On Tuesday May 1st, 2012 Past President Sebastian D’Alessandro and I attended Architects in Albany Lobby Day. It was a long day and schedule for both of us. The day started out cloudy and overcast but ended in a high note.

Schedule as follows:

8:30 am Registration
10:15 am Legislative Briefing
11 - 5pm Appointments with Legislators
4:30 - 6pm Legislative Reception

AIA NY State had already made 7 appointments on member’s behalf with the following legislators:

11am  NYS Senator Michael Ranzenhofer
11:30am  NYS Senator David Valesky
12noon  NYS Assembly member Ronald Canestrari / Stephanie Sorrentino
          Majority Leader, NYS Assembly
12:30pm  NYS Senator Liz Krueger
          Chair, Insurance Comm., NYS Senate
1pm     NYS Senator Kenneth LaValle
          Chair, Higher Education Committee, NYS Senate and
          Nicole Burckard
1:30pm  NYS Assembly member D. Glick
          Chair, Higher Education Committee, NYS Assembly
2pm     NYS Assembly R. Schimminger
          NYS Assembly
2:30pm  NYS Assembly member A. Paulin
          NYS Assembly
3pm     NYS Assembly member Lupardo
          Member, Insurance Committee, NYS Assembly
3:30pm  NYS Assembly member Cymbrowitz
          NYS Assembly

Sebastian and I proceeded to research all the legislators who cover Brooklyn and also particularly either sponsored or co-sponsored a bill that would most affect our members. Time being of the essence as we only had one day to meet with as many legislators as possible. For a full list of all the bills please visit the AIA NY State website.

There were several bills we discussed with them, the main focus we really tackled were:

1. Design Liability Reform (Support)
A.2475 (Canestrari)
Co-sponsors: Brook-Krasny, Calhoun, Cook, Latimer, McEneny, Oaks, Ortiz
Status: In Higher Education Committee

S.4782 (Griffo)
Status: In Judiciary Committee

This legislation is an important step in the effort to protect the rights of injured victims while at the same time restoring fairness and balance to a tort system that has grown costly.

In an action brought by an owner/client against a design professional, a three year statute of limitations applies and the cause of action accrues at the time of injury. Third party suits, however, create a situation of perpetual liability, whereby the injured party has

(Continued on page 2)
never contracted with the design professional. As a result, design professionals are answerable for an indefinite period after project completion, long after the facility has been subjected to wear, tear and potentially insufficient maintenance.

Design liability reform legislation would strengthen the existing statute by enacting a ten-year statute of repose, plus a one-year limit for any suit brought against a licensed design professional. The legislation recognizes that the design professional has no control over the structure long after construction is complete.

2. License Suspension upon NYC DOB Determination. (Oppose)

A.7734 (Cymbrowitz)
Co-sponsors: Castro, Colton, Lentol, P. Rivera, Scarborough
Status: In Higher Education Committee
This bill would require the Board of Regents to immediately suspend the professional license of any architect or engineer upon a determination by the Department of Buildings that such individual had “seriously abused” the professional certification program. Design professionals are licensed by the State Education Department, not the Department of Buildings.

3. Interior Design Bill (Oppose)

Grandfathering
S.430 (Krueger)
Status: In Higher Education Committee
This bill would allow those who have been practicing interior design for over fifteen years to apply to the State Education Department for permission to use the title “certified interior designer” without having to meet the education and examination requirements of the Education Law.

Partnership Agreements
A.9132 (Lavine)
Co-sponsors: Bronson, Gabryszak, Galef, Jaffee, McDonough, P. Rivera, Stevenson, Titone, Weprin
Status: In Higher Education Committee
S.6336 (Ritchie)
Status: In Corporations, Authorities and Commissions Committee
This bill would allow certified interior designers to form partnerships with architects, landscape architects, engineers or land surveyors. We oppose this effort to incorporate a non-licensed profession into a design corporation, with no limitation. If the goal is
to allow certified interior designers to become equity stakeholders in selected business entities, we suggest participation via the recently enacted design professional corporation statute, Chapter 550 of the Laws of 2011, which enables non-licensed personnel to obtain an equity interest up to 25 percent.


