

June 1, 2012

Evan J. Kaufman, Esq.
Robbins, Geller Rudman & Dowd, LLP
58 South Service Road, Suite 200
Melville, New York 11747

RE: *City of Roseville Employees Retirement System, et al. v. Energy Solutions, et al.*,
Civil Action No. 1:09-cv-08633-JGK (S.D.N.Y.);
NRC File No. TR-12-03.

Counselor;

In late March, you have caused a subpoena (both *duces tecum* and *ad testificandum*) in the above-captioned matter to be served on the U.S. Nuclear Regulatory Commission ("NRC"). On April 3, 2012, this Office advised you that we were holding your request in abeyance pending submission of additional information required by the NRC's regulations at 10 C.F.R. § 9.200, et seq. As of this date we have not received the information that we requested; accordingly, we have denied your request for failure to comply with the applicable NRC regulations. See *United States ex rel Touhy v. Ragen*, 340 U.S. 460 (1950). Accordingly, we have closed NRC File No. TR-12-03. We can, of course, reopen the file should you submit the appropriate compliance as outlined in our letter of April 3rd.

Sincerely,

/RA/

Charles E. Mullins
Senior Attorney
Office of the General Counsel
(301) 415-1618
charles.mullins@nrc.gov

