

# **EXHIBIT C**

**From:** [FOIA, Electronic](#)  
**To:** [Stewart, Trip](#); [FOIA, Electronic](#); [Goode, Jennifer \(Federal\)](#)  
**Cc:** [Sofer, Gregg](#)  
**Subject:** RE: Freedom of Information Act Request  
**Date:** Thursday, September 28, 2023 4:13:15 PM

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[EXTERNAL EMAIL]

Good afternoon, Mr. Stewart,

In response to your request, we conducted a preliminary search within the Department to identify the appropriate entity.

Office of Privacy and Open Government has been informed by the Bureau of Industry and Security (BIS) that they have received the request and are processing it.

This request will be responded to by BIS.

***Kietta T. Lockerman***

Government Information Specialist  
U.S. Department of Commerce (DOC)  
Office of Privacy and Open Government (OPOG)  
1401 Constitution Avenue N.W., Washington DC 20230  
Email: [KLockerman@doc.gov](mailto:KLockerman@doc.gov)

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**From:** Stewart, Trip <[George.Stewart@huschblackwell.com](mailto:George.Stewart@huschblackwell.com)>  
**Sent:** Wednesday, September 27, 2023 11:45 AM  
**To:** FOIA, Electronic <[EFOIA@doc.gov](mailto:EFOIA@doc.gov)>; Goode, Jennifer (Federal) <[JGoode@doc.gov](mailto:JGoode@doc.gov)>  
**Cc:** Sofer, Gregg <[Gregg.Sofer@huschblackwell.com](mailto:Gregg.Sofer@huschblackwell.com)>  
**Subject:** Freedom of Information Act Request

Good morning,

Attached are two FOIA requests relating to information pertaining to the BIS Entity List. Please confirm receipt of these requests. Also, if you are not the appropriate contact for these requests, please forward these to the FOIA liaison or provide us their contact information so that we can do so ourselves.

Regards,

**George Stewart**  
**Senior Associate**

**HUSCH BLACKWELL LLP**  
1801 Pennsylvania Avenue, NW  
Suite 1000  
Washington, D.C. 20006-3606  
Direct: [202-378-2307](tel:202-378-2307)  
Fax: [202-378-2319](tel:202-378-2319)  
[George.Stewart@huschblackwell.com](mailto:George.Stewart@huschblackwell.com)  
[huschblackwell.com](http://huschblackwell.com)  
[vBio|vCard](#)

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Department of Energy  
National Nuclear Security Administration  
Office of the General Counsel  
P. O. Box 5400  
Albuquerque, NM 87185



March 19, 2024

**SENT VIA EMAIL**

Mr. Gregg N. Sofer  
Husch Blackwell LLP  
111 Congress Avenue, Suite 1400  
Austin, Texas 78701  
[gregg.sofer@huschblackwell.com](mailto:gregg.sofer@huschblackwell.com)

Dear Mr. Sofer:

This letter is the final response to your September 27, 2023, Freedom of Information Act (FOIA) requests, FOIA 24-00025-KA and FOIA 24-00026-R.

**Your requests stated the following:**

1. "A copy of the final proposal and any accompanying attachments, exhibits, or appendices that were submitted to the End-User Review Committee ("ERC") in support of the decision to place Yangtze Memory Technologies Corporation ("YMTTC") on the BIS Entity List. We are seeking these records from the Department of Energy in its capacity as an individual member of the ERC."
2. "A copy of the final proposal and any accompanying attachments, exhibits, or appendices that were submitted to the End-User Review Committee ("ERC") in support of the decision to place Yangtze Memory Technologies Corporation (Japan) ("YMTJ") on the BIS Entity List. We are seeking these records from the Department of Energy in its capacity as an individual member of the ERC."

Both requests were originally submitted to the Department of Energy (DOE) Headquarters under Control Numbers HQ-2023-01857-F and HQ-2023-01858-F. DOE transferred your requests by copy of their October 16, 2023, letter to you, and were received in this office on October 16, 2023.

Upon receipt, we forwarded both requests to NNSA Office of Defense Nuclear Nonproliferation (NA-20) for review and processing. NA-20 identified one (1) responsive document with attachments for both requests. NA-20 also conferred with the United States Department of Commerce (DOC) and determined that the responsive document belongs to and is in possession of the DOC. Therefore, by copy of this letter, I am transferring your requests to the DOC for processing. Their office will respond directly to you regarding their results.

You may contact me, NNSA's FOIA Public Liaison, Office of the General Counsel, at 1-866-747-5994, or by mail to Department of Energy, National Nuclear Security Administration, Office of the General Counsel, PO Box 5400, Albuquerque, NM 87185, for further assistance and to discuss any aspect of your request.

Mr. Gregg N. Sofer

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FOIA 24-00025-KA

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll free at 1-877-684-6448; or facsimile at (202) 741-5769.

