

(B) The economic terms and the daily settlement prices of each contract, agreement, or transaction subject to this order must be analogous to the economic terms, and equal to the daily settlement prices, respectively, of a corresponding futures contract listed for trading on ICE Futures;

(C) All contracts, agreements, or transactions subject to this order must be submitted for clearing by an ICE Futures clearing member to ICE Clear pursuant to ICE Clear rules;

(D) Each ICE Futures floor member acting as an ESP pursuant to this order must be the subject of a financial guarantee from a member of ICE Clear covering the trading of the OTC swap contracts, agreements, or transactions subject to this order. The clearing member must be registered with the Commission as an FCM and must clear for the floor member the contracts, agreement, or transactions covered by the financial guarantee;

(E) An ICE Futures floor member is prohibited from entering into a transaction in a cleared-only contract subject to this order with another ICE Futures floor member as the counterparty;

(F) ICE Clear and its clearing members will mark to market each cleared-only contract subject to this order on a daily basis in accordance with ICE Clear rules;

(G) ICE Clear will apply its margining system and calculate margin rates for each cleared-only contract subject to this order in accordance with its normal and customary practices;

(H) ICE Futures must maintain appropriate compliance systems in place to monitor the transactions of its floor members in the OTC swap transactions permitted pursuant to this order;

(I) ICE Clear will apply appropriate risk management procedures with respect to transactions and open interest in the cleared-only contracts subject to this order. ICE Clear will conduct financial surveillance and oversight of its members clearing the cleared-only contracts, and will conduct oversight sufficient to assure ICE Clear that each such member has the appropriate operational capabilities necessary to manage defaults in such contracts. ICE Clear and its clearing members acting pursuant to this order will take all other steps necessary and appropriate to manage risk related to clearing cleared-only contracts;

(J) ICE Clear will make available open interest and settlement price information for the cleared-only contracts in the eligible products (coffee, sugar, and cocoa) on a daily

basis in the same manner as for contracts listed on ICE Futures;

(K) ICE Futures shall establish and maintain a coordinated market surveillance program that encompasses the cleared-only contracts subject to this order and the underlying futures contracts listed by ICE Futures on its designated contract market. ICE Futures shall adopt position accountability levels for each of the cleared-only contracts subject to this order that are appropriate in light of the position accountability levels applicable to the underlying futures contracts.

(L) Cleared-only contracts subject to this order shall not be treated as fungible with any contract listed for trading on ICE Futures.

(M) Each FCM acting pursuant to this order shall keep the types of information and records that are described in CEA Section 4g and Commission regulations thereunder, including but not limited to Reg. § 1.35, with respect to all cleared-only contracts in eligible products subject to this order. Such information and records shall be produced for inspection in accordance with the requirements of Reg. § 1.31;

(N) ICE Futures shall provide to the Commission the types of information described in Part 16 of the Commission's regulations in the manner described in Parts 15 and 16 of the Commission's regulations with respect to all cleared-only contracts;

(O) ICE Clear will apply large trader reporting requirements to cleared-only contracts in accordance with its rules, and each FCM acting pursuant to this order shall provide to the Commission the types of information described in Part 17 of the Commission's regulations in the manner described in Parts 15 and 17 of the Commission's regulations with respect to all cleared-only contracts in which it participates; and

(P) ICE Clear and ICE Futures shall at all times fulfill all representations made in their requests for relief under CEA Sections 4(c) and 4d and all supporting materials thereto.

This order is based upon the representations made and supporting material provided to the Commission by ICE Clear and ICE Futures in their requests. Any material change or omissions in the facts and circumstances pursuant to which this order is granted might require the Commission to reconsider its finding that the exemptions set forth herein are appropriate. Further, in its discretion, the Commission may condition, modify, suspend, terminate, or otherwise restrict the exemptions granted in this order, as appropriate, on its own motion.

Issued in Washington, DC, on December 12, 2008 by the Commission.

**David A. Stawick,**

*Secretary of the Commission.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### DoDEA FY 2009 Grant Competition Announcement

**AGENCY:** Department of Defense Education Activity, DoD.

**ACTION:** Notice of grant competition announcement; amendment.

**SUMMARY:** The Department of Defense Education Activity (DoDEA) is amending the Promoting Student Achievement at Schools Impacted by Military Force Structure Changes grant competition announcement, which appeared in the **Federal Register** on November 18, 2008 (73 FR 68423-68425). The amendments include a change in the expected dates, the elimination of the letter of intent, and the addition of Web site information where questions and answers will be posted.

#### Expected Dates and Procedures

Concept Paper Application Available: 16 Jan 09.

Deadline for Submission of Concept Papers: 06 Mar 09, 5 p.m. (EST).

Full Applications Available (by invitation only): 13 Apr 09.

Deadline for Submission of Full Proposals: 25 May 09, 5 p.m. (EST).

Deadline for Intergovernmental Review: 01 Jul 09.

#### Letter of Intent

There will be no letter of intent.

#### Posted Questions and Answers

DoDEA will post questions and answers on its Educational Partnerships' Web site: <http://www.militaryk12partners.dodea.edu>.

#### DoDEA Point of Contact

Mr. Brian Pritchard, Contracts and Grants Liaison, Department of Defense Education Activity (DoDEA) E-mail: [brian.pritchard@hq.dodea.edu](mailto:brian.pritchard@hq.dodea.edu).

Dated: December 11, 2008.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer, Department of Defense.*

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