

training curriculum linked to training objectives; Knowledge of training evaluation methods; and Effective written and oral communication skills.

**Application Requirements:** Applications should be concisely written, typed double spaced and reference the "NIC Funding Opportunity Number" and Title provided in this announcement. The application package must include: OMB Standard Form 424, Application for Federal Assistance; a cover letter that identifies the audit agency responsible for the applicant's financial accounts as well as the audit period of fiscal year that the applicant operates under (e.g., July 1 through June 30), an outline of projected costs, and the following forms: OMB Standard Form 424A, Budget Information—Non Construction Programs, OMB Standard Form 424B, Assurances—Non Construction Programs (available at [www.grants.gov](http://www.grants.gov)), and DOJ/NIC Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (available at <http://www.nicic.gov/Downloads/PDF/certif-frm.pdf>).

Applications may be submitted in hard copy, or electronically via [www.grants.gov](http://www.grants.gov). If submitted in hard copy, there needs to be an original and three copies of the full proposal (program and budget narratives, application forms and assurances). The original should have the applicant's signature in blue ink. The program narrative text must be limited to 15 double spaced pages, exclusive of resumes and summaries of experience. Please do not submit full curriculum vitae.

A web-conference will be conducted for persons with the intent to respond to the solicitation on Tuesday, November 17, 2009 at 12 p.m. EDT. During this conference, NIC project managers will respond to questions regarding the solicitation and expectation of work to be performed. Please notify Michael Dooley electronically at [mndooley@bop.gov](mailto:mndooley@bop.gov) by 12 p.m. noon EDT on Friday, November 13, 2009, regarding your interest in participating in the conference. You will be provided with the Web link, call-in number and instructions for accessing the session.

**Authority:** Public law 93-415.

**Funds Available:** NIC is seeking the applicant's best ideas regarding accomplishment of the scope of work and the related costs for achieving the goals of this solicitation. Funds may only be used for the activities that are

linked to the desired outcome of the project.

This project will be a collaborative venture with the NIC Prisons Division.

**Eligibility of Applicants:** An eligible applicant is any private agency, educational institution, organization, individual or team with expertise in the described areas.

**Review Considerations:** Applications received under this announcement will be subjected to a 3 to 5 person NIC Peer Review Process.

**Note:** NIC will NOT award a cooperative agreement to an applicant who does not have a Dun and Bradstreet Database Universal Number (DUNS) and is not registered in the Central Contractor Registry.

A DUNS number can be received at no cost by calling the dedicated toll-free DUNS number request line at 1-800-333-0505 (if you are a sole proprietor, you would dial 1-866-705-5711 and select option 1).

**Number of Awards:** One.

**NIC Funding Opportunity Number:** 10P07. This number should appear as a reference line in the cover letter, in box 4a of Standard Form 424, and outside of the envelope in which the application is sent.

**Catalog of Federal Domestic Assistance Number:** 16.601.

**Executive Order 12372:** This project is not subject to the provisions of Executive Order 12372.

**Morris L. Thigpen,**

*Director, National Institute of Corrections.*

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**BILLING CODE 4410-36-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-60840; File No. SR-Phlx-2009-77]

### Self-Regulatory Organizations; Order Approving Proposed Rule Change by NASDAQ OMX PHLX, Inc. Regarding Listing Certain Options at \$1 Strike Price Intervals Below \$200 and Listing Certain Options at \$2.50 Strike Price Intervals Below \$200

October 20, 2009.

On September 4, 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 listing of certain option series at \$1 and \$2.50 strike price intervals for strike prices below \$200. The proposed rule change was published for comment in the **Federal Register** on September 16, 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 Phlx Rules 1012 and 1101A to permit the Exchange to list eight index options (the "\$1 Indexes") at \$1 strike price intervals below \$200.<sup>5</sup> The Exchange believes that \$1 strike price intervals in these option series will provide investors with greater flexibility by allowing them to establish positions that are better tailored to meet their investment objectives. The Exchange also proposes to amend Rule 1101A to permit the Exchange to list options on two indexes at \$2.50 strike price intervals below \$200.<sup>6</sup>

For initial series in options on the \$1 Indexes, the Exchange will list at least two strike prices above and two strike prices below the current value of the \$1 Index at or about the time a series is opened for trading on the Exchange. Series listed at the time of initial listing must be within five (5) points of the closing value of the \$1 Index on the preceding day. The Exchange will be permitted to list up to sixty (60) additional series, subject to certain guidelines,<sup>7</sup> when the Exchange deems it necessary to maintain an orderly market, to meet customer demand, or when the underlying \$1 Index moves substantially from the initial exercise price or prices. In all cases, however, \$1 strike price intervals may be listed on \$1 Index options only where the strike price is less than \$200. The Exchange is also proposing to set forth a delisting

<sup>4</sup> See Securities Exchange Act Release No. 60637 (September 9, 2009), 74 FR 47634 ("Notice").

<sup>5</sup> The Exchange is proposing \$1 strike price intervals for the following sector indexes: PHLX Gold/Silver Index (XAU), PHLX Housing Index (HGX), PHLX Oil Service Index (OSX), SIG Oil Exploration & Production Index™ (EPX<sup>SM</sup>), PHLX Semiconductor Index (SOX), KBW Bank Index (BKX),<sup>5</sup> SIG Energy MLP Index<sup>SM</sup> (SVO<sup>TM</sup>), and Reduced Value Russell 2000® Index (RMN).

