

requirements. It is important to note that this authority extends only to compliance with the heightened concentration/combination standards proposed in this filing; it does not apply to the Commission's net capital requirements⁴ or the net capital requirements prescribed by NYSE Rule 104.20.

These heightened requirements are in keeping with the Exchange's resolve to maintain high quality market performance in its listed securities. By minimizing the potential risk of financial problems that would have a significant adverse impact on the functioning of its markets, the overall effectiveness of the specialist system is strengthened.

It is further proposed that the capital requirements for specialist securities not specifically addressed in the Rule (*i.e.*, certain derivatives and structured products) be determined by the Exchange according to a comparison of the products' structure and characteristics relative to the existing standardized securities whose capital requirements are currently prescribed in the Rule. This provision is necessary given the potentially limitless variety of derivative and structured products, which are not easily categorized.

In addition, it is proposed that Rule 104.20 be amended to clarify the definition of "net liquid assets" and distinguish its application to specialist units subject to the Commission's net capital rule from specialist units which are not.

The effective date of the rule amendments will be no later than ninety (90) days from the date of Commission approval, but it may be earlier, *i.e.*, thirty (30) days following written notice to the membership if the NYSE determines that specialist entities are ready to comply with the new requirements.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5)⁵ of the Act in that it promotes just and equitable principles of trade, removes impediments to, and perfects the mechanism of a free and open market and, in general, protects investors and the public interest. These interests are served when the capitalization of specialist entities is adequate to maintain a fair and orderly market.

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 that is not necessary or appropriate in furtherance of the purposes of the Act.

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 data 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 such 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 is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549-0609. 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 Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR-NYSE-99-46 and should be submitted by March 10, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁶

Margaret H. McFarland,
Deputy Secretary.

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SMALL BUSINESS ADMINISTRATION

[Declaration of Economic Injury Disaster #9G67]

State of New York (and a Contiguous County in the State of New Jersey)

Bronx County and the contiguous counties of New York, Queens, and Westchester in the State of New York, and Bergen County, New Jersey constitute an economic injury disaster loan area as a result of a fire that occurred on October 20, 1999 in the Castle Hill section of the Bronx. Eligible small businesses and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance as a result of this disaster until the close of business on November 9, 2000 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd, South, 3rd Floor, Niagara Falls, NY 14303.

The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

The economic injury number for the State of New Jersey is 9G68.

(Catalog of Federal Domestic Assistance Program No. 59002)

Dated: February 9, 2000.

Aida Alvarez,
Administrator.

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SMALL BUSINESS ADMINISTRATION

[Declaration of Economic Injury Disaster #9G69]

State of Oregon

Lane and Lincoln Counties and the contiguous counties of Benton, Deschutes, Douglas, Klamath, Linn, Polk, and Tillamook in the State of Oregon constitute an economic injury disaster loan area as a result of flooding, landslides, debris flows, and resulting road closures beginning on November 24, 1999. Eligible small businesses and small agricultural cooperatives without credit available elsewhere may file

⁴ 17 CFR 240.15c3-1.

⁵ 15 U.S.C. 78f(b)(5).

⁶ 17 CFR 200.30-3(a)(12).