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OFFICE OF THE SECRETARIAT

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August 4, 2009

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

**RE:   CBOT Chapter 7 – Delivery Facilities and Delivery Procedures  
Exchange Certification for amendments to Rule 706. (“Variation in  
Quantity”)  
CBOT Submission No. 09-142R**

Dear Mr. Stawick:

The Board of Trade of the City of Chicago, Inc. (“CBOT”) hereby withdraws CBOT Submission 09-142 and submits to the Commodity Futures Trading Commission rule language amendments to Rule 706 (“Variation in Quantity”) pursuant to CBOT Submission 09-142R. The language change is intended to better clarify the maximum amount of dockage deliverable against CBOT Wheat futures. The terms of the Rule have not changed; rather the language has been revised to improve the clarity of the Rule. The amendments will be made effective on August 15, 2009.

The rule change is a non-material agricultural rule change per regulation 40.4(b) of the Commodity Exchange Act as it is in compliance with 40.4(c)(6): “...periodic routine updates to identifying information about approved entities and other such nonsubstantive revisions of a product’s terms and conditions that have no effect on the economic characteristics of the product.” This rule change has no economic impact on the delivery process for wheat futures as shipping certificates issued by the registrar’s office allow for a maximum of one percent dockage to be deliverable. Dockage is not considered to be wheat according to FGIS standards and, therefore, is not invoiced as wheat for physical transactions.

CBOT certifies that these changes comply 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](mailto:David.Lehman@cmegroup.com); Andrew Spottiswoode at 312-466-7443 or via e-mail at [Andrew.Spottiswoode@cmegroup.com](mailto:Andrew.Spottiswoode@cmegroup.com); or contact me at 312-648-5422. Please reference our CBOT Submission No. 09-142R in any related correspondence.

Sincerely,

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

Mr. David Stawick  
August 4, 2009  
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Additions are underlined and bold

**706. VARIATION IN QUANTITY**

If the quantity of grain loaded out from a regular facility exceeds the quantity covered by the shipping certificate(s), the owner of the shipping certificate shall pay the facility for the excess at the average market price on the day of load-out.

If the quantity of grain loaded out is less than the quantity covered by the shipping certificate(s), the facility shall pay the owner of the shipping certificate for the shortage at the average market price on the day of load-out.

Excesses or deficiencies in the quantities of grain loaded out shall not exceed one percent from the quantity specified on the shipping certificate.

Excesses or deficiencies in the net quantity (net quantity is defined by gross quantity less dockage) of wheat loaded out shall not exceed one percent from the quantity specified on the shipping certificate. The amount of dockage deliverable against a wheat futures shipping certificate shall not exceed one percent of the quantity specified on the shipping certificate. The taker of delivery shall not be responsible for providing compensation to the maker for dockage at load out.