

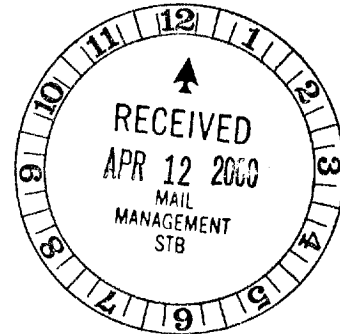
Associated Traffic Services, Inc.

VIST OUR WEBSITE AT [HTTP://WWW.ASSOCIATED-ONLINE.COM](http://WWW.ASSOCIATED-ONLINE.COM)

198072

April 5, 2000

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Surface Transportation Board
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Washington, DC 20423

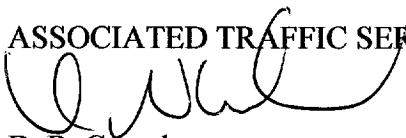
Re: National Classification Committee -- Agreement, Section 5a Application No. 61. - SUB 6

Gentlemen:

Enclosed are the original and 10 copies of the comments of Associated Traffic Services in the above referenced proceeding.

Very truly yours,

ASSOCIATED TRAFFIC SERVICES, INC.


D. R. Carnahan

DRC: ac

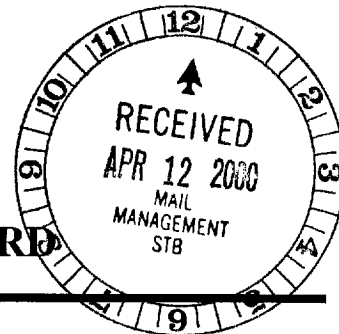
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**BEFORE THE
SURFACE TRANSPORTATION BOARD**



National Classification Committee -- Agreement,
Section 5a Application No. 61. - *SUB 6*

**COMMENTS OF
ASSOCIATED TRAFFIC SERVICES, INC.**

Donald R. Carnahan, President
Associated Traffic Services, Inc.
858 Oak Park Road, Suite 103
Covina, CA 91724
Phone (626) 967-0677
FAX (626) 967-5432
E-Mail don@associated-online.com

National Classification Committee -- Agreement,
Section 5a Application No. 61.

COMMENTS OF ASSOCIATED TRAFFIC SERVICES

I am the President and owner of Associated Traffic Services, a Southern California Freight Bill Auditing and Consulting Company located at 858 Oak Park Road, Suite 103, Covina, California 91724.

My company conducts pre-payment and post-payment audits of freight bills submitted to my shipper/consignee clients by common and contract carriers for transportation services rendered in interstate and intrastate commerce.

Both the members of my staff and myself regularly use the National Motor Freight Classification (NMFC), the tariff that is published by National Classification Committee, to determine the correct freight classification of commodities shipped and or received by my shipper clients in connection with our day-to-day auditing activities. Although many of my larger shipper clients have negotiated "FAK class ratings" which eliminates the need to refer to the NMFC to determine the correct freight classification, frequently they ship and/or receive shipments from carriers with whom they have not negotiated FAK ratings with. Most of my smaller shipper clients have not negotiated FAK ratings and it is for those shippers who we regularly use the NMFC.

Although the NMFC is not the easiest reference matter to use and it does take an experienced professional to use and interpret, as compared to some tariffs that are being

published by individual carriers, however, it is a clear and logical tariff. With some experience using it, my staff and I find that it is very easy to use.

Over the past 30 years of using the NMFC, I have also submitted proposals on behalf of my shipper clients to the National Classification Committee to amend the NMFC where the existing classification was not appropriate. I have found this process to be both easy to use and the results fair.

Having said the above, two changes that the Surface Transportation Board should order to increase shipper participation in the classification process are as follows.

The STB should order the National Classification Committee to make its "Synopsis of Classification Opinions" available to shippers and other interested parties. The Synopsis of Classification Opinions is apparently a compilation of informal rulings issued by the National Classification Committee expressing the interpretation of published classification provisions in force.

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In *Pacific Paper Products, Inc. v. Garrett Freight lines*, 351 I.C.C. 321, the Interstate Commerce Commission recognized that the issuance and nationwide circulation of an informal opinion by the National Classification Board does not violate the section 5a agreement of the National Classification Committee (Exhibit B). Furthermore, the Interstate Commerce Commission went on rule that "Minimum standards for the issuance of informal classification rulings should include determination upon not less than a complete record, opportunity for presentation by the involved shipper prior to initial determination, and the showing of reasons for the conclusions reached". Based on this prior ruling, it is within the Board's jurisdiction to now order that the National Classification Committee make its "Synopsis of Classification Opinions" available to shippers and other interested parties.

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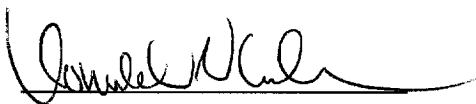
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Dated: April 5, 2000

Respectfully submitted,

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Donald R. Carnahan, President
Associated Traffic Services, Inc.

