

## 2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 15A of the Act,<sup>20</sup> in general, and section 15A(b)(6) of the Act,<sup>21</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and to protect investors and the public interest. Nasdaq believes the proposed rule change will improve the quality of information disseminated by Nasdaq about the prices at which stocks are trading in its market and will improve the regulation of the Nasdaq market by increasing the number of trades monitored using the NASD's automated surveillance systems.

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

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

Written comments were neither solicited nor received.

## 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 date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which NASD 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 change is consistent with the Act.

open order was executed and reported within 90 seconds from the time that the market opened at 9:30 a.m. Therefore, the price would be considered current and does not need to be identified with a modifier.

<sup>20</sup> 15 U.S.C. 78o-3.

<sup>21</sup> 15 U.S.C. 78o-3(b)(6).

Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Comments may also be submitted electronically at the following e-mail address: *rule-comments@sec.gov*. All comment letters should refer to File No. SR-NASD-2003-159. 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, comments should be sent in hardcopy or by e-mail but not by both methods. 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 NASD. All submissions should refer to file number SR-NASD-2003-159 and should be submitted by April 7, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>22</sup>

**J. Lynn Taylor,**

*Assistant Secretary.*

[FR Doc. 04-5980 Filed 3-16-04; 8:45 am]

**BILLING CODE 8010-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Advisory Circular; Initial Maintenance Inspection (IMI) Test for Turbine Engines

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of issuance of advisory circular.

**SUMMARY:** The Federal Aviation Administration (FAA) announces the issuance of Advisory Circular (AC) Number 33.90-1, Initial Maintenance Inspection (IMI) Test for Turbine Engines. This AC sets forth acceptable methods of compliance with the test requirements of § 33.90 of title 14 of the Code of Federal Regulations, Initial maintenance inspection. The

<sup>22</sup> 17 CFR 200.30-3(a)(12).

information provided in this AC replaces the guidance in paragraph 61, § 33.90 IMI of AC 33-2B, Aircraft Engine Type Certification Handbook.

**DATES:** The Engine and Propeller Directorate, Aircraft Certification Service, issued AC 33.90-1 on March 5, 2004.

#### **FOR FURTHER INFORMATION CONTACT:**

Marc Bouthillier, Engine and Propeller Standards Staff, ANE-110, 12 New England Executive Park, Burlington, MA 01803-5299; telephone: (781) 238-7120; fax (781) 238-7199; e-mail: *Marc.Bouthillier@faa.gov*.

We have filed in the docket all comments we received, as well as a report summarizing each substantive public contact with FAA personnel concerning this advisory circular. If you wish to review the docket in person, go to the above address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*How to Obtain Copies:* A paper copy of AC 33.90-1 may be obtained by writing to the U.S. Department of Transportation, Subsequent Distribution Office, DOT Warehouse, SVC-121.23, Ardmore East Business Center, 3341Q 75th Ave., Landover, MD 20785, telephone 301-322-5377, or by faxing your request to the warehouse at 301-386-5394. The AC will also be available on the Internet at "*http://www.faa.gov*", select "Regulations and Policies" and the link title "Advisory Circulars".

**SUPPLEMENTARY INFORMATION:** The FAA published a notice in the **Federal Register** on June 4, 2003 (68 FR 33563) to announce the availability of the proposed AC and invite interested parties to comment.

(Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44704.)

Issued in Burlington, Massachusetts, on March 5, 2004.

**Jay J. Pardee,**

*Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

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**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement; Washington, DC

**AGENCIES:** Federal Highway Administration, District of Columbia Division; District of Columbia, Department of Transportation.

**ACTION:** Notice of Intent (NOI) to prepare an Environmental Impact Statement.

**SUMMARY:** The U.S. Federal Highway Administration (FHWA) in coordination with the District of Columbia Department of Transportation (DDOT) in Washington, DC is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared to assess the potential effects of the proposed action to reopen Klingle Road, NW., to vehicular access in Washington, DC. To ensure that all significant issues related to the proposed action are identified, DDOT will conduct a public scoping meeting.

**FOR FURTHER INFORMATION CONTACT:** Federal Highway Administration, District of Columbia Division: Mr. Michael Hicks, Environmental/Urban Engineer, 1990 K Street, NW., Suite 510, Washington, DC 20006-1103, (202) 219-3536; or Maurice Keys, District of Columbia, Department of Transportation, (202) 671-2740.

