



Office of Thrift Supervision
Department of the Treasury

1700 G Street, N.W., Washington, DC 20552 • (202) 906-6000

February 25, 2009

VIA ELECTRONIC MAIL



Re: FOIA No. 09-187

Dear 

This responds to your request, sent by electronic mail and received by our office on January 2, 2009, for processing under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested documents supporting the claim that there was a \$16 billion run on deposits at Washington Mutual Bank between September 15, 2008, and September 25, 2008.

Your request is denied in full. Approximately 130 pages, consisting of internal memoranda, supervisory communications, and reports, are being withheld from public disclosure under subsections (b)(4), (b)(5), and (b)(8) of the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

Exemption (b)(4) protects from disclosure "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." 5 U.S.C. § 552(b)(4). Exemption (b)(5) protects inter-agency and intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency. 5 U.S.C. § 552(b)(5). This includes internal advice, recommendations, and subjective evaluations, as opposed to factual matters contained in records that pertain to the decision-making process of an agency, whether within or among agencies. Exemption (b)(8) protects records that are contained in or related to examination, operation, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions. 5 U.S.C. § 552(b)(8). It is not necessary that the information be contained in these reports to qualify for this exemption, but must merely *relate* to them.

You have the right to appeal this denial of your request. If you decide to do so, your appeal must be filed within 35 days of the date of this letter. It should be addressed to FOIA Appeals, Office of Thrift Supervision, 1700 G Street, N.W., Washington, DC 20552. Your appeal should clearly state the grounds upon which you believe this denial is in error. The Office of Thrift Supervision will make a determination and notify you in writing of the outcome of your appeal.

Sincerely,



Marilyn K. Burton
Supervisory Paralegal Specialist