



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

April 26, 2021

FOIA Nos.: 2018-06-192, 2018-08-115, 2018-08-116
OASIS No.: 1192551

Tim Mak
National Public Radio, Inc.
1111 North Capitol St., N.E.
Washington, DC 20002

Dear Mr. Mak:

Re: *National Public Radio, Inc. et al v. United States Department of the Treasury*, Civil
Action No. 1:19-CV-0017 (JDB)

This letter accompanies the Office of Foreign Assets Control's (OFAC) production of the second part of its twenty-third interim response (hereinafter "Part II") to your three Freedom of Information Act (FOIA), 5 U.S.C. § 552, requests to the Department of the Treasury as outlined below.

FOIA No.	Date of Request	Subject of Request
2018-06-192	May 14, 2018	Alexander Torshin, Oleg Deripaska
2018-08-115	August 14, 2018	Maria Butina
2018-08-116	August 14, 2018	Kalashnikov Concern, Mark Barnes, National Rifle Association

On August 22, 2019, the Court ordered Treasury to review documents at a rate of 3,000 pages per month, regardless of how many documents are identified as being responsive.

With this release, OFAC has determined that it has completed its production of records contemplated by the Court's August 2019 order in this case.¹ In connection with Part II of this release, OFAC has processed 331 pages of records that are responsive to your FOIA requests. Of these 331 responsive pages, 19 are duplicates or contain entirely duplicative content; 20 pages are pending processing through the submitter notice process (see 31 C.F.R. §1.5); 184 pages are pending processing as consultations to other governmental agencies, other parts of the U.S. government, and/or within Treasury as specified in the filler pages (*see* 31 C.F.R. §1.3(d)(1)); 61 pages are being released in full; six pages are being withheld in full pursuant to exemptions (b)(3), (b)(5), (b)(6), (b)(7)(A), and (b)(7)(C); and 41 pages are being released in part with redactions made pursuant to FOIA exemptions (b)(4), (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), and (b)(7)(E).

¹ We note that records subject to the submitter notice process and consultations will be forthcoming, consistent with the Court's order of March 31, 2021.

FOIA exemption (b)(3) allows for the withholding of records or information that is prohibited from disclosure by another federal statute. OFAC is withholding records or information created or obtained in the implementation of the Foreign Narcotics Kingpin Designation Act (Kingpin Act) [21 U.S.C. §§ 1901-08] pursuant to 21 U.S.C. § 1904(e)(3).

FOIA exemption (b)(4) protects from disclosure “trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.” OFAC used this exemption to withhold amounts of blocked assets.

FOIA exemption (b)(5) protects from disclosure “inter-agency” or “intra-agency” records and information which would not be available by law to a party other than an agency in litigation with that agency. OFAC used exemption (b)(5) to withhold information under the deliberative process and attorney-client privileges.

FOIA exemption (b)(6) protects from disclosure personal privacy information, the release of which would constitute a clearly unwarranted invasion of personal privacy. OFAC used a balancing test to determine that the individuals’ right to personal privacy outweighs the public’s right to release of the information. Treasury used exemption (b)(6) to withhold information such as the names of individuals, email addresses, and phone numbers.

FOIA exemption (b)(7) protects from disclosure records and information compiled for a law enforcement purpose, the release of which would violate one of the six subparts of the exemption.

OFAC withheld records and information, compiled for a law enforcement purpose, under FOIA exemption (b)(7)(A) because release could reasonably be expected to interfere with enforcement proceedings.

OFAC withheld information, compiled for a law enforcement purpose, under FOIA exemption (b)(7)(C) to protect personal privacy information in law enforcement records, the release of which would constitute an unwarranted invasion of personal privacy. The courts have determined that there are strong privacy interests inherent in law enforcement records. Treasury withheld such information as the names of individuals, email addresses, and phone numbers.

OFAC withheld records and information, compiled for a law enforcement purpose, under FOIA exemption (b)(7)(E) to protect information that if released would disclose techniques and procedures that could reasonably be expected to risk circumvention of the law.

Mr. Mak
Page 3

If you have any questions or would like to discuss this matter, please feel free to contact Senior Counsel Julia Heiman at (202) 616-8480.

Sincerely,

Marshall H. Fields, Jr.
Assistant Director
Information Disclosure and Records Management
Office of Sanctions Support and Operations
Office of Foreign Assets Control

Enclosure: Part II of the Twenty-third Interim Release (140 pages, including 38 filler pages and one spreadsheet)

CC: joshua.kolsky@usdoj.gov, julia.heiman@usdoj.gov