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January 5, 2026

Linda Daugherty
Acting Associate Administrator for Pipeline Safety
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Pipeline Safety Trust Comment on Special Permit Request of Gas Transmission Northwest LLC (GTN) (Docket No. PHMSA–2024–0055)

Dear Ms. Daugherty:

Please consider the comments in this letter in your deliberations on the special permit request of Gas Transmission Northwest, LLC (GTN), a subsidiary of TC Energy, Inc. These comments are filed on behalf of the Pipeline Safety Trust (PST).[1] PST is the only national non-profit organization that focuses on pipeline safety. We do this through education and advocacy, increasing access to information, and building partnerships with residents, safety advocates, government, and industry to promote safe communities and a healthy environment.

GTN is seeking relief from compliance with the class location requirements on its GTN Mainline A (a 36-inch diameter natural gas line) in Boundary and Kootenai Counties, ID. These pipeline segments have undergone a change in class location from a Class 1 to Class 3 location. Granting this special permit would allow 11,174 feet (2.12 miles) of pipeline to operate outside of the pipeline safety regulations (PSRs). As mentioned in the notice, PHMSA previously noticed this request in October of 2024[2] and allowed public comment. PHMSA has since reviewed its special permit process "to determine if special permit conditions could be streamlined in order to ease unnecessary burdens on applicants."[3] In that process, PHMSA has allowed applicants, and GTN to seek "reconsideration" of their application and a new public comment period. PHMSA has also revised the original draft special permit conditions, with no rational explanation, walking them back almost completely despite the fact (as described below) that the operator indicates a willingness and ability to accept conditions.

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[1] www.pstrust.org.
[2] Pipeline Safety: Request for Special Permit; TC Energy for Gas Transmission Northwest LLC (GTN), 89 Fed. Reg. 83,085, 83,086 (Oct. 15, 2024).
[3] Pipeline Safety: Request for Special Permit; Gas Transmission Northwest LLC, 90 Fed. Reg. 55,972, 55,973 (Dec. 4, 2025).

As PHMSA knows, a special permit application can only be granted if the waiver of the regulation or standard is not "inconsistent with pipeline safety."49 C.F.R. § 190.341(d)(2). In doing so, the Associate Administrator may impose conditions if a conclusion is made that they "are necessary to assure safety, environmental protection, or are otherwise in the public interest." *Id.* GTN has the burden of demonstrating that the regulatory standards found at 49 C.F.R. § 190.341 are met by submitting documentation to PHMSA about the pipeline's conditions, the regulations it seeks relief from, the unique circumstances that make the applicability of the standard unnecessary, the activities the operator proposes to undertake as an alternative, impacts on stakeholders, and a certification that the grant of the special permit will not be inconsistent with pipeline safety. PST has reviewed the materials submitted by GTN and PHMSA's draft special permit and has the following feedback:

1. Probable Lack of Compliance Actions Per 49 C.F.R. § 192.611

The federal pipeline safety regulations at 49 C.F.R. § 192.611(d) require an operator to confirm or revise the maximum allowable operating pressure (MAOP) within 24 months of the change in class location. According to GTN's Attachment A, special permit segment (SPS) numbers 1-1, 1-2, and 2, totaling 10,954 feet (2.07 miles), would have been required to confirm or revise their MAOP by Dec. 21, 2024, for SPS numbers 1-1 and 1-2 (SPS 1), and by Mar. 16. 2025, for SPS number 2.[4] Documentation provided by GTN and PHMSA in this docket fail to mention if GTN has taken appropriate, compliant action to reduce the MAOP of these segments of pipeline. Longstanding guidance from PHMSA states:

> Applications for special permits should be submitted to PHMSA as soon as the change in class location occurs (discovery), but no later than 15 months prior to the expiration of the 24 month time period defined by 49 CFR § 192.611(d). In other words, the special permit application should be submitted to PHMSA no later than 9 months after the change in class location occurs. [...] Operators that do not submit complete applications for special permits in the timely manner described herein should be prepared to reduce pipeline pressure in accordance with 49 CFR § 192.611(a)(1) or (a)(2), while PHMSA completes its review and final action on the application.[5]

GTN's initial application on March 27, 2024, for SPS 1 and 2 was submitted beyond the stated timelines in this guidance, yet there is no indication from GTN or PHMSA regarding compliance with the plain text of the 49 C.F.R. § 192.611(d) to reduce or confirm the MAOP to the appropriate level for these now out-of-compliance segments. (PHMSA-2024-0055-

[4] SPS number 3 for 220 feet of GTN Mainline A was added after the initial application and notice process in 2024. Mentions of SPS 3 first appear in the Dec. 4, 2025, Federal Register notice (*see* 90 Fed. Reg. 55,972, 55,973).

