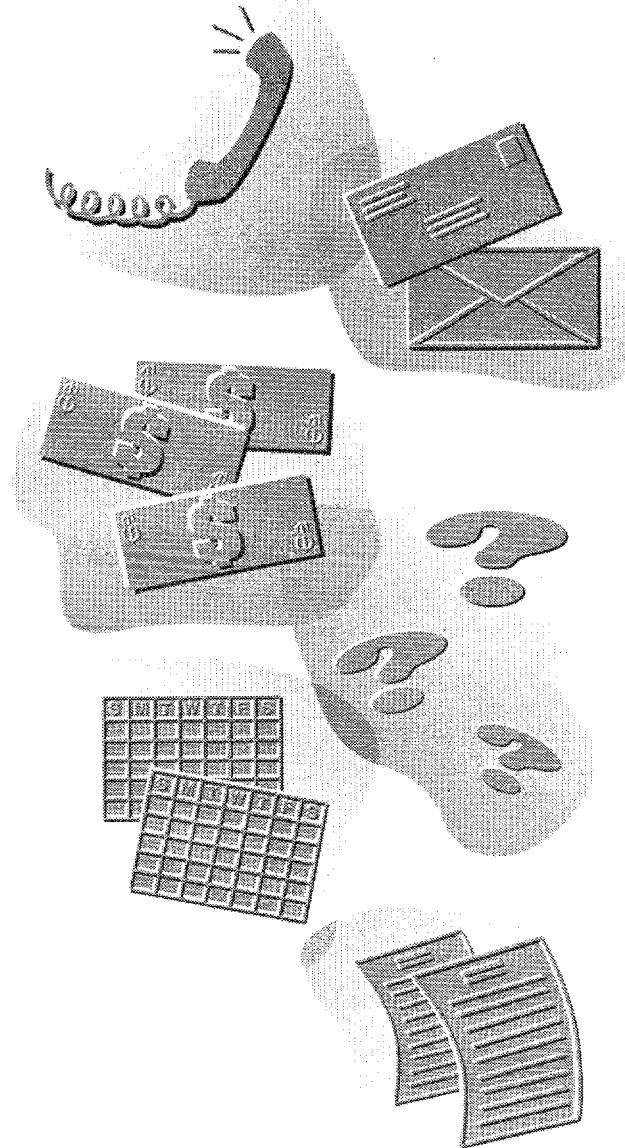




U.S. Nuclear Regulatory
Commission

Materials Annual Fee Billing Handbook



Office of the Chief Financial Officer

APPROVED BY OMB: NO. 3150-0190

Estimated burden per response to comply with this voluntary collection request: 5 minutes. This information will enable the respondent to transfer funds electronically. Forward comments regarding burden estimate to the Records Management Branch (T-6 F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0190), Office of Management and Budget, Washington, DC 20503. If an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

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QUESTIONS ABOUT YOUR MATERIALS ANNUAL FEE

GENERAL QUESTIONS

Q What is the invoice for?

A The invoice is for the FY 2001 ANNUAL FEE for the license listed on the invoice.

Q What period does this invoice cover?

A It covers the period October 1, 2000, through September 30, 2001.

Q What is the anniversary month?

A The anniversary month is the month the license was originally issued.

Q We have more than one license - why didn't we get invoices for all of them?

A If you have multiple licenses or approvals and they have different anniversary months, invoices will be issued for the anniversary month of each license or approval.

ANNUAL CERTIFICATION OF SMALL ENTITY STATUS FOR THE PURPOSES OF ANNUAL FEES IMPOSED UNDER 10 CFR PART 171 (also see pages 11-14)

Q What is it?

A Licensees that meet the U.S. Nuclear Regulatory Commission's (NRC's) size standards for a small entity must complete the enclosed NRC Form 526 in order to qualify for the reduced annual fee.

Q If we qualified last year, why is the bill for the full amount?

