



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

FEB 21 1992

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PDR

Mr. Edward A. Straker
Sector Vice President
Space, Energy and Environment
Science Applications International Corporation
1710 Goodridge Drive
P.O. Box 1303
McLean, Virginia 22102

Dear Mr. Straker:

I am responding to your October 1, 1991 letter in which you express concerns regarding certain provisions of the Nuclear Regulatory Commission's (NRC) policy on Organizational Conflict of Interest (COI).

As you know, we published the proposed Nuclear Regulatory Commission Acquisition Regulation (NRCAR) for comment in the Federal Register on October 2, 1989. Consistent with then current NRC COI policy, the NRCAR placed very strict limitations on the activities of firms performing work for NRC. Science Applications International Corporation (SAIC) challenged the proposed application of the "work for others" provision to the entire broad scope and duration of task-ordering contracts. In recognition of these concerns, we reconsidered our policy and relaxed this restriction to the relatively narrow scope and shorter duration of individual task orders rather than the entire scope and term of the basic contract. In the limited case of task type contracts involving NRC work at a licensee or applicant site, the "work for others" restriction under the revised policy includes all other commercial work at that site and work in the same technical area for that licensee for the period of the task order and one year thereafter. Comparable restrictions apply when work is performed at a licensee or applicant site under other types of contracts. Enclosed are responses to specific questions that you raised regarding this provision.

On October 23, 1991, our staffs met to discuss SAIC's position with respect to provisions of NRC's COI policy. After careful consideration of concerns expressed by you and others, we believe the best interest of all parties will be served by proceeding with a public meeting. The purpose of the meeting is for all technical assistance contractors to provide their views on the practicality of complying with the COI provisions of NRC's proposed rule or to provide alternatives that will achieve an equivalent level of COI protection. Enclosed is a Federal Register Notice announcing the location, date, and time of the meeting. Additional information regarding the meeting will be provided to you under separate cover.

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Mr. Edward A. Straker

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Our relationship with SAIC over the past years has been both positive and productive. Accordingly, we encourage SAIC to continue to respond to NRC solicitations for technical services.

Sincerely,

Original Signed By:
James M. Taylor

James M. Taylor
Executive Director
for Operations

Enclosures:
As stated

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CLARIFICATION OF
WORK FOR OTHERS PROVISIONS OF REVISED COI POLICY

Paragraph (C)(2)

The prohibition contained in paragraph (c)(2) of the "work for others" section applies to the term and scope of the entire contract, except for task order contracts where the restrictions apply to the task order as appropriate.

Paragraph (C)(3)

The prohibition in paragraph (c)(3) was added to the prior COI language to prevent situations where a contractor may take advantage of its presence on a licensee's site to market the firm's services to the licensee. This provision also recognizes that a contractor's financial ties to a utility at a given site could introduce the potential for technical bias. NRC recognized that this may temporarily limit a firm's business activity with a licensee. However, on balance, the protection of NRC from potential COI situations of this nature was considered paramount.

Additional Clarifying Information

In the case of task order type contracts, NRC's revised COI policy limits the application of COI restrictions to the relatively narrow scope and shorter duration of individual task orders rather than the entire scope and term of the basic contract. This means, for example, that when the scope of a task is limited to providing technical support in the review of a site-specific licensing action, the contractor is free to perform any other work for any licensee that does not relate to the license review at that particular site. The exception is in the case of task orders involving contractor work at a licensee site where the restriction encompasses all work at that site for that licensee and work on the same technical area for that licensee for one year thereafter. Thus, in most cases, this change significantly reduces both the scope of activities and the time frame under which COI restrictions apply to firms performing technical services for NRC.

satisfy Type B testing requirements of 10 CFR part 50, appendix J.

