vendor License Number and Name	Device Model No.	Device Serial No.	Device Code	Material Type	Isotope Amount	Isotope Unit	Date Sold
3086	ROYAL CROWN BOTTLING CORPORATION	34-00255-06G ABB INDUSTRIAL SYSTEMS INC.	H Gauge Type		31.5D	CS137	14	MCI	19633

→ 12/15/1977

Dr. Robert J. ...
Fortkamp
614 261-2337

Lakecity
World Wide Beverage Equipment

Howard Buckner - 847-835-3444

Singapore

Other devices - Royal Crown Bottling of Chicago (Binash Torricow)
Tharaker)

General Licensee's Possession

Devices Reported in General Licensee's Possession

For NRC Use Only	General Licensee	Vendor License Number and Name	Device Model No.	Device Serial No.	Device Code	Material Type	Isotope Amount	Isotope Unit	Date Sold
6835	ROYAL CROWN BOTTLING CORPORATION	1586-70GL INDUSTRIAL DYNAMICS CO., LTD.	FT-12	104325 1700 - 116430	31.5D	AM241	100	MCI	19773

Pedro - contact 4/20/2000
 Thomas - SA 90905
 (310) 328-5633
 Michelle Alvarez, Alvarez,
 3100 Fujita # 04 2202 Field Service

1977
 replaced
 1963 equipment
 fill-brights & new
 1984 - bought
 - one needed
 at facility

Called Lake County Beverage
 Thomas - contact person
 Checking the device.
 -> Bo Westerfield - 918 831-3814
 Will be calling 3/15/02

Williams
Reg Williams

~~Bill Ward~~
 William Ward - NRC-DATABASE
 Talk to Cocora

Oklahoma - 405 / 82 - 51 55

Michael Broderick ↑