A A new form is required for each year and for each invoice you receive. Because a licensee's "size," or the size standards, may change from year to year, the invoice reflects the full fee and a new form must be completed and returned

for the fee to be reduced to the small entity fee. YOU WILL NOT BE ISSUED A NEW INVOICE FOR THE REDUCED AMOUNT. The completed form, the payment of the appropriate small entity fee, and the "Payment Copy" of the invoice should be mailed to the address listed on the invoice.

PLEASE READ THE INSTRUCTIONS ON THE BACK OF NRC FORM 526 CAREFULLY BEFORE COMPLETING THE FORM.

Q We do not qualify as a small entity - should the form be completed, and what do we do with the form if we don't qualify?

A Licensees that do not meet NRC's size standards for a small entity should disregard NRC Form 526, and should send payment for the invoiced amount and the "Payment Copy" of the invoice to the address listed on the invoice.

TERMINATION REQUESTS

Q Our license was terminated - why did we receive an invoice?

A THE ANNUAL FEE IS NOT WAIVED FOR TERMINATION REQUESTS FILED AFTER OCTOBER 1, 2000. The full invoiced amount is due. However, if you file a termination request between October 1, 2000, and March 31, 2001, the fee will be prorated 50 percent and refunds of any overpayment will be processed. The annual fee is not prorated for termination requests filed after March 31, 2001.

Q How can we avoid the annual fee for next year?

A To avoid the FY 2002 (October 1, 2001, through September 30, 2002) annual fee, you must request termination, or an amendment for possession or storage only, before October 1, 2001, and must permanently cease licensed activities before October 1, 2001.

NRC'S FEE SCHEDULES

Our fee schedules are published for notice and comment rulemaking in the *Federal Register*.

A copy of the proposed fee schedule and the final fee schedule is available on the internet (for 90 days after the effective date) at <http://ruleforum.llnl.gov/>. The proposed fee schedule is also mailed to each licensee.

If you need a copy of the current fee schedule, please ask the telephone receptionist or the license fee staff and we will be glad to furnish you one (page 15). Or, e-mail us at fees@nrc.gov.

PAYMENT DUE DATE

Q When is the payment due?

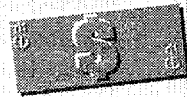
A The payment due date is the invoice date. Interest will be charged for any payments not received within 30 days of the invoice date.

FAILURE TO MAKE THE PAYMENT AND SEND THE "PAYMENT COPY" OF THE INVOICE TO THE ADDRESS ON THE INVOICE MAY RESULT IN LATE CHARGES.

PAYMENT METHODS

Q How do I pay the invoice?

A Payments can be made as follows:



EDI/ACH Payments

NRC can accept electronic payments using electronic data interchange (EDI) through the Automated Clearinghouse (ACH) Network. Enclosed with the invoice is a Financial EDI Authorization Form. If you have any questions about EDI/ACH payments, please contact our depository bank, Mercantile, at 314-418-8239.

Credit Card Payments

NRC can accept credit card applications for payment of annual fees. Complete the authorization form enclosed with the invoice and mail the authorization form to our lockbox bank:

**U. S. Nuclear Regulatory Commission
License Fee and Accounts Receivable Branch
P.O. Box 954514
St. Louis, MO 63195-4514**

Check Payments

Send checks to our lockbox bank at the address above.

Since the payment address is a post office lockbox for the bank, only regular mail or U.S. Postal Service Express Mail can be accepted.

Fedwire/TFCS Payments

For sending a Fedwire through a Federal Reserve Bank for credit to our account at the U.S. Treasury, see section entitled "Procedures for Electronic Funds Transfer" (page 9).

Late Payment Charges

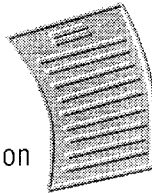
See "Interest," "Penalty," and "Administrative Charge" under section entitled "Terms and Conditions" (pages 5 and 6).

Disputed Debts

See Section entitled "Procedures for Extending Payment Dates of Annual Fee Invoices" (page 7).