Exhibit "A"

One other matter requires discussion. On reconsideration, complainant renews its allegation that defendants, by virtue of the nationwide circulation of the NCB informal opinion, are collusively establishing and collecting increased charges on complainant's paper products without complying with the collective action procedures of their agreement as approved by the Commission under section 5a of the act. There is no merit to such allegation. The section 5a agreement to which defendants are party relates to the organization and procedures for the collective processing of proposals to change matter published in the classification. The effective publication of a collectively adopted proposal results in a change in the classification which is binding, as a matter of law, upon carriers and shippers alike. On the other hand, the issuance of a informal opinion, as here involved, constitutes an expression of interpretation of the published classification provisions in force which is neither binding in law upon shippers or carriers nor reflects a change in the lawfully published classification provisions. We conclude that the section 5a agreement of defendants has not been violated.

However, based on the record as fully recited in the initial decision of the Administrative Law Judge, we can not condone the NCB practice of arbitrarily issuing and nationally circulating an informal opinion of applicable classification provisions, which was determined upon an admittedly limited and inadequate record, offered no prior opportunity for the shipper to furnish information and traffic data and containing no explanation of the basis of the conclusions reached.

As previously stated, an informal opinion of the NCB is not binding on either shippers or carriers. However, these parties, including complainant have over the years come to place substantial reliance upon the expertise of the NCB in classification matters. Accordingly, nationwide circulation of an NCB informal opinion may be expected to result in acceptance of its conclusions, particularly by carriers in classifying and rating like traffic. There is a presumption that adequate investigation and consideration is given and that the matter was resolved with the shipper, either by acceptance of the ruling or by his filing of a formal proposal for classification change, prior to nationwide circulation of the informal opinion. This informal procedure has provided an inexpensive means for shippers and carriers to resolve differences regarding classification matters without resort to the additional time and

expense of a complaint before this Commission. The hasty action demonstrated by the NCB in the instant case opens to serious question the future reliability of its informal rulings.

In the circumstances, it is our opinion that defendants herein, in conjunction with other participating carriers, must take appropriate action in order to preclude future hasty actions by the NCB in issuing informal rulings, by establishing standards regarding the functions of the NCB. Minimum standards for the issuance of informal classification rulings should include determination upon not less than a complete record, opportunity for presentation by the involved shipper prior to initial determination, and the showing of reasons for the conclusions reached. This action is intended to provide all parties with adequate notice of the NCB's rationale and protect the interest of the shipping public.

Accordingly for the reasons stated above, we find that the applicable classification description and ratings to be applied are: (1) the disposable paper examination gowns and drapesheets are both embraced and ratable under item 153900 as paper goods, NOI, subject to a class 85 LTL rating, but such applicable classification rating is unjust, unreasonable, and unduly prejudicial to such articles, and unduly preferential under such 216 of the act to the extent it exceeds the medical supply group classification basis published in item 56710 of the classification; and (2) the examination table paper, both smooth and so-called creped, are applicably classified under item 151800 as "wrapping paper, NOI," subject to a class 55 LTL rating, and that the issue of lawfulness under section 216 of the act is moot by virtue of the applicability determination to the basis sought by complainant.

It is ordered, That this proceeding be, and it is hereby, discontinued.

351 I.C.C.

EXHIBIT "B"

Synopsis Of Classification Opinions (Book)SKU: **t2277**Member Price: **\$60.00**Non-member Price: **\$60.00**

Buy at Members' Price

Buy at Non-Members Price

Additional Products and Pricing

Know the proper classification of commodities shipped by motor carriers. Annual subscription to this quarterly publication available to participating National motor Freight Classification carriers. Each listing includes date of ruling, description of commodity, and applicable NMFC item number.

Additional Products and Pricing			
Quantity	Member Price	Non-member Price	Order
Synopsis of Classification Opinions (Diskette) (T2278)	\$75.00	\$75.00	Buy at Members' Price
			Buy at Non-Members Price

APPENDIX TO SUPPLEMENT 10 TO NMF 100-U

EXHIBIT "C"

ISSUED: December 20, 1994

EFFECTIVE: January 21, 1995

A numeric directory of changes being published in this Supplement is listed below.

Explanations of each change and the National Classification Committee's justifications for the

amendments, additions or deletions are provided herein. The abbreviation PCF stands for Pounds Per

Cubic Foot; an asterisk * indicates a new item or new package.

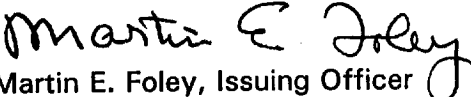
Effective January 1, 1995, Truckload (TL) classes and minimum weight factors (MW's) will be canceled from the National Motor Freight Classification as directed by the National Classification Committee to comply with the mandate of Title VI of the Federal Aviation Administration Authorization Act of 1994. Therefore, as amendments published in this Supplement are scheduled to become effective January 21, 1995, no Truckload classes or Minimum Weights (MW's) are displayed.

