

RECEIVED
C.F.T.C.

2005 NOV 17 PM 4:33

OFFICE OF THE SECRETARIAT

November 17, 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 Certifications. New York Mercantile Exchange, Inc. Submission
#05.210: Change in Listed Trading Platform for Two NYMEX Contracts and
Related Rule Amendments**

Dear CFTC Commissioners:

The New York Mercantile Exchange, Inc. ("Exchange") is notifying the Commodity Futures Trading Commission ("Commission") that it will be delisting two NYMEX mini energy futures contracts from being listed on the CME®'s Globex® electronic trading platform and then relisting those products on the Exchange's own NYMEX ClearPort® Trading electronic platform. (The Exchange had previously notified the Commission in prior NYMEX filings (NYMEX Submission # 05.108 and NYMEX Submission 05.175) but then later determined to defer this transition. The transition will occur pursuant to the schedule set forth in Exchange Notice to Members 05.494, which is included as part of this certification. In addition, the Exchange has attached various rule amendments that will be implemented in connection with the transition. Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that all of the attached rule changes and transition information comply with the Act, including regulations under the Act; these changes will be made effective on November 18, 2005.

Should you have any questions concerning the above, please contact the undersigned at (212) 299-2207.

Very truly yours,

Brian J. Regan
Vice President and Counsel

Att.

NYMEX miNY(sm) Crude Oil Futures Contract

Formatted

Deleted: NYMEX Light Sweet Crude Oil

Deleted: Mini

401.01 Scope

The provisions of these rules shall apply to all contracts bought or sold on the NYMEX division of the Exchange for cash settlement based on the Floating Price.

401.02 Floating Price

The Floating Price for each contract month will be equal to the NYMEX Light Sweet Crude Oil Futures contract final settlement price for the corresponding contract month on the last trading day for that contract month.

Deleted: NYMEX

401.03 Contract Quantity and Value

The contract quantity shall be 500 barrels. Each futures contract based on the NYMEX miNY(sm) Crude Oil Futures contract shall be valued as the contract quantity (500) multiplied by the settlement price.

Deleted:

Deleted: Mini

401.04 Contract Months and Maximum Quantity per Order

Trading shall be conducted in contracts in such months as shall be determined by the Board of Directors. Until further notice from the Exchange, the listed contract months shall be limited to the first nearby month until the tenth-to-last day of trading in such contract month, at which time the second nearby month shall then also be listed.

The NYMEX ClearPort® Trading system precludes the entry of an order in a quantity in excess of the maximum number of contracts allowed per transaction as set by the Exchange. The maximum transaction size set by the Exchange for the NYMEX miNY(sm) Crude Oil Futures contract is presently set at 50 contracts.

Accordingly, an order that exceeds 50 contracts for the NYMEX miNY(sm) Crude Oil Futures contract must be entered into the NYMEX ClearPort(sm) Trading system as multiple entries, each of which may not exceed the maximum number of allowable contracts.

401.05 Prices and Fluctuations

Prices shall be quoted in U.S. dollars and cents per barrel. The minimum price fluctuation shall be \$0.025 per barrel (\$12.50 per Contract). The maximum price fluctuation shall be consistent with the prevailing price limits of the NYMEX Light Sweet Crude Oil Futures contract rounded down on the upper limit and up on the lower limit to the nearest five cent increment.

Deleted: 0.00

401.06 Termination of Trading

Trading in the current delivery month shall cease on the business day immediately preceding to the last day of trading in the current delivery month of the NYMEX Light Sweet Crude Oil futures contract

Deleted: third-to-last

Deleted: prior

Deleted: the twenty-fifth calendar day of the month preceding the delivery month. If the twenty-fifth calendar day of the month is a non-business day, trading shall cease on the third-to-last business day prior to the last business day preceding the twenty-fifth calendar day.

401.07 Final Settlement

Delivery under the NYMEX miNY(sm) Crude Oil Futures contract shall be by cash settlement. Final settlement, following termination of trading for a contract month, will be based on the Floating Price. The final settlement price will be the Floating Price calculated for each contract month.

Deleted: Mini

NYMEX miNY(sm) Natural Gas Futures Contract

Deleted: Mini

402.01 Scope

The provisions of these rules shall apply to all contracts bought or sold on the NYMEX division of the Exchange for cash settlement based on the Floating Price.

402.02 Floating Price

The Floating Price for each contract month will be equal to the NYMEX (Henry Hub) Natural Gas Futures contract final settlement price for the corresponding contract month on the last trading day for that contract month.

402.03 Contract Quantity and Value

The contract quantity shall be 5,000 MMBtu (million British thermal units). Each futures contract based on the NYMEX miNY(sm) Natural Gas Futures contract shall be valued as the contract quantity (5,000) multiplied by the settlement price.

Formatted: Font: Not Bold

Deleted: Mini

402.04 Contract Months and Maximum Quantity per Order

Trading shall be conducted in contracts in such months as shall be determined by the Board of Directors. Until further notice from the Exchange, the listed contract months shall be limited to the first nearby month until the tenth-to-last day of trading in such contract month, at which time the second nearby month shall then also be listed.

The NYMEX ClearPort® Trading system precludes the entry of an order in a quantity in excess of the maximum number of contracts allowed per transaction as set by the Exchange. The maximum transaction size set by the Exchange for the NYMEX miNY(sm) Natural Gas Futures contract is presently set at 50 contracts.

Formatted: Font: Not Bold

Accordingly, an order that exceeds 50 contracts for the NYMEX miNY(sm) Natural Gas Futures contract must be entered into the NYMEX ClearPort® Trading system as multiple entries, each of which may not exceed the maximum number of allowable contracts.

402.05 Prices and Fluctuations

Prices shall be quoted in U.S. dollars and cents per MMBtu. The minimum price fluctuation shall be \$0.005 per MMBtu (\$25.00 per Contract). The maximum price fluctuation shall be consistent with the prevailing price limits of the NYMEX Natural Gas Futures contract rounded down on the upper limit and up on the lower limit to the nearest one cent increment.

Deleted: 20.00

402.06 Termination of Trading

Trading in the current delivery month shall cease on the business day immediately preceding the last day of trading in the current delivery month of the Natural Gas futures contract.

Deleted: third-to-last

Deleted: prior to the contract month

402.07 Final Settlement

Delivery under the NYMEX miNY(sm) Natural Gas Futures contract shall be by cash settlement. Final settlement, following termination of trading for a contract month, will be based on the Floating Price. The final settlement price will be the Floating Price calculated for each contract month.

Deleted: Mini

9.04B Use of E-RAV Risk Filter for Trading on NYMEX ClearPort® Trading

(A) MANDATORY USE OF EXCHANGE E-RAV RISK FILTER FOR ORDERS SUBMITTED TO NYMEX ClearPort® TRADING VIA FRONT-END TRADING APPLICATION TO CPT PROVIDED BY NYMEX

No order for a contract listed for trading on NYMEX ClearPort® Trading that is submitted to CPT via the trading graphical user interface, i.e., front-end trading application, to CPT provided by the Exchange may be accepted for entry into NYMEX ClearPort® Trading unless and until the carrying Clearing Member for the applicable account-holder has input electronically to NYMEX ClearPort® Trading the following required information:

- (1) the account number;
- (2) the contracts approved for trading for that account;
- (3) with respect to trading on NYMEX ClearPort® Trading the Risk Allocation Value for that account using the Exchange's enterprise risk allocation value system ("E-RAV"); and
- (4) in addition to the Risk Allocation Value, setting net short and net long position limits for each contract permissioned by the Clearing Member for that account.

(B) OPTIONAL USE OF EXCHANGE E-RAV RISK FILTER FOR ORDERS SUBMITTED TO NYMEX ClearPort® TRADING VIA A FRONT-END TRADING APPLICATION CERTIFIED BY THE EXCHANGE

With respect to access to NYMEX ClearPort(sm) Trading via a non-Exchange trading front-end trading application that is certified by the Exchange, for each connection to NYMEX ClearPort® Trading via such an application, the User in its discretion may determine to use or not use the E-RAV risk filter provided by the Exchange. If the User determines for a particular connection not to utilize the E-RAV risk filter, this filter will not be available for any orders submitted through such connection, including orders submitted by any and all of the User Agents making use of such connection. If the User determines for a particular connection to utilize the E-RAV risk filter, use of the filter will be mandatory for all orders submitted through such connection, including orders submitted by any and all of the User Agents making use of such connection, and all of the requirements of this Rule 9.04B shall be applicable.

(C) The E-RAV risk filter does not apply to trading activity for the Regular Trading Hours session or trading activity for the NYMEX ACCESS® trading session. Trading on NYMEX ACCESS® is governed by a separate and distinct risk filter.

Formatted	... [1]
Deleted: Specified Exchange	... [2]
Deleted: For the purposes of this	... [3]
Formatted	... [4]
Formatted	... [5]
Formatted	... [6]
Formatted	... [7]
Formatted	... [8]
Formatted	... [9]
Formatted	... [10]
Formatted	... [11]
Formatted	... [12]
Formatted	... [13]
Deleted: traded	
Deleted: an Alternative Electro	... [14]
Formatted	... [15]
Formatted	... [16]
Formatted	... [17]
Formatted	... [18]
Formatted	... [19]
Deleted: such system	
Deleted: the AETS system	
Deleted:	
Formatted	... [20]
Deleted: or related Exchange s	... [21]
Deleted: an AETS,	
Formatted	... [22]
Formatted	... [23]
Formatted	... [24]
Formatted	... [25]
Formatted	... [26]
Formatted	... [27]
Formatted	... [28]
Formatted	... [29]
Formatted	... [30]
Formatted	... [31]
Formatted	... [32]
Formatted	... [33]
Formatted	... [34]
Formatted	... [35]
Formatted	... [36]
Formatted	... [37]
Deleted: B	

(C) With respect to NYMEX ClearPort® Trading, the E-RAV risk filter shall include the permissioning of specific contracts, a dollar limit for a given customer account permissioned by the Clearing Member as well as net long and net short position limits set by the Clearing Member for each contract permissioned for that customer.

- Deleted: an AETS
- Formatted: Font: 11 pt
- Formatted: Font: 11 pt
- Deleted: for trading on such a system will not be used by the AETS as part of the risk filter for that system. Instead, the AETS will only utilize the
- Formatted: Font: 11 pt
- Deleted: m
- Formatted: Font: 11 pt
- Deleted: , and Clearing Members should set such position limits accordingly
- Deleted: provided to
- Formatted: Font: 11 pt
- Deleted: User for such system. 1
- Formatted: Font: 11 pt
- Formatted: Font: 11 pt
- Formatted: Font: 11 pt
- Deleted: the AETS

(D) A Clearing Member may modify at any time by electronic input in the manner prescribed by the Exchange the information required by Section (A).

(E) A Clearing Member agrees unconditionally to accept and to clear all trades executed for that account for which it has input information pursuant to Section (A), regardless of malfunction or non-operation of the Exchange's contracts order filter functionality, the Risk Allocation Value order filter functionality, and/or the position limit functionality.