TERMS AND CONDITIONS

NOTICE: This invoice shows the annual fee assessed for your licensed program. Fees are assessed in accordance with the schedules in 10 CFR Part 171. The suspension, revocation, or termination of a license does not relieve the licensee of its responsibility for any debt(s). The fee(s) and associated interest, penalties, and administrative costs, if any, constitute a debt to the United States pursuant to Federal law, and the invoice is the demand for payment required under Federal law and implementing regulations. The NRC will not accept or execute any purchase order submitted by a licensee as a condition to the licensee's paying the debt. The NRC also reserves the right not to accept or execute any claim form or other document submitted by a licensee as a condition to the licensee's paying the debt.



TERMS: Payment is due immediately and should be made payable to the U.S. Nuclear Regulatory Commission by credit card, check, draft, money order, or electronically (Electronic Data Interchange, Automated Clearinghouse Electronic Funds Transfer). Where specific payment instructions are provided on the bills, payment should be made accordingly, e.g., bills of \$5,000 or more will normally indicate payment by electronic funds transfer. With respect to Federal agencies, payment by the On-line Payment and Collection System (OPAC's) will be accepted.

INTEREST: Interest will be assessed to the extent authorized under common law or in accordance with 31 U.S.C. 3717, and will accrue from the invoice date at the annual rate of 6 percent. However, interest will be waived if payment is received within 30 days from the invoice date. For NRC debt collection procedures, refer to 10 CFR Part 15.

PENALTY: A penalty charge will be assessed on any portion of a debt that is subject to the provisions of 31 U.S.C. 3717 and is delinquent for more than 90 days (at the annual rate of 6 percent). This charge will be calculated on or after the 91st day of delinquency, but will accrue from the date the debt became delinquent. For this purpose, a debt is delinquent if it has not been paid by the invoice date.

ADMINISTRATIVE CHARGE: The NRC is required to assess an administrative charge incurred as a result of a delinquent debt subject to the provisions of 31 U.S.C. 3717. Administrative costs may include costs incurred in obtaining a credit report or in using a private debt collector, to the extent they are attributable to the delinquency. The minimum administrative charge is \$5 a month.

USE OF CONSUMER REPORTING AGENCIES AND CONTRACTING FOR COLLECTION SERVICES: In addition to assessing interest, penalties, and administrative costs, the NRC may report a debt that has been delinquent for 90 days to a consumer reporting agency (credit bureau) and may refer the delinquent debt to a private debt collection contractor in order to recover the delinquent debt. The debt collection contractor is entitled to add its collection fee to the debt. The NRC may also pursue collection or litigation of delinquent debt through the Department of Justice, the Internal Revenue Service, and the Department of the Treasury for administrative offset and tax refund offset. The debtor will be liable for all collection fees incurred with the collection of this debt.

10 CFR 170.41 FAILURE BY LICENSEE TO PAY PRESCRIBED FEES AND

10 CFR 171.23 ENFORCEMENT: When the Commission finds that a licensee has failed to pay a prescribed fee or files a false certification with respect to qualifying as a small entity under the Regulatory Flexibility Criteria, the Commission will not process any application and may suspend or revoke any license or approval issued to the licensee or may issue an order with respect to licensed activities as the Commission determines to be appropriate or necessary to carry out the provisions of these parts. The filing of a false certification to qualify as a small entity under subsection 171.16(c) of 10 CFR Part 171 may also result in punitive action pursuant to 18 U.S.C. 1001.

RIGHT TO REVIEW AND APPEAL OF PRESCRIBED FEES: All debtors' requests for review of the fees assessed and appeal or disagreement with the prescribed fee must be submitted in writing in accordance with the provisions of 10 CFR 15.31, "Disputed Debts."