Please refer to National Motor Freight Classification 100-U and supplements thereto for provisions pertaining to existing truckload classes and minimum weight factors which will expire on January 1, 1995.

*180	29450	*56293	79032	159010
535	29470	63034	80240	*154345
540	29580	63041	80250	187480
29130	39380	*63325	80270	
29160	39470	*63327	80272	PACKAGE
29340	41330	*63328	*101715	301
29350	53060	72007	101740	
29390	55921	72600	101741	
29410	55922	73227	*101742	
29420	56290	76800	*101743	

Respectfully submitted,

NATIONAL MOTOR FREIGHT TRAFFIC
ASSOCIATION, INC.


Martin E. Foley, Issuing Officer
National Motor Freight Classification

Item 180

The National Motor Freight Classification will be amended by the addition of Item 180, a general rule authorizing the use of performance testing in the laboratory as an alternative to existing material construction defined packaging methods. Such testing will include drop tests, handling-impact tests, vibration tests, compression tests and pallet load or unitized load handling tests.

Action was the result of a decision made by the full NCC membership in disposition of Docket 945, Subject 19, a referenced matter by an earlier Panel.

Item 535

Item 535, having application on provisions with expiration dates is amended to show that all provisions contained in new Item 180, as referenced above, will expire on January 21, 1995.

This amendment is the result of action taken on Docket 945, Subject 19.

Item 540

Item 540, the general rule within the Classification coordinating DOT requirements for hazardous or regulated materials with the rules and regulations for nonhazardous materials within the NMFC, has been amended to clarify proper marking of such containers. Shipping containers will now be allowed to be marked with the DOT/UN nomenclature only and will supersede NMFC required markings. With the exception of fibreboard boxes, it was determined that dual (DOT & NMFC) shipping container markings for identifying gauge thickness, manufacturer, year of manufacture and gallon capacity created a redundant system which was not necessary.

Action was taken by the NCC Panel in its disposition of Docket 947, Subject 12.

Items 29130 - 39470

Items 29130, 29160, 29340, 29350, 29390, 29410, 29420, 29450, 29470, 29580, 39380, 39470, 76800 and 187480 are being cancelled as obsolete. The NCC's files and motor carrier density and traffic studies show no recent movement of commodities under these items.

These changes are the result of action taken on Subject 3 of Docket 947.

Item 41330

Item 41330, applying on shipping reels, is being amended by assigning classes on the basis of form of shipment only. SU reels will be assigned class 200, an increase from the present classes, and KD reels will be assigned class 55, representing, for the most part, no change.

Information of record shows SU shipping reels to exhibit varying stowability and handling characteristics, with larger, heavier reels that are tendered loose posing the greatest concerns in this regard. And loose reels should be handled with an added degree of care, if damage is to be avoided.

The overall average density of SU shipping reels (using loaded density figures where pertinent to reflect stowability) is 4.73 pcf. This density meets the NCC's minimum-average-density guideline of 4 pcf for the assigned class 200.

There is no specific information of record respecting KD shipping reels, but as mentioned above, there will be virtually no change in the class applicable to them.

Also, the reference in item 41330 to the Note, item 41292, is being eliminated as obsolete. There is no indication that shipping reels are tendered in TL quantities with the articles named in the Note.

These amendments are the result of action taken on Subject 4 of Docket 946.

Item 53060

Item 53060, having application on "Cooling Boxes, Refrigerators or Iceboxes, NOI..." is amended to restrict its application to only those products "without mechanical cooling or freezing apparatus," which results in a change for those products with mechanical cooling or freezing apparatus to now be classed per items 53070 or 53120. Additionally, the class under item 53060 has been increased from 92.5 to class 250.

These amendments were based on transportation characteristics gathered under Research Project 555. This project identified two primary types of coolers being shipped under item 53060: 1) Point-of-Purchase Merchandisers and 2) Dairy, Deli or Seafood Display Cases. Both types were not equipped with mechanical cooling or freezing apparatus. Their average density was found to be 4.25 pcf. No negative liability characteristics were found, however, handling and stowability characteristics were found with high negative potential; excessive lengths and possible inadequate packaging.

These amendments are the result of Subject 7, Docket 947.

Items 55921, 55922, 56290 and 56293

Item 55921, "Holiday Decorations or Ornaments..." and item 56290, "Decorations, NOI..." have been combined in the interest of tariff simplification. Both provisions provide full-scale density based provisions, therefore, no change in class will occur.

The Note, item 55922, which was referenced in item 55921, is cancelled and reestablished as item 56293, referenced in item 56290.

These amendments are the result of Subject 4, Docket 947.

