U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety Administration**

4/30/2015
FOIA Control No: 2014-0154

Transmitted via Electronic Mail to SMO@SHAWNONEIL.COM – Read Receipt Requested
Shawn O'Neil
O'NEIL LAW LLC
8755 SW CITIZENS DRIVE, SUITE 202
WILSONVILLE, OR 97070

Dear Mr. O'Neil:

This letter provides you with a third 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."

Please find enclosed 166 pages, 160 pages we are releasing to you in full and 6 pages we are releasing to you in part. We have denied portions of information on 6 pages because that information is protected by FOIA Exemption 6. *See* 5 U.S.C. § 552 (b)(6) (protecting from release "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy"). We are withholding individuals' mobile phone numbers because we determined that release of this information would constitute a clearly unwarranted invasion of personal privacy. *See* Department of Transportation's FOIA Regulations, 49 C.F.R. § 7.23(6).

Because PHMSA redacted information under FOIA Exemption 6, you may consider this determination a denial of your record request. *See* 49 C.F.R. § 7.31(a)(3). I am the official responsible for this determination.

You have the right 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:

Timothy Butters
Acting 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).

The review of records responsive to your request is ongoing. We will respond to you with additional records as soon as those records become available for release.

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

Sincerely,

MADELINE M BUSH

Digitally signed by MADELINE M BUSH
DN: c=US, o=U.S. Government, ou=DOT Headquarters, ou=PHMSAHQ, cn=MADELINE M BUSH
Date: 2015.04.30 21:20:59 -04'00'

FOIA Officer
Pipeline and Hazardous Materials Safety Administration (PHMSA)

Attachment: 2014-0154 Third Response Package 2015.04.30.pdf