

31°18'01"N., long. 92°46'31"W.; to lat. 31°15'16"N., long. 92°41'46"W.; to lat. 31°17'11"N., long. 92°40'11"W.; to the point of beginning.

Designated altitudes. FL 180 to FL 230.

Controlling agency. U.S. Army, Fort Polk Approach Control.

\* \* \* \* \*

Issued in Washington, DC, on April 14, 2004.

**Reginald C. Matthews,**

*Manager, Airspace and Rules.*

[FR Doc. 04-8922 Filed 4-19-04; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Parts 738 and 740

[Docket No. 040330104-4104-01]

RIN 0694-AC83

#### **Addition of Aruba, Netherlands Antilles, East Timor, and Democratic Republic of the Congo, and Update of Country Names, in the Export Administration Regulations**

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to update the Country Chart to add East Timor and the Democratic Republic of the Congo, to establish separate export licensing requirements for Aruba and Netherlands Antilles, and to update references to certain countries to reflect their officially recognized names.

**DATES:** This rule is effective April 20, 2004.

**FOR FURTHER INFORMATION CONTACT:** Bernie Kritzer, Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, Telephone: (202) 482-4196.

**SUPPLEMENTARY INFORMATION:** This final rule adds East Timor, Democratic Republic of the Congo, Aruba and Netherlands Antilles as separate entries on the Commerce Country Chart in Supplement No. 1 to part 738 of the EAR for export licensing purposes. East Timor attained independence from Indonesia on May 20, 2002. Democratic Republic of the Congo became the successor nation to Zaire in 1997. Aruba and the Netherlands Antilles, although dependencies of the Netherlands, maintain their own separate export control systems and therefore are treated

as distinct from the Netherlands for export control purposes. The EAR now list two countries with "Congo" in their names: the Republic of the Congo, the capital city of which is Brazzaville, and the Democratic Republic of the Congo, the capital city of which is Kinshasa. This segregation of Aruba and Netherlands Antilles from the Netherlands is not meant as a departure from current export control policy as to the treatment of dependencies. The EAR will continue to treat territories, possessions or departments of foreign countries as having the same licensing requirements as their sovereigns on the Commerce Country Chart when such territories, possessions or departments are not separately listed on the Commerce Country Chart.

This final rule also updates references to certain countries in the EAR to reflect their officially recognized names, including Macedonia (the Former Yugoslav Republic of), Micronesia (Federated States of), Saint Vincent and the Grenadines, Samoa, Serbia and Montenegro, and Antigua and Barbuda. Specifically, this rule amends the EAR as follows:

1. In Supplement No. 1 to part 738 of the EAR, Aruba, Congo (Democratic Republic of the), East Timor, and Netherlands Antilles are added to the Commerce Country Chart. As noted on the Chart, licensing requirements for exports and reexports to Aruba, Congo (Democratic Republic of the), East Timor and Netherlands Antilles are imposed, as applicable, on items subject to the EAR controlled for the following reasons: Chemical and biological weapons, nuclear nonproliferation, national security, missile technology, regional stability, and crime control. These controls reflect the status of these countries with respect to membership in multilateral regimes or in NATO. Zaire is deleted from the Commerce Country Chart. In order to reflect officially recognized country names, Congo (Republic of the), Macedonia (Former Yugoslav Republic of), Micronesia (Federated States of), Saint Vincent and the Grenadines, Samoa, and Serbia and Montenegro replace Congo, FYROM (Macedonia), Micronesia, St. Vincent, Western Samoa, and Yugoslavia (Serbia and Montenegro), Federal Republic of, respectively.

2. In Supplement No. 1 to part 740 of the EAR, Aruba, Congo (Democratic Republic of the), East Timor, and Netherlands Antilles are added to Country Group B. Zaire is removed from Country Group B. Antigua and Barbuda, Congo (Republic of the), Samoa, and Serbia and Montenegro replace, respectively, Antigua, Barbuda, Congo,

Western Samoa, and Yugoslavia (Serbia and Montenegro), Federal Republic of.