PROCEDURES FOR EXTENDING PAYMENT DATES OF ANNUAL FEE INVOICES

Annual fees are billed in accordance with the schedules contained in 10 CFR Part 171. Interest on the amount billed accrues from the invoice date but will be waived if the amount due is paid within 30 days after said date. If the 30-day period is extended, interest will be waived provided the debt is paid before the expiration of the extended period. The 30-day period may be extended, at NRC's discretion, in accordance with the following procedures:

1. The NRC must receive the debtor's written request for an extension of the period before expiration of the 30-day period. The request should explain why the debt is incorrect in fact or in law (10 CFR 15.31). If the request is not received within the 30-day period, it will automatically be denied. Telephone requests for extensions will not be considered. Requests for extensions of the 30-day period should be submitted to the

**U. S. Nuclear Regulatory Commission
Office of the Chief Financial Officer
Division of Accounting and Finance
License Fee and Accounts Receivable Branch
11545 Rockville Pike
Rockville, MD 20852-2738**

2. The debtor's explanation must have merit for the NRC to extend the 30-day period. A request is deemed to have merit if it causes the NRC to question whether the amount originally billed is correct.

a. If the explanation has merit, the NRC will notify the debtor in writing that the request is granted and that the 30-day period will be extended to a certain date. This date will be stated on the revised invoice and will be approximately 15 days after the date the revised invoice is mailed. The amount on the revised invoice will constitute a final determination of the existence or amount of the debt. A final determination by the NRC for this purpose need not await the outcome of litigation or further administrative review. Further extensions of this date stated on the revised invoice will not be granted. If the amount on the revised invoice is not paid on or before the date stated on the invoice, interest from the date of the original invoice will become due and payable.

b. The NRC may, at its discretion, meet with the debtor's representatives to receive further evidence or arguments supporting the debtor's contentions.

c. A request for an extension may be granted either with respect to the entire amount originally billed or with respect to a portion of the amount originally billed. In the latter case, the remainder of such amount will remain due and payable as originally billed and if not paid on or before that date, interest from the date of the original invoice will become due and payable.

d. If the debtor's explanation does not have merit and does not cause the NRC to question whether the amount originally billed is correct, the request will be denied. Failure of the NRC to notify a debtor before the end of the 30-day period that a request for an extension has been denied will not constitute grounds for a waiver of interest.

e. The assertion that the invoice is unsupported by detailed data does not constitute an explanation of why the amount billed is incorrect in fact or in law. If the debtor views information furnished with the invoice as insufficient for the purpose of a request for an extension, the debtor should seek the necessary information as soon as possible so that a request for extension can be submitted within the 30-day period.

3. If an extension of the 30-day period is granted and the amount originally billed remains unchanged, such extension will be stated on the revised invoice as provided for in item 2a.

4. NRC records in support of billed fees are not subject to audit by non-governmental entities. However, copies of records desired by a debtor can be made available to the debtor if they are reproduced at the debtor's expense. For any charges that may be assessed, refer to 10 CFR Part 9.

5. The NRC will refund to a debtor any amount that is later determined to be an overpayment, including interest, if any, that was paid by the debtor on such amount. The NRC is not authorized to pay interest on any part of an annual fee that was paid to the NRC and is later refunded.

PROCEDURES FOR ELECTRONIC FUNDS TRANSFER

The NRC can receive funds through the U.S. Department of the Treasury (Treasury) Fedwire Deposit System. The basic wire message format below complies with the Federal Reserve Board's standard structured third-party format for all electronic funds transfer (EFT) messages. A sample of an EFT message to Treasury and a narrative description of each field follow:

(1)	021030004	(2)
(3)	(4)	(5)
(6)	/	
(7)	(8)	
TREAS NYC/CTR /		
(9)		
BNF=/AC-31000001 OBI=		
(10)		

Field	Content
(1) RECEIVER-DFI#	- Treasury's ABA number for deposit messages is 021030004.
(2) TYPE-SUBTYPE-CD	- The type and subtype code will be provided by the sending bank.
(3) SENDER-DFI#	- This number will be provided by the sending bank.
(4) SENDER-REF#	- The 16-character reference number is inserted by the sending bank at its discretion.
(5) AMOUNT	- The transfer amount must be punctuated with commas and decimal point; use of the "\$" is optional. This item will be provided by the depositor.
(6) SENDER-DFI-NAME	- This information is automatically inserted by the Federal Reserve Bank.
(7) RECEIVER-DFI-NAME	- Treasury's name for deposit messages is "TREAS NYC." This name should be entered by the sending bank.

