

foregoing, the rule change will eliminate the NYSE's Listed Company Manual's requirements pertaining to printing and appearance and will retain only the requirements that specify the content required on each certificate (e.g. company name, par value if required by law, and proper form of assignment).⁶

III. Summary of Comments

The Commission received thirty-four comment letters in response to the proposed rule change.⁷ Of the thirty-four commenters, twenty-eight were not in support of the proposed rule change.⁸

Seventeen of the twenty-eight letters in opposition to the proposed rule change expressed essentially the same concerns.⁹ Of those seventeen, NYSE-listed companies submitted fifteen, a transfer agent submitted one, and a bank submitted one. The essence of these letters was that the proposed rule change would "increase the potential for alteration and/or duplication" of physical securities certificates. In its letter, the department of the Treasury stated that the elimination of the requirement of intaglio printing on certificates, with its unique "tactile effect and 'three dimensional' appearance," would make certificates easier to counterfeit. Four transfer agents, a committee of the Stock Transfer Association, one individual, and one bank note company (with two submitted letters and one meeting with Commission staff) also set forth as their main concern the elimination of the requirement for engraved intaglio printing.¹⁰ One comment letter stated that it generally opposed elimination of

any of the NYSE's certificate standards until such time as all certificates are dematerialized.¹¹

In rebuttal, the NYSE argued, as did ASCS, that since the Amex has no certificate requirements, the NYSE should be allowed to eliminate its requirements as well and that most public companies will continue to use engraved certificates with intaglio printing anyway.¹² The NYSE also argues that the security features pertaining to physical certificates that it retained in its Listed Company Manual are sufficient to adequately protect against counterfeiting.¹³

IV. Discussion

Section 6(b)(5)¹⁴ of the Act requires that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices. For the reasons set forth below, the Commission finds that NYSE's proposed rule change is consistent with NYSE's obligation under section 6(b)(5) of the Act.

The Commission carefully considered the concerns expressed by the letters not in support of the proposed rule change. Although the proposed rule change removes some specific printing and engraving requirements for the securities certificates of NYSE-listed companies, the Commission finds that the remaining NYSE certificate requirements should provide adequate protections against counterfeiting. Although the NYSE certificate requirements no longer mandate the use of intaglio printing or the inclusion of a vignette on the certificate's face, the Commission believes that other remaining requirements in the NYSE's Listed Company Manual (such as the use of penetrating ink, the use of matrix printing or maceration technique, the use of a standard size certificate, the use of either a bank note control number or a computer-generated serial account number and the inclusion of facsimile signatures of officers with their titles, the name of the transfer agent or registrar, the serial number of the certificate, the Cusip number and box, and the word "Dated" in the lower portion of the certificate) serve to adequately guard against counterfeiting and other fraudulent and manipulative acts and practices.

While the Commission recognizes that the use of Intaglio printing can be a valuable safeguard against counterfeiting, the Commission does not

believe that it is an exclusive one. The Commission also notes that there is nothing in the NYSE's Listed Company Manual that either requires a company to change its certificates in response to this rule change or prohibits a company from incorporating more security features, such as intaglio printing, into its certificates than NYSE rules require.

V. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of section 6(b)(5) of the Act and the rules and regulations thereunder.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR-NYSE-00-17) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.¹⁵

Margaret H. McFarland,
Deputy Secretary.

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SMALL BUSINESS ADMINISTRATION

[Declaration of Economic Injury Disaster #9M19]

State of Florida

Okeechobee and Hendry Counties and the contiguous counties of Broward, Charlotte, Collier, Glades, Highlands, Indian River, Lee, Martin, Osceola, Palm Beach, Polk and St. Lucie in the State of Florida constitute an economic injury disaster loan area as a result of freezing temperatures beginning in November 2000 and continuing through January 2001. 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 April 22, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

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

(Catalog of Federal Domestic Assistance Program No. 59002)

¹⁵ 17 CFR 200.30-3(a)(12).

⁶ As originally filed, the NYSE proposed eliminating all its requirements for certificates. The NYSE subsequently amended its original filing to reflect concerns that Commission staff and industry entities such as DTC had raised in discussions with the NYSE (July 24, 2000), amendment). Specifically, the NYSE added new language to section 510 and added a new section 501.13, both of which incorporated certain provisions of the now eliminated section 502 of the Listed Company Manual. The retained provisions contain the requirements relating to the contents required on certificates.

⁷ *Supra* note 3.

⁸ Treasury, Registrar and Transfer, American Bank Note I, Memo to File I, Continental, Illinois Tool, Halliburton, Alleghany, ITT, PFPC, Ashland, SCANA, Southern Co., PlazaBank, Citibank, First Union, Merrill Lynch, Interpublic, Equiserve, Nabisco, Cigna, Ball Corp., Peoples Energy, CMS, Tuttle, A.G. Edwards, American Bank Note II, and STA Operations Committee letters.

⁹ Illinois Tool, Halliburton, ITT, PFPC, Alleghany, Ashland, SCANA, Interpublic, Merrill Lynch, Nabisco, Southern Co., First Union, Cigna, PlazaBank, Peoples Energy, Ball Corp., and CMS letters.

¹⁰ Register and Transfer, Continental, Citibank, Equiserve, Tuttle, American Bank Note I, Memo to File I, American Bank Note II, and STA Operations Committee letters.

¹¹ A.G. Edwards letter.

¹² ASCS and NYSE letters.

¹³ NYSE letter.

¹⁴ 15 U.S.C. 78f(b)(5).

Dated: July 20, 2001.

John Whitmore,

Acting Administrator.

