

March 4, 2004

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**Via E-Mail and US Mail**

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

**Re: Rule Certification. NYMEX Submission 04.28 - Notification  
of Amendment to NYMEX Division Rule 11.63(D)**

Dear Ms. Jean Webb:

The New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") hereby notifies the Commodity Futures Trading Commission ("CFTC") of amendments to NYMEX Division Rule 11.63(D), Electronic Trading Error Trade Procedures.

The amendments will become effective on March 5, 2004. Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the new amendments comply with the Act, including regulations under the Act.

Should you have any questions concerning the above, please contact the undersigned at 212-299-2940.

Very truly yours,

Nancy M. Minett  
Vice President  
Compliance Department

cc: Thomas LaSala  
Brian Regan

(Additions are underlined, ~~striekthroughs~~ indicate deletions)

Rule 11.63, Electronic Trading Error Trade Procedures

(D) A fee for each Error trade cancelled in accordance with this rule shall be charged to the party responsible for such Error trade as follows:

- (1) \$250 for each of the first three (3) instances within one calendar year;
- (2) \$500 for each of the next five (5) instances within one calendar year; and
- (3) \$1000 for each instance thereafter within one calendar year.

Notwithstanding the above, there shall be no fee charged in connection with any Error Trade cancelled for any product traded on an Alternative Electronic Trading System, i.e., NYMEX ClearPort<sup>sm</sup> Trading.