(F) Following input of the information required in Section (A) above for any account, an order for such account may be executed by or on behalf of the account-holder of the permissioned account.

(G) Notwithstanding Section (F) above, the Exchange, as provided by Rule 8.99A ("Summary Procedures for Denial of Access") shall have the right without limitation at any time to terminate a User's and/or User Agent's user identification, passwords and access to NYMEX ClearPort® Trading.

9.19 Final Day of Trading

(A)(1) On the final day of trading in the delivery month of a contract that is listed for trading by open outcry on the trading floor, it shall be the responsibility of each Clearing Member who is not in a position to fulfill his contractual obligation on any maturing contract by prescribed notice and tender, to have a liquidating order entered on the Exchange floor one hour before the time established for the beginning of the closing range for such delivery month. All such orders shall be market orders to be executed prior to the expiration of trading.

(2) On the final day of trading in the delivery month of a contract that is listed for trading solely on NYMEX ACCESS® or on NYMEX ClearPort® Trading, it shall be the responsibility of each Clearing Member who is not in a position to fulfill its contractual obligation on any maturing contract by prescribed notice and tender, to have a liquidating order entered on NYMEX ACCESS® or on NYMEX ClearPort® Trading, a

Chapter 11 (Rules for Exchange Electronic Trading Systems) And Former Chapter 11G (Rules for Globex Trading System)

11.01-11.30 Rules Applicable only to NYMEX ACCESS®

11.01 Holders of Electronic Trading Privileges

11.02 Electronic Trader Designation Requirements

11.03 Scope of Trading Privileges

- 11.04 Responsibilities of Electronic Traders
 - 11.04A Primary Clearing Member Guarantees for NYMEX ACCESS®
 - 11.04B Obligations of Non-Primary Clearing Members for Trading on NYMEX ACCESS®
- 11.05 Reserved
- 11.06 Reserved
- 11.07 Primary Clearing Member Permission for Electronic Trader Accounts with Other Clearing Members and Additional Authorized Terminal Users and Electronic Trading Privileges
- 11.08 Commodity Trading Advisors and Commodity Pool Operators
 - 11.08A-1 COMEX Division Members Trading NYMEX Contracts on NYMEX ACCESS®
 - 11.08A-2 Rules of Uniform Application
- 11.09 Duties of Primary Clearing Members to Monitor Electronic Traders
- 11.10 Termination of Guarantees and Ability of Electronic Traders and Authorized Terminal Users to Trade
- 11.11 Reserved
- 11.12 Reserved
- 11.13 Termination of Designation as Electronic Trader or Authorized Terminal User
- 11.14 Leases of Electronic Trading Privileges
- 11.15 Terms of Electronic Trading Privileges Lease Agreement
- 11.16 Notices Required of Lessor and Lessees
- 11.17 Transfer of Electronic Trading Privileges
- 11.18 Effect of Filing Notice of Intention to Transfer
- 11.19 Termination by an Electronic Trader of Authorized Terminal Users
- 11.20 Class A Member and COMEX Division Member NYMEX ACCESS® Trading Rights and Privileges
- 11.21 NYMEX ACCESS® Administrative Work Station Functionality
- 11.22 Reserved
- 11.23 Trade Limit Monitoring System

11.24 Authorized Communications

11.25 Acceptance of Orders for Entry into NYMEX ACCESS®

11.26 Settlement Prices and Price Fluctuation Limits for NYMEX ACCESS®

11.27 Type Indicator Codes for Trading on NYMEX ACCESS®

| 11.31-11.50 Rules Applicable Only to NYMEX ClearPort® Trading,

| 11.31 Electronic Trading Privileges for NYMEX ClearPort® Trading,

| 11.32 Designation Requirements for Users and User Agents of Exchange's NYMEX ClearPort® Trading System

| 11.33 Scope of Trading Privileges for NYMEX ClearPort® Trading

| 11.34 Responsibilities of Users on NYMEX ClearPort® Trading,

| 11.35 Acceptance of Orders for Entry into NYMEX ClearPort® Trading,

| 11.36 Type Indicator Codes for Trading on NYMEX ClearPort® Trading

| 11.37 Settlement Prices for Contracts Traded Only on NYMEX ClearPort® Trading,

| 11.38-11.49, Reserved

| 11.50-11.69 Rules that are Common to NYMEX ACCESS® and to New NYMEX ClearPort® Trading

| 11.50 NYMEX Customer Service Call Center

11.51 Business Day

11.52 Hours of Trading

11.53 Electronic Trading Spread Transactions and Strip Transactions

11.54 Standard Forms of Orders for Exchange Electronic Trading Systems

11.55 Errors and Omissions in Handling Orders

11.56 Surrender of Trading Records for Examination

11.57 Trading Standards for Electronic Trading Systems

11.57A Permissible Pre-Execution Discussions

11.58 Reporting and Record keeping Requirements for Electronic Trading Systems

11.59 User of Passwords

Deleted: (sm)
Deleted: New Alternative Electronic Trading System
Deleted: (sm)
Deleted: Exchange Alternative Electronic Trading Systems
Deleted: Alternative Electronic Trading System
Deleted: (sm)
Deleted: Alternative Electronic Trading System
Deleted: (sm)
Deleted: (sm)
Deleted: Exchange Alternative Electronic Trading Systems
Deleted: (sm)
Deleted: Exchange Alternative Electronic Trading Systems
Deleted: (sm)
Deleted: (sm)
Deleted: Specified Alternative Electronic Trading Systems
Deleted: 50
Deleted: 51
Deleted: Alternative Electronic Trading System
Deleted: (sm)

11.60 Exchange of Futures for Physicals and Exchange of Futures for Swaps

11.61 Limitation of Liability

11.62 NYMEX Personnel – Limitation of Liability

11.62A Phantom Orders

11.63 Electronic Trading Error Trade Procedures

11.64 Trading Prohibition by Certain Persons

11.65 Trading Prohibitions: Representatives of Other Clearing Members

11.66 Restriction on Simultaneous Buy and Sell Orders on Exchange Electronic Trading Systems

11.67 General Trading Standards for Exchange Electronic Trading Systems

11.68 Closing Range and Close

11.69 Registration for Billing of Brokerage on Exchange Electronic Trading Systems

11.31 Electronic Trading Privileges for NYMEX ClearPort® Trading and Related Definitions

The Exchange in its sole discretion may determine to extend electronic trading privileges on NYMEX ClearPort® Trading to firms and individuals who comply with the designation requirements specified in Rule 11.32 (“DESIGNATION REQUIREMENTS FOR USERS AND USER AGENTS OF NYMEX ClearPort® Trading”).

For purposes of this Chapter 11, in connection with access to NYMEX ClearPort® Trading, the term “User” will refer to the firm or individual that has fully met all designation requirements required by the Exchange and has been granted the privilege of accessing the NYMEX ClearPort® Trading system.

For purposes of this Chapter 11, in connection with access to NYMEX ClearPort® Trading via the trading graphical user interface (which may also be referred to in these rules as a front-end trading application) provided by the Exchange, the term “User Agent” as applied to NYMEX ClearPort® Trading will refer generally to those employees and/or agents that a User has designated to serve as its authorized terminal operators and has properly notified the Exchange in the manner provided by the Exchange.

For purposes of this Chapter 11, in connection with access to NYMEX ClearPort® Trading via a front end application that is proprietary to the User or provided by a third party and that is certified by the Exchange, the term “User Agent” as applied to NYMEX ClearPort® Trading shall mean those individuals or entities (including, without limitation, User’s customers, employees, agents and independent contractors) authorized by User to access the NYMEX ClearPort® Trading Services via a Certified Application (as defined immediately below).

For purposes of this Chapter 11, in connection with access to NYMEX ClearPort® Trading via a front-end trading application that is proprietary to the User or provided by a third party and that is certified by the Exchange, the term “Certified Application” shall refer to any front-end trading application, provided by User or a third party, via which User and/or its User Agent(s) may access the NYMEX ClearPort® Trading services (and all modifications of such application) and any connection of such front-end trading application to the NYMEX ClearPort® Trading Services must (i) be certified by the Exchange in accordance with the Exchange’s current technical certification procedures, as prescribed by the Exchange, and (ii) meet the Exchange’s credit control and audit trail requirements as set forth by the Exchange.

11.32 Designation Requirements for Users and User Agents of Exchange's NYMEX ClearPort® Trading

(A) To qualify as a User of NYMEX ClearPort® Trading as defined below, every individual or entity applying for designation as a User must execute such agreements and forms as required by the Exchange, as may be amended from time to time.

Deleted: 11.31-11.50 Rules Applicable Only to New Alternative Electronic Trading System ¶
¶
Rules Applicable Only to New Alternative Electronic Trading System

Deleted: (sm)

Deleted: Exchange Alternative Electronic Trading Systems

Deleted: an Alternative Electronic Trading System

Deleted: (sm)

Deleted: (sm)

Deleted: EXCHANGE ALTERNATIVE ELECTRONIC TRADING SYSTEMS

Deleted: ¶

Deleted: For the purposes of this rule, the term "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS® on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.

Deleted: (sm)

Deleted: Agent "

Deleted: (sm)

Deleted: such an electronic trading system

Deleted: (sm)

Deleted: (sm)

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Deleted: SM

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Deleted: (sm)

Deleted: ¶
¶

Deleted: Alternative Electronic Trading System

Deleted: (sm)

Deleted: for

Deleted: an Alternative Electronic Trading System

Deleted: (sm)

Deleted: an

Deleted: ¶

Deleted: (1)

Until further notice from the Exchange, every individual or entity applying for designation as a User must execute the Exchange User License Agreement (the "EULA"), including Schedule A of the EULA, which applies to NYMEX ClearPort® Trading.

Deleted:

Deleted: (sm)

In addition, an entity that is a NYMEX Clearing Member that is seeking to obtain designation as a User for purposes of access to NYMEX ClearPort® Trading via a Certified Application must execute Schedule A-1 to Schedule A of the EULA and related attachments.

Deleted: (sm)

An individual or entity that is not a NYMEX Clearing Member (including both non-clearing Member Firms and non-Member Firms) and that is seeking to obtain designation as a User for purposes of access to NYMEX ClearPort® Trading via a Certified Application must execute Schedule A-2 to Schedule A of the EULA and related attachments.

Deleted: (sm) T

Every individual or entity applying for designation as a User further must establish an account with an Exchange Clearing Member who will guarantee trading activity for that account as provided by NYMEX Rule 9.04B.

Deleted: such on-line agreements and forms as required by the Exchange, as may be amended from time to time; and ¶ (2)

(B) Upon confirmation of an applicant's satisfaction of the requirements set forth in Section (A) above, the Exchange in its sole discretion may determine to designate the applicant as a User with trading rights as specified by the Exchange.

Deleted: the provisions required

(C) No person who executes customer orders during Regular Trading Hours who is employed by a Member, Member Firm or Clearing Member during Regular Trading Hours in any capacity other than as a write-up clerk, as that term is defined in Rule 8.58A, may be employed by any other Member, Member firm or Clearing Member during the trading session for NYMEX ClearPort® Trading. No Clerk, as that term is defined in Rule 8.58A, may become a User.