Environmental Impacts of the Proposed Action

The proposed Exemption substitutes an alternative testing and replacement program for the Type B testing requirements of 10 CFR part 50, appendix J. The alternative testing program will detect bellows assemblies with significant flaws and result in replacement of flawed assemblies within one operating cycle, during which period there is reasonable assurance that the bellows assemblies will not suffer excessive degradation. Thus, this Exemption will not change the types, or allow an increase in the amounts, of effluents that may be released offsite. Nor would it result in an increase in individual or cumulative occupational radiation exposure. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed Exemption.

With regard to potential nonradiological impacts, the proposed Exemption involves features located entirely within restricted areas as defined by 10 CFR part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed Exemption.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement (construction permit and operating license) for Dresden Nuclear Power Station, Units 1 and 2, dated November 1973, and for Quad Cities Nuclear Power Station, Units 1 and 2, dated September 1972.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental impacts associated with the proposed Exemption, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the Exemption would be to require rigid compliance with the requirements of appendix J to 10 CFR part 50. Such action would not enhance the protection of the environment and would result in unwarranted licensee expenditures of engineering and construction resources, as well as associated costs.

Agencies and Persons Consulted

The Commission's staff reviewed the licensee's design and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed Exemption.

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the licensee's letter of November 12, 1991. This document is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60450, and at the Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Dated at Rockville, Maryland, this 30th day of January 1992.

For the Nuclear Regulatory Commission.

Richard J. Barrett,

Director, Project Directorate III-2, Division of Reactor Projects III/IV/V.

[FR Doc. 92-2915 Filed 2-5-92; 8:45 am]

BILLING CODE 7540-01-8

Organizational Conflicts of Interest Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public meeting.

SUMMARY: The Nuclear Regulatory Commission (NRC) will hold a public meeting to discuss its revised organizational Conflicts of Interest (COI) policy. A question and answer period will follow opening remarks and a discussion of the policy's provisions by NRC's contracting and legal staff.

DATES: The meeting will be held on March 26, 1992, from 9:30 a.m. to 3:30 p.m.

ADDRESSES: The meeting will be held in the Versailles I Room at the Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

FOR FURTHER INFORMATION CONTACT: Timothy F. Hagan, Acting Director, Division of Contracts & Property Management, Office of Administration, (301) 492-4347 or William H. Foster, Chief, Policy Branch, Division of Contracts & Property Management, Office of Administration, (301) 492-7348.

SUPPLEMENTARY INFORMATION: On August 15, 1991, the Commission approved a revision to its COI policy. This revised policy will become a part of the NRC Acquisition Regulation (48 CFR chapter 20), when it is published in final form.

One major change from the provisions NRC policy was the limitation of COI restrictions to the relatively narrow scope and shorter duration of individual task orders rather than the entire scope and term of the basic contract. The purpose of this change in COI policy is to enhance NRC's ability to obtain knowledgeable, experienced scientists and engineers who are working daily in the real-life environment of the nuclear industry. The draft version of this rule was published in the Federal Register for public comment on October 2, 1989 (54 FR 40420).

Under the revised policy, NRC's right to disapprove work for others is limited to those instances in which NRC already has the contractor performing under a specific task order, or plans to do so. While the staff believes this revision will increase competition for NRC technical assistance and research work, additional restrictions were recommended to (a) avoid the potential for unfair competitive advantage that could result if NRC contractors were permitted to market their services while working for NRC at a licensee site, and (b) ensure NRC contractors do not have divided financial interests while working at a licensee site. Therefore, the Commission also approved the following provision:

When the contractor performs work for the NRC under this contract at any NRC licensee or applicant site, the contractor shall neither solicit nor perform work at the site or work in the same technical area for that licensee or applicant organization for a period commencing with the award of the task order or beginning of work on the site (if not a task order contract) and ending one year after completion of all work under the associated task order, or last time at the site (if not a task order contract).

The NRC recognized that the above restriction may temporarily limit a firm's business activity with a licensee, but believes the protection of NRC from potential COI situations of this nature must be paramount. Further, the staff believes that, on balance, the revised policy relaxes the previous COI restrictions sufficiently to foster improved competition in the technical marketplace.