A.3884 (Englebright)
Co-sponsors: Barclay, Brook-Krasny, Colton, Galef, Lavine, Lupardo, McEneny, Perry, Reilly, J. Rivera, Schimel, Schimminger, Tobacco

Status: In Higher Education Committee

S.4508 (Hannon)
Co-sponsors: Addabbo, Avella, Carlucci, Hassel-Thompson, Oppenheimer
Status: In Veterans, Homeland Security &Military Affairs Committee

This legislation is important to design professionals and state/local jurisdictions. Architects, landscape architects, engineers and land surveyors can provide essential services during natural or man-made disasters and emergencies to help protect the public, with the confidence that there will be sufficient immunity from liability while providing these services.

In conclusion, by days’ end we were able to discuss and make our point with many of the legislators. It is important to note that such functions are vital to our organization and to our members continued success and I challenge our members to attend next lobby day. As we have been experiencing these meetings are crucial in that many of the legislators who sponsor or co–sponsor a bill may not fully understand our business and the full implications of what has been proposed, therefore only we can shed some light on the reality.

The legislators offices we visited included:
1. Peter Abbate, Jr Asm. 49th Dist.
2. AlecKransny, Asm. 46th District
3. JoAnn Van Slyke, Asm. 52nd District
4. Joseph R. Lentol, Asm. 50nd District
5. William Colton, Asm. 47th District
6. Steven Cymbrowitz, Asm. 45th Dist.
7. Dov Hikind, Asm. 48th District
8. Martin J. Golden, 22nd Senate District
9. Felix Ortiz, Asm. 51st District
10. Vito Lopez, Asm. 53rd District
11. Joan Millman, Asm. 52nd District

I immediately received an email just a few days later from Honorable Asm. William Coltons’ Legislative Director Michael D. Burridge stating:

“Mr. Anzalone:

I wanted to let you know that we reviewed A.7734, which would revoke an architect’s license for violating what the bill deems a "serious abuse" of the self-certification process. We decided that the bill is vague and poses too many questions over its enforcement and possible overreach by the Dept. of Buildings and Dept. of Ed.

We have removed Assemblyman Colton from the bill. The other pieces of legislation you mentioned are still under review. If you have any questions please do not hesitate to reach out to me.

Thank you”

He went on to say later on “Also wanted to let you know that Asm. Colton will sign on as a co-sponsor of A.9543, a tax credit program for the renovation of distressed and dilapidated buildings”

- Giuseppe Anzalone, AIA

Photos courtesy of Giuseppe Anzalone, Brooklyn AIA President
Helene Combs Dreiling, FAIA, Elected 2013 First Vice President and 2014 President

Helene Combs Dreiling, FAIA, of AIA Blue Ridge in Virginia, was elected 2013 AIA first vice president/2014 president. During more than 18 years of national AIA service, Dreiling has held numerous leadership positions including AIA secretary (2011-12), national vice president (2000), and national board membership (1997-98 and 2000). She is a past member of the board of trustees of the American Architectural Foundation and a past president of both the Virginia Society, AIA and AIA Blue Ridge.

Donald C. Brown, FAIA, Elected 2013-2014 Vice President

Don Brown, FAIA, from AIA Montgomery, was elected 2013-14 AIA vice president. A past AIA National board member, Brown served as the Gulf States regional director from 2009-2011, and was also the past chair of ArchiPac. He is a Richard Upjohn Fellow of the AIA, and served on the AIA Board Advocacy Committee from 2007-2011. He was also president of the Alabama Council AIA in 2003.

Susan Chin, FAIA, Elected 2013-2014 Vice President

Susan Chin, FAIA, from AIA New York, was elected 2013-14 AIA vice president. A current AIA National Board member who serves as New York’s Regional Director, Chin is on both the AIA Membership Committee and Strategic Direction Group/Communications Committee. She chaired the AIA Gold Medal Advisory committee in 2011, served on the Executive Vice President CEO Search Committee in 2010, and was the president of the AIA New York chapter in 2005.

