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EXECUTIVE DIRECTOR

FAX COVER SHEET

To: Andrew B. Steinberg, Chief Counsel, FAA

Fax No.: (b) (2) High

From: Steven M. Dunne
Deputy General Counsel

(b) (2) High

Date: December 22, 2003

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Comments:



December 22, 2003

BY FACSIMILE

Andrew B. Steinberg
Chief Counsel
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Dear Mr. Steinberg:

As you know, the National Commission on Terrorist Attacks Upon the United States continues to discover, through staff interviews at FAA field offices, information relevant to the events of September 11, 2001 that, for whatever reason, has not been produced to the Commission. I understand this issue was the subject of a meeting between our respective staffs on December 12, and I hope that these matters have now been resolved. I also understand that, in the interest of clarity, you have requested a document setting forth precisely the universe of tapes the Commission is requesting from the FAA. That document is attached. Let me address a couple of important points with respect to it.

First, the attachment in no way amends or alters the information called for in the Commission's subpoena to the FAA. Specifically, the Commission's subpoena called for "all logs, tapes and transcripts of internal FAA communications, including phone conversations among FAA locations, concerning aircraft presumed to be hijacked on September 11, 2001." That requirement still stands. The attached document merely identifies specific re-recordings the Commission is seeking.

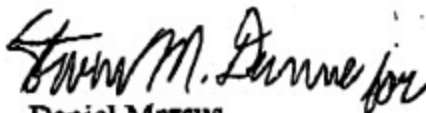
Second, because of the Commission's need to time-stamp some of the data received, we will not be able to take advantage of the FAA's capability with respect to voice-activated recording. Accordingly, the FAA should produce complete tapes of the positions and time frames requested, even if such tapes contain blank air.

Finally, with respect to the procedures for conducting our interviews, we have sent you a copy of the Commission's exchange of letters with the Department of Justice on this issue. Our process has not been to negotiate separate agreements regarding interview procedures with each of the agencies involved in our investigation. Having said that, by this letter please be advised that the Commission does not object to the inclusion of a representative from the National Air Traffic Controllers Association (NATCA) in the Commission's interviews with bargaining unit employees.

Andrew B. Steinberg
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I hope this correspondence serves to clear up any ambiguities that may have previously existed. If your understanding of these matters differs in any way, or if you have any questions with respect to our requests, please let me know immediately. Otherwise, I will assume that we are in accord and that the tapes listed in the attachment, to the extent not already produced, will be produced forthwith.

Sincerely,



Daniel Marcus
General Counsel

Attachment (1)

cc: Daniel Levin, U.S. Department of Justice