Recently, however, two of NRC's major technical assistance and research contractors have expressed the view that the above COI provision was overly

restrictive and would impede rather than enhance NRC's ability to increase competition in the technical assistance marketplace. Therefore, we invite all contractors and other interested parties to attend this meeting to provide their views on the practicality of complying with this COI provision or to provide alternatives that will achieve an equivalent level of COI protection.

Dated at Rockville, Maryland, this 27th day of January, 1992.

For the Nuclear Regulatory Commission,
James M. Taylor,

Executive Director for Operations.

(FR Doc. 92-2916 Filed 2-5-92; 8:45 am)

BILLING CODE 7590-01-01

POSTAL RATE COMMISSION

Commission Visit

January 31, 1992.

On February 6, 1992, Commissioner John W. Crutcher and William Ferguson, Assistant Director, Technical Analysis and Planning, will visit the A-1 SORT's facility in Miami, Florida. It is also possible, but not confirmed, that a visit will be made to an American Express, Inc. facility in the same area on February 7, 1992.

A report of these visits will be on file with the Commission Docket Room. For further information contact William Ferguson at (202) 789-6850.

Charles L. Clapp,

Secretary

(FR Doc. 92-2806 Filed 2-5-92; 8:45 am)

BILLING CODE 7710-FW-01

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.
ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

- (1) *Collection title:* Request for Medicare Payment.
- (2) *Form(s) submitted:* G-740B, G-740S, and HCFA-1500.
- (3) *OMB Number:* 3220-0131.
- (4) *Expiration date of current OMB clearance:* Three years from date of OMB approval.
- (5) *Type of request:* Extension of the expiration date of a currently approved

collection without any change in the substance or in the method of collection.

(6) *Frequency of response:* On occasion.

(7) *Respondents:* Individuals or households, Businesses or other for-profit.

(8) *Estimated annual number of respondents:* See justification (Item 13).

(9) *Total annual responses:* 1.

(10) *Average time per response:* See justification (Item 13).

(11) *Total annual reporting hours:* 1.

(12) *Collection description:* The Railroad Retirement Board (RRB) administers the Medicare program for persons covered by the railroad retirement system. The collection will obtain the information needed by The Travelers Insurance Company, the RRB's carrier, to pay claims for services and supplies covered under Part B of the program.

Additional Information or Comments

Copies of the proposed forms and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312-751-4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Laura Oliven (202-395-7316), Office of Management and Budget, room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

(FR Doc. 92-2904 Filed 2-5-92; 8:45 am)

BILLING CODE 7905-01-01

SECURITIES AND EXCHANGE COMMISSION

(Release No. 34-30305, File No. SR-Amex-92-4)

Self-Regulatory Organizations; Filing and Order Granting Temporary Accelerated Approval to Proposed Rule Change by American Stock Exchange, Inc. Relating to a Pilot Program for Execution of Odd-Lot Market Orders

January 30, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78b(1), notice is hereby given that on January 27, 1992, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared

by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend for twelve months its existing pilot program under Amex Rule 205 requiring execution of odd-lot market orders at the prevailing Amex quote with no differential charged.¹ The Exchange received approval, on a pilot basis expiring on February 6, 1992, of amendments to Amex Rule 205.²

The text of the proposed rule change is available at the Office of the Secretary, Amex, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved, on a pilot basis, amendments to Exchange Rule 205 to require the execution of odd lot market orders at the prevailing Amex quote with no odd-lot differential. These procedures were initially approved by the Commission on a pilot basis,³ and were subsequently extended four times.⁴

¹ The Exchange seeks accelerated approval of the proposed rule change in order to allow the pilot program, which will expire on February 6, 1992, to continue without interruption.

