

# **EXHIBIT A**

UNCLASSIFIED  
EXHIBIT A TO SECOND DECLARATION OF DAVID M. HARDY

**INDEX OF FBI DOCUMENTS WITHHELD IN FULL OR IN PART**

DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 1</b>	01/23/06	Briefing Book	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D) (b)(7)(E)	Summary Judgment Granted (See September 5, 2007 Memorandum Opinion and Order ("Mem. Op.") at 22)
<b>FBI 2</b>	03/09/04	Power Point Slide Presentation	--	Referred to NSA; same as OLC 48 <u>See</u> Joseph B. Decl; and Bradbury Decl.  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 3<sup>1</sup></b>	Various Dates	Handwritten notes	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C)	<u>See</u> Second Declaration of David M. Hardy, dated November 20, 2007 ("Second Hardy Decl.") ¶¶ 165-166, 177-182.
<b>FBI 4</b>	03/16/04	Memorandum from AG to White House	--	Referred to DOJ; same as OLC 63 <u>See</u> Second Bradbury Decl.
<b>FBI 5</b>	03/15/04	Internal Memorandum	--	Referred to DOJ; same as OLC 64 <u>See</u> Second Bradbury Decl

<sup>1</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 3**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 3** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5. **FBI 3** was not included and used in the First Hardy Declaration; this collection of handwritten notes was identified as a result of the FBI's more recent efforts to respond to the Court's Order.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 6</b>	10/11/01	Congressional Letter	--	Referred to NSA.  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 7</b>	10/20/01	Internal Memorandum	--	Referred to DOJ/OLC  <u>See</u> Second Bradbury Decl
<b>FBI 8<sup>2</sup></b>	12/16/05	Routing Slip with attached Memorandum	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (ACC) (b)(5) (DPP) (b)(7)(E)	<u>See</u> Second Hardy Decl. ¶¶ 181-182, 101-109.
<b>FBI 9<sup>3</sup></b>	03/01/04 – 03/23/04	FBI Director's "Program Log"	Withheld in Part/Released in Part (b)(1) (b)(5) (DPP)	<u>See</u> Second Hardy Decl. ¶¶ 167, 177-180.
<b>FBI 10<sup>4</sup></b>	Undated	Handwritten notes	Withheld in Part/Released in Part (b)(1) (b)(3) (b)(5) (DPP)	<u>See</u> Second Hardy Decl. ¶¶ 168, 177-180.
<b>FBI 11</b>	03/2003	Draft Letter	Withheld in Full (b)(1) (b)(5) (DPP)	Summary Judgment Granted (Mem. Op. at 5)

<sup>2</sup> **FBI 8** was not included and used in the First Hardy Declaration; this document was identified as a result of the FBI's more recent efforts to respond to the Court's Order. Exemption (b)(3) is now also being asserted for **FBI 8**. **FBI 8** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 8**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 8** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

<sup>3</sup> The FBI is now releasing a part of **FBI 9** consistent with a prior release it made on 08/14/2007 to Rep. John Conyers.

<sup>4</sup> The FBI is now releasing a part of **FBI 10** consistent with a prior release it made on 08/14/2007 to Rep. John Conyers. In addition, Exemption (b)(3) is now also being asserted for portions of **FBI 10**.

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<b>FBI 12</b>	Undated	Excerpts of draft declarations	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 13</b>	11/23/04	<b>Q&amp;A Document</b>	<b>Withheld in Full</b> (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 169, 177-180.
<b>FBI 14</b>	03/22/04	Memorandum with attachment	--	Referred to OIPR; same as OIPR 133 or 134; <u>See Baker Decl</u>  Summary Judgment Granted (Mem. Op. at 21)
<b>FBI 15<sup>5</sup></b>	04/14/04	Internal e-mail with attached Memorandum	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(5) (ACC) (b)(5) (AWP) (b)(7)(E)	Referred to FBI from DOJ Same as ODAG 46 and same as OIPR 114  Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 16</b>	Undated	Congressional Questions with handwritten comments	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 17<sup>6</sup></b>	Undated	<b>Internal Notes</b>	<b>Withheld in Full</b> (b)(1) (b)(3) (b)(5) (ACC)	<u>See Second Hardy Decl.</u> ¶¶ 171-172, 177-181.
<b>FBI 18</b>	02/23/06	Congressional Letter	--	Referred to DOJ; same as OLC 117 <u>See Bradbury Decl</u>  Summary Judgment Granted (Mem. Op. at 18)

<sup>5</sup> Exemptions (b)(5) (ACC and AWP) were asserted in the First Hardy Declaration for **FBI 92**, which is a draft of **FBI 15**, but were inadvertently not cited for **FBI 15**; these two exemptions have been added for **FBI 15** so that the entries for **FBI 15** and **FBI 92** are mutually consistent.

<sup>6</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 17**.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 19</b>	01/29/04	Draft of Memorandum	--	Referred to DOJ; draft of OLC 54  Summary Judgment Granted (Mem. Op. at 5, 16)
<b>FBI 20</b>	03/14/04	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 21</b>	03/10/04	Internal e-mail	Withheld in Full (b)(1) (b)(2) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 22</b>	03/11/04	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 23</b>	03/11/04	Not agency record	--	Referred to OLC/DOJ; same as OLC 56 (without attachments); <u>See</u> Bradbury Decl  Objections disclaimed or withdrawn (Mem. Op. at 5).
<b>FBI 24</b>	12/19/05	Internal e-mail	FBI Equities Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(C)	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 25</b>	03/24/04	Draft Memorandum	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 5, 22)

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<b>FBI 26</b>	Undated	Notes and background material	Withheld in Full (b)(1) (b)(5) (DPP)	See Second Hardy Decl. ¶¶ 173-174, 177-180.
<b>FBI 27</b>	Undated	Draft letter	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(5) (DPP) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 5, 22)
<b>FBI 28</b>	03/16/04	Position document	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(5) (ACC) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 29</b>	03/14/04	Internal document	Withheld in Full (b)(1) (b)(2) (High) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 30</b>	03/14/04	Internal document	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 31</b>	Undated	Internal document	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(5) (ACC) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)

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<b>FBI 32</b>	03/18/04	Internal e-mail	Withheld in Full (b)(1) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 183-184, 195-196, 199-200.
<b>FBI 33<sup>7</sup></b>	03/18/04	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5)(ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 185-186, 199-200.
<b>FBI 34</b>	03/23/04	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 35</b>	Undated	Internal document	Withheld in Full (b)(1) (b)(2) (High) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 36</b>	Undated	Flowchart	FBI Equities Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(6) (b)(7)(C) (b)(7)(E)	Referred to NSA  Summary Judgment Granted (Mem. Op. at 22, 23)
<b>FBI 37</b>	Undated	Excerpt from Power Point Presentation	FBI Equities Withheld in Full (b)(1) (b)(2) (High) (b)(7)(E)	Referred to NSA  Summary Judgment Granted (Mem. Op. at 22, 23)

<sup>7</sup> Exemption (b)(3) is now also being asserted for **FBI 33**. **FBI 33** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 33**.

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<b>FBI 38</b>	01/11/06	PowerPoint Presentation	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 39</b>	03/11/04	Memorandum	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(7)(E)	Referred to FBI by OLC; same as OLC 127  Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 40</b>	Undated	Executive Summary	Withheld in Full (b)(1) (b)(2) (High) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 41</b> <sup>8</sup>	03/09/04	Background documents	(b)(1) (b)(3) (b)(5) (DPP)	<u>See Second Hardy Decl. ¶¶ 75-80.</u>
<b>FBI 42</b>	09/15/04	Memorandum	--	Referred to OLC; same as OLC 113  <u>See Second Bradbury Decl.</u>
<b>FBI 43</b>	04/28/04	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 44</b>	03/20/04	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 45</b>	03/12/04	List of questions	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 46</b>	Undated	Position document	Withheld in Full (b)(1) (b)(2) (High) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)

<sup>8</sup> Exemption (b)(3) is now also being asserted for **FBI 41**. **FBI 41** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 41**.



