



**CME Group**

A CME/Chicago Board of Trade/NYMEX Company

July 26, 2010

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

C.F.T.C.  
OFFICE OF THE SECRETARIAT

2010 JUL 27 AM 10 22

**RE: Revisions to CME/CBOT/NYMEX Rule 853 ("Transfers of Trades")  
CME/CBOT/NYMEX/COMEX Submission No. 10-218**

Dear Mr. Stawick:

Chicago Mercantile Exchange Inc. ("CME"), The Board of Trade of the City of Chicago, Inc. ("CBOT"), The New York Mercantile Exchange, Inc. ("NYMEX") and Commodity Exchange Inc. ("COMEX") (collectively, the "Exchanges") hereby notify the Commodity Futures Trading Commission that they each have adopted amendments to Rule 853 ("Transfers of Trades") to permit allowable transfers of trades to be recorded and carried on the books of the receiving firm at the transfer date under certain circumstances as described below. The amendments will be effective on Wednesday, July 28, 2010.

Currently, Rule 853 requires that permitted transfer trades be recorded and carried on the books of the receiving firm at the original trade dates. This requirement is relevant only in circumstances where the positions being transferred are in physically delivered CBOT or CME products (excluding physically delivered CME FX contracts) in order to ensure that the original trade date is available for delivery assignment purposes as deliveries in these contracts are assigned against the oldest open long position holder. CME FX deliveries and all deliveries in NYMEX and COMEX physically delivered contracts are not assigned against the oldest open long position holder.

The amendments to each Exchange's Rule 853 allow permitted transfers at the transfer date in all products except for physically delivered contracts where deliveries are assigned against the oldest open long position. The amendments are set forth on the next page, with additions underscored and deletions overstruck.

The Exchanges certify that the amendments comply with the Commodity Exchange Act and regulations thereunder.

If you have any questions, please contact Robert Sniegowski, Market Regulation, at 312.341.5991 or me at 212.299-2207. Please reference CME/CBOT/NYMEX/COMEX Submission No. 10-218 in any related correspondence.

Sincerely,

/s/ Brian Regan  
Managing Director and Regulatory Counsel

### **CBOT Rule 853. TRANSFERS OF TRADES**

[Sections A. – C. are unchanged.]

- D. Provided that the transfer is permitted pursuant to Sections A., B. or C. above, ~~the transactions in all physically delivered futures contracts must be recorded and carried on the books of the receiving firm at the original trade dates; all other transactions may be recorded and carried on the books of the receiving firm at either the original trade date or the transfer date.~~ Futures transactions may be transferred using either the original trade price or the most recent settlement price; options transactions may be transferred using either the original trade price or a trade price of zero.

[The remainder of the rule is unchanged.]

### **CME Rule 853. TRANSFERS OF TRADES**

[Sections A. – C. are unchanged.]

- D. Provided that the transfer is permitted pursuant to Sections A., B. or C. above, ~~the transactions in all physically delivered futures contracts except for FX futures contracts must be recorded and carried on the books of the receiving firm at the original trade dates; all other transactions may be recorded and carried at either the original trade date or the transfer date.~~ Futures transactions may be transferred using either the original trade price or the most recent settlement price; options transactions may be transferred using either the original trade price or a trade price of zero.

[The remainder of the rule is unchanged.]

### **NYMEX/COMEX Rule 853. TRANSFERS OF TRADES**

[Sections A. – C. are unchanged.]

- D. Provided that the transfer is permitted pursuant to Sections A., B. or C. above, ~~the transactions may~~ <sup>must</sup> be recorded and carried on the books of the receiving firm either at the original trade dates or the transfer date. Futures transactions may be transferred using either the original trade price or the most recent settlement price; options transactions may be transferred using either the original trade price or a trade price of zero.

[The remainder of the rule is unchanged.]