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DEPARTMENT OF STATE

[Public Notice 3732]

Bureau of Consular Affairs; Registration for the Diversity Immigrant (DV-2003) Visa Program

ACTION: Notice of registration for the Diversity Immigrant Visa Program.

This public notice provides information on how to apply for the DV 2000 Program. This notice is issued pursuant to 22 CFR 42.33(b)(2) which implements sections 201(a)(3), 201(e), 203(c) and 204(a)(1)(G) of the Immigration and Nationality Act, as amended, (8 U.S.C. 1151, 1153, and 1154(a)(1)(G)).

Entry Procedures for Immigrant Visas To Be Made Available in the DV Category During Fiscal Year 2003

Entries for DV-2003 *must be received* at one of the Kentucky Consular Center Mailing Addresses Listed in this Notice *between noon on Monday, October 1, 2001 and noon on Wednesday, October 31, 2001.* Entries received before or after these dates will be disqualified regardless of when they are postmarked. Entries mailed to any address other than the Kentucky Consular Center addresses listed in this notice will be disqualified.

How Are Visas Apportioned?

Visas are apportioned among six geographic regions with a greater number of visas going to regions with lower rates of immigration, and no visas going to countries sending more than 50,000 immigrants to the U.S. in the past five years. Within each of the six regions, no one country may receive more than seven percent of the available Diversity Visas in one year. By law, the U.S. Diversity Visa Program makes available a maximum of 55,000 each year. However, the Nicaraguan and Central American Relief Act (NACARA) stipulates that beginning as early as DV-99 and for as long as necessary, 5,000 of the 55,000 annually-allocated diversity visas will be made available for use under the NACARA Program. This reduction began in DV-2000 and remains in effect for DV-2003.

For DV-2003, natives of the following are NOT ELIGIBLE to apply because they sent more than 50,000 immigrants to the United States in the previous five years:

CANADA
CHINA (mainland-born)
COLOMBIA
DOMINICAN REPUBLIC
EL SALVADOR
HAITI
INDIA
JAMAICA
MEXICO
PAKISTAN
PHILIPPINES
SOUTH KOREA
UNITED KINGDOM (except Northern Ireland) and its dependent territories
VIETNAM
(Persons born in Hong Kong SAR, Macau SAR and Taiwan are eligible.)

What Are the Requirements To Apply for the DV-2003 Visas?

Chargeability

To enter, an applicant must be able to claim nativity in an eligible country, AND must meet either the education or training requirement of the DV program. Nativity in most cases is determined by the applicant's place of birth. However, if a person was born in an ineligible country but his/her spouse was born in an eligible country, such person can claim the spouse's country of birth rather than his/her own. Also, if a person was born in an ineligible country, but neither of his/her parents was born there or resided there at the time of the birth, such person may be able to claim nativity in one of the parents' country of birth.

Education or Training

To enter, an applicant MUST have EITHER a high school education or its equivalent, defined in the U.S. as successful completion of a 12-year course of elementary and secondary education; OR two years of work experience within the past five years in an occupation requiring at least two years of training or experience to perform. U.S. Department of Labor definitions, as indicated in the O*Net OnLine database, will apply. If a person does not meet these requirements, he/she SHOULD NOT submit an entry to the DV program.

Submitting an Entry

Only ONE entry may be submitted by or for each applicant during the registration period. Submission of more than one entry will disqualify the person. The applicant must personally sign the entry, in his/her native alphabet. Failure of the applicant to personally sign his/her own entry will result in disqualification.

Completing the Entry

There is no specific form for the entry. *Failure to provide ALL of the*

information listed below will disqualify the applicant. Simply use a plain sheet of paper and type or clearly print in the English (Roman) alphabet (preferably in the order listed below):

1. FULL NAME, with the last (surname/family) name underlined
EXAMPLES: *Public*, Sara Jane (or) *Lopez*, Juan Antonio
2. DATE AND PLACE OF BIRTH
Date: Day, Month, Year
EXAMPLE: 15 November 1961
Place: City/Town, District/County/Province, Country
EXAMPLE: Munich, Bavaria, Germany

The name of the country should be that which is currently in use for the place where the applicant was born (For example, Slovenia, rather than Yugoslavia; Kazakhstan rather than Soviet Union.)

3. The Applicant's Native Country if Different from Country of Birth

If the applicant is claiming nativity in a country other than his/her place of birth, this must be clearly indicated on the entry. This information must match with what is put on the upper left corner of the entry envelope. (See "MAILING THE ENTRY" below.) If an applicant is claiming nativity through spouse or parent, please indicate this on the entry. (See "Requirements" section for more information on this item.)

4. NAME, DATE AND PLACE OF BIRTH OF THE APPLICANT'S SPOUSE AND CHILDREN, NATURAL CHILDREN, AS WELL AS ALL LEGALLY-ADOPTED CHILDREN AND STEPCHILDREN, WHO ARE UNMARRIED AND UNDER THE AGE OF 21 YEARS. LIST DEPENDENTS REGARDLESS OF WHETHER OR NOT THEY RESIDE WITH YOU AND/OR WHETHER OR NOT THEY WILL IMMIGRATE WITH YOU. (Failure to provide ALL of this information will disqualify the applicant.) Note: married children and children 21 years or older will not qualify for the DV Program.

5. FULL MAILING ADDRESS

This must be clear and complete, as any communications will be sent there. A telephone number is optional, but useful.

6. PHOTOGRAPHS. Attach a recent photograph, either black and white or in color, of the applicant, spouse and each child.

If photos do not conform to the following specifications, the entry will be disqualified:

The photo must be 2 inches (50 mm) square in size, with the name and date of birth printed on the back of the applicant's, spouse's or child's photo.

The person photographed must be directly facing the camera. The head should not be tilted up, down or to the