Deleted: an

Deleted: (sm)

Deleted: Alternative Electronic Trading System

Deleted: ¶

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Deleted: With respect to User Agents, the

Deleted: an Exchange Alternative Electronic Trading System

Deleted: (sm)

(D) Responsibility of User for User Agents

Access to NYMEX ClearPort® Trading via the Front-End Trading Application Provided by the Exchange.

User shall be responsible for selecting its own User Agents with respect to NYMEX ClearPort® Trading and must register with the Exchange in the manner provided of all such employees and agents who have been designated by the User as User Agents for that User. The User also shall be responsible for notifying the Exchange prior to any change in its User Agents. By registering any such User Agents, User agrees to be bound by and to indemnify and hold the Exchange harmless for any and all actions taken by, or omissions of, User Agents or others using the Passwords as defined below of such User Agents, whether or not such actions were authorized, through the User's Certified Application with respect to NYMEX ClearPort® Trading.

Access to NYMEX ClearPort® Trading via a Non-Exchange Front-End Trading Application that is Certified by the Exchange.

Deleted: (sm)

User agrees to be responsible for and to be bound by and to indemnify and hold the Exchange harmless for any and all actions taken, or omissions of, by User Agents or others using the Passwords as defined below of such User Agents, whether or not such actions were authorized, through the User's Certified Application.

Deleted: (E) For the purposes of this rule, the term "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS® on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®. ¶

11.33 Scope of Trading Privileges for NYMEX ClearPort® Trading

Only Users and their User Agents may enter orders on NYMEX ClearPort® Trading and any Non-Member Users and their User Agents must comply with any and all applicable CFTC and NFA registration requirements.

11.34 Responsibilities of Users on NYMEX ClearPort® Trading

(1) Each User as defined by Exchange rules of NYMEX ClearPort® Trading shall be responsible for all activity resulting from use of the user identification of that User (if an individual) and/or the user identification and password of any User Agents of that User (collectively for purposes of this Rule the "Passwords"). Each User will be solely responsible for controlling and monitoring the use of the Passwords and will not provide, or permit any other entity or individual to provide, the Passwords to any third party. User must immediately notify the Exchange of (i) any unauthorized disclosure or use of the Passwords, (ii) any unauthorized access to NYMEX ClearPort® Trading; and (iii) any need to deactivate Passwords as a result of User's and/or User Agents' loss or disclosure of Passwords, any unauthorized use of Passwords, or any change in User Agents.

(2) Upon request of the Exchange, each User shall cooperate promptly and fully in connection with any audit undertaken by Exchange staff of the User's records, systems or procedures.

11.34A Responsibilities of Clearing Members for Connections to NYMEX ClearPort® Trading via a Certified Application

In addition to any other requirements as may be set forth in the Exchange's rules, the following requirements apply specifically to Clearing Member obligations for connections to NYMEX ClearPort® Trading via a Certified Application.

(1) Each connection to NYMEX ClearPort® Trading made via a Certified Application must be guaranteed by a Clearing Member that assumes financial responsibility for all activity through such connection. If the User is not the Clearing Member itself, the scope of the financial guarantee being made by the Clearing Member to the User will depend on whether or not the particular connection to NYMEX ClearPort® Trading is utilizing the Exchange's financial risk allocation value filter system (RAV). If the User has elected to use the RAV system, the Clearing Member shall be responsible for all non-clearing financial obligations of the activity through such connection. If the User has elected not to use the RAV system, the Clearing Member shall be responsible for all financial obligations of the activity through such connection and additionally shall be required to serve as the Primary Clearing Member for all activity through such connection.

(2) Clearing Members shall assist the Exchange in any investigation into potential violations of the rules or the Act which occur through or with respect to such a connection guaranteed by the clearing member. Such assistance must be timely and may include, but not be limited to, identifying any User or User Agent to the Exchange and

Deleted: Alternative Electronic Trading System

Deleted: (sm)

Deleted: (sm)

Deleted: an Alternative Electronic Trading System, as follows: ¶

¶ (A) Except as otherwise provided in this rule, a User and its User Agents may enter orders into the system for the account of others only if the User is a Member or Member Firm of the Exchange. Accordingly, except as otherwise provided in this rule, a Non-Member User and its User Agents may only enter orders into the system for the account(s) of the User.¶

¶ (B) Except as otherwise provided in this rule, or unless a User Agent is also a User, a User Agent may enter orders on the Alternative Electronic Trading System only for an account of the User that has authorized him to enter orders and for the customers of such User but only if the User is a Member, Member Firm or commodity trading advisory or commodity pool operator provided, however, that a User Agent of a User may enter orders into the system for the account(s) of an entity that is the corporate parent of the User or a wholly-owned subsidiary of the User or where the User is an affiliate of another corporate entity and both companies are wholly-owned subsidiaries of a parent company.¶

¶ User Agents who do not otherwise qualify as a User may not enter orders on the Alternative Electronic Trading System for any account in which the User Agent has an ownership interest. ... [38]

Deleted: all such

Deleted: Exchange

Deleted: (sm)

Deleted: Alternative Electronic Trading Systems

Deleted: an Alternative Electronic Trading System

Deleted: (sm)

Deleted: for

Deleted: r

Deleted: (sm)

Deleted: the Alternative Exchange Electronic Trading System

Deleted: (sm)

Deleted: (sm)

Deleted: (sm)

requiring any User or User Agent to produce documents, to answer questions from the Exchange, and/or to appear in connection with an investigation.

(3) Upon request by the Exchange, Clearing Members shall suspend or terminate a User's or User Agent's NYMEX ClearPort® Trading access if the Exchange believes that the actions of the User or User Agent: (i) threaten or compromise the security or integrity of the System or any of the Services or the use thereof by any other user, (ii) violate the Exchange Rules, any applicable laws or regulations, or the terms of any Consents, (iii) threaten the integrity or liquidity of any contract, or (iv) otherwise violate the terms of the EULA.

Deleted: (sm)

11.35 Acceptance of Orders for Entry into NYMEX ClearPort® Trading.

(A) No Clearing Member shall assign an account number that would accept the entry of orders into NYMEX ClearPort® Trading for, or on behalf of, a customer, unless such customer is first provided with an Electronic Trading and Order Routing Systems Disclosure Statement in a form approved by the Exchange.

Deleted: ¶
For the purposes of this rule, the term "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®. ¶

Deleted: (sm)

Deleted: Exchange Alternative Electronic Trading Systems

(B) ACCEPTANCE OF ORDERS FROM CUSTOMERS-No person or entity may accept an order for execution on an NYMEX ClearPort® Trading unless the following information is received:

Deleted: For purposes of this rule, an "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.

Deleted: an Alternative Electronic Trading System

- (1) Commodity;
- (2) Contract Month;
- (3) Purchase or Sale;
- (4) Customer Account Number (or certification that the order is for multiple accounts to be later allocated except as provided in connection with Rule 11.35A);
- (5) Quantity;
- (6) Limit Price (and stop limit if applicable);
- (7) Clearing Member; and
- (8) Strike prices, put or call (for options when available).

Deleted: (sm)

Deleted: Alternative Electronic Trading System

Deleted: (sm)

(C) ORDER RECORDATION-Immediately upon receipt, all customer orders for execution on an NYMEX ClearPort® Trading must be (1) entered into the Matching System or, if such orders cannot be entered into the Matching System within one minute of receipt, they must be (2) recorded within one minute of receipt in non-erasable ink and time-stamped in accordance with Rule 6.18, and entered into the Matching System as soon as practicable. For purposes of this Rule, when a FCM or Member Firm receives an order from a customer a memorandum of the order shall be made in non-erasable ink which shall identify the customer by symbol or account number and shall be time stamped when received and time stamped when a report of the execution is made, and, in addition, in the case of option customers' orders, the memorandum shall be time stamped to the nearest minute the order is transmitted for execution.

Deleted: Alternative Electronic Trading System

Deleted: (sm)

Deleted: m

Deleted: s

Deleted: m

Deleted: r

Deleted: (D)

Rule 11.35A Use of Customer Omnibus Accounts by Clearing Members.

Clearing Members may establish a customer omnibus account upon proper notice and in the manner provided to the Exchange for use on an intra-session basis with orders to be transacted on such electronic trading systems from new customers who have not been established as Users or User Agents as applicable of such systems. In addition, subject to the conditions set forth below, use of a customer omnibus account as a common "holding" or "suspense" account is acceptable for Clearing Firms, for execution operations that give-up orders to other clearing firms, and for entry of bunched orders by Eligible Account Managers which are to be allocated in accordance with CFTC Regulation 1.35(a-1)(5) and NFA's Interpretive Notice related to Compliance Rule 2-10.

Deleted: Such an omnibus account could only be used for any one customer for one trading session, after which it would be necessary for such customer to be registered with and designated by the Exchange as a User of the system.

Whenever a suspense account number is used for an order input into NYMEX ClearPort® Trading, the firm must create a contemporaneous written and time-stamped record of the order bearing the correct customer account designation. Additionally, by the end of the trading day, the ultimate customer account designation must be entered into the clearing system.

Deleted: @ @

Deleted: (sm)

Deleted: ¶

11.36 Customer Type Indicator Codes for Trading on NYMEX ClearPort® Trading

Deleted: (sm)

Users and their User Agents shall be responsible for reporting to the Exchange on an Alternative Electronic Trading System, appropriate CTI and indicator codes for transactions executed on NYMEX ClearPort® Trading. Appropriate CTI and indicator codes shall include a combination from Sections A and B below:

Deleted: (sm)

(A) Users who execute trades for their personal account, whether owned in whole or in part, or for an account which they control or have the right to initiate trades in, regardless of whether or not they have an ownership interest in the account, or whether they are an employee, partner, or a customer of a Clearing Member, shall designate the trades as:

Deleted: (sm)
Deleted: Alternative Electronic Trading System. For purposes of this rule, an "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.

(A)(1) When a User who is an Exchange Floor Member or such User's User Agent enters orders for the User's personal account, for an account the User controls, or for an account in which the User has an ownership or financial interest, the User and/or the User's User Agent shall designate the order as CTI 1.

(2) When a User who is an Exchange Floor Member or such User's User Agent enters orders for the trading account of a Member Firm or Clearing Member, the User and/or the User's User Agent shall designate the order as CTI 2. However, if such User has either an interest in or discretionary control over such Member Firm or Clearing Member trading account, the indicator codes of subdivision (1) shall apply.

(3) (a) When a User who is an Exchange Floor Member or such User's User Agent enters orders for the personal account of another Floor Member, or for an account that the User knows is controlled by another Floor Trading Member, the User and/or the User's User Agent shall designate the order as CTI 3.

(4) When a User or User Agent enters orders for any account, other than those listed in Subdivisions (1), (2), (3), such User or User Agent shall designate the order as CTI 4.

