

EX 12

From: PATRICE KOPISTANSKY

Sent: March 11, 2005 3:42 PM

To: MARION BOWMAN; JULIE THOMAS

CC: [REDACTED]

Subject: CAU Backlog of NSLs

About two months ago we discussed the fact that CAU gets emergency requests to get telephone information on phone numbers, gets the information, and then has to do an NSL to justify getting the information. As it is now, it sends a lead to either the field or ITOS I or II to do the NSLs, but this rarely happens. So we agreed to provide Will and Laura and Shawn, who would respond immediately to the ECs from CAU and get NSLs out ASAP.

The issue arose as to what file we issue the NSLs pursuant to. As you may remember, we agreed that we would look at a proposed solution whereby we open very broad PIs that could be ongoing and would encompass future threats. CAU and I came up with a list of six PIs that we could open that would encompass most, if not all, of the emergency requests that came in.

They were:

Threats against Transportation Facilities (e.g. airplanes, trains)

Threats against Infrastructure (e.g. bridges, roads, water treatment plants)

Threats against Public Facilities (e.g. mass ?, sports stadiums)

Threats against individuals (e.g. plans to assassinate public figures)

Threats against Special events (e.g. World Bank event, Superbowl, G-8 Summit)

Obviously, there is overlap, but I don't think that matters.

Assuming it is okay to open PIs that would be phrased in some way that the PI would encompass [deleted] ... [track language or NSIG] or words to that effect, how would you suggest we go about this? Apparently, CAU can't open cases because they are not operational. We would probably need to get ITOS I and II to open such cases. But we need some leverage to get them to do it, maybe in the form of OGC guidance that instructs that this is the way we've determined we can handle the emergency requests that CAU has been getting.

Any thoughts?