

July 28, 2011

Matthew Dombrowski, Esq.
Cipolla and Calaba
5018 Cheseboro Road
Agoura Hills, California 91301

RE: *James Duniven v. Bechtel*, Case No ADJ 7419808, California Workers
Compensation Appeals Board;
NRC File No. TR-11-09

Counselor:

Earlier this summer you caused a subpoena *duces tecum* to be served on this office. On June 9, 2011, this office responded to your subpoena by advising you of (1) perceived deficiencies in the subpoena and (2) additional requirements with which you needed to comply before the NRC could respond to the subpoena. We pointed out that you were not yet in compliance with the NRC's regulations governing third-party subpoenas found at 10 C.F.R. § 9.200, et seq., and that unless you complied with those requirements the NRC would deny your request. *United States ex rel Touhy v. Ragan*, 340 U.S. 462 (1951). We also pointed out that your request did not yet comply with the Privacy Act, 5 U.S.C. § 552a.

Our June 9th letter advised you how to comply with those provisions. However, this office has not received any response from you; thus, we are closing your request administratively for lack of prosecution without prejudice to your reopening with the proper filings. Accordingly, TR-11-09 is now **CLOSED**.

Sincerely,

/RA/

Charles E. Mullins
Senior Attorney
Office of the General Counsel

cc: Hard Copy