

March 7, 2008

VIA E-MAIL

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

OFFICE OF THE SECRETARY

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2/27/08

Re: Rule Certification. NYMEX Submission #08.34: Notification of Amendment to Exchange Rule 3.10, Adjudication Committee.

Dear Mr. Stawick:

The New York Mercantile Exchange, Inc. ("NYMEX" or "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that it is self-certifying the following amendment to Exchange Rule 3.10, Adjudication Committee.

Each of the four Hearing Panels of the NYMEX and COMEX Adjudication Committee must consist of 10 regular panelists, including at least three public members. Currently, Exchange Rule 3.10(C) provides that seven members of a Hearing Panel shall constitute a quorum. The amendment reduces the number required for a quorum from seven to six panel members. The number of Exchange members required on the panel will be reduced from four to three; the number of public members required will remain at three. This change is necessitated by the decrease in the number of Members present on the trading floor and, consequently, the difficulty in obtaining a quorum.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the attached rule amendment complies with the Act, including regulations under the Act. These changes will be made effective on March 11, 2008.

Should you have any questions concerning the above, please contact Suellen Galish, Vice President and Counsel, at (212) 299-2215 or the undersigned at (202) 715-8517.

Sincerely,



De'Ana H. Dow
Senior Vice President and
Chief Legislative Counsel

Attachments: Notification of Amendment to NYMEX Rule 3.10

NOTIFICATION OF AMENDMENT TO NYMEX RULE 3.10

(Strikeouts in bold show deletions; Underlines in bold show additions)

Rule 3.10, Adjudication Committee

(A) The Adjudication Committee shall be a Regular Committee and shall consist of a Chairman who is a Class A Member and four Hearing Panels ("Hearing Panels"). Each panel shall contain at least three persons who are neither Members of the Exchange nor employed by a Member, Member Firm or the Exchange ("Public Committee Members") and shall otherwise be balanced as equally as practicable among representatives of the Member categories: Floor Broker, Local, Trade and FCM (off-the-floor representative). There shall be no restriction on the affiliations or categories of alternates. The panel members and alternates shall be appointed by the Chairman, subject to approval of the Board.

(B) (1) Two of the Hearing Panels shall be designated to hear matters pertaining to New York Mercantile Exchange Inc., ("NYMEX Inc.") and two of the Hearing Panels shall be designated to hear COMEX Division matters ("COMEX Hearing Panels"). Each panel shall consist of 10 regular panelists and as many alternates as the Chairman of the Committee shall designate.

(2) The NYMEX Inc. members on the NYMEX Panels will consist of 70% Class A Members and 30% COMEX Division Members. The NYMEX Inc. members on the COMEX Hearing Panels will consist of 70% COMEX Division Members and 30 % Class A Members.

(C) One person on each Hearing Panel shall serve as its Chairman and shall be designated by the Board as a Co-Vice-Chairman of the Adjudication Committee. ~~Seven~~ Six members of a Hearing Panel shall constitute a quorum for the purpose of exercising the powers of the Hearing Panel, provided that three Public Committee Members must be present. Alternates will be selected by the Chairman to replace any Member of a Hearing Panel unable to serve on any case, subject to the provisions of paragraph (A) above.

(D) The Adjudication Committee shall hold such meetings as, in the discretion of the Chairman of the Committee are necessary to review matters pertaining to Exchange disciplinary actions, including but not limited to, Board policy and disciplinary precedents.

(E) The Adjudication Committee shall make a report to the Board at least twice a year. The report shall detail the activities of the Committee for the period covered by such report and shall describe all disciplinary actions taken by the Committee during such period.