

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.

#### 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-CBOE-2013-006 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-CBOE-2013-006. 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 the 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-CBOE-2013-006 and should be submitted on or before February 22, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>14</sup>

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013-02148 Filed 1-31-13; 8:45 am]

**BILLING CODE 8011-01-P**

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-68741; File No. SR-C2-2013-002]

#### **Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Pre-Opening Information**

January 28, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 17, 2013, the C2 Options Exchange, Incorporated ("Exchange" or "C2") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder.<sup>4</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange is proposing to amend Rule 6.11, *Openings (and sometimes Closings)*, regarding the dissemination of certain pre-opening information. The text of the proposed rule change is available on the Exchange's Web site (<http://www.c2exchange.com/Legal/RuleFilings.aspx>), at the Exchange's Office of the Secretary and at the Commission.

<sup>14</sup> 17 CFR 200.30-3(a)(12).

<sup>15</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

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

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

#### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

##### *A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

###### **1. Purpose**

The purpose of this filing is to update the provisions of Rule 6.11 regarding the dissemination of certain pre-opening information. In relevant part, the current provisions of Rule 6.11(a)(2) provide that, during the pre-opening period, at specified intervals of time that will be announced to Participants,<sup>5</sup> the C2 System will disseminate to Participants<sup>6</sup> information about resting orders in the book that remain from the prior business day and any orders and quotes submitted before the opening, including the expected opening price ("EOP") and expected opening size ("EOS") given the current resting orders and quotes. The purpose of the proposed rule change is to update the text to provide that such pre-opening information will be disseminated to all users that have elected to receive such information (and to remove the existing reference to such pre-opening information being disseminated to Participants). As revised, the rule text will reflect that any user—whether or not a Participant—may receive pre-opening information.<sup>7</sup> This revision will

<sup>5</sup> Pursuant to Rule 6.11.02, all pronouncements regarding determinations by the Exchange pursuant to Rule 6.11 and the Interpretations and Policies thereunder will be announced to Participants via Regulatory Circular.

<sup>6</sup> The term "Participant" means a Permit Holder. The term "Permit Holder" means the Exchange recognized holder of a Trading Permit. A Permit Holder is also known as a Trading Permit Holder under the C2 Bylaws. Permit Holders are deemed "members" under the Act. See C2 Rule 1.1, *Definitions*.

<sup>7</sup> The Exchange is also proposing to replace a reference from the specified intervals of time being "announced to Participants" to being "determined by the Exchange." The Exchange notes that all pronouncements regarding determinations by the Exchange pursuant to Rule 6.11 and the Interpretations and Policies there under will be announced to Participants via Regulatory Circular. See C2 Rule 6.11.02; see also note 5, *supra*. The

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.

update the rule text to accurately reflect the Exchange's current practice of making such pre-opening information available to any user.<sup>8</sup>

The Exchange believes that the dissemination of this pre-opening information to all users that elect to receive such information increases opportunities for all types of market participants (e.g., public customers, broker-dealers and market-makers) to participate in opening rotations. This broader participation could lead to more robust competition because more users may participate in opening rotations, which may result in better prices for customers.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the Act and the rules and regulations under the Act, in general, and furthers the objectives of Section 6(b)(5),<sup>9</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The proposed rule change will update the rule text to accurately reflect the Exchange's current practice of making pre-opening information available to any user—whether or not a Participant. The Exchange believes that the dissemination of the pre-opening information to all users that elect to receive such information increases opportunities for all types of market participants (e.g., public customers, broker-dealers and market-makers) to participate in opening rotations. This broader participation could lead to more robust competition because more users may participate in opening rotations, which may result in better prices for customers.

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

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not

necessary or appropriate in furtherance of the purposes of the Act. As noted above, the Exchange believes that the dissemination of the pre-opening information to all users that elect to receive such information increases opportunities for all types of participants (e.g., public customers, broker-dealers and market-makers) to participate in opening rotations. This broader participation could lead to more robust competition because more users may participate in opening rotations, which may result in better prices for customers. The Exchange also believes that the data will help attract new users and new order flow to the Exchange, thereby improving the Exchange's ability to compete in the market for options order flow and executions. Finally, the Exchange notes that at least one other exchange, the NASDAQ Options Market ("NOM"), makes similar information about pre-opening information available to non-members.<sup>10</sup>

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

The Exchange neither solicited nor received comments on the proposal.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 for 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>11</sup> and Rule 19b-4(f)(6)(iii) thereunder.<sup>12</sup> 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.

## 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-C2-2013-002 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-C2-2013-002. 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 the 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-C2-

Exchange also notes that Regulatory Circulars are publicly available on the Exchange's Web site ([www.c2exchange.com](http://www.c2exchange.com)).

<sup>8</sup> Users may elect to receive the pre-opening data via Market Data Express, LLC ("MDX," an affiliate of C2). MDX currently makes the data available as part of the BBO Data Feed for C2 listed options at no additional charge. See SR-C2-2013-001.

<sup>9</sup> 15 U.S.C. 78f(b)(5).

<sup>10</sup> NOM disseminates certain pre-opening order imbalance information every five seconds for a period of time prior to the open and this information is made available via subscription. See NOM Chapter VI, Section 8(b)(1) and Chapter XV, Section 4(e); see also <http://www.nasdaqtrader.com/trader.aspx?id=openclose>.

<sup>11</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>12</sup> 17 CFR 240.19b-4(f)(6)(iii). As required under Rule 19b-4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of 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.

