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OFFICE OF THE SECRETARIAT  
2009 OCT 27 PM 3 13

October 26, 2009

Mr. David Stawick  
Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, DC 20581

**Re: Section 5c(c)(1), Regulation 40.2 Submission. Exchange Certification for New Products pertaining to Rules 41801. & 40201. COMMODITY SPECIFICATIONS and New Monthly & Seasonal Strip Snowfall Index Binary Option Contracts  
CME Submission No. 09-253**

Dear Mr. Stawick:

Chicago Mercantile Exchange Inc. ("CME" or "Exchange") hereby notifies the Commodity Futures Trading Commission regarding the addition of new Snowfall Index Monthly & Seasonal locations and new Monthly & Seasonal Strip Snowfall Index Binary Options contracts.

The addition of these binary contracts and locations comes at the request of market participants. Snowfall Index Binary Option Contracts are a line extension to the already existing Monthly and Seasonal Strip Snowfall Index future and option products.

The new locations are as follows:

- New York LaGuardia Airport (WBAN 14732)
- Chicago O'Hare International Airport (WBAN 94846)
- Minneapolis/St. Paul Airport (WBAN 14922)
- Detroit Metro Airport (WBAN 94847)

These new locations and new Binary Options contracts will begin trading on Monday, December 7, 2009.

CME certifies that these changes comply with the Commodity Exchange Act and regulations thereunder.

Changes to the rule language are as follows with additions underlined and deletions overstruck.

If you require any additional information regarding this action, please do not hesitate to contact Mr. 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. We would be appreciative if you could reference our CME Submission No. 09-253 in any related correspondence.

Sincerely,

/s/ Stephen M. Szarmack  
Director and Associate General Counsel

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**41801. COMMODITY SPECIFICATIONS**

Daily snowfall is defined as the total snowfall recorded at a particular location between 12:01 A.M. and 12:00 A.M. midnight as reported by Earth Satellite Corporation.

Monthly snowfall is defined as the sum of daily snowfall values for a particular location for a calendar month. The accumulation period for each contract begins with the first calendar day of the contract month and ends with the last calendar day of the contract month.

The table below lists the cities and their corresponding weather stations:

Listing Cities and Corresponding Weather Stations

New York Central Park (WBAN 94728)

Boston Logan International Airport (WBAN 14739)

New York LaGuardia Airport (WBAN 14732)

Chicago O'Hare International Airport (WBAN 94846)

Minneapolis/St. Paul Airport (WBAN 14922)

Detroit Metro Airport (WBAN 94847)

(End of Rule 41801)

**40201. COMMODITY SPECIFICATIONS**

Daily snowfall is defined as the total snowfall recorded at a particular location between 12:01 A.M. and 12:00 A.M. midnight as reported by Earth Satellite Corporation.

Each particular CME Seasonal Strip Snowfall Index is defined as the accumulation of like snowfall values over a minimum of two, and a maximum of six, consecutive calendar months. The first calendar month in the strip may be November or later, and the last calendar month in the strip may be April or earlier. The accumulation period for each strip contract begins with the first calendar day of the contract month of the strip and ends with the last calendar day of the last month of the defined strip.

The table below lists the cities and their corresponding weather stations:

Listing Cities and Corresponding Weather Stations

New York Central Park (WBAN 94728)

Boston Logan International Airport (WBAN 14739)

New York LaGuardia Airport (WBAN 14732)

Chicago O'Hare International Airport (WBAN 94846)

Minneapolis/St. Paul Airport (WBAN 14922)

Detroit Metro Airport (WBAN 94847)

(End of Rule 40201)

**Chapter 418B**  
**CME Snowfall Index Binary Contract**

**418B00. SCOPE OF CHAPTER**

This chapter is limited in application to trading of binary contracts on the CME Snowfall Index. The procedures for trading, clearing and settlement, and any other matters not specifically covered herein shall be governed by the rules of the Exchange.

**418B01. COMMODITY SPECIFICATIONS**

CME Snowfall Index values will be calculated by Earth Satellite Corporation, using the locations and method described in Chapter 418.

