

Sections III and VI.C.3 (32 C.F.R. §§286.2, 286.4(c)(3)), specifically recognizes this exemption. Thus, I also find that the Chief, Policy Staff properly concluded that this information was exempt from release pursuant to 5U.S.C. §552(b)(3), since each of the statutes and the Directive cited above provides adequate grounds upon which to base such an exemption, and I therefore affirm his denial of your request for release of this information on these grounds.

In summary, I find the matter covered by your request clearly within the statutory protections and exemptions cited above, and proper protection of classified information and intelligence sources and methods requires a denial of your appeal. I have also concluded that no portion of the information is reasonably segregable.

As your appeal is denied in its entirety, you are hereby advised of your rights under 5 U.S.C. §552 to seek judicial review. You may seek an order from a United States District Court in the district in which you reside, in which you have your principal place of business, or in which this Agency's records are situated (U.S. District Court District of Maryland), or in the District of Columbia, for the production of any Agency records which you consider to have been improperly withheld by this Agency. Section 2 of Public Law 93-502 sets out your rights in this matter with respect to such judicial action. Sincerely [Daniel B. Silver, Freedom of Information Act/Privacy Act Appeals Authority]

NATIONAL SECURITY AGENCY  
CENTRAL SECURITY SERVICE  
Fort George G. Meade, Maryland 20755

Serial: N9047A  
24 March 1980

Peter A. Gersten, Esq.  
Rothblatt, Rothblatt and Seijas  
191 East 161st Street  
Bronx, New York 10451

Dear Mr. Gersten:

This replies to your letter of 23 January 1980 in which you appeal the National Security Agency's (NSA) partial denial of your request for records under the Freedom of Information Act. I have read your request to this Agency dated 16 February 1979; the records located by this Agency; NSA's response of 10 January 1980 which forwarded three records and denied others in their entirety; NSA's response to you dated 19 December 1979 concerning a record referred to this Agency from the Central Intelligence Agency (CIS); and your letter of appeal. In addition, I caused another search to be conducted. As the result of this review and search I have concluded that the denial by the Chief, Policy Staff was proper and that no additional records may be released to you.

Of the records denied, only one is not classified. It is being denied in its entirety pursuant to 5 U.S.C. §552(b)(5) and (6) as it is an intra-agency memorandum which would not be available by law to a party other than an Agency in litigation with this Agency, and as its