There are no fees chargeable to you. If you have questions about the processing of your request, you can contact Ms. Keyyme Anchondo by e-mail at [keyyme.anchondo-bustillos@nnsa.doe.gov](mailto:keyyme.anchondo-bustillos@nnsa.doe.gov), or write to the address above. In your correspondence, please use our control numbers FOIA 23-00025-KA and FOIA 23-00026-R.

Sincerely,

Christina H.  
Hamblen



Digitally signed by  
Christina H. Hamblen  
Date: 2024.03.19  
14:31:41 -06'00'

Christina H. Hamblen  
FOIA Officer

cc: w/copy of FOIA request

Attn: Stephanie Boucher, Director  
Department of Commerce  
Office of Planning, Evaluation, and Management  
Bureau of Industry and Security  
1401 Constitution Avenue, Suite 6622  
Washington, D.C. 20230



United States Department of State

*Washington, D.C. 20520*

May 6, 2024

Case: F-2023-14467

Mr. Gregg Sofer  
111 Congress Avenue  
Suite 1400  
Austin, Texas 78701

Dear Mr. Sofer:

This letter responds to your above referenced September 27, 2024, request submitted pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 for “copy of the final proposal and any accompanying attachments, exhibits, or appendices that were submitted to the End-User Review Committee in support of the decision to place Yangtze Memory Technologies Corporation (Japan) on the BIS Entity List.” The U.S. Department of State’s Office of Information Programs and Services received your request on the same day it was submitted, and assigned case number F-2023-14467, for tracking purposes.

The Bureau of Economic and Business Affairs and the Bureau of International Security and Nonproliferation conducted searches for information responsive to your request and located three, potentially responsive records. However, as this information falls under the purview of another government agency, we have referred this information to them for processing and direct response to you.

This action closes your request in this office. For further assistance or to discuss any aspect of your request, you may contact our FOIA Requester Service Center or our FOIA Public Liaison at [FOIAstatus@state.gov](mailto:FOIAstatus@state.gov) or by telephone at (202) 261-8484. Please include the DOS case number in all communications concerning this FOIA request.

If you are not satisfied with this determination, you may administratively appeal by writing to: Appeals Officer, Office of Information Programs and Services

(A/GIS/IPS), Room B-266, U.S. Department of State, 2201 C Street, NW, Washington, D.C. 20520; by fax to (202) 485-1718; or by email to [FOIAAppeals@state.gov](mailto:FOIAAppeals@state.gov). Appeals must be postmarked or submitted electronically within 90 calendar days of the date of this initial agency decision letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response.”

Additionally, if you are not satisfied with this determination in response to your request, you may contact the Office of Government Information Services at the National Archives and Records Administration to inquire about the FOIA Mediation Services they offer. The contact information is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email address: [ogis@nara.gov](mailto:ogis@nara.gov); telephone: (202) 741-5770; toll free number: 1-877-684-6448; fax: (202) 741-5769.

Sincerely,

**JAMES A**

**ROSENBAUM**

Digitally signed by  
JAMES A ROSENBAUM

Date: 2024.05.06  
14:43:49 -04'00'

James Rosenbaum

Branch Chief

Statutory Compliance and Research Division  
Office of Information Programs and Services



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

09/28/2023

Mr. Gregg Sofer  
Husch Blackwell LLP  
111 Congress Avenue - Suite 1400  
Austin, TX 78701

email: [gregg.sofer@huschblackwell.com](mailto:gregg.sofer@huschblackwell.com)

RE: Your FOIA Request to Treasury, Case Number 2023-FOIA-00809

Dear Mr. Sofer:

This letter acknowledges the receipt of and is in response to your Freedom of Information Act (FOIA) request to the U.S. Department of the Treasury, dated 09/27/2023. Your request is outlined as follows:

"Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, we request a copy of the final proposal and any accompanying attachments, exhibits, or appendices that were submitted to the End-User Review Committee in support of the decision to place Yangtze Memory Technologies Corporation on the BIS Entity List. We are seeking these records from the Department of Treasury in its capacity as an individual member of the ERC."

I have reviewed your request and have determined that it has been misdirected. A search for records within the Treasury Departmental Offices would not be expected to locate or identify the specific records you have requested.

Records responsive to your request, if any such records exist, may be available from U.S. Department of Commerce (Bureau of Industry and Security). You may submit a FOIA request to Commerce at the address below:

Department of Commerce  
Grace Agyekum, FOIA Officer, Room 6622  
1401 Constitution Avenue, NW  
Washington, DC 20230  
[efoiarequest@bis.doc.gov](mailto:efoiarequest@bis.doc.gov)

Telephone: 202-482-7893

There are no fees assessed at this time since allowable charges fell below \$25.

