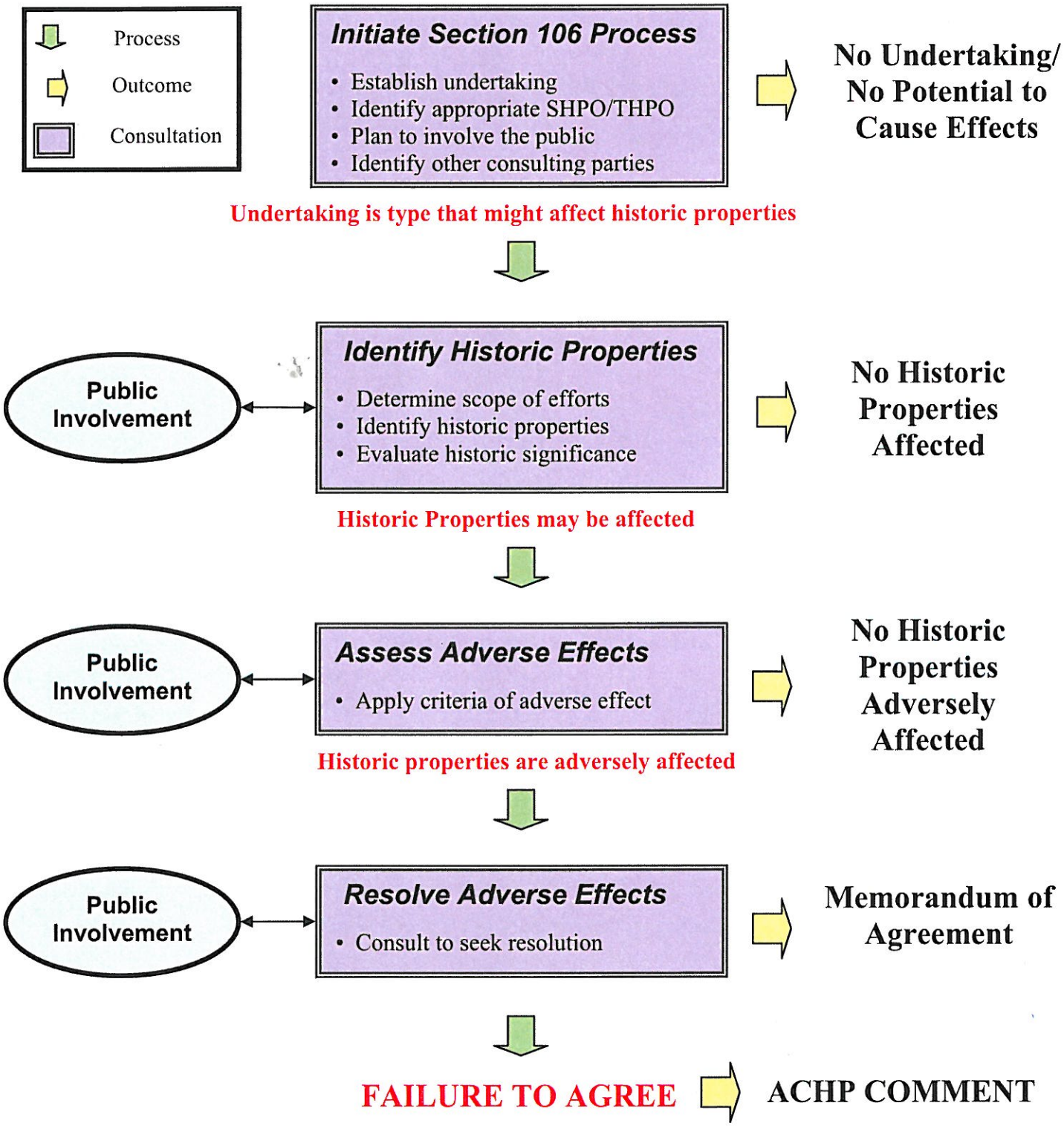THE SECTION 106 PROCESS