

Good afternoon Nancy, I am out of the office in a meeting however I retrieved your VM message concerning your request for TC/Keystone XL Gulf Coast records.

I am waiting for the offices to complete their search. The Houston Office requested a 2 week extension as it is necessary to pull together paper records and scan them into a system that I have access to for review. After the records have been received they will have to be reviewed and a disclosure determination made. Sometimes disclosure determinations require consultation with an operator and/or our on-site FOIA attorney to make a disclosure determination. Under 49 CFR part 7 if we believe we are in possession of confidential commercial information or records have been marked by an operator we may be required to consult with the operator to persuade PHMSA as to why they believe records should not be disclosed. PHMSA will then either agree with the operator or disagree with their justification. If we agree with the non-disclosure determination you will be given administrative appeal rights. If we disagree with the non-disclosure determination we are required to notify the operator they have 10 days to file an injunction with the courts to prohibit release.

Also, if there are open and ongoing investigations some of the records may be protected from release under one or more of the FOIA Exemptions.

We will let you know when we are ready to transmit records.

Thank you,
Marilyn



Marilyn Burke

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Office hours: 6:00 a.m. to 3:30 p.m. (Eastern)