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December 20, 2007

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 07.143: Notification of
Amendments to Exchange Rules 8.99A and 8.99B.**

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 rule amendments to Exchange Rules 8.99A, Summary Procedures for Denial of Access; and 8.99B, Summary Procedures for Denial of Access to NYMEX ClearPort® Trading or to NYMEX products listed for trading on the CME GLOBEX® platform.

The amendments to Rule 8.99A, among other things, clarify that the summary procedures for denial of access provided for in that Rule apply to all NYMEX ClearPort® Clearing transactions rather than to contracts offered only for clearing on the Exchange. Further, amendments to Rule 8.99B, among other things, clarify that NYMEX ClearPort® Trading Users and User's Agents are included as parties covered by that Rule. These amendments will be effective Friday, December 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.

Should you have any questions concerning the above, please contact R. Stephen Painter, Jr., Director and Counsel, Market Surveillance, at (212) 299-2920.

Very truly yours,

Nancy Minett
Vice President, Compliance

cc: Thomas LaSala
Brian Regan

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New York, NY 10282-1101
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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.

(Stricken text indicates deletions, and bold underlined text indicates additions.)

Rule 8.99A – Summary Procedures for Denial of Access to NYMEX ClearPort® Clearing

(a) In connection with a user who is using the Exchange's services for clearing of a product through NYMEX ClearPort® Clearing ~~listed only for clearing on the Exchange~~ (User),

(i) In the event, as determined by the President or his designee ~~Exchange~~ in his its sole discretion, of such User's failure to maintain a clearing arrangement acceptable to the Exchange or failure to pay fees due on any transaction as provided by the applicable fee schedule or if deemed necessary to protect the Exchange, its contract markets or other Users or Members as determined by the President or his designee NYMEX in his its sole discretion, the President or his designee NYMEX shall have the right, without limitation, to take any or all of the following actions:

(1) terminate User's Passwords and Identification and User's access to NYMEX ClearPort® Clearing; ~~the system.~~

(2) close out all of User's open positions;

~~(3) cancel any or all of User's transactions in the System;~~

~~(3)~~ (4) treat any or all of User's obligations to NYMEX, if any, as immediately due and payable; and

~~(4)~~ (5) deny User further access to the Exchange's markets.

Nothing in this Rule shall preclude any other action against a Member pursuant to the Rules.

* * * *

Rule 8.99B – Summary Procedures for Denial of Access to NYMEX ClearPort® Trading or to GLOBEX®

For the purposes of this rule Rule 8.99B, references to User or to User Agent, ~~which are defined in Chapter 11~~, shall be understood to include, respectively, GLOBEX® User or GLOBEX® User Agent, or NYMEX ClearPort® Trading User or NYMEX ClearPort® Trading User Agent, as those ~~latter~~ terms are defined in NYMEX Rules 11.31 and 11G.00 ~~Chapter 11G~~.

(a) Any one of the following (i) through (vi) shall constitute an Event of Default: ~~In the event~~

(i) any representation, warranty or covenant of User ceases to be true and accurate;

(ii) User or User's Agent fails to comply with any applicable Exchange rule;

(iii) User or User's Agent uses GLOBEX® or NYMEX ClearPort® Trading (collectively, for purposes of this Rule 8.99B, the "System") ~~the System~~ from a jurisdiction other than those permitted by the Exchange;

(iv) User fails to maintain a clearing arrangement acceptable to the Exchange;

(v) User fails to pay NYMEX the fees due on any Transaction as provided by the applicable Fee

Schedule; or

(vi) User's or User's Agent's access to the System potentially implicates the welfare of as deemed necessary to protect the Exchange, its markets or other Users or Members.

(b) In the event that the President or his designee reasonably determines, in accordance with the provisions of paragraph (c), that there has been an Event of Default, and with respect to ~~(i)-(vi)~~ (hereafter any of (i)-(vi) an ("Event of Default") as reasonably determined by NYMEX as provided in paragraph (b); **the President or his designee** NYMEX shall have the right, without limitation, to take any or all of the following actions:

(1) terminate the Passwords of the User or of such User's ~~User~~ Agents and User's access to the System;

(2) close out all of User's open positions;

(3) cancel any or all of User's orders in the System;

(4) treat any or all of User's obligations to NYMEX as immediately due and payable; **or**

(5) set off any obligations of NYMEX to User against any of User's obligations to NYMEX.

Nothing in this Rule shall preclude any other action against a Member pursuant to the Rules.

Actions taken pursuant to Paragraph ~~(a)~~**(b)(1-5)** (**for purposes of this Rule 8.99B, hereinafter "Summary Action"**) shall be the final action of the Exchange if the User does not request review **pursuant to paragraph (c) within the specified time period** when and as hereinafter provided.

~~(b)~~**(c)** The President of NYMEX or his designee shall determine when an Event of Default has occurred and any Summary Action that will be taken by NYMEX without prior notice or a hearing to User. **The President or his designee** NYMEX shall provide User with written notice of any Summary Action via electronic mail or facsimile communication, which shall be sent to User in accordance with the contact information on file at the Exchange for the User, and such notice shall be deemed to be received by the User upon transmission of a facsimile communication or, in the case of an electronic mail communication, one business day following an electronic mail message. Such notice shall specify the date of the occurrence for which the Summary Action is being imposed and the provisions of the Agreement or other basis for the Summary Action. Within 10 days of receipt of the notice, the User may submit a written request to **the NYMEX Hearing Registrar** to review the Summary Action taken and any such request shall specify the basis for such a review.

~~(e)~~**(d)** The President shall appoint a hearing panel drawn from the Exchange's Adjudication Committee (**for purposes of this Rule 8.99B, hereinafter "Hearing Panel"**) to hear and consider a request for review made pursuant to paragraph ~~(b)~~**(c)** at a meeting to be held promptly after the Exchange has received such a request. A meeting pursuant to this Rule may be conducted telephonically. At the meeting, the User may appear and present evidence that it did not commit an Event of Default and the Exchange, through its **Enforcement Compliance** Staff or its designee, may present such evidence that an Event of Default has occurred.

~~(d)~~**(e)** The Hearing Panel shall not be bound by formal rules of evidence. The Hearing Panel shall follow such procedures as it deems best calculated to ascertain material information and otherwise to ensure a fair and impartial hearing.

~~(e)~~**(f)** The Hearing Panel shall issue a written decision containing: (i) a description of the Event of Default and Summary Action taken by the Exchange as provided in paragraphs (a) **and (b)**; (ii) a summary of the evidence produced at the hearing; (iii) a statement of its findings and conclusions with respect to the Event of Default; and (iv) its conclusion concerning whether the Summary Action **taken** was appropriate **and/or whether** its imposition of **additional or** other a ~~different~~ Summary Action, if any, ~~was~~ **is** appropriate. Such decision shall be the final action of the Exchange and shall not be subject to further ~~appeal~~ **review** within the Exchange.

~~(f)~~**(g)** A User suspended or terminated from access to the System pursuant to this Rule may apply for trading privileges on the System if at the time of the application the User can demonstrate compliance with all material terms of applicable agreements with the Exchange. The determination of such compliance and possible readmission shall be made by, and is within the sole discretion of, the President of the Exchange **or his designee**.

~~(g)~~**(h)** Nothing in this Rule shall preclude any other action against a Member pursuant to the Rules.