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November 20, 2007 OFC. OF THE SECRETARIAT

Via E-Mail

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

Re: Rule Certification. NYMEX Submission 07.121: Notification of Housekeeping Amendments to NYMEX Rules 6.90 and 8.21A.


Dear Ms. Eileen Donovan:

The New York Mercantile Exchange ("NYMEX" or the "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") of housekeeping amendments to NYMEX Rule 6.90, Trading Card Procedures, and Rule 8.21A, Maintenance of Health and Safety in Exchange Trading Rings.

The amendments to Rules 6.90 and 8.21A are housekeeping in nature and remove the reference to IXA (Inter-Exchange Arbitrage Transactions) which had inadvertently not been stricken from the Rules at the time IXA trades were discontinued as of February 26, 2007 and replaced with Block Trades under Rule 6.21C. These corrections are effective Wednesday, November 21, 2007. 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.

If you have any questions, please contact Nancy Minett, Vice President, Compliance, at (212) 299-2940, or myself at (212) 299-2897.

Sincerely,


Thomas F. Lasala
Chief Regulatory Officer

cc: Nancy Minett
Brian Regan

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The New York Mercantile Exchange, Inc. offers trading in crude oil, heating oil, unleaded gasoline, natural gas, electricity, coal, propane, freight rates, emissions, gold, silver, platinum, palladium, copper, and aluminum.

Rule 6.90, Trading Card Procedures

(A) A Floor Member shall regularly and promptly record all transactions that he executes on a sequentially numbered trading card pre-printed and issued by the Exchange. The Exchange shall maintain a record of all trading cards issued to such Floor Member. Each member shall be accountable for maintaining the original soft ply of all trading cards issued to such member in exact numerical sequence, including soft plies which are not used by the Floor Member or collected by the Exchange. Where the transaction is an EFP/EFS, EFM, or EFB, ~~or IFA~~, not executed by the Floor Member, the Floor Member's clerk may record the transaction on a separate trading card, provided that the trading card is clearly marked "EFP/EFS/EFM/EFB~~IFA~~ only."

(B) All trading cards shall show the Member's symbol, the date, price differential or premium, quantity, commodity, delivery month or expiration date, the opposite Floor Member, and, for options, the strike price, and whether the transaction involved a put or a call. With the exception of trades executed during the opening or closing ranges, members shall record the exact time of execution to the minute of the first trade made on each trading card. Members shall identify on their trading cards all trades executed during the opening and closing ranges by marking a line across the card below all transactions executed during the opening and above all transactions executed during the closing range. All transactions must be recorded in exact chronological order of execution on sequential lines of the trading card without skipping lines between trades. A member who executes trades both at open outcry and on an electronic tablet from the ring is not required to, but may elect to record any or all of the electronic executions on the trading card, under the following circumstances: the trade must be clearly designated with an E in the opposite broker column, and must indicate at a minimum side of market, quantity, month and price. The trade must be sequentially recorded and, the trade must indicate whether it is for the account of the member, another member or for a customer. Members may also choose to record electronic executions on a separate area of the trading card by marking a line across the card, labeling the line "electronic" and recording electronic executions below the line. If a member chooses this option, no open outcry trades may be recorded below the line. If any lines remain after the final transaction has been recorded on a trading card, including lines either above or below the "electronic" line designation, they shall be marked through by the Floor Member. EFP/EFS/EFM/EFB~~IFA~~ transactions may be recorded on a separate non-sequentially numbered trading card.

(C) Trading Cards may be collected by the Exchange, at such times and pursuant to such procedures as may be adopted by the Board.

(D) The hard ply of the trading card shall be used to report the sale of futures and options contracts within 1 minute of execution in accordance with Exchange Rule 6.10. Additionally, if any hard ply contains only purchases of futures or options contracts, the Floor Member must submit the hard copy ply of the trading card to the Exchange prior to using the next sequentially numbered trading card. EFP/EFS/EFM/EFB~~IFA~~ transactions must be promptly submitted to the Exchange and may be submitted by a clerk provided however, that submission by a clerk must be made to the corrections area only. No transaction other than an EFP/EFS/EFM/EFB~~IFA~~ may be recorded or submitted by a clerk.

(E) Members (or for EFS/EFP/EFM/EFB~~IFA~~ transactions, their clerks) shall use non-erasable ink when recording transactions on trading cards. Errors on trading cards may be corrected by placing a single line through the erroneous information such that the erroneous information remains plainly readable, or by rewriting the trading card; provided, however, that Members shall be required to maintain all trading cards, including trading cards containing EFP/EFS/EFM/EFB~~IFA~~ transactions recorded by clerks and those that have been rewritten. Floor Members may be exempt from personally retaining their trading cards if written notice, from their FCM or Member Firm employer, is given to the Compliance Department acknowledging that it is the custodian of a Floor Member's daily trading records (i.e. trading cards, and customer order memoranda).