(B) Indicator Codes. All of the above CTI codes summarized in Section (A) of this Rule must be used in combination with one of the following indicator designations:

(1) C or Customer -- if the account owner is not affiliated with the Clearing Member; or

(2) H or House -- an account affiliated with the Clearing Member, including parent and subsidiary corporations, or principals or authorized employees, trading for their own account at the Clearing Member in which they have an ownership interest in or by whom they are employed.

(EC) It shall be a Major Offense for Users or User Agents to knowingly assign false indicator codes to trades executed on NYMEX ClearPort® Trading.

11.37 Settlement Prices for Contracts Traded Only on NYMEX ClearPort® Trading,

(A) The terms of this rule shall generally govern the establishment of settlement prices for futures contracts that are listed for trading only on NYMEX ClearPort® Trading. For cash-settled contracts, this rule shall govern only for trade dates other than the final day in an expiring contract month, and final settlement following termination in an expiring contract month in such contracts shall be determined in accordance with the chapter of rules for the applicable contract.

(B) The settlement prices established pursuant to this rule shall be determined by the President's designee. For purposes of this rule, the President's designee shall refer to Exchange staff from various Exchange departments assigned to this responsibility (hereafter "Staff").

(C) Except with respect to the contracts listed in Sections (D) and (E) below, for each remaining contract, Staff in its sole discretion and judgment shall determine settlement prices for purposes of clearing and settlement for that contract. Staff shall determine such prices by considering market information deemed to be appropriate, and such information may include, but is not limited to:

- (1) trading activity on NYMEX ClearPort® Trading;
- (2) price data obtained from a cross-section of over-the-counter ("OTC") brokers collectively representing both buyers and sellers in OTC markets;
- (3) price data obtained from OTC market participants, considering both buyers and sellers in such markets;
- (4) price data from other sources deemed to be reliable and accurate; and
- (5) other relevant data and information.

(D) With respect to the contracts listed below, Staff shall determine settlement prices for purposes of clearing and settlement for that contract based upon settlement prices for the applicable futures contract trading on the Exchange:

Deleted: (i) 1 Customer-If the Trading Member is not associated with the Clearing Member clearing the trade.¶

¶
(ii) 1 House-If the Trading Member is a principal or employee of the Clearing Member clearing the trade.¶

¶
(B) When a User or User Agent in the case of trading on an Alternative Electronic Trading System ® executes trades for the trading account of either a Member Firm or of his/her Clearing Member he/she must designate the trades as CTI 2. However, if the executing Member has either an interest in or discretionary control over his, her or any other Clearing Member's trading account, the indicator codes of subdivision (A) shall apply.¶

¶
(C)(1) When a User or User Agent on behalf of the User enters orders for execution on NYMEX ClearPort

Deleted: (sm)

Deleted: ® for the account of a member or member firm other than himself or his Clearing Member he must designate such orders as 3.¶

¶
(D) When a User or User Agent in the case of trading on an Alternative Electronic Trading System ® executes trades for any account, other than those listed in subdivisions (A), (B), (C), he/she shall designate the trades as:¶

¶
(i) 4 Customer-All other accounts.¶

¶
(ii) 4 House-Firms affiliated with the Clearing Member, including parent and subsidiary corporations, or Principals or employees (located off the floor), trading for their own account at the Clearing Member in which they have an ownership interest in or by whom they are employed.¶

¶
(E) It shall be a Major Offense for Users or User Agents to knowingly assign false indicator codes to trades execute (... [39]

Deleted: (sm)

Deleted: Specified Alternative Electronic Trading Systems

Deleted: (sm)

Deleted: an Alternative Electronic Trading System. For purposes of this rule, an "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are t (... [40]

Deleted: (sm)

Deleted: the Alternative Electronic Trading System

West Texas Intermediate Crude Oil Calendar Swap
New York Harbor No. 2 Heating Oil Crack Calendar Swap
New York Harbor Unleaded Gasoline Crack Calendar Swap
New York Harbor No. 2 Heating Oil Calendar Swap
New York Harbor Unleaded Gasoline Calendar Swap

(E) The Henry Hub Swap futures contract shall not be settled pursuant to this rule but rather shall be settled pursuant to the provisions of NYMEX Rule 6.52A ("Settlement Prices for Natural Gas Futures Contracts.") The Henry Hub Basis Swap futures contract shall be settled pursuant to the provisions of this rule. The NYMEX miNY Natural Gas futures contract shall not be settled pursuant to this rule but rather shall be settled pursuant to the provisions of NYMEX Rule 6.52A ("Settlement Prices for Natural Gas Futures Contracts.") The NYMEX miNY Crude Oil futures contract shall not be settled pursuant to this rule but rather shall be settled pursuant to the provisions of NYMEX Rule 6.52 ("Settlement Prices for Crude Oil, Heating Oil, Gasoline and Coal Futures Contracts.")

(F) Following determination of the settlement prices for a contract pursuant to this rule, such prices shall be utilized in clearing and settlement in accordance with Exchange procedures and operations.

G11-08 11.38

NYMEX Lead Market Maker Program

A. General Provisions. The Exchange shall establish a Lead Market Maker ("LMM") Program to remain in effect for a period determined by the Exchange. The principal obligation of a LMM is to continuously make a market of a specified width and depth throughout the regular trading session for the Exchange's NYMEX miNY Crude Oil and Natural Gas contracts listed for trading on NYMEX ClearPort® Trading electronic trading system and in all contract months of such listed Exchange contracts, as such contract months may be modified from time to time. Trading in the capacity of an LMM shall be limited to trading in proprietary trading accounts. The Exchange may determine to appoint one or more LMMs for this Program.

B. Steering Committee. The Exchange's NYMEX miNYsm Steering Committee ("Steering Committee") shall negotiate terms with prospective applicants during the application and review process, and shall make recommendations for approval by the Board of Directors with respect to eligible participants for the Lead Market Maker Program. The Steering Committee's recommendations will be based, among other things, on the applicant's business reputation, financial resources and trading activity in relevant futures, options or related cash markets. The Steering Committee may determine to establish separate obligations respecting maintenance of bid-ask spreads and minimum trade size obligations for trading during abnormal market conditions.

The Steering Committee shall also supervise the operation of the LMM Program. Any individual or entity accepted as a Lead Market Maker must comply with the conditions established by the Steering Committee. The Steering Committee will have discretion in determining whether an LMM has complied with this rule and with all conditions of the LMM program. In the event that the Steering Committee determines that a LMM has failed to comply with any requirement, it shall recommend to the Board that appropriate action be taken. The Exchange also reserves the right to cancel the LMM Program upon 30 days notice to participating firms.

Formatted: Strikethrough

Deleted: ¶

¶

¶

Deleted: (sm)

C. Application Process. Any Member Firm or Member is eligible to submit an application, in the manner provided by the Exchange, to become a Lead Market Maker. Such applications must include for each NYMEX miNY futures contract an indication of the width and depth to be consistently quoted on NYMEX ClearPort® Trading for that contract.

Deleted: (sm)

D. Maintenance of Working Capital. As a continuing condition for appointment as an LMM, at all times an LMM shall maintain an amount in working capital in excess of that otherwise required by Exchange rules as further specified by the Steering Committee. The LMM shall promptly inform the Steering Committee and the Exchange's Compliance Department within forty-eight hours of any material change in financial or operational conditions or in personnel.

E. LMM Priority Rights. Except as otherwise provided below, the LMM will have priority rights in the NYMEX miNY sm contracts covered by the LMM Program as provided below:

(1) After the opening, the LMM has the opportunity to match the best bid or offer. In the event that the LMM does so before bids and offers are matched by the system, the LMM Algorithm will allocate a specified minimum proportion of the trade to the LMM provided that the LMM's bid or offer matches the best available bid or offer. Any contracts still to be allocated after the "LMM Allocation" are allocated based upon the time of order entry.

If the allocations to the LMM results in a fraction, the LMM Algorithm will "Round Down ~~Up~~" to the nearest integral contract multiple.

Formatted: Strikethrough

(2) In the event that the Exchange designates a single LMM in a specified market, the LMM's allocated proportion shall be up to 40% (and scaled according to volume targets).

(3) In the event that the Exchange initially designates three (2) LMMs in a specified market, the allocated proportion for each of the LMMs will be 15% (for a total of 45% allocated to LMMs) *provided, however, that, in the event that the number of designated LMMs for such a market subsequently declines, the total allocated proportion available to LMMs will be 40% and will be split evenly between the remaining LMM(s) for that specified market.*

Formatted: Font: Italic

Formatted: Font: Italic

F. Duration of LMM Appointment and Related Priority Rights. Consistent with the other provisions of this rule and the other conditions of the LMM program, an LMM's appointment will continue for a period of two (2) years following the trade date where there has been on average over the preceding twenty (20) business days daily trading volume of 10,000 or more contracts for NYMEX miNY Crude Oil and 5,000 or more contracts for NYMEX miNY Natural Gas covered by the LMM Program.

G. Clearing and System Rates. Clearing fees and NYMEX ClearPort® Trading fees for an LMM's trading may be waived for a period established by the Steering Committee.

Deleted: (sm)

11.39-11.49 Reserved

Deleted: 8

Deleted: 50

Deleted:

11.50-11.69 Rules that are Common to NYMEX ACCESS® and to NYMEX ClearPort® Trading

Deleted: 1

Deleted: New Alternative Electronic Trading System

Deleted: (sm)

Rules that are Common to NYMEX ACCESS® and to NYMEX ClearPort® Trading

Deleted: New Alternative Electronic Trading System

Deleted: (sm)

11.50 NYMEX Customer Service Call Center

(A) The NYMEX Customer Service Call Center ("NCSCC") provides customer support and problem management for NYMEX ACCESS® and for NYMEX ClearPort® Trading only to Members, Clearing Members and customers designated by Clearing Members. In order to be eligible for NCSCC support, such persons must register with the NCSCC ("Registered Contacts"). The NCSCC provides customer support via a specified telephone number and during specified hours. NCSCC employees may not always be available to assist Registered Contacts.

Deleted: (sm)

(B) Access to NYMEX ClearPort® Trading via a Non-Exchange Trading Front-End Application that is Certified by the Exchange.

Deleted: (sm)

During a NYMEX ClearPort® Trading session, a User obtaining access to NYMEX ClearPort® Trading via a Certified Application generally must make available to its User Agents at least one person who is a Registered Contact as described above and who can serve to contact the NCSCC on behalf of such User's User Agents.

Formatted: Font: Not Bold

Deleted: (sm)

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Deleted: (sm)

Formatted: Font: Not Bold

Persons other than Registered Contacts, including User Agents who are customers of the User, may not directly contact the NCSCC but instead must contact their User and/or Clearing Member to make support requests.

11.51 Business Day

The Business Day for trading sessions on Exchange electronic trading systems shall be governed by the provisions of NYMEX Rule 6.00 (Exchange Business Day).

11.52 Hours of Trading

The Board shall establish the hours for trading in commodities on the Exchange for each trading session. All such trading shall take place within the prescribed hours.

11.53 Electronic Trading Spread Transactions and Strip Transactions

Deleted: (sm)

Deleted: an Alternative Electronic Trading System.