3. In § 740.7 of the EAR, Aruba, Congo (Democratic Republic of the), East Timor, and Netherlands Antilles are added under Computer Tier 1 for License Exception CTP purposes. Bahamas (The), Congo (Republic of the), Saint Vincent and the Grenadines, and Samoa replace Bahamas, Congo, St. Vincent and Grenadines, and Western Samoa, respectively, under Computer Tier 1. Zaire is removed from the Computer Tier 1 category. Serbia and Montenegro replaces Federal Republic of Yugoslavia (Serbia and Montenegro) under Computer Tier 3.

Although the Export Administration Act expired on August 20, 2001, Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., p. 783 (2002)), as extended by the Notice of August 7, 2003 (68 FR 47833, August 11, 2003), continues the Regulations in effect under the International Emergency Economic Powers Act.

#### **Rulemaking Requirements**

1. This final rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule involves a collection of information subject to the PRA. This collection has been approved by the Office of Management and Budget under control number 0694-0088, "Multi-Purpose Application," which carries a burden hour estimate of which carries a burden hour estimate of 58 minutes for a manual or electronic submission. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to David Rostker, OMB, by e-mail to [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov), or by fax to (202) 395-7285; and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. This rule does not contain policies with Federalism implications as this term is defined under Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public

participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (Sec. 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Matthew Blaskovich, Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044.

**List of Subjects**

*15 CFR Part 738*

Exports, Foreign trade.

*15 CFR Parts 740*

Administrative practice and procedure, Exports, Foreign trade, Reporting and record keeping requirements.

■ Accordingly, parts 738 and 740 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

**PART 738—[AMENDED]**

■ 1. The authority citation for 15 CFR part 738 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901–911, Pub. L. 106–387; Sec 221, Pub. L. 107–56; E.O.

13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2003, 3 CFR, 2003 Comp., p. 328.

■ 2. Supplement No. 1 to Part 738 is amended by:

■ a. Adding “Aruba”, “Congo (Democratic Republic of the)”, “East Timor”, and “Netherlands Antilles” in alphabetical order as set forth below;

■ b. Revising “Congo”, “FYROM (Macedonia)”, “Micronesia”, “St. Vincent and Grenadines”, “Western Samoa”, and “Yugoslavia (Serbia and Montenegro), Federal Republic of” to read “Congo (Republic of the)”, “Macedonia (The Former Yugoslav Republic of)”, “Micronesia (Federated States of)”, “Saint Vincent and the Grenadines”, “Samoa”, and “Serbia and Montenegro”, respectively and placing them in appropriate alphabetical order; and

■ c. Removing “Zaire.”

**SUPPLEMENT NO. 1 TO PART 738—COMMERCE COUNTRY CHART**  
[Reason for control]

| Countries                                | Chemical & biological weapons |      |       | Nuclear non-proliferation |       | National security |      | Missile tech | Regional stability |      | Fire-arms convention | Crime control |       |      | Anti-terrorism |       |
|--|-------------------------------|------|-------|---------------------------|-------|-------------------|------|--------------|--------------------|------|----------------------|---------------|-------|------|----------------|-------|
|  | CB 1                          | CB 2 | CB 3  | NP 1                      | NP 2  | NS 1              | NS 2 | MT 1         | RS 1               | RS 2 | FC 1                 | CC 1          | CC 2  | CC 3 | AT 1           | AT 2  |
| Aruba .....                              | X                             | X    | ..... | X                         | ..... | X                 | X    | X            | X                  | X    | .....                | X             | ..... | X    | .....          | ..... |
| Congo (Democratic Republic of the) ..... | X                             | X    | ..... | X                         | ..... | X                 | X    | X            | X                  | X    | .....                | X             | ..... | X    | .....          | ..... |
| East Timor .....                         | X                             | X    | ..... | X                         | ..... | X                 | X    | X            | X                  | X    | .....                | X             | ..... | X    | .....          | ..... |
| Netherlands Antilles .....               | X                             | X    | ..... | X                         | ..... | X                 | X    | X            | X                  | X    | .....                | X             | ..... | X    | .....          | ..... |

**PART 740—[AMENDED]**

■ 3. The authority citation for 15 CFR part 740 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; Sec. 901–911, Pub. L. 106–387; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2003, 3 CFR Comp., p. 328.