Items 63034, 63041, 63325, 63327 and 63328

New item 63327 is being established for "Televisions (TV's), rear-projection type," at class 175. These televisions are presently classed with conventional, direct-view picture-tube televisions in item 63035 as "Televisions or TV's (Television Receiving Sets), NOI," at class 125.

Information of record shows that, while all televisions may present certain stowability, handling and liability considerations, rear-projection models, due primarily to their size, pose additional stowability and handling concerns. Moreover, rear-projection televisions exhibit lower densities than conventional sets:

Type of Television	Density Range	Average Density
Conventional, Direct-View*	6.89 to 11.83 pcf	8.96 pcf
Rear-Projection	4.46 to 6.16 pcf	5.42 pcf

* Includes TV/VCR combinations.

As the table illustrates, based on the data of record, the average density of rear-projection televisions is lower than that of conventional televisions, with no overlap in the respective density ranges.

The average density of 5.42 pcf for the rear-projection sets meets the NCC's minimum-average-density guideline of 5 pcf for the assigned class 175.

New Note, item 63328, is being added to clarify the application of item 63327.

Also, item 63034, naming "Sets, television (TV's), projection type, consisting of a TV receiver and separate screen," at class 200, is being cancelled with reference to new item 63325, naming "Televisions (TV's), projection type, NOI," with no change in class, in the interest of tariff clarification, simplification and uniformity. The Note, item 63041, which is referenced in item 63034, is being cancelled as having no further application.

These amendments are the result of action taken on Subject 1 of Docket 947.

Items 72007, 72600 and 73227

Note, item 72007 is amended to reference Package 2375, thus allowing all items in the Foodstuffs Group that currently allow commodities to be shipped in boxes to be shipped in Package 2375.

Concurrently, the reference to Package 2375 in items 72600 and 73227 is removed as unnecessary in the interest of tariff clarification.

Package 2375 was established as a result of action taken on Docket 821, Subject 38 (January, 1981). This was a proposal by the Red Wing Company to allow peanut butter in glass jars to be packaged in a unitized pallet load of trays with no separators between the jars. To provide justification for the proposed change, the proponent made 180 test shipments consisting of 76,603 trays of peanut butter with no incidence of damage. In response to the damage-free shipping experience, this proposal was approved, and Package 2375 was established. Since that time, there have been five approved docket proposals to allow shipment of various foodstuffs in Package 2375 and there have been no reports of damage to any products moving in Package 2375.

These changes are the result of action taken on Docket 947, Subject 10.

Item 76800

See justification for item 29130.

Item 79032

The Note, item 79032 is amended to list a third base alternative in "F" Packages that specify wood frame bases used in conjunction with fibreboard boxes. The involved base consists of at least two plies of 600-pound test doublewall corrugated fibreboard. The corrugations run in the same direction as the longest dimension of the pad and extend the full length of the carton. A minimum thickness of $\frac{9}{16}$ -inch and outer facings of a minimum of 90-pound wet strength linerboard are required. Also, the corrugated fibreboard is required to be held together with waterproof adhesive.

To provide justification for the proposed base option, the proponent tested a desk contained in Package 21F (with the proposed doublewall corrugated base instead of a wood base), in accordance with International Safe Transit Association (ISTA) standards. The packaged product was subjected to Project 1 ISTA Vibration and Random Truck Vibration, Rotational Drop, Incline/Impact and Compression Testing. During and following these tests, the packaged product was inspected for cosmetic and physical damage. The reports indicate that the desk was in very good condition.

These changes are the result of action taken on Docket 947, Subject 13.

Items 80240, 80250 and 80270

Item 80250, Steel Filing Cabinets (Filing Cases), NOI, is amended by increasing the class assigned to Sub 1, SU, with hollow walls or with solid walls less than 1 inch thick, from 85 to 100, and by cancelling the Sub 3 provisions for KD flat. Information on file indicates that cabinets moving under Sub 1 range in density from 2.57 to 23.21 pcf, with an average density of 9.40 pcf. These products are shipped in various authorized furniture packages, and do not exhibit unusual handling or stowing characteristics. They are susceptible to damage, and values range from \$1.05 to \$6.72 per pound, with an average value of \$2.11 per pound. A survey conducted by the Office Furniture Distribution Association was unable to locate any manufacturers shipping steel filing cabinets in a KD flat form.

The Note, item 80272 is cancelled with no further application. The references to item 80272 have been removed from items 80250 and 80270 accordingly.

These changes are the result of action taken on Subject 6 of Docket 945.

Items 101715, 101740, 101741, 101742 and 101743

Item 101715, naming "Developer, copying machine toner, in boxes" is added to the Classification subject to a class 65. This product, formerly classified per item 101740, subject to a class 85, is basically used in copying machines as part of the copying process. The approved class 65 is reflective of an average density of 66.91 pcf with a range of 35.8 to 113.64 pcf. The average value is \$4.72 per lb. from a range of \$2.93 to \$6.25 per lb. The record contains no information on claims for loss or damage. The products are packaged in boxes or crates and stow well in a vehicle.

