



National PROPANE GAS Association

1150 17th Street, N.W., Suite 310 • Washington, D.C. 20036 • 202.466.7200 • Fax 202.466.7205

April 20, 2007

VIA Hand Delivery

IP/CSCD/Dennis Deziel
Mail Stop 8100
Department of Homeland Security
Washington, DC 20528-8100

***Re: National Propane Gas Association Request to Extend Comment Period;
Docket No. 2006-0073***

Dear Mr. Deziel:

The National Propane Gas Association (“NPGA”), on behalf of its members, formally requests that the U.S. Department of Homeland Security (“DHS”) extend the comment period for 60 days (until July 9, 2007)¹ on its proposed list of chemical substances and corresponding screening threshold quantities (“STQs”) (entitled “Appendix A”), as published in the *Federal Register* on April 9, 2007 (72 Fed. Reg. 17,688). In its rule, DHS solicits comments on Appendix A which, if promulgated as proposed, will require “chemical facilities” that possess a chemical on the list at the STQ to complete a “Top-Screen” security analysis and potentially submit a security vulnerability assessment and site security plan to DHS. Propane is identified on Appendix A with an STQ of 7,500 pounds.

Statement of Interest

NPGA is the national trade association of the LP-gas (principally propane) industry with a membership of approximately 3,500 companies, including 39 affiliated state and regional associations representing members in all 50 states. Although the single largest group of NPGA members are retail marketers of propane gas, the membership includes propane producers, transporters and wholesalers, as well as manufacturers and distributors of associated equipment, containers and appliances. Propane gas is used in over 18 million installations nationwide for home and commercial heating and cooking, in agriculture, in industrial processing, and as a clean air alternative engine fuel for both over-the-road vehicles and industrial lift trucks. Because many NPGA members and their customers may possess, in the aggregate, at least 7,500 pounds of propane, NPGA and its members have an interest in this rulemaking.

Justification

¹ Should DHS grant our request, the comment period would close on July 8, 2007, a Sunday. In light of this, we propose a comment expiration date of July 9, 2007.

NPGA has serious concerns regarding DHS' lack of explanation in either the *Federal Register* preamble or docket materials how DHS arrived at the conclusion to include propane on Appendix A at a 7,500 pound threshold. DHS states that Appendix A is based on "existing sources of information," including the U.S. Environmental Protection Agency's ("EPA's") "Risk Management Program" ("RMP") list of chemicals, the Chemical Weapons Convention ("CWC") list of chemicals, and the U.S. Department of Transportation's ("DOT's") list of hazardous materials. 72 Fed. Reg. at 17,696. DHS asserts that Appendix A is based on three security issues: (1) "the potential for significant adverse consequences for human life or health" resulting from a release of the chemical; (2) the potential for theft or diversion and the resultant use of the chemical "to create significant adverse consequences for human life or health"; and (3) the potential for mixing the designated chemicals with "readily-available materials" and the resultant "potential to create significant adverse consequences for human life or health." *Id.* However, nowhere in either the preamble or docket is there any discussion regarding the application of these three security issues to propane when held by a retail facility for sale or when held for use as a fuel. NPGA encourages DHS to provide the regulated community with adequate documentation to support its proposed Appendix A and, in turn, allow for meaningful comment.

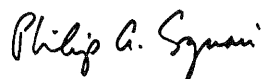
NPGA was an active participant in EPA's RMP rulemakings, as well as before Congress in supporting the Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act, Public Law No. 106-40. As DHS is aware, Congress concluded that propane, when held by a retail facility of for use as a fuel, did not warrant regulation under the RMP.

NPGA would like to review the RMP docket materials, Congressional materials associated with the Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act, prior DHS pronouncements relating to propane (such as contained in the April 25, 2006 DHS document entitled "Terrorist Use of Flammable Gases"), and other sources of information relating to potential terrorist activities with flammable gases to formulate detailed comments on DHS' proposed Appendix A. This will obviously take some time, thus our request for a 60 day extension of the comment period. The additional time could also be used by DHS to supplement the docket with sufficient background information to allow the regulated community to evaluate DHS' rationale for inclusion of specific chemicals and associated STQs.

Conclusion

Should you have any questions regarding our extension request, please call me at (202) 355-1322.

Sincerely yours,



Philip A. Squair
Senior Vice President,
Public and Governmental Affairs