



November 30, 2009

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

2009 DEC 1 AM 11 59
OFFICE OF THE SECRETARIAT
C.F.T.C.

**RE: Amendments to Rule 615.E. ("Hearing Procedures – Hearing Record")
CME/CBOT/NYMEX Submission No. 09-288**

Dear Mr. Stawick:

Chicago Mercantile Exchange Inc. ("CME"), The Board of Trade of the City of Chicago, Inc. ("CBOT") and The New York Mercantile Exchange, Inc. ("NYMEX") (collectively, "the Exchanges") hereby notify the Commodity Futures Trading Commission of amendments to each exchange's harmonized Rule 615.E. ("Hearing Procedures – Hearing Record"). The amendments clarify the circumstances under which an audio recording of an arbitration hearing will be released by the Market Regulation Department to a party requesting the recording.

Specifically, unless otherwise ordered by a Chairman of the Arbitration and Business Conduct Committee or a hearing panel of the Board of Directors, an audio recording will be released to a party only for the purpose of perfecting an appeal of a decision rendered by a panel or upon application to confirm, vacate, modify or correct an award in a court of law.

The amendments will be effective on December 2 and are set forth below with additions underscored and deletions overstruck.

615.E. Hearing Record

~~An audio recording of the proceeding shall be made by the Market Regulation Department and maintained until the decision becomes final. Unless otherwise ordered by a chairman of the Arbitration Committee, Business Conduct Committee or a duly appointed Hearing Panel of the Board of Directors, a copy of the audio recording will be released to a party only for the purpose of perfecting an appeal of a decision rendered by a Panel or upon application to confirm, vacate, modify or correct an award in a court of law. The requesting party shall bear the cost of copying the recording. A verbatim record of such recording shall not be transcribed unless requested by a party, who shall bear the cost of transcription.~~

The Exchanges certify that the amendments comply with the Commodity Exchange Act and regulations thereunder.

If you have any questions regarding the above, please contact Robert Sniagowski, Associate Director, Market Regulation, at 312.341.5991 or me at 312.648.5422. Please reference CME/CBOT/NYMEX Submission No. 09-288 in any related correspondence.

Sincerely,

/s/ Stephen M. Szarmack
Director and Associate General Counsel

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