Designations of written cross-examination should be served no later than three working days before the scheduled appearance of a witness. Designations shall identify every item to be offered as evidence, listing the participant who initially posed the discovery request, the witness and/or party to whom the question was addressed (if different from the witness answering), the number of the request and, if more than one answer is provided, the dates of all answers to be included in the record. (For example, ''OCA-T1–17 to USPS witness Jones, answered by USPS witness Smith (March 1, 1997) as updated (March 21, 1997).'' When a participant designates written cross-examination, two copies of the documents to be included shall simultaneously be submitted to the Secretary of the Commission.

The Secretary of the Commission shall prepare for the record a packet containing all materials designated for written cross-examination in a format that facilitates review by the witness and counsel. The witness will verify the answers and materials in the packet, and they will be entered into the transcript by the presiding officer. Counsel for a witness may object to written cross-examination at that time, and any designated answers or materials ruled objectionable will be stricken from the record.

B. Oral cross-examination. Oral cross-examination will be permitted for clarifying written cross-examination and for testing assumptions, conclusions or other opinion evidence. Requests for permission to conduct oral cross-examination should be served three or more working days before the announced appearance of a witness and should include (1) specific references to the subject matter to be examined and (2) page references to the relevant direct testimony and exhibits.

Participants intending to use complex numerical hypotheticals or to question using intricate or extensive cross-references, shall provide adequately documented cross-examination exhibits for the record. Copies of these exhibits should be provided to counsel for the witness at least two calendar days (including one working day) before the witness's scheduled appearance.

5. General

Argument will not be received in evidence. It is the province of the lawyer, not the witness. It should be presented in brief or memoranda. Legal memoranda on matters at issue will be welcome at any stage of the proceeding.

New affirmative matter (not in reply to another party's direct case) should not be included in rebuttal testimony or exhibits.

Cross-examination will be limited to testimony adverse to the participant conducting the cross-examination.

Library references may be submitted when documentation or materials are too voluminous reasonably to be distributed. Each party should sequentially number items submitted as library references and provide each item with an informative title. Parties are to file and serve a separate Notice of Filing of Library Reference(s). Library material is not evidence unless and until it is designated and sponsored by a witness.

NOTICE TO INTERVENORS

Beginning with MC96–2, the Postal Rate Commission embarked on an effort to experiment with the electronic filing of case-related documents. A substantial number of intervenors participated in the experiment with varying results. Some had transmission problems, some had computer hardware problems, and some had compatibility and corrupt file problems. While the Commission was able to solve or resolve most of these problems, some of them still remain. In addition, the recent overload on the Internet has made e-mail transmissions unreliable. Thus, the Commission has decided that as of today, Tuesday, February 4, 1997, it will suspend the filing of documents by e-mail.

The Commission, however, hopes to continue electronic communication and is studying new technologies in the hope that electronic communication between the Commission and intervenors will become a workable reality in the near future. Pursuant to these efforts, the Commission is adopting as a standard type font Arial 12, which is the most compatible with the Commission's current and future electronic needs.

Therefore, with respect to filings in docketed cases, parties now are advised to proceed as follows:

1. Consistent with past practices, parties choosing hard copy filing should send 1 (one) original and 24 (twenty-four) hard copies of each filing to the Commission's docket room.

2. For those with the capacity to use diskettes, diskettes will continue to be accepted at the Commission so long as the copy is typed in Arial 12 and copied in either Word Perfect 5.1 or any version of Word. If sending a diskette, the party need file only 1 (one) original and 3 (three) hard copies with the Commission. In addition, all material sent by diskette in the required format will be placed on the Commission's Home Page (www.prc.gov).

3. All documents filed by the Commission and the Office of Consumer Advocate will be served in hard copy and be placed on the Commission's Home Page. The Commission's Daily Listing of Documents Received will also be placed on the Home Page. Documents of excessive length will be zipped and downloading instructions will be included with such files.

4. For those having questions about electronic operations, the Commission's computer administrator, Brenda Lamka, can be reached at 202–789–6873.

Margaret P. Crenshaw,

Secretary.

[FR Doc. 97–4986 Filed 2–28–97; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Twenty First Century Health, Inc., Order of Suspension of Trading

February 27, 1997.

