

require that the rules of an exchange enforce compliance with, and provide appropriate discipline for, violations of Commission and Exchange rules. The Commission notes that the proposed rule change clarifies the list of Exchange rule violations that are subject to disciplinary fines pursuant to NYSE Rule 476A. In addition, because existing NYSE Rule 476A provides procedural rights to a person fined for any violation of an Exchange rule that is determined to be minor in nature to contest the fine and permits disciplinary proceedings on the matter, the Commission believes NYSE Rule 476A, as amended by this proposal, provides a fair procedure for the disciplining of members and persons associated with members, consistent with Sections 6(b)(7) and 6(d)(1) of the Act.⁷

Finally, the Commission finds that the proposal is consistent with the public interest, the protection of investors, or otherwise in furtherance of the purposes of the Act, as required by Rule 19d-1(c)(2) under the Act⁸ which governs minor rule violation plans. The Commission believes that the proposed change to NYSE Rule 476A will strengthen the Exchange's ability to carry out its oversight and enforcement responsibilities as a self-regulatory organization in cases where full disciplinary proceedings are unsuitable in view of the minor nature of the particular violation.

In approving this proposed rule change, the Commission in no way minimizes the importance of compliance with NYSE rules and all other rules subject to the imposition of fines under the minor rule violation plan of the Exchange. The Commission believes that the violation of any self-regulatory organization's rules, as well as Commission rules, is a serious matter. However, the Exchange's minor rule violation plan under NYSE Rule 476A provides a reasonable means of addressing rule violations that do not rise to the level of requiring formal disciplinary proceedings, while providing greater flexibility in handling certain violations. The Commission expects that NYSE will continue to conduct surveillance with due diligence and make a determination based on its findings, on a case-by-case basis, whether a fine of more or less than the recommended amount is appropriate for a violation under the minor rule violation plan or whether a violation requires formal disciplinary action under NYSE Rule 476.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act⁹ and Rule 19d-1(c)(2) under the Act,¹⁰ that the proposed rule change (SR-NYSE-2005-86), as amended, be, and hereby is, approved and declared effective.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

Nancy M. Morris,
Secretary.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending March 17, 2006

The following Agreements were filed with the Department of Transportation under the sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST-2006-24193.
Date Filed: March 14, 2006.

Parties: Members of the International Air Transport Association.

Subject: TC12 Mid Atlantic-Middle East, Geneva & Teleconference, 16 February-17 February 2006 (Memo 0248).

Minutes: TC12 North/Mid/South Atlantic-Middle East, Geneva & Teleconference, 16-17 February 2006, (Memo 0252).

Fares: TC12 North/Mid/South Atlantic-Middle East, Geneva & Teleconference, 16-17 February 2006 (Memo 0136).

Intended effective date: April 1, 2006.

Docket Number: OST-2006-24205.
Date Filed: March 14, 2006.

Parties: Members of the International Air Transport Association.

Subject: TC12 South Atlantic-Middle East, Geneva & Teleconference, 16-17 February 2006 (Memo 0250).

Minutes: TC12 North/Mid/South Atlantic-Middle East, Geneva & Teleconference, 16-17 February 2006 (Memo 0252).

Fares: TC12 North/Mid/South Atlantic-Middle East, Geneva & Teleconference, 16-17 February 2006 (Memo 0137).

⁹ 15 U.S.C. 78s(b)(2).

¹⁰ 17 CFR 240.19d-1(c)(2).

¹¹ 17 CFR 200.30-3(a)(12); 17 CFR 200.30-3(a)(44).

Intended effective date: 1 April 2006.

Docket Number: OST-2006-24206.
Date Filed: March 15, 2006.

Parties: Members of the International Air Transport Association.

Subject: Mail Vote 476, TC12 Passenger Tariff Coordination Conference, North Atlantic-Middle East between USA and Jordan

Intended effective date: April 1, 2006.

Docket Number: OST-2006-24211.
Date Filed: March 15, 2006.

Parties: Members of the International Air Transport Association.

Subject: Mail Vote 481—Resolution 010h, TC3 Japan, Korea-South East Asia, Special Passenger Amending Resolution between Japan and China (excluding Hong Kong SAR and Macao SAR).

Intended effective date: March 26, 2006.

Renee V. Wright,

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

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending March 17, 2006

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST-2006-24190.
Date Filed: March 14, 2006.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 4, 2006.

Description: Application of ACM AIR CHARTER Luftfahrtgesellschaft ("ACM AIR CHARTER"), requesting a foreign air carrier permit authorizing it to provide charter foreign air transportation of persons, property and

⁷ 15 U.S.C. 78f(b)(7) and 78f(d)(1).

⁸ 17 CFR 240.19d-1(c)(2).