

Kansas Administrative Regulations

Kansas Corporation Commission

Article 11.—Natural Gas Pipeline Safety

82-11-3. Transportation of natural and other gas by pipeline; annual reports and incident reports.

The federal regulations titled "transportation of natural and other gas by pipeline; annual reports, incident reports, and safety-related condition reports," 49 C.F.R. Part 191, as in effect on October 1, 2018, are hereby adopted by reference except for the following changes:

(a) The following provisions shall be excluded from adoption:

(1) All portions that include jurisdiction beyond the state of Kansas, including off-shore pipelines, the outer continental shelf, and states other than Kansas;

(2) 49 C.F.R. 191.7;

(3) 49 C.F.R. 191.21; and

(4) all sections labeled "reserved."

(b) The following revisions shall be made to 49 C.F.R. 191.3:

(1) The following sentence shall be deleted: "Administrator means the Administrator, Pipeline and Hazardous Materials Safety Administration or his or her delegate."

(2) The definition of "LNG facility" shall be deleted and replaced by the following: "means a pipeline facility that is used for liquefying natural gas or synthetic gas or transferring, storing, or vaporizing liquefied natural gas."

(3) The definition of "Underground natural gas storage facility" shall be deleted and replaced by the following: "means an underground natural gas storage facility as defined in 49 C.F.R. 192.3 as adopted by K.A.R. 82-11-4."

(c) The following revisions shall be made to 49 C.F.R. 191.5:

(1) 49 C.F.R. 191.5(b) shall be deleted and replaced by the following: "(b) Each notice required by paragraph (a) of this section shall be made by telephone to the gas pipeline safety section of the commission and to the U.S. department of transportation. Both notices shall include the following information:

"(1) The names of the operator and the person making the report and their telephone numbers;

"(2) the location of the incident;

"(3) the time of the incident;

"(4) the number of fatalities and personal injuries, if any; and

"(5) all other significant facts known by the operator that are relevant to the cause of the incident or extent of the damages."

(2) The following text shall be added to 49 C.F.R. 191.5: "(d) Each operator shall notify the gas pipeline safety section of the commission within one hour following confirmed discovery of any incident, as defined in 49 C.F.R. Part 191 as adopted by this regulation, within the operator's certified areas or operating areas. If an incident occurs outside the commission's working hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, or any other day on which the commission office is not open, the operator shall contact a designated employee of the gas pipeline safety section of the commission. Each operator shall have a copy of the list of designated employees provided by the Commission."

(d) 49 C.F.R. 191.9(a) shall be deleted and replaced by the following: "(a) Except as provided in paragraph (c) of this section, each operator of a distribution pipeline system shall submit U.S. department of transportation form RSPA F 7100.1 to the gas pipeline safety section of the commission as soon as practicable but not more than 30 calendar days after detection of an incident required to be reported under 49 C.F.R. 191.5 as adopted by this regulation."

(e) 49 C.F.R. 191.9(b) shall be deleted and replaced by the following: "(b) If additional relevant information is required after the report is submitted under paragraph (a), each operator shall submit to the commission a written report providing the additional information pertaining to the incident within 15 calendar days of the commission's request."

(f) 49 C.F.R. 191.11(a) shall be deleted and replaced by the following: "(a) Except as provided in paragraph (b) of this section, each operator of a distribution pipeline system shall submit an annual report in duplicate for that system to the commission on U.S. department of transportation form PHMSA F 7100.1-1. This report shall be submitted to

the gas pipeline safety section of the commission not later than March 1 of each year, for the preceding calendar year. An operator may satisfy this filing requirement by informing the gas pipeline safety section of the commission in writing of the date of submission of form PHMSA F 7100.1-1 to the U.S. department of transportation."

