

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	* Settlement Tracking No.
	* SA-RE-11-0039
ACUREN INSPECTION, INC.	*
	* Enforcement Tracking No.
AI # 39000	* RE-CN-10-0025
	*
PROCEEDINGS UNDER THE LOUISIANA	*
ENVIRONMENTAL QUALITY ACT	*
LA. R.S. 30:2001, <u>ET SEQ.</u>	*

SETTLEMENT

The following Settlement is hereby agreed to between Acuren Inspection, Inc. ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I

Respondent is a corporation that owns and/or operates an industrial radiography facility located in Sulphur, Calcasieu Parish, Louisiana ("the Facility").

II

On October 14, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. RE-CN-10-0025, which was based upon the following findings of fact:

The Respondent owns and/or operates Acuren Inspection, Inc., an industrial radiography licensee, located at 4848 East Napoleon Street in Sulphur, Calcasieu Parish, Louisiana. The Respondent currently operates under the Radioactive Material License No. LA-7072-L01 issued by the Department on March 20, 2010.

On or about September 17, 2010, an inspection was conducted by the Department. On or about September 30, 2010, an enforcement file review was conducted in order to determine the degree of compliance with the Radiation Protection Regulations and the Act.

The following alleged violations were noted:

- A. During the course of the file review, it was noted that the Radiation Safety Officer (R.S.O.), Jay Thibodeaux (AI No. 86817), allowed his industrial radiography card to expire on December 31, 2009, without submission of a reciprocal recognition from another state or jurisdiction. The Respondent failed to amend their operating license to provide a qualified replacement R.S.O. This is a violation of LAC 33:XV.320.A.2, Radioactive Material License No. LA-7072-L01 Condition No. 2, and LAC 33:XV.573.E.2.
- B. During the course of the inspection, it was noted that the Respondent failed to maintain records of spare dosimeter assignments for dosimeters that were utilized by the Respondent. This is a violation of LAC 33:XV.577.C.
- C. During the course of the inspection, it was noted that the Respondent failed to properly conduct and document Radiographer Performance Audit Form(s) (Form 5) as specified in the Respondent's Operation and Emergency Manual. Specifically, Jonathan Fruge and Marcus Collins, Acuren employees, recorded internal audits on January 12, 2010, March 9, 2010, and May 3, 2010, but were noted by the Department to be general in nature and not documented on the Licensee's Form 5. This is a violation of LAC 33:XV.320.A.2 and Acuren Inspection Inc. Radiographic Operation and Emergency Manual Part B, Chapter 8, Internal Audits of Radiographic Personnel.
- D. During the course of the inspection, it was noted that the Respondent failed to record the pocket dosimeter reading(s) during the course of calibration for pocket dosimeter number(s) 66461, 76800, HJ186088, HJ186100, IK204803, II201963, HC175887, 50758, 312959, GH166175, 163555, JH215989 and 163544. This is a violation of LAC 33:XV.320.A.2 and Acuren Inspection, Inc., Maintenance and

Calibration of Self Reading Dosimeters and Alarming Dose Rate Monitors Procedure Section 6, Calibration Self-Reading Pocket Dosimeter.

- E. During the course of the inspection, it was noted that the Respondent failed to record survey instrument reading(s) during the course of calibration for survey meter(s) serial number(s) 10529, 69595, 16023, 3068, 38115, 57476, 12121, 51760, 20678 and 51004. This is a violation of LAC 33:XV.320.A.2 and Acuren Inspection, Inc., Survey Meter Calibration Procedure, Section 7, Records.
- F. During the course of the inspection, it was noted that the Respondent failed to provide calibration record(s) for the survey meter ND-200, serial number 48589 that was utilized on a temporary industrial radiographic jobsite on July 29, 2010. Further, the Department noted that the survey report for July 29, 2010, stated that the survey meter was due for calibration on September 8, 2010. This is a violation of LAC 33:XV.543.C.

III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties. The Department and the Respondent and/or their representatives, understand and agree that no payment made nor released pursuant to the terms of the Settlement Agreement, or other consideration given shall be intended to be, nor shall be construed to be, an admission of liability and any and all such liability is expressly denied.

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of ONE THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$1,700.00), of which Four Hundred Twenty-Three and 34/100 Dollars (\$423.34) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by

Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Order & Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

VIII

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Calcasieu Parish, Louisiana. The advertisement, in form,

wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

#### IX

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

#### X

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

#### XI

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

ACUREN INSPECTION, INC.

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed)

TITLE: \_\_\_\_\_

THUS DONE AND SIGNED in duplicate original before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC (ID # \_\_\_\_\_)

\_\_\_\_\_  
(stamped or printed)

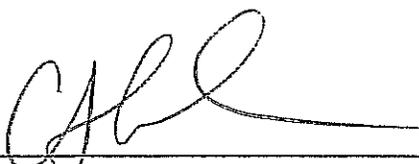
**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Peggy M. Hatch Secretary

BY: \_\_\_\_\_  
Cheryl Sonnier Nolan, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at Baton Rouge, Louisiana.

\_\_\_\_\_  
NOTARY PUBLIC (ID # \_\_\_\_\_)

\_\_\_\_\_  
(stamped or printed)

Approved:   
Cheryl Sonnier Nolan, Assistant Secretary