Item 101742, naming "Ink, Dry Ink or Toner: Copying machine:" is added to the Classification with two subs. Sub 1 names "In cartridges with drum, toner and developer unit combined, in boxes" and is subject to class 110. This is reflective of an average density of 8.31 pcf and average value of \$20.02 per lb. These products are wrapped in a foil pouch for shipment as they are photo sensitive. The products are then packaged in fibreboard boxes for shipment. Sub 2 names "In cartridges without drum, toner and developer unit combined, bottles or other inner containers in boxes; or in bulk in barrels" and is subject to a class 70. This class is reflective of an average density of 16.74 pcf and average value of \$7.70 per lb. The products were formerly subject to the provisions of item 101740, which was subject to a class 85.

Item 101743, naming "Ink, Dry Ink or Toner: Laser printer or facsimile (FAX) machine:" is added to the Classification with two subs. Sub 1 names "In cartridges with drum, toner and developer unit combined (Toner Cartridges, including Optical Photo Cartridges), in boxes" and is subject to a class 110. This is reflective of an average density of 8.31 pcf and an average value of \$20.02 per lb. These products are wrapped in a foil pouch for shipment as they are photo sensitive. Sub 2 names "In inner containers other than cartridges with drum, toner and developer unit combined, or in bulk in barrels" and is subject to a class 70. This class is reflective of an average density of 16.74 pcf and an average value of \$7.70 per lb. These products do not present any handling or stowability problems. These products were formerly subject to the provisions of item 101740, which was subject to a class 85.

The Note, item 101741 is cancelled as having no further application.

These changes are the result of carrier action on Docket 946, Subject 8.

Items 150910 and 154345

New item 154345 is being established under the "Paper Articles Group" for "Streamers, crepe, tissue, in boxes" at class 150.

The involved products are the crepe paper streamers used for decoration and crafts. Prior to this change, they were classified under item 150910, "Crepe, tissue, NOI, in packages" at class 85. These streamers exhibit an average density of 6.03 pcf, with no unusual stowing, handling or liability concerns.

Concurrently, the phrase "other than streamers" has been added to the description of item 150910, in the interest of tariff clarification.

These amendments are the result of action taken on Subject 5 of Docket 947.

Item 187480

See justification for item 29130.

Package 301

The base specifications of Package 301, authorized for the shipment of refrigerators under item 53100, have been amended to allow wood skids to be constructed of lumber measuring a minimum of $\frac{7}{8}$ x $3\frac{5}{8}$ inches in cross-sectional area, and to allow built-up corrugated fibreboard skids to be a minimum of $1\frac{3}{4}$ x $3\frac{5}{8}$ inches in cross-sectional area. These amendments are made to correct typographical errors in the base specifications.

These changes are the result of action taken on Docket 947, Subject 11.

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BEFORE THE
SURFACE TRANSPORTATION BOARD



National Classification Committee -- Agreement,
Section 5a Application No. 61. - SUB

COMMENTS OF
ASSOCIATED TRAFFIC SERVICES, INC.

Donald R. Carnahan, President
Associated Traffic Services, Inc.
858 Oak Park Road, Suite 103
Covina, CA 91724
Phone (626) 967-0677
FAX (626) 967-5432
E-Mail don@associated-online.com

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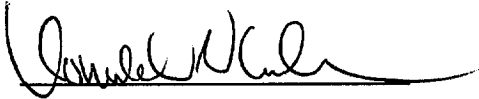
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Dated: April 5, 2000

Respectfully submitted,

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Donald R. Carnahan, President
Associated Traffic Services, Inc.

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As previously stated, an informal opinion of the NCB is not binding on either shippers or carriers. However, these parties, including complainant have over the years come to place substantial reliance upon the expertise of the NCB in classification matters. Accordingly, nationwide circulation of an NCB informal opinion may be expected to result in acceptance of its conclusions, particularly by carriers in classifying and rating like traffic. There is a presumption that adequate investigation and consideration is given and that the matter was resolved with the shipper, either by acceptance of the ruling or by his filing of a formal proposal for classification change, prior to nationwide circulation of the informal opinion. This informal procedure has provided an inexpensive means for shippers and carriers to resolve differences regarding classification matters without resort to the additional time and

expense of a complaint before this Commission. The hasty action demonstrated by the NCB in the instant case opens to serious question the future reliability of its informal rulings.

In the circumstances, it is our opinion that defendants herein, in conjunction with other participating carriers, must take appropriate action in order to preclude future hasty actions by the NCB in issuing informal rulings, by establishing standards regarding the functions of the NCB. Minimum standards for the issuance of informal classification rulings should include determination upon not less than a complete record, opportunity for presentation by the involved shipper prior to initial determination, and the showing of reasons for the conclusions reached. This action is intended to provide all parties with adequate notice of the NCB's rationale and protect the interest of the shipping public.