(g) 49 C.F.R. 191.12 shall be deleted and replaced by the following: "As required by 49 C.F.R. 192.1009, as adopted by K.A.R. 82-11-4, each mechanical fitting failure shall be submitted on a Mechanical Fitting Failure Report Form PHMSA F-7100.1-2. An operator shall submit a mechanical fitting failure report for each mechanical fitting failure that occurs within a calendar year not later than March 1 of the following year. Alternatively, an operator may elect to submit its reports throughout the year. An operator shall report this information to the commission and the Pipeline and Hazardous Materials Safety Administration by the March 1 reporting date. An operator may satisfy this filing requirement by informing the gas pipeline safety section of the commission in writing of the date of submission of form PHMSA F-7100.1-2 to the U.S. department of transportation."

(h) 49 C.F.R. 191.15(a) shall be deleted and replaced by the following: "(a) Except as provided in paragraph (c) of this section, each operator of a transmission or a gathering pipeline system shall submit U.S. department of transportation form PHMSA F 7100.2 to the commission as soon as practicable but not more than 30 calendar days after detection of an incident required to be reported under 49 C.F.R. 191.5 as adopted by this regulation."

(i) 49 C.F.R. 191.15(d) shall be deleted and replaced by the following: "(d) If additional relevant information is required by the commission after the report is submitted under paragraph (a), (b) or (c), each operator shall submit to the commission a written report providing the additional information pertaining to the incident within 15 calendar days of the commission's request."

(j) 49 C.F.R. 191.17(a), (b), and (c) shall be deleted and replaced by the following: "(a) Each operator of a transmission or gathering pipeline system shall submit an annual report in duplicate for that system to the commission on U.S. department of transportation form PHMSA F 7100.2.1. This report shall be submitted to the gas pipeline safety section of the commission not later than March 1 of each year, for the

preceding calendar year. An operator may satisfy this filing requirement by informing the gas pipeline safety section of the commission in writing of the date of submission of form PHMSA F 7100.2.1 to the U.S. department of transportation.

"(b) Each operator of a liquefied natural gas facility shall submit an annual report in duplicate for that system to the commission on U.S. department of transportation form PHMSA F 7100.3-1. This report shall be submitted to the gas pipeline safety section of the commission not later than March 1 of each year, for the preceding calendar year. An operator may satisfy this filing requirement by informing the gas pipeline safety section of the commission in writing of the date of submission of form F 7100.3-1 to the U.S. department of transportation.

"(c) Each operator of an underground natural gas storage facility shall submit an annual report in duplicate for that system to the commission on U.S. department of transportation form PHMSA F 7100.4-1. This report shall be submitted to the gas pipeline safety section of the commission not later than March 1 of each year, for the preceding calendar year. An operator may satisfy this filing requirement by informing the gas pipeline safety section of the commission in writing of the date of submission of form PHMSA F 7100.4-1 to the U.S. department of transportation."

(k) 49 C.F.R. 191.22(a) shall be deleted and replaced with the following: "(a) OPID request. Effective January 1, 2012, each operator of a gas pipeline, gas pipeline facility, underground natural gas storage facility, LNG plant or LNG facility must obtain from PHMSA an Operator Identification Number (OPID). An OPID is assigned to an operator for the pipeline or pipeline system for which the operator has a primary responsibility."

(l) 49 C.F.R. 191.25(a) shall be deleted and replaced with the following: "(a) Each report of a safety-related condition under 49 C.F.R. 191.23, as adopted by K.A.R. 82-11-3, must be filed (received by the gas pipeline safety section of the commission) five business days after the day a representative of the operator first determines that the condition exists, but not later than 10 business days after the day a representative of the operator discovers the condition. Separate conditions may be described in a single report if they are closely related. Reports may be transmitted by electronic mail to: kccpipelinesafety@kcc.ks.gov."

(Authorized by and implementing K.S.A. 66-1,150; effective, T-82-10-28-88, Oct. 28, 1988; effective, T-82-2-25-89, Feb. 25, 1989; revoked, T-82-3-31-89, April 30, 1989; effective May 1, 1989; amended April 16, 1990; amended March 12, 1999; amended July 7, 2003; amended Jan. 25, 2008; amended Dec. 10, 2021.)

***** Authenticated Kansas Administrative Regulation *****