[5] PHMSA, *Class Location Special Permits: FAQs*, faqsclass-location-special-permits20180726.doc at FAQ 32.

0001 (hereinafter "GTN SP Application"). This process between GTN and PHMSA appears to result in the pipeline operator stopping the 24-month clock on class location changes without any apparent accountability from PHMSA.

2. Condition of the Pipeline/Records

Pressure Testing. GTN indicated SPS 2 as having received a pressure test in 1961 to 1,022 pounds per square inch gauge (psig), which corresponds to only 1.12 times the MAOP of 911 psig. This pressure test does not meet PHMSA's longstanding threshold requirements for consideration as a candidate for a class location change special permit.[6] In its March application, GTN states "[it] will be performing a hydrostatic pressure test for at least 8 hours to a minimum of 139% of the MAOP as required by the proposed special permit conditions and 49 C.F.R. § 192 Subpart J." PHMSA has not included this volunteered concession as a condition, therefore relying on the operator's word that the pressure testing will be performed. The public deserves that all SPSs be tested to at least the threshold requirements specified by PHMSA prior to granting this special permit request and therefore pressure testing this segment must be explicitly identified as a condition.

Pipe Girth Welds. GTN indicates that the SPSs do not have girth weld non-destructive testing records but that the SPS have had no in-service leaks or breaks in the girth welds in the SPIA for the life of the pipeline. According to PHMSA guidance, this places these segments as "Requiring Substantial Justification[.]" Waiver Criteria at 1. Despite this shortcoming in records, PHMSA has not provided justification for why granting a special permit for these segments in not inconsistent with pipeline safety in the absence of girth weld non-destructive test records.

Materials Properties. In its application, GTN stated that it "will perform material testing due to absent Mill Test Reports (MTRs) within the special permit segments."[7] GTN has failed to identify which portions of the SPS are missing this key information. Notwithstanding, its commitment here is essentially the same as the current federal requirements to obtain material properties records.

Leaks and Failures. In its application, GTN stated that "[t]here has been one reportable incident within the Special Permit Inspection area due to leak from a crack in a bottom side dent that was identified during an ILI assessment in 2013."[8] GTN indicates that this segment of pipe has been replaced, but it fails to mention that this segment of pipe appears to be within the bounds of SPS 1. It is possible that this segment of pipe is the reason for the two pipe segments that comprise SPS 1 (i.e., SPS 1-1 and 1-2). More concerning, GTN states elsewhere in the application that "ILI data indicated one (1) bottom side dent (2.68% of nominal pipe diameter) within proposed Special Permit Segment 1"

[6] PHMSA, Criteria for Considering Class Location Waiver Requests, at 3 (hereinafter "Waiver Criteria").
[7] GTN SP Application at 5.
[8] GTN SP Application at 5, and PHMSA Form 7100.2, Report Number 20140039.

that might indicate that this same segment contains another potential leak. It is concerning that a segment of pipeline to be considered for a special permit has experienced a failure due to a construction-related defect and that PHSMA has proposed no conditions to mitigate this concern.

Integrity Management Program. PST will discuss its concerns with this more deeply below but offers the following feedback here: 49 C.F.R. § 192.903 does not allow an operator to merely make a determination of an HCA as directed by the proposed special permit conditions. It is a determination based on specific criteria, not an opportunity to put certain pipelines in a specific "bucket." This has major implications within the regulatory regime and should not be used as a "solution" to class location changes. PHMSA cannot focus their risk- and performance-based programs on HCAs if all pipeline segments are an HCA.

Assessment for Crack-related Threats. GTN states in the GTN SP Application that the special permit inspection area (SPIA), which contains all SPS, was inspected with electromagnetic acoustic transducer in-line inspection tools, which are capable of detecting cracks in the pipeline. These tools were run in 2016 and again are scheduled again for 2025. The reassessment intervals for GTN's EMAT tool runs are different (longer) than those for their magnetic flux leakage (MFL) and caliper tools. This difference is not justified by GTN or PHMSA.