(A) This Rule shall apply to all orders for and execution of spread transactions and strip transactions on NYMEX ACCESS(r) and on NYMEX ClearPort® Trading, notwithstanding anything to the contrary in Rules 6.07, 6.07A, 6.08A, 6.08B, and 6.08D which Rules shall apply exclusively to spread transactions and strip transactions on the Exchange Floor, respectively.

Deleted: For purposes of this rule, an "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.

(B) All orders for spread transactions (intercommodity, intra-commodity, cracks, options or futures-options) and strip transactions on such Exchange electronic trading systems shall be made at a stated price differential.

(C) To the extent applicable to the particular electronic trading system, transactions executed by the matching system of the applicable Exchange electronic trading system ("Matching System") as legs as a result of orders for spread transactions or strip transactions shall set off stops in the affected contract. To the extent applicable to the particular electronic trading system, transactions executed by the Matching System as spread transactions or strip transactions shall not set off stops in the affected contract, but shall set off stops with respect to the spread transaction or the strip transaction, as applicable.

(D) Section (D) is applicable only to NYMEX ACCESS®. If a spread order is entered, and no opposing orders exist in the Matching System for NYMEX ACCESS® at the same price differential, the Matching System for NYMEX ACCESS® will create an "implied" bid, which will be above the best current bid, and/or an "implied" offer, which will be below the best current offer, then in the Matching System for NYMEX ACCESS® for the separate legs of the spread transaction; provided, however, that in the event that either an "implied" bid or offer would be outside the maximum permissible price fluctuation limits for the contract involved, the NYMEX ACCESS® system will not create the "implied" bid or offer and no further "implied" bids or offers will be created for that commodity for the remainder of the NYMEX ACCESS® Trading Session in which the spread order was entered.

11.54 Standard Forms of Orders for Exchange Electronic Trading Systems

Until further notice from the Exchange, only limit orders may be utilized for trading on NYMEX ACCESS®. Until further notice from the Exchange, only limit and stop limit orders may be used for trading on NYMEX ClearPort® Trading,

(A) Limit Order. A limit order is an order to buy or sell a stated amount of commodity futures or options contracts at a specified price, or at a better price, if obtainable.

(B) Stop Limit Order. A stop limit order to buy becomes a limit order when after the order is received, a transaction in the contract occurs at or above the specified price or, if so specified by the customer, when a bid for the contract is made at or above the specified price. A stop limit order to sell becomes a limit order executable at the limit price when after the order is received a transaction in the contract occurs at or below the stop price or, if so specified by the customer, when an offer for the contract is made at or below the specified price.

(C) An Electronic Trader or an Authorized Terminal User for an Electronic Trader in the case of orders submitted for execution on NYMEX ACCESS® and a User or User Agent in the case of orders submitted for execution on NYMEX ClearPort® Trading may accept orders on a "Not Held" basis provided that they have received prior written permission from the ultimate customer and retained such written documentation with their required records. An Electronic Trader or User as applicable shall not be responsible to the customer for the execution or failure to execute such order on the applicable Exchange electronic trading system. However, a claim may be asserted against the Electronic Trader or User by the customer and/or the Compliance Department, if the execution or the failure thereof, was done fraudulently or by willful misconduct.

Deleted: (sm)

Deleted: an Alternative Electronic Trading System. For the purposes of this rule, the term "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.

Deleted: Alternative Electronic Trading System

Deleted: (sm)

Deleted: For purposes of this rule, an "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.

Nothing in this rule shall be construed as a limitation of the Exchange's disciplinary authority.

11.55 Errors and Omissions in Handling Orders

(A) An Electronic Trader or Authorized Terminal User on NYMEX ACCESS® or a User or User Agent on NYMEX ClearPort® Trading who inadvertently, through error or omission, fails to execute an order at the time it should have been executed may, upon discovery of such error or omission, execute such order at the best obtainable price. Such order shall be executed openly and competitively and should be executed in the next available Exchange trading session for the applicable listed product but in any event must be executed no later than the close of the next electronic trading session and shall be reported to the client at the price at which actually executed. If such price is to the advantage of the client the client shall receive the benefit thereof; if not, the client shall receive such monetary adjustment as will afford the client the equivalent of the price at which such order should and could have been executed. Any member receiving such report and adjustment with respect to an order of a client shall report to such client the execution at the price reported to such member and make the same monetary adjustment for the account of such client. Full details of all transactions consummated hereunder shall be reported promptly to the President and maintained as a permanent record of the Exchange.

(B) This rule shall not be construed to contravene any instructions received from a client respecting any order prior to its execution, but shall be construed to permit execution of orders under the conditions prescribed without prior instructions from the client.

Deleted: an Alternative Electronic Trading System

Deleted: (sm)

Deleted:

Deleted: openly and competitively on NYMEX ACCESS® during the NYMEX ACCESS® trading session or on the Alternative Electronic Trading System during the trading session for such system

Deleted: For purposes of this rule, an "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.

11.56 Surrender of Trading Records for Examination

Each Electronic Trader, Authorized Terminal User, User or User Agent shall be required to submit for examination trading records maintained in the manner required by the Exchange at such times and in such manner as requested by the President or other designated Exchange employee.

11.57 Trading Standards for Electronic Trading Systems

(A) Electronic Traders and Authorized Terminal Users in the case of trading on NYMEX ACCESS® and Users and User Agents in the case of trading on an NYMEX ClearPort® Trading must exercise reasonable care in the entry of customer order information into the applicable Exchange electronic trading system.

(B) An Electronic Trader or an Authorized Terminal User in the case of trading on NYMEX ACCESS® or a User or User Agent in the case of trading on NYMEX ClearPort® Trading shall not withhold or withdraw from the market any customer order or any part of a customer order for his personal benefit or for the convenience of another.

(C) An Electronic Trader or an Authorized Terminal User in the case of trading on NYMEX ACCESS® or a User or User Agent in the case of trading on NYMEX ClearPort® Trading must enter all customer orders available for input into the applicable Exchange electronic trading system before entering any order for his own account, an account in which he has a proprietary

Deleted: For purposes of this rule, an "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.

Deleted: Alternative Electronic Trading System

Deleted: (sm)

Deleted: an Alternative Electronic Trading System

Deleted: (sm)

Deleted: an Alternative Electronic Trading System

Deleted: (sm)

interest, a discretionary account for an immediate family member, or an account in which his employer or any other employee of his employer has an interest.

(D) An Electronic Trader or an Authorized Terminal User in the case of trading on NYMEX ACCESS® or a User or User Agent in the case of trading on NYMEX ClearPort® Trading who has entered an order into the Matching System which results in him having (immediately or subsequently) the highest bid or lowest offer for a particular futures or options contract resting in the applicable Exchange electronic trading system for his personal account, any account in which he has a proprietary interest, a discretionary account for an immediate family member or an account in which his employer or other employee of his employer has an interest shall disclose the facts of the resting order to a customer prior to accepting from such customer any order for the opposite purchase or sale of the same contract.

Deleted: an Alternative Electronic Trading System

Deleted: (sm)

(E) An Electronic Trader or an Authorized Terminal User in the case of trading on NYMEX ACCESS® or a User or User Agent in the case of trading on NYMEX ClearPort® Trading may not enter an order for his own account, an account in which he has a proprietary interest, a discretionary account for an immediate family member or an account in which his employer or any employee of his employer has an interest which reflects the opposite side of a customer order already resting in the applicable Exchange electronic trading system, unless the customer order has rested in the applicable Exchange electronic trading system for at least ten seconds.

Deleted: an Alternative Electronic Trading System

Deleted: (sm)

(F) An Electronic Trader or an Authorized Terminal User in the case of trading on NYMEX ACCESS® or a User or User Agent in the case of trading on NYMEX ClearPort® Trading shall not make any purchase or sale, or shall not enter an order through any NYMEX electronic trading system, to effect a trade that has been pre-arranged. The foregoing restriction shall not apply to transactions executed pursuant to permissible Pre-Execution Discussions in accordance with the provisions of Rule 11.57A below.

Deleted: an Alternative Electronic Trading System

Deleted: (sm)

11.57A Permissible Pre-Execution Discussions

Firms may engage in pre-execution discussions with regard to transactions executed on NYMEX electronic trading systems where the firm wishes to be assured that a counter-party will take the opposite side of the order. One party may agree in advance with another party that the first party will take the opposite side of the first party's order, under the following circumstances:

Deleted: ???

(A) Customers must consent to allow pre-execution discussions with other market participants.

(B) Electronic Traders or Authorized Terminal Users in the case of trading on NYMEX ACCESS® or Users or User Agents in the case of trading on NYMEX ClearPort® Trading, who are solicited to participate in an electronic transaction through pre-execution discussions shall not (i) disclose to another Electronic Trader or an Authorized Terminal User in the case of trading on NYMEX ACCESS® or a User or User Agent in the case of trading on an NYMEX ClearPort® Trading the details of such discussions; or (ii) enter an order through a NYMEX electronic trading system to take advantage of information conveyed during such discussions unless the Electronic Trader or an Authorized Terminal User in the case of trading on NYMEX ACCESS® or a User or User Agent in the case of trading on an NYMEX ClearPort® Trading has agreed during the pre-execution discussions to participate in the transaction in accordance with this Rule and the order is entered to implement that agreement.

Deleted: (sm)

Deleted: an Alternative Electronic Trading System

Deleted: Alternative Electronic Trading System

Deleted: (sm)

Deleted: Alternative Electronic Trading System

Deleted: (sm)

(C) A period of at least 10 seconds shall elapse between entry of the two orders during which the order first entered is resting in the market.

(D) Orders entered pursuant to this Rule must be entered in accordance with the provisions of Rule 11.57(c), if applicable.

11.58 Reporting and Record keeping Requirements for Electronic Trading Systems

(A) All customer order memoranda reflecting orders for execution during the applicable Exchange electronic trading system trading session shall be retained in accordance with NYMEX Rule 8.50.

Deleted: For purposes of this rule, an "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.

(B) All information entered into the applicable Exchange electronic trading system shall be retained by the Electronic Trader in the case of trading on NYMEX ACCESS® or by the User in the case of trading on NYMEX ClearPort® Trading as provided by the Exchange for the time period set forth in NYMEX Rule 8.50.

Deleted: an Alternative Electronic Trading System

Deleted: (sm)

11.59 User of Passwords

No person may use a user ID or password not assigned to him by the NYMEX Customer Service Call Center ("NCSCC"). No person may disclose or knowingly permit the use by another of the user ID or password assigned by the NCSCC. With respect to access to the NYMEX ACCESS® system, each Electronic Trader shall take such steps as are necessary to prohibit any person other than an Authorized Terminal User under the control of the Electronic Trader from using the password of any Authorized Terminal User under the control of the Electronic Trader. With respect to access to NYMEX ClearPort® Trading, each User shall take such steps as are necessary to prohibit any person other than a User Agent under the control of the User from using the password as applicable of any other User Agent under the control of the User.

