



NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

LIT0005695-1
26 August 2013

Mr. Marc Rotenberg
Executive Director and President
Electronic Privacy Information Center
1718 Connecticut Avenue, N.W.
Suite 200
Washington, DC 20009

Re: EPIC Petition for NSA to Conduct a Public Rulemaking

Dear Mr. Rotenberg:

On behalf of the Director, National Security Agency/Chief, Central Security Service (NSA/CSS), I am responding to your organization's August 9, 2013 petition for rulemaking on what you refer to as the "monitoring and collection of communications traffic within the United States" by NSA. As a general matter, any NSA activities involving the collection of communications that may meet the description set forth in your letter, if any, would not constitute Agency actions that are subject to the notice-and-comment requirements of the Administrative Procedures Act, such as the issuance, amendment, or repeal of rules or regulations.

The U.S. Department of Defense and the National Security Agency operate in accordance with the Constitution and laws of the United States, under the direction of the President, and will continue to work within the confines of the law and the oversight of both the U.S. Congress and the Judiciary.

Sincerely,

A handwritten signature in cursive script that reads "David J. Sherman".

DAVID J. SHERMAN, Ph.D.
Associate Director for Policy and Records
National Security Agency