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OFC. OF THE SECRETARIAT

January 9, 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 40.6(a) Submission. Non-Material
Rule Change for CME Dry Whey Futures Contract
CME Submission #09-006R**

Chicago Mercantile Exchange Inc. hereby notifies the Commission regarding a non-material rule amendment to CME Dry Whey Futures contract. CME has made a clarification to the Daily Price and Expanded Price Limits for Dry Whey. The clarification removes obsolete language and updates it with language that is consistent across all dairy products in determining expanded limits. These changes will go into effect on Monday, January 12, 2009.

The Exchange certifies that rule amendments to CME Dry Whey futures contract complies with the Act and rules thereunder.

The amendments to Rule 5702.D. are as follows, with additions underlined and deletions bracketed and 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. We would be appreciative if you could reference our CME Submission #09-006R in any related correspondence.

Sincerely,

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

5702. FUTURES CALL

5702.D. Daily Price Limits

There shall be no trading at a price more than \$0.040 per pound above or below the previous day's settlement price, except that there shall be no daily price limits in the spot month during the last 5 trading days in the spot month.

If any contract that is subject to a daily limit [~~loses~~] settles on the limit bid or the limit offer, then the daily price limit shall be raised to \$0.060 per pound for all contracts. If none of the contracts that are subject to a daily price limit of \$0.060 [~~close~~] settles at the limit bid or offer, the price limits for all contracts shall revert to \$0.040 per pound on the next business day.