Deleted: E

Deleted: (sm)

Deleted: E

11.60 Exchange of Futures for Physicals and Exchange of Futures for Swaps

The exchange of futures for physicals for contracts listed for trading on NYMEX ACCESS® or listed for trading on NYMEX ClearPort® Trading shall be governed by the provisions of NYMEX Rule 6.21, and the exchange of futures for swaps for contracts listed for trading on NYMEX ACCESS® or listed for trading on NYMEX ClearPort® Trading shall be governed by the provisions of NYMEX Rule 6.21A.

Deleted: (sm)

Deleted: an Alternative Electronic Execution System

Deleted: (sm)

Deleted: an Alternative Electronic Execution System

Deleted: For purposes of this rule, an "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.

11.61 Limitation of Liability

(B) Except as provided in Rule 11.62, and except in instances where there has been a finding of willful or wanton misconduct, in which case the party found to have engaged in such conduct cannot avail itself of the protections of this rule, none of the Exchange or its affiliates or its subsidiaries or any of their respective officers, directors, members, employees, agents, designees, vendors, information providers, independent contractors or subcontractors, ; NYMEX Holdings

Deleted: (A) For the purposes of this rule, the term "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are traded, including GLOBEX®.

Inc, or its affiliates (including the Class B member) or their officers, directors, members or employees, Task Management, Inc. ("TMI"), the International Petroleum Exchange of London Limited ("IPE"); , IPE Officers, Directors, Members or Employees; Members, Member Firms, Clearing Members, Electronic Traders, Authorized Terminal Users of Electronic Traders, Users, User Agents or other persons acting as agents in causing the orders of others to be entered into NYMEX ACCESS® or NYMEX ClearPort® Trading nor any of their respective officers, directors, employees, agents or designees shall be liable to any person, including a customer, for any losses, damages, costs or expenses (including, but not limited to, loss of profits, loss of use, direct, special, indirect incidental or consequential damages), arising from:

Deleted: NYMEX GLOBEX Traders,
Deleted: an Alternative Electronic Trading System
Deleted: (sm)

(1) any failure or malfunction, including any inability to enter or cancel orders in whole or in part on NYMEX ACCESS® or NYMEX ClearPort® Trading, of NYMEX ACCESS® or an NYMEX ClearPort® Trading or any Exchange, NYMEX Holdings Inc, or its affiliates (including the Class B member), AT&T or TMI Services or any Exchange services or facilities used to support NYMEX ACCESS® or NYMEX ClearPort® Trading, including but not limited to the Trade Management System and Clearing 21®, or

Deleted: (sm)
Deleted: an Alternative Electronic Trading System
Deleted: Alternative Electronic Trading System
Deleted: (sm)

(2) any fault in delivery, delay, omission, suspension, inaccuracy or termination, or any other cause, in connection with the furnishing, performance, maintenance, use of or liability to use all or any part of NYMEX ACCESS® or NYMEX ClearPort® Trading, data or other information made available on NYMEX ACCESS® or NYMEX ClearPort® Trading or any services or facilities used to support NYMEX ACCESS® or NYMEX ClearPort® Trading.

Deleted: (sm)
Deleted: an Alternative Electronic Trading System
Deleted: (sm)
Deleted: an Alternative Electronic Trading System

The foregoing shall apply regardless of whether a claim arises in contract, tort, negligence, strict liability or otherwise; furthermore, it shall not limit the liability of any Member, Member Firm, Clearing Member, Electronic Trader, Authorized Terminal Users of Electronic Traders, User, User Agent or other person acting as an agent in causing the orders of other to be entered into NYMEX ACCESS® or an NYMEX ClearPort® Trading or any of their respective officers, directors, employees, agents or designees for any act, incident or occurrence within their control.

Deleted: an Alternative Electronic Trading System
Deleted: an Alternative Electronic Trading System
Deleted: (sm)
Deleted: (sm)
Deleted: an Alternative Electronic Trading System

(C) There are no express or implied warranties or representations provided by the Exchange, TMI or the IPE relating to NYMEX ACCESS® or any NYMEX ClearPort® Trading or any Exchange, NYMEX Holdings Inc, or its affiliates (including the Class B member), TMI or the IPE services or facilities used to support NYMEX ACCESS® or an Alternative Electronic Trading System, including but not limited to warranties of merchantability and warranties of fitness for a particular purpose or use.

Deleted: NYMEX GLOBEX Trader,
Deleted: Alternative Electronic Trading System
Deleted: (sm)
Deleted: Alternative Electronic Trading System

(D) Any dispute arising out of the use of NYMEX ACCESS® or NYMEX ClearPort® Trading or Exchange, NYMEX Holdings Inc, or its affiliates (including the Class B member), or TMI services of or facilities used to support NYMEX ACCESS® or NYMEX ClearPort® Trading in which the Exchange, NYMEX Holdings Inc, or its affiliates (including the Class B member), or any of their respective officers, Directors, employees, agents or designees is a party shall be construed and enforced in accordance with the laws of the State of New York without regard to conflict of laws, rules or procedures. Any actions, suits or proceedings against any of the above must be brought within two years from the time that a cause of action has accrued, and any party bringing such action consents to jurisdiction in the U.S. District Court for the Southern District of New York and waives any objection to venue. This provision shall in no way create a cause of action and shall not authorize an action that would otherwise be prohibited by NYMEX Rules.

Deleted: (sm)
Deleted: an Alternative Electronic Trading System
Deleted: (sm)
Deleted: an Alternative Electronic Trading System
Deleted: (sm)

(E) Notwithstanding any of the foregoing provisions, this Rule shall in no way limit the applicability of any provision of the Commodity Exchange Act or the CFTC's regulations.

11.62 NYMEX Personnel – Limitation of Liability

(A) The Exchange shall provide employees in the NYMEX Customer Service Call Center ("NCSCC ") and elsewhere to perform certain services for Members, Member Firms, Clearing Members, Electronic Traders and Authorized Terminal Users with respect to NYMEX ACCESS® and for Members, Member Firms, Clearing Members, Users and User Agents with respect to NYMEX ClearPort® Trading. Such employees may not always be available to assist Members, Member Firms, Clearing Members, Electronic Traders, Authorized Terminal Users, Users and User Agents. The Exchange shall be liable when such employees negligently: (1) cancel, or fail to cancel, orders resting in NYMEX ACCESS® or in NYMEX ClearPort® Trading; (2) terminate an Electronic Trader's or User's privileges, in which case only those orders that were resting in the system at the time of deactivation may be basis for an allowable claim; (3) fail to terminate an Electronic Trader's or User's privileges pursuant to valid instructions, in which case those orders that were entered or matched after the instruction was received by the NCSCC, but before the NCSCC has had a reasonable period of time to act upon such instruction, shall not form the basis for an allowable claim; and (4) issue passwords to unauthorized persons.

(B) The liability of the Exchange for the above shall be limited as follows:

- (1) \$10,000 for any single claim; and
- (2) \$100,000 for all claims arising out of the negligent actions or failures to act of all NYMEX employees on any single day.

(C) A single claim shall mean a loss resulting from all actions or failures to act as described above that were performed negligently by all NYMEX employees with respect, as applicable, to a single order entered through NYMEX ACCESS® or through NYMEX ClearPort® Trading, or, as applicable, multiple orders entered through NYMEX ACCESS® or through the NYMEX ClearPort® Trading for a single customer. Such claim may be brought by the Member, Member Firm, Clearing Member, Electronic Trader, or User who (or whose customer) was damaged.

(D) If the number of allowed claims arising out of the negligent actions or failures to act of all NYMEX employees on a single day cannot be fully satisfied because of the above limitations, all such claims shall be limited to a pro rata share of the maximum per day amount.

(E) ARBITRATION OF CLAIMS-A claim against the Exchange for the negligent actions or failures to act enumerated above of the NCSCC employees shall only be allowed if such claim is brought pursuant to and in accordance with this Rule.

(1) Notice of Claim

(a) A written notice of the claim, including the amount of the loss incurred as a result of the alleged negligent action, must be presented to the Exchange within ten days following, as

Deleted: (F) Any claim against the Chicago Mercantile Exchange Inc. ("CME") for any losses, damages or expenses related to any CME system, service, equipment or facility used to support the trading of NYMEX Products on GLOBEX® shall be governed by the provisions of NYMEX Rule G11.04.

Deleted: For the purposes of this rule only, the term "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX(r).

Deleted: (sm)

Deleted: Alternative Electronic Trading Systems covered by this rule

Deleted: (sm)

Deleted: Alternative Electronic Trading Systems

Deleted: (sm)

Deleted: the Alternative Electronic Trading System

Deleted: Alternative Electronic Trading System

Deleted: (sm)

Deleted: Authorized Terminal User,

Deleted: or User Agent

applicable, the NYMEX ACCESS® trading session or NYMEX ClearPort® Trading trading session during which the negligent action allegedly occurred.

Deleted: Alternative Electronic Trading System

Deleted: (sm)

(b) The Exchange shall have twenty days from receipt of such notice to satisfy, agree to pay subject to the limits in this Rule or dispute the claim. No payment in satisfaction of a claim may exceed the limits in this Rule. The Exchange shall notify the Member, Member Firm, Clearing Member, Electronic Trader, or User if the Exchange disputes the claim.

Deleted: Authorized Terminal User,

Deleted: or User Agent

(2) Filing a Claim/Answer

(a) A Member, Member Firm, Clearing Member, Electronic Trader or User shall file a formal claim, on behalf of itself or a customer, within twenty days of notification that the Exchange disputes the claim. Failure to file a formal claim shall result in dismissal of the claim.

Deleted: , Authorized Terminal User User

Deleted: Agent

(b) The Exchange shall file an answer within twenty days of receipt of a formal claim. Failure to file an answer shall constitute an admission of liability, and the Exchange shall be required to pay the amount of the claim; provided however, that no such payment may exceed the limits in this Rule.

(3) Arbitration Panel

(a) All disputed claims shall be submitted to an arbitration panel for binding arbitration. The panel shall consist of the three panelists selected from a list of arbitrators maintained by the National Futures Association ("NFA"). The claimant and the Exchange shall each select one panelist. The President of NFA shall choose the third panelist.

(b) No person shall serve as a panelist unless and until he has first pledged to the Exchange that he will not publish, divulge, or make known in any manner, any facts or information regarding the business of any person or any other information which may come to his attention in his official capacity as a member of the panel, except when called upon to testify in any judicial or administrative proceeding.

(c) Each person serving on the panel shall comply with the standards of the American Bar Association-American Arbitration Association's "Code of Ethics for Arbitrators in Commercial Disputes", incorporated herein by reference.

(d) No person shall serve on an arbitration panel if he has a personal or financial interest in the matter under consideration.

(4) Hearing

(a) The panel shall consider all relevant testimony and documents submitted by the claimant and the Exchange. Each party has the right to be present at the hearing, to be represented by counsel at his own expense, to examine all relevant documents prior to and during the hearing, to present all relevant evidence in support of or as rebuttal to a claim or defense, and to question witnesses during the hearing. Testimony shall be taken under oath or affirmation.

