

December 8, 2010

Alan S. Rosenthal, Chair  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Nicholas Tsoulfanidis  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

E. Roy Hawken  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

In the Matter of  
MATTINGLY TESTING SERVICES, INC.  
Docket No. 30-20836-EA, ASLBP No. 10-905-02-EA-BD01

Dear Administrative Judges:

In its November 9, 2010 Memorandum and Order (Holding the Proceeding in Abeyance), the Board instructed the parties in this proceeding to notify it of the status of settlement negotiations and provide an estimated completion date on December 8, 2010. The parties have engaged in settlement discussions but have not yet reached settlement. All parties believe that settlement is possible and are continuing to work toward the goal of a final settlement agreement filed with the Board before the end of February 2011. The parties have agreed to continue settlement negotiations and to postpone discovery.

Mark Ficek and Dayna Thompson have authorized Staff counsel to sign and file this status report on their behalf.

Sincerely,

***/Signed electronically by/***

Molly Barkman Marsh  
Counsel for NRC Staff

**Barkman Marsh, Molly**

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**From:** markf@mtsinspection.com  
**Sent:** Wednesday, December 08, 2010 1:11 PM  
**To:** Barkman Marsh, Molly  
**Cc:** Thompson,  
**Subject:** Status Report

Molly,

I agree with your letter to extend settlement talks until the end of February . I authorize you to sign this letter to the board on my behalf.

Thanks,  
Mark Ficek

## **Barkman Marsh, Molly**

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**From:** Dayna Thompson [dayna@mtsinspection.com]  
**Sent:** Tuesday, December 07, 2010 3:13 PM  
**To:** Barkman Marsh, Molly  
**Cc:** Mark Ficek  
**Subject:** status report regarding settlement negotiations

Good Afternoon Molly,

I agree with the letter that you sent via e-mail yesterday and authorize you to sign it on my behalf.

Thank you,  
Dayna Thompson

-----Message Disclaimer-----

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	Docket No. 30-20836-EA
MATTINGLY TESTING SERVICES, INC.	)	
(Molt and Billings, Montana)	)	ASLBP No. 10-905-02-EA-BD01

CERTIFICATE OF SERVICE

I hereby certify that "DECEMBER 8, 2010 LETTER TO THE ADMINISTRATIVE JUDGES" was submitted to the Electronic Information Exchange (EIE) this 8th day of December, 2010, which to the best of my knowledge resulted in transmittal to those on the EIE Service List for the above-captioned proceeding.

Respectfully submitted,

**/Signed (electronically) by/**

Kimberly A. Sexton  
Counsel for the NRC Staff

Dated in Rockville, Maryland  
This 8th day of December, 2010