■ 4. Section 740.7, paragraph (c) (1), is amended by revising the following phrases:

- a. “Argentina, Australia, Austria, Bahamas” to read “Argentina, Aruba, Australia, Austria, Bahamas (The)”;
- b. “Colombia, Congo, Costa Rica, Cote d’Ivoire” to read “Colombia, Congo (Democratic Republic of the), Congo (Republic of the), Costa Rica, Cote d’Ivoire”;
- c. “Dominican Republic, Ecuador, El Salvador” to read “Dominican Republic, East Timor, Ecuador, El Salvador”;

■ d. “Nepal, Netherlands, New Zealand, Nicaragua, Niger” to read “Nepal, Netherlands, Netherlands Antilles, New Zealand, Nicaragua, Niger”;

■ e. “St. Lucia, St. Vincent and Grenadines, Sao Tome & Principe, San Marino, Senegal, Seychelles” to read “St. Lucia, St. Vincent and the Grenadines, Sao Tome & Principe, Samoa, San Marino, Senegal, Seychelles”;

■ f. “Venezuela, Western Sahara, Western Samoa” to read “Venezuela, Western Sahara”;

■ g. “Zaire, Zambia, and Zimbabwe” to read “Zambia, and Zimbabwe”.

■ 5. Section 740.7, paragraph (d) (1), is amended by revising the following phrases:

- a. “Oman, Pakistan, Qatar, Russia, Saudi Arabia” to read “Oman, Pakistan, Qatar, Russia, Serbia and Montenegro, Saudi Arabia”;

■ b. “Vietnam, Yemen, and Federal Republic of Yugoslavia (Serbia and Montenegro)” to read “Vietnam, and Yemen.”

■ 6. Supplement No. 1 to part 740, Country Group B, is amended by:

■ a. Adding, in alphabetical order, “Antigua and Barbuda”, “Aruba”, “Congo (Democratic Republic of the)”, “Congo (Republic of the)”, “East Timor”, “Netherlands Antilles”, “Samoa”, “Serbia and Montenegro” to Country Group B;

■ b. Removing “Antigua”, “Barbuda”, “Congo”, “Western Samoa”, “Yugoslavia (Serbia and Montenegro), Federal Republic of” and “Zaire” from Country Group B;

■ c. Revising the phrase “Bahamas” to read “The Bahamas”;

■ d. Revising the phrase “Macedonia, the Former Yugoslav Republic of” to

read "Macedonia, The Former Yugoslav Republic of"; and

■ e. Revising the phrase "Saint Vincent" to read "Saint Vincent and the Grenadines".

Dated: April 12, 2004.

**Peter Lichtenbaum,**

*Assistant Secretary, for Export Administration.*

[FR Doc. 04-8807 Filed 4-19-04; 8:45 am]

BILLING CODE 3510-33-P

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 200

[Release No. 34-49562]

#### Revision of Rule Concerning Holding Period and Disclosure Requirements for Members' and Employees' Investment Company Transactions

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Securities and Exchange Commission is amending its rule covering member and employee securities transactions. The amended rule updates the definition of money market fund; removes the exception to the six-month holding period for shares of a unit investment trust having a term of less than six months; requires Commission members and employees to hold investment company shares for a minimum of 30 days before they are permitted to transfer those assets to another registered investment company within the same family of registered investment companies; and requires Commission members and employees to report every purchase or sale of investment company shares, other than money market fund shares.

**DATES:** *Effective Date:* May 20, 2004.

**FOR FURTHER INFORMATION CONTACT:** William Lenox, Assistant Ethics Counsel, or Richard Connor, Assistant Ethics Counsel, Office of the General Counsel, at (202) 942-0970, 450 Fifth Street, NW., Washington, DC 20549-0303.

