

31, 2004 will give the Exchange and the Commission further opportunity to evaluate whether such fees are appropriate.

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,¹⁶ for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of the filing thereof in the **Federal Register**. The Commission believes that granting accelerated approval will preserve the Exchange's existing pilot program for Linkage fees without interruption as the Phlx and the Commission further consider the appropriateness of Linkage fees.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹⁷ that the proposed rule change, as amended, (SR-Phlx-2003-89) is hereby approved on an accelerated basis for a pilot period to expire on July 31, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁸

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 04-2553 Filed 2-5-04; 8:45 am]

BILLING CODE 8010-01-P

DEPARTMENT OF STATE

[Public Notice 4616]

Culturally Significant Objects Imported for Exhibition; Determinations: "The Drawings of Jim Dine"

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 (68 FR 19875), I hereby determine that the objects to be included in the exhibition "The Drawings of Jim Dine," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the

foreign owners. I also determine that the exhibition or display of the exhibit objects at the National Gallery of Art, Washington, DC, from on or about March 21, 2004, to on or about August 1, 2004, and at possible additional venues yet to be determined, is in the national interest. Public notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619-6529). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: January 28, 2004.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 04-2617 Filed 2-5-04; 8:45 am]

BILLING CODE 4710-08-P

DEPARTMENT OF STATE

[Public Notice 4617]

The Department of State on Behalf of Millennium Challenge Corporation Section 608(a), Pub. L. 108-199 (Division D) FR 04-02; Notice of Countries That are Candidates for Millennium Challenge Account Eligibility in FY 2004 and of Countries That are Not Candidates Because of Legal Prohibitions

AGENCY: Millennium Challenge Corporation.

SUMMARY: The Millennium Challenge Act of 2003 (the "Act") authorizes the provision of assistance to countries that enter into compacts with the United States to support policies and programs that advance the prospects of such countries achieving lasting economic growth and poverty reduction. The Act requires the Millennium Challenge Corporation to take a number of steps in determining the countries that, based on their demonstrated commitment to just and democratic governance, economic freedom and investing in their people, will be eligible countries for Millennium Challenge Account ("MCA") assistance during Fiscal Year 2004. These steps include the publication of Notices in the **Federal Register** that identify:

1. The "candidate countries" for MCA assistance (Section 606(a)(1) of the Act);
2. the eligibility criteria and methodology that will be used to choose "eligible countries" from among the

"candidate countries" (Section 608(b) of the Act); and

3. the countries determined by the Board of Directors of the Millennium Challenge Corporation to be "eligible countries" for Fiscal Year 2004 and identify the countries on the list of eligible countries with which the Board will seek to enter into compacts (Section 608 (d) of the Act).

This Notice is the first of the three required Notices listed above.

Candidate Countries

The Act requires the identification of all countries that are candidates to receive MCA assistance in FY 2004 and the identification of all countries that would be candidate countries but for legal prohibitions. Section 606(a)(1) of the Act provides that, during FY 2004, countries shall be candidate countries for the MCA if they:

- are eligible for assistance from the International Development Association;
- have a per capita income equal to or less than the historic ceiling of the International Development Association (or \$1415 for FY 2004);
- and are not subject to legal provisions that prohibit them from receiving United States economic assistance under Part I of the Foreign Assistance Act of 1961, as amended.

Pursuant to Section 606(c) of the Act, the Board of Directors of the Millennium Challenge Corporation has identified the following countries as candidate countries under the Act for FY 2004:

1. Afghanistan
2. Albania
3. Angola
4. Armenia
5. Azerbaijan
6. Bangladesh
7. Benin
8. Bhutan
9. Bolivia
10. Bosnia and Herzegovina
11. Burkina Faso
12. Cameroon
13. Cape Verde
14. Chad
15. Comoros
16. Congo, Dem. Rep.
17. Congo, Rep. (Brazzaville)
18. Djibouti
19. East Timor
20. Eritrea
21. Ethiopia
22. Gambia
23. Georgia
24. Ghana
25. Guinea
26. Guyana
27. Haiti
28. Honduras
29. India

¹⁶ 15 U.S.C. 78s(b)(2).

¹⁷ *Id.*

¹⁸ 17 CFR 200.30-3(a)(12).

- 30. Indonesia
- 31. Kenya
- 32. Kiribati
- 33. Kyrgyz Republic
- 34. Lao PDR
- 35. Lesotho
- 36. Madagascar
- 37. Malawi
- 38. Mali
- 39. Mauritania
- 40. Moldova
- 41. Mongolia
- 42. Mozambique
- 43. Nepal
- 44. Nicaragua
- 45. Niger
- 46. Nigeria
- 47. Pakistan
- 48. Papua New Guinea
- 49. Rwanda
- 50. Sao Tome and Principe
- 51. Senegal
- 52. Sierra Leone
- 53. Solomon Islands
- 54. Sri Lanka
- 55. Tajikistan
- 56. Tanzania
- 57. Togo
- 58. Tonga
- 59. Uganda
- 60. Vanuatu
- 61. Vietnam
- 62. Yemen, Rep.
- 63. Zambia

