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January 17, 2008

OFFICE OF THE SECRETARIAT

Via E-Mail

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

**Re: Rule Certification. NYMEX Submission 08.06: Notification of
New Transaction Types/Venues for the Automated Transfer of
Money (ATOM) System.**

Dear Ms. Eileen A. Donovan:

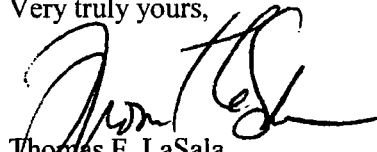
The New York Mercantile Exchange ("NYMEX" or the "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") of new transaction types/venues for the Automated Transfer of Money (ATOM) System (Rule 9.37, Required Use of ATOM by Clearing Members and Floor Brokers).

Effective Monday, February 4, 2008, the ATOM system will be enhanced to distinguish and provide for separate rate schedules to be applied to different transaction types and trade venues (floor versus electronic) [copy of Notice No. 08-14 dated January 17, 2008 is attached]. Trades (of NYMEX and COMEX products) from NYMEX ClearPort® Clearing (including Block Trades) and NYMEX ClearPort® Trading will be added to the ATOM system with these changes. ATOM brokerage will continue to be available only to NYMEX and COMEX Members and Member Firms.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the attached notification of changes to the ATOM system complies with the Act, including regulations under the Act.

Should you have any questions concerning the above, please contact me at (212) 299-2897.

Very truly yours,



Thomas F. LaSala
Chief Regulatory Officer

cc: Brian Regan

New York Mercantile Exchange, Inc.
World Financial Center
One North End Avenue
New York, NY 10282-1101
(212) 299-2000

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 9.37, Required Use of ATOM by Clearing Members and Floor Brokers

(A) Each Clearing Member of the Exchange and floor broker must enter into an agreement (the "ATOM Agreement") to participate in the ATOM¹ system. The ATOM Agreement shall be in the form specified by the Exchange and shall be filed with the Exchange.

(B) Each Clearing Member shall enter and maintain all applicable floor brokerage rates into the ATOM system, at rates agreed to between the Clearing Member and the applicable floor broker. A Clearing Member must provide thirty (30) days prior written notice to the floor broker before any modification to a floor brokerage rate entered in the ATOM system shall become effective.

(C) Each Clearing Member and floor broker shall agree on customer identification codes and each floor broker shall enter these codes when entering clearing data for such trades for these customers.

¹ "ATOM" is a trademark of the Board of Trade Clearing Corporation and has been licensed for use by NYMEX.

Notice No. 08-14
January 17, 2008

TO: ALL Exchange Members/Member Firms
All Clearing Members

FROM: James E. Newsome, President and CEO

RE: Automated Transfer of Money (ATOM) Changes for New Transaction Types / Venues

Effective Monday, February 4, 2008, the ATOM system will be enhanced to distinguish trades originating from the open outcry (floor) or Electronic venues. This distinction will occur through new ATOM Transaction Types. Additionally, Block trades will also be distinguishable from other Transaction Types in each venue.

Trades (of NYMEX and COMEX products) from NYMEX ClearPort® Clearing (including Block trades) and NYMEX ClearPort® Trading will be added to the ATOM system with these changes. ATOM brokerage will continue to be available only to NYMEX and COMEX Members and Member Firms.

To support the ability to distinguish commission rates for electronic systems, a venue indicator (E for Electronic; C for Non-Competitive Electronic) will be appended to ATOM transaction types to indicate the venue from which the trades originated. For example, "ETRD" will represent a regular trade from the Electronic venues. The current floor originated Transaction Types - TRD for trades; SPR for spreads; EFP for exchange for physicals - are to remain. Additionally, BTR (Block trade) and BSP (Block spread for future support) will be added as trade types for all venues.

These new Transaction Types will be shown in the ATOM Daily and Monthly Broker Reports. Clearing Members will be able to set rates for each of these Transaction Types, and will be able to set these rates beginning January 22nd, in advance of the February 4th launch.

Clearing Members should set default rates for each of the Transaction Types below to prevent the overall defaults per Exchange to apply to the new Transaction Types.

As a reminder, NYMEX Rule 9.37 requires Clearing Members to give 30-days written notice before modification of a floor brokerage rate. This requirement shall be applicable to any type of order handled by a registered floor broker. However, upon mutual consent, both parties may adjust such rates as they otherwise determine.

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(B) Each Clearing Member shall enter and maintain all applicable floor brokerage rates into the ATOM system, at rates agreed to between the Clearing Member and the applicable floor broker. A Clearing Member must provide thirty (30) days prior written notice to the floor broker before any modification to a floor brokerage rate entered in the ATOM system shall become effective.

(C) Each Clearing Member and floor broker shall agree on customer identification codes and each floor broker shall enter these codes when entering clearing data for such trades for these customers.

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Full list of available Transaction Types after the changes are implemented:

1. Floor Trades
 - 1.1. TRD (Regular Trade)
 - 1.2. SPR (Spread Trade)
 - 1.3. EFP (EFP)
 - 1.4. BTR (Block trade)
 - 1.5. BSP (Block spread trade - for future support)
2. Competitive Electronic Trades (CME Globex®; NYMEX ClearPort® Trading)
 - 2.1. ETRD (Electronic Trade)
 - 2.2. ESPR (Electronic Spread)
 - 2.3. EEFP (possible future support)
 - 2.4. EBTR (possible future support)
 - 2.5. EBSP (possible future support)
3. Non- Competitive Electronic Trades (NYMEX ClearPort® Clearing)
 - 3.1. CTRD (NYMEX ClearPort® Clearing trades, EFS/EOO)
 - 3.2. CSPR (NYMEX ClearPort® Clearing Spreads, for future support)
 - 3.3. CEFP (NYMEX ClearPort® Clearing EFP)
 - 3.4. CBTR (NYMEX ClearPort® Clearing Block Trade)
 - 3.5. CBSP (NYMEX ClearPort® Clearing Block Spread Trade, for future support)

Should you have any questions regarding this matter, please contact the following:

- NYMEX (Gerard Taibi):..... 212-299-2039
- COMEX (Dave Sherman): 212-299-2061.