

October 19, 2006

Charles F. B. McAleer, Jr.  
Miller & Chevalier  
655 15<sup>th</sup> St. N.W. Suite 900  
Washington, D.C. 20005

Dear Mr. McAleer,

This letter is to confirm our telephone discussion today on the status of our discussions concerning the written discovery provided in response to our interrogatories, requests for admissions, and document requests. Based on our discussion, it is my understanding that for those interrogatories which you declined to answer based on your rights under the Fifth Amendment to the U.S. Constitution that your objection refers to the interrogatory as a whole, including all subparts. While the Staff does not dispute your invocation for the interrogatories for which you have specified that you are doing so, it is not apparent to the Staff how responding to certain Requests for Admission could provide incriminating evidence. Specifically, we questioned your invocation for the following Requests: (1)(in entirety), (2)(a), (2)(b), 2(e), (3)(in entirety), (4)(in entirety). Again, as to any and all of listed portions of the Requests for Admission, it is not reasonably apparent to the Staff, without any additional clarifying information, why a fear of incrimination would necessarily preclude a response.

Based on our conversation today, I understand that you will reconsider your determinations regarding the Requests for Admission and respond to us with any new decision or justification orally or in writing. In addition, I understand that you are continuing to work on providing us with a response to our Request for Production of Documents and will provide us more information next week as to when we can expect to receive them. I trust that we can come to a final resolution of these issues before October 27, 2006, when any motions regarding discovery would be due.

Sincerely,

***/RA by Lisa B. Clark/***

Lisa Clark