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December 30, 2008

OFFICE OF THE SECRETARIAT

**VIA E-MAIL**

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

**Re: Amendment to Rule Certification. New York Mercantile Exchange, Inc.  
Revision to Submission #08.119(R): Notification of Change of Effective Date  
of Implementation of NYMEX Rules 6.01 and 104.03 and Deletion of  
NYMEX Rule 450**

Dear Mr. Stawick:

Previously, by letter dated November 24, 2008, the New York Mercantile Exchange, Inc. ("NYMEX" or "Exchange") notified the Commodity Futures Trading Commission ("CFTC" or "Commission") that it was modifying and amending its previously self-certified amendments to various NYMEX rules and the adopting certain new NYMEX rule chapters to harmonize these rules with CME Group rules. This letter is intended to amend the prior submission by changing the effective dates for adoption of NYMEX Rules 6.01 and 104.03 and deletion of NYMEX Rule 450.

NYMEX has postponed until February 2, 2009, the adoption of new Rules 6.01 and 104.03 concerning record retention requirements with regard to all forms of trading floor records including mandatory recordation and retention of phone lines, instant messages and emails.

In submission #08.119, submitted to the Commission on November 13, 2008, NYMEX initially indicated that new Rules 6.01 and 104.03 concerning record retention requirements with regard to all forms of trading floor records including mandatory recordation and retention of phone lines, instant messages and emails would become effective on December 15, 2008, at which time Rule 450 would be deleted. Subsequently, in submission #08.119(R), dated November 24, 2008, NYMEX indicated that those Rules would become effective on January 2, 2009. NYMEX is further postponing the effective date of the adoption of new Rules 6.01 and 104.03 and deletion of Rule 450 until February 2, 2009. Based on the postponement of the effective date, new Rule 450 will remain in effect until Rules 6.01 and 104.03 become effective, at which time Rule 450 will be deleted.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that this filing complies with the Act, including regulations under the Act. These changes will become effective February 2, 2009.

Should you have any questions concerning the above, please contact Brian Regan at (212) 299-2207, or the undersigned at (202) 715-8517.

Sincerely,

A handwritten signature in cursive script that reads "De'Ana H. Dow". The signature is written in dark ink and is positioned above the typed name.

De'Ana H. Dow  
Managing Director,  
Government Relations

cc: Ananda Radhakrishnan, Director, CFTC DCIO  
Richard Shilts, Director, CFTC DMO