

that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will facilitate a more efficient method for ETP Holders to pay invoices to the Exchange and for the Exchange to collect undisputed payments owed by ETP Holders to the Exchange and to vendors.<sup>16</sup> Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing with the Commission.

At any time within 60 days of the filing of such 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 change 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 Number SR-NSX-2013-01 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-NSX-2013-01. 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 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 offices 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-NSX-2013-01, and should be submitted on or before February 14, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**Kevin M. O'Neill,**

*Deputy Secretary.*

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#### TRADE REPRESENTATIVE

##### **Request for Comments on an International Services Agreement**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for comments and notice of public hearing.

**SUMMARY:** On January 15, 2013, the United States Trade Representative notified Congress of the Administration's intention to enter into negotiations for an International Services Agreement (ISA) with an initial group of 20 trading partners. The Office of the United States Trade Representative (USTR) is seeking public comments regarding U.S. interests and priorities with regard to this initiative. Comments may be provided in writing and orally at a public hearing.

**DATES:** Persons wishing to testify orally at the hearing must provide written notification of their intention, as well as their testimony, by February 26, 2013. The hearing will be held in Washington, DC, on March 12, 2013. Written comments are due by noon, February 26, 2013.

**ADDRESSES:** *Submissions via on-line:* <http://www.regulations.gov>. For alternatives to on-line submissions please contact Yvonne Jamison at (202) 395-3475.

**FOR FURTHER INFORMATION CONTACT:** For questions concerning requirements for written comments, please contact Yvonne Jamison at (202) 395-3475. All other questions regarding this notice should be directed to Amanda Horan at (202) 395-4510.

**SUPPLEMENTARY INFORMATION:** The following twenty trading partners have expressed their intention to participate in negotiations with the United States to establish an ISA: Australia, Canada, Chile, Chinese Taipei, Colombia, Costa Rica, European Union on behalf of its member states, Hong Kong China, Iceland, Israel, Japan, Korea, Mexico, New Zealand, Norway, Pakistan, Panama, Peru, Switzerland, and Turkey. This group, which may expand as the negotiations proceed, includes a range of developed and developing economies, representing nearly two-thirds of global trade in services.

The agreement envisioned will place a high priority on enabling U.S. service suppliers to compete on the basis of quality and competence rather than nationality. The scope would be comprehensive, permitting the coverage of all services. To remain relevant into the future, the agreement would be flexible enough to address new issues arising in the global marketplace and changes in the way services are traded.

The Chair of the interagency Trade Policy Staff Committee (TPSC) invites interested persons to provide written comments and/or oral testimony at a public hearing that will assist USTR in assessing U.S. objectives for the proposed agreement. The TPSC Chair invites comments on all relevant matters, and, in particular, on the following:

(a) Economic costs and benefits to U.S. service suppliers and consumers of eliminating barriers to services traded either on a cross-border basis or through a foreign commercial presence; (b) existing barriers to trade in services that should be addressed; (c) areas where existing international rules governing services trade, such as those found in the General Agreement on Trade in Services and U.S. free trade agreements, could be strengthened or enhanced; (d) relevant issues related to the supply of services through various modes of supply and technologies.

<sup>16</sup> For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

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

## Public Comment

### Requirements for Submissions

A hearing will be held on March 12, 2013, in Rooms 1 and 2, 1724 F Street NW., Washington, DC. Persons wishing to testify at the hearing must provide written notification of their intention by February 26, 2013. The notification should include: (1) The name, address, and telephone number of the person presenting the testimony; and (2) a short (one or two paragraph) summary of the presentation, including the subject matter and, as applicable, the service sector(s) or subjects to be discussed. A copy of the testimony must accompany the notification. Remarks at the hearing should be limited to no more than five minutes to allow for possible questions from the TPSC. Persons with mobility impairments who will need special assistance in gaining access to the hearing should contact Yvonne Jamison at (202) 395-3475.