3. Draft Special Permit

3.1. Lack of Protective Conditions

PST is disappointed at the lack of conditions in the draft special permit. When it previously issued a draft special permit for this segment, PHMSA had numerous conditions that reflected consideration of the complexity of the PSRs and at least some mitigative measures. This set of conditions was supported by the GTN SP Application in which GTN requested "to operate the existing and proposed special permit segments in accordance with recent PHMSA special permit conditions (dated June 10, 2022)."[9]

What has changed, in PHMSA's perspective, that makes it now believe that conditions are not necessary to assure safety, environmental protection, or protect the public interest? PST sees no rationale in the Federal Register notice (other than "to ease unnecessary burdens on applicants") or the draft special permit. Furthermore, from the public perspective, this docket and the lack of conditions in the draft special permit demonstrates a lack of transparency and inquiry on PHMSA's account. It appears that PHMSA simply took GTN's information at face value and accepted it. What follow-on research or validation did PHMSA conduct? And how does the only condition it applied

[9] GTN SP Application at 11.

address any issues PHMSA identified that might arise with this pipeline operating outside the PSRs?

Subpart O Incorporation. The lone ongoing condition in this draft special permit is a requirement that the entire SPIA be incorporated into the operator's integrity management program (IMP), except for the reporting requirements found at 49 C.F.R. § 192.945. PST appreciates the application of IMP beyond only the special permit segment (SPS) and to the SPIA but doing so as proposed by PHMSA under this and several other recent permits, will result in a dilution of the purpose of the HCA designation for annual and incident reporting purposes. For example, as of calendar year 2024, 7.1% of onshore gas transmission pipeline miles were reported to be in HCAs. Reporting all of the SPIA as an HCA (i.e., 100% of the SPIA mileage) will upset the meaning of an HCA that has be held relatively constant for reporting purposes since 2010. PST is not aware of any written explanation and justification by PHMSA in consideration of this issue.

Additionally, as proposed by PHMSA, because the SPIA is considered to be an HCA (despite the definition at 49 C.F.R. § 192.903 and no waiver of that definition being considered in this notice as mentioned above), the effectiveness of the operator's management of these HCAs will not be visible through the reporting at 49 C.F.R. § 192.945 or any other mechanism. PHMSA's proposed special permit conditions omit the historical annual reporting condition that would have informed PHMSA and the public of "[a]ny new integrity threats identified during the previous year and the results of any [...] assessments performed (including any un-remediated anomalies over 30% wall loss; cracking found in the pipe body, weld seam, or girth welds; and dents with metal loss, cracking, or stress riser[,]" among other critical information about the ongoing operations, maintenance, and integrity of the pipeline

This effect of these two changes creates a muddied integrity management performance reporting structure for which there is even less accountability to the public and PHMSA. At the very least, PHMSA should require reporting for these areas but in a manner that distinguishes it from other, HCAs that are determined based on codified definitions,[10] and specific to special permits (i.e., based on the SPIA and SPS).

Further, incorporation into an operator's IM program is a poor substitute for design standards. Rather than taking a proactive approach to pipeline safety, this approach shifts the burden from PHMSA-defined mitigation to operator-defined IM practices, reassigning PHMSA's regulatory responsibility of ensuring consistency with pipeline safety to an operator's internal risk models. IM was never meant to serve as a substitute for design, testing, and material standards. This problem is magnified in this context, where GTN will be allowed to operate at the same pressure with thinner-walled or weaker pipe in an area

[10] PHMSA has required in previous permits that the special permit segment be included in annual reporting on HCAs.

with increased population growth. PHMSA should do more to develop conditions that are specifically tailored to assure pipeline safety.

3.2. Suggested Conditions

In addition to conditions that would address the above-identified deficiencies, PST recommends the following condition to assure safety, environmental protection and protection of the public interest.

Valves. PST believes that the valves identified in Table A3 of the draft special permit should meet the capability and performance of valves set out in 49 C.F.R. §§ 192.634 – 192.636, despite the installation date of these lines. These regulations present commonsense mitigative measure to reduce the consequences in the event of a failure and are appropriate conditions for an operator that is seeking an exception to the PSRs.