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<b>FBI 47</b>	Undated	Flowcharts	Withheld in Full (b)(1) (b)(2) (High) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 48</b>	01/07/02	PowerPoint slides	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 49</b>	Undated	Draft document	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 5, 22)
<b>FBI 50</b>	12/10/01	PowerPoint slides	--	Referred to NSA  Summary Judgment Granted (Mem. Op. 23)
<b>FBI 51</b>	11/02/01	Memorandum	--	Referred to DOJ; same as OLC 131, ODAG 2, and OIPR 37  <u>See Second Bradbury Decl</u>
<b>FBI 52</b>	02/26/02	Internal report	Withheld in Full (b)(1) (b)(2) (High) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 53</b>	01/03/02	Internal document	Withheld in Full (b)(1) (b)(2) (High) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 54</b>	01/31/02	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 55</b>	01/15/02	Draft Talking Points	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 5, 22)

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<b>FBI 56</b>	Undated	Internal notes	Withheld in Full (b)(1) (b)(5) (ACC) (b)(5) (DPP)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 57<sup>9</sup></b>	Various Dates	Handwritten notes	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC)	<u>See Second Hardy Decl.</u> ¶¶ 175-176, 177-182.
<b>FBI 58</b>	04/28/04	Draft memorandum	FBI Equities Withheld in Full (b)(1) (b)(5) (ACC)	Referred to DOJ ; draft of OLC 54 <u>See Bradbury Decl</u>  Summary Judgment Granted (Mem. Op. at 5, 16)
<b>FBI 59<sup>10</sup></b>				
<b>FBI 60</b>	01/13/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 61</b>	01/14/06	Internal e-mail with attached draft	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 5, 22)
<b>FBI 62</b>	01/14/06	Internal e-mail with attached draft Talking Points	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC ) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 5, 22)

<sup>9</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 57**.

<sup>10</sup> **FBI 59** was incorrectly listed as a document for which Exemption (b)(1) was asserted in the First Hardy Declaration. In preparing this Index and the Second Hardy Declaration, the FBI has determined that there is in fact no document designated as **FBI 59**.

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<b>FBI 63</b>	01/16/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 64</b>	01/17/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 65</b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 66</b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 67</b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)

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<b>FBI 68</b>	01/19/06	Internal e-mail with attached draft Qs & As	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 69</b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 70</b>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 71</b>	01/31/06	Internal e-mail with attached draft Qs & As	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 72</b>	02/01/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 73</b>	02/01/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)

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<b>FBI 74</b>	Undated	Draft document	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 5, 22)
<b>FBI 75</b>	Undated	Draft questions	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 5, 22)
<b>FBI 76</b>	Undated	Draft document	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 5, 22)
<b>FBI 77</b>	Undated	Draft document	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 5, 22)
<b>FBI 78</b>	01/24/06	Internal e-mail	Withheld in Part/Released in Part (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 79</b>	01/27/06	Internal memorandum	Withheld in Full (b)(2) (High) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)

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<b>FBI 80</b>	01/09/02	Notes from briefing	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 81</b>	06/23/04	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 82</b>	12/04/03	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 83</b>	10/21/03	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 84</b>	12/04/03	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 85</b>	12/03/03	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)

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<b>FBI 86</b>	10/29/04	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 87</b>	02/07/05	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 88</b>	08/24/05	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 89</b>	08/25/05	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 90<sup>11</sup></b>	09/06/05	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<b>See Second Hardy Decl. ¶¶ 201-202, 205-206, 212-213.</b>
<b>FBI 91</b>	10/13/05	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (AWP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5, 22)

<sup>11</sup> Exemption (b)(3) is now also being asserted for **FBI 90**. **FBI 90** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 90**.

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<b>FBI 92</b>	Not Dated	Draft memorandum	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(5) (AWP)	[Same as ODAG 47/referred from DOJ to FBI]  Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 93</b> <sup>12</sup>	Not Dated	Draft memorandum	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(5) (AWP)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 94</b>	09/23/04	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 95</b>	03/31/05	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 96</b>	04/01/05	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 97</b>	04/01/05	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)

<sup>12</sup> Exemption (b)(3) is now also being asserted for **FBI 93**.



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<b>FBI 98</b>	02/28/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 99</b>	01/13/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 100</b>	01/03/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 101</b>	01/03/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 102</b>	12/29/05	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 103</b>	08/25/05	Internal e-mail with attached NSA Report	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Referred to NSA  Summary Judgment Granted (Mem. Op. at 22, 23)

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 104</b>	09/06/05	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Referred to NSA  Summary Judgment Granted (Mem. Op. at 22, 23)
<b>FBI 105</b>	09/09/05	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(5) (AWP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Referred to NSA  Summary Judgment Granted (Mem. Op. at 22, 23)
<b>FBI 106</b>	09/21/05	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Referred to NSA  Summary Judgment Granted (Mem. Op. at 22, 23)
<b>FBI 107</b>	09/21/05	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Referred to NSA and CIA  Summary Judgment Granted (Mem. Op. at 22, 23)
<b>FBI 108</b>	09/22/05	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(E)	Referred to NSA and CIA  Summary Judgment Granted (Mem. Op. at 22, 23)
<b>FBI 109</b>	12/30/05	Internal e-mail with attached NSA Report	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Referred to NSA  Summary Judgment Granted (Mem. Op. at 22, 23)

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 110</b>	01/03/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 111</b>	02/28/06	Internal e-mail with attached draft declaration	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5, 22)
<b>FBI 112</b>	09/28/05	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(5) (AWP) (b)(6) (b)(7)(A) (b)(7)(C)	Referred to NSA and CIA  Summary Judgment Granted (Mem. Op. at 22, 23)
<b>FBI 113</b>	12/19/05	Letter		Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 114</b> <sup>13</sup>	12/12/05	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 49-50, 57-58.
<b>FBI 115</b> <sup>14</sup>	01/04/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 187-188, 195-200.

<sup>13</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 114**.

<sup>14</sup> Exemption (b)(3) is now also being asserted for **FBI 115**. **FBI 115** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 115**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 115** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 116</b> <sup>15</sup>	01/12/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 117</b> <sup>16</sup>	01/12/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 118</b> <sup>17</sup>	01/16/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)

<sup>15</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 116**. **FBI 116** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 116**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 116** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5. Moreover, the e-mail trail in **FBI 116** is part of the e-mail trail in **FBI 146**, for which the Court has granted summary judgment, and therefore **FBI 116** should also be granted summary judgment.

<sup>16</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 117**. Moreover, **FBI 117** is an identical duplicate of **FBI 146**, for which the Court has granted summary judgment, and therefore **FBI 117** should also be granted summary judgment.

<sup>17</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 118**. Moreover, the e-mail trail in **FBI 118** is part of the e-mail trail in **FBI 119** and **FBI 124**, for which the Court has granted summary judgment, and therefore **FBI 118** should also be granted summary judgment. Finally, Exemption (b)(7)(A) has been asserted for **FBI 118**, as it contains information which "could reasonably be expected to interfere with enforcement proceedings." Consistent with the Court's Order which granted summary judgment for ¶ 111 of the First Hardy Decl. (see Mem. Op. at 22), and which discussed numerous non-serialized documents concerning ongoing, active law enforcement investigations, **FBI 118**, which similarly contains information withheld pursuant to Exemption (b)(7)(A), should also be granted summary judgment.

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<b>FBI 119</b>	01/16/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 120</b>	01/17/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 121</b>	01/17/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 122</b>	01/17/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Referred to NSA  Summary Judgment Granted (Mem. Op. at 22, 23)
<b>FBI 123</b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 124</b>	1/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 125</b>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 126<sup>18</sup></b>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl. ¶¶ 124-125, 1381-145.</u>
<b>FBI 127<sup>19</sup></b>	01/23/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 128<sup>20</sup></b>	1/25/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl. ¶¶ 111-112, 119-122.</u>

<sup>18</sup> Exemption (b)(3) and Exemption (b)(5)(ACC) are now also being asserted for **FBI 126**. **FBI 126** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 126**.

