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

Case: 103943/Appeal: 5223
1 June 2018

Mr. John Greenewald
The Black Vault
27305 W. Live Oak Dr.
Suite 1203
Castaic, CA 91384

Dear Mr. Greenewald:

Thank you for your letter of 2 May 2018 appealing the response from the National Security Agency (NSA or Agency) to your request under the Freedom of Information Act (FOIA). You had requested all records pertaining to September 11, 2001 news media reports that 4 men were arrested with explosives on the George Washington Bridge, which connects the borough of Manhattan in New York City to Fort Lee in New Jersey. For ease of processing, the FOIA office separated your request (case 103943) into two parts:

1. Records pertaining to NSA's processing of your 2014 FOIA case 79347, and
2. Emails, letters, reports, investigations, etc., that pertain to the September 11, 2001 incident described in case 79347.

I have reviewed your 2014 request (case 79347), your 2018 request (case 103943), the Agency's 16 April 2018 response to you, and your letter of appeal. For item 2 above, I have determined that the Agency's Glomar response for intelligence information regarding the incident remains valid.

For item 1 above, I have determined the Agency's initial determination to fully deny information at the TOP SECRET level was incorrect.

Item 1 contains information that would reveal NSA/CSS functions and activities. Names of NSA/CSS employees have been deleted from the enclosures; these names are exempt from disclosure pursuant to the third exemption of the FOIA, which provides for the withholding of information specifically protected from disclosure by statute. The specific statute applicable in this case is Section 6, Public Law 86-36 (50 U.S. Code 3605).

In addition, information responsive to item 1 has been withheld pursuant to the fifth exemption of the FOIA. This exemption applies to inter-agency or intra-agency memoranda or letters which would not be available by law to a party in litigation with the agency; it protects information that is normally privileged in the civil discovery context, such as information that is part of a pre-decisional deliberative process.

Your appeal is, therefore, denied because the FOIA exempts the release of protected^{1,2} information.

You are hereby advised of your right pursuant to 5 U.S.C. § 552(a)(4)(B) to seek judicial review of this matter in the United States District Court in the district in which you reside, in which you have your principal place of business, in which the Agency records are situated (U.S. District Court of Maryland), or in the District of Columbia.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Rd - OGIS
College Park, MD 20740
ogis@nara.gov / (877) 684-6448 / (202) 741-5770 / Fax (202) 741-5769

Sincerely,



STEVEN E. THOMPSON
Freedom of Information/Privacy Act Appeal Authority

¹ The first exemption under the FOIA indicates that the FOIA does not apply to matters that are authorized by Executive Order to be kept secret and are properly classified in the interest of national defense or foreign relations. The fact of the existence or non-existence of any records responsive to your request is an appropriately classified matter. Paragraph 3.6(a) of Executive Order 13526 ("Classified National Security Information") specifically authorizes this type of response, also known as a Glomar response, to such requests made under the FOIA.

² The third exemption under the FOIA authorizes the withholding of information specifically protected from disclosure by statute. The fact of the existence or non-existence of any records responsive to your request is currently exempted from disclosure by the following statutes: Title 18 U.S. Code 798; Title 50 U.S. Code 3024(i); and Section 6, Public Law 86-36 (50 U.S. Code 3605).