

EXHIBIT E



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

NOV 20 2017

Peter Byrne
101 H. Street, Ste. O
Petaluma, CA 94952

Re: FOIA Appeal No. 2017-06-226A

Dear Mr. Byrne:

This responds to your Freedom of Information Act ("FOIA") appeal, received via U.S. mail on November 6, 2017,¹ seeking reconsideration of the Department of the Treasury ("Treasury"), Office of Foreign Assets Control's ("OFAC") denial of your request for expedited processing under the FOIA, 5 U.S.C. § 552.² As discussed below, I have considered your arguments and have decided to deny your appeal.

Your FOIA request, dated June 26, 2017, sought the following information: "All OFAC documents, including but not limited to reports, complaints, memoranda, correspondence, email etc. pertaining to the sale of the sanctioned Russian oil firm ROSNEFT in December 2016 to a consortium of buyers including GLENCORE and Qatar Investment Authority and other parties from January 1, 2014 to the present." You requested expedited processing of your request, and stated as the justification that the "facts of this matter are of considerable public interest."

On August 15, 2017, OFAC acknowledged receipt of your FOIA request and denied your request for expedited processing. Specifically, OFAC determined that your request did not meet the requirements for granting expedited processing, explaining: "First, you have not demonstrated that failure to process your request expeditiously will pose an imminent threat to the life or physical safety of an individual. Second, you have not demonstrated that there is an urgency to inform the public of an actual or alleged government activity. In other words, you have not demonstrated that failure to process the records expeditiously will compromise a significant recognized interest to and throughout the American general public." Accordingly, OFAC denied the expedited processing request.

In your appeal, you argue that you are eligible for expedited processing, stating: "The requested documents are obviously relevant to whether or not President Donald Trump and other government officials may have violated governmental laws and regulations administered by OFAC in relation to the details of my request. There is ample evidence in the national and international press and in the public record that such violations are possible and whether or not they are true is of significant and obvious public interest."

Treasury's expedited processing regulations require expedited processing to be granted where:
(1) failure to obtain the requested records on an expedited basis could reasonably be expected to

¹ Date received by U.S. Department of the Treasury, Departmental Offices, FOIA and Transparency office.

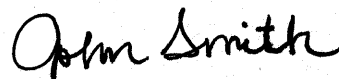
² Your appeal also initially raised arguments with respect to a fee waiver. You subsequently withdrew that portion of the appeal after OFAC determined on August 30, 2017 that you would not be assessed any fees. Accordingly, this response does not address that issue.

pose an imminent threat to the life or physical safety of an individual; or (2) with respect to a request made by a person engaged in disseminating information, there is an “urgency to inform the public concerning actual or alleged Federal Government activity.”³ The “urgency to inform” standard requires that the record requested “pertain to a matter of current exigency to the American public” and that delaying a response to a request for records would compromise a “significant recognized interest to and throughout the American general public.”⁴ Furthermore, Treasury’s FOIA regulations provide that the determination of whether to grant or deny a request for expedited processing must be made solely on the information contained in the initial letter requesting expedited treatment.⁵

I have reviewed your FOIA request and have determined that you did not provide a sufficient justification for expedited treatment, and therefore did not meet either of the standards for expedited treatment in Treasury’s FOIA regulations. I have also reviewed your argument on appeal and have likewise determined that your subsequent justification for expedited treatment likewise did not meet either of the standards.

Accordingly, OFAC’s denial of your request for expedited processing is affirmed and your appeal is denied. Judicial review of my decision is available in the district court of the United States in the district in which you reside or have a principal place of business, in which the agency records are situated, or in the District of Columbia, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,



John E. Smith
Director
Office of Foreign Assets Control

³ 31 C.F.R. § 1.5(e)(2).

⁴ 31 C.F.R. § 1.5(e)(2).

⁵ 31 C.F.R. § 1.5(e)(4).