<sup>19</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 127**, is now being withdrawn. Moreover, **FBI 127** is an identical duplicate of **FBI 167**, for which the Court has granted summary judgment, and therefore **FBI 127** should also be granted summary judgment.

<sup>20</sup> Exemption (b)(3) is now also being asserted for **FBI 128**. **FBI 128** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 128**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 128** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 129</b> <sup>21</sup>	01/27/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	See Second Hardy Decl. ¶¶ 126-127, 138-145
<b>FBI 130</b>	01/01/03-08/22/03	Internal memorandum	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 131</b>	03/21/05	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 132</b>	09/09/05	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Referred to NSA  Summary Judgment Granted (Mem. Op. at 22, 23)
<b>FBI 133</b>	10/17/05	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)

<sup>21</sup> Exemptions (b)(3) and (b)(5) (ACC) is now also being asserted for **FBI 129**. **FBI 129** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 129**. In addition, Exemption (b)(7)(A) has been asserted for **FBI 129**, as it contains information which "could reasonably be expected to interfere with enforcement proceedings." Consistent with the Court's Order which granted summary judgment for ¶ 111 of the First Hardy Decl. (see Mem. Op. at 22), and which discussed numerous non-serialized documents concerning ongoing, active law enforcement investigations, **FBI 129**, which similarly contains information withheld pursuant to Exemption (b)(7)(A), should also be granted summary judgment.



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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 134</b> <sup>22</sup>	10/18/05	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 51-52, 57-58, 63-64.
<b>FBI 135</b>	12/23/05	Internal e-mail	Withheld in Part/Released in Part (b)(2) (Low) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 136</b> <sup>23</sup>	12/28/05	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 203-207, 212-213.
<b>FBI 137</b> <sup>24</sup>	01/04/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 189-190, 195-200.

<sup>22</sup> Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 134** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

<sup>23</sup> Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 136** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

<sup>24</sup> Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 137** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5. Exemption (b)(3) is now also being asserted for **FBI 137**. **FBI 137** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 137**.



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<b>FBI 138</b> <sup>25</sup>	01/05/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 191-192, 196-198.
<b>FBI 139</b> <sup>26</sup>	01/09/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 113-114, 119-122.
<b>FBI 140</b> <sup>27</sup>	01/09/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 141</b> <sup>28</sup>	01/10/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 152-153, 156-163.

<sup>25</sup> Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 138** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

<sup>26</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 139**. **FBI 139** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 139**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 139** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

<sup>27</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 140**. **FBI 140** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 140**.

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<b>FBI 142</b>	01/10/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 143</b> <sup>29</sup>	01/10/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 152-153, 156-163.
<b>FBI 144</b> <sup>30</sup>	01/10/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 152-153, 156-163.

<sup>28</sup> **FBI 141** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 141**. Exemption (b)(3) is now also being asserted for portions of **FBI 141**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 141** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

<sup>29</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 143**. **FBI 143** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 143**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 143** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

<sup>30</sup> **FBI 144** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 144**. Exemption (b)(3) is now also being asserted for portions of **FBI 144**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 144** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 145</b> <sup>31</sup>	01/12/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(6) (b)(7)(A) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 115-116, 119-122.
<b>FBI 146</b>	01/12/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 147</b> <sup>32</sup>	01/12/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 148</b> <sup>33</sup>	01/12/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 154-157, 162-163.

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<sup>31</sup> Exemption (b)(3) is now also being asserted for the ten-page attachment in **FBI 145**. Exemption (b)(7)(A) has been asserted for **FBI 145**, as it contains information which “could reasonably be expected to interfere with enforcement proceedings.” Consistent with the Court’s Order which granted summary judgment for ¶ 111 of the First Hardy Decl. (see Mem. Op. at 22), and which discussed numerous non-serialized documents concerning ongoing, active law enforcement investigations, **FBI 145**, which similarly contains information withheld pursuant to Exemption (b)(7)(A), should also be granted summary judgment.

<sup>32</sup> **FBI 147** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court’s decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 147**. In addition, Exemption (b)(3) is now also being asserted for portions of **FBI 147**, while Exemption (b)(5) (ACC) is now being withdrawn. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 147** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 149</b> <sup>34</sup>	01/14/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl. ¶¶ 154-157, 162-163.</u>
<b>FBI 150</b> <sup>35</sup>	01/16/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 151</b>	01/16/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)

<sup>33</sup> **FBI 148** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 148**. Exemption (b)(3) is now also being asserted for portions of **FBI 148**, while Exemption (b)(5) (ACC) is now being withdrawn. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 148** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

<sup>34</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 149**. **FBI 149** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 149**. Exemptions (b)(6) and (b)(7)(C) asserted for **FBI 149** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

<sup>35</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 150**. **FBI 150** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 150**. Exemptions (b)(6) and (b)(7)(C) asserted for **FBI 150** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5. Finally, **FBI 150** (which is identical to **FBI 118**) is part of the e-mail trail of **FBI 119** and **FBI 124**, for which the Court has granted summary judgment, and therefore **FBI 150** should also be granted summary judgment.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 152</b>	01/17/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 153</b>	01/17/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 154</b>	01/17/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Refer to NSA  Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 155</b>	01/17/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 156</b>	01/17/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 157</b>	01/17/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 158</b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 159<sup>36</sup></b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 160</b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 161</b>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 162<sup>37</sup></b>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)

<sup>36</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 159**. **FBI 159** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 159**. Exemption (b)(7)(A) has been asserted for **FBI 159**, as it contains information which "could reasonably be expected to interfere with enforcement proceedings." Consistent with the Court's Order which granted summary judgment for ¶ 111 of the First Hardy Decl. (see Mem. Op. at 22), and which discussed numerous non-serialized documents concerning ongoing, active law enforcement investigations, **FBI 159**, which similarly contains information withheld pursuant to Exemption (b)(7)(A), should also be granted summary judgment.



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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 163</b>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 164</b>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 165</b>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 166</b> <sup>38</sup>	01/23/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 41-42, 45-48.

<sup>37</sup> Exemption (b)(3) is now also being asserted for **FBI 162**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 162** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5. Exemption (b)(7)(A) has been asserted for **FBI 162**, as it contains information which “could reasonably be expected to interfere with enforcement proceedings.” Consistent with the Court’s Order which granted summary judgment for ¶ 111 of the First Hardy Decl. (see Mem. Op. at 22), and which discussed numerous non-serialized documents concerning ongoing, active law enforcement investigations, **FBI 162**, which similarly contains information withheld pursuant to Exemption (b)(7)(A), should also be granted summary judgment. Moreover, the e-mail trail in **FBI 162** is part of the e-mail trail in **FBI 163**, for which the Court has granted summary judgment, and therefore **FBI 162** should also be granted summary judgment.

<sup>38</sup> Exemption (b)(3) is now also being asserted for **FBI 166**. **FBI 166** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court’s decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 166**. In addition, Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 166** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5. Finally, Exemption (b)(7)(A) has been asserted for **FBI 166**, as it contains information which “could reasonably be expected to interfere with

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 167</b>	01/23/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 168</b> <sup>39</sup>	01/27/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	<u>See Second Hardy Decl. ¶¶ 126-127, 138-140, 144-145.</u>
<b>FBI 169</b>	01/27/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 170</b>	01/30/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)

enforcement proceedings.” Consistent with the Court’s Order which granted summary judgment for ¶ 111 of the First Hardy Decl. (see Mem. Op. at 22), and which discussed numerous non-serialized documents concerning ongoing, active law enforcement investigations, **FBI 166**, which similarly contains information withheld pursuant to Exemption (b)(7)(A), should also be granted summary judgment.