Accordingly for the reasons stated above, we find that the applicable classification description and ratings to be applied are: (1) the disposable paper examination gowns and drapesheets are both embraced and ratable under item 153900 as paper goods, NOI, subject to a class 85 LTL rating, but such applicable classification rating is unjust, unreasonable, and unduly prejudicial to such articles, and unduly preferential under such 216 of the act to the extent it exceeds the medical supply group classification basis published in item 56710 of the classification; and (2) the examination table paper, both smooth and so-called creped, are applicably classified under item 151800 as "wrapping paper, NOI," subject to a class 55 LTL rating, and that the issue of lawfulness under section 216 of the act is moot by virtue of the applicability determination to the basis sought by complainant.

It is ordered, That this proceeding be, and it is hereby, discontinued.

351 I.C.C.

EXHIBIT "B"

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APPENDIX TO SUPPLEMENT 10 TO NMF 100-U

EXHIBIT "C"

ISSUED: December 20, 1994

EFFECTIVE: January 21, 1995

A numeric directory of changes being published in this Supplement is listed below.

Explanations of each change and the National Classification Committee's justifications for the

amendments, additions or deletions are provided herein. The abbreviation PCF stands for Pounds Per

Cubic Foot; an asterisk * indicates a new item or new package.

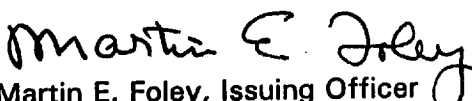
Effective January 1, 1995, Truckload (TL) classes and minimum weight factors (MW's) will be canceled from the National Motor Freight Classification as directed by the National Classification Committee to comply with the mandate of Title VI of the Federal Aviation Administration Authorization Act of 1994. Therefore, as amendments published in this Supplement are scheduled to become effective January 21, 1995, no Truckload classes or Minimum Weights (MW's) are displayed.

Please refer to National Motor Freight Classification 100-U and supplements thereto for provisions pertaining to existing truckload classes and minimum weight factors which will expire on January 1, 1995.

*180	29450	*56293	79032	159010
535	29470	63034	80240	*154345
540	29580	63041	80250	187480
29130	39380	*63325	80270	
29160	39470	*63327	80272	PACKAGE
29340	41330	*63328	*101715	301
29350	53060	72007	101740	
29390	55921	72600	101741	
29410	55922	73227	*101742	
29420	56290	76800	*101743	

Respectfully submitted,

NATIONAL MOTOR FREIGHT TRAFFIC
ASSOCIATION, INC.


Martin E. Foley, Issuing Officer
National Motor Freight Classification

Item 180

The National Motor Freight Classification will be amended by the addition of Item 180, a general rule authorizing the use of performance testing in the laboratory as an alternative to existing material construction defined packaging methods. Such testing will include drop tests, handling-impact tests, vibration tests, compression tests and pallet load or unitized load handling tests.

Action was the result of a decision made by the full NCC membership in disposition of Docket 945, Subject 19, a referenced matter by an earlier Panel.

Item 535

Item 535, having application on provisions with expiration dates is amended to show that all provisions contained in new Item 180, as referenced above, will expire on January 21, 1995.

This amendment is the result of action taken on Docket 945, Subject 19.

Item 540

Item 540, the general rule within the Classification coordinating DOT requirements for hazardous or regulated materials with the rules and regulations for nonhazardous materials within the NMFC, has been amended to clarify proper marking of such containers. Shipping containers will now be allowed to be marked with the DOT/UN nomenclature only and will supersede NMFC required markings. With the exception of fibreboard boxes, it was determined that dual (DOT & NMFC) shipping container markings for identifying gauge thickness, manufacturer, year of manufacture and gallon capacity created a redundant system which was not necessary.

Action was taken by the NCC Panel in its disposition of Docket 947, Subject 12.

Items 29130 - 39470

Items 29130, 29160, 29340, 29350, 29390, 29410, 29420, 29450, 29470, 29580, 39380, 39470, 76800 and 187480 are being cancelled as obsolete. The NCC's files and motor carrier density and traffic studies show no recent movement of commodities under these items.

These changes are the result of action taken on Subject 3 of Docket 947.

Item 41330

Item 41330, applying on shipping reels, is being amended by assigning classes on the basis of form of shipment only. SU reels will be assigned class 200, an increase from the present classes, and KD reels will be assigned class 55, representing, for the most part, no change.

Information of record shows SU shipping reels to exhibit varying stowability and handling characteristics, with larger, heavier reels that are tendered loose posing the greatest concerns in this regard. And loose reels should be handled with an added degree of care, if damage is to be avoided.