**SUPPLEMENTARY INFORMATION:** Klingle Road is located in northwest Washington, DC and runs northeast to west from Beach Drive in Rock Creek Park to the Washington National Cathedral. The segment of Klingle Road between Porter Street, NW. and Cortland Place, NW. (approximate designations) was closed to traffic in 1991 due to deterioration of the roadway related to drainage failure. The Council of the District of Columbia never officially closed this segment of Klingle Road through a legislative action, however [this portion of the road remains closed to traffic. Failure of the drainage system has resulted in severe deterioration of the roadway, headwalls, and underlying stormwater system. At a minimum the no-action alternative would include repairing the retaining walls to better manage stormwater runoff in the study area. The purpose of the proposed action is to provide an east-west connection through Rock Creek Park in the District of Columbia by reopening Klingle Road to vehicular access. The Klingle Road Restoration Act of 2003, Bill #B15-0061, was introduced by the Council of the District of Columbia in January 2003 and was enacted in March 2003. Section 3 of the bill specifically states "The portion of Klingle Road, NW., between Porter Street, NW., on the east to Cortland Place, NW., on the west, shall be repaired and re-opened to the public for vehicular traffic and recreational uses." The directive to repair Klingle Road was codified in to law as part of the Fiscal Year 2004 Budget Support Act of 2003, effective November 13, 2003 (D.C. Law 15-39; D.C. Official Code § 9-115.11). According to this Act: The portion of Klingle Road, NW., between Porter

Street, NW., on the east to Cortland Place, NW., on the west shall be re-opened to the public for motor vehicle traffic, with the repair and reconstruction of Klingle Road, which shall include the establishment of a District Department of Transportation storm water management plan, to commence no later than 180 days following November 13, 2003.'

The environmental review of the vehicular use alternatives will be conducted in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4371, *et seq.*), Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500-1508), FHWA Code of Federal Regulations (CFR 23 part 771.101-771.137 *et seq.*), and all applicable Federal, state, and local government laws, regulations, and policies.

**Public Scoping Meeting:** DDOT will solicit public comments for consideration and possible incorporation in the Draft EIS through public scoping, including a scoping meeting, on the proposed action. To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified early in the process, comments and suggestions are invited from all interested and/or potentially affected parties. These individuals or groups are invited to attend the public scoping. The meeting location and time will be publicized in local newspapers and elsewhere. Written comments will be accepted throughout this process and can be forwarded to the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205 Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program).

Issued on: March 12, 2004.

**Gary L. Henderson,**

*Division Administrator, District of Columbia Division, Federal Highway Administration.*

[FR Doc. 04-6027 Filed 3-16-04; 8:45 am]

**BILLING CODE 4910-22-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Forsyth County, NC

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

**ACTION:** Revised notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that a draft environmental impact statement will be prepared for the consolidated Winston-Salem Northern Beltway proposed highway projects in Forsyth County, North Carolina.

**FOR FURTHER INFORMATION CONTACT:** Ms. Emily Lawton, Operations Engineer, Federal Highway Administration, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina 27601, Telephone: (919) 856-4350.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), will prepare a draft environmental impact statement (EIS) on the consolidated Northern Beltway proposed highway projects (Western Section, Eastern Section, and Eastern Section Extension) of Winston-Salem in Forsyth County. The proposed action would be the construction of a multi-lane divided, controlled access highway on new location from US 158 southwest of Winston-Salem to US 311 southeast of Winston-Salem. A Final Environmental Impact Statement on the Western Section, the portion from US 158 southwest of Winston-Salem to US 52 northwest of Winston-Salem (FHWA-NC-EIS-92-06-F), was approved by FHWA on 14 March 1996. The Western Section will improve north-south connectivity in western Forsyth County, provide improved direct regional connections to other major highways, and relieve congestion on roadways in western Forsyth County. A Draft Environmental Impact Statement on the Eastern Section, the portion of the facility from US 52 northwest of Winston-Salem to US 421 east of Winston-Salem (FHWA-NC-EIS-95-04-D), was approved by FHWA on 14 September 1995. The Eastern Section together with the Eastern Section Extension will serve regional traffic by improving system linkage and continuity, relieving congestion on major highways including US 52 and US 421, and by providing the route for future I-74. The proposed action is a part of the 1987 Winston-Salem/Forsyth County Thoroughfare Plan. In addition, the projects together will provide a northern loop highway in accordance with the 1989 North Carolina Highway Trust Fund Act.

Alternatives under consideration include: (1) The "no-build", (2) improving existing facilities, (3) transportation demand management and transportation system management alternatives; (4) mass transit alternatives; and (5) a controlled access highway on new location.