<sup>6</sup> The Exchange is proposing \$2.50 strike price intervals for the following sector indexes: The NASDAQ China Index<sup>SM</sup> (CNZ) and the Reduced Value Russell 2000® Index (RMN).

<sup>7</sup> Additional strike prices shall be within thirty percent (30%) above or below the closing value of the \$1 Index; however, the Exchange will be permitted to open additional strike prices that are more than 30% above or below the current \$1 Index value provided that demonstrated customer interest exists for such series, as expressed by institutional, corporate or individual customers or their brokers. Market-Makers trading for their own account will not be considered when determining customer interest. See Proposed Rule 1101A Commentary .03(b).

<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.

policy with respect to \$1 Index options.<sup>8</sup>

After careful review, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.<sup>9</sup> In particular, the Commission believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,<sup>10</sup> which requires, among other things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange stated in its proposal that it has received numerous requests from traders of the \$1 Index options for series listed in \$1 strike price increments. The Exchange believes that allowing the listing of these options at \$1 increments as proposed, particularly given the recent decline in values of the \$1 Indexes, should provide investors with added flexibility in the trading of options and further the public interest by allowing investors to establish positions that are better tailored to meet their investment objectives.

The Commission notes that the Exchange has analyzed its capacity and represented its belief that it and the Options Price Reporting Authority have the necessary systems capacity to handle the additional traffic associated with listing and trading \$1 strike intervals options series on the \$1 Indexes.

In light of the foregoing, the Commission believes that the proposal strikes a reasonable balance between the Exchange's desire to accommodate market participants by offering a wider array of investment opportunities and the need to avoid unnecessary proliferation of options series and the corresponding increase in quotes. The Commission expects that the Exchange will monitor the trading volume

<sup>8</sup> For each \$1 Index the Exchange will regularly review series that are outside a range of five (5) strikes above and five (5) strikes below the current value of the \$1 Index and may delist series with no open interest in both the put and the call series having a: (i) Strike higher than the highest strike price with open interest in the put and/or call series for a given expiration month; and (ii) strike lower than the lowest strike price with open interest in the put and/or call series for a given expiration month. However, customer requests to add strikes and/or maintain strikes in \$1 Index options in series eligible for delisting may be granted.

<sup>9</sup> In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>10</sup> 15 U.S.C. 78f(b).

associated with the additional options series listed as a result of this proposal and the effect of these additional series on market fragmentation and on the capacity of the Exchange's, OPRA's and vendors' automated systems.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>11</sup> that the proposed rule change (SR-Phlx-2009-77) be, and it hereby is, approved.

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

**Elizabeth M. Murphy,**

*Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-60853; File No. SR-Phlx-2009-89]

### Self-Regulatory Organizations; NASDAQ OMX PHLX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Retroactively Waiving the Cancellation Fee

October 21, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup>, and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on October 13, 2009, NASDAQ OMX PHLX, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. 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 proposes to retroactively waive the Cancellation Fee for the months of August and September 2009 and issue a rebate to member organizations for Cancellation Fees that were assessed in those months.

The text of the proposed rule change is available on the Exchange's Web site at <http://nasdaqomxphlx.cchwallstreet.com/NASDAQOMXPHLX/Filings/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

<sup>11</sup> 15 U.S.C. 78s(b)(2).

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

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

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

#### 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 these 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 aspects 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 the proposed rule change is to rebate monies previously assessed for the Cancellation Fee in August and September 2009 to all member organizations. During the months of August and September 2009, member organizations were assessed \$2.10 per order for each cancelled electronically-delivered<sup>3</sup> order in excess of the number of orders executed on the Exchange by a member organization in a given month.<sup>4</sup> The Exchange calculates the Cancellation Fee by aggregating all orders and cancels received by the Exchange and totaling those orders by member organization. The Exchange aggregates and counts as one executed customer<sup>5</sup> option order all customer orders from the same member organization that are executed in the same series on the same side of the market at the same price within a 300 second period.<sup>6</sup> The

<sup>3</sup> See Exchange Rule 1080.

<sup>4</sup> See Securities Exchange Act Release No. 60046 (June 4, 2009), 74 FR 28083 (June 12, 2009) (SR-Phlx-2009-44) (assessing \$2.10 per order for each cancelled electronically-delivered order and limit the applicability of the Cancellation Fee to cancelled electronically delivered customer orders.)

<sup>5</sup> See e.g. Exchange Rule 1080(b)(i)(A) which defines customer order as [sic] " \* \* \* is any order entered on behalf of a public customer, and does not include any order entered for the account of a broker-dealer, or any account in which a broker-dealer or an associated person of a broker-dealer has any direct or indirect interest."

<sup>6</sup> See Securities Exchange Act Release No. 60188 (June 29, 2009), 74 FR 32986 (July 9, 2009) (SR-Phlx-2009-48) (aggregating options orders within a specified time period for the purpose of assessing the Cancellation Fee). At least 500 cancellations must be made in a given month by a member organization in order for a member organization to be assessed the Cancellation Fee. The Cancellation Fee is not assessed in a month in which fewer than 500 electronically-delivered orders are cancelled. Simple cancels and cancel-replacement orders are the types of orders that are counted when calculating the number of electronically-delivered