CME Group

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November 10, 2009

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

RE: Amendment to Variable Storage Rates in Wheat
CBOT Submission No. 09-222R

Dear Mr. Stawick:

The Board of Trade of the City of Chicago, Inc. ("CBOT" or "Exchange") hereby notifies the Commodity Futures Trading Commission ("CFTC" or "Commission") of amendments to CBOT Submission 09-222 (dated 09/29/09) regarding Variable Storage Rates (VSR) on CBOT Wheat futures contracts.

After working closely with the Commission, the Agricultural Advisory Committee, and the Subcommittee on Convergence, the Exchange would like to amend three items from the original submission:

1. Change the implementation date from the September 2010 contract to the July 2010 contract. Most market participants that support VSR desire to see the concept implemented as early as possible. Implementation prior to the July 2010 contract would result in a material contract change on contracts with significant open interest. However, implementation can be moved forward to the July 2010 contract without material impact and is consistent with prior storage rate changes that have been implemented on the new-crop July contract.

2. Change the term that triggers an increase in storage rates from 85 percent of financial full carry to 80 percent of financial full carry.

3. Make minor changes to the proposed rule change language to clarify that Exchange specified storage rates represent the maximum a regular warehouseman may charge, not the amount a regular warehouseman must charge.

Based on communications with CFTC Commissioners and CFTC staff, and opinions expressed during the Agricultural Advisory Committee meeting on October 29, 2009, and during deliberations of the Subcommittee on Convergence, the Exchange believes these amendments will be well received by market participants that support the VSR concept. The 45-day review period on the original proposal is scheduled to end on November 13, 2009. In order to give the Commission additional time to consider these changes, the Exchange requests under CFTC Rule 40.5(c)(2), that the review period be extended two weeks to November 27, 2009.

The amendments, including both those reflected in the original submission and this amendment, are attached with additions **<u>bold and underscored</u>** and deletions [~~bracketed with strikethrough~~].

The Exchange requests that the Commission approve these additions to CBOT Submission 09-222.

CBOT certifies that this action complies with the Commodity Exchange Act and regulations thereunder.

If you require any additional information, please contact David Lehman at 312-930-1875 or via e-mail at David.Lehman@cmegroup.com; Fred Seamon at 312-634-1587 or via e-mail at Fred.Seamon@cmegroup.com; or contact me at 312-648-5422. Please reference our CBOT Submission No. 09-222R in any related correspondence.

Sincerely,

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

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14108. PREMIUM CHARGES

To be valid for delivery on futures contracts, all certificates covering wheat under obligation for shipment must indicate the applicable premium charge. No certificate shall be valid for delivery on futures contracts unless the premium charges on such wheat shall have been paid up to and including the 18th calendar day of the preceding month, and such payment is endorsed on the certificate. Unpaid accumulated premium charges at the posted rate applicable to the facility shall be allowed and credited to the buyer by the seller up to and including date of delivery.

The maximum premium charges on Wheat shall be determined prior to the nearby contract delivery period. The Exchange shall measure the nearby spread relative to financial full carry each business day from the 19th calendar day of the delivery month of the contract that expires prior to the nearby contract until the last Friday which precedes by at least two business days the last business day of the month preceding the nearby contract delivery month. For example, for a September expiration, the Exchange would measure the September – December spread relative to financial full carry each business day from July 19 until the last Friday in August which precedes by at least two business days the last business day in August. Financial full carry will be determined by the following formula:

$$N * [\left(\frac{i}{360}\right) * FP + P]$$

Where:

N = Number of calendar days from the first delivery day in the nearby contract to the first delivery day in the contract that follows the nearby contract

i = 3-Month LIBOR rate + 200 basis points

FP = Settlement price for the nearby futures contract

P = Current daily premium charge

The percentage of the nearby spread to financial full carry is calculated each business day during the calculation period and a running average of each of these daily values is calculated. At the end of the calculation period (the last Friday which precedes by at least two business days the last business day of the month preceding the nearby contract delivery month), should the running average carry be 80 percent of financial full carry or greater, then the maximum daily premium charge shall increase 10/100's of one cent per bushel on the 18th calendar day of the nearby contract delivery month. Should the running average carry be 50 percent of financial full carry or less, then the maximum daily premium charge shall decrease 10/100's of one cent per bushel on the 18th calendar day of the nearby contract delivery month.

Premium charges shall not be reduced below 16.5/100's of one cent per bushel per day.

~~[The premium charges on Wheat shall not exceed 26.5/100 of one cent per bushel per day during the period from July 18 through December 17. The premium charges on Wheat shall not exceed 16.5/100 of one cent per bushel per day during the period from December 18 through July 17.]~~

14B08. PREMIUM CHARGES

To be valid for delivery on futures contracts, all certificates covering mini-sized wheat under obligation for shipment must indicate the applicable premium charge. No certificate shall be valid for delivery on futures contracts unless the premium charges on such wheat shall have been paid up to and including the 18th calendar day of the preceding month, and such payment is endorsed on the certificate. Unpaid accumulated premium charges at the posted rate applicable to the facility shall be allowed and credited to the buyer by the seller up to and including date of delivery.

The maximum premium charges on mini-sized Wheat shall be determined prior to the nearby contract delivery period. The Exchange shall measure the nearby spread relative to financial full carry each business day from the 19th calendar day of the delivery month of the contract that expires prior to the nearby contract until the last Friday which precedes by at least two business days the last business day of the month preceding the nearby contract delivery month. For example, for a September expiration, the Exchange would measure the September – December spread relative to financial full carry each business day from July 19 until the last Friday in August which precedes by at least two business days the last business day in August. Financial full carry will be determined by the following formula:

$$N * [\left(\frac{i}{360}\right) * FP + P]$$

Where:

N = Number of calendar days from the first delivery day in the nearby contract to the first delivery day in the contract that follows the nearby contract

i = 3-Month LIBOR rate + 200 basis points

FP = Settlement price for the nearby futures contract

P = Current daily premium charge

The percentage of the nearby spread to financial full carry is calculated each business day during the calculation period and a running average of each of these daily values is calculated. At the end of the calculation period (the last Friday which precedes by at least two business days the last business day of the month preceding the nearby contract delivery month), should the running average carry be 80 percent of financial full carry or greater, then the maximum daily premium charge shall increase 10/100's of one cent per

bushel on the 18th calendar day of the nearby contract delivery month. Should the running average carry be 50 percent of financial full carry or less, then the maximum daily premium charge shall decrease 10/100's of one cent per bushel on the 18th calendar day of the nearby contract delivery month.

Premium charges shall not be reduced below 16.5/100's of one cent per bushel per day.

[~~The premium charges on mini-sized Wheat shall not exceed 26.5/100 of one cent per bushel per day during the period from July 18 through December 17. The premium charges on mini-sized Wheat shall not exceed 16.5/100 of one cent per bushel per day during the period from December 18 through July 17.~~]