**418B02. CONTRACT CALL**

**418B02.A. Trading Schedule**

Binary contracts shall be scheduled for trading during such hours in such months as may be determined by the Board of Directors.

**418B02.B. Trading Unit**

The unit of trading shall be \$10,000.

**418B02.C. Minimum Fluctuations**

The price of a binary contract shall be quoted in terms of the respective CME Snowfall index. Each index point represents \$100. For example, a quote of 18.1 index points represents a price of \$1,810. The minimum fluctuation shall be 0.1 index point (also known as one tick), equal to \$10.

**418B02.D. [Reserved]**

**418B02.E. Exercise Prices**

Exercise prices shall be stated in terms of the respective CME Snowfall Index. Eligible exercise prices shall be at intervals of 0.1 index point (e.g., 1.0, 1.1, 1.2, etc.).

At the commencement of trading in a contract, binary contracts shall be listed at intervals of 0.1 index point in a range of 0 to 50 index points. New binary contracts may be listed for trading up to and including the termination of trading.

The Board may modify the provisions governing the establishment of exercise prices as it deems appropriate.

**418B02.F. Position Accountability**

A person owning or controlling more than 10,000 binary contracts in any individual contract shall provide, in a timely fashion, upon request by the Exchange, information regarding the nature of the position, trading strategy, and hedging information if applicable.

**418B02.G. Accumulation of Positions**

For the purposes of this rule, the positions of all accounts directly or indirectly owned or controlled by a person or persons, and the positions of all accounts of a person or persons acting pursuant to an expressed or implied agreement or understanding, and the positions of all accounts in which a person or persons have a proprietary or beneficial interest, shall be cumulated.

**418B02.H. [Reserved]**

**418B02.I. Termination of Trading**

Trading shall terminate on the same date and time as the underlying futures contract.

**418B02.J. Contract Modification**

Specifications shall be fixed as of the first day of trading of a contract except that all contracts must conform to government regulations in force at the time of exercise. If the U.S. government, an agency or duly constituted body thereof issues an order, ruling, directive or law inconsistent with these rules, such order, ruling, directive or law shall be construed to become part of these rules and all open and new contracts shall be subject to such governmental orders.

**418B02.K. [Reserved]**

**418B03. EXERCISE**

In addition to the applicable procedures and requirements of Chapter 7, the following shall apply to the exercise of CME Snowfall Index binary contracts.

**418B03.A. Exercise of Binary Contract by Buyer**

A binary contract may be exercised by the buyer on any business day that the contract is traded. Exercise of a binary contract is accomplished by the clearing member representing the buyer presenting an Exercise Notice to the Clearing House by 7:00 p.m. on the day of exercise.

A binary contract that is in the money (i.e., the respective Snowfall Index is

equal to or greater than the exercise price) and has not been liquidated prior to the termination of trading shall, in the absence of contrary instructions delivered to the Clearing House by 7:00 p.m. on the day of expiration by the clearing member representing the buyer, be exercised automatically.

#### **418B03.B. Assignment**

Exercise notices accepted by the Clearing House shall be assigned through a process of random selection to clearing members with open short positions in the same series. A clearing member to which an exercise notice is assigned shall be notified thereof as soon as practicable after such notice is assigned by the Clearing House, but not later than 45 minutes before the opening of Regular Trading Hours on the following business day.

The buyer of a binary contract shall receive \$10,000 if the respective Snowfall Index is equal to or greater than the exercise price, and shall receive zero dollars (\$0) otherwise. The seller of a binary contract shall be obligated to pay \$10,000 if the respective Snowfall Index is equal to or greater than the exercise price, and shall be obligated to pay zero dollars (\$0) otherwise.

For example, on March 2, 2009, the Boston Logan February Binary contract would have been settled at 6.2 index points. Therefore, buyers of such binary contracts with exercise prices equal to or less than 6.2 would have received \$10,000 for each such binary contract from the sellers of each such binary contract, and buyers of such binary contracts with exercise prices of 6.3 or greater would have received nothing.

