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**To:**         PWBA_NO.PWBA-NPO(E-ORI)
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**Subject:**    Sarbanes-Oxley Act Interim Final Rule Response

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## SARBANES-OXLEY ACT
## RESPONSE TO INTERIM FINAL RULES

I am writing to express concern about how the act affects the normal ongoing operations of a retirement plans. There are many common instances in which a plan participant may not be able to access his\her account, that go beyond the instances referenced in the proposed rule. There are a number of these where it is impractical to provide the required notice and will cause a hardship for the participant and the record keeper.

A.    A TPA firm needs to perform routine maintenance on the record keeping system. A software update has just been released that will correct a number of system errors. The record keeping system will be down for a day. The maintenance will be performed on weekdays because the software vendor does not provide weekend support to its customers.

Q.    Is the notice required?

B.    TPA firm needs to perform a major system upgrade that may take the system down for 48 hours. The work will be performed on weekdays, because the software vendor does not provide weekend technical support.

Q.    Is the notice require?

C    Same as the question above and a notice has been provided to the participants. On the day before the black out period is to begin, the tape backup system fails and the database cannot be backed up. The upgrade must be postponed.

Q.    Does the TPA have to provide another notice with a new 30-day notice period?

Systems maintenance is an ongoing reality. The Act and rules do seem to contemplate the reality of system maintenance and enhancement. I believe that it will be necessary to provide some allowances to keeping the Act from being unworkably rigid.