



BY ELECTRONIC TRANSMISSION

06-30
November 9, 2006

Ms. Eileen A. Donovan
Acting Secretary of the Commission
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

Re: **Amendments to Rule 4.02 - Trading Floor Access**
Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6
and
Request for Commission Approval of Amendments to Rules 4.33 and 21.26
Submission Pursuant to Section 5c(c)(2) of the Act and Regulations 40.5

Dear Ms. Donovan:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended, and Commission Regulation 40.6, the Board of Trade of the City of New York, Inc. ("Exchange") submits, by written certification, amendments to Rule 4.02, attached hereto as Exhibit A.

Pursuant to Section 5c(c)(2) of the Commodity Exchange Act, as amended, and Commission Regulation 40.5, the Exchange submits for approval, amendments to Rules 4.33 and 21.26, attached hereto as Exhibit B.

Rule 4.02

Currently, the Exchange's rules provide that any visitor or guest may have access to the trading floor as long as the guest is signed in by a floor member, is over the age of 14 and stays for only an hour. There are situations in which the presence of a particular individual would not be in the best of interests of the Exchange as his presence may be disruptive to trading or jeopardize the safety of floor members and Exchange staff. Amendments to Rule 4.02(a)(v) will authorize any Senior Vice President of the Exchange, in his or her sole discretion, to deny access as a guest to any such person.

Rules 4.33 and 21.26

Exchange rules authorize the Executive Floor Committee or any Senior Vice President to suspend or take any other action against a member or a clerk if their *continued* presence on the trading floor, the write-up room or other Exchange premises presents an imminent threat or is disruptive to the orderly operation of the Exchange. There are times, however, when a member's or clerk's actions outside the Exchange may present a threat to the orderly operation of the Exchange so that the member or clerk should be denied access to the Exchange's premises until a hearing can be held and a determination made.

For example, if a member or clerk has previously been disciplined for disruptive conduct on the trading floor and, then, is allegedly involved in a police action off the Exchange's premises where SWAT teams are called in to disarm such individual, there is a reasonable basis to believe that the member's or clerk's presence on the trading floor would be disruptive to the orderly operation of the Exchange. An Exchange official should be able to deny such member or clerk access to the Exchange's premises until such time as a hearing can be held and a determination made. The proposed amendments to Rules 4.33 and 21.26 authorize the Executive Floor Committee or any Senior Vice President to deny access to the Exchange's premises if the Committee or Senior Vice President has a reasonable basis to believe that the member's or clerk's presence would be disruptive to the orderly operation of the Exchange.

The Exchange certifies that the amendments comply with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder.

The amendments were adopted unanimously by the Exchange's Board of Governors on November 8, 2006. No substantive opposing views were expressed by members or others with respect to the amendments. The amendments to Rule 4.02 will become effective on November 13, 2006. Amendments to Rules 4.33 and 21.26 will become effective, after Commission approval, on a date set by the President.

If you have any questions or need further information, please contact me at 212-748-4021.

Sincerely,

Jason V. Fusco
Compliance Counsel

cc: Riva Adriance
CFTC, Division of Market Oversight
Allen Cooper
CFTC, New York Regional Office

(In the text of the amendments below, additions are underlined.)

Rule 4.02. Trading Floor Access; Trading Restrictions; and Authorized Representation

(a) Access: Unless otherwise provided under the Rules, only the following individuals shall have access to the Trading Floor:

* * *

(v) A guest of a Member of the Exchange wearing an authorized visitor's pass in a prominent position at all times while on the Trading Floor; provided, however, that such guest shall not be permitted to make any Transaction, enter any order or execute any Trade during the course of any visit to the Exchange or its premises; provided further, however, that, if any Senior Vice President of the Exchange determines that the presence of such guest on the Trading Floor is not in the best interests of the Exchange, such Senior Vice President may deny access to such guest.

[REMAINDER OF RULE UNCHANGED]

EXHIBIT A

(In the text of the amendments below, additions are underlined and deletions are bracketed and lined out.)

Rule 4.33. Clerk Qualification Requirements, Registration Procedures, and Trading Prohibitions

The following Clerk qualification, registration procedures and trading prohibitions apply to all clerical staff of Members or Member Firms trading in Commodity Contracts on the Trading Floor of the Exchange:

* * *

(c) Registration Denial, Access Restrictions, Suspension and Termination of Registration: The Executive Floor Committee may deny an application to be registered as a Clerk, restrict access to the Exchange's premises for a specified period of time, and suspend and/or terminate the registration of any Clerk if it determines, in its sole discretion, after notice and an opportunity to be heard, that the registration of such applicant or the continued registration of such Clerk is contrary to the best interests of the Exchange.

(d) Denial, Access Restriction, Suspension and Termination Procedures:

(i) Any action taken pursuant to paragraph (c) of this Rule shall be taken after notice to the applicant or Clerk against whom the action is taken and to the Member or Member Firm who or which seeks to register the applicant or has registered such Clerk on the Exchange and an opportunity for such applicant or Clerk to be heard.

[REMAINDER OF RULE UNCHANGED]

Rule 21.26. Executive Floor Committee Summary Action

(a) If at any time, the Executive Floor Committee or any Senior [~~Officer~~] Vice President of the Exchange determines or has a reasonable basis to believe that the [~~continued~~] presence of a Member or Clerk on the Trading Floor, in the Write-up Room or other Exchange premises presents an imminent threat to the safety or well-being of Members or employees or is, or threatens to be, disruptive to the orderly operation of the Exchange, the Executive Floor Committee or such Senior [~~Officer~~] Vice President may suspend, deny access to the Exchange's premises or take any other action against such Member or Clerk as it may deem necessary or appropriate to protect the best interest of the marketplace. The powers of the Executive Floor Committee pursuant to this Rule may be delegated to a subcommittee consisting of at least three (3) members of the Executive Floor Committee as the Chairman of the Committee may decide in his sole discretion.

[REMAINDER OF RULE UNCHANGED]

EXHIBIT B