

October 13, 2010

Alan S. Rosenthal, Chairman
Atomic Safety and Licensing Board
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Nicholas Tsoulfanidis, Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

E. Roy Hawkens, Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

In the Matter of
MATTINGLY TESTING SERVICE, INC.
Molt and Billings, Montana
Docket No. 30-20836-EA

Dear Administrative Judges and Parties:

The Staff apologizes for its misreading of footnote 12 of the Board's October 6, 2010 Order regarding the method by which the participants' responses will be provided. This error will not reoccur.

The Staff herein provides to the Board and all parties a copy of the original e-mail response to the Board. The Staff will ensure that this message is properly placed into the Electronic Hearing Docket in ADAMS.

Respectfully submitted,

/Signed (electronically) by/

Kimberly A. Sexton
Counsel for the NRC Staff

Dated at Rockville, MD,
this 13th day of October, 2010.

Enclosures: Attachment 1: E-mail from Kimberly A. Sexton to Alan S. Rosenthal, et al. (Oct. 12, 2010)

cc: Attached Service List

ATTACHMENT 1

Sexton, Kimberly

From: Sexton, Kimberly
Sent: Tuesday, October 12, 2010 5:04 PM
To: 'Rsnthl@verizon.net'; Hawkens, Roy; 'nucpower@sbcglobal.net'; Cain, Hillary
Cc: Barkman Marsh, Molly; Scott, Catherine
Subject: Mattingly Testing: Response to October 6, 2010 Memorandum and Order

Dear Administrative Judges,

In response to the two questions asked of the parties in the October 6, 2010 Memorandum and Order, the Staff herein provides its response:

- (1) The Staff suggests that the parties discuss whether it is appropriate to consolidate the Individual Action and the Enforcement Action, considering a potential for conflicts of interest between the parties.
- (2) The Staff will be represented by Molly Barkman Marsh and Kimberly Sexton during the teleconference. Catherine Scott may also participate.

Thank you,

Kimberly Sexton
Counsel for NRC Staff
Office of the General Counsel
Mail Stop O15-D21
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
301-415-1151

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 "LETTER IN THE MATTER OF MATTINGLY TESTING SERVICE, INC." were submitted to the Electronic Information Exchange (EIE) this 13th day of October 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 NRC Staff

Dated at Rockville, Maryland,
this 13th day of October, 2010.