

**Enclosure 6 – INSPECTION RECORD**

**Region III**      Inspection Report No. 2013001

**License No.** 13-32090-01  
**Docket No.** 030-34732

**Licensee:**      Pliant Corporation  
                    4100 Profile Parkway  
                    Bloomington, Indiana 47404

**Location Inspected:** Same as above

**Licensee Contact:** Chris Collins, Plant Project Manager    **Telephone No.** (812) 355-1704

**Priority:** 5                      **Program Code:** 3120

**Date of Last Inspection:** June 3, 2009

**Date of This Inspection:** August 28, with continued in-office review through September 17, 2013

**Type of Inspection:**    ( ) Initial            ( ) Announced            (X) Unannounced  
                                  (X) Routine        ( ) Special

**Next Inspection Date:** August 28, 2018                      (X) Normal        ( ) Reduced

Justification for reducing the routine inspection interval:

N/A

**Summary of Findings and Actions:**

- ( ) No violations cited, clear U.S. Nuclear Regulatory Commission (NRC) Form 591 or regional letter issued
- ( ) Non-cited violations (NCVs)
- ( ) Violation(s), Form 591 issued
- (X) Violation(s), regional letter issued
- ( ) Follow-up on previous violations

Inspector:              /RA/    
                            Edward L. Kulzer, Health Physicist

Date:   10/08/2013  

Approved:              /RA/    
                            Aaron T. McCraw, Chief MIB

Date:   10/08/2013

## **PART I – LICENSE ,INSPECTION, INCIDENT/EVENT, AND ENFORCEMENT HISTORY**

### **1. AMENDMENTS AND PROGRAM CHANGES:**

<u>Amendment No.</u>	<u>Date</u>	<u>Subject</u>
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None since the last inspection.

### **2. INSPECTION AND ENFORCEMENT HISTORY:**

No violations were identified during last inspection in June 2009. During the previous inspection on August 4, 2004, the facility received a Severity Level IV violation for failure to notify the U.S. Nuclear Regulatory Commission (NRC) of ownership transfer from Huntsman Packaging to Pliant Corporation. A Severity Level IV violation was issued because the fixed gauge remained in place and was not affected by the change in ownership. The radiation safety program was being effectively implemented and no other violations were identified. The unauthorized change in ownership did not have a radiological or organizational impact on the radiation safety program.

### **3. INCIDENT/EVENT HISTORY:**

No licensee events were reported since the last NRC inspection. No open Nuclear Materials Event Database (NMED) items were pending for this license.

## **PART II – INSPECTION DOCUMENTATION**

### **1. ORGANIZATION AND SCOPE OF PROGRAM:**

Licensee uses one fixed gauge in the production of plastic film. The Radiation Safety Officer (RSO), reports to the Plant Project Manager, Mr. Chris Collins. There is only one fixed gauge that contains krypton-85 that requires no leak testing. There is only one authorized gauge user who is the radiation safety officer. The radiation safety officer is still working for the company but has recently been promoted to another facility. The company is in the process of training a new RSO. The current RSO is still available for consulting on an as needed basis.

In December 2009, the facility merged with Berry Plastics Corporation. The merger is discussed further in Section 4, below.

### **2. SCOPE OF INSPECTION:**

Inspection Procedures Used: 87124

Focus Areas Evaluated: Section 03.01 through 03.07

The inspector reviewed the facility on the 3<sup>rd</sup> floor of main office building where the gauge is in use. The inspector observed a “Caution, Radioactive Materials” sign and an NRC Form 3 were posted in the correct areas. The inspector observed other program

areas which included dosimetry, 20.1101 audits, inventory checks, training records, and survey instrument availability. No violations were noted in any of these areas.

**3. INDEPENDENT AND CONFIRMATORY MEASUREMENTS:**

The NRC inspector conducted independent radiation surveys in the portable gauge storage area and in adjacent unrestricted areas. No unusual radiation levels were detected and radiation levels were within regulatory limits.

**4. VIOLATIONS, NON-CITED VIOLATIONS, AND OTHER SAFETY ISSUES:**

Title 10 of the *Code of Federal Regulations* (CFR) 30.34(b) requires that no license issued or granted pursuant to 10 CFR Parts 30 through 39, nor any right under a license shall be transferred, assigned or in any manner disposed of either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Atomic Energy Act of 1954 (the Act), as amended, and shall give its consent in writing.

Contrary to the above, as of December 31, 2009, the licensee failed to obtain the NRC's consent in writing prior to a change in control of the license. Specifically, the licensee underwent a merger with Berry Plastics Corporation without first providing NRC an opportunity to determine whether the merger was in accordance with the provisions of the Act and to give its consent in writing prior to the transfer.

The licensee merged with Berry Plastics Corporation in December of 2009 and neither entity recognized the need to notify the NRC of the transaction. The Material Inspection Branch issued a Severity Level IV violation because the fixed gauge remained in place and was not affected by the change in ownership. The radiation safety program was being effectively implemented and no other violations were identified. The unauthorized change in ownership did not have a radiological or organizational impact on the radiation safety program.

**5. PERSONNEL CONTACTED:**

#\* Chris Collins, Plant Project Manager

Use the following identification symbols:

# present at the entrance meeting

\* Individuals present at the exit meeting

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