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OFFICE OF THE SECRETARIAT

November 30, 2005

**BY EMAIL AND FACSIMILE**

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

**NYMEX Submission 05.204**

**Re: Clarifying Amendments to NYMEX SO2 and NOX Emissions Allowance  
Futures Contracts**

Dear Ms. Jean Webb:

The New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that in Submission 05.158 from September 8, 2005 some of the rule amendment language was inadvertently left out. Rules 783.09 for NOX, and 782.09 for SO2 were amended to clarify that some of the delivery information specified by the rules would be exchanged directly between the customer's clearing members and not through the Notices of Intention through the Exchange's Clearing Department. The material previously submitted indicated the amendment for the long clearing member, but not for the short clearing member. These amendments for the short clearing member are indicated in the attached rules (see section (B) (2) of both rules).

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that this clarification 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 the undersigned at (212) 299-2390.

Very truly yours,

Robert A. Levin  
Senior Vice President, Research

## **Attached Rule Amendments**

Additions underlined, deletions ~~struck-through~~

**For NOX:**

**783.09 Delivery Procedures**

### **(A) RESPONSIBILITIES OF CLEARING MEMBERS HAVING OPEN LONG POSITIONS**

#### **(1) NOTICE OF INTENTION TO ACCEPT**

By 11:30 a.m. on the second business day prior to the last business day of an expiring delivery month, a Buyer having an open position shall file with the Exchange a properly completed and signed Notice of Intention to Accept. The Notice of Intention to Accept shall be in the form prescribed by the Exchange and shall include: the Name of the Buyer's Customer, Number of contracts to be accepted, and any additional information as may be required by the Exchange.

#### **(2) INFORMATION PROVIDED BY BUYER TO SELLER**

By 4:00 p.m. on Notice Day, the Buyer shall provide the Seller with the following information: NATS Account Number; Vintage Year, Name, Phone Number and e-mail address of the Account Representative (AAR) or the authorized alternate for that NATS account.

### **(B) RESPONSIBILITIES OF CLEARING MEMBERS HAVING OPEN SHORT POSITIONS**

#### **(1) NOTICE OF INTENTION TO DELIVER**

By 11:30 a.m. on the second business day prior to the last business day of an expiring delivery month, a Seller having an open short position shall file with the Exchange a properly completed and signed Notice of Intention to Deliver. The Notice of Intention to Deliver shall be in such form prescribed by the Exchange and shall include: Name of the Seller's Customer, the Number of contracts to be delivered, and any additional information as may be required by the Exchange.

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**For SO2:**

**782. 09 Delivery Procedures**

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