

## 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](mailto: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

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](mailto: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.*

[FR Doc. 04-6046 Filed 3-16-04; 8:45 am]

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.

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