(b) The panel may require any Member, Member Firm, Clearing Member, Electronic Trader or Authorized Terminal User, User or User Agent or any person employed by or associated with a Member, Member Firm, Clearing Member, Electronic Trader, or User or persons employed by the Exchange or other persons having an interest in the claim, to appear, to testify or to produce

relevant documents. The panel shall have the power to issue and enforce subpoenas in accordance with the procedures of the American Arbitration Association. Whenever such production or appearance results from the request of a party, all reasonable costs incurred shall be borne by the party making the request, unless directed otherwise by the panel.

(c) The panel shall be the sole judge of the law and the facts, but if the panel is in doubt as to any questions of law, it may refer the question to Exchange legal counsel for an opinion. The panel shall not be bound by the formal rules of evidence. Ex parte contacts by any of the parties with persons on the arbitration panel shall not be permitted.

(d) An audio recording of the proceeding shall be made and maintained until the decision becomes final. A verbatim record of such recording shall not be transcribed unless requested by a party, who shall bear the cost of transcription.

(5) Decision

(a) Within thirty days of a completed hearing, the panel shall issue a written decision. The amount of any award issued by the panel shall be limited to the lesser of the actual loss or the loss that would have occurred if the claimant had diligently taken all necessary actions to mitigate the loss. The decision of a majority of the panel shall be final, and there shall be no appeal.

(b) An award shall be satisfied within three business days of receipt of the notice of decision. However, a party may, within three business days, request the arbitration panel to modify or correct its decision when there has been an obvious material miscalculation or misdescription or where the decision is imperfect in a matter of form not affecting the merits of the controversy.

(6) Applicability of Commodity Exchange Act

Notwithstanding the foregoing, this Rule shall in no way limit the applicability of any provision of the Commodity Exchange Act or the CFTC's regulations.

11.62A Phantom Orders

For purposes of this rule, a phantom order is an order: 1) that was not authorized by any person but was caused by a failure, malfunction or negligent operation of an Exchange electronic trading system or any other Exchange system, service or facility, or 2) whose terms (e.g., contract, contract month, quantity, price or direction) were changed without authorization of the person placing the order solely as a result of a failure, malfunction, or negligent operation of an Exchange electronic trading system or any other Exchange system, service or facility.

If the Exchange has reason to believe that phantom orders have been or are being entered into and/or executed on any Exchange system, service or facility, the Exchange shall have authority to take appropriate action with respect to any affected market, including without limitation, closing the market, deleting bids and offers, and/or suspending new bids and offers.

The Exchange shall promptly give notice, as applicable, that all NYMEX ACCESS® or NYMEX ClearPort® Trading transactions that were directly or indirectly caused by the execution of phantom orders shall be voided. The Exchange shall have no liability or responsibility to the parties to any transactions that are voided pursuant to this rule.

Deleted: (sm)

11.63 Electronic Trading Error Trade Procedures

(A) (1) Whenever an Electronic Trader or Authorized Terminal User in the case of trading on NYMEX ACCESS® believes that he or she executed a trade on NYMEX ACCESS® in error as a result of an error ("Error"), the Electronic Trader or Authorized Terminal User or a representative of the firm that is a party to the trade must contact the NYMEX Customer Service Call Center ("NCSCC") immediately.

Deleted: through

Deleted: or through an Alternative Electronic Trading System in error

(2) Whenever a User or User Agent in the case of trading on NYMEX ClearPort® Trading believes that he or she executed a trade on NYMEX ClearPort® Trading in error, the User or User's User Agent or a representative of the firm that is a party to the trade must contact the NYMEX Customer Service Call Center ("NCSCC") immediately—except that, as provided by Rule 11.50, a User Agent that is a customer of a User obtaining access via a Certified Application and that is not otherwise registered with the NCSCC must contact the User and/or carrying Clearing Member for support assistance.

Deleted: (sm)

Deleted: (sm)

(B) Except as provided in Section (F) below, if a potential user Error is observed by or brought to the attention of the NCSCC within ten (10) minutes after the trade occurs, the following procedures will apply:

Deleted: For the purposes of this rule, the term "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS® on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.

(1) The NCSCC staff will determine whether the trade price is less than the number of ticks set forth below away from the fair market value as determined by the NCSCC. In determining the fair market value, the NCSCC will consider the notional settlement price, the actual settlement price, the last traded price, a better bid or offer price, or any other information the NCSCC staff deems relevant. If the trade price is within the relevant range, then the trade will stand.

(a) Products Traded on NYMEX ACCESS®

Contract Outrights # Ticks From Market Minimum Tick Size \$ per Tick

CL 10 0.01 10.00

SC 10 0.01 10.00

HO 25 0.0001 4.20

HU 25 0.0001 4.20

GR 4 .25 25.00

NG 20 0.001 10.00

PN 25 0.0001 4.20

PL 20 0.10 5.00

PA 10 0.05 5.00

QL 10 0.01 15.50

GC 10 0.10 10.00

SI 4 0.005 25.00

HG 10 0.0005 12.50

AL 5 0.0005 22.00

JM 12 0.05 42.00

Deleted: ¶

Deleted: ¶

Formatted: Portuguese (Brazil)

Intra-Commodity Spreads # Ticks From Market Minimum Tick Size \$ per Tick

CL 4 0.01 10.00
HO 10 0.0001 4.20
HU 10 0.0001 4.20
NG 5 0.001 10.00
PN 10 0.0001 4.20
PL 10 0.10 5.00
PA 5 0.05 5.00
QL 10 0.01 15.50
GC 5 0.10 10.00
SI 10 0.001 25.00
HG 2 0.0005 12.50
AL 5 0.0005 22.00
JM 12 0.05 42.00

Formatted: Portuguese (Brazil)

Inter-Commodity Spreads # Ticks From Market Minimum Tick Size \$ per Tick

CL / HO 5 0.01 10.00
CL / HU 5 0.01 10.00
HO / HU 25 0.0001 4.20

(b) Products Traded on NYMEX ClearPort® Trading (categorized generically by commodity and by unit size)

Deleted: an Alternative Electronic Trading System

Deleted: (sm)

Product (Unit Size) # Ticks From Market

Crude Oil and Crude Products (1000 Barrels) 10
Crude Oil and Crude Products (42,000 Gallons) 24
Natural Gas 16
Electricity 30
NYMEX miNY Crude Oil 6
NYMEX miNY Natural Gas 6

Deleted: 1

Deleted:

(2) Upon determining that the trade price is outside the relevant range indicated above, the NCSCC immediately will initiate an alert over the relevant trading system and to the quote vendor network indicating that the trade may be an Error and will attempt to contact the parties to the transaction to determine whether all parties to the trade consent to the cancellation of the trade.

(3) If both parties consent to void the trade within ten (10) minutes after the alert is sent, and no third party objects to the cancellation of the trade within ten (10) minutes of the alert, the trade will be cancelled.

(4) If a third party contacts the NCSCC within ten (10) minutes of the time the system alert and the alert to the quote vendor network set forth in Subsection (B)(2) were sent, objecting to the cancellation of the trade, the NCSCC will not immediately cancel the trade and the transaction will be reviewed by the Electronic Trading Review Committee.

(5) If the NCSCC is unable to contact all parties to a transaction or both parties do not consent to cancel the trade within ten (10) minutes after the NCSCC is notified of a potential user Error then

the transaction will be reviewed by the Electronic Trading Review Committee, which shall be comprised of Exchange employees in accordance with Exchange Rule 3.46.

(6) (a) If a transaction is to be reviewed by the Electronic Trading Review Committee, a Panel of at least two (2) members of the Committee shall be convened to review circumstances surrounding the transaction and determine whether the transaction was an Error and, if so, whether such trade should be cancelled. The panel may, at its discretion, consult with Electronic Traders, Authorized Terminal Users or market participants and consider market information provided by those sources in rendering its decision.

(b) The factors that may be considered by the Committee include:

(i) the market conditions before and after the transaction occurred, including, but not limited to, current bids and/or offers or transactions in other contract months;

(ii) whether one or more parties to the trade believe the trade was at a valid price or quantity, as applicable;

(iii) whether there is any indication that the transaction in question triggered stops or resulted in the execution of a spread transaction as a result thereof;

(iv) whether a third party relied on the price; and

(v) any other factors that the Committee deems relevant.

(c) The Panel shall make its decision as soon as practicable after being convened. The decision of the Panel shall be a final decision.

(7) Once the Panel has reached a decision, the NCSCC shall send a system notice indicating whether the trade will be cancelled and shall also directly contact the parties to the trade in this regard.

(8) In addition, the NCSCC will initiate an alert to the quote vendor network indicating whether the trade will be cancelled.

(9) If a trade is cancelled subject to these error procedures, the NCSCC may also cancel any and all trades that were executed, and bids or offers posted, as a result of contingent orders having been elected by the Error trade. NCSCC shall consider the factors indicated in subsection (6)(b), above, in determining whether to cancel such additional trades and shall take the actions required under subsection (B)(7) and (B)(8) of this rule in connection with such cancelled trades.

(C) The party requesting that the trade be cancelled must submit to the NCSCC no later than two (2) hours after the end of the applicable trading session, a completed Exchange form documenting in writing the reasons for the request that previously had been provided verbally to the NCSCC.

(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® Trading.

Deleted: ClearPortsm

Deleted: sm

(E) Except as provided in Section (F) below, if a potential user Error is brought to the attention of the NCSCC by one of the parties to the potential Error trade later than ten (10) minutes after the trade occurs, the trade will stand. However, NCSCC staff will assign both sides of the transaction to the account of one of the parties if:

(1) The trade would otherwise qualify for treatment as an Error in accordance with section (B)(1) of this rule;

(2) the NCSCC staff, using its best efforts, is able to contact the opposite party to the transaction; and

(3) both parties to the transaction agree to the assignment.

The party reporting the Error and requesting the assignment under this section shall be charged an Error fee in accordance with section (D) of this rule.

(F) Clearly Erroneous Trades Brought to the NCSCC Attention Outside 10-Minute Window. If any transaction is brought to the attention of or is otherwise identified by NCSCC Staff as clearly erroneous and thus inconsistent with the maintenance of overall integrity in the marketplace, Staff shall be authorized to assemble an Electronic Trading Review Committee for the purpose of determining whether to cancel or bust such transaction regardless of whether the notification occurred outside the prescribed 10-minute notification period.

11.64 Trading Prohibition by Certain Persons

Members, Member Firms, Permit Holders, Electronic Traders, Authorized Terminal Users, Users and User Agents are prohibited from directly or indirectly accepting or executing an order or, accepting trades for clearance or maintaining positions in contracts, for the delivery of any commodity traded or otherwise listed for clearing on the Exchange if such Member, Member Firm, Permit Holder, Electronic Trader, Authorized Terminal Users, User or User Agent knows, or with the exercise of reasonable care, should know, that the transaction was executed or carried for or on behalf of:

(A) An employee or public director of the Exchange.

(B) An employee of another Member, Member Firm, Electronic Trader or User without the prior written consent of such employer;

(C) A floor clerk, messenger or Authorized Terminal User or User Agent who is not also designated as a User;

(D) An employee of AT&T or its successor with any employment responsibilities directly associated with NYMEX ACCESS®; or

(E) An employee of TMI.