<sup>39</sup> Exemption (b)(3) is now also being asserted for **FBI 168**. **FBI 168** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court’s decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 168**. Exemption (b)(7)(A) has been asserted for **FBI 168**, as it contains information which “could reasonably be expected to interfere with enforcement proceedings.” Consistent with the Court’s Order which granted summary judgment for ¶ 111 of the First Hardy Decl. (see Mem. Op. at 22), and which discussed numerous non-serialized documents concerning ongoing, active law enforcement investigations, **FBI 168**, which similarly contains information withheld pursuant to Exemption (b)(7)(A), should also be granted summary judgment.



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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 171</b> <sup>40</sup>	02/13/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	<u>See Second Hardy Decl. ¶¶ 53-54, 57-58, 63-64.</u>
<b>FBI 172</b>	11/22/04	Notes of meeting	Withheld in Full (b)(1) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 173</b> <sup>41</sup>	04/2005	Internal memorandum	Withheld in Full (b)(1) (b)(3) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl. ¶¶ 83-84, 101-102.</u>
<b>FBI 174</b>	01/2004 - 03/2006	Internal e-mail	Withheld in Full (b)(1)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 175</b> <sup>42</sup>	Undated	Internal memorandum	Withheld in Full (b)(1) (b)(3)	<u>See Second Hardy Decl. ¶¶ 85-86, 101-102.</u>

<sup>40</sup> Exemption (b)(3) is now also being asserted for **FBI 171**. **FBI 171** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 171**. Exemption (b)(7)(A) has been asserted for **FBI 171**, as it contains information which "could reasonably be expected to interfere with enforcement proceedings." Consistent with the Court's Order which granted summary judgment for ¶ 111 of the First Hardy Decl. (see Mem. Op. at 22), and which discussed numerous non-serialized documents concerning ongoing, active law enforcement investigations, **FBI 171**, which similarly contains information withheld pursuant to Exemption (b)(7)(A), should also be granted summary judgment. Finally, Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 171** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

<sup>41</sup> Exemption (b)(3) is now also being asserted for **FBI 173**. **FBI 173** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 173**. Exemption (b)(7)(A), which was previously asserted for **FBI 173**, is now being withdrawn.

<sup>42</sup> **FBI 175** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 176</b> <sup>43</sup>	Undated	Internal memorandum	Withheld in Full (b)(1) (b)(3) (b)(6) (b)(7)(A) (b)(7)(C)	<u>See Second Hardy Decl. ¶¶ 87-88, 101-102.</u>
+ <b>FBI 177</b>	Undated	Position Descriptions	Withheld in Full (b)(1) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 178</b> <sup>44</sup>	Undated	Internal memorandum	Withheld in Full (b)(1) (b)(3) (b)(6) (b)(7)(A) (b)(7)(C)	<u>See Second Hardy Decl. ¶¶ 89-90, 101-102.</u>
<b>FBI 179</b>	05/27/04	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)

to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 175**. In addition, Exemption (b)(3) is now also being asserted for **FBI 175**.

<sup>43</sup> **FBI 176** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 176**. In addition, Exemption (b)(3) is now also being asserted for **FBI 176**. Exemption (b)(7)(A) has been asserted for **FBI 176**, as it contains information which "could reasonably be expected to interfere with enforcement proceedings." Consistent with the Court's Order which granted summary judgment for ¶ 111 of the First Hardy Decl. (see Mem. Op. at 22), and which discussed numerous non-serialized documents concerning ongoing, active law enforcement investigations, **FBI 176**, which similarly contains information withheld pursuant to Exemption (b)(7)(A), should also be granted summary judgment.

<sup>44</sup> **FBI 178** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 178**. In addition, Exemption (b)(3) is now also being asserted for **FBI 178**. Exemption (b)(7)(A) has been asserted for **FBI 178**, as it contains information which "could reasonably be expected to interfere with enforcement proceedings." Consistent with the Court's Order which granted summary judgment for ¶ 111 of the First Hardy Decl. (see Mem. Op. at 22), and which discussed numerous non-serialized documents concerning ongoing, active law enforcement investigations, **FBI 178**, which similarly contains information withheld pursuant to Exemption (b)(7)(A), should also be granted summary judgment.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 180</b> <sup>45</sup>	01/04/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 181</b>	01/04/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 182</b>	01/17/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 183</b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 184</b>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)

<sup>45</sup> Exemption (b)(3) is now also being asserted for **FBI 180**. In addition, **FBI 180** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 180**.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 185</b>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 186</b> <sup>46</sup>	01/23/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 187</b>	01/23/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 188</b>	01/24/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 189</b> <sup>47</sup>	Undated	Internal summary documents	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	See Second Hardy Decl. ¶¶ 117-122.

<sup>46</sup> Exemption (b)(3) is now also being asserted for **FBI 186**. **FBI 186** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 186**. In addition, Exemption (b)(7)(A) has been asserted for **FBI 186**, as it contains information which "could reasonably be expected to interfere with enforcement proceedings." Consistent with the Court's Order which granted summary judgment for ¶ 111 of the First Hardy Decl. (see Mem. Op. at 22), and which discussed numerous non-serialized documents concerning ongoing, active law enforcement investigations, **FBI 186**, which similarly contains information withheld pursuant to Exemption (b)(7)(A), should also be granted summary judgment.

<sup>47</sup> **FBI 189** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 190</b>	Undated	Memorandum	Withheld in Full (b)(1) (b)(5) (DPP)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 191</b> <sup>48</sup>	Undated	Draft memorandum	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 192</b> <sup>49</sup>	Undated	Draft memorandum	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 193</b> <sup>50</sup>	Undated	Internal memorandum	Withheld in Full (b)(1) (b)(3) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 91-92, 101-102.

to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 189**. In addition, Exemption (b)(3) is now also being asserted for **FBI 189**. Exemption (b)(7)(A) has been asserted for **FBI 189**, as it contains information which “could reasonably be expected to interfere with enforcement proceedings.” Consistent with the Court’s Order which granted summary judgment for ¶ 111 of the First Hardy Decl. (see Mem. Op. at 22), and which discussed numerous non-serialized documents concerning ongoing, active law enforcement investigations, **FBI 189**, which similarly contains information withheld pursuant to Exemption (b)(7)(A), should also be granted summary judgment.

<sup>48</sup> Exemption (b)(3) is now also being asserted for **FBI 191**. **FBI 191** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court’s decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 191**.

<sup>49</sup> Exemption (b)(3) is now also being asserted for **FBI 192**. **FBI 192** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court’s decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 192**.

<sup>50</sup> Exemption (b)(5)(DPP), which was previously asserted for **FBI 193**, is now being withdrawn. In addition, Exemption (b)(3) is now also being asserted for portions of **FBI 193**. **FBI 193** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court’s decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 193**.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 194</b> <sup>51</sup>	Undated	Internal memorandum	Withheld in Full (b)(1) (b)(3) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 93-94, 101-102.
<b>FBI 195</b> <sup>52</sup>	Undated	Internal memorandum	Withheld in Full (b)(1) (b)(3) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	<u>See Second Hardy Decl.</u> ¶¶ 95-96, 101-102.
<b>FBI 196</b>	Undated	Memorandum	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)

<sup>51</sup> Exemption (b)(5)(DPP), which was previously asserted for **FBI 194**, is now being withdrawn. In addition, Exemptions (b)(3), (b)(6) and (b)(7)(C) are now also being asserted for portions of **FBI 194**, although Exemptions (b)(6) and (b)(7)(C) will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information. See Mem. Op. at 5. **FBI 194** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 194**.

<sup>52</sup> Exemption (b)(5)(DPP), which was previously asserted for **FBI 195**, is now being withdrawn. In addition, Exemption (b)(3) is now also being asserted for **FBI 195**. **FBI 195** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 195**. Finally, Exemption (b)(7)(A) has been asserted for **FBI 195**, as it contains information which "could reasonably be expected to interfere with enforcement proceedings." Consistent with the Court's Order which granted summary judgment for ¶ 111 of the First Hardy Decl. (see Mem. Op. at 22), and which discussed numerous non-serialized documents concerning ongoing, active law enforcement investigations, **FBI 195**, which similarly contains information withheld pursuant to Exemption (b)(7)(A), should also be granted summary judgment.



