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OFFICE OF THE SECRETARY  
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January 21, 2004

Bryant L. VanBrakle  
Secretary  
Federal Maritime Commission  
800 North Capitol St., N.W.  
Washington, DC 20573

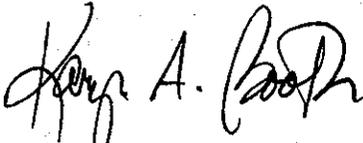
*Re: Reply Comments of The National Industrial Transportation League*

Dear Secretary VanBrakle:

On January 16, 2004, The National Industrial Transportation League filed Reply Comments with the Federal Maritime Commission in connection with FMC petitions P3-03, P5-03, P7-03, P8-03, and P9-03. Attached to the League's comments as Exhibit 3 was the Verified Statement of William A. McCurdy, Jr., Logistics and Commerce Counsel for E. I. du Pont de Nemours and Company, Inc. The signature pages for Mr. McCurdy's verified statement were transmitted by telecopy in order to be submitted by the January 16 deadline for reply comments. Enclosed with this letter is another copy of Mr. McCurdy's verified statement, which includes Mr. McCurdy's original signatures and which is identical in substance to the previously filed statement.

Sincerely,

THOMPSON HINE LLP



Karyn A. Booth

*Enclosures*

**VERIFIED STATEMENT OF WILLIAM A. McCURDY, JR.**

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I am William A. McCurdy, Jr., Logistics and Commerce Counsel for E. I. du Pont de Nemours and Company, Inc. (hereinafter DuPont). The principal office of my employer is located 1007 Market Street, Wilmington, Delaware 19898. My mailing address is DuPont Legal, Barley Mill Plaza 25/2364, P.O. Box 80025, Wilmington, Delaware 19880-0025.

I have been employed by DuPont for twenty-seven years and have had worldwide responsibility for advising DuPont's Transportation and Distribution function since the early 1980's. I have been an active member, officer and committee chairman for many logistics focused trade associations and legislative coalitions, including the National Industrial Transportation League (NITL), the Dangerous Goods Advisory Council (DGAC – formally HMAC), the Agriculture Ocean Transportation Coalition (AGOTC), the Distribution Committee of the American Chemistry Council (ACC – formally CMA), the Association of Transportation Law, Logistics and Policy (ATLLP), the Transportation Lawyers Association (TLA) and several others. I am also an active member of and a two time Track Leader for the Council of Logistics Management (CLM) dealing with Logistics and the Law. On behalf of DuPont, I actively participated in many of the industry efforts which contributed to the passage of the Shipping Act of 1984 and the Ocean Shipping Reform Act of 1998 (OSRA). Finally, I am and have been the principal draftsman and legal negotiator of DuPont's numerous global marine service contracts since 1984.

DuPont is and has been for the last ten years one of the five largest exporters of containerized cargo from the United States. DuPont is also one of the twenty-five largest importers of containerized cargos into the United States. The vast majority of this cargo is transported under confidential marine service contracts with numerous vessel-owning common

carriers (VOCCs). However, DuPont also has substantial amounts of cargo, including project cargo, which is consolidated and/or transported through the use of non-vessel-operating common carriers (NVOCCs), other transportation intermediaries, and third-party logistics concerns. Although DuPont utilizes confidential contracts for on-shore consolidation and related logistics functions performed by the transportation intermediaries, the actual ocean transportation involving the United States is performed – by law – under common carriage tariffs. This process is an aberration and a departure from DuPont's standard logistics processes, is costly, and unfairly exposes many of DuPont's logistics costs and best practices to its foreign-based competition.

DuPont firmly believes that the current practice of requiring NVOCCs and other marine intermediaries serving the U.S. trades to refrain from entering into confidential service contracts with their customers is counterproductive and hinders the competitive position of United States manufacturing and agricultural interests. NVOCCs and their customers are not permitted by current regulation to negotiate and agree upon customized marine contracts that permit and encourage each of them to develop and profit from their own ingenuity. Supply chain customization, which I believe has been the prime facilitator in the reduction of transportation and logistics costs as a percentage of the United States Gross National Product (GNP), cannot be used in ocean transportation to the degree it is domestically because of the limitation on the freedom to contract.

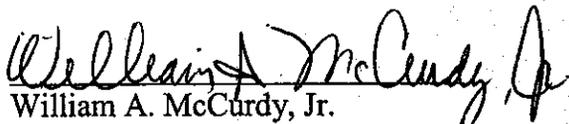
I believe that the current common carriage tariff system that is imposed upon NVOCCs operating in the U.S. trades reduces the competitive position of such NVOCCs and their customers in the same manner that VOCCs and their customers were disadvantaged prior to the passage of OSRA. Foreign producers of competitive agricultural products and manufactured

goods, under the current regulatory regime, are able to access hard data regarding the transportation and distribution costs of domestic producers of the same or similar products and goods. Domestic exporters are not provided access to similar data for their foreign-based competition. This disparity provides the foreign-based producer with a significant competitive advantage in the market place, helps reduce United States exports, increases the trade deficits and has a direct adverse impact on the United States economy.

Removal of the current tariff filing and confidentiality restrictions on NVOCCs would level the playing field between VOCCs and NVOCCs, thereby providing more competitive alternatives for United State exporters. This would, in turn, encourage the development of more value adding and productive processes by NVOCCs and their customers, increase the value and competitiveness of U.S. exports, help reduce the current trade deficit, and provide added help to the U.S. economy.

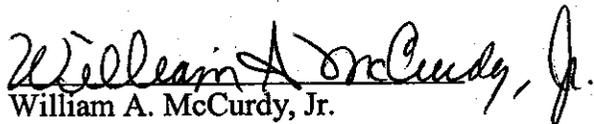
DuPont supports the NITL comments and urges the FMC to issue an exemption that would permit NVOCCs to enter into confidential, customized marine service contracts in the same manner and subject to the same rules as the VOCCs.

Respectfully submitted,

  
William A. McCurdy, Jr.  
Logistics and Commerce Counsel  
For E. I. du Pont de Nemours and Company, Inc.

**VERIFICATION**

In accordance with the Federal Maritime Commission's regulations at 46 C.F.R. §  
502.112(c)(2), I hereby verify under penalty of perjury that the foregoing is true and correct.



William A. McCurdy, Jr.

Logistics and Commerce Counsel

For E. I. du Pont de Nemours and Company, Inc.