



BY ELECTRONIC TRANSMISSION

06-38
December 14, 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 Floor Trading Resolution No. 5 -
Submission Pursuant to Section 5c(c)(1) of the Act and Regulations 40.6**

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 Floor Trading Resolution No. 5, attached as Exhibit A.

Currently, the US exchanges have uniform rules concerning Trade Type Indicators, *i.e.*, CTI Codes. Floor Trading Resolution No. 5 refers to a CTI 5 which is no longer being used since the Exchange's adoption of the uniform rule, Rule 6.10. The amendments to Floor Trading Resolution No. 5 conform the Resolution to the uniform CTI Codes listed in Rule 6.10.

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 by the Exchange's Board of Governors on December 13, 2006. No substantive opposing views were expressed by members or others with respect to the amendments. The amendments will become effective on December 15, 2006.

If you have any questions or need further information, please contact me at jfassler@nybot.com or at 212-748-4084.

Sincerely,

Jill S. Fassler
Vice President
Associate General 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 and deletions are bracketed and lined out.)

No. 5. Not Held Policy for [~~CTI-3 and CTI-5~~] Certain Orders for Floor Brokers

WHEREAS, it is sometimes the case that a Floor Broker (the "Executing Broker") may hold an order for [~~(a)~~] the account of another Floor Broker on the Trading Floor [~~(CTI-3 order) or (b) another Floor Broker with whom he is associated and who is off the floor (CTI-5 order)~~] and the only participant in the ring at the price at which such order can be executed is the Executing Broker or a Floor Broker with whom he is associated; and

WHEREAS, Rule 4.19 prohibits the Executing Broker, and Floor Brokers with whom he is associated from executing such order in a cross trade [~~a CTI-3 order or a CTI-5 order~~] where the market circumstances as described in the preceding paragraph exist; and

WHEREAS, there may be times when the Executing Broker cannot execute such an [CTI-3 or CTI-5] order because the sole interests in the ring at the price at which the order can be executed is the Executing Broker or a Floor Broker with whom he is associated; and

WHEREAS, to the extent this may occur, it is in no way the fault of the Executing Broker;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that a Floor Broker cannot hold an Executing Broker liable for the fill, or failure to fill, a Floor Broker's [~~of a CTI-3~~] order [~~or a CTI-5 order that is for the account of a Floor Broker associated with the Executing Broker~~], when the market conditions are such that the only market participant in the ring at the price at which such order can be executed is the Executing Broker or a Floor Broker with whom he is associated.

EXHIBIT A