

United States District Court

EASTERN DISTRICT OF NEW YORK

225 CADMAN PLAZA EAST

BROOKLYN, NEW YORK 11201

JACK B. WEINSTEIN

JUDGE

August 14, 2000

Private and Unofficial

Hon. Karen D. Cyr
General Counsel
Mail Stop 0-15D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555

My Dear Ms. Cyr:

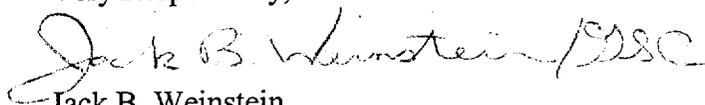
I am preparing for a speech I am going to be giving at the University of Illinois Law School on October 17, 2000. The title of the lecture is "Integration of Criminal, Administrative and Tort Law in Providing Compensation for Private Delicts." The subject involves matters I have thought about in connection with litigation before me. A brief summary of my intended remarks is as follows:

The rationales of our criminal, administrative, and tort law are somewhat different. Nevertheless, particularly where mass torts and aggregative civil actions are involved, the modern tort, administrative, and criminal models overlap in their deterrence and compensation aspects. Restitution, disgorgement, settlement and other techniques, participated in jointly or through parallel conduct by private attorneys and government officials, are increasingly relied on. Frequently, the three models are used separately and not as part of an integrated whole. A convergence of some type sometimes is useful, but may present dangers.

I believe your experience and that of your agency could be of assistance in analyzing this subject. Your reaction would be most valuable to me and to others. In particular, are there any regulations or guidelines that your agency uses in deciding when and how to seek restitution? Does your agency consult with the United States Attorney or private attorneys in making this decision? Could you describe any cases in which you had worked with federal prosecutors or private attorneys in seeking disgorgement, restitution or other forms of compensation?

I thank you for your assistance. If you wish, I will not quote you. Should you have any interest, I would be pleased to provide you with a copy of my remarks.

Very Respectfully,



Jack B. Weinstein

Senior United States District Judge

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