



World Financial Center
One North End Avenue
New York, New York 10282

BY ELECTRONIC TRANSMISSION

07-11
February 8, 2007

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

OFFICE OF THE SECRETARIAT

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Re: **Amendments to Disciplinary Rules 21.29 -21.32, 21.34, 21.39 and 21.42 -
Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 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" or "NYBOT") submits, by written certification, amendments to Disciplinary Rules 21.29-21.32, 21.34, 21.39 and 21.42, attached as Exhibit A.

Disciplinary Rules 21.29-21.32, 21.34, 21.39 and 21.42 authorize the Executive Committee to take specified actions or reference actions taken by the Executive Committee. Since the Exchange's new Bylaws and Rules do not provide for an Executive Committee, the amendments delete references to the Executive Committee and replace such references with "the Board or a subcommittee of the Board appointed by the Chairman and comprised of the CEO of ICE, the Chairman and President of NYBOT and any two (2) Public Directors of NYBOT."

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

The Exchange's Board of Directors adopted the amendments at its meeting on February 7, 2007. The amendments will be implemented on February 9, 2007. No substantive opposing views were expressed by members or others with respect to the amendments.

If you have any questions or need further information, please contact me at jfassler@nybot.com or 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.)

Rule 21.29. Action [~~of Executive Committee~~] Concerning a Financial Emergency

If at any time, the [~~Executive Committee~~] Board or a subcommittee of the Board appointed by the Chairman and comprised of the CEO of ICE, the Chairman and President of NYBOT and any two (2) Public Directors of NYBOT (“Subcommittee”), in its sole discretion, determines that there is a substantial question as to whether a Financial Emergency exists with respect to any Member, the [~~Executive Committee~~] Board or the Subcommittee may suspend, or take any other action against such Member, any Member conferring privileges on such Member, any Member enjoying privileges through such Member, and/or any Members guaranteed by such Member, as it may deem necessary or appropriate to protect the best interests of the marketplace. The [~~Executive Committee~~] Board or the Subcommittee may take such action against any Member regardless of whether or not such Member has advised the Exchange of the occurrence of an Emergency Event pursuant to Rule 21.27, and whether or not such Member has consented to a suspension or waived a hearing.

Rule 21.30. Notice to Member

(a) Any notice given to a Member before action is taken against him pursuant to Rule 21.29 shall state:

(i) the Financial Emergency or other situation which it is believed may give rise to the need for action by the [~~Executive Committee~~] Board or the Subcommittee; and

(ii) the date, time and place of the hearing to be held before the [~~Executive Committee~~] Board or the Subcommittee.

(b) Any notice given to a Member after action has been taken against him pursuant to Rule 21.29 shall:

(i) state the action taken;

(ii) briefly state the reasons for the action; and

(iii) state the effective time, date and duration of the action.

Rule 21.31. Hearing

At any hearing conducted under this Rule, the [~~Executive Committee~~] Board or the Subcommittee shall determine the procedures to be followed, except that the following shall apply in every case:

(i) The case in support of the summary action shall be presented by the President, who may be represented by legal counsel.

(ii) The Member shall be allowed to be represented by legal counsel or any other representative of his choosing and, either personally or through such representative, to present witnesses and documentary evidence and to cross-examine witnesses.

(iii) No formal rules of evidence shall apply, and the [~~Executive Committee~~] Board or the Subcommittee shall be free to accept or reject any and all evidence it considers proper.

(iv) A stenographic transcript shall be made of the proceedings.

(v) The notice of the hearing, the stenographic transcript, the documentary evidence and any other material presented to the [~~Executive Committee~~] Board or the Subcommittee by either party with notice to the other shall constitute the record of the hearing.

EXHIBIT A

Rule 21.32. Decision

(a) Promptly following any hearing pursuant to Rule 21.31, the ~~[Executive Committee]~~ Board or the Subcommittee shall render a written decision based on the weight of the evidence contained in the record of the hearing and shall provide a copy of the decision to the Member. The decision shall include:

* * *

Notwithstanding the foregoing, the ~~[Executive Committee]~~ Board or the Subcommittee may take action pursuant to Rule 21.29 prior to the rendering of the written decision, if the ~~[Executive Committee]~~ Board or the Subcommittee in its sole discretion deems it necessary or appropriate to do so.

(b) In any case where a Member is suspended, or action is otherwise taken against a Member pursuant to Rules 21.27, 21.28, 21.29 and 21.32, the Exchange shall immediately announce the same on the Floor of the Exchange.

(c) Any action taken by the ~~[Executive Committee]~~ Board or the Subcommittee under Rule 21.29 shall become effective and final fifteen (15) days after notice of the action taken is given to the Member, or such other time as the ~~[Committee]~~ Board or the Subcommittee may specify, provided that the ~~[Executive Committee]~~ Board or the Subcommittee reasonably believes, and so states in its written decision, that action at or within such other time is necessary to protect the best interests of the marketplace. The decision of the ~~[Executive Committee]~~ Board or the Subcommittee shall not be subject to appeal.

Rule 21.34. Obligations of Creditors of Suspended Member

(a) Unless the ~~[Executive Committee]~~ Board or a subcommittee of the Board appointed by the Chairman and comprised of the CEO of ICE, the Chairman and President of NYBOT and any two (2) Public Directors of NYBOT shall direct otherwise, all Commodity Contracts traded on this Exchange made with or carried for a Member suspended under this Chapter shall be closed by the other party thereto or the party carrying the same in the open market within three (3) business hours after the announcement of said Member's suspension on the Floor of the Exchange.

[REMAINDER OF RULE UNCHANGED]

Rule 21.39. Death of Member

When a Member dies, the ~~[Executive Committee]~~ Board or a subcommittee of the Board appointed by the Chairman and comprised of the CEO of ICE, the Chairman and President of NYBOT and any two (2) Public Directors of NYBOT may order his Membership sold and the proceeds paid and applied as provided in Rule 21.36.

Rule 21.42. Publication and Written Notice of Disciplinary Actions

* * *

(b) All proceedings conducted by or before the President, the Floor Committee, the Business Conduct Committee, the Appeals Committee, ~~and~~ the ~~[Executive Committee]~~ Board or a subcommittee of the Board pursuant to this Chapter shall be confidential and shall not be disclosed to any Person except:

* * *

(c) In any case where:

* * *

(iv) the ~~[Executive Committee]~~ Board, a subcommittee of the Board or the President takes action or renders a decision against a Member pursuant to this Chapter;

[REMAINDER OF RULE UNCHANGED]