



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

August 16, 2021

FOIA Nos.: 2018-06-192, 2018-08-115, 2018-08-116
OASIS No.: 1217973

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 is the Office of Foreign Assets Control's (OFAC) twenty-fifth interim response 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. OFAC completed its initial production of records subject to the Court's August 2019 order in this case on April 26, 2021.¹

With this release, OFAC continues production of the remaining 1,855 pages of records that were initially withheld pending the completion of the submitter notice and/or consultation processes. Today, OFAC is producing 488 pages of those records, supplementing the twelfth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, and twenty-first interim releases. Of these 488 pages, 26 are non-responsive; 50 pages are duplicates or contain entirely duplicative content; 45 pages are released in full; 295 pages are withheld in full pursuant to exemptions (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), and (b)(7)(E); and 72 pages are released in part with redactions made pursuant to FOIA exemptions (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), and (b)(7)(E).

OFAC consulted the Department of State (State), Department of Justice (DOJ), U.S. Immigration and Customs Enforcement (ICE), U.S. European Command (EUCOM), and several components

¹ We note that records initially identified as subject to the submitter notice and/or consultation processes are all that remain to be produced to the plaintiffs from the records contemplated by the August 2019 Court order.

of Treasury, including the Financial Crimes Enforcement Network (FinCEN), on these records. Redactions attributable to other agencies and FinCEN are identified in the records.

FOIA exemption (b)(3) allows for the withholding of records or information that is prohibited from disclosure by another federal statute. Treasury withheld information pursuant to 50 U.S.C. § 3024(i)(1) and 31 U.S.C. § 5319. EUCOM withheld information pursuant to 10 U.S.C. § 130b.

OFAC used FOIA exemption (b)(4) to protect from disclosure “trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.” See 5 U.S.C. § 552(b)(4).

Treasury, State, and ICE used FOIA exemption (b)(5) to protect 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. State and ICE used (b)(5) to withhold information under the deliberative process privilege. Treasury used exemption (b)(5) to withhold information under the deliberative process and attorney-client privileges.

Treasury, State, DOJ, ICE, and EUCOM used FOIA exemption (b)(6) to protect from disclosure personal privacy information, the release of which would constitute a clearly unwarranted invasion of personal privacy.

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, DOJ, and ICE withheld information, compiled for a law enforcement purpose, under FOIA exemption (b)(7)(C) to protect personal privacy information, 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 and ICE used FOIA exemption (b)(7)(E) to protect from disclosure “records or information compiled for law enforcement purposes...[which] would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law[.]” See 5 U.S.C. § 552(b)(7)(E).

Mr. Mak
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OFAC plans to produce the remaining 1,367 pages of records on or by September 16, 2021. If you have any questions or would like to discuss this matter, please feel free to contact Trial Attorney Joshua Kolsky at (202) 305-7664.

Sincerely,

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

Enclosures:

1. Supplement to twelfth interim release (49 pages, including 12 filler pages)
2. Supplement to fifteenth interim release (27 pages, including five filler pages)
3. Supplement to sixteenth interim release (21 pages, including four filler pages)
4. Supplement to seventeenth interim release (12 pages, including six filler pages)
5. Supplement to eighteenth interim release (10 pages, including four filler pages)
6. Supplement to nineteenth interim release (seven pages, including two filler pages)
7. Supplement to twentieth interim release (28 pages, including two filler pages)
8. Supplement to twenty-first interim release (three pages, including three filler page)

CC: joshua.kolsky@usdoj.gov