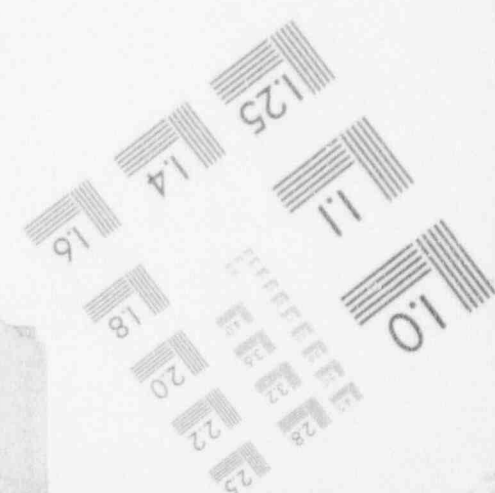
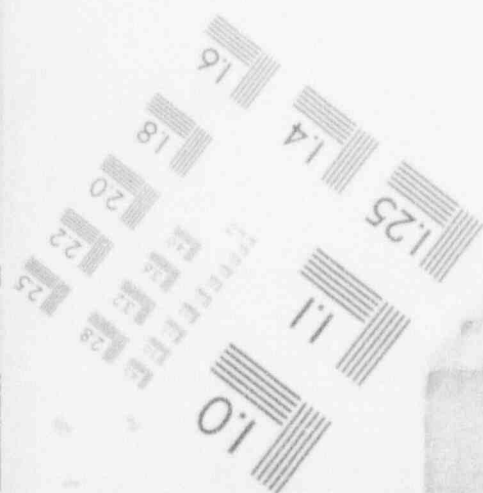
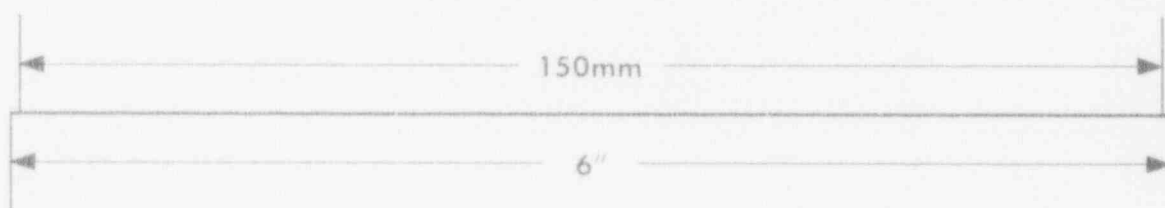
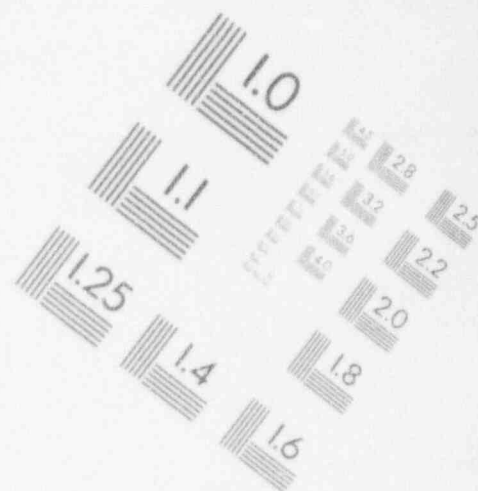
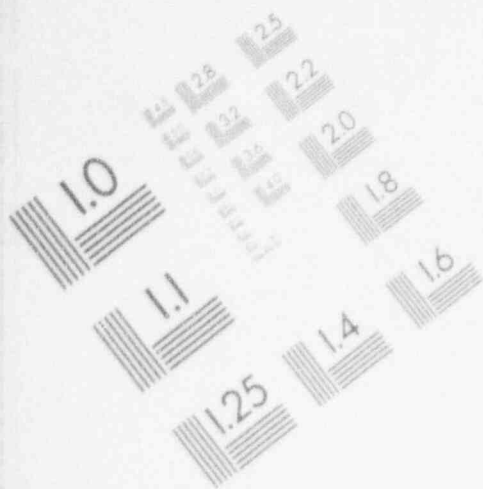
² See Securities Exchange Act Release No. 29922 (November 8, 1991), 56 FR 56409 (approving File No. SR-Amex-91-30).

