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August 13, 1993
FHWA Docket No. MC 92-4

Office of the Chief Counsel
Federal Highway Administration
Room 4232, HCC-10
400 Seventh Street S.W.
Washington, D.C. 20590-0001

FHWA-97-2180 -15

Dear Sir or Madam:

E. I. du Pont de Nemours & Company (DuPont) respectfully submits the following comments on the notice of proposed rulemaking, FHWA Docket Number MC 92-4 Federal Motor Carrier Safety Regulations; Transportation of Hazardous Materials published in the *Federal Register* on June 17, 1993.

DuPont is a Delaware corporation engaged in the manufacture, sale, and distribution of a wide range of chemical, energy, sporting goods ammunition and related products with manufacturing facilities and customers located throughout the United States and the world. DuPont conveys **materials** and products by all modes of transportation. DuPont's RHYTHM@ (Remember How You Treat Hazardous Materials) program compliments the annual shipment of nearly 50 billion pounds of raw material and finished products worldwide at a cost of \$1.5 billion. Over one-third of these shipments include hazardous materials. DuPont strongly supports protection of the environment and is committed to the Chemical Manufacturers Association Responsible Care® initiative for improving the industry's responsible management of chemicals and attendant safety, health and environmental performance. Accordingly, DuPont takes great interest in this notice of proposed rulemaking and its implementation and impact on DuPont's global operations.

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DuPont supports the permitting of motor carriers based on safety criteria and endorses the Federal Highway Administration's proposed rules. DuPont believes that regulations such as the one proposed will enhance motor carrier safety, foster the safe transportation of designated hazardous materials, and promote a level playing field for commerce in this nation.

However, DuPont also recognizes that safety permits are currently being issued by other federal agencies, some states, and other lesser jurisdictions within the United States. Duplicate inspections and applications increase the cost of transportation and make U.S. manufacturers' and exporters' goods less competitive in the global marketplace. This ultimately costs our country jobs, increases our balance of payments, and harms the economy.

DuPont suggests, therefore, that when the Secretary issues his proposed rules for permitting of motor carriers under Section 22 of the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA), he consider waiving the FHWA permitting requirement if the Section 22 permit requirements duplicate or exceed those contained in this proposed rulemaking. DuPont believes that such a waiver will not lessen safety and will reduce the cost of compliance for the carrier.

DuPont appreciates this opportunity to comment on Docket Number MC 92-4, Federal Motor Carrier Safety Regulations; Transportation of Hazardous Materials and supports the rulemaking.

Sincerely,



William A. McCurdy, Jr. Logistics and Commerce Counsel
Darlene Bowers, Legal Assistant