

Dayna Thompson  
Billings, MT

September 22, 2010

To Whom It May Concern:

I hereby request a hearing, as a representative of Mattingly Testing Services, Inc., to consider whether Order EA-10-100, Order Revoking License, should be sustained. I would like the hearing to specifically address the violations that were found to involve deliberate misconduct, including false testimony. I believe that subjective decisions were made during the investigation, based not on fact, but primarily on testimony of employees who stood to benefit from making false accusations or placing blame on others. I believe, based on a statement made by Rick Munoz in our first meeting, that he had a predisposed, negative opinion of Mark Ficek. His statement to me, after stating that Mark was deliberately trying to avoid reporting the incident and I was explaining to him that Mark was not trying to hide anything and that he knew authorities would report it was, "You've got to remember who we're dealing with here..."

I testified that I asked the RSO, when he notified me on the telephone that he would be late to a job site because a radiographic exposure device had possibly fallen off of his truck, if we needed to call the NRC and that he declined and said he wanted to see if he could find it first- that it might just be at our shop. I testified that I asked him if it was dangerous and if there was a chance that someone would pick it up and that he told me that it was only dangerous if it was broken, that it had warnings notifying anyone who found it to contact civil authorities immediately, and that he wanted to drive out to the shop to see if it was there first. Mark Ficek had not been notified of the missing exposure device, nor had he had any conversation regarding the matter with the RSO when the RSO made a decision not to call the NRC immediately. He did not speak with Mark Ficek until after the radiographic exposure device was found, yet the Order states that the President willfully caused him to violate 10 CFR 20.2022, failure to immediately report.

I worked closely with other personnel to ensure that we met the requirements of Confirmatory Order (EA-08-271). Apparently there were a couple of early deadlines that were missed, but it was not deliberate. Our team went to great lengths, and the company incurred thousands and thousands of dollars in expenses to be in compliance with the Confirmatory Order. The investigation was conducted one to two months prior to completion of the evaluation of our radiation safety program, but also many months before these recommendations were required to be implemented. No investigation was conducted after we had completed all of the requirements of the Confirmatory Order. Not only was there no willfulness by the President to prevent us from meeting the requirements of the Confirmatory

Order, but there was great expense incurred in wages and equipment to ensure that we did meet requirements.

I also intend to submit documentation which will bring into question the integrity and character of two employees that adversely testified against us. One such employee was threatening, and an employee working for state child support enforcement is willing to testify about how he lied to different state agencies to obtain government assistance. This employee was an opportunist who threatened us if we refused to remove documentation of a verbal warning he received from a personnel file. He and his wife were verbally abusive to office staff. His wife cut and pasted violations from your web site in a report to OSHA because they had no legitimate safety concerns to report. Several items need to be addressed in this hearing.

Finally, I would like to move that the presiding officer set aside the immediate effectiveness of this Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Thompson", with a long horizontal flourish extending to the right. The signature is written over a printed name.

Dayna C. Thompson