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12 August 1993

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17838

FHWA Docket No. MC92-4, Room 4232, HCC-10
Office of the Chief Council
Federal Highway Administration
400 Seventh Street, S.W.
Washington, DC 20590

Dear Sir/Madam:

FHWA-97-2180-19

Re: Docket MC-92-4

80 AUG 18 2:00 PM
L-Box, 266.01

Air Products and Chemicals, Inc. (Air Products) is a shipper and carrier of hazardous materials which will be subject to the Safety Permit requirements in the proposed rule. As a carrier of some of the designated high risk hazardous materials, Air Products will be required to apply for a safety permit.

The Notice of Proposed Rulemaking, which appeared in the Federal Register for June 17, 1992, states that the Research and Special Programs Administration (RSPA) will initiate a rulemaking which will address shipper responsibilities. As of this writing, RSPA's notice of proposed rulemaking has not appeared in the Federal Register; however, that comments on FHWA Docket No. MC-92-4 must be received by August 16, 1993. Air Products has reviewed FHWA proposed rule and finds that some of the definitions of designated high risk hazardous materials are vague and lead to various interpretations on which hazardous materials are subject to the proposed rule. More specifically, the focus on hydrocarbons derived from natural gas is restricted to liquefied natural gas, even though liquefied petroleum gases and natural gas liquids represent at least comparable safety risks and require at least comparable carrier expertise. However, we prefer to reserve our detailed comments until such time as RSPA publishes a proposed rule.

Air Products requests that the comment period on MC-92-4 be extended to coincide with the comment period allowed for RSPA's notice of proposed rulemaking. We will then be able to evaluate the full impact of the rules and submit appropriate comments.

Yours very truly,

William N. West
Manager, Hazardous Materials
Corporate Transportation Department