Richard DeYoung, AIA, Elected 2013-2014 Secretary

Richard DeYoung, AIA, from AIA Pittsburgh, was elected 2013-14 AIA secretary. A past AIA national board member, DeYoung served on the board as Pennsylvania regional director from 2009-2011. He was a member of the AIA Secretary’s Advisory Committee in 2011 and an AIA Advocacy Committee member in 2007 and in 2009-2010. He was also president of AIA Pennsylvania in 2006 and president of AIA Pittsburgh in 2003.

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HONORING THE ARCHITECTS OF HEALING

During a special general session on May 19 at the 2012 AIA National Convention, the AIA honored the architects involved in post-9/11 memorials and rebuilding efforts at the World Trade Center, the Pentagon, and Shanksville, PA.
How many of you are striving to become more advanced in 'green' architecture and more involved in 'green' living? There is so much to learn from the broad range of sustainability goals, organizations, magazines, certificates, technology, products, energy paybacks, tax reliefs down to things like client preferences, project opportunities, software tools, details, costs and codes. I’m sure you realize that sustainability requires more than just having a ‘green thumb’. Do you feel overwhelmed just reading this? Last year, I sought a more tangible way to fit into this fast-paced arena as an Architect; since so many 'green' organizations, jobs and programs are for non-architects.

At the end of last year, I applied for an instructor position with Urban Green Council of NYC and the NYC AIA to present NYSERDA’s ‘Cracking the Energy Code’. This is a four hour course to familiarize architects and engineers of the 2010 Energy Conservation Construction Code of NYS for commercial buildings and residential buildings over three stories. NY State is committed to ensuring that at least 90% of both residential and commercial buildings comply with the 2010 ECCC of NYS by 2017. This seminar is part of NYSERDA’s initiative to support the design and construction industry towards this goal.

In March, I stood for nearly four hours trying my best to encourage and educate the 20 Architects, Engineers, and NY Housing attendees with the 192 slides of information. I had quite a few questions during the breaks to clarify the slides and I exchanged contact information to potentially help them in the future. Preparing for the class required a lot of studying to become, not only familiar, but engaging as a speaker. By the end of the lecture, I felt exhausted after standing the whole time and intently focusing on the slide materials. Also, I felt grateful and more connected to people who are trying their best in this ‘green’ movement. I will be giving my next seminar on May 22 at the Center for Architecture.

The content for the Cracking the Energy Code presentation was developed by Viridian Energy and Environmental, One Lux Studio, graphics by VU and edited by James Belluardo, Urban Green Council. This course provides 4 AIA HSW/SD credits. Visit NYSERDA's Code Training website (nyserdacodetraining.com) for more information. For those of you interested in other related courses, NYSERDA has a Residential Energy Code Training class and an Energy Modeling for Code Compliance and High Performance Buildings Training class. If you have any questions, feel free to email me on this article.

- Sean Boyd, AIA, LEED AP bd+c
Email: seanboydaia@gmail.com

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Many thanks to the May presenters for their sponsorship

Robinson Hernandez, Ivy Nguyen Office of the Mayor of the NYC “New Business Acceleration Team (NBAT)”

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Robinson Hernandez, Ivy Nguyen Office of the Mayor of the NYC “New Business Acceleration Team (NBAT)”
A discussion was held about the recent “Build Safe – Live Safe” conference held in conjunction with the Department of Buildings. A 3-D Site Safety Plan was suggested as an additional drawing to be incorporated into our project presentations to the DOB. Contractors made up the majority of the conference attendees. A forensic engineer, Tim Lynch, works in the DOB’s Façade Inspection Unit. He offered to answer any questions about façade inspections; we can contact him at tim.lynch@buildings.nyc.gov.

Identification badges are now needed by all architects, engineers and Filing representatives for entry to all plan examination areas.

Registration for “Special Inspection Agencies” begins on May 13th. Special inspection agencies are not required for “progress inspections” such as Directive 14 final inspections. The DOB registers “firms” or “agencies,” not individuals. Insurance requirements: $500,000 liability on a case basis is required. In cases where non-professionals are permitted to do inspections no liability is required. Registration must be in place by November 13th.

