

the public interest. The proposed rule change promotes this goal by offering additional trading opportunities to NASDAQ members that desire them, without imposing burdens on NASDAQ members that do not. The proposal will facilitate a well-regulated, orderly, and efficient market during a period of time that is currently underserved.

NASDAQ notes that the proposed trading period has been available for years on the NYSE Arca Exchange. NASDAQ believes that the availability of trading between 4:00 a.m. and 7:00 a.m. has been beneficial to market participants including investors and issuers on other markets. The Exchange believes that offering a competing trading session will further benefit investors by promoting competition and order interaction, while imposing no added costs on investors or other market participants that choose not avail themselves of these benefits.

#### *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. To the contrary, NASDAQ believes that offering a competing early trading session is pro-competitive in that it will increase competition for order flow, for execution services and for listings. The fact that the early trading session is itself an identical response to the competition provided by another market is proof of its pro-competitive nature. NASDAQ fully expects that other listing venues will respond by further extending their trading sessions as well.

#### *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**

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>5</sup> and Rule 19b-4(f)(6) thereunder.<sup>6</sup> Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the

Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>7</sup> and Rule 19b-4(f)(6)(iii) thereunder.<sup>8</sup>

The Exchange has asked the Commission to waive the 30-day operative delay.<sup>9</sup> The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The proposed rule change does not appear to raise any novel regulatory issues for the Commission to consider.<sup>10</sup> In addition, according to NASDAQ, the introduction of competition during the hours of 4:00 a.m. and 7:00 a.m. will benefit investors by offering alternative execution venues and spurring improvements in pricing and functionality. Accordingly, the Commission designates the proposal operative upon filing.<sup>11</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend 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. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or 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. 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 email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File

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

<sup>8</sup> 17 CFR 240.19b-4(f)(6)(iii). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>9</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>10</sup> See Securities and Exchange Act Release No. 51014 (January 10, 2005), 70 FR 2918 (January 18, 2005) (SR-PCX-2004-83).

<sup>11</sup> For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

Number SR-NASDAQ-2013-033 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NASDAQ-2013-033. This file number should be included on the subject line if email 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 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 Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. 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-NASDAQ-2013-033 and should be submitted on or before April 11, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>12</sup>

**Kevin M. O'Neill,**  
*Deputy Secretary.*

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**BILLING CODE 8011-01-P**

## **DEPARTMENT OF STATE**

### **[Public Notice 8242]**

### **Shipping Coordinating Committee; Notice of Committee Meeting**

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 9:30 a.m. on Tuesday, April 23, 2013, in Room 6103 of the United

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

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

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

States Coast Guard Headquarters Building, 2100 Second Street SW., Washington, DC 20593-0001. The primary purpose of the meeting is to prepare for the forty-fourth Session of the International Maritime Organization's (IMO) Sub-Committee on Standards of Training and Watchkeeping (STW) to be held at the IMO Headquarters, United Kingdom, April 29–May 3, 2013.

The agenda items to be considered include:

- Adoption of the agenda; report on credentials
- Decisions of other IMO bodies
- Validation of model training courses
- Unlawful practices associated with certificates of competency
- Casualty analysis
- Development of an e-navigation strategy implementation plan
- Development of guidance for the implementation of the 2010 Manila amendments
- Promotion of the implementation of the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995
- Development of Guidelines for wing-in-ground (WIG) craft
- Role of the human element
  - Guidelines on how to present relevant information to seafarers
  - Enhancing the efficiency and user-friendliness of International Safety Management Code (ISM)
- Development of Guidance for personnel involved with tug-barge operations
- Revision of the Recommendations on training of personnel on mobile offshore units (MOUs)
- Development of a mandatory Code for ships operating in polar waters
- Review and modernization of the Global Maritime Distress and Safety System (GMDSS)
- Review of general cargo ship safety
- Proposed amendment to the STCW Code's colour vision requirements
- Biennial agenda and provisional agenda for STW 45
- Any other business
- Report to the Maritime Safety Committee

Members of the public may attend this meeting up to the seating capacity of the room. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, Mr. Breyer Davis, by email at [breyer.j.davis@uscg.mil](mailto:breyer.j.davis@uscg.mil), by phone at (202) 372-1445, by fax at (202) 372-1925, or in writing at Commandant (CG-5PS), U.S. Coast Guard, 2100 2nd

Street SW., Stop 7126, Washington, DC 20593-7126 not later than April 16, 2013, which is one week prior to the meeting. Requests made after April 16, 2013 might not be able to be accommodated. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Headquarters building. The Headquarters building is accessible by taxi and privately owned conveyance (public transportation is not generally available). However, parking in the vicinity of the building is extremely limited. Additional information regarding this and other IMO SHC public meetings may be found at: [www.uscg.mil/imo](http://www.uscg.mil/imo).

Dated: March 12, 2013.

**Brian Robinson,**

*Executive Secretary, Shipping Coordinating Committee, Department of State.*

[FR Doc. 2013-06529 Filed 3-20-13; 8:45 am]

**BILLING CODE 4710-09-P**

## DEPARTMENT OF STATE

### [Public Notice 8243]

#### Shipping Coordinating Committee; Notice of Committee Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 10:00 a.m. on Monday, April 8, 2013, in Room 1422 of the United States Coast Guard Headquarters Building, 2100 Second Street SW., Washington, DC 20593-7121. The primary purpose of the meeting is to prepare for the one-hundredth session of the International Maritime Organization's (IMO) Legal Committee to be held at the IMO Headquarters, London, England, United Kingdom, April 15–19, 2013.

The primary matters to be considered include:

- Adoption of the agenda; report on credentials.
- Monitoring the implementation of the 2010 Protocol to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea.
- Provision of financial security in cases of abandonment, personal injury to, or death of seafarers related to entry into force of the International Labour Organization Maritime Labour Convention, 2006.
- Fair treatment of seafarers in the event of a maritime accident.
- Piracy.

—Collation and preservation of evidence following an allegation of a serious crime having taken place on board a ship or a report of a missing person from a ship, and pastoral and medical care of victims.

—Matters arising from the 108th and 109th regular sessions of the Council.

—Technical co-operation activities related to maritime legislation.

—Review of the status of conventions and other treaty instruments.

—Application of the Committee's Guidelines.

—Election of officers.

—Any other business, including reconsideration of the Committee's recommendation related to liability and compensation issues connected to transboundary oil pollution damage from offshore exploration and exploitation activities.

—Consideration of the report of the Committee on its 100th session.

Members of the public may attend this meeting up to the seating capacity of the room. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, LCDR Lineka Quijano, by email at [Lineka.N.Quijano@uscg.mil](mailto:Lineka.N.Quijano@uscg.mil), by phone at (202) 372-3865, by fax at (202) 372-3975, or in writing at Commandant (CG-0941), U.S. Coast Guard, 2100 2nd Street SW., Stop 7121, Washington, DC 20593-7121 not later than April 1, 2013, one week prior to the meeting. Requests made after April 1, 2013, might not be able to be accommodated. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Headquarters building. The Headquarters building is accessible by taxi and privately owned conveyance (public transportation is not generally available). However, parking in the vicinity of the building is extremely limited. Additional information regarding this and other IMO SHC public meetings may be found at: [www.uscg.mil/imo](http://www.uscg.mil/imo).

Dated: March 12, 2013.

**Brian Robinson,**

*Executive Secretary, Shipping Coordinating Committee, Department of State.*

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