



C.F.T.C.  
OFFICE OF THE SECRETARIAT  
2010 FEB 23 PM 3 41

February 23, 2010

Mr. David Stawick  
Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, NW  
Washington DC 20581

**RE: CME Rules 42302.G., 423B02.I., 43002.G.  
and 430B02.I.  
Section 5c(c)(1) and Regulation Section 40.6.  
Certification of Amendments to Futures Contracts Based on the  
CME Hurricane Index.  
CME Submission No. 10-052R**

Dear Mr. Stawick:

Chicago Mercantile Exchange Inc. ("CME" or "Exchange") hereby notifies the Commodity Futures Trading Commission regarding amendments to futures contracts based on the CME Hurricane Index (CHI) for the 2010 hurricane season.

Rules governing the CHI-based contracts call for final settlement "at least two calendar days following the last forecast/advisory issued by the National Hurricane Center (NHC) for the named storm..." On several occasions during the 2009 hurricane season, the NHC issued "final" reports, but left open the possibility of resuming coverage if the weather cell happened to regenerate into a tropical storm. Had this occurred, it could have required the re-calculation of settlements and adjustments of accounts for contracts that had already undergone "final" settlement.

After reviewing this situation with EQECAT, the calculation agent for the CHI, the rule language is being amended to require that both the NHC and the Hydrometeorological Prediction Center (HPC), a sister agency of NHC within the National Oceanic and Atmospheric Administration, must have stopped issuing advisories for that named storm before final settlement can occur. When the NHC stops coverage of a storm, the HPC takes over responsibility for issuing reports, and in the event that a storm regenerates, the responsibility then shifts back to the NHC. Requiring both agencies to have stopped issuing reports on a particular storm before final settlement can occur will eliminate this potential problem, and therefore Rules 42302.G., 423B02.I., 43002.G. and 430B02.I are being amended to reflect this additional requirement.

None of the 2010 hurricane contracts have been listed for trading, pending resolution of this issue, so at the present time there is no open interest in these contracts.

All CHI-based futures and options for the 2010 hurricane season will be listed for trading on Monday, March 1, 2010, except for the following contracts which will be listed for trading on Monday, March 22, 2010:

CME Hurricane Index Seasonal Futures

- Gulf + Florida
- Florida Gold Coast

Options on CME Hurricane Index Seasonal Futures

- Gulf + Florida
- Florida Gold Coast

CME Hurricane Index Seasonal Binary Contract

- Gulf + Florida

CME Hurricane Index Seasonal Maximum Futures

- Gulf + Florida
- Florida Gold Coast

Options on CME Hurricane Index Seasonal Maximum Futures

- Gulf + Florida
- Florida Gold Coast

CME Hurricane Index Seasonal Maximum Binary Contract

- Gulf + Florida

CME certifies that these amendments comply with the Commodity Exchange Act and regulations thereunder. The amendments are presented below, with additions underlined and deletions bracketed and overstruck.

If you have any questions regarding this submission, please contact Paul Peterson, at (312) 930-4587 or via e-mail at [paul.peterson@cmegroup.com](mailto:paul.peterson@cmegroup.com), Charles Piszczor at (312) 930-4536 or via e-mail at [charles.piszczor@cmegroup.com](mailto:charles.piszczor@cmegroup.com) or me at (312) 648-5422. Please reference CME Submission No. 10-052R in any related correspondence.

Sincerely,

/s/ Stephen M. Szarmack  
Regulatory Counsel

## Chapter 423 CME Hurricane Index Futures

### 42302. FUTURES CALL

#### 42302.G. Termination of Trading

Futures trading shall terminate at 9:00 A.M. on the first Exchange business day that is at least two calendar days following the last forecast/advisory issued by the National Hurricane Center (NHC) for the named storm, provided that both the NHC and the Hydrometeorological Prediction Center have stopped issuing advisories for that named storm, but in no event shall trading terminate prior to the first Exchange business day that is at least two calendar days following January 1, or later than the first business day that is at least two calendar days following December 31. If a particular named storm is unused (i.e. that storm has not formed), trading shall terminate at 9:00 A.M. on the first Exchange business day that is at least two calendar days following December 31.

## Chapter 423B CME Hurricane Index Binary Contract

### 423B02. CONTRACT CALL

#### 423B02.I. Termination of Trading

Trading shall terminate at 9:00 A.M. on the first Exchange business day that is at least two calendar days following the last forecast/advisory issued by the National Hurricane Center (NHC) for the named storm, provided that both the NHC and the Hydrometeorological Prediction Center have stopped issuing advisories for that named storm, but in no event shall trading terminate prior to the first Exchange business day that is at least two calendar days following January 1, or later than the first business day that is at least two calendar days following December 31. If a particular named storm is unused (i.e. that storm has not formed), trading shall terminate at 9:00 A.M. on the first Exchange business day that is at least two calendar days following December 31.

## Chapter 430 CME Hurricane Index Cat-In-A-Box Futures

### 43002. FUTURES CALL

#### 43002.G. Termination of Trading

Futures trading shall terminate at 9:00 A.M. on the first Exchange business day that is at least two calendar days following the dissipation or exit from the designated area of a named storm, provided that both the NHC and the Hydrometeorological Prediction Center have stopped issuing advisories for that named storm, but in no event shall trading terminate prior to the first Exchange business day that is at least two calendar days following January 1, or later than the first business day that is at least two calendar days following December 31. If a particular named storm is unused (i.e. that storm has not formed), trading shall terminate at 9:00 A.M. on the first Exchange business day that is at least two calendar days following December 31.

## Chapter 430B CME Hurricane Index Cat-In-A-Box Binary Contract

### 430B02. CONTRACT CALL

#### 430B02.I. Termination of Trading

Trading shall terminate at 9:00 A.M. on the first Exchange business day that is at least two calendar days following the ~~[last forecast/advisory issued by the National Hurricane Center (NHC) for the named storm]~~ dissipation or exit from the designated area of a named storm, provided that both the NHC and the Hydrometeorological Prediction

Center have stopped issuing advisories for that named storm, but in no event shall trading terminate prior to the first Exchange business day that is at least two calendar days following January 1, or later than the first business day that is at least two calendar days following December 31. If a particular named storm is unused (i.e. that storm has not formed), trading shall terminate at 9:00 A.M. on the first Exchange business day that is at least two calendar days following December 31.