

**NATIONAL SCIENCE FOUNDATION****Notice of Permit Modification Request Received Under the Antarctic Conservation Act of 1978****AGENCY:** National Science Foundation.**ACTION:** Notice of permit modification request received under the Antarctic Conservation Act of 1978, Public Law 95-541.**SUMMARY:** Notice is hereby given that the National Science Foundation (NSF) has received a request to modify a permit issued to conduct activities regulated under the Antarctic Conservation Act of 1978 (Pub. L. 95-541; Code of Federal Regulations Title 45, Part 670).**DATES:** Interested parties are invited to submit written data, comments, or views with respect to the permit modification by March 9, 2009. The permit modification request may be inspected by interested parties at the Permit Office, address below.**ADDRESSES:** Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.**FOR FURTHER INFORMATION CONTACT:**

Polly A. Penhale or Nadene G. Kennedy at the above address or (703) 292-8030.

**Description of Permit Modification Requested**

On October 1, 2008, the National Science Foundation issued a waste management permit (2009 WM-001) to Erica Wikander, Environmental Officer, Quark Expeditions, Inc. after posting a notice in the June 9, 2008 **Federal Register**. Public comments were not received. The issued permit was for the operation of remote field support and emergency provisions for the expedition vessels, AKADEMIK SERGEY VAVILOV, AKADEMIK IOFFEE and CLIPPER ADVENTURER. The permit holder requests to take 4 ATV's and two 10 gallon plastic containers of regular gasoline ashore, which will be housed in the garage overnight at Bellingshausen Station. The ATV's will be used during the course of a marathon that will be run on King George Island. The ATV's will be used primarily for safety reasons should anyone need to return to the beach or ship, due to an accident or a collapse. The ATV's will be used to conduct a thorough cleanup after the marathon.

In addition the permit holder proposes to take 3 portable toilets ashore and set them up in small tents. After the marathon everything will be removed back to the ship and no human

waste will be left ashore. The waste from the portable toilets will be put into the storage tank for sewage on the ships.

The duration of the requested modification is coincident with the current permit which expires on March 31, 2013.

**Nadene G. Kennedy,***Permit Officer.*

[FR Doc. E9-2551 Filed 2-5-09; 8:45 am]

**BILLING CODE 7555-01-P****NUCLEAR REGULATORY COMMISSION****[Docket Nos. 50-277 and 50-278]****Exelon Generation Company, LLC, and PSEG Nuclear, LLC; Environmental Assessment and Finding of No Significant Impact; Correction NRC-2009-0033****AGENCY:** Nuclear Regulatory Commission.**ACTION:** Environmental Assessment and Finding of No Significant Impact; Correction.

**SUMMARY:** This document corrects a notice appearing in the **Federal Register** on January 29, 2009 (74 FR 5191), that notified the public of the Environmental Assessment and Finding of No Significant Impact for issuance of an Exemption from Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix R, Section III.G, "Fire Protection of Safe Shutdown Capability," for the use of operator manual actions in lieu of the requirements specified in Section III.G.2 as requested by Exelon Generation Company, LLC for operation of Peach Bottom Atomic Power Station, Units 2 and 3 located in York and Lancaster Counties, Pennsylvania. This action is necessary to correct the Licensee's name as stated in the subject heading of the original notice.

**FOR FURTHER INFORMATION CONTACT:** John D. Hughey, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone (301) 415-3204, e-mail: *John.Hughey@nrc.gov*.

**SUPPLEMENTARY INFORMATION:** On page 5191, in the first column, 11th line, the subject heading is corrected to read from "Entergy Nuclear Operations, Inc.;" to "Exelon Generation Company, LLC, and PSEG Nuclear, LLC.;"

Dated in Rockville, Maryland, this 29th day of January 2009.

For the Nuclear Regulatory Commission.

**John D. Hughey,***Project Manager, Plant Licensing Branch I-2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. E9-2546 Filed 2-5-09; 8:45 am]

**BILLING CODE 7590-01-P****SECURITIES AND EXCHANGE COMMISSION****[Release No. 34-59336; File No. SR-CBOE-2008-127]****Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving Proposal To Eliminate the \$3 Underlying Price Requirement for Continued Listing and Listing of Additional Series**

February 2, 2009.

On December 18, 2008, the Chicago Board Options Exchange, Incorporated ("Exchange" or "CBOE") filed with the Securities and Exchange Commission ("Commission") 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> a proposed rule change to eliminate the \$3 underlying price requirement for continued listing and for the listing of additional series. The proposed rule change was published for comment in the **Federal Register** on January 2, 2009.<sup>3</sup> The Commission received one comment letter on the proposed rule change.<sup>4</sup> This order approves the proposed rule change.