Countries that would be considered candidate countries but are subject to legal provisions that prohibit them from receiving U.S. economic assistance under Part I of the Foreign Assistance Act of 1961, as amended (the "Foreign Assistance Act"):

1. Burma. Sanctions bar assistance to the government. Burma has been identified as a major drug-transit or major illicit drug producing country for 2004 (Presidential Determination No. 2003-38, dated 9/15/03) and designated as having "failed demonstrably" to adhere to its international obligations and take the measures required by Section 489(a)(1) of the Foreign Assistance Act, thus making Burma ineligible for assistance. Burma is listed as a Tier III country under the Trafficking Victims Protection Act for not complying with minimum standards for eliminating trafficking and not making significant efforts to comply (Presidential Determination No. 2003-35, 9/9/03).

2. Burundi is subject to Section 508 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 ("FY 2004 Appropriations Act"), which prohibits assistance to the government of a country whose duly elected head of government has been deposed by a military coup.

3. Cambodia is subject to Section 561(b) of the FY 2004 Appropriations Act, which prohibits assistance to the central government of Cambodia, except in specified circumstances.

4. Central African Republic is subject to Section 508 of the FY 2004 Appropriations Act.

5. Cote d'Ivoire is subject Section 508 of the FY 2004 Appropriations Act.

6. Guinea-Bissau is subject to Section 508 of the FY 2004 Appropriations Act.

7. Liberia is subject to Section 620(q) of the Foreign Assistance Act and Section 512 of the FY 2004 Appropriations Act, both of which prohibit assistance under Part I of the Foreign Assistance Act based on past due indebtedness to the United States.

8. Serbia is subject to Section 572 of the FY 2004 Appropriations Act, which requires that, after March 31, 2004, the availability of funds for assistance for Serbia requires the President to make a specified determination.

9. Somalia is subject to Section 620(q) of the Foreign Assistance Act and Section 512 of the FY 2004 Appropriations Act.

10. Sudan is subject to: Section 620(q) of the Foreign Assistance Act and Section 512 of the FY 2004 Appropriations Act. Sudan also is subject to Section 508 of the FY 2004 Appropriations Act and Section 620A of the Foreign Assistance Act.

11. Uzbekistan is subject to Section 568 of the FY 2004 Appropriations Act, which requires that funds appropriated for assistance to the central Government of Uzbekistan may be made available only if the Secretary of State determines and reports to the Congress that the government is making substantial and continuing progress in meeting its commitments under a framework agreement with the United States.

12. Zimbabwe is subject to Section 620(q) of the Foreign Assistance Act and Section 512 of the FY 2004 Appropriations Act.

Countries identified above as candidate countries, as well as countries that would be considered candidate countries but for the applicability of legal provisions that prohibit U. S. economic assistance, may be the subject of future statutory restrictions or determinations, or changed country circumstances, that affect their legal eligibility for assistance under Part I of the Foreign Assistance Act during FY 2004. The Millennium Challenge Corporation will include any required updates on such statutory eligibility that affect countries' identification as candidate countries, at such time as it publishes the Notices required by Sections 608(b) and 608(d) of the Act or

at other appropriate times. Any such updates with regard to the legal eligibility of countries will not alter the date on which the Board of Directors will be authorized to determine eligible countries from among candidate countries which, in accordance with Section 608(a) of the Act, shall be at least 90 days from the date of publication of this Notice.

Dated: February 3, 2004.

Alan Larson,

Interim Chief Executive Officer, Millennium Challenge Corporation, Department of State.
[FR Doc. 04-2618 Filed 2-5-04; 8:45 am]

BILLING CODE 4710-07-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: San Juan County, WA

AGENCY: Federal Highway Administration (FHWA), DOT; National Park Service (NPS), DOI.

ACTION: Notice of Intent.

SUMMARY: The FHWA and NPS are issuing this notice to advise the public, interested groups, and affected agencies that an environmental impact statement will be prepared for a proposed road project in San Juan Island National Historical Park (Park), San Juan County, Washington.

FOR FURTHER INFORMATION CONTACT:

Andrew Rasmussen [E-mail: Andrew.Rasmussen@fhwa.dot.gov], Staff Environmental Engineer, FHWA, 610 East Fifth Street, Vancouver, Washington 98661. Telephone: (360)-619-7899, or Peter Dederich [E-mail: peter_dederich@nps.gov], Park Superintendent, P.O. Box 429, 125 Spring Street, Friday Harbor, WA 98250.

SUPPLEMENTARY INFORMATION:

The FHWA and NPS will prepare an environmental impact statement (EIS) on a proposal to address on-going and potentially catastrophic road failure on Cattle Point Road. The FHWA and NPS will work in cooperation with San Juan County (County) and the Washington State Department of Natural Resources (DNR) as the road is currently maintained by the County and the DNR manages a Natural Resource Conservation Area (NRCA) in the proposed project vicinity.

The proposed project is located at the American Camp unit of San Juan Island National Historic Park in San Juan County, WA. The American Camp unit encompasses much of the southern tip of San Juan Island, known as Cattle