(F) Notwithstanding the foregoing, the Board of Directors of the Exchange may approve for use by a Floor Member a handheld electronic trading pad ("Approved Handheld") to regularly and promptly record all transactions that he executes, which produces a sequential, unalterable record of trades executed by the

Floor Member and which complies with the information and record retention rules and requirements of the Exchange.

(G) If the Compliance Department determines that Members or their clerks have failed to comply with any subdivision of Rule 6.90 it may summarily implement the following disciplinary procedures:

1. A Warning Letter may be issued for a first infraction, informing the Member that there was a rule violation.
2. A Second infraction in a 12 month period may subject the Member to a \$100.00 summary fine.
3. A third infraction in an 18 month period may subject the Member to a \$500.00 summary fine.
4. A fourth infraction in a 24 month period will be sufficient basis for a Compliance Department referral to the Business Conduct Committee for formal Disciplinary Action.
5. Subdivisions 1-4 will not apply when the Compliance Department determines that a Member has committed a substantive violation of Exchange rules in addition to a trading card infraction.

(H) Any fine imposed in accordance with Rule 6.90(D) may be appealed to a subcommittee of the Compliance Review Committee ("Subcommittee"). The Subcommittee shall consist of a Chairman, two additional Subcommittee members and two alternates. The Subcommittee members and alternates shall be appointed by the Chairman of the Compliance Review Committee. To appeal a fine, a Member shall file a typewritten request with the Exchange's Compliance Counsel within five (5) business days after receipt of the notice of such fine. The letter of appeal should set forth the reason for the requested appeal and attach any relevant documents. The Subcommittee shall meet at such times as it deems appropriate, and shall reach its decision based upon the letter of appeal and any other documents furnished by the Member subject to the fine with the appeal letter or by the Compliance Department. The Subcommittee in its sole discretion may permit or require personal appearances by the Member and/or the Compliance Department. The Subcommittee shall affirm, modify or reverse the fine appealed and shall issue its Decision in writing within thirty (30) days of meeting to consider the appeal.

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Rule 8.21A, Maintenance of Health and Safety in Exchange Trading Rings

A) No Floor Member may stand on the top step, second step (or as necessary lower steps) of a NYMEX Division trading ring unless such Floor Member is presently authorized to occupy such step of the applicable trading ring by NYMEX staff. For each trading ring, NYMEX staff, in consultation with the Facilities Committee, and as may be phased in on a ring-by-ring basis in the sole discretion of the Exchange, shall initially determine the maximum number of actual Floor Members who can reasonably and safely occupy the top step, second step and as necessary any other step of that ring.

B) (1) Based upon such safety calculations, Exchange staff then will determine those Floor Members who may stand on the applicable rings based solely upon the following criteria (reviewing, on a monthly basis, trading volume (including TAS transactions but not including any non-competitive transactions such as EFP, or EFS ~~or IXA~~) data for the immediately preceding three-month period or such other period as may be set by Exchange staff):

(a) for the top step, total customer volume executed by a Floor Member except that no Member Firm and no billing entity may have more than three affiliated Floor Members on either of the two sides of a ring;

(b) for the second step, total trading volume executed by a Floor Member;

(c) as necessary, for lower steps in the applicable ring, total trading volume executed by a Floor Member. In relation to the top step, for any ring where the Exchange has implemented the provisions of this rule, no Floor Member thus will be authorized to stand on the top step if such Member's trading is limited to trading

solely for his own proprietary account.

(2) While the calculation for top step volume will be made on the basis of customer volume executed by individual brokers, the Exchange will permit reasonable substitutions for a broker by a Member Firm or billing entity with whom the broker is affiliated, *provided* that either the broker or the Member Firm or billing entity has for purposes of this rule given notice to the Exchange of such affiliation.

(3) Floor Members shall have the right to request a further review or reconsideration by Exchange staff of any determination affecting them or their Member Firm or billing entity, and any such requests must be submitted in the form and manner as provided by the Exchange, *provided*, however, that the filing of any such request for reconsideration will not excuse or justify any noncompliance with this rule.

C) No Floor Member may stand on a step after being notified by the Floor Committee that the Floor Member is not authorized to stand on that step.

D) The Floor Committee may impose summarily on any Floor Member in violation of this rule a Warning Letter and/or a fine of not less than \$1,000 dollars but not more than \$2,500 for each violation of this Rule, and violation of this Rule 8.21A for each new trading session shall constitute a separate violation, *provided that*, in the event of repeated violations by a Floor Member, the Floor Committee may determine to refer such Floor Member to the Business Conduct Committee for further action. Any fines issued pursuant to this Rule may be appealed in the same manner and under the same procedures set forth in Rule 8.21.