

also note to members language in the Registration Statement regarding prospectus delivery requirements for the Shares.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>42</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>43</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transaction in securities, and, in general to protect investors and the public interest.

### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSE-2004-22 on the subject line.

### Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-NYSE-2004-22. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Amex. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSE-2004-22 and should be submitted on or before July 8, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>44</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Aviation Proceedings, Agreements Filed the Week Ending June 4, 2004

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the application.

*Docket Number:* OST-2004-17998.

*Date Filed:* June 1, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* Mail Vote 375 Resolution 010w, TC3 Africa TC3 Special Amending Resolution, from Phillippines to Africa r1-r3. Intended effective date: 10 June 2004.

*Docket Number:* OST-2004-18006.

*Date Filed:* June 3, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC3 0756 dated 4 June 2004. Mail Vote 381 Resolution 010c Special Passenger, Amending Resolution between Japan and China, (excluding Hong Kong SAR and Macao SAR) r1-r10. Intended effective date 15 July 2004.

*Docket Number:* OST-2004-18007.

*Date Filed:* June 3, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* Mail Vote 378, PTC3 0749 dated 4 June 2004. Resolution 010z Special Passenger Amending Resolution between Chinese Taipei and Japan. Intended effective date 21 June 2004.

*Docket Number:* OST-2004-18008.

*Date Filed:* June 3, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* Mail Vote 380, PTC 0750 dated 4 June 2004. Resolution 010b Special Passenger Amending Resolution between China (excluding Hong Kong SAR and Macao SAR) and Russia (in Asia) r1-r5. Intended effective date 22 June 2004.

*Docket Number:* OST-2004-18009.

*Date Filed:* June 3, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC3 0755 dated 4 June 2004, Mail Vote 377 Resolution 010y Special Passenger Amending Resolution between Japan and China, (excluding Hong Kong SAR and Macao SAR) r1-r10. Intended effective date 15 June 2004.

**Andrea Jenkins,**

*Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. 04-13715 Filed 6-16-04; 8:45 am]

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<sup>42</sup> 15 U.S.C. 78f(b).

<sup>43</sup> 15 U.S.C. 78f(b)(5).

<sup>44</sup> 17 CFR.200.30-3(a)(12).