(8) **PRODUCT CODE** - A product code of "CTR" for customer transfer should be the first data in the RECEIVER-TEXT field. Other values may be entered, if appropriate, using the ABA's options. A slash must be entered after the product code.

(9) **AGENCY LOCATION CODE (ALC) - THIS ITEM IS OF CRITICAL IMPORTANCE.** IT MUST APPEAR ON THE FUNDS TRANSFER DEPOSIT MESSAGE IN THE PRECISE MANNER AS STATED TO ALLOW FOR THE AUTOMATED PROCESSING AND CLASSIFICATION OF THE FUNDS TRANSFER MESSAGE TO THE AGENCY LOCATION CODE OF THE APPROPRIATE AGENCY. The ALC identification sequence can, if necessary, begin on one line and end on the next line; however, the field tag "BNF=" must be on one line and cannot contain any spaces. NRC's 8-digit ALC is:

BNF=/AC-31000001

(10) **THIRD-PARTY INFORMATION - The Originator to Beneficiary Information field tag "OBI=" is used to signify the beginning of the free-form third-party text. All other identifying information to enable the NRC to identify the deposit, for example, NRC annual fee invoice number, description of fee - 10 CFR 171 annual fee, and licensee name, should be placed in this field.**

The optimum format for fields 7, 8, 9, and 10 using an 8-digit ALC is as follows:

TREAS NYC/CTR/BNF=/AC-31000001 OBI=

The optimum format, shown above, will allow 219 character positions of information following the "OBI=" indicator.

If the licensee's bank is not a member of the Federal Reserve System, the non-member bank must transfer the necessary information and funds to a member bank, which then must transfer the information and funds to the local Federal Reserve Bank.

For transfer of funds from local Federal Reserve Banks to be recorded on the same day, the transfer must be received at the New York Federal Reserve Bank by 4 p.m., EST. Otherwise, the deposit will be recorded on the next workday.

SMALL ENTITY COMPLIANCE GUIDE

Introduction

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires all Federal agencies to prepare a written guide for each "major" final rule as defined by the Act. The NRC's fee rule, published annually to comply with the Omnibus Budget Reconciliation Act of 1990 (OBRA-90) which requires the NRC to collect approximately 100 percent of its budget authority each year through fees, is considered a "major" rule under this law. This compliance guide has been prepared to assist NRC material licensees in complying with the fee rule.

Licensees may use this guide to determine whether they qualify as a small entity under NRC regulations and are eligible to pay reduced annual fees assessed under 10 CFR Part 171. The NRC has established two tiers of separate annual fees for those materials licensees who qualify as small entities under NRC's size standards.

Licensees who meet NRC's size standards for a small entity must complete NRC Form 526 to qualify for the reduced annual fee. This form accompanies each annual fee invoice mailed to materials licensees. The completed form, the appropriate small entity fee, and the payment copy of the invoice, should be mailed to the U.S. Nuclear Regulatory Commission, License Fee and Accounts Receivable Branch, to the address indicated on the invoice. Failure to file a small entity certification in a timely manner may result in the denial of any refund that might otherwise be due.

NRC Definition of Small Entity

The NRC has defined a small entity for purposes of compliance with its regulations (10 CFR 2.810) as follows:

1. **Small business** - a for-profit concern that provides a service or a concern not engaged in manufacturing with average gross receipts of \$5 million or less over its last 3 completed fiscal years;
2. **Manufacturing industry** - a manufacturing concern with an average number of 500 or fewer employees based upon employment during each pay period for the preceding 12 calendar months;