2013-002 and should be submitted on or before February 22, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>13</sup>

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

[FR Doc. 2013-02147 Filed 1-31-13; 8:45 am]

**BILLING CODE 8011-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Airport Improvement Program

**AGENCY:** Department of Transportation, Federal Aviation Administration.

**ACTION:** Invitation to comment on draft FAA Order 5100-38, Airport Improvement Program Handbook.

**SUMMARY:** This notice announces the request for comments on the draft of FAA Order 5100-38D, Airport Improvement Program Handbook. When finalized, this Order will replace Order 5100-38C, Airport Improvement Program Handbook, issued on June 28, 2005. This update clarifies statutory requirements, including changes to the AIP statute from the recent FAA reauthorization.

**DATES:** Comments must be received on or before March 18, 2013.

**ADDRESSES:** You can get an electronic copy of draft FAA Order 5100-38 and the comment form on the FAA Airports Web site at <http://www.faa.gov/airports/> after January 31, 2013.

You can submit comments using the AIP Draft Handbook Comment Form, using any of the following methods:

*Electronic Submittal to the FAA:* Go to <http://www.faa.gov/airports/> and follow the instructions for sending your comments electronically.

*Mail:* FAA Office of Airports, Airport Planning and Programming, Routing Symbol APP-501, 800 Independence Avenue SW., Room 619, Washington, DC 20591.

*Fax:* 1-202-267-5302.

*Hand Delivery:* To FAA Office of Airports, Airport Planning and Programming, Routing Symbol APP-501, 800 Independence Avenue SW., Room 619, Washington, DC 20591; between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

For more information on the notice and comment process, see the **SUPPLEMENTARY INFORMATION** section of this document. Privacy: We will post all comments we receive, without change,

to <http://www.faa.gov/airports/>, including any personal information you provide.

**Comments Received:** To read comments received, go to <http://www.faa.gov/airports/> at any time.

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

Frank J. San Martin, Manager, Airport Financial Assistance Division, APP-500, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267-3181; facsimile: (202) 267-5302; email: [frank.sanmartin@faa.gov](mailto:frank.sanmartin@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Availability of Documents**

You can get an electronic copy of this notice, FAA Order 5100-38C, and the draft Order by visiting the FAA's Airports Web page at <http://www.faa.gov/airports/> after January 31, 2013.

##### **Background**

The Airport Improvement Program is an airport grant program, established by the Airport and Airway Improvement Act of 1982 as amended, 49 U.S.C. 47101 et seq. (AIA). Order 5100-38C, Airport Improvement Program Handbook, issued June 28, 2005, contains instructions to FAA employees on implementing the AIP. This Order is widely used by airports, consultants and others. This draft Order will replace Order 5100-38C and supersedes most Program Guidance Letters (PGLs) issued through Fiscal Year 2012.

Since 2005, there have been substantial changes to the laws and policies relating to the AIP, including the recent FAA reauthorization bill, the FAA Modernization and Reform Act of 2012.

To incorporate these changes and provide the most useful and current program guidance to agency employees, the Office of Airport Planning and Programming, Financial Assistance Division has updated and significantly revised the Handbook to maximize its clarity. This update is a fundamental rewrite of FAA Order 5100-38C, the current version of the Airport Improvement Program Handbook. The update clarifies the different responsibilities of the FAA Office of Airports staff and those of the AIP grant sponsor. The basic Handbook includes the requirements for all grant projects and also includes appendices that can be used as a ready-reference for project-specific requirements.

##### **Invitation for Public Comment**

While the FAA generally does not request public comment on internal orders, the agency is offering this

opportunity for public comment in recognition of the interest of all segments of the airport community in the AIP. The agency will consider all comments received by the closing date of the comment period in finalizing this Order. Comments received after that date may be considered if consideration will not delay agency action on the Order.

Comments must be submitted on the AIP Draft Handbook Comment Form, which is available for downloading at: <http://www.faa.gov/airports/>. Comments that are not submitted on the form may be considered only if consideration will not delay agency action on the Order.

Issued in Washington, DC, on January 23, 2013.

**Frank J. San Martin,**

*Manager, Airports Financial Assistance Division, Office of Airport Planning and Programming.*

[FR Doc. 2013-02044 Filed 1-31-13; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### **Fifth Meeting: RTCA Special Committee 227, Standards of Navigation Performance**

**AGENCY:** Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

**ACTION:** Meeting Notice of RTCA Special Committee 227, Standards of Navigation Performance.

**SUMMARY:** The FAA is issuing this notice to advise the public of the fifth meeting of the RTCA Special Committee 227, Standards of Navigation Performance.

**DATES:** The meeting will be held February 11-15, 2013 from 9:00 a.m. to 5:00 p.m.

**ADDRESSES:** The meeting will be held at EUROCONTROL Headquarters, Rue de la Fusee 96, 1130 Brussels, Belgium. A WebEx/telephone bridge will be provided upon request.

**FOR FURTHER INFORMATION CONTACT:** The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833-9339, fax at (202) 833-9434, or Web site at <http://www.rtca.org>. Alternately, contact Jennifer Iversen directly at (202) 330-0662, email [jiversen@rtca.org](mailto:jiversen@rtca.org), or Dave Nakamura, (425) 965-6896, at email [dave.nakamura@boeing.com](mailto:dave.nakamura@boeing.com).

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92-463, 5 U.S.C., App.), notice is hereby

<sup>13</sup> 17 CFR 200.30-3(a)(12).