The overall average density of SU shipping reels (using loaded density figures where pertinent to reflect stowability) is 4.73 pcf. This density meets the NCC's minimum-average-density guideline of 4 pcf for the assigned class 200.

There is no specific information of record respecting KD shipping reels, but as mentioned above, there will be virtually no change in the class applicable to them.

Also, the reference in item 41330 to the Note, item 41292, is being eliminated as obsolete. There is no indication that shipping reels are tendered in TL quantities with the articles named in the Note.

These amendments are the result of action taken on Subject 4 of Docket 946.

Item 53060

Item 53060, having application on "Cooling Boxes, Refrigerators or Iceboxes, NOI..." is amended to restrict its application to only those products "without mechanical cooling or freezing apparatus," which results in a change for those products with mechanical cooling or freezing apparatus to now be classed per items 53070 or 53120. Additionally, the class under item 53060 has been increased from 92.5 to class 250.

These amendments were based on transportation characteristics gathered under Research Project 555. This project identified two primary types of coolers being shipped under item 53060: 1) Point-of-Purchase Merchandisers and 2) Dairy, Deli or Seafood Display Cases. Both types were not equipped with mechanical cooling or freezing apparatus. Their average density was found to be 4.25 pcf. No negative liability characteristics were found, however, handling and stowability characteristics were found with high negative potential; excessive lengths and possible inadequate packaging.

These amendments are the result of Subject 7, Docket 947.

Items 55921, 55922, 56290 and 56293

Item 55921, "Holiday Decorations or Ornaments..." and item 56290, "Decorations, NOI..." have been combined in the interest of tariff simplification. Both provisions provide full-scale density based provisions, therefore, no change in class will occur.

The Note, item 55922, which was referenced in item 55921, is cancelled and reestablished as item 56293, referenced in item 56290.

These amendments are the result of Subject 4, Docket 947.

Items 63034, 63041, 63325, 63327 and 63328

New item 63327 is being established for "Televisions (TV's), rear-projection type," at class 175. These televisions are presently classed with conventional, direct-view picture-tube televisions in item 63035 as "Televisions or TV's (Television Receiving Sets), NOI," at class 125.

Information of record shows that, while all televisions may present certain stowability, handling and liability considerations, rear-projection models, due primarily to their size, pose additional stowability and handling concerns. Moreover, rear-projection televisions exhibit lower densities than conventional sets:

Type of Television	Density Range	Average Density
Conventional, Direct-View *	6.89 to 11.83 pcf	8.96 pcf
Rear-Projection	4.46 to 6.16 pcf	5.42 pcf

* Includes TV/VCR combinations.

As the table illustrates, based on the data of record, the average density of rear-projection televisions is lower than that of conventional televisions, with no overlap in the respective density ranges.

The average density of 5.42 pcf for the rear-projection sets meets the NCC's minimum-average-density guideline of 5 pcf for the assigned class 175.

New Note, item 63328, is being added to clarify the application of item 63327.

Also, item 63034, naming "Sets, television (TV's), projection type, consisting of a TV receiver and separate screen," at class 200, is being cancelled with reference to new item 63325, naming "Televisions (TV's), projection type, NOI," with no change in class, in the interest of tariff clarification, simplification and uniformity. The Note, item 63041, which is referenced in item 63034, is being cancelled as having no further application.

These amendments are the result of action taken on Subject 1 of Docket 947.

Items 72007, 72600 and 73227

Note, item 72007 is amended to reference Package 2375, thus allowing all items in the Foodstuffs Group that currently allow commodities to be shipped in boxes to be shipped in Package 2375.

Concurrently, the reference to Package 2375 in items 72600 and 73227 is removed as unnecessary in the interest of tariff clarification.

Package 2375 was established as a result of action taken on Docket 821, Subject 38 (January, 1981). This was a proposal by the Red Wing Company to allow peanut butter in glass jars to be packaged in a unitized pallet load of trays with no separators between the jars. To provide justification for the proposed change, the proponent made 180 test shipments consisting of 76,603 trays of peanut butter with no incidence of damage. In response to the damage-free shipping experience, this proposal was approved, and Package 2375 was established. Since that time, there have been five approved docket proposals to allow shipment of various foodstuffs in Package 2375 and there have been no reports of damage to any products moving in Package 2375.

These changes are the result of action taken on Docket 947, Subject 10.

Item 76800

See justification for item 29130.

Item 79032

The Note, item 79032 is amended to list a third base alternative in "F" Packages that specify wood frame bases used in conjunction with fibreboard boxes. The involved base consists of at least two plies of 600-pound test doublewall corrugated fibreboard. The corrugations run in the same direction as the longest dimension of the pad and extend the full length of the carton. A minimum thickness of $\frac{9}{16}$ -inch and outer facings of a minimum of 90-pound wet strength linerboard are required. Also, the corrugated fibreboard is required to be held together with waterproof adhesive.

