Department of Transportation Pipeline and Hazardous Materials Safety Administration

Technical Hazardous Liquid Pipeline Safety Standards Committee Charter

1) **Committee's Official Designation.** The Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC), informally known as the Hazardous Liquid Pipeline Advisory Committee (LPAC).

2) **Authority.** Section 60115 of Title 49, United States Code, requires the establishment and prescribes the duties of THLPSSC. This Committee is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2.

3) **Objectives and Scope of Activities.**

   a) The Designated Federal Officer (DFO) shall submit to the Committee for its consideration any notice of proposed hazardous liquid pipeline safety standards published in the *Federal Register* (including both new standards and amendments to existing standards). Within 90 days after receipt by the Committee of any such proposal, the Committee shall prepare a report on the technical feasibility, reasonableness, cost-effectiveness, and practicability of the proposal.

   b) Each report by the Committee, including any minority views, shall, if timely made, form a part of the proceedings for the promulgation of the standard and be incorporated in the preamble published with the final rule in the *Federal Register*. The Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA) may prescribe a final standard at any time after 90 days following a proposal's submission to the Committee, whether or not the Committee has reported on such proposal. The Administrator shall not be bound by conclusions of the Committee, but in the event that the conclusions of the majority of the current members of the Committee are rejected, the reasons for rejection shall also be incorporated in the preamble of the final rule (49 U.S.C. 60115).

   c) If the proposed safety standard is submitted as a Direct Final Rule and is approved by the Committee, minority views will not be treated as adverse comments unless they are submitted to the docket.

   d) The Committee may propose safety standards for hazardous liquid pipeline facilities to the DFO for consideration. The Committee may review and report on other matters related to the Department of Transportation's pipeline safety rulemaking function as presented by the DFO. The Committee may also be requested by the DFO to make recommendations concerning policy development.

4) **Description of Duties.** The Committee shall serve as a peer review committee for carrying out 49 U.S.C. Part 601. Peer reviews conducted by the Committee shall be treated for purposes of all Federal laws relating to risk assessment and peer review (including laws that take effect after October 12, 1996) as meeting any peer review requirements of such laws.

5) **Agency to Whom the Committee Reports.** The THLPSSC is a committee of the U.S. Department of Transportation and provides advice to the Secretary.

6) **Support.** The PHMSA is the Committee's sponsor.

7) **Estimated Annual Operating Costs and Staff Years.** Estimated annual operating cost is approximately $25,000 for travel and recording the proceedings, plus about one-eighth person-year of staff support. This amount also covers limited conference management support for Committee meetings being provided by a contractor.

8) **Designated Federal Officer.** The Associate Administrator for Pipeline Safety is designated as the DFO of the Committee and shall be the DOT official authorized to call all of the Committee's and subcommittees' meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting with he or she determines adjournment to be in the public interest, chair meetings when directed to do so by the Secretary, and otherwise monitor the Committee's meetings and progress.

9) **Estimated Number and Frequency of Meetings.** The Committee meets approximately four times each calendar year.

10) **Duration of the Committee.** Under the provisions of the Section 60115 of Title 49, United States Code, the Committee is continuing, subject to renewal every 2 years.

11) **Termination.** This Charter will terminate 2 years after its effective date unless renewed in accordance with FACA and other applicable requirements.

12) **Membership and Designation.** The Committee membership is established by 49 U.S.C. Section 60115.

    a) The Committee shall be composed of 15 members, each of whom shall be appointed by the Secretary, after consultation with public and private agencies concerned with the technical aspect of the transportation of hazardous liquids or the operation of pipeline facilities. Members shall be appointed on the basis of their experience in the safety regulation of the transportation of hazardous liquids and of these pipeline facilities; their training, experience, or knowledge in one or more fields of engineering applied in the transportation of hazardous liquids; or experience in the operation of pipeline facilities to evaluate hazardous liquid pipeline safety standards as follows:

b) Five members shall be selected from Federal, State, or local government agencies, and two of the five shall be State commissioners selected after consultation with representatives of the national organization of State commissions.

c) Five members shall be selected from the hazardous liquid industry, after consultation with industry representatives, and not less than three of the five shall be currently engaged in the active operation of hazardous liquid pipelines, and at least one of these shall have education, background, or experience in risk assessment and cost-benefit analysis.

d) Five members shall be selected from the general public, including two members who have education, background, or experience in environmental protection or public safety, and at least one of these shall have education, background or experience in risk assessment and cost-benefit analysis. No public member may have a significant interest in the pipeline industry. At least one of the members shall have no financial interests in the pipeline, petroleum, or hazardous liquid industries.

e) Members appointed solely for their technical expertise shall serve as Special Government Employees.

f) Within the statutory limitations, the membership shall be fairly balanced in terms of the points of view represented; the advice and recommendations of the Committee shall be the result of its independent judgment (FACA, section 5(b)(2) and (3)).

g) Members are appointed for a term of 3 years, except that a member may serve until his or her successor is appointed. Members may be reappointed but are limited to serving three consecutive terms (or 9 years).

h) All members serve at the pleasure of the Secretary. If a member misses two or more consecutive regularly scheduled meetings of the Committee without good cause, their membership may be terminated at the discretion of the Secretary. If a membership is terminated in this manner, the vacancy may be filled for the unexpired portion of the term.

13) **Subcommittees.** The DOT has the authority to create subcommittees. Subcommittees shall submit their findings or reports back to the parent committee for review and consideration, never directly to PHMSA or the Secretary.

14) **Recordkeeping.** The records, reports, minutes, and other documents of the Committee shall be available for public inspection and copying at the Office of Pipeline Safety, 1200 New Jersey Avenue, SE., Washington, D.C. 20590, subject to the Freedom of Information Act, 5 U.S.C. 552 (FACA, section 10(b)). In addition, the records listed above can be found on the electronic docket at: http://www.regulations.gov.

Additionally, the records of the committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule.

15) **Filing Date.** The effective date is October 26, 2012, and the charter will expire 2 years from that date on October 26, 2014, unless renewed.