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December 31, 1992

**By Certified Mail - Return Receipt Requested**

Pension and Welfare Benefits Administration  
P.O. Box 75212  
Washington, D.C. 20013-5212

Re: Statement, Under 29 C.F.R. § 2520.104-23,  
for North American Insulation Manufacturers  
Association Deferred Compensation Plan

Dear Sir or Madam:

Enclosed is a copy of the statement that I filed earlier this year on behalf of the North American Insulation Manufacturers Association Deferred Compensation Plan (the "Plan"). The statement contains the information required by 29 C.F.R. section 2520.104-23. Yesterday, I sent this statement again to ensure that it was properly credited in accordance with the partial amnesty program for top hat plans announced by the Department in the July 24, 1992 Federal Register, 57 Fed. Reg. 33019.

In my transmittal letter yesterday, I noted that the Plan became effective in 1992 and, as a result, no annual reports have yet been required to be filed. Accordingly, under the express language of the July 24 Notice, no penalty was due.

After my letter was sent out yesterday, I spoke to Janet Powell of the Division of Reporting Compliance, who advised me that the division had made a "policy decision" to require that a \$1000 fee be submitted with all top hat plan statements under the partial amnesty program. This "policy decision," which, to my knowledge, has never been announced in any written release by

December 31, 1992

the Department of Labor, is flatly inconsistent with the Department's position in the July 24 Notice. That Notice provided that a top hat plan statement submitted pursuant to the partial amnesty program must be "accompanied by the payment of a civil penalty in the amount of the lesser of: \$50 per day for each day following the date on which an annual report was due (including any extensions) for such plan, or \$1,000 per plan." 57 Fed. Reg. at 33020 (emphasis added). Thus, the Department's Notice explicitly provides that if no annual report is yet due, no penalty need be submitted. The attempt to impose an additional, unannounced requirement that all top hat statements be accompanied by a \$1,000 payment is flatly contradictory to the Department's published Notice, is inconsistent with basic concepts of fairness and due process and exceeds the authority of the Division of Reporting Compliance.

In view of the imminent expiration of the partial amnesty program, I am submitting a check for \$1,000 with this statement in order to avoid any risk that my client will be subject to future reporting requirements. Nonetheless, in view of the clear statement in the July 24 Notice that no payment is required, I respectfully request that the check be returned.

Please call me on (202) 862-2205 or contact me at the address above if there are any questions concerning this filing.

Sincerely,



Alan Tawshunsky

Enclosure

25,280

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July 23, 1992

**BY CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Top Hat Plan Exemption  
Pension and Welfare Benefits Administration  
Room N-5644  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

Re: North American Insulation Manufacturers  
Association Deferred Compensation Plan

Dear Sir or Madam:

This letter is submitted on behalf of the North American Insulation Manufacturers Association ("NAIMA") and contains the statement required by 29 C.F.R. section 2520.104-23 for the North American Insulation Manufacturers Association Deferred Compensation Plan (the "Plan"). The Plan has been adopted effective January 1, 1992.

Listed below is the information required by subsection (b) (1) of 29 C.F.R. section 2520.104-23:

1) Name and address of employer:

North American Insulation Manufacturers  
Association  
44 Canal Center Plaza  
Suite 310  
Alexandria, VA 22314

2) Employer Identification Number: 131087340

July 23, 1992

3) NAIMA hereby declares that it maintains the Plan primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees.

4) Number of plans: 1

5) Number of employees in the Plan: 1

As required by paragraph (b)(2) of 29 C.F.R. section 2520.104-23, NAIMA will provide plan documents to the Secretary of Labor upon request. The Plan satisfies the requirements of paragraph (d) of 29 C.F.R. section 2520.104-23, in that the Plan is maintained by NAIMA primarily for the purpose of providing benefits to a select group of management and highly compensated employees and benefits under the Plan are paid as needed solely from the general assets of the employer.

Please contact me on (202) 862-2205 if there are any questions concerning this submission.

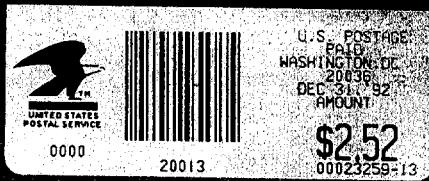
Respectfully submitted,



Alan Tawshunsky

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25,280



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Pension and Welfare Benefit Administration  
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