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May 20, 2002

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Via Hand Delivery

Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, NW Suite 700
Washington, DC 20423-0001

ENTERED
Office of the Secretary

MAY 20 2002

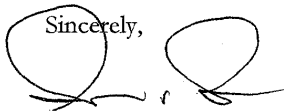
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Re: Sec. 5a Application No. 61 (Sub-No. 6)

Dear Secretary Williams:

Attached is an original and ten copies of the Submission of the Halogenated Solvents Industry Alliance, Inc. on the Proposed Modifications to the National Classification Committee Section 5a Agreement No. 61. Also enclosed is a diskette of this filing in word perfect format.

Please acknowledge receipt of this filing by date-stamping the enclosed duplicate copy and returning it with our messenger. Thank you.

Sincerely, 

Scott N. Stone

cc: All Parties of Record

205432

BEFORE THE
SURFACE TRANSPORTATION BOARD



SECTION 5a APPLICATION NO. 61 (Sub-No. 6)
NATIONAL CLASSIFICATION COMMITTEE -- AGREEMENT

COMMENTS OF THE HALOGENATED SOLVENTS
INDUSTRY ALLIANCE, INC.,
ON THE PROPOSED MODIFICATIONS TO THE
NATIONAL CLASSIFICATION COMMITTEE
SECTION 5a AGREEMENT NO. 61

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The Halogenated Solvents Industry Alliance, Inc. ("HSIA") files these comments in support of the positions expressed separately today by the National Industrial Transportation League ("NITL") and the National Small Shipments Traffic Conference, Inc. and the Health and Personal Care Logistics Conference, Inc. (collectively "NASSTRAC").

The Board's November 20, 2001 decision significantly changed the National Classification Committee ("NCC") process by improving shipper participation. Shippers are to be given greater notice of and access to data and analyses underlying proposed classification changes, NCC decisions are to be confined to record evidence and argument, and appeals of panel decisions are to be taken directly to neutral arbitrators.

For the reasons stated by NITL and NASSTRAC, however, the modified procedures proposed by NCC do not carry out the full intent of the changes mandated by

the Board. Regarding the conduct of NCC proceedings, the desire of the NCC to mask the identities of carriers submitting data in support of a reclassification could, if not modified, result in an inability on the part of shippers to determine whether the data is representative, and hence whether it is an adequate and fair basis to justify the reclassification. The changes to Article IV, Rule 4 which are offered today by NITL and NASSTRAC, including provisions permitting the disclosure of the identity of carriers, subject to protective orders, would remedy those shortcomings.

Likewise, the changes suggested by NITL and NASSTRAC to Article V regarding the arbitration process, particularly the method of selecting neutral arbitrators, are sound and should be adopted. Assuring truly neutral arbitrators is essential if arbitration is to be a fair and reasonable way of resolving differences.

Both NITL and NASSTRAC also suggest several modifications to Article III, Section 3. HSIA believes their changes are meritorious and should be adopted. The most important changes, however, are the changes to Article IV and Article V referred to above.

The improvements to the classification process mandated by the Board will make the process more transparent and allow shippers to participate more meaningfully. Without the modifications referred to herein, however, those improvements will not be fully realized.

Respectfully submitted,



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Counsel for the Halogenated
Solvents Industry Alliance,
Inc.

Dated: May 20, 2002

CERTIFICATE OF SERVICE

I certify that I have, this 20th day of May 2002, served copies of the foregoing submission upon all parties to this proceeding by first-class mail.