³ See Securities Exchange Act Release No. 26443 (January 10, 1989), 54 FR 2248 (approving File No. SR-Amex-88-23).

⁴ See Securities Exchange Act Release No. 29922 (November 8, 1991), 56 FR 56408 (approving File No. SR-Amex-91-30); 29186 (May 8, 1991), 56 FR 22488 (approving File No. SR-Amex-91-09); 28756 (January 10, 1991), 56 FR 1656 (approving File No. SR-Amex-90-39); and 27590 (January 5, 1990), 55 FR 1123 (approving File No. SR-Amex-89-31).

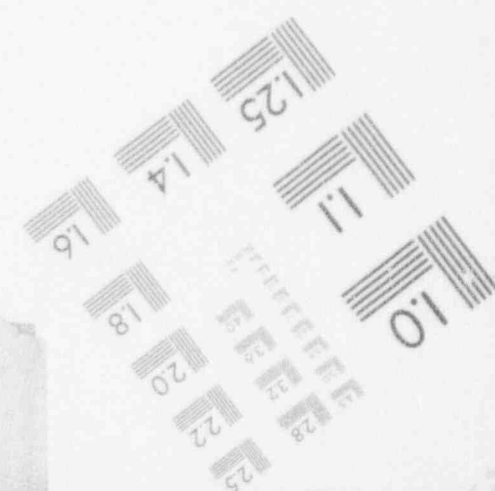
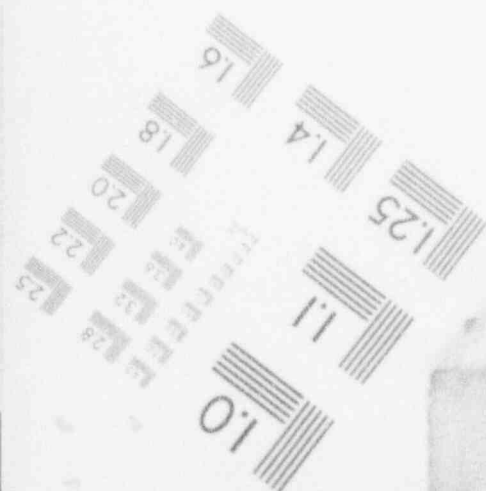
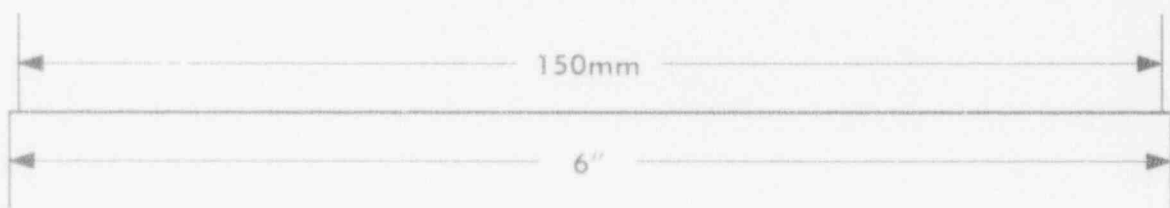
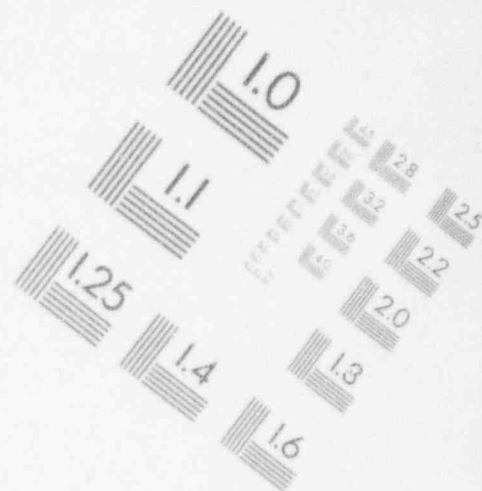
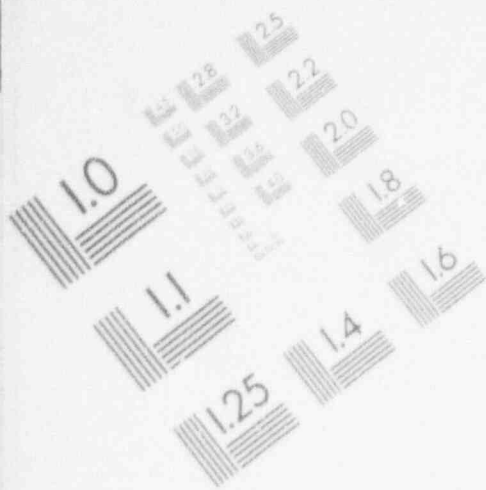
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IMAGE EVALUATION TEST TARGET (MT-3)



