



U.S. Department
S.E.
of Transportation
20590

1200 New Jersey Avenue,
Washington, D.C.

**Pipeline and Hazardous
Materials Safety Administration**

June 12, 2015

FOIA Control No: 2015-0137

Transmitted via Electronic Mail to carl@media.org – Read Receipt Requested

Carl Malamud
Public.Resource.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472

Dear Mr. Malamud:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request dated 6/8/15 and received in the Pipeline and Hazardous Materials Safety Administration's (PHMSA's) FOIA Office on the same date. You requested "all communications that PHMSA has had with the American Society of Testing and Materials (ASTM or ASTM International) and the American Society of Mechanical Engineers (ASME) discussing making ASTM and ASME standards available for public viewing during either the NPRM period or after a rule is promulgated."

We have assigned your request with control number 2015-0137. Please identify all communications concerning your request with this control number.

In your request, you sought expedited processing. In accordance with Departmental FOIA regulations, 49 C.F.R. section 7.31(c)(1), requests are processed out of order and given expedited treatment whenever a compelling need is demonstrated and DOT determines that the compelling need involves:

- (i) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or
- (ii) A request made by a person primarily engaged in disseminating information, with a time urgency to inform the public of actual or alleged Federal Government activity.

A requester within the second category, must "establish a particular urgency to inform the public about the Government activity involved in the request, beyond the public's right to know about Government activity generally." 49 C.F.R. § 7.31(c)(3). Based on the explanation in your request, the criteria above have not been met to justify expedited processing and thus, your request for expedited processing is denied.

You may appeal our decision to deny expedited processing. 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:

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 2015-0137 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).

Please note that we currently are experiencing a backlog of FOIA requests and are required to respond to your request in the order received. Your request is number 64 in queue in our simple processing track. On average, requests assigned to our simple processing track are processed within approximately 54 workdays. Please be assured that we will make every effort to respond to your request on the soonest date possible.

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

Sincerely,

for Karin V. Christian

Madeline Bush, FOIA Officer
Pipeline and Hazardous Materials Safety Administration (PHMSA)