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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 197</b>	01/18/06	Internal e-mail with attached timeline summaries	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 198</b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 199</b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 200</b>	01/18/06	Internal e-mail with attached timeline	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 201<sup>53</sup></b>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)

<sup>53</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 201**, is now being withdrawn.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 202</b> <sup>54</sup>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 203</b> <sup>55</sup>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 204</b>	01/19/06	Internal e-mail with attached summary	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 205</b> <sup>56</sup>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 206</b> <sup>57</sup>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)

<sup>54</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 202**, is now being withdrawn.

<sup>55</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 203**, is now being withdrawn.

<sup>56</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 205**, is now being withdrawn.

<sup>57</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 206**, is now being withdrawn.



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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 207</b> <sup>58</sup>	01/19/06	Internal e-mail with attached summaries of investigations	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 208</b> <sup>59</sup>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 209</b> <sup>60</sup>	01/19/06	Internal e-mail with attached summaries of investigations	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 210</b>	01/20/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 211</b>	01/23/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 212</b>	01/24/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)

<sup>58</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 207**, is now being withdrawn.

<sup>59</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 208**, is now being withdrawn.

<sup>60</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 209**, is now being withdrawn.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 213</b>	01/20/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 214</b> <sup>61</sup>	01/20/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 215</b>	01/17/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 216</b> <sup>62</sup>	01/17/06	Internal e-mail with attached timeline summary	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 217</b> <sup>63</sup>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)

<sup>61</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 214**, is now being withdrawn.

<sup>62</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 216**, is now being withdrawn.

<sup>63</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 217**, is now being withdrawn.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 218</b> <sup>64</sup>	01/18/06	Internal e-mail with attached summaries of investigations	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 219</b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 220</b>	01/25/06	Internal e-mail with attached Executive Summary	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 221</b>	01/25/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 222</b> <sup>65</sup>				
<b>FBI 223</b> <sup>66</sup>	01/24/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (High) (b)(3) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 5)

<sup>64</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 218**, is now being withdrawn.

<sup>65</sup> In preparing this Index, the FBI has determined that there is in fact no responsive document designated as **FBI 222**.

<sup>66</sup> Exemption (b)(5)(ACC) and Exemption (b)(5)(DPP), which were previously asserted for **FBI 223**, are now being withdrawn. In addition, Exemption (b)(3) is now also being asserted for **FBI 223**.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 224</b> <sup>67</sup>	01/24/06	Internal e-mail with attached draft	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 225</b> <sup>68</sup>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 226</b> <sup>69</sup>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 227</b> <sup>70</sup>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 228</b> <sup>71</sup>	01/20/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)

<sup>67</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 224**, is now being withdrawn.

<sup>68</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 225**, is now being withdrawn.

<sup>69</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 226**, is now being withdrawn.

<sup>70</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 227**, is now being withdrawn.

<sup>71</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 228**, is now being withdrawn.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 229</b>	01/25/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 230</b>	01/26/06	Internal e-mail with attached summary of investigations	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 231</b>	01/27/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 232</b>	01/29/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 233</b>	1/27/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 234</b>	01/30/06	Internal e-mail with attached executive summary	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 235</b>	02/06/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 236</b> <sup>72</sup>	02/03/06	Internal e-mail with attached investigative case summaries	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 237</b>	02/14/06	Internal e-mail with attached summaries	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 238</b> <sup>73</sup>	03/13/04	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 239</b> <sup>74</sup>	12/16/05	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl. ¶¶ 55-59, 63-64.</u>

<sup>72</sup> Exemption (b)(3) is now also being asserted for **FBI 236**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 236** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5. Moreover, Exemption (b)(7)(A) has been asserted for **FBI 236**, as it contains information which “could reasonably be expected to interfere with enforcement proceedings.” Consistent with the Court’s Order which granted summary judgment for ¶ 111 of the First Hardy Decl. (see Mem. Op. at 22), and which discussed numerous non-serialized documents concerning ongoing, active law enforcement investigations, **FBI 236**, which similarly contains information withheld pursuant to Exemption (b)(7)(A), should also be granted summary judgment.

<sup>73</sup> Exemption (b)(5) (ACC), which was previously asserted for **FBI 238**, is now being withdrawn.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 240</b> <sup>75</sup>	12/20/05	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 128-129, 138-140, 144-145.
<b>FBI 241</b> <sup>76</sup>	01/04/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 193-197, 199.
<b>FBI 242</b> <sup>77</sup>	01/06/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 130-131, 138-140, 144-145.

<sup>74</sup> **FBI 239** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 239**. In addition, Exemption (b)(3) is now also being asserted for portions of **FBI 239**.

<sup>75</sup> Exemption (b)(3) is now also being asserted for **FBI 240**. **FBI 240** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 240**.

<sup>76</sup> Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 241** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5. Exemption (b)(3) is now also being asserted for **FBI 241**. **FBI 241** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 241**.



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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 243</b>	01/10/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 244</b> <sup>78</sup>	01/10/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 245</b> <sup>79</sup>	01/10/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) <b>(b)(3)</b> (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)

<sup>77</sup> Exemption (b)(3) is now also being asserted for **FBI 242**. **FBI 242** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 242**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 242** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5. Finally, Exemption (b)(7)(A) has been asserted for **FBI 242**, as it contains information which "could reasonably be expected to interfere with enforcement proceedings." Consistent with the Court's Order which granted summary judgment for ¶ 111 of the First Hardy Decl. (see Mem. Op. at 22), and which discussed numerous non-serialized documents concerning ongoing, active law enforcement investigations, **FBI 242**, which similarly contains information withheld pursuant to Exemption (b)(7)(A), should also be granted summary judgment.

<sup>78</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 244**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 244** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5. Moreover, the e-mail trail in **FBI 244** is part of the e-mail trail in **FBI 243**, for which the Court has granted summary judgment, and therefore **FBI 244** should also be granted summary judgment.

<sup>79</sup> Exemptions (b)(3) and (b)(7)(A) are now also being asserted for portions of **FBI 245**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 245** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying

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<b>FBI 246</b> <sup>80</sup>	01/14/06	Internal e-mail with attached draft	Withheld in Full (b)(1) (b)(2) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 247</b> <sup>81</sup>	01/16/06	Internal e-mail with attached draft Talking Points	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 248</b>	01/16/06	Internal e-mail with attached draft Talking Points	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) ACC (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5, 22)
<b>FBI 249</b>	01/16/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D)	Summary Judgment Granted (Mem. Op. at 22)

information pursuant to these exemptions. See Mem. Op. at 5. Finally, the e-mail trail in **FBI 245** is part of the e-mail trail in **FBI 243**, for which the Court has granted summary judgment, and therefore **FBI 257** should also be granted summary judgment.

<sup>80</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 246**. In addition, **FBI 246** is an identical duplicate of **FBI 61** for which the Court has already granted summary judgment, and therefore **FBI 246** should also be granted summary judgment.

<sup>81</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 247**.

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<b>FBI 250</b>	01/17/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 251</b>	01/17/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 252</b>	01/17/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 253</b>	01/17/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 254</b>	01/18/06		Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 255</b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)

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<b>FBI 256</b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 257</b> <sup>82</sup>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 258</b> <sup>83</sup>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 259</b> <sup>84</sup>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 260</b> <sup>85</sup>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)

<sup>82</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 257**.

<sup>83</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 258**. Finally, the e-mail trail in **FBI 258** is part of the e-mail trail in **FBI 256**, for which the Court has granted summary judgment, and therefore **FBI 258** should also be granted summary judgment.