Persons submitting written comments must do so in English and must identify (on the first page of the submission) "International Services Agreement." In order to be assured of consideration, comments should be submitted by noon, February 26, 2013. In order to ensure the timely receipt and consideration of comments, USTR strongly encourages commenters to make on-line submissions, using the <http://www.regulations.gov> Web site. Comments should be submitted under the following docket: USTR-2013-0001. To find the docket, enter the docket number in the "Enter Keyword or ID" window at the <http://www.regulations.gov> home page and click "Search." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notices" under "Document Type" on the search-results page, and click on the link entitled "Comment Now!" (For further information on using the <http://www.regulations.gov> Web site, please consult the resources provided on the Web site by clicking on the "Help" tab.)

The <http://www.regulations.gov> Web site provides the option of making submissions by filling in a "Type Comment" field, or by attaching a document using the "Upload File" field. USTR prefers submissions to be provided in an attached document. If a document is attached, it is sufficient to type "See attached" in the "Type Comment" field. USTR also prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the "Comments" field.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters "BC." Any page containing business confidential information must be clearly marked "BUSINESS CONFIDENTIAL" on the top of that page. Filers of submissions containing business confidential information must also submit a public version of their comments. The file name of the public version should begin with the character "P." The "BC" and "P" should be followed by the name of the person or entity submitting the comments or reply comments. Filers submitting comments containing no business confidential information should name their file using the character "P," followed by the name of the person or entity submitting the comments. Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

USTR strongly urges submitters to file comments through <http://www.regulations.gov>, if at all possible. Any alternative arrangements must be made with Yvonne Jamison in advance of transmitting a comment. Ms. Jamison should be contacted at (202) 395-3475. General information concerning USTR is available at <http://www.ustr.gov>.

### Public Inspection of Submissions

Comments will be placed in the docket and open to public inspection, except business confidential information. Comments may be viewed on the <http://www.regulations.gov> Web site by entering the relevant docket number in the search field on the home page.

**Douglas Bell,**

*Chair, Trade Policy Staff Committee.*

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Public Charter Prospectuses

**AGENCY:** Office of the Secretary, Department of Transportation.

**ACTION:** Guidance on review and approval of public charter prospectuses.

**SUMMARY:** The Department is publishing the following notice on clarifying new

policies affecting the review and approval of public charter filings under 14 CFR part 380 and related changes in the Department's enforcement policies. These revisions refer to a notice dated November 13, 2012, appearing at 77 FR 69692 (Nov. 20, 2012).

**FOR FURTHER INFORMATION CONTACT:** Nicholas Lowry, Attorney, Office of Aviation Enforcement and Proceedings (C-70), 1200 New Jersey Ave. SE., Washington, DC 20590, (202) 366-9349.

#### Clarification of November 2012 Guidance on Review and Approval of Public Charter Operations and Prospectuses

On November 13, 2012, the Department's Office of International Aviation and Office of Aviation Enforcement and Proceedings issued a joint notice regarding future filings under 14 CFR part 380, the Department's rule on public charters and enforcement policy under those rules.<sup>1</sup> That notice, which was an effort to prevent the kind of harm to consumers that took place when the charter operator Southern Sky Air & Tours, LLC d/b/a Direct Air ceased service, explained that the Department would in the future not approve prospectuses under part 380 absent certain supplemental assurances designed to avoid practices evident in the Direct Air case that were in violation of the public charter rules.

Specifically, the notice described the Department's plan to reject public charter prospectus filings that do not affirmatively state that: (1) The contract between the charter operator and the direct air carrier is for the full price of the air transportation; and (2) the charter operator will retain control and access to its reservations records, and share those records with the direct air carriers. Furthermore, we stated that we would not permit the charter operator to accept payment by debit card (although we did state our willingness to consider waivers from this prohibition on demonstration that consumers would receive the protections of the Fair Credit Billing Act). The notice also stated that voucher programs, such as that offered by Direct Air, are not acceptable and will be considered to be *per se* violations of 14 CFR part 380.

Shortly after issuance of this notice, the Department received a number of comments from the public charter

<sup>1</sup> In addition to being published in the **Federal Register** (77 FR 69692 (Nov. 20, 2012)), the notice was also posted at [www.regulations.gov](http://www.regulations.gov) and on the Enforcement Office Web site <http://www.dot.gov/airconsumer/guidance-aviation-rules-and-statutes> and was widely distributed by email to persons who regularly communicate with the office.