

# EXHIBIT B



DEPARTMENT OF HEALTH & HUMAN SERVICES

Exhibit 2

FOIA Office  
Health Resources and  
Services Administration  
5600 Fishers Lane, Rm. 13N82  
Rockville, MD 20857  
Telephone: 301-443-2865

January 19, 2018

*Sent via email*

Jason Livingston  
UNOS  
700 North 4<sup>th</sup> Street  
Richmond, VA 23219  
[jason.livingsgton@unos.org](mailto:jason.livingsgton@unos.org)

Re: Freedom of Information Act (FOIA) Case Number 18F081 Final Response

Dear Mr. Livingston:

This final letter responds to your FOIA request dated January 12, 2018. In summary, you requested copies of all responses submitted to the Health Resources and Services Administration (HRSA) in response to the Request for Information for the Organ Procurement and Transplantation Network (OPTN), issued by the Healthcare Systems Bureau on December 1, 2017, with a response deadline of December 23, 2017, including any responses that may have been submitted after the deadline regardless of whether those responses were considered by the government.

A records search was conducted in the Healthcare Systems Bureau (HSB) and the Office of Acquisitions Management and Policy (OAMP) but no records were located that are responsive to your request. HSB informed our office that no comments were received in response to the notice.

There will be no charges in this instance because the billable costs are less than our threshold of \$25.

While we believe that an adequate search of the appropriate files was conducted for the records you requested, you have the right to appeal this finding that there are no records in HRSA's possession, which would be responsive to your request. You can appeal and 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 mailed within 90 days from the date of receipt of this letter, to:

Dr. Charmaine Yoest  
Assistant Secretary for Public Affairs and Agency Chief FOIA Officer  
U.S. Department of Health and Human Services  
Office of the Assistant Secretary for Public Affairs

Room 729H  
200 Independence Avenue, S.W.  
Washington, DC 20201

Please clearly mark both the envelope and your letter "HRSA Freedom of Information Act Appeal."

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact HRSA's FOIA Public Liaison for assistance at:

Denise F. Wallace  
HRSA FOIA Public Liaison  
U.S. Department of Health and Human Services  
Health Resources and Services Administration  
Freedom of Information Act  
5600 Fishers Lane, 13N82  
Rockville, MD 20857  
Telephone: (301) 443-2865  
E-mail: [foia@hrsa.gov](mailto:foia@hrsa.gov)

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740-6001  
Telephone: 202-741-5770  
Toll-Free: 1-877-684-6448  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Fax: 202-741-5769

If you have any questions, please do not hesitate to contact Edmund Towles at 301-443-2865 or at [FOIA@hrsa.gov](mailto:FOIA@hrsa.gov).

Sincerely,



Thomas Flavin  
Freedom of Information Act Office