4. GTN's Special Permit Application is Deficient

4.1. Description of the Unique Circumstances (49 C.F.R. § 190.341(c)(4))

As PST observed in 2024 when PHMSA initially noticed this special permit request:

> There is nothing in TC Energy's application which explains unique circumstances making the application of the regulation inappropriate or unnecessary. Rather, TC Energy's response merely expresses its opinion about the prudence of PHMSA regulations and general optimism about the effectiveness of safety technology and Integrity Management (IM) in ensuring pipe integrity.[11]

4.2. Lack of Clarity about Class Location Change Timeline

The special permit application record does not clearly identify when the applicable class location change occurred for the subject pipeline segment. This information is required by PHMSA according to their notification requirements for class location change special permits. Waiver Criteria at 8. This omission is significant because PHMSA's regulations require an operator, following a class-location change, to confirm or revise the maximum allowable operating pressure and take any required corrective actions within 24 months of the change. 49 C.F.R. § 192.611(d). Absent documentation of the class-location change date, it is not possible to determine whether the operator complied with this regulatory deadline or whether the special permit application is being used to retroactively address noncompliance. PHMSA should require the operator to disclose the date of the class-

[11] Pipeline Safety Trust, Comments on Special Permit Application TC Energy for Gas Transmission Northwest, LLC, Docket PHMSA-2024-0055 (Docket No. PHMSA-2024-0055) (Nov 14, 2024) https://pstrust.org/comments-to-phmsa-on-special-permit-application-for-tc-energy-for-gas-transmission-northwest-llc-docket-no-phmsa-2024-0055/.

location change and demonstrate timely compliance with 49 C.F.R. § 192.611 before granting the requested special permit.

4.3. GTN's Application for Special Permit Segment 3 is Incomplete

As mentioned previously, GTN's initial application submitted on March 27, 2024, included two segments of "GTN's 36-inch diameter Mainline A natural gas transmission pipeline, approximately 2.075 miles (10,954 feet) in length." 89 Fed. Reg. 83086. This is supported by the GTN SP Application. The GTN SP Application is written to address the special permit requirements at 49 C.F.R. § 190.341. As SPS 3 had not yet experienced its change in class location at the time the GTN SP Application was drafted (i.e., the change occurred on "6/2024", *see* PHMSA-2024-0055-0009 "Attachment A- Integrity Information") this segment could not have been part of the original application. PHMSA perpetuates this error in its December 4, 2024, notice by claiming, incorrectly, that:

> PHMSA received a special permit request from GTN, a subsidiary of TC Energy, Inc., on March 27, 2024, seeking to deviate from the Federal pipeline safety regulations in 49 CFR 192.611 and 192.619, for three special permit segments (SPSs), which include 11,178 feet (approximately 2.1 miles) of the GTN gas transmission pipeline named Mainline A located in Boundary and Kootenai counties, Idaho.[12]

In fact, PHMSA did not receive an application for all 11,178[13] feet but it appears it has attempted to include an additional segment without requiring GTN to submit information required at 49 C.F.R. § 190.341(c) about SPS 3. Among other missing items required by that section, GTN has not submitted a "certification that operation of the applicant's pipeline under the requested special permit would not be inconsistent with pipeline safety[,]" for SPS 3. This is particularly confusing as the GTN SP Application sometimes refers to segments "1, 2, and 3" but GTN only provided maps for segments 1 and 2 originally. GTN SP Application at 6 and Appendices A and B. Updated maps in Appendix D of the Draft Special Permit and Conditions also fail to identify segments 1-1 and 1-2, as required by PHMSA's notification requirements for class location change special permits. Waiver Criteria at 8. Further, the notification requirements also require the operator to include a "[l]ist of all repairs on the pipeline within the inspection area containing the proposed waiver location(s)[,]" however, GTN has not identified the replacement of pipe that occurred as a result of the 2014 leak. Waiver Criteria at 8. For these reasons, the GTN SP Application is also inaccurate.

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[12] Pipeline Safety: Request for Special Permit; Gas Transmission Northwest LLC (GTN), 90 Fed. Reg. 55,972, 55,973 (Dec. 4, 2025).

[13] PHSMA states 11,178 feet in their Federal Register notice, however integrity information submitted by GTN on "GTN Attachment A - Special Permit - Pipeline Segment Integrity Information" indicates only 11,174 feet. PHMSA-2025-0055-0012.

5. Other Observations

PST is disappointed to see that the draft special permit term is for 15 years. In the past, terms of 10 years were standard. Special permits are meant to be narrow, tightly conditioned exceptions to pipeline safety regulations. But when the regulator is not imposing those conditions, extending these permits from 10 to 15 years shifts them from temporary safeguards to long-term deregulation. The longer terms reduce operators' incentives to maintain safety and signal that the agency is prioritizing industry convenience over public protection, turning what should be a narrow exception to the PSRs into a permissive, low-oversight environment.

Thank you for the opportunity to provide feedback on this special permit application. Please contact me if you have any questions at clayton@pstrust.org or (360) 543-5696 x111.

Sincerely,



Clayton Bodell
Technical Director