



205466

Sandra J. Dearden, President

May 22, 2002

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

ENTERED
Office of the Secretary
MAY 24 2002
Part of
Public Record



RE: **STB Finance Docket No. 42060, North American Freight Car Association v. Burlington Northern and Santa Fe Railway Company.**

Dear Secretary Williams:

Enclosed for filing are a signed original and ten copies of a Statement of Diversified CPC International, Inc., withdrawing its Notice of Intent to Participate, filed September 28, 2001, in Docket No. 42060.

Sincerely,


Sandra J. Dearden
Consultant for
Diversified CPC International, Inc.

cc: All parties

29 South LaSalle Street, Suite 450
Chicago, Illinois 60603
Phone: (312) 201-0836 * Fax: (312) 201-0831
email: s_dearden@highroadconsulting.net

BEFORE THE SURFACE TRANSPORTATION BOARD

DOCKET NO. 42060



NORTH AMERICAN FREIGHT CAR ASSOCIATION – PROTEST AND PETITION FOR INVESTIGATION – TARIFF PUBLICATION OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

STATEMENT OF DIVERSIFIED CPC INTERNATIONAL, INC.

ENTERED
Office of the Secretary

MAY 23 2002

Part of
Public Record

In its Decision served October 17, 2001, in Docket No. 42060 and related proceedings, the Board provided for industry-wide negotiations – pursuant to the agreement (the “1986 Agreement”) prescribed in Investigation of Tank Car Systems, 3 ICC 2d 196 (1986) regarding the storage and diversion charge issues raised in the proceedings. The Board directed the parties to provide a written report on the progress of these negotiations by January 16, 2002. (Decision at 3). In response to the joint requests of participating parties and intervenors¹ and the Burlington Northern and Santa Fe Railway Company (“BNSF”), the Board has held its decision in abeyance for several 45-day periods to enable parties to try to resolve amicably the issues without reopening the 1986 Agreement.

The Chlorine Institute and the Railway Progress Institute’s Committee on Tank Cars (RPI-CTC) negotiated separate settlements with BNSF and withdrew their petitions. See North American Freight Car Association – Protest and Petition for Investigation – Tariff Publications of the Burlington Northern and Santa Fe Railway Company and Railway Progress Institute Committee on Tank Cars Petition for Investigation and Protest Pursuant to Ex Parte No. 328, STB Dockets Nos. 42060 and 42061 (Served March 19, 2002). On April 4, 2002, the remaining parties submitted a request for an additional 45-day period of negotiations to the Board. BNSF neither joined in nor objected to the request.

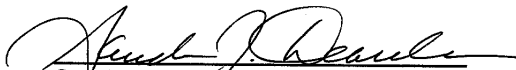
¹The U. S. Clay Producers Traffic Association, the North American Freight Car Association, the National Industrial Transportation League, the Railway Progress Institute Committee on Tank Cars, the Union Pacific Railroad Company, the BP Corporation North America Inc., and E. I. Du Pont de Nemours and Company.

Subsequently, The U.S. Clay Producers Traffic Association and the Burlington Northern and Santa Fe Railway Company submitted a Joint Statement to the Board advising that they have voluntarily negotiated a resolution of their dispute, and the U.S. Clay Producers Traffic Association withdrew its Notice of Intent to Participate or Alternatively Petition to Intervene in Docket Nos. 42060, 42060 (Sub-No. 1) and 42061(served May 16, 2002).

Diversified CPC International, Inc. is a producer of propellants for aerosols with a plant that is local on BNSF at Channahon (Lorenzo), Illinois. All of Diversified's inbound raw materials and outbound rail shipments move in private tank cars. In its discussions with BNSF, Diversified CPC International, Inc. has agreed that the specific needs of individual shippers and consignors are probably best addressed through direct discussions and, if possible, agreements with individual shippers/consignors. BNSF has negotiated an agreement with Diversified CPC International, Inc. covering the operation and costs associated with empty car storage, servicing the plant at Channahon (Lorenzo), Illinois, that takes into consideration Diversified's need to have an adequate car supply for fluid shipping activity, and also takes into consideration Diversified's accomplishments in improving asset utilization, alleviating congestion,

In consideration of the fact that BNSF has negotiated in good faith to establish an agreement that addresses the current car storage requirements of Diversified CPC International, Inc. at Channahon (Lorenzo), Illinois, and in consideration of the fact that BNSF has expressed a willingness to take into consideration Diversified's future needs at Channahon (Lorenzo), Illinois, Diversified CPC International, Inc. has agreed to withdraw its Notice of Intent to Participate, filed September 28, 2001, in Docket No. 42060.

Respectfully submitted,



Sandra J. Dearden
HIGHROAD CONSULTING, LTD.
29 South LaSalle Street, Suite 450
Chicago, IL 60603

Consultant for Diversified CPC International, Inc.

Dated: May 22, 2001

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Statement has been served by courier on Richard E. Weicher and Sidney Strickland, Jr., The Burlington Northern and Santa Fe Railway Company, and on Robert M. Jenkins, III and Nicole H. Fradette, Mayer, Brown, Rowe & Maw and counsel for Burlington Northern and Santa Fe Railway Company, and by U.S. mail on counsel for North American Freight Car Association, Andrew P. Goldstein; Nicholas J. DeMichael, counsel for the National Industrial Transportation League; Fritz R. Kahn, counsel for BP Corporation North America Inc.; Fredric Wood, counsel for E. I. DePont de Nemours; Vincent P. Szeligo and Henry M. Wick, Jr., Wick, Streiff, Meyer, O'Boyle & Szeligo, P.C., counsel for the U.S. Clay Producers Traffic Association, Inc.; Patrick M. Raher, counsel for the Railway Progress Institute Committee on Tank Cars; Paul Donovan, counsel for the Chlorine Institute; and Robert T. Opal, counsel for the Union Pacific Railroad Company, this 22nd day of May, 2002.

A handwritten signature in cursive script, reading "Andrew P. Goldstein", written over a horizontal line.