

1934 ("Act")<sup>1</sup> and Rule 12d2-2(d) thereunder,<sup>2</sup> to withdraw its Common Stock, \$1.00 par value, and Associated Series A Junior Participating Cumulative Preferred Stock Purchase Rights ("Securities"), from listing and registration on the American Stock Exchange LLC ("Amex" or "Exchange").

The Board of Directors ("Board") of the Issuer unanimously approved a resolution on March 10, 2004 to withdraw the Issuer's Securities from listing on the Amex, and to list the Securities on the New York Stock Exchange, Inc. ("NYSE"). The Issuer states that the trading of its Securities on the Amex ended at the close of trading on March 31, 2004. The Securities began trading on the NYSE on April 1, 2004. The Board states the reason for delisting its Securities from the Amex and listing on the NYSE is (1) to provide a market that the Issuer believes can better absorb the increased public float resulting from the Issuer's recent secondary offering of the Common Stock; and (2) potentially increase the trading volume in the Common Stock.

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in the State of Massachusetts, in which it is incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration.

The Issuer's application relates solely to the withdrawal of the Securities from listing on the Amex, and shall not affect its continued listing on the NYSE or its obligation to be registered under Section 12(b) of the Act.<sup>3</sup>

Any interested person may, on or before June 29, 2004, comment on the facts bearing upon whether the application has been made in accordance with the rules of the Amex, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

*Electronic comments:*

- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include the File Number 1-06314, or

*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 1-06314. This file

number should be included on the subject line if e-mail is used. To help us 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/delist.shtml>). Comments are also available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>4</sup>

**Jonathan G. Katz,**

*Secretary.*

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**BILLING CODE 8010-01-M**

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** [69 FR 31649, June 4, 2004].

**STATUS:** Open Meeting.

**PLACE:** 450 Fifth Street, NW., Room 1C30, Washington, DC.

**DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING:** Wednesday, June 9, 2004 at 10 a.m.

**CHANGE IN THE MEETINGS:** Date and Time Change.

The Open Meeting scheduled for Wednesday, June 9, 2004 at 10 a.m., has been changed to Wednesday, June 23, 2004 at 9:30 a.m.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942-7070.

Dated: June 8, 2004.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 04-13272 Filed 6-8-04; 11:37 am]

**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of June 14, 2004:

An open meeting will be held on Tuesday, June 15, 2004, at 10 a.m. in Room 6600; a closed meeting will be held on Tuesday, June 15, 2004, at 11 a.m.; and a Closed Meeting will be held on Thursday, June 17, 2004, at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (9)(B), and (10) and 17 CFR 200.402(a)(3), (5), (6), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meetings.

Commissioner Campos, as duty officer, voted to consider the items listed for the closed meetings in closed sessions.

The subject matter for the Open Meeting scheduled for Tuesday, June 15, 2004, will be:

1. The Commission will hear oral argument on an appeal by Edgar B. Alacan ("Alacan"), a former registered representative of J.W. Barclay & Co., Inc., a former broker-dealer, from the decision of an administrative law judge. The law judge found that Alacan violated antifraud provisions of the Federal securities laws through unauthorized trading, unsuitable trading, churning, and failures to follow customers' instructions in connection with his handling of the accounts of several customers during 1997 and 1998.

Among the issues likely to be argued are:

- a. Whether the evidence supports the law judge's findings that Alacan violated the antifraud provisions;
- b. Whether and to what extent sanctions should be imposed in the public interest.

The subject matter for the closed meeting scheduled for Tuesday, June 15, 2004, will be: Post-argument discussion.

The subject matter for the closed meeting scheduled for Thursday, June 17, 2004, will be: Formal orders of investigation; Institution and settlement of injunctive actions; Institution and settlement of administrative proceedings of an enforcement nature; Litigation matter; and Amici.

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<sup>1</sup> 15 U.S.C. 78j(d).

<sup>2</sup> 17 CFR 240.12d2-2(d).

<sup>3</sup> 15 U.S.C. 78j(b).

<sup>4</sup> 17 CFR 200.30-3(a)(1).