3. **Small organization** - a not-for-profit organization which is independently owned and operated and has annual gross receipts of \$5 million or less;
4. **Small governmental jurisdiction** - a government of a city, county, town, township, village, school district or special district with a population of less than 50,000;
5. **Small educational institution** - an educational institution supported by a qualifying small governmental jurisdiction, or one that is not state or publicly supported and has 500 or fewer employees¹

NRC Small Entity Fees

In 10 CFR 171.16 (c), the NRC has established two tiers of small-entity fees for licensees that qualify under the NRC's size standards. Currently, these fees are as follows:

<u>Small Business Not Engaged in Manufacturing and Small Not-For Profit Organizations (Gross Annual Receipts)</u>	<u>Maximum Annual Fee Per Licensed Category</u>
--	--

\$350,000 to \$5 million	\$2,300
Less than \$350,000	\$500

**Manufacturing entities that have an average of 500
employees or less**

35 to 500 employees	\$2,300
Less than 35 employees	\$500

**Small Governmental Jurisdictions (Including publicly
supported educational institutions)**

<u>(Population)</u>	
20,000 to 50,000	\$2,300
Less than 20,000	\$500

**Educational Institutions that are not State or Publicly
Supported, and have 500 Employees or Less**

35 to 500 employees	\$2,300
Less than 35 employees	\$500

¹ An educational institution referred to in the size standards is an entity whose primary function is education, whose programs are accredited by a nationally recognized accrediting agency or association, who is legally authorized to provide a program of organized instruction or study, who provides an educational program for which it awards academic degrees, and whose educational programs are available to the public.

To pay a reduced annual fee, a licensee must use NRC Form 526, enclosed with the annual fee invoice, to certify that it meets NRC's size standards for a small entity. Failure to file NRC Form 526 in a timely manner may result in the denial of any refund that might otherwise be due.

Instructions for Completing NRC Form 526

1. File a separate NRC Form 526 for each annual fee invoice received.
2. Complete all items on NRC Form 526 as follows:
 - a. The license number and invoice number must be entered exactly as they appear on the annual fee invoice.
 - b. The Standard Industrial Classification (SIC) Code should be entered if it is known.
 - c. The licensee's name and address must be entered as they appear on the invoice. Name and/or address changes for billing purposes must be annotated on the invoice. Correcting the name and/or address on NRC Form 526 or on the invoice does not constitute a request to amend the license. Any request to amend a license is to be submitted to the respective licensing staffs in the NRC Regional or Headquarters Offices.
 - d. Check the appropriate size standard under which the licensee qualifies as a small entity. Check one box only. Note the following:
 - (1) The size standards apply to the licensee, not the individual authorized users listed in the license.
 - (2) Gross annual receipts as used in the size standards includes all revenue in whatever form received or accrued from whatever sources, not solely receipts from licensed activities. There are limited exceptions as set forth at 13 CFR 121.104. These are: the term receipts excludes net capital gains or losses, taxes collected for and remitted to a taxing authority if included in gross or total income, proceeds from the transactions between a concern and its domestic or foreign affiliates (if also excluded from gross or total income on a consolidated return filed with the IRS), and amounts collected for another by a travel agent, real estate agent, advertising agent, or conference management service provider.

- (3) A licensee who is a subsidiary of a large entity does not qualify as a small entity.
- (4) The owner of the entity, or an official empowered to act on behalf of the entity, must sign and date the small entity certification.

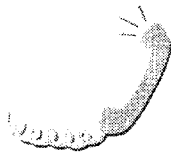
The NRC sends invoices to its licensees for the full annual fee, even though some entities qualify for reduced fees as a small entity. Licensees who qualify as a small entity and file NRC Form 526, which certifies eligibility for small entity fees, may pay the reduced fee, which for a full year is either \$2,300 or \$500 depending on the size of the entity, for each fee category shown on the invoice. Licensees granted a license during the first six months of the fiscal year and licensees who file for termination or for a possession only license and permanently cease licensed activities during the first six months of the fiscal year pay only 50 percent of the annual fee for that year. Such an invoice states the "Amount Billed Represents 50% Proration." This means the amount due from a small entity is not the prorated amount shown on the invoice but rather one-half of the maximum annual fee shown on NRC Form 526 for the size standard under which the licensee qualifies, resulting in a fee of either \$1150 or \$250 for each fee category billed instead of the full small entity annual fee of \$2,300 or \$500.

