



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

Case No. 73358 / Appeal No. 3861

12 June 2014

The National Security Archive  
ATTN: Ms. Mary Curry  
The George Washington University  
Gelman Library, Suite 701  
2130 H Street, N.W.  
Washington, DC 20037

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RECNO:48033	SEQCOR:178484
6/18/2014	FOISG: Curry, Mary
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Dear Ms. Curry:

This responds to your letter, dated 18 October 2013, appealing the National Security Agency/Central Security Service's (NSA/CSS') denial of your Freedom of Information Act (FOIA) request of 16 July 2013, which was interpreted to be for information relating to the approach, landing, or crash of an aircraft that occurred on the night of 17-18 September 1961 in or around Ndola, Northern Rhodesia, as well as any information relating to activity related to the flight preceding the incident or of the search for wreckage in the vicinity of Ndola, Northern Rhodesia following the incident. I have reviewed your request, the Chief of the FOIA/Privacy Act Office's response to you, your appeal letter, and the responsive documents. Further, a line-by-line review of the documents has been conducted on appeal. As a result of my review, I have determined that the responsive documents were properly withheld in their entirety and continue to warrant protection as described below. Your appeal, therefore, is denied.

The withheld documents continue to be currently and properly classified in accordance with Executive Order 13526. They remain so because of our need to protect the sources and methods from which the information is derived. The information meets the criteria for classification as set forth in subparagraph (c) of Section 1.4 of Executive Order 13526 and remains currently and properly classified TOP SECRET as provided in Section 1.2 of the Order. As such, the withheld documents are exempt in their entirety from disclosure pursuant to the first exemption of the FOIA. Further, the information is exempt from automatic declassification in accordance with Sections 3.3(b)(1), 3.3(b)(3), and 3.3(b)(8) of Executive Order 13526 because its release could clearly and demonstrably be expected to: reveal information that would impair the effectiveness of an intelligence method currently in use; impair U.S. cryptologic systems or activities; and reveal current vulnerabilities of systems, installations, or infrastructures relating to the national security.

Additionally, this Agency is authorized by statute to protect certain information concerning its activities. The withheld documents remain protected pursuant to the third exemption of the FOIA, which provides for the withholding of information specifically exempted from disclosure by statute. The specific statutes applicable in this case are: 18 U.S.C. §798, which prohibits the release of information concerning classified communications intelligence activities except to those persons authorized to receive such information; 50 U.S.C. §3024(i), which requires the protection of intelligence sources and methods from unauthorized disclosure; and Section 6 of the National Security Agency Act of 1959, Public Law 86-36 (codified at 50 U.S.C. §3605), which provides that no law shall be construed to require the

disclosure of the organization, personnel, functions, or activities of NSA/CSS. You also cite in your appeal the age of the material. The passage of time has not diminished the harm to national security interests that disclosure of the information would cause.

Since this response is a denial of your appeal, you are advised of your right pursuant to 5 U.S.C. §552(a)(4)(B) to seek judicial review of my decision 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.

Sincerely,



E. R. BROOKS

Chief of Staff

Freedom of Information Act/Privacy Act  
Appeal Authority