There are 3 categories, or classes, of special inspections: A Class 3 inspection applies to a job involving a 1, 2, or 3-family home, and to those jobs where alterations affect less than 10,000 square feet of gross floor area. A Class 2 inspection applies to a job where there is no work in a major building, but the job involves more work than that required for a Class 3 inspection. A Class 1 inspection applies to just about everything else. This is the category generally applying to very large jobs, and it has the fewest limitations.

The big question is whether the 10,000 square foot limit for Class 3 inspections refers to the “project area” or to the gross floor area of the building.

Various qualifications for special inspections apply to each of the 3 categories. The DOB will impose an annual $200 basic fee for each category that a special inspector registers for. There will be an individual $30 fee for each special inspection submitted to the DOB.

Registered architects and professional engineers do not have to register for work in 1, 2, or 3-family homes.

The Architects Council is going to generate a list of actual cost estimates for various types of work items which have been mandated by plan examiners for recent jobs in the various boroughs. We are requested to email any recently approved PW-3 forms with such information to the Council, which will then make this data available to our constituents.

When a site has any combination of hazmat, air, and noise pollution it is given an “E-Designation” by the NYC Office of Environmental Remediation. Minor work that we may file for on these sites that does not involve soil disturbance, excavation, change or installation of windows, façade work, stack location, boilers, fuel type, HVAC work; or changes to use, occupancy or egress would likely qualify for a “Notice of No Objection” by the OER. This is accomplished through this agency’s “E-Designation Program.” To apply for this document it is necessary to submit an OER Project Submittal Cover Sheet which requires that relevant items of information describing the project, along with all the documentation and plans which were submitted to the DOB, be included.

A discussion by members of ACNY’s Code Committee dealt with a number of subjects being worked on by that committee in conjunction with the DOB. The complexity and lack of clarity of the writing of the 2008 Code is a source of frustration and confusion even to professionals with decades of hands-on experience. Any given section of the 2008 Code typically might refer to two or more other sections, and they in turn refer to several other sections. This becomes unintelligible. As for the IBC, the DOB keeps changing the numbers of each section. The same applies to the Reference Standards.

With respect to sprinkler systems: The Fire Code usually does not require that the “reserve” be increased when the use of the building is not being changed. Unfortunately the DOB considers a 3-family to 2-family change as a change in use, rather than as a change in category within a “Residential” use. That triggers a requirement for a sprinkler system throughout the building. The Fire Department grants an exception that is not as yet acknowledged by the DOB: If a structure was built as a 2-family home and was later changed to 3-family occupancy, and if it is now being changed back to its original 2-family use, the requirement for a new sprinkler system throughout the building will not be triggered. Pam Weston, Associate AIA, suggested that in such cases we should go to the Fire Department with our applications first, get their approval for an “exception,” and only then take the project to the DOB for its approval.

With respect to zoning: Sebastian D’Alessandro, AIA reported that studies are being done by the DOB regarding parking requirements in neighborhoods such as the Manhattan Core Study, the West Harlem Re-zoning Study, and the East River Waterfront Study. In Brooklyn the Gowanus Expressway area is being studied. In Queens studies in various 1-family and 2-family neighborhoods are taking place. In Staten Island there is a study of the “West Shore 20/30” area, and off-shore area uses are being studied to determine their effects on nearby land uses. In the Bronx there is a study of access to the Hunts Point area.

- Gerald Goldstein, AIA
The original 200 acre tidal wetlands and fresh water streams of the Gowanus area were transformed during the second half of the 19th century into a canal for land reclamation with the intention of raising property values. The Canal and its surroundings then grew into a highly polluted area with prevailing manufacturing use. Industrial debris and, more recently, increased surface runoff through Combined Sewer Overflow points have contributed to the extreme condition of environmental degradation and the development of an “open sky” gymnasium for uncontrolled microbial disease-fighting evolution. An ongoing re-zoning process regarding the area surrounding the canal has been put on hold after March 2, 2010, when the Environmental Protection Agency (EPA) added the Gowanus Canal to the Superfund National Priorities List. The EPA estimates that the project will last 10 to 12 years and cost $300 million to $500 million.

