



**BY ELECTRONIC TRANSMISSION**

05-5  
February 17, 2005

Ms. Jean A. Webb  
Secretary of the Commission  
Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, NW  
Washington, DC 20581

Re: **Repeal of Amendments to Rule 4.12 -  
Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6**

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Dear Ms. Webb:

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, the repeal of amendments to Rule 4.12, attached as Exhibit A.

In a Submission dated July 16, 2004, the Exchange filed amendments to Rule 4.12 which were to prohibit the execution of exchange for physicals ("EFPs") in the U.S. Dollar Index<sup>®</sup> ("USD<sup>®</sup>") during Exchange trading hours in New York and Dublin (Submission No. 04-35). The amendments were to go into effect on July 26, 2004, but the effective date was postponed because of objections from some market users. The amendments have been reconsidered with the opinions of those opposed and those in favor being taken into account. Those in favor of the prohibition opined that it was necessary to preserve liquid and efficient floor markets which will gradually be drained of participants by allowing EFPs to be executed during trading hours. Those opposed to the prohibition opined that allowing EFPs during trading hours provided market participants with a choice of how to access the marketplace and contributed to the growth and liquidity of the USD<sup>®</sup>. After considering all of the opinions, the Board determined to repeal the amendments.

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

The repeal of the amendments was adopted by the Exchange's Board of Governors on February 16, 2005. The repeal will become effective immediately. Opposing views were expressed as described above.

If you have any questions or need further information, please contact me at [jfassler@nybot.com](mailto: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 4.12. AA or EFP Transactions**

AA or EFP Transactions are not required to be made by open outcry as long as such Transactions comply with the following terms and conditions:

\* \* \*

(c)(i) All AA/EFP Transactions executed during Exchange trading hours must be reported to the designated Exchange official no later than fifteen (15) minutes after the close of the post-close trading session, or, if there is no post-close trading session, no later than fifteen (15) minutes after the close of trading.

(ii) All AA/EFP Transactions executed after the close of trading but prior to the open of trading on the next Business Day must be reported to the designated Exchange official no later than fifteen (15) minutes after the completion of the opening call conducted on the next Business Day.

\* \* \*

~~[(iv) Notwithstanding the provisions in subparagraphs (c)(i) and (ii) of this Rule, AA/EFP Transactions may not be executed in the USDX<sup>®</sup> during Exchange trading hours for Financial Contracts, but may be effected either after the close of trading in New York but prior to the opening of trading in New York or after the recess of trading in New York and the resumption of trading in Dublin and must be reported to the designated Exchange official no later than fifteen (15) minutes after the very next trading session begins whether in Dublin or New York.]~~

(iv) Such report shall specify . . . .

[REMAINDER OF RULE UNCHANGED]

**EXHIBIT A**