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March 22, 2005

Ms. Jean A. Webb
Secretary
Commodity Futures Trading Commission
Three Lafayette Center
1155 21st Street, N.W.
Washington, D.C. 20581

Reference File #2531.06
Rule Certification

Dear Ms. Webb:

Pursuant to Commission Regulation 40.6(a), the Chicago Board of Trade (CBOT[®]) hereby submits the following:

- **Amendments to Regulations 1639.01, 1690.01, 1691.01 and 1656.01 per the attached texts (additions in bold face and underlined; deletions bracketed and struck through)**

These revisions represent technical amendments to certain delivery specifications for CBOT Denatured Fuel Ethanol futures. The revisions will:

- Expand the types of weighing practices permissible for markers of delivery (Regulation 1639.01);
- Allow for regularity of Chicago terminal facilities (Regulations 1690.01 and 1691.01); and
- Remove unneeded provisions regarding interest charges on shipping certificates (Regulation 1656.01).

The CBOT intends to implement these amendments one day after the Commission's receipt of this submission.

There were no opposing views concerning these amendments.

The CBOT certifies that these amendments comply with the Commodity Exchange Act and the rules thereunder.

Sincerely,

Paul Draths
Vice President and Secretary

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Additions are **Bold and Underlined**
Deletions are [~~Bracketed with Strikethrough~~]

1639.01 **Volume** – Volume measurements shall be made at the shipping origin at 60° F using **one of the following: (1) flow meters (2) platform scale, (3) tank scale, (4) batch scale.**

1690.01.1 Loading and Shipment of Ethanol Against Denatured Fuel Ethanol Shipping Certificates

(a) The operator of a storage facility or shipping plant (hereafter both referred to as shippers) issuing Denatured Fuel Ethanol Shipping Certificates shall limit the number of Shipping Certificates issued to an amount not in excess of 15 times its registered total daily rate of loading plus the amount of denatured ethanol in store. All such ethanol in store must be stored in facilities for which the capacity has been registered with the Board of Trade and which have been inspected by the Registrar. A shipping plant shall register its total daily rate of loading railcars at not less than 40% nor more than 100% of its maximum 24-hour ethanol production capacity. **A shipping plant located in the Chicago District shall register its total daily rate of loading trucks.** Each shipper must be regular for a minimum total daily rate of loading of 58,000 gallons per day.

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(e) Rail Loading Procedures

(2) Should private negotiations fail between buyer and shipper regarding freight charges, the shipper shall consider the destination of the ethanol to be in-tank at the buyer's Chicago, IL District terminal. The Chicago, IL District shall be defined as on or inside the arc created by the Elgin, Joliet and Eastern Railway Company line from Pine Junction, IN, to Griffith, IN, to Park Forest, IL, to Joliet, IL, to Normantown, IL, to West Chicago, IL, to Leithton, IL, to Waukegan, IL to the line terminus. The shipper shall supply ethanol to the buyer's Chicago, IL District terminal via rail, barge, truck, or book transfer provided the buyer's terminal supports these conveyances. The buyer's terminal must accept rail **and truck** load-in of ethanol. The shipper is responsible for having ethanol transferred in-tank or constructively placed at the buyer's Chicago, IL District terminal within fifteen calendar days following failed private negotiations. The shipper is responsible for all transportation charges up to 48 hours after constructive placement of conveyance. The buyer is responsible for any demurrage charges 48 hours after constructive placement.

1691.01 Conditions of Regularity

2. Such shipping plant or storage facility shall be connected by railroad tracks with one or more railway lines. **Regular facilities in the Chicago District are not required to provide rail load-out, however they must load out trucks at the facility's registered daily rate of loading.**

1656.01 Premium Charges – No Denatured Fuel Ethanol Shipping Certificates shall be valid for delivery on future contracts unless the premium charges shall have been paid up to and including the 18th day of the preceding month and such payment endorsed on the Denatured Fuel Ethanol Shipping Certificate unless registration is at a later date. Unpaid accumulated premium charges shall be allowed and credited to the Buyer by the Seller to and including the

date of delivery.

~~[If premium charges are not paid on time up to and including the 18th calendar day preceding the delivery months of March and September and by the first calendar day of each of these delivery months, a late charge will apply. The late charge will be an amount equal to the total unpaid accumulated premium charges multiplied by the "prime interest rate" in effect on the day that the accrued storage rates are paid, all multiplied by the number of calendar days that the premium is overdue, divided by 360 days. The term "prime interest rate" shall mean the lowest of the rates announced by each of the following four banks at Chicago, Illinois, as its "prime rate": Bank of America Illinois, Bank One, Harris Trust & Savings Bank, and the Northern Trust Company.]~~

The premium charges on Denatured Fuel Ethanol for delivery shall not exceed \$0.0007 per gallon per day.