Objectives, strategies and techniques are currently discussed and evaluated by the stakeholders, in regards to the strongly interrelated environmental and zoning aspects of the future development of the Gowanus area.

A number of well established and “in fieri” endeavors need to be considered during the planning process including: the current $140 million renovation of the Gowanus Flushing Tunnel, the Public Place Site affordable housing project and related site cleanup by National Grid, a recently planned Whole Foods Market with greenhouse on the roof to grow organic products to be sold on site, the city project to use gardens, green roofs, and tree pits to stop sewage from spewing into polluted waterways (including the Gowanus Canal), the Gowanus Dredgers Canoe Club currently active on the site and looking into “a self-sustaining, environmentally friendly and healthy waterfront to be enjoyed and treasured by current and future generations”, the Floating Gardens of the Gowanus Canal Conservancy and the presence of water streams and springs.

The Community Advisory Group (CAG) is currently holding meetings to discuss key topics such as: Pollution Source Control of discharges from former Manufactured Gas Plants where the CAG has asked EPA to include the upland portions of the 3 Manufactured Gas Plant sites in its Superfund purview sites; elimination of the currently active Combined Sewer Overflow; Evaluation of Sediment Dredging and Capping Alternatives, Sediment Treatment and Disposal (Continued on page 11)
1. If a required items list “item” is incorrect, why do we need to drop off a request to have this item waived? Why can’t we see a responsible person face to face to have this simple thing done? In addition, why do we need to include a signed/sealed ai-1 to request this waiver? Ai-1 is required to explain why an item is waived. It will be scanned in the virtual folder. As of May 14, 2012, required item waivers can either be dropped off or seen as part of the walk in list.

2. What is the purpose of form per20 (c of o with open applications) if Marciano and/or Choi will not ok it with only open applications that are non-life-safety tenant work? The open application form is used if an amended certificate of occupancy is filed. Life safety application can not be overlooked in order to obtain a certificate of occupancy.

3. Sometimes a job gets disapproved because the supporting documentation that is included with the filing that is not plans or e-filing paperwork (i.e. old approved plans, etc.) Is removed from the jacket before it reaches the examiner. These items become part of the objection list. Can all employees handling jacket prior to exam be instructed to keep all documents submitted in folder for review. Will talk to staff about keeping all documents that do not get immediately scanned in the folder.

4. Can a job started with the hub be reassigned to the borough upon the applicants request, or vice-versa? It is double work to file in one place and then relocate it to another place.

5. Can professionals get more than one g ticket per day? I know that one g ticket allows filing up to four applications. Why can’t one application be filed in the morning and in the afternoon? If there is a need for this, see commissioner’s office.

6. Following up on offsite searches…request was made on April 11; told to check again in three weeks; as of Monday, May 7, it is still not available. How is it possible to answer violations, if hearing date is usually in six weeks and the architect can’t get even existing conditions in that timeframe? Borough manager will establish dedicated email for offsite requests. The procedure will be as follows:
   1. Submit request;
   2. Check slip in one hour to allow staff to see if folder is offsite;
   3. Staff will email requestor.

7. Special inspection agencies: online registration can begin May 14, 2012.

   A) Special inspection agencies with projects permitted on or after Nov. 5, 2012 must be registered to perform inspections.

   B) On or after November 5, 2012, the special inspection agency number must be included on the tr-1 when identifying responsibility and certifying completion of inspections.

   C) The applicant of record must identify the special inspection requirement on the tr-1 prior to approval.

   D) The special inspection agency must identify responsibility of the special inspections prior to permit and certify completion of the special inspections prior to sign off.

   E) Registration fees: initial $200; renewal $90; endorsement $30 per special inspection class;

   F) Insurance: a special inspection agency must obtain insurance to perform special inspections. All special inspection agencies must have worker’s compensation insurance or a waiver. Registered architects and professional engineers must have professional liability insurance. Licensed tradespeople must have general liability insurance.