#### **418B03.C. Final Settlement**

All binary contracts remaining open at the termination of trading shall be settled using the respective Snowfall Index final value reported by Earth Satellite Corporation using the methodology in effect on that date.

Clearing members holding open positions in a Snowfall Index binary contract that is in the money at the termination of trading in that contract shall make payment to or receive payment from the Clearing House in accordance with normal variation performance bond procedures. All such positions shall be settled at a price of 100 index points, equal to \$10,000, and shall be marked to market in accordance with Rule 814 on the trading day of acceptance by the Clearing House of the exercise notice.

#### **418B04. ACTS OF GOVERNMENT, ACTS OF GOD AND OTHER EMERGENCIES**

(Refer to Rule 701. – ACTS OF GOVERNMENT, ACTS OF GOD AND OTHER EMERGENCIES)

#### **418B05.-06. [RESERVED]**

(End Chapter 418B)

**INTERPRETATIONS AND SPECIAL NOTICES  
RELATING TO CHAPTER 418B**

**LIMITATION OF LIABILITY AND DISCLAIMER**

Earth Satellite Corporation ("EarthSat") grants the Exchange the rights to use various data ("Data") in connection with the trading of futures contracts, options on futures contract and binary options on futures contracts based on such Data. EarthSat makes no warranty, express or implied, as to the results to be obtained by any person or any entity from the use of the Data in connection with the trading of futures contracts, options on futures, binary's on futures contracts or any other use. EarthSat makes no express or implied warranties, and expressly disclaims all warranties or merchantability or fitness for a particular purpose or use with respect to the Data. Without limiting any of the foregoing, in no event shall EarthSat have any liability for any special, punitive, indirect, or consequential damages (including lost profits), even if notified of the possibility of such damages.

**Chapter 402B  
CME Seasonal Strip Snowfall Index Binary Contract**

**402B00. SCOPE OF CHAPTER**

This chapter is limited in application to trading of binary contracts on the CME Seasonal Strip Snowfall Index. The procedures for trading, clearing and settlement, and any other matters not specifically covered herein shall be governed by the rules of the Exchange.

**402B01. COMMODITY SPECIFICATIONS**

CME Seasonal Strip Snowfall Index values will be calculated by Earth Satellite Corporation, using the locations and method described in Chapter 402.

**402B02. CONTRACT CALL**

**402B02.A. Trading Schedule**

Binary contracts shall be scheduled for trading during such hours in such months as may be determined by the Board of Directors.

**402B02.B. Trading Unit**

The unit of trading shall be \$10,000.

**402B02.C. Minimum Fluctuations**

The price of a binary contract shall be quoted in terms of the respective CME Seasonal Strip Snowfall index. Each index point represents \$100. For example, a quote of 18.1 index points represents a price of \$1,810. The minimum fluctuation shall be 0.1 index point (also known as one tick), equal to \$10.

**402B02.D. [Reserved]**

**402B02.E. Exercise Prices**

Exercise prices shall be stated in terms of the respective CME Seasonal Strip Snowfall Index. Eligible exercise prices shall be at intervals of 0.1 index point (e.g., 1.0, 1.1, 1.2, etc.).

At the commencement of trading in a contract, binary contracts shall be listed at intervals of 5 index point in a range of 1 to 200 index points. New binary contracts may be listed for trading up to and including the termination of trading.

The Board may modify the provisions governing the establishment of exercise prices as it deems appropriate.

**402B02.F. Position Accountability**

A person owning or controlling more than 10,000 binary contracts in any individual contract shall provide, in a timely fashion, upon request by the Exchange, information regarding the nature of the position, trading strategy, and hedging information if applicable.

**402B02.G. Accumulation of Positions**

For the purposes of this rule, the positions of all accounts directly or indirectly owned or controlled by a person or persons, and the positions of all accounts of a person or persons acting pursuant to an expressed or implied agreement or understanding, and the positions of all accounts in which a person or persons have a proprietary or beneficial interest, shall be cumulated.

