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March 3, 2005

Via E-Mail

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

**Re: Rule Certification. NYMEX Submission 05.38 – Notification of
Amendment to NYMEX Division Rule 6.44(D).**

Dear Ms. Jean Webb:

The New York Mercantile Exchange, Inc. (“NYMEX” or the “Exchange”) hereby notifies the Commodity Futures Trading Commission (“CFTC”) of an amendment to NYMEX Rule 6.44(D), Registration for Billing of Floor and NYMEX ACCESS®.

Effective March 4, 2005, the amendment corrects the reference in Rule 6.44 to the rule which requires the use of ATOM by Clearing Members and Floor Brokers to accurately refer to Rule 9.37, which codifies the ATOM billing requirement. 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

Attachments

cc: Thomas LaSala
Brian Regan

(Strikethroughs indicate deletions, and additions are in bold and underlined.)

NYMEX Rule 6.44, Registration for Billing of Floor and NYMEX ACCESS®

(D) It will be a major offense for any Member to receive payment for brokerage services rendered, unless duly registered with the Exchange as described herein. All brokerage must be billed through ATOM, as described in Rule 9.40 ~~37~~– Required Use of ATOM by Clearing Members and Floor Brokers.