<sup>84</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 259**. Finally, the e-mail trail in **FBI 259** is part of the e-mail trail in **FBI 256**, for which the Court has granted summary judgment, and therefore **FBI 259** should also be granted summary judgment.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 261</b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 262</b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 263</b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 264</b>	01/18/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 265</b>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)

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<sup>85</sup> Exemption (b)(3) is now also being asserted for **FBI 260**. **FBI 260** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 260**.

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<b>FBI 266</b>	01/19/06	Internal e-mail with attached draft	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(5) (AWP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5, 22)
<b>FBI 267<sup>86</sup></b>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 268</b>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 269<sup>87</sup></b>	01/20/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	See Second Hardy Decl. ¶¶ 132-133, 138-145.

<sup>86</sup> Exemption (b)(3) is now also being asserted for **FBI 267**. **FBI 267** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 267**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 267** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

<sup>87</sup> Exemption (b)(3) is now also being asserted for **FBI 269**. **FBI 269** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 269**.

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<b>FBI 270</b> <sup>88</sup>	01/20/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 132-133, 138-145.
<b>FBI 271</b> <sup>89</sup>	01/27/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 132-133, 138-145.
<b>FBI 272</b>	01/27/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 273</b>	01/27/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 274</b> <sup>90</sup>	01/27/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 134-135, 138-145.

<sup>88</sup> Exemption (b)(3) is now also being asserted for **FBI 270**. **FBI 270** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 270**.

<sup>89</sup> Exemption (b)(3) is now also being asserted for **FBI 271**. **FBI 271** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 271**.



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<b>FBI 275</b> <sup>91</sup>	01/27/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See</u> Second Hardy Decl. ¶¶ 134-135, 138-145.
<b>FBI 276</b>	01/29/06	Internal e-mail with attached draft	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(5) (AWP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 277</b> <sup>92</sup>	01/31/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)

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<sup>90</sup> Exemption (b)(3) is now also being asserted for **FBI 274**. **FBI 274** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 274**.

<sup>91</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 275**. **FBI 275** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 275**.

<sup>92</sup> Exemption (b)(3) is now also being asserted for **FBI 277**. **FBI 277** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 277**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 277** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

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<b>FBI 278</b>	01/31/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 279</b>	01/31/06	Internal e-mail	Withheld in Full (b)(1) (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 280</b>	01/31/06	Internal e-mail with attached Qs & As	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(5) (AWP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 281</b>	01/31/06	Internal e-mail	Withheld in Part/Released in Part (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 282<sup>93</sup></b>	01/31/06	Internal e-mail	Withheld in Full (b)(5) (DPP) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 214-215, 225-226.
<b>FBI 283</b>	02/01/06	Internal e-mail	Withheld in Part/Released in Part (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 284<sup>94</sup></b>	02/01/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)

<sup>93</sup> Exemption (b)(5)(ACC), which was previously asserted for **FBI 282**, is now being withdrawn.

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<b>FBI 285</b> <sup>95</sup>	02/01/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 286</b> <sup>96</sup>	02/01/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 136-145.
<b>FBI 287</b> <sup>97</sup>	02/01/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 136-145.

<sup>94</sup> Exemptions (b)(1), (b)(3) and (b)(5) (DPP and ACC) are now also being asserted for portions of **FBI 284**. **FBI 284** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 284**. In addition, the e-mail trail in **FBI 284** is part of the e-mail trail in **FBI 256**, for which the Court has granted summary judgment, and therefore **FBI 284** should also be granted summary judgment.

<sup>95</sup> Exemptions (b)(3), (b)(6) and (b)(7)(C) are now also being asserted for portions of **FBI 285**, although Exemptions (b)(6) and (b)(7)(C) will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information. See Mem. Op. at 5. **FBI 285** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 285**. In addition, the e-mail trail in **FBI 285** is part of the e-mail trail in **FBI 256**, for which the Court has granted summary judgment, and therefore **FBI 285** should also be granted summary judgment.

<sup>96</sup> Exemption (b)(3) is now also being asserted for **FBI 286**. **FBI 286** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 286**.

<sup>97</sup> Exemption (b)(3) is now also being asserted for portions of **FBI 287**. **FBI 287** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in

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<b>FBI 288</b>	02/01/06	Internal e-mail		<u>See Second Hardy Decl.</u> ¶¶ 216, 219-226.
<b>FBI 289</b>	02/01/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 216, 219-226.
<b>FBI 290</b>	02/01/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 216, 219-226.
<b>FBI 291</b>	02/01/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 216, 219-226.
<b>FBI 292</b>	02/01/06	Internal e-mail with attached Draft proposed questions and answers	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(5) (AWP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 293</b>	02/01/06	Internal e-mail with attached Draft proposed questions and answers	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(5) (AWP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)

accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 287**.

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<b>FBI 294</b>	02/01/06	Internal e-mail	Withheld in Full (b)(1) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 216, 219-226.
<b>FBI 295<sup>98</sup></b>	02/02/06	Internal e-mail	Withheld in Full (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 216, 219-226.
<b>FBI 296</b>	02/07/06	Internal e-mail	Withheld in Part/Released in Part (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 297</b>	02/07/06	Internal e-mail	Withheld in Part/Released in Part (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 298<sup>99</sup></b>	02/03/06	Letter from Morgan and Cunningham law firm to Senators Specter and Leahy, with copies to several members of Congress and the Attorney General, concerning their legal opinions regarding the legality of the TSP	Released in Full	

<sup>98</sup> Exemption (b)(1), which was previously asserted for **FBI 295**, is now being withdrawn.

<sup>99</sup> **FBI 298** is a non-agency document, and based on the Court's recognition that plaintiffs have disclaimed or withdrawn their objections, see Mem. Op. at 5, this document will not be further addressed in the Second Hardy Declaration.

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<b>FBI 299</b> <sup>100</sup>	Undated	Notes	Withheld in Full (b)(1) (b)(3) (b)(6) (b)(7)(A) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 97-102.
<b>FBI 300</b> <sup>101</sup>	02/01/06	Internal e-mail	Withheld in Part/Released in Part (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 301</b> <sup>102</sup>	11/19/02	Internal memorandum	(b)(1) (b)(3) (b)(5) (DPP)	<u>See Second Hardy Decl.</u> ¶¶ 66-67, 72-74.
<b>FBI 302</b> <sup>103</sup>	01/23/03	Internal memorandum	(b)(1) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 70-71, 72-74.

<sup>100</sup> Exemption (b)(5)(DPP), which was previously asserted for **FBI 299**, is now being withdrawn. Exemption (b)(3) is now also being asserted for **FBI 299**. **FBI 299** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 299**.

<sup>101</sup> The FBI is now releasing a part of **FBI 300**. As a result, Exemptions (b)(1) and (b)(5) (ACC and AWP), which were previously asserted, are now being withdrawn. Consistent with the processing of related documents **FBI 281** and **FBI 283**, Exemptions (b)(6) and (b)(7)(C) continue to be asserted to protect FBI employee names, although Exemptions (b)(6) and (b)(7)(C) will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information. See Mem. Op. at 5.

<sup>102</sup> Exemptions (b)(5) (ACC and AWP), (b)(6) and (b)(7)(C), which were previously asserted for **FBI 301**, are now being withdrawn. Exemptions (b)(3) and (b)(5) (DPP) are now also being asserted for **FBI 301**. In addition, **FBI 301** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 301**.

<sup>103</sup> Exemption (b)(3) and (b)(5) (DPP) are now also being asserted for **FBI 302**. In addition, **FBI 302** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 302**.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 303</b> <sup>104</sup>	02/20/03	Internal memorandum	(b)(1) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 70-71, 72-74.
<b>FBI 304</b> <sup>105</sup>	01/06/03	Electronic Communication (Internal Memorandum)	Withheld in Full (b)(1) (b)(3) (b)(6) (b)(7)(A) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 305</b>	10/6/04	Electronic Communication (Internal Memorandum)	Withheld in Full (b)(1) (b)(2) (Low) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 306</b> <sup>106</sup>	10/6/04	Report	Withheld in Full (b)(1) (b)(2) (Low) (b)(3) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 146-147, 150-151.
<b>FBI 307</b> <sup>107</sup>				
<b>FBI 308</b> <sup>108</sup>				

<sup>104</sup> Exemption (b)(3) and (b)(5) (DPP) are now also being asserted for **FBI 303**. In addition, **FBI 303** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 303**.