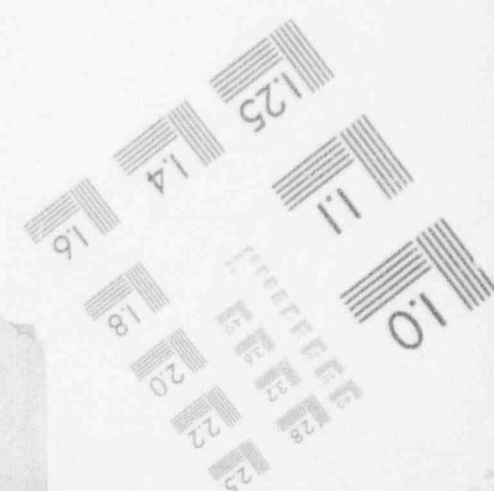
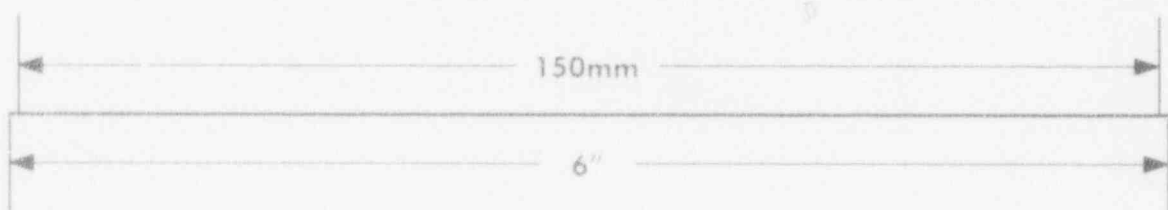
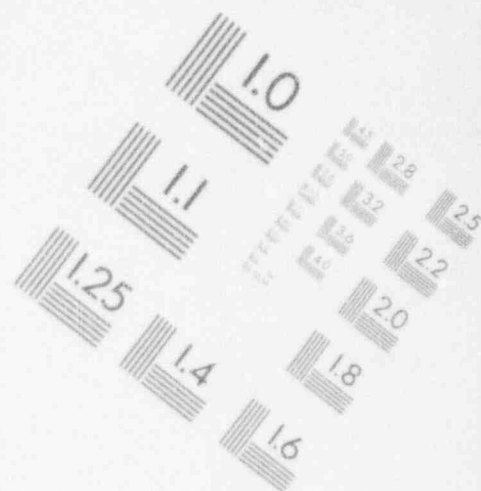
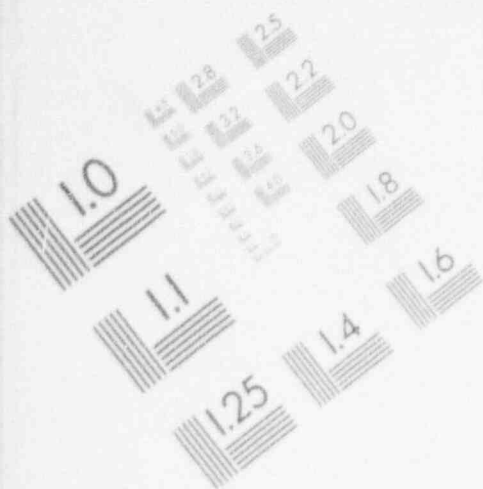
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IMAGE EVALUATION TEST TARGET (MT-3)