   - Pamela Weston, Assoc. AIA
I attended the AIA National Convention along with Brooklyn member Joseph Smerina, AIA. The attendance from the Brooklyn Chapter was meager although I know some of you attended the virtual convention online. I arrived Thursday and remained until Sunday (officially over on Saturday afternoon). The exhibition was enjoyable as always, as this was my 4th convention. The exhibitors were very informative on the latest and the greatest on just about everything we use and specify every day and then some. I recommend that all members attend the convention at least once every other year to maintain an edge. The convention is also a great source for continuing education and networking with other architects around the country and overseas. It is also a good resource to get ideas from peers on anything from office politics, to procedures, or a recommendation on local dining!

This year several important bylaw changes were voted on, please refer to the AIA web site for complete details on all the amendments. The more important amendments were as follows: One (12-A) to change the age and terms by which a member can gain Emeritus status (from 65 to 70) this does not affect existing members with such status but will affect future requests. We opposed such change however it passed anyway; Another (12-B) related to the ability to form an international region we were in favor of this amendment and it passed. Next year's convention will be in Denver, CO on June 20-22 so mark your calendars, I have been to Denver several times, it is a manageable city and should be a great venue.

- Giuseppe Anzalone,
Brooklyn AIA President

Photos courtesy of Giuseppe Anzalone, Brooklyn AIA Pres.
MAY 21 to JUNE 9 – THE COOPER UNION END OF YEAR SHOW
Tuesday - Saturday, noon to 7:00 PM
The Cooper Union, The Great Hall, in the Foundation Building,
7 East 7th Street, btw 3rd & 4th Ave, New York, NY

For more than a century-and-a-half, the Cooper Union End of Year Show has marked its students’ transition from studios, laboratories and classrooms to the gallery. A time honored tradition, the first recorded exhibition took place in 1860 at the historic Foundation Building, now joined by 41 Cooper Square, the institution’s LEED Platinum academic building. Works on view represent the culmination of each student’s unique experience in Cooper Union’s top ranked programs. Prominent Cooper Union alumni of the past century include Alex Katz (visual art), Daniel Libeskind (architecture) and Russell Hulse (physics). Admission is free and open to the public.

SEPTEMBER 27-29 - 2012
AIA AIANYS CONVENTION IN SARATOGA SPRINGS

AIA New York State and AIA Eastern NY are presenting the 2012 Convention in Saratoga Springs September 27-29 at the Saratoga Hilton Hotel and Saratoga Springs City Center. The convention will feature a trade show with vendors from all over the country, continuing education programs, tours of historical landmarks and evening social events.

Cutting-edge continuing education seminars led by top experts in their fields will be held throughout the three days of the convention. Topics will include: BIM, historic preservation, public private partnerships and sustainability. Tours of the architecture of the Capital Region with guides leading the way are also scheduled throughout convention. Tours of EMPAC (Experimental Media and Performing Arts Center) at RPI in Troy, Global Foundries FAB, the green semi-conductor facility in Malta, and a walking tour of the historic Saratoga Race Course, the oldest track in the country are just some of the offerings. Be sure to check the AIANYS website www.aianys.org for continuous updates.

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GOWANUS CANAL cont.
(continued from page 7)
Alternatives and the crucial question of future Water Classification, the Gowanus Canal's current industrial standard is designated Class-SD mandating minimal level of dissolved oxygen in the water but no limit to levels of pathogens.

Concurrently, open ideas competitions and the work of students and educators are offering a flourishing variety of visions for the area, often including provisions for a much needed increase of recreational open space.

Will the Gowanus Canal and the surrounding areas become available for recreational use? The community's answer is loud and clear.

References:
The work (Agendas, Summaries and Presentations) of the Community Advisory Group:
http://www.epa.gov/region02/superfund/npl/gowanus/
Page of the NYC Dept. of City Planning Gowanus Canal Corridor Framework:
The Gowanus Support Group stakeholders list:
http://www.gowanusbysdesign.com/GbD_site/Canal_Stakeholders.html

- Marcello Ferri, AIA
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