<sup>105</sup> Exemption (b)(3) is now also being asserted for **FBI 304**. **FBI 304** is a serial from a file [REDACTED] for which the Court has granted summary judgment (see Mem. Op. at 22), and as a result, this document will not be further addressed in the Second Hardy Declaration. (See also **FBI 1500**, infra.)

<sup>106</sup> Exemption (b)(3) is now also being asserted for **FBI 306**. **FBI 306** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 306**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 306** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

<sup>107</sup> In preparing this Index, the FBI has determined that there is in fact no document designated as **FBI 307**.



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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 309</b> <sup>109</sup>	Undated	Draft document	Withheld in Full (b)(5) (DPP)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 310</b> <sup>110</sup>	11/23/04	Internal memorandum	Withheld in Full (b)(1) (b)(3) (b)(6) (b)(7)(A) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 99-102.
<b>FBI 311</b> <sup>111</sup>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)

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<sup>108</sup> **FBI 308** was incorrectly listed as a document for which Exemptions (b)(1), (b)(2) (High), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D) and (b)(7)(E) were asserted in the First Hardy Declaration, and for which the Court granted summary judgment (see Mem. Op. at 22). In preparing this Index and the Second Hardy Decl., the FBI has determined that there is in fact no document which has been designated as **FBI 308**.

<sup>109</sup> **FBI 309 – FBI 319** are documents which were not included in the First Hardy Declaration. These documents were identified as a result of the FBI's efforts to address the Court's concerns articulated in the September 5, 2007 Order. Some of these documents were located in the FBI's search efforts in 2006, but were inadvertently not included (*i.e.*, **FBI 311** and **FBI 312** are e-mail trails that are very similar and related to e-mail trails of **FBI 161**, **FBI 163**, **FBI 200**, **FBI 211**, **FBI 214**, **FBI 220**, **FBI 254** and **FBI 268**; and **FBI 318** e-mail trail is similar to **FBI 166**). Other documents in this range are drafts, deliberative documents and documents which contain operational details and statistics and which fall within the date range of the FBI's initial search.

<sup>110</sup> **FBI 310** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 310**.

<sup>111</sup> The e-mail trail in **FBI 311** is part of the e-mail trail in **FBI 256**, for which the Court has granted summary judgment, and therefore **FBI 311** should also be granted summary judgment.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 312</b> <sup>112</sup>	01/19/06	Internal e-mail	Withheld in Full (b)(1) (b)(3) (b)(5) (ACC) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 313</b> <sup>113</sup>	Undated	Power Point presentation	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 31-32, 37-40.
<b>FBI 314</b> <sup>114</sup>	Undated	Power Point presentation	Withheld in Full (b)(1) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 33-34, 37-40.
<b>FBI 315</b> <sup>115</sup>	Undated	Internal document	Withheld in Full (b)(1) (b)(3) (b)(6) (b)(7)(A) (b)(7)(C)	<u>See Second Hardy Decl.</u> ¶¶ 148-151.

<sup>112</sup> The e-mail trail in **FBI 312** is part of the e-mail trail in **FBI 256**, for which the Court has granted summary judgment, and therefore **FBI 312** should also be granted summary judgment.

<sup>113</sup> **FBI 313** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 313**.

<sup>114</sup> **FBI 314** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 314**.

<sup>115</sup> **FBI 315** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 315**.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 316</b> <sup>116</sup>	Undated	Internal document	Withheld in Full (b)(1) (b)(3) (b)(6) (b)(7)(A) (b)(7)(C)	See Second Hardy Decl. ¶¶ 35-37.
<b>FBI 317</b>	Undated	Talking Points	--	Referred to DOJ OIPR; same as OIPR 65  Summary Judgment Granted (Mem. Op. at 21).
<b>FBI 318</b> <sup>117</sup>	01/23/06	Internal e-mail	(b)(1) (b)(2) (Low) (b)(3) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 319</b>	11/23/04	Draft document	(b)(1) (b)(3) (b)(5) (DPP)	Summary Judgment Granted (Mem. Op. at 5)

<sup>116</sup> **FBI 316** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 316**.

<sup>117</sup> **FBI 318** contains a discussion of operational details and statistics related to the use of and reliance on the TSP by the FBI, and in accordance with the Court's decision, which granted summary judgment to NSA for similar documents, see Mem. Op. at 23, summary judgment should also be granted for **FBI 318**. Exemptions (b)(2) (Low), (b)(6) and (b)(7)(C) asserted for **FBI 318** will not be further addressed in the Second Hardy Declaration since plaintiffs do not challenge the withholding of names and/or identifying information pursuant to these exemptions. See Mem. Op. at 5.

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 320</b>	4/27/05 and 02/02/06	Responsive pages from the US Senate Select Committee on Intelligence Hearing transcript regarding the USA Patriot Act (Pages 1, 14, and 15) and the US Senate Select Committee on Intelligence hold a hearing on the Worldwide Terror Threat	Released in Full	
<b>FBI 321</b>	10/3/05	Letter from Assistant Attorney General, DOJ Office of Legislative Affairs, to Senator Pat Roberts regarding questions arising from the April 27, 2005, appearance of the FBI Director before the Committee concerning the impact of the USA Patriot Act on intelligence community operations and national security investigations.	Released in Full	Referred to OLA, which released document
<b>FBI 322</b>	Undated	Draft document	Withheld in Full (b)(5) (DPP)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 323</b>	05/23/05	Draft document	Withheld in Full (b)(5) (DPP) (b)(5) (ACC)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 324</b>	Undated	Draft document	Withheld in Full (b)(5) (DPP) (b)(5) (ACC)	Summary Judgment Granted (Mem. Op. at 5)

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<b>FBI 325</b>	07/19/05	Internal e-mail regarding draft document	Withheld in Full (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 326</b>	08/18/05	Internal e-mail regarding draft document	Withheld in Full (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 327</b>	08/31/05	Draft document	Withheld in Full (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 328</b>	09/07/05	Internal e-mail regarding draft document	Withheld in Full (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 329</b>	09/21/05	Internal e-mail regarding draft document	Withheld in Full (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 330</b>	09/13/05	Internal e-mail regarding draft document	Withheld in Full (b)(2) (Low) (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 331</b>	05/25/05	Draft document	Withheld in Full (b)(5) (DPP) (b)(5) (ACC) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 332</b>	05/31/05	Draft document	Withheld in Full (b)(5) (DPP) (b)(5) (ACC)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 333</b>	07/08/05	Internal e-mail regarding draft document	Withheld in Full (b)(2) (Low) (b)(5) (DPP) (b)(6) (b)(7)(C)	Summary Judgment Granted (Mem. Op. at 5)

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 334</b>	09/07/05	Draft document	Withheld in Full (b)(5) (DPP) (b)(5) (ACC)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 335</b>	09/01/05	Draft document	Withheld in Full (b)(5) (DPP) (b)(5) (ACC)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 336</b>	09/21/05	Draft document	Withheld in Full (b)(5) (DPP)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 337</b>	05/24/05	Draft document	Withheld in Full (b)(5) (DPP)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 338</b>	05/31/05	Draft document	Withheld in Full (b)(5) (DPP)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 339</b>	06/02/05	Draft document	Withheld in Full (b)(5) (DPP)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 340</b>	8/30/05	Draft document	Withheld in Full (b)(5) (DPP)	Summary Judgment Granted (Mem. Op. at 5)
<b>FBI 341- FBI 999</b>				
<b>FBI 1000</b>	05/03/04	E-mail trail	FBI Equities Withheld in Full: (b)(6) (b)(7)(C) – FBI Names	Referred to NSA  Summary Judgment Granted (Mem. Op. at 5, 23)
<b>FBI 1001</b>	12/11/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1002</b>	12/11/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1003</b>	12/10/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1004</b>	11/7/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1005</b>	11/7/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1006</b>	11/7/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 1007</b>	11/14/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1008</b>	10/31/03	NSA Report	FBI Equities Withheld in Full: (b)(2) – FBI Phone Number; (b)(6) (b)(7)(C) – FBI Names <sup>118</sup>	Referred to NSA  Summary Judgment Granted (Mem. Op. at 5, 23)
<b>FBI 1009</b>	10/27/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1010</b>	10/28/03	NSA Report	--	Refer to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1011</b>	10/28/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1012</b>	10/28/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1013</b>	10/28/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1014</b>	10/1/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1015</b>	09/15/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)