**402B02.H. [Reserved]**

**402B02.I. Termination of Trading**

Trading shall terminate on the same date and time as the underlying futures contract.

**402B02.J. Contract Modification**

Specifications shall be fixed as of the first day of trading of a contract except that all contracts must conform to government regulations in force at the time of exercise. If the U.S. government, an agency or duly constituted body thereof issues an order, ruling, directive or law inconsistent with these rules, such order, ruling, directive or law shall be construed to become part of these rules and all open and new contracts shall be subject to such governmental orders.

**402B02.K. [Reserved]**

**402B03. EXERCISE**

In addition to the applicable procedures and requirements of Chapter 7, the following shall apply to the exercise of CME Seasonal Strip Snowfall Index binary contracts.

**402B03.A. Exercise of Binary Contract by Buyer**

A binary contract may be exercised by the buyer on any business day that the contract is traded. Exercise of a binary contract is accomplished by the clearing member representing the buyer presenting an Exercise Notice to the Clearing House by 7:00 p.m. on the day of exercise.

A binary contract that is in the money (i.e., the respective Seasonal Strip Snowfall Index is equal to or greater than the exercise price) and has not been liquidated prior to the termination of trading shall, in the absence of contrary instructions delivered to the Clearing House by 7:00 p.m. on the day of expiration by the clearing member representing the buyer, be exercised automatically.

**402B03.B. Assignment**

Exercise notices accepted by the Clearing House shall be assigned through a process of random selection to clearing members with open short positions in the same series. A clearing member to which an exercise notice is assigned shall be notified thereof as soon as practicable after such notice is assigned by the Clearing House, but not later than 45 minutes before the opening of Regular Trading Hours on the following business day.

The buyer of a binary contract shall receive \$10,000 if the respective Seasonal Strip Snowfall Index is equal to or greater than the exercise price, and shall receive zero dollars (\$0) otherwise. The seller of a binary contract shall be obligated to pay \$10,000 if the respective Seasonal Strip Snowfall Index is equal to or greater than the exercise price, and shall be obligated to pay zero dollars (\$0) otherwise.

For example, on May 4, 2009, the Boston Logan Binary contract would have been settled at 66.8 index points. Therefore, buyers of such binary contracts

with exercise prices equal to or less than 66.8 would have received \$10,000 for each such binary contract from the sellers of each such binary contract, and buyers of such binary contracts with exercise prices of 66.9 or greater would have received nothing.

**402B03.C. Final Settlement**

All binary contracts remaining open at the termination of trading shall be settled using the respective Seasonal Strip Snowfall Index final value reported by Earth Satellite Corporation using the methodology in effect on that date.

Clearing members holding open positions in a Seasonal Strip Snowfall Index binary contract that is in the money at the termination of trading in that contract shall make payment to or receive payment from the Clearing House in accordance with normal variation performance bond procedures. All such positions shall be settled at a price of 100 index points, equal to \$10,000, and shall be marked to market in accordance with Rule 814 on the trading day of acceptance by the Clearing House of the exercise notice.

**402B04. ACTS OF GOVERNMENT, ACTS OF GOD AND OTHER EMERGENCIES**

(Refer to Rule 701. – ACTS OF GOVERNMENT, ACTS OF GOD AND OTHER EMERGENCIES)

**402B05.-06. [RESERVED]**

(End Chapter 402B)

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RELATING TO CHAPTER 402B**

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Earth Satellite Corporation (“EarthSat”) grants the Exchange the rights to use various data (“Data”) in connection with the trading of futures contracts, options on futures contract and binary options on futures contracts based on such Data. EarthSat makes no warranty, express or implied, as to the results to be obtained by any person or any entity from the use of the Data in connection with the trading of futures contracts, options on futures, binary’s on futures contracts or any other use. EarthSat makes no express or implied warranties, and expressly disclaims all warranties or merchantability or fitness for a particular purpose or use with respect to the Data. Without limiting any of the foregoing, in no event shall EarthSat have any liability for any special, punitive, indirect, or consequential damages (including lost profits), even if notified of the possibility of such damages.