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IMAGE EVALUATION
TEST TARGET (MT-3)



Letter to Mr. Edward A. Straker from James M. Taylor dated FEB 21 1992 .

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

FEB 21 1992

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PDR

Mr. Edward A. Straker
Sector Vice President
Space, Energy and Environment
Science Applications International Corporation
1710 Goodridge Drive
P.O. Box 1303
McLean, Virginia 22102

Dear Mr. Straker:

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As you know, we published the proposed Nuclear Regulatory Commission Acquisition Regulation (NRCAR) for comment in the Federal Register on October 2, 1989. Consistent with then current NRC COI policy, the NRCAR placed very strict limitations on the activities of firms performing work for NRC. Science Applications International Corporation (SAIC) challenged the proposed application of the "work for others" provision to the entire broad scope and duration of task-ordering contracts. In recognition of these concerns, we reconsidered our policy and relaxed this restriction to the relatively narrow scope and shorter duration of individual task orders rather than the entire scope and term of the basic contract. In the limited case of task type contracts involving NRC work at a licensee or applicant site, the "work for others" restriction under the revised policy includes all other commercial work at that site and work in the same technical area for that licensee for the period of the task order and one year thereafter. Comparable restrictions apply when work is performed at a licensee or applicant site under other types of contracts. Enclosed are responses to specific questions that you raised regarding this provision.

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Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

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Dated at Rockville, Maryland, this 30th day of January 1992.

For the Nuclear Regulatory Commission,
Richard J. Barrett,
Director, Project Directorate III-2, Division of
Reactor Projects III/IV/V.
[FR Doc. 92-2915 Filed 2-5-92; 8:45 am]
BILLING CODE 7580-01-80

Organizational Conflicts of Interest Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public meeting.

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Under the revised policy, NRC's right to disapprove work for others is limited to those instances in which NRC already has the contractor performing under a specific task order, or plans to do so. While the staff believes this revision will increase competition for NRC technical assistance and research work, additional restrictions were recommended to (a) avoid the potential for unfair competitive advantage that could result if NRC contractors were permitted to market their services while working for NRC at a licensee site, and (b) ensure NRC contractors do not have divided financial interests while working at a licensee site. Therefore, the Commission also approved the following provision:

When the contractor performs work for the NRC under this contract at any NRC licensee or applicant site, the contractor shall neither solicit nor perform work at the site or work in the same technical area for that licensee or applicant organization for a period commencing with the award of the task order or beginning of work on the site (if not a task order contract) and ending one year after completion of all work under the associated task order, or last time at the site (if not a task order contract).

The NRC recognized that the above restriction may temporarily limit a firm's business activity with a licensee, but believes the protection of NRC from potential COI situations of this nature must be paramount. Further, the staff believes that, on balance, the revised policy relaxes the previous COI restrictions sufficiently to foster improved competition in the technical marketplace.

Recently, however, two of NRC's major technical assistance and research contractors have expressed the view that the above COI provision was overly

restrictive and would impede rather than enhance NRC's ability to increase competition in the technical assistance marketplace. Therefore, we invite all contractors and other interested parties to attend this meeting to provide their views on the practicality of complying with this COI provision or to provide alternatives that will achieve an equivalent level of COI protection.

Dated at Rockville, Maryland, this 27th day of January, 1992.

For the Nuclear Regulatory Commission,
James M. Taylor,

Executive Director for Operations.