If you believe this decision was made in error, you have the right to appeal it within 90 days from the date of this letter. By filing an appeal, you preserve your rights under FOIA and give

the agency a chance to review and reconsider your request and the agency's decision. Your appeal must be in writing, signed by you or your representative, and should contain the rationale for your appeal. Please also cite the FOIA reference number noted above. Your appeal should be addressed to:

FOIA Appeal  
FOIA and Transparency  
Office of Privacy, Transparency, and Records  
Department of the Treasury  
1500 Pennsylvania Ave., N.W.  
Washington, D.C. 20220

If you submit your appeal by mail, clearly mark the letter and the envelope with the words "Freedom of Information Act Appeal." Your appeal must be postmarked or electronically transmitted within 90 days from the date of this letter.

If you would like to discuss this response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison for assistance via email at [FOIAPL@treasury.gov](mailto:FOIAPL@treasury.gov), or via phone at (202) 622-8098. A FOIA Public Liaison is a supervisory official to whom FOIA requesters can raise questions or concerns about the agency's FOIA process. FOIA Public Liaisons can explain agency records, suggest agency offices that may have responsive records, provide an estimated date of completion, and discuss how to reformulate and/or reduce the scope of requests in order to minimize fees and expedite processing time.

If the FOIA Public Liaison is unable to satisfactorily resolve your question or concern, the Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may contact the agency directly by email at [OGIS@nara.gov](mailto:OGIS@nara.gov), by phone at (877) 684-6448, by fax at (202) 741-5769 or by mail at the address below:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road – OGIS  
College Park, MD 20740-6001

You may reach me by phone at (202) 622-0930, extension 2; or by e-mail at [FOIA@treasury.gov](mailto:FOIA@treasury.gov). Please reference FOIA case number 2023-FOIA-00809 when contacting our office about this request.

Sincerely,

Cawana Pearson  
FOIA and Transparency



Office of Privacy, Transparency, and Records  
U.S. Department of the Treasury



**DEPARTMENT OF DEFENSE  
FREEDOM OF INFORMATION DIVISION  
1155 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1155**

Ref: 23-F-1682  
October 17, 2023

Mr. Gregg Sofer  
111 Congress Avenue  
Suite 1400  
Austin, TX 78701

Dear Mr. Sofer:

This is an interim response to your September 27, 2023 Freedom of Information Act (FOIA) request, a copy of which is enclosed for your convenience. We received your request on September 27, 2023, and assigned it FOIA case number 23-F-1682. We ask that you use this number when referring to your request.

Although we have already begun processing your request, we will not be able to respond within the FOIA's 20-day statutory time period as there are unusual circumstances which impact our ability to quickly process your request. The FOIA defines unusual circumstances as (a) the need to search for and collect records from a facility geographically separated from this office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other agencies or DoD components having a substantial interest in either the determination or the subject matter of the records. At least one, if not more of these scenarios applies or would likely apply to your request. While this office handles FOIA requests for the Office of the Secretary of Defense (OSD), the Joint Staff (JS) and other component offices, we do not actually hold their records and our office is not geographically located with these organizations. As we do not hold the records, until the required record searches are complete, we are unable to estimate the potential volume of records or the number of consultations that will be required to make a release determination.

Your request has been placed in our complex processing queue and is being worked based on the order in which the request was received. Our current administrative workload is approximately 2,881 open requests.

If you have requested a fee waiver, please note that decisions to waive or reduce fees are made on a case-by-case basis, and we will make a determination concerning your fee waiver request at the conclusion of the search and assessment of responsive records, should they exist. However, this office will only assess fees if we provide the final response to your FOIA request within the statutory time allotted by the FOIA or if the responsive records total more than 5,000 pages, even after a good faith effort on our part to limit the scope of your request.

In some instances, we have found that requesters who narrow the scope of their requests experience a reduction in the time needed to process their requests. If you wish to narrow the scope of your request or have questions about the foregoing, please do not hesitate to contact your Action Officer, Camille Streeter, at [camille.a.streeter.civ@mail.mil](mailto:camille.a.streeter.civ@mail.mil) or 703-693-6490.

Additionally, if you have concerns about service received by our office, please contact a member of our Leadership Team at 571-372-0498 or Toll Free at 866-574-4970.

Should you wish to inquire about mediation services, you may contact the OSD/JS FOIA Public Liaison, Toni Fuentes, at 571-372-0462 or by email at [OSD.FOIALiaison@mail.mil](mailto:OSD.FOIALiaison@mail.mil). You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration. The contact information for OGIS is as follows:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

We regret the delay in responding to your request and appreciate your patience. As previously stated, please contact the Action Officer assigned to your request, Camille Streeter, and reference FOIA case number 23-F-1682, if you have any questions or concerns.

Sincerely,

*for Ann Ernest Johnson*  
Stephanie L. Cary  
Chief

Enclosure:  
As stated