## JAMES R. TOURTELLOTTE

## ATTORNEY-AT-LAW

1001 NW 63rd Street Suite 200 Oklahoma City, OK 73116 405 840 2000 405 840 5136 fax

ADMISSIONS **US SUPREME COURT OKLAHOMA** 

ERIDS MGCOI

August 30, 2004

Karen D. Cyr **General Counsel Nuclear Regulatory Commission** Washington, DC 20555

Dear Ms. Cyr,

I recently represented 21st Century Technologies in an NRC enforcement proceeding. In addition to the company, I also defended Ken Wilson, one of the individuals against who proposed enforcement actions were to be taken.

At the time of the proceeding, I requested a copy of the sworn statement given by Mr. Wilson to NRC investigators. I was told that I could read the statement but could not get a copy of it. I abided by that rule.

In a recent civil suit brought against 21st Century, Mr. Wilson and other directors of the company, I was surprised to find that the plaintiff had obtained copies of Mr. Wilson's statement along with the statements of others involved in the NRC investigation. Moreover, plaintiff was able to use these statements in cross-examination. Obviously, this put defendants at a considerable disadvantage.

I would appreciate it if you could explain to me why plaintiffs were able to obtain copies of these statements in light of the fact that my request for the same information was denied. I would also like to know if I could now get copies of statements taken by the investigators during the enforcement proceeding.

Sincerely,

James R. Jourtelletts

