



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

September 21, 2021

FOIA Nos.: 2018-06-192, 2018-08-115, 2018-08-116
OASIS No.: 1226006

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-sixth interim and final response which concerns our September 16, 2021 supplemental production of records in 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 the September 16, 2021 production, OFAC provided a final determination on the remaining 1,367 pages of records that were initially withheld pending the completion of the submitter notice and/or consultation processes. This release supplemented OFAC's third, fifth, sixth, seventh, ninth, twelfth, fourteenth, sixteenth, seventeenth, eighteenth, twentieth, twenty-first, twenty-second, and twenty-third interim releases. Of these 1,367 pages, 17 were non-responsive; 278 pages were duplicates or contained entirely duplicative content; 255 pages were released in full; 263 pages were withheld in full pursuant to exemptions (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D), (b)(7)(E), and (b)(8); and 554 pages were released in part with redactions made pursuant to FOIA exemptions (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D), (b)(7)(E), and (b)(8).

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.

OFAC consulted the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Bureau of Industry and Security (BIS), Department of State (State), Department of Justice (DOJ), Department of Labor, U.S. Customs & Border Protection (CBP), Environmental Protection Agency, Federal Aviation Administration (FAA), Federal Reserve Board, International Trade Administration (ITA), National Air & Space Intelligence Center, Office of the United States Trade Representative, U.S. Agency for International Development, U.S. Immigration and Customs Enforcement (ICE), U.S. Patent and Trademark Office (USPTO), and several components of Treasury, including the Financial Crimes Enforcement Network (FinCEN), the Internal Revenue Service (IRS), and the U.S. Mint on these records. Redactions attributable to other agencies, FinCEN, IRS and U.S. Mint 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 and ATF withheld information pursuant to Public Law 112-55, 125 Stat. 552. Treasury withheld information pursuant to 26 U.S.C. § 6103, 31 U.S.C. § 5319, and Gramm-Leach-Bliley Act, Public Law 106-102.

Treasury, ATF, and the Federal Reserve Board 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, ATF, State, DOJ, Federal Reserve Board, ICE, and USPTO 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.

Treasury, ATF, CBP, DOJ, FAA, ICE, ITA, and State 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.

Treasury, BIS, CBP, DOJ, FAA, ICE, and State 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.

State used FOIA exemption (b)(7)(D) to protect “records or information compiled for law enforcement purposes...[which] could reasonably be expected to disclose the identity of a

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confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source.” See 5 U.S.C. § 552(b)(7)(D).

OFAC, CBP, 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).

The Federal Reserve Board used FOIA exemption (b)(8) to protect information or records “contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.” See 5 U.S.C. § 552(b)(8).

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 third interim release (32 pages, including four filler pages)
2. Supplement to fifth interim release (five pages)
3. Supplement to sixth interim release (336 pages, including 43 filler pages)
4. Supplement to seventh interim release (58 pages, including 17 filler pages)
5. Supplement to ninth interim release (27 pages)
6. Supplement to twelfth interim release (four pages)
7. Supplement to fourteenth interim release (six pages, including one filler page)
8. Supplement to sixteenth interim release (16 pages, including three filler pages)
9. Supplement to seventeenth interim release (seven pages)
10. Supplement to eighteenth interim release (120 pages, including seven filler pages)

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11. Supplement to twentieth interim release (24 pages, including nine filler pages)
12. Supplement to twenty-first interim release (31 pages, including nine filler pages)
13. Supplement to twenty-second interim release (137 pages, including three filler pages)
14. Supplement to twenty-third interim release (201 pages, including 42 filler pages)

CC: joshua.kolsky@usdoj.gov