

accommodation to access the public meetings listed above should contact Dr. Stine at least five business days prior to the meeting so that appropriate arrangements can be made.

**Deborah D. Stine,**

*Executive Director, President's Council of Advisors on Science and Technology Policy.*

[FR Doc. E9-23253 Filed 9-24-09; 8:45 am]

**BILLING CODE 3170-W9-P**

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, October 1, 2009 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Walter, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting scheduled for Thursday, October 1, 2009 will be:

Institution and settlement of injunctive actions;  
 Institution and settlement of administrative proceedings;  
 A litigation matter; and  
 Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551-5400.

Dated: September 23, 2009.

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-23373 Filed 9-23-09; 4:15 pm]

**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

### Genova Biotherapeutics Inc.; Order of Suspension of Trading

September 23, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Genova Biotherapeutics Inc. ("Genova").

Genova is incorporated under the laws of Nevada and has its primary headquarters in New York, New York. Questions have arisen regarding stock promotional activity for Genova and the adequacy and accuracy of press releases, financial statements, and statements on the company's Web site concerning the company's current financial condition, business and operations, and stock promoting activity.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in Genova's securities.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EST, on September 23, 2009 through 11:59 p.m. EST, on October 6, 2009.

By the Commission.

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-23297 Filed 9-23-09; 4:15 pm]

**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-60694; File No. SR-Phlx-2009-65]

### Self-Regulatory Organizations; Order Approving Proposed Rule Change by NASDAQ OMX PHLX, Inc. Relating to Strike Price Intervals of \$0.50 for Options on Stocks Trading at or Below \$3.00

September 18, 2009.

On July 31, 2009, NASDAQ OMX PHLX, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the "Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> a proposed rule change to permit the Exchange to list options on selected stocks trading at or

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

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

below \$3.00 at \$0.50 intervals ("\$0.50 Strike Program"). The proposed rule change was published for comment in the **Federal Register** on August 17, 2009.<sup>4</sup> There were no comments on the proposed rule change. This order approves the proposed rule change.

The Exchange proposes to amend Rule 1012, Series of Options Open for Trading, Commentary .05, in order to establish strike price intervals of \$0.50, beginning at \$1, for certain options classes whose underlying security closed at or below \$3 in its primary market on the previous trading day. Currently, Commentary .05(a)(ii) to Phlx Rule 1012 provides that the interval of strike prices of series of options on individual stocks may be \$2.50 or greater where the strike price is \$25 or less. Additionally, Commentary .05(a)(i) to Phlx Rule 1012 allows the Exchange to establish \$1 strike price intervals (the "\$1 Strike Program") on options classes overlying no more than fifty-five individual stocks designated by the Exchange. To be eligible for the \$1 Strike Program, an underlying stock must close below \$50 in its primary market on the previous trading day.<sup>5</sup>

The Exchange now proposes to establish strike prices of \$1, \$1.50, \$2, \$2.50, \$3 and \$3.50 for certain stocks that trade at or under \$3.00.<sup>6</sup> The listing of these strike prices will be limited to options classes whose underlying security closed at or below \$3 in its primary market on the previous trading day, and which have national average daily volume that equals or exceeds 1000 contracts per day as determined by The Options Clearing Corporation

<sup>4</sup> See Securities Exchange Act Release No. 60466 (August 10, 2009), 74 FR 4147 ("Notice").

<sup>5</sup> In addition, the \$1 Strike Program permits the Exchange to list strike prices at \$1 intervals from \$1 to \$50, provided that no \$1 strike price may be listed that is greater than \$5 from the underlying stock's closing price in its primary market on the previous day. Further, the Exchange is restricted from listing any series that would result in strike prices being within \$0.50 of a strike price set pursuant to Commentary .05(a)(ii) to Phlx Rule 1012 addressing \$2.50 strike intervals. The Exchange may also list \$1 strikes on any other option class designated by another securities exchange that employs a similar \$1 Strike Program. Further, the Exchange may not list long-term option series (LEAPS) at \$1 strike price intervals for any class selected for the \$1 Strike Program.

<sup>6</sup> The Exchange recently amended Exchange Rule 1010, Withdrawal of Approval of Underlying Securities or Options, to eliminate the \$3 market price per share requirement for continued approval for an underlying security. The amendment eliminated the prohibition against listing additional series or options on an underlying security at any time when the price per share of such underlying security is less than \$3. The Exchange explained in that proposed rule change that the market price for a large number of securities has fallen below \$3 in the current volatile market environment. See Securities Exchange Act Release No. 59346 (February 3, 2009), 74 FR 6681 (February 10, 2009).