

March 3, 2006

**BY EMAIL AND FACSIMILE**

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

RECEIVED  
2006 MAR -6 AM 7:43  
OFFICE OF THE SECRETARIAT

**Re: Rule Certification. NYMEX Submission 06.38: (Replaces Submission 06.29)  
Notification of Amendment to Rule 6.21E to allow a spread price of up  
to two cents wide for EFM transactions for NYMEX miNY™ Natural  
Gas futures contracts.**

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 rule amendment to Rule 6.21E to allow a spread price of up to two cents wide for Exchange of Futures for Mini (EFM) transactions in the NYMEX miNY™ Natural Gas futures contract. This change will become effective for all listed months beginning on March 6, 2006. This submission replaces the previous submission 06.29 dated February 24, 2006.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the attached rule amendments comply with the Act, including regulations under the Act. Should you have any questions concerning the above, please contact Dan Brusstar, Director, Research, at (212) 299-2604; or the undersigned at (212) 299-2390.

Very truly yours,

Robert A. Levin  
Senior Vice President, Research

Attachment: Rule Amendment below

## **Notification of Approved Rule Amendment**

(Underlining refers to inserts, and ~~strikethroughs~~ refer to deletions)

### **Rule 6.21E Exchange of NYMEX ~~(e)~~miNY Futures for, or in Connection with, NYMEX Futures Transactions**

(A) General Requirements. An exchange of futures for, or in connection with, mini futures (EFM) consists of two discrete, but related transactions; a purchase (sale) transaction in a NYMEX ~~(e)~~ miNY and a sale (purchase) transaction in the related NYMEX futures contract. At the time such transaction is effected, the buyer (seller) of the NYMEX ~~(e)~~ miNY shall be the seller (buyer) of the related NYMEX futures contract in the ratio designated by the Board of Directors.

(B) Final Deadline for Transactions. An EFM involving an expiring NYMEX ~~(e)~~ miNY futures contract month is permitted at any time up to and must be reported to the Exchange by the close of trading one business day preceding the expiration date of the NYMEX ~~(e)~~ miNY futures Crude and Natural Gas contracts.

(C) Contract Month and Quantity. An EFM transaction may only be effected for the same contract month in both of the applicable NYMEX futures contracts. The quantity of contracts to be exchanged in the EFM transaction must be consistent with the size ratio then in effect between the applicable NYMEX ~~(e)~~ miNY ~~NYMEX~~ futures contract listed for trading ~~on Globex on the NYMEX ClearPort Trading platform~~ and the ~~regular~~ standard size NYMEX contract listed for trading at NYMEX

(D) Transaction Price. An EFM transaction may only be transacted at the settlement price for the regular size NYMEX futures contract for the trading session in which the EFM transaction was reported to the Exchange; provided however, that an EFM transaction in the NYMEX miNY Natural Gas futures contract may be transacted at a spread price of up to two cents wide. For an EFM transaction in NYMEX miNY Natural gas, the settlement price of the standard futures contract will be shown in the NYMEX miNY side of the transaction with the price differential reflected in the standard futures contract side of the transaction.

(E) Floor Reporting Requirements and Deadlines. A report of each EFM transaction must be given and notice thereof must be posted on the Floor of the Exchange. The report of an EFM transaction must be given on the Floor prior to the end of the trading session on the day that the agreement was made, or if such agreement was made after the close of trading, then during the trading session on the next business day.

(F) Clearing. EFM transactions shall be cleared through the Exchange in accordance with normal procedures, shall be clearly identified and marked in the manner provided by the Exchange, and shall be recorded by the Exchange and by the Clearing Members involved.