A new small entity form (NRC Form 526) must be filed with the NRC each fiscal year to qualify for reduced fees for that fiscal year. Because a licensee's "size," or the size standards, may change from year to year, the invoice reflects the full fee and a new Form must be completed and returned for the fee to be reduced to the small entity fee. **LICENSEES WILL NOT BE ISSUED A NEW INVOICE FOR THE REDUCED AMOUNT.** The completed NRC Form 526, the payment of the appropriate small entity fee, and the "Payment Copy" of the invoice should be mailed to the U. S. Nuclear Regulatory Commission, License Fee and Accounts Receivable Branch at the address indicated on the invoice.

If you have questions about the NRC's annual fees, please call the license fee staff at 301-415-7554, e-mail the fee staff at fees@nrc.gov, or write to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Office of the Chief Financial Officer.

False certification of small entity status could result in civil sanctions being imposed by the NRC under the Program Fraud Civil Remedies Act, 31 U.S.C. 3801 et. seq. NRC's implementing regulations are found at 10 CFR Part 13.

To CONTACT US BY PHONE



ALL GENERAL LICENSE
FEE INQUIRIES:

Receptionist: 301-415-7554

ADDITIONAL SPECIFIC NUMBERS:

FUNCTION	RESPONSIBLE STAFF	TELEPHONE
Past Due Notices	Leah Tremper	301-415-7347
EDI/ACH/Credit Cards/ Lockbox Receipts		
Fedwire Receipts	Lynda Venson	301-415-6063

Other Questions:

Exempt Distribution Licenses	Sandra Kimberley	301-415-6096
Sealed Source and Device Registrations	Sandra Kimberley	301-415-6096
Quality Assurance Program Approvals	Maurice Messier	301-415-6087

Other Licensees Located in:

Region I CT, DC, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VT	Brenda Brown	301-415-6055
Region II AL, FL, GA, KY, MS, NC, PR, SC, TN, VA, VI, WV	Shirley Crutchfield	301-415-6097
Region III IA, IL, IN, MI, MN, MO, OH, WI	Shirley Crutchfield	301-415-6097
Region IV AK, AR, AZ, CA, CO, Guam, HI, ID, KS, LA, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, WY	Shirley Crutchfield	301-415-6097

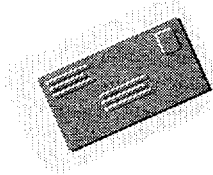
Call us at 301-415-7554 if you still have questions
after reading this handbook.

Our license fee staff can help you with questions concern-
ing fees for your license, registration, or approval,
including small entity questions.

Our hours are 7:30 a.m. - 4:15 p.m. (EST) weekdays (except Federal holidays). Mondays and Fridays are peak calling days. We are most easily reached Tuesday through Thursday. Our telephone receptionist can forward your call directly to the voice mail of one of our staff or take down all the necessary information. During peak billing cycles, it may not always be possible to speak immediately to license fee staff, but someone will call you back - usually within 2 workdays.

Have your license number and invoice number available before you call to facilitate the directing of your call.

To CONTACT US IN WRITING



**LETTERS (DO NOT SEND ANNUAL FEE
PAYMENTS OR SMALL ENTITY
FORMS TO THIS ADDRESS)**

If you have other questions, please write to the

**U. S. Nuclear Regulatory Commission
Office of the Chief Financial Officer
Division of Accounting and Finance
License Fee and Accounts Receivable Branch
11545 Rockville Pike
Rockville, MD 20852-2738**

To assist us in providing a prompt response, please include your license number, invoice number, if applicable, and a daytime number (including the area code) where you can be reached.

E-mail us at fees@nrc.gov.

NUREG/BR-0238, Rev. 7
October 2000