

the intent of Article VI, Section 3(c), to permit OCC clearing members to use a combined market makers' account to carry the positions of multiple proprietary market makers or to carry the positions of multiple associated market makers, so long as such accounts are restricted to positions of proprietary market makers or associated market makers, respectively. OCC now proposes to amend Article VI, Section 3(c) to expressly so provide. In order to avoid compliance issues under the hypothecation rules, OCC would continue to prohibit the commingling of the positions of customer market makers, including associated market makers that have not elected to be treated as proprietary market makers, in the same combined accounts with proprietary market makers. And in order to avoid the difficulties associated with transferring a combined market makers' account holding the positions of both independent and associated market makers to another clearing member in an insolvency situation, OCC would continue to prohibit the commingling of the positions of associated market makers with the positions of independent market makers. As in the case of a separate market maker's account used for proprietary positions under Section 3(b) of Article VI, a combined market makers' account holding the positions of the clearing member or a proprietary market makers' account would be subject to a lien by OCC on all assets in such account to secure all of the clearing member's obligations to OCC, as provided in proposed subpart (v) of Section 3(c). Therefore, such proprietary market maker accounts are properly firm lien accounts, and the definition of firm account in Article 1 of the By-Laws, and related provisions in Article VI, Sections 3(b) and (c) and Interpretation and Policy .02, Rules 601 and 602, and Rule 1105(b) and (c) are amended to identify those accounts as such.

OCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder because it is designed to promote the prompt and accurate clearance and settlement of derivative transactions, assure the safeguarding of securities and funds which are in the custody or control of OCC, and, in general, protect investors and the public interest.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

OCC does not believe that the proposed rule change would impose any burden on competition.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(iii) of the Act<sup>5</sup> and Rule 19b-4(f)(4)<sup>6</sup> promulgated thereunder because the proposal effects a change in an existing service of OCC that (A) does not adversely affect the safeguarding of securities or funds in the custody or control of OCC or for which it is responsible and (B) does not significantly affect the respective rights or obligations of OCC or persons using the service. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>) or
- Send an E-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-OCC-2004-02 on the subject line.

*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 SR-OCC-2004-02. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's

<sup>5</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>6</sup> 17 CFR 240.19b-4(f)(4).

Internet Web site (<http://www.sec.gov/rules/sro.shtml>). 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 Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at [www.optionsclearing.com](http://www.optionsclearing.com). All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-OCC-2004-02 and should be submitted on or before May 21, 2004.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>7</sup>

**Margaret H. McFarland,**  
*Deputy Secretary.*

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**DEPARTMENT OF STATE**

**Bureau of Economic and Business Affairs**

[Public Notice 4699]

**List of April 22, 2004, of Participating Countries and Entities (Hereinafter Known as "Participants") Under the Clean Diamond Trade Act of 2003 (Public Law 108-19) and Section 2 of Executive Order 13312 of July 29, 2003**

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** In accordance with sections 3 and 6 of the Clean Diamond Trade Act of 2003 (Pub. L. 108-19) and Section 2 of Executive Order 13312 of July 29, 2003, the Department of State is identifying all the Participants eligible for trade in rough diamonds under the Act, and their respective Importing and Exporting Authorities, and revising the previously published list of November 17, 2003 (68 FR 66523-66524, November 26, 2003).

<sup>7</sup> 17 CFR 200.30-3(a)(12).

**FOR FURTHER INFORMATION CONTACT:** Jay L. Bruns, Special Negotiator for Conflict Diamonds, Bureau of Economic and Business Affairs, Department of State, (202) 647-2857.

**SUPPLEMENTARY INFORMATION:** Section 4 of the Clean Diamond Trade Act (the "Act") requires the President to prohibit the importation into, or the exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme (KPCS). Under Section 3(2) of the Act, "controlled through the Kimberley Process Certification Scheme" means an importation from the territory of a Participant or exportation to the territory of a Participant of rough diamonds that is either (i) carried out in accordance with the KPCS, as set forth in regulations promulgated by the President, or (ii) controlled under a system determined by the President to meet substantially the standards, practices, and procedures of the KPCS. The referenced regulations are contained at 31 CFR Part 592 ("Rough Diamond Control Regulations") (68 FR 45777, August 4, 2003).

