

September 21, 2005

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**BY EMAIL AND FACSIMILE**

Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581

**Re: NYMEX Submission 05.168: Notification of Change in Listing of Contract Months for the NYMEX NOX Emissions Allowance Futures Contract**

Dear CFTC Commissioners:

The New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") of a change in the listing schedule for contract months on the NYMEX NOX Emissions Allowance Futures Contract. The contract month of December will be delisted with the launch of the NYMEX Banked NOX Emissions Allowance Futures Contract. This month is currently listed for the years 2005, 2006, 2007 and 2008. There is no open interest in these contract months.

The Exchange is delisting the December contract month as it becomes redundant with the listing of the Banked Contracts. The NYMEX NOX Emissions Allowance Futures Contract specifies that the current year vintage is deliverable while the Banked Contract specifies that the deliverable vintages are those for "which the compliance year trading deadline has passed". That deadline passes at the end of November, therefore the current year vintage would be deliverable into the December contract month of both contracts.

This change in contract month listing will go into effect with the launch the NYMEX Banked NOX Emissions Allowance Futures Contract on NYMEX Trade Date, September 26, 2005 per Exchange Submission 05.166.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that this change in listing schedule complies with the Act, including regulations under the Act..

Should you have any questions concerning the above, please contact Jay Gottlieb, Director, Research, at (212) 299-2607; or contact the undersigned at (212) 299-2390.

Very truly yours,

Robert A. Levin  
Senior Vice President, Research