On February 10, 1997, the Securities and Exchange Commission (''Commission'') issued an Order pursuant to Section 12(k) of the Securities Exchange Act of 1934 suspending trading in the securities of Twenty First Century Health, Inc. (''TFCH'') for ten days. Since then, TFCH has made several public announcements concerning the Commission's investigation and business developments at the issuer. It appears to the Commission that as a result of those new events and circumstances that there are additional and separate questions concerning the adequacy of publicly disseminated information concerning TFCH, including:

(1) The accuracy and reliability of certain press releases issued by TFCH since the first trading suspension was ordered on February 10, including: (a) the business and current customers of Modern Tea Ball Services, Inc. and a related business that TFCH announced on February 14, 1997 it intended to acquire; (b) the effectiveness and marketability of a new line of liquid colloidal nutritional supplements announced by TFCH on February 13, 1997; (c) the accuracy of TFCH's statements concerning its plans to distribute those supplements; (d) the existence, status and likelihood of success of plans to complete an initial public offering of securities by an affiliated entity that TFCH announced it planned to have underwritten by

Investors Associates, Inc., a New Jersey broker-dealer; and

(2) The accuracy of TFCH's February 12, 1997 pubic announcement that it ''welcomes'' the Commission's inquiry, offers ''full cooperation'' and states that company officials would be able to provide the Commission with the information it requires within nine days, when Joe Davis, who is TFCH's president, Loretta Davis, who was its founder and formerly its president, and Barclay Davis, who formerly was its secretary and director but who continues to act on behalf of TFCH, have all stated through counsel that they refuse to testify in the investigation in reliance on their Fifth Amendment privileges against self-incrimination.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above listed company is suspended for the period from 9:00 a.m. EST, February 27, 1997, through 11:59 p.m. EST, March 12, 1997.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–5279 Filed 2–27–97; 1:41 pm]

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[Release No. 34–38331; File No. SR–BSE–96–10]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Boston Stock Exchange, Inc. Relating to Amending the Execution Guarantee Rule and BEACON Rule 5

February 24, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 1, 1996, the Boston Stock Exchange, Incorporated (''BSE'' 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. The Exchange also filed Amendment Nos. 1 and 2 on February 14 and 19, 1997, respectively, the substance of which is incorporated into this notice.[1]

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

BSE proposes to amend Chapter II, Section 33, the Execution Guarantee Rule (''Execution Guarantee Rule''), and Chapter XXXIII, Section 5, the Boston Exchange Automated Communication Order-Routing Network (''BEACON System'') Rule (''BEACON Rule 5'').

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 Section 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 main purpose of the proposed rule change is to amend certain provisions of the Execution Guarantee Rule and BEACON Rule 5. The Execution Guarantee Rule was adopted to provide customers with primary market price protection on small size orders. The Exchange states that the guarantee was intended to apply to orders ranging in size from 100 shares up to and including 1,299 shares, regardless of the displayed bid or offer size at the time. Orders over 1,299 shares were not intended to receive a partial execution of 1,299 shares, but were to be handled based on prints in the primary market. The proposed rule change is designed to clarify that BSE specialists must guarantee execution on all agency market and marketable limit orders from 100 up to and including 1,299 shares. The current language of the Execution Guarantee Rule indicates that this guarantee applies ''regardless of the size of the order.'' The Exchange is proposing to delete this phrase. The Exchange states that in drafting the original text of the rule, the phrase ''regardless of the size of the order'' was incorrectly stated.

The proposed rule change also eliminates the 2,500 execution guarantee for most actively traded stocks (''MATS'') from the Execution Guarantee Rule. The Exchange believes that market conditions should dictate the appropriate execution size for a customer order in a given trading situation. The Exchange believes that because market conditions do not always provide a 2,500 share liquidity level in the MATS issues, it is appropriate to allow natural liquidity level in the MATS issues, it is appropriate to allow natural liquidity levels to establish price and size parameters on larger orders. In addition, the Exchange notes that it has never received a customer complaint regarding the failure of a specialist to honor the 2,500 share MATS guarantee. The Exchange believes that this is most likely because customers do not expect or receive an execution where market conditions do not so warrant and that because of this the elimination of the MATS requirement from the execution guarantee will have no impact.

The proposed rule change moves rule text covering the obligation for filling limit orders from the Interpretations and Policies section to the body of the Execution Guarantee Rule and labels it as paragraph (c). The proposed rule change also renumbers and clarifies the remaining Interpretations and Policies to the Execution Guarantee Rule. The proposed rule change clarifies proposed Interpretation and Policy .03 of the Execution Guarantee Rule regarding simultaneous orders to limit a specialist's obligation to the accumulated displayed national best bid and offer (''NBBO'') size, where multiple orders are received in a short period of time, particularly in illiquid stocks. The Exchange notes that the original language was adopted prior to electronic order routing and did not anticipate the high volume of today's electronic trading environment.

The proposed rule change limits the scope of proposed Interpretation and Policy .04, which says that size will be governed by the size displayed on the Consolidated Quote System (''CQS''), to limit order executions. The Exchange states that proposed Interpretation and Policy .04 is restricted to limit orders because market orders are already addressed in proposed paragraphs (a) and (b) of the Execution Guarantee Rule.[2] The Exchange proposes two

[1] *See* letters from Karen A. Aluise, Assistant Vice President, BSE, to Michael Walinskas, Senior Special Counsel, Market Regulation, Commission, dated February 10, 1997 (''Amendment No. 1'') and February 13, 1997 (''Amendment No. 2'') respectively.

[2] Proposed paragraph (a) states that specialists will guarantee execution on all agency market and