Section 6(b) of the Act requires the President to publish in the **Federal Register** a list of all Participants, and all Importing and Exporting Authorities of Participants, and to update the list as necessary. Section 2 of Executive Order 13312 of July 29, 2003 delegates this function to the Secretary of State. Section 3(7) of the Act defines "Participant" as a state, customs territory, or regional economic integration organization identified by the Secretary of State. Section 3(3) of the Act defines "Exporting Authority" as one or more entities designated by a Participant from whose territory a shipment of rough diamonds is being exported as having the authority to validate a Kimberley Process Certificate. Section 3(4) of the Act defines "Importing Authority" as one or more entities designated by a Participant into whose territory a shipment of rough diamonds is imported as having the authority to enforce the laws and regulations of the Participant regarding imports, including the verification of the Kimberley Process Certificate accompanying the shipment.

#### List of Participants

Pursuant to section 3 of the Clean Diamond Trade Act (the Act), section 2 of Executive Order 13312 of July 29, 2003, and Delegation of Authority No. 245 (April 23, 2001), I hereby identify the following entities as of April 20, 2004, as Participants under section 6(b)

of the Act. Included in this List are the Importing and Exporting Authorities for Participants, as required by section 6(b) of the Act. This list revises the previously published list of November 17, 2003 (68 FR 66523-66524, November 26, 2003).

Angola—Ministry of Geology and Mines.  
 Armenia—Ministry of Trade and Economic Development.  
 Australia—Exporting Authority—Department of Industry, Tourism and Resources; Importing Authority—Australian Customs Service.  
 Belarus—Department of Finance.  
 Botswana—Ministry of Minerals, Energy and Water Resources.  
 Brazil—Ministry of Mines and Energy.  
 Bulgaria—Ministry of Finance.  
 Canada—Natural Resources Canada.  
 Central African Republic—Ministry of Energy and Mining.  
 China—General Administration of Quality Supervision, Inspection and Quarantine.  
 Democratic Republic of the Congo—Ministry of Mines and Hydrocarbons.  
 Republic of the Congo—Ministry of Mines and Geology.  
 Croatia—Ministry of Economy.  
 Czech Republic—Ministry of Finance.  
 European Community—DG/External Relations/A.2.  
 Ghana—Precious Minerals and Marketing Company Ltd.  
 Guinea—Ministry of Mines and Geology.  
 Guyana—Geology and Mines Commission.  
 Hungary—Ministry of Economy and Transport.  
 India—The Gem and Jewellery Export Promotion Council.  
 Israel—The Diamond Controller.  
 Ivory Coast—Ministry of Mines and Energy.  
 Japan—Ministry of Economy, Trade and Industry.  
 Republic of Korea—Ministry of Commerce, Industry and Energy.  
 Laos—Ministry of Finance.  
 Lesotho—Commissioner of Mines and Geology.  
 Malaysia—Ministry of International Trade and Industry.  
 Mauritius—Ministry of Commerce.  
 Namibia—Ministry of Mines and Energy.  
 Poland—Ministry of Economy, Labour and Social Policy.  
 Romania—National Authority for Consumer Protection.  
 Russia—Gokhran, Ministry of Finance.  
 Sierra Leone—Government Gold and Diamond Office.  
 Singapore—Singapore Customs.  
 Slovenia—Ministry of Finance.

South Africa—South African Diamond Board.  
 Sri Lanka—National Gem and Jewellery Authority.  
 Switzerland—State Secretariat for Economic Affairs.  
 Taiwan—Bureau of Foreign Trade.  
 Tanzania—Commissioner for Minerals.  
 Thailand—Ministry of Commerce.  
 Togo—Ministry of Mines and Geology.  
 Ukraine—State Gemological Centre of Ukraine.  
 United Arab Emirates—Dubai Metals and Commodities Center.  
 United States of America—Importing Authority—United States Bureau of Customs and Border Protection; Exporting Authority—Bureau of the Census.  
 Venezuela—Ministry of Energy and Mines.  
 Vietnam—Ministry of Trade.  
 Zimbabwe—Ministry of Mines and Mining Development.

This notice shall be published in the **Federal Register**.

**Richard L. Armitage,**

*Deputy Secretary of State, Department of State.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Clay and Jackson Counties, Missouri

**AGENCY:** Federal Highway Administration (FHWA).

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for proposed improvements to Interstates 29 & 35 in Kansas City and North Kansas City, Jackson and Clay Counties, Missouri.

**FOR FURTHER INFORMATION CONTACT:** Mr. Donald Neumann, Programs Engineer, FHWA Division Office, 209 Adams Street, Jefferson City, MO 65101, Telephone Number 573-636-7104; or Mr. Kevin Keith, Chief Engineer, Missouri Department of Transportation, P.O. Box 270, Jefferson City, MO 65102, Telephone Number 314-751-2803.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Missouri Department of Transportation (MoDOT), will prepare an EIS on a proposal to reconstruct and widen the I-29/I-35 (U.S. Route 71) facility with new interchange configurations, bridges including the bridge over the Missouri