



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

OFFICE OF THE
GENERAL COUNSEL
Stop 9612

April 6, 2010

Meredith Fuchs, General Counsel
The National Security Archive
The George Washington University
Gelman Library, Suite 701
2130 H Street, N.W.
Washington, D.C. 20037

Re: Appeal, Freedom of Information Act Request No. 05-1269-FOIA

Dear Ms. Fuchs:

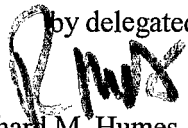
I am responding to the National Security Archives, March 20, 2005 Freedom of Information Act appeal of the decision of the FOIA/Privacy Act Officer, Securities and Exchange Commission, denying your request for a copy of the May 15, 2002 information memorandum from the Division of Enforcement to the Commission regarding the Pre-September 11, 2001 Trading Review. On February 17, 2005, the FOIA/Privacy Act Officer denied your request pursuant to FOIA Exemption 7(A), 5 U.S.C. 552(b)(7)(A).

In reviewing your appeal, while I have determined that Exemption 7(A) no longer applies, I have also determined that portions of the report, which either reflect internal predecisional Commission deliberations or law enforcement techniques, or the release of which would constitute an unwarranted invasion of personal privacy of Commission employees or other persons, are exempt from disclosure. These portions have been redacted pursuant to FOIA Exemptions 5, 7(E), 6 and 7(C), 5 U.S.C. 552(b)(5), (7)(E), (6) and (7)(C), respectively.

For the remainder of the memorandum, while other FOIA exemptions may apply, I have determined that it would serve the public interest to disclose that information. This discretionary release should not be interpreted as a waiver of any applicable exemption in the event you make a request for similar information in the future.

You have the right to seek judicial review of my determination not to release the redacted information by filing a complaint in the United States District Court for the District of Columbia or in the district court where you reside or have your principal place of business. See 5 U.S.C. 552(a)(4)(B). If you have any questions regarding this determination, please call Thomas J. Karr, Assistant General Counsel, at 202-551-5163.

For the Commission
by delegated authority


Richard M. Humes
Associate General Counsel

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4/13/2010 FOISG: Elias, Barbara
9/11 Commission Report - Chap 5