To provide justification for the proposed base option, the proponent tested a desk contained in Package 21F (with the proposed doublewall corrugated base instead of a wood base), in accordance with International Safe Transit Association (ISTA) standards. The packaged product was subjected to Project 1 ISTA Vibration and Random Truck Vibration, Rotational Drop, Incline/Impact and Compression Testing. During and following these tests, the packaged product was inspected for cosmetic and physical damage. The reports indicate that the desk was in very good condition.

These changes are the result of action taken on Docket 947, Subject 13.

Items 80240, 80250 and 80270

Item 80250, Steel Filing Cabinets (Filing Cases), NOI, is amended by increasing the class assigned to Sub 1, SU, with hollow walls or with solid walls less than 1 inch thick, from 85 to 100, and by cancelling the Sub 3 provisions for KD flat. Information on file indicates that cabinets moving under Sub 1 range in density from 2.57 to 23.21 pcf, with an average density of 9.40 pcf. These products are shipped in various authorized furniture packages, and do not exhibit unusual handling or stowing characteristics. They are susceptible to damage, and values range from \$1.05 to \$6.72 per pound, with an average value of \$2.11 per pound. A survey conducted by the Office Furniture Distribution Association was unable to locate any manufacturers shipping steel filing cabinets in a KD flat form.

The Note, item 80272 is cancelled with no further application. The references to item 80272 have been removed from items 80250 and 80270 accordingly.

These changes are the result of action taken on Subject 6 of Docket 945.

Items 101715, 101740, 101741, 101742 and 101743

Item 101715, naming "Developer, copying machine toner, in boxes" is added to the Classification subject to a class 65. This product, formerly classified per item 101740, subject to a class 85, is basically used in copying machines as part of the copying process. The approved class 65 is reflective of an average density of 66.91 pcf with a range of 35.8 to 113.64 pcf. The average value is \$4.72 per lb. from a range of \$2.93 to \$6.25 per lb. The record contains no information on claims for loss or damage. The products are packaged in boxes or crates and stow well in a vehicle.

Item 101742, naming "Ink, Dry Ink or Toner: Copying machine:" is added to the Classification with two subs. Sub 1 names "In cartridges with drum, toner and developer unit combined, in boxes" and is subject to class 110. This is reflective of an average density of 8.31 pcf and average value of \$20.02 per lb. These products are wrapped in a foil pouch for shipment as they are photo sensitive. The products are then packaged in fibreboard boxes for shipment. Sub 2 names "In cartridges without drum, toner and developer unit combined, bottles or other inner containers in boxes; or in bulk in barrels" and is subject to a class 70. This class is reflective of an average density of 16.74 pcf and average value of \$7.70 per lb. The products were formerly subject to the provisions of item 101740, which was subject to a class 85.

Item 101743, naming "Ink, Dry Ink or Toner: Laser printer or facsimile (FAX) machine:" is added to the Classification with two subs. Sub 1 names "In cartridges with drum, toner and developer unit combined (Toner Cartridges, including Optical Photo Cartridges), in boxes" and is subject to a class 110. This is reflective of an average density of 8.31 pcf and an average value of \$20.02 per lb. These products are wrapped in a foil pouch for shipment as they are photo sensitive. Sub 2 names "In inner containers other than cartridges with drum, toner and developer unit combined, or in bulk in barrels" and is subject to a class 70. This class is reflective of an average density of 16.74 pcf and an average value of \$7.70 per lb. These products do not present any handling or stowability problems. These products were formerly subject to the provisions of item 101740, which was subject to a class 85.

The Note, item 101741 is cancelled as having no further application.

These changes are the result of carrier action on Docket 946, Subject 8.

Items 150910 and 154345

New item 154345 is being established under the "Paper Articles Group" for "Streamers, crepe, tissue, in boxes" at class 150.

The involved products are the crepe paper streamers used for decoration and crafts. Prior to this change, they were classified under item 150910, "Crepe, tissue, NOI, in packages" at class 85. These streamers exhibit an average density of 6.03 pcf, with no unusual stowing, handling or liability concerns.

Concurrently, the phrase "other than streamers" has been added to the description of item 150910, in the interest of tariff clarification.

These amendments are the result of action taken on Subject 5 of Docket 947.

Item 187480

See justification for item 29130.

Package 301

The base specifications of Package 301, authorized for the shipment of refrigerators under item 53100, have been amended to allow wood skids to be constructed of lumber measuring a minimum of $\frac{7}{8}$ x $3\frac{1}{2}$ inches in cross-sectional area, and to allow built-up corrugated fibreboard skids to be a minimum of $1\frac{3}{4}$ x $3\frac{1}{2}$ inches in cross-sectional area. These amendments are made to correct typographical errors in the base specifications.

These changes are the result of action taken on Docket 947, Subject 11.