**SUPPLEMENTARY INFORMATION:** The Securities and Exchange Commission ("Commission") is amending 17 CFR 200.735-5, its rule covering members' and employees' securities transactions. This rule was adopted as part of the Commission's Conduct Regulation in 1953. Until 1980, the rule prohibited Commissioners and all employees from purchasing securities of registered investment companies. In 1980, the rule

was revised to permit employees, other than Commissioners and SES members in the Division of Investment Management, to purchase such securities. The rule was further revised in 1988 to allow employees to transfer funds within a family of registered investment companies without regard to the holding period previously established by the rule. In 1995, the rule was again amended to allow Commissioners and SES members in the Division of Investment Management and the Office of Compliance Inspections and Examinations to purchase diversified mutual funds. In light of recent developments regarding trading practices in the investment company industry, and in furtherance of the Commission's tradition of imposing stringent trading limitations on its employees, the Commission is amending the rule to ensure that its employees' trading practices continue to adhere to the highest possible standards of ethical conduct.

First, the Commission is updating the definition of money market fund<sup>1</sup> to comport with the language used by the Division of Investment Management in other contexts.

Second, the Commission is modifying current exceptions to its six-month holding period for certain types of securities. The Commission's rule provides that "no member or employee shall effect or cause to be effected any transaction in a security except for bona fide investment purposes. Therefore, all securities purchased by a member or employee must be held for a minimum of six months."<sup>2</sup> The rule contains six exceptions to the six-month holding period requirement. One of the exceptions provides that the holding period is not applicable to "shares of a unit investment trust having a term of less than six months."<sup>3</sup> The Commission is removing this exception from the rule.

Another exception provides that the six-month holding period is not applicable to "the transferring of funds within a *family* of registered investment companies."<sup>4</sup> The Commission is amending this exception to provide that the six-month holding period is not applicable to the transferring of funds that have been held as shares in a registered investment company for a minimum of 30 days to another registered company within the same *family* of registered investment

companies. This 30-day holding period will not apply to money market fund shares, which are already fully exempted from the six-month holding period.

Third, the Commission is increasing its reporting requirements for members and employees. The Commission's rule currently requires, with limited exceptions, that members and employees report every acquisition or sale of any security.<sup>5</sup> One of the exceptions applies to mutual fund transactions occurring after the initial purchase has been reported.<sup>6</sup> The Commission is amending this exception to require members and employees to report every purchase or sale of investment company shares, other than money market fund shares. With respect to money market fund shares, Commission members and employees will be required to report the initial purchase and final sale of such shares.

The Commission has determined that these amendments to its rule regulating member and employee securities holdings and transactions relate solely to the agency's organization, procedure or practice. Therefore, the provisions of the Administrative Procedure Act regarding notice and comment are not applicable.<sup>7</sup> It follows that the requirements of the Regulatory Flexibility Act do not apply.<sup>8</sup> These rule amendments also impose no new collection of information under the Paperwork Reduction Act.<sup>9</sup>

#### Statutory Basis

The amendments to the Commission's rule are adopted pursuant to section 23(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78w(a); section 19(a) of the Securities Act of 1933, 15 U.S.C. 77s(a); section 20(a) of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79t(a); section 319 of the Trust Indenture Act of 1939, 15 U.S.C. 77sss(a); section 38(a) of the Investment Company Act of 1940, 15 U.S.C. 80a-37(a); and section 211(a) of the Investment Advisers Act of 1940, 15 U.S.C. 80b-11(a).

#### List of Subjects in 17 CFR Part 200

Conflict of interests.

■ In accordance with the foregoing, Title 17 Chapter II of the Code of Federal Regulations is amended as follows:

<sup>1</sup> Footnote 17 following 17 CFR 200.735-5(b)(1)(ii).

<sup>2</sup> 17 CFR 200.735-5(b)(1).

<sup>3</sup> 17 CFR 200.735-5(b)(1)(v).

<sup>4</sup> 17 CFR 200.735-5(b)(1)(vi).

<sup>5</sup> 17 CFR 200.735-5(m)(2).

<sup>6</sup> 17 CFR 200.735-5(m)(3).

<sup>7</sup> 5 U.S.C. 553(b).

<sup>8</sup> 5 U.S.C. 601-612.

<sup>9</sup> 44 U.S.C. 3501-3520.