The proposed rule change amends CBOE Rule 5.4.01 to eliminate the \$3 market price per share requirement from the Exchange's requirements for continued approval for an underlying security and amends CBOE Rule 5.4.02 to eliminate the prohibition against listing additional series of options on an underlying security at any time when the price per share of such underlying security is less than \$3.

The Exchange believes that the \$3 market price per share requirement is no longer necessary or appropriate, and states that only those underlying securities meeting the remaining maintenance listing criteria set forth in Rule 5.4.01 will be eligible for

<sup>1</sup> 15 U.S.C. 78s(b)(1).<sup>2</sup> 17 CFR 240.19b-4.<sup>3</sup> See Securities Exchange Act Release No. 59152 (December 23, 2008), 74 FR 149 (January 2, 2009) ("Notice").<sup>4</sup> See letter to Florence E. Harmon, Acting Secretary, Commission, from Janet M. Kissane, Senior Vice President—Legal and Corporate Secretary, Office of the General Counsel, NYSE Euronext dated January 9, 2009 ("NYSE Euronext Letter").

continued listing and the listing of additional option series. The Exchange believes that the current \$3 market price per share requirement could have a negative effect on investors. For example, in the current volatile market environment, the Exchange is currently unable to list new series on underlying securities trading below \$3. If there is market demand for series below \$3, the Exchange would be unable to accommodate such requests and investors would be unable to hedge their positions with options series with strikes below \$3.

After carefully reviewing the proposed rule change, the Commission finds that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.<sup>5</sup> In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,<sup>6</sup> which, among other things, requires that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating transactions in securities, 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.

CBOE's rules provide that a security underlying an option will not be deemed to meet the requirements for continued approval if the underlying security ceases to be an NMS stock.<sup>7</sup> CBOE's rules also include other minimum standards for continued approval, including requirements related to the minimum number of outstanding shares, number of holders, and trading volume of the underlying security.<sup>8</sup> The Commission believes that securities underlying options traded on CBOE will remain subject to adequate minimum standards for continued approval, which should help to ensure that only options on liquid underlying securities are permitted to trade on CBOE. The Commission also notes that the NYSE Euronext letter generally

supports the proposal.<sup>9</sup> Accordingly, the Commission believes that CBOE's proposed rule change is consistent with the Act.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>10</sup> that the proposed rule change (SR-CBOE-2008-127), be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>11</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-2481 Filed 2-5-09; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-59331; File No. SR-CBOE-2009-003]

### Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Trades for Less Than \$1

January 30, 2009.

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 29, 2009, the Chicago Board Options Exchange, Incorporated ("Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder,<sup>4</sup> which renders the proposal effective upon filing with the Commission. 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 extend its program that allows transactions to take place at a price that is below \$1 per option contract until May 29, 2009. The text of the proposed rule change is available on the Exchange's Web site

(<http://www.cboe.org/Legal>), at the Exchange's Office of the Secretary and at the Commission's Public Reference Room.

#### 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 self-regulatory organization 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

An "accommodation" or "cabinet" trade refers to trades in listed options on the Exchange that are worthless or not actively traded. Cabinet trading is generally conducted in accordance with the Exchange Rules, except as provided in Exchange Rule 6.54, *Accommodation Liquidations (Cabinet Trades)*, which sets forth specific procedures for engaging in cabinet trades. Rule 6.54 currently provides for cabinet transactions to occur via open outcry at a cabinet price of \$1 per option contract in any options series open for trading in the Exchange, except that the Rule is not applicable to trading in option classes participating in the Penny Pilot Program. Under the procedures, bids and offers (whether opening or closing a position) at a price of \$1 per option contract may be represented in the trading crowd by a Floor Broker or by a Market-Maker or provided in response to a request by a PAR Official/OBO, a Floor Broker or a Market-Maker, but must yield priority to all resting orders in the PAR Official/OBO cabinet book (which resting cabinet book orders may be closing only). So long as both the buyer and the seller yield to orders resting in the cabinet book, opening cabinet bids can trade with opening cabinet offers at \$1 per option contract.

On December 30, 2008, the Exchange temporarily amended the procedures through January 30, 2009 to allow transactions to take place in open outcry at a price of at least \$0 but less than \$1

<sup>5</sup> In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>6</sup> 15 U.S.C. 78f(b)(5).

<sup>7</sup> See CBOE Rule 5.4.01(f). Rule 600 of Regulation NMS defines an NMS security as "any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan, or an effective national market system plan for reporting transactions in listed options," and an NMS stock as "any NMS security other than an option."

<sup>8</sup> See CBOE Rule 5.4.01(a)-(c).

<sup>9</sup> See NYSE Euronext Letter, *supra* note 4.

<sup>10</sup> 15 U.S.C. 78s(b)(2).

<sup>11</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.

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

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