[FR Doc. 92-2916 Filed 2-5-92; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

Commission Visit

January 31, 1992.

On February 6, 1992, Commissioner John W. Crutcher and William Ferguson, Assistant Director, Technical Analysis and Planning, will visit the A-1 SORT's facility in Miami, Florida. It is also possible, but not confirmed, that a visit will be made to an American Express, Inc. facility in the same area on February 7, 1992.

A report of these visits will be on file with the Commission Docket Room. For further information contact William Ferguson at (202) 789-6650.

Charles L. Clapp,

Secretary.

[FR Doc. 92-2806 Filed 2-5-92; 8:45 am]

BILLING CODE 7710-FW-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board
ACTION: In accordance with the Paperwork Reduction Act of 1980 [44 U.S.C. chapter 35], the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

- (1) *Collection title:* Request for Medicare Payment.
- (2) *Form(s) submitted:* G-740B, G-740S, and HCFA-1500.
- (3) *OMB Number:* 3220-0131.
- (4) *Expiration date of current OMB clearance:* Three years from date of OMB approval.
- (5) *Type of request:* Extension of the expiration date of a currently approved

collection without any change in the substance or in the method of collection.

(6) *Frequency of response:* On occasion.

(7) *Respondents:* Individuals or households, Businesses or other for-profit.

(8) *Estimated annual number of respondents:* See justification (Item 13).

(9) *Total annual responses:* 1.

(10) *Average time per response:* See justification (Item 13).

(11) *Total annual reporting hours:* 1.

(12) *Collection description:* The Railroad Retirement Board (RRB) administers the Medicare program for persons covered by the railroad retirement system. The collection will obtain the information needed by The Travelers Insurance Company, the RRB's carrier, to pay claims for services and supplies covered under Part B of the program.

Additional Information or Comments

Copies of the proposed forms and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312-751-4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Laura Oliven (202-395-7316), Office of Management and Budget, room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 92-2904 Filed 2-5-92; 8:45 am]

BILLING CODE 7906-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30305; File No. SR-Amex-92-4]

Self-Regulatory Organizations; Filing and Order Granting Temporary Accelerated Approval to Proposed Rule Change by American Stock Exchange, Inc. Relating to a Pilot Program for Execution of Odd-Lot Market Orders

January 30, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78b(1), notice is hereby given that on January 27, 1992, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared

by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend for twelve months its existing pilot program under Amex Rule 205 requiring execution of odd-lot market orders at the prevailing Amex quote with no differential charged.¹ The Exchange received approval, on a pilot basis expiring on February 8, 1992, of amendments to Amex Rule 205.²

The text of the proposed rule change is available at the Office of the Secretary, Amex, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved, on a pilot basis, amendments to Exchange Rule 205 to require the execution of odd-lot market orders at the prevailing Amex quote with no odd-lot differential. These procedures were initially approved by the Commission on a pilot basis,³ and were subsequently extended four times.⁴

¹ The Exchange seeks accelerated approval of the proposed rule change in order to allow the pilot program, which will expire on February 8, 1992, to continue without interruption.

² See Securities Exchange Act Release No. 29922 (November 8, 1991), 56 FR 56409 (approving File No. SR-Amex-91-30).

³ See Securities Exchange Act Release No. 26445 (January 10, 1989), 54 FR 2248 (approving File No. SR-Amex-88-23).

⁴ See Securities Exchange Act Release Nos. 29922 (November 8, 1991), 56 FR 56409 (approving File No. SR-Amex-91-30), 29186 (May 8, 1991), 56 FR 22486 (approving File No. SR-Amex-91-09), 28756 (January 10, 1991), 56 FR 1656 (approving File No. SR-Amex-90-39), and 27590 (January 5, 1990), 55 FR 1122 (approving File No. SR-Amex-89-31).

Letter to Mr. Edward A. Straker from James M. Taylor dated FEB 21 1992 .

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