



U.S. Department
of Transportation

1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

9/30/2015

FOIA Control No: 2014-0154

Transmitted via Certified Mail

**SHAWN O'NEIL
O'NEIL LAW LLC
8755 SW CITIZENS DRIVE, SUITE 202
WILSONVILLE, OR 97070**

Dear Mr. O'Neil:

This letter is in final response to your Freedom of Information Act (FOIA) request dated 9/2/2014 and received in the Pipeline and Hazardous Materials Safety Administration's (PHMSA's) FOIA Office on 9/4/2014. Your request is a 21-item request for "records pertaining to the Kinder Morgan Pipeline (the "Pipeline") that runs from the Kinder Morgan Willbridge facility in Portland, Oregon to the Kinder Morgan facility in Eugene, Oregon."

In response to your request, PHMSA provided a rolling production of responsive records. With regard to our first response, we posted Kinder Morgan Energy's Oil Spill Response Plan (4,783 pages) to PHMSA's website. With our second, third, and fourth responses, we produced 610 pages responsive to your FOIA request. Also, in our second response we provided you with detailed information on each item of your request. Please find enclosed our fifth and final response which consists of 388 pages we are releasing to you in full.

PHMSA conducted a reasonable search for records, which consisted of a search in PHMSA's Headquarters and Western Region, and provided you with all responsive records that we located. If we were unable to locate records for particular items in your request, you may consider it a denial of those requested items for which you have the right to appeal. *See* Department of Transportation's FOIA Regulations, 49 C.F.R. § 7.31(a)(3). I am the official responsible for this determination. Please note, we provided you with appeal rights for the information PHMSA withheld in the third and fourth responses at the time we issued those responses.

If you decide to appeal this determination, your appeal must be made in writing and postmarked or

transmitted within forty-five calendar days from the date of this letter. In order to be considered an official appeal, it must be addressed as follows:

Marie Therese Dominguez
Administrator, Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Both the appeal and the envelope should be plainly marked "FOIA APPEAL." Please make reference to your assigned FOIA Reference Number 2014-0154 so that we may identify your case promptly. In addition, you should include all information and arguments that form the basis of your appeal. For more information on your right to an administrative appeal, refer to the Department's FOIA regulations, 49 C.F.R. § 7.32(d).

Your fee waiver was granted and no fees were assessed for processing your request.

This concludes our response to your FOIA request. If you have any questions regarding your request, please feel free to contact me at PHMSA.FOIA@dot.gov.

Sincerely,

FOIA Officer
Pipeline and Hazardous Materials Safety Administration (PHMSA)

Enclosure: Fifth Response CD