<sup>118</sup> Exemption (b)(2) (FBI telephone numbers), and Exemptions (b)(6) and (b)(7)(C) (FBI employee names) for **FBI 1008** were not specifically listed in the First Hardy. However, based on the Court's recognition that plaintiffs have "disclaimed or withdrawn objections regarding . . . Exemptions 2, 6 and 7(C)," see Mem. Op. at 5, these Exemptions will not be further addressed in the Second Hardy Declaration.



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<b>FBI 1016</b>	09/11/03	NSA Report	FBI Equities Withheld in Full: (b)(6) (b)(7)(C) – FBI Names on Post-It Note.	Referred to NSA  Summary Judgment Granted (Mem. Op. at 5, 23)
<b>FBI 1017</b>	09/25/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1018</b>	09/25/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1019</b>	08/13/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1020</b>	08/11/03	NSA Report	FBI Equities Withheld in Full: (b)(6) (b)(7)(C) – FBI Names	Referred to NSA  Summary Judgment Granted (Mem. Op. at 5, 23)
<b>FBI 1021</b>	08/11/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1022</b>	08/11/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1023</b>	8/11/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1024</b>	08/08/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1025</b>	08/08/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1026</b>	08/01/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 1027</b>	08/01/03	NSA Report	--	Refer to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1028</b>	08/01/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1029</b>	06/30/03	NSA Report	FBI Equities Withheld in Full: (b)(1) (b)(6) (b)(7)(A) (b)(7)(C) – Identities of Suspects	Referred to NSA  Summary Judgment Granted (Mem. Op. at 5, 22, 23)
<b>FBI 1030</b>	06/30/03	NSA Report	FBI Equities Withheld in Full: (b)(1) (b)(6) (b)(7)(A) (b)(7)(C) – Identities of Suspects	Referred to NSA  Summary Judgment Granted (Mem. Op. at 5, 22, 23)
<b>FBI 1031</b>	06/30/03	NSA Report	FBI Equities Withheld in Full: (b)(1)	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1032</b>	06/26/03	NSA Report	FBI Equities Withheld in Full: (b)(1) (b)(6) (b)(7)(A) (b)(7)(C) – Identities of Suspects	Referred to NSA  Summary Judgment Granted (Mem. Op. at 5, 22, 23)
<b>FBI 1033</b>	06/20/03	NSA Report	FBI Equities Withheld in Full: (b)(1) (b)(6) (b)(7)(A) (b)(7)(C) – Identities of Suspects	Referred to NSA  Summary Judgment Granted (Mem. Op. at 5, 22, 23)

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<b>FBI 1034</b>	06/20/03	NSA Report	FBI Equities Withheld in Full: (b)(1) (b)(6) (b)(7)(A) (b)(7)(C) – Identities of Suspects	Referred to NSA  Summary Judgment Granted (Mem. Op. at 5, 22, 23)
<b>FBI 1035</b>	06/13/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1036</b>	05/30/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1037</b>	05/30/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1038</b>	05/30/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1039</b>	05/30/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1040</b>	05/30/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1041</b>	05/30/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1040</b>	06/11/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1043</b>	05/13/03	Internal e-mail trail	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1044</b>	06/11/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)

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<b>+ FBI 1045</b>	06/11/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1046</b>	06/11/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1047</b>	06/11/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1048</b>	06/11/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1049</b>	06/11/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1050</b>	06/11/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1051</b>	06/11/03	NSA Report	FBI Equities Withheld in Full: (b)(1) (b)(6) (b)(7)(A) (b)(7)(C) – Identities of Suspects	Referred to NSA  Summary Judgment Granted (Mem. Op. at 5, 22, 23)
<b>FBI 1052</b>	06/11/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1053</b>	06/11/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1054</b>	06/11/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)

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<b>FBI 1055</b>	06/11/03	NSA Report	FBI Equities Withheld in Full: (b)(1) (b)(6) (b)(7)(A) (b)(7)(C) – Identities of Suspects	Referred to NSA  Summary Judgment Granted (Mem. Op. at 5, 22, 23)
<b>FBI 1056</b>	06/11/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1057</b>	06/11/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1058</b>	06/11/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1059</b>	06/11/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1060</b>	06/11/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1061</b>	06/11/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1062</b>	06/11/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1063</b>	06/11/03	NSA Report	FBI Equities Withheld in Full: (b)(1)	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1064</b>	11/27/02	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1065</b>	12/13/02	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)

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<b>FBI 1066</b>	12/13/02	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1067</b>	12/31/02	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1068</b>	01/09/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1069</b>	01/17/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1070</b>	01/17/03	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1071</b>	12/13/02	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1072</b>	01/17/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1073</b>	01/20/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1074</b>	01/13/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1075</b>	01/28/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1076</b>	02/06/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1077</b>	02/25/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 1078</b>	02/24/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1079</b>	2/24/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1080</b>	02/24/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1081</b>	02/23/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1082</b>	03/2004	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1083</b>	03/2004	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1084</b>	06/07/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1085</b>	06/22/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1086</b>	06/23/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1087</b>	08/06/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1088</b>	4/1/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1089</b>	04/01/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)

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<b>DOC. NO.</b>	<b>DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>APPLICABLE EXEMPTION(S)</b>	<b>JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS</b>
<b>FBI 1090</b>	04/05/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1091</b>	4/5/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1092</b>	04/05/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1093</b>	04/07/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1094</b>	04/23/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1095</b>	04/27/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1096</b>	04/28/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1097</b>	04/29/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1098</b>	04/30/04	E-mail and attached NSA Report	FBI Equities Withheld in Full: (b)(6) (b)(7)(C) – FBI Names	Referred to NSA  Summary Judgment Granted (Mem. Op. at 5, 23)
<b>FBI 1099</b>	05/20/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1100</b>	05/20/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 1101</b>	05/20/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1102</b>	07/08/04	E-mail and attached NSA Report	FBI Equities Withheld in Full: (b)(6) (b)(7)(C) – FBI Names	Referred to NSA  Summary Judgment Granted (Mem. Op. at 5, 23)
<b>FBI 1103</b>	03/18/04	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1104</b>	Undated	NSA Report		Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1105</b>	01/30/03	NSA Report	--	Referred to NSA  Summary Judgment Granted (Mem. Op. at 23)
<b>FBI 1106- FBI 1499</b>				
<b>FBI 1500</b>	Date Range: 09/11/01 to 03/01/06	Serialized Documents in Criminal Media Leak Investigative File	Withheld in Full (b)(1) (b)(2) (b)(3) (b)(5) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D) (b)(7)(E) (b)(7)(F)	Summary Judgment Granted (Mem. Op. at 22)
<b>FBI 1501- FBI 1999</b>				

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DOC. NO.	DATE	DOCUMENT DESCRIPTION	APPLICABLE EXEMPTION(S)	JUSTIFICATION FOR EXEMPTION(S)/ COMMENTS
<b>FBI 2000</b>	Various	Serialized Documents Investigative File	Withheld in Full (b)(1) (b)(2) (b)(3) (b)(6) (b)(7)(A) (b)(7)(C) (b)(7)(D) (b)(7)(E)	Summary Judgment Granted (Mem. Op. at 22)