11.65 Trading Prohibitions: Representatives of Other Clearing Members

(A) No Clearing Member shall accept or execute any trade for an employee, representative, person in joint account, person in partnership with, another Member, Electronic Trader, Authorized Terminal User, User or User Agent or for any qualified floor trader guaranteed by another Clearing Member, without the prior written consent, filed with the Exchange, of such other Clearing Member and in the case of the partner without the prior written consent of such other Clearing Member's partner. In addition, a Clearing Member accepting or executing any trade for any of the aforementioned persons must send a duplicate confirmation of the trade to the individual or firm from which prior written consent must be obtained.

(B) Members of the Clearing House shall not solicit, or accept, selling or buying orders from any employee of the Exchange; nor finance any employee of the Exchange in carrying trades, in any manner.

(C) For the purpose of this rule the Chairman of the Board, members of the Board and members of all Exchange Committees are not considered to be employees of the Exchange.

11.66 Restriction on Simultaneous Buy and Sell Orders on Exchange Electronic Trading Systems

With respect to trading on NYMEX ACCESS®, an Electronic Trader or Authorized Terminal User may not enter orders for different principals as a cross-trade into the system.

With respect to trading on NYMEX ClearPort® Trading, a User or User Agent may not enter orders for different principals as a cross-trade into the system.

Instead, an Electronic Trader, Authorized Terminal User, User or User Agent, as applicable, shall enter orders into the system strictly on the basis of time of receipt of the orders. An Electronic Trader, Authorized Terminal User, User or User Agent, as applicable, who has entered a buy (sell) order for one principal into the system shall not enter a sell (buy) order for another principal for the same commodity, month and price or for the same option (both puts or calls, with the same underlying contract for future delivery, expiration date and strike price) unless the first order has rested in the applicable system for at least ten (10) seconds.

Deleted: (sm)

Deleted: an Alternative Electronic Trading System

Deleted: For the purposes of this rule only, the term "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX(r).

11.67 General Trading Standards for Exchange Electronic Trading Systems

(A) No Electronic Trader or Authorized Terminal User in the case of trading on NYMEX ACCESS® and no User or User Agent in the case of trading on NYMEX ClearPort® Trading shall purchase any commodity for future delivery, purchase any call option, or sell any put option for any commodity options contract, for his own account, or for any account in which he has an interest, while holding an order of another person for the purchase of any future, any call option, or sale of any put option, in the same commodity which is executable at the market price or at the

Deleted: For purposes of this rule, an "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.

Deleted: an Alternative Electronic Trading System

Deleted: (sm)

price at which such transaction can be made for the Member's own account or the account in which he has an interest.

(B) No Electronic Trader or Authorized Terminal User in the case of trading on NYMEX ACCESS® and no User or User Agent in the case of trading on NYMEX ClearPort® Trading shall sell any commodity for future delivery, sell any call option or purchase any put option for his own account, or for any account in which he has an interest, while holding an order of another person for the sale of any future, any call option, or purchase of any put option, in the same commodity which is executable at the market price or at the price at which such transaction can be made for the Member's own account or the account in which he has an interest.

Deleted: an Alternative Electronic Trading System

Deleted: (sm)

(C) No Electronic Trader or Authorized Terminal User in the case of trading on NYMEX ACCESS® and no User or User Agent in the case of trading on NYMEX ClearPort® Trading shall place an order in the applicable trading system for any account of another person for which buying or selling orders can be placed or originated or for which transactions can be executed by such member, without the prior specific consent of such other person (hereinafter referred to as "discretionary orders") regardless of whether the general authorization for such orders or transactions is pursuant to a written agreement, except that discretionary orders may be placed with another Member for execution.

Deleted: an Alternative Electronic Trading System

Deleted: (sm)

The restrictions set forth in this subparagraph shall not apply to discretionary orders for: (i) member of the Electronic Trader's or User's immediate family, which is defined to mean a spouse, parent, parent of a spouse, brother, sister, child, or spouse of a child; (ii) a member of the Exchange; (iii) a proprietary account of the Electronic Trader or User as that term is defined in Reg. §1.3(y); or (iv) a non-member account provided the Member does not trade for his personal account or any other customer account.

(D) No Electronic Trader in the case of trading on NYMEX ACCESS® and no User in the case of trading on an NYMEX ClearPort® Trading shall disclose at any time that he is holding an order of another person or shall divulge any order revealed to him by reason of his relationship to such other person, except to execute an order or at the request of an authorized representative of the Commodity Futures Trading Commission or the Exchange.

Deleted: Alternative Electronic Trading System

Deleted: (sm)

11.68 Closing Range and Close

The closing range for each futures and option contract that is listed for trading only on an Exchange electronic trading system for each day of trading, including the closing range on the final day of trading in such contract listed for trading only on such system, shall include all trades made within the last (10) ten minutes of the applicable trading session for such contract and all bids higher than as well as offers lower than any trade made within such periods.

11.69 Registration for Billing of Brokerage on Exchange Electronic Trading Systems

(A) Member Firms or Members engaged in operating brokerage businesses are required to register with the Membership Department, their names and the names of the entities under which brokerage will be billed, and the names of all persons having ownership interests in such entities, including the percentage of their ownership interests, and to provide upon request any supporting information requested by the Membership Department or the Compliance Department. For the

purposes of this rule, the terms "Member", "Member Firm" and "Floor Member" shall include COMEX Members who have NYMEX Division trading privileges.

(B) (1) With respect only for the execution of brokerage on NYMEX ACCESS®, any entity under which brokerage will be billed that is not a Member Firm of the Exchange must be:

Deleted: A

- (i) a sole proprietorship owned by a Member of the Exchange;
- (ii) a corporation that is more than 50% owned by a Member or Members of the Exchange; or
- (iii) a partnership, provided that the general partners who are Members of the Exchange own more than 50% of the partnership; provided that if a non-member or non-members have an interest in a corporation or partnership provided for in subsection (ii) or (iii) above, the non-member or non-members' interest cannot exceed the interest of the Member with the largest interest.

(2) It will be a major offense to receive payment for brokerage services rendered, unless duly registered with the Exchange.

(3) It will be a major offense for any Member, Electronic Trader, or Member Firm to pay non-registered entities for brokerage services rendered. It is the obligation of all Members, Member Firms, and Electronic Traders to confirm that the brokerage businesses it utilizes are so registered with the Exchange.

Deleted: User

Deleted: ,

Deleted: and Users

Members who are owners, shareholders or general partners of entities under which floor brokerage will be billed shall be responsible for the acts of the employees and agents of those entities.

Page 1: [1] Formatted Different first page	bregan	7/8/2005 3:54:00 PM
Page 1: [2] Deleted Specified Exchange Alternative Electronic Trading Systems	bregan	5/22/2005 4:42:00 PM
Page 1: [3] Deleted For the purposes of this rule, the term "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS® on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.	bregan	5/22/2005 4:43:00 PM
Page 1: [4] Formatted Font: 11 pt	bregan	5/22/2005 5:01:00 PM
Page 1: [5] Formatted Font: 11 pt, Bold	bregan	5/22/2005 5:01:00 PM
Page 1: [6] Formatted Font: 11 pt	bregan	5/22/2005 5:01:00 PM
Page 1: [7] Formatted Font: 11 pt	bregan	5/22/2005 5:01:00 PM
Page 1: [8] Formatted Font: 11 pt, Bold	bregan	5/22/2005 5:01:00 PM
Page 1: [9] Formatted Font: 11 pt	bregan	5/22/2005 5:01:00 PM
Page 1: [10] Formatted Font: 11 pt	bregan	5/22/2005 5:01:00 PM
Page 1: [11] Formatted Font: 11 pt	bregan	5/22/2005 5:01:00 PM
Page 1: [12] Formatted Font: 11 pt, Bold	bregan	5/22/2005 5:01:00 PM
Page 1: [13] Formatted Font: 11 pt	bregan	5/22/2005 5:01:00 PM
Page 1: [14] Deleted an Alternative Electronic Trading System ("AETS contract")	bregan	5/22/2005 4:43:00 PM
Page 1: [15] Formatted Font: 11 pt	bregan	5/22/2005 5:01:00 PM
Page 1: [16] Formatted Font: 11 pt	bregan	5/22/2005 5:01:00 PM
Page 1: [17] Formatted Font: 11 pt	bregan	5/22/2005 5:01:00 PM
Page 1: [18] Formatted Font: 11 pt	bregan	5/22/2005 5:01:00 PM
Page 1: [19] Formatted Font: 11 pt	bregan	5/22/2005 5:01:00 PM
Page 1: [20] Formatted Font: 11 pt	bregan	5/22/2005 5:01:00 PM
Page 1: [21] Deleted	bregan	5/22/2005 4:54:00 PM

or related Exchange systems as may be specified by the Exchange,

Page 1: [22] Formatted Font: 11 pt	bregan	5/22/2005 5:01:00 PM
Page 1: [23] Formatted Font: 11 pt, Bold	bregan	5/22/2005 5:01:00 PM
Page 1: [24] Formatted Font: Bold	bregan	5/26/2005 2:50:00 PM
Page 1: [25] Formatted Font: Bold	bregan	5/26/2005 2:50:00 PM
Page 1: [26] Formatted Font: 11 pt, Bold	bregan	5/22/2005 5:01:00 PM
Page 1: [27] Formatted Font: 11 pt, Bold	bregan	5/22/2005 5:01:00 PM
Page 1: [28] Formatted Font: 11 pt, Bold	bregan	5/22/2005 5:01:00 PM
Page 1: [29] Formatted Font: 11 pt	bregan	5/22/2005 5:01:00 PM
Page 1: [30] Formatted Font: Not Bold	bregan	5/23/2005 2:44:00 PM
Page 1: [31] Formatted Font: Not Bold	bregan	5/23/2005 2:44:00 PM
Page 1: [32] Formatted Font: Not Bold	bregan	5/23/2005 2:44:00 PM
Page 1: [33] Formatted Font: Not Bold	bregan	5/23/2005 2:44:00 PM
Page 1: [34] Formatted Font: Not Bold	bregan	5/23/2005 2:44:00 PM
Page 1: [35] Formatted Font: Not Bold	bregan	5/23/2005 2:44:00 PM
Page 1: [36] Formatted Font: Not Bold	bregan	5/23/2005 2:44:00 PM
Page 1: [37] Formatted Font: 11 pt	bregan	5/22/2005 5:01:00 PM
Page 8: [38] Deleted an Alternative Electronic Trading System, as follows:	bregan	5/22/2005 5:37:00 PM

(A) Except as otherwise provided in this rule, a User and its User Agents may enter orders into the system for the account of others only if the User is a Member or Member Firm of the Exchange. Accordingly, except as otherwise provided in this rule, a Non-Member User and its User Agents may only enter orders into the system for the account(s) of the User.

(B) Except as otherwise provided in this rule, or unless a User Agent is also a User, a User Agent may enter orders on the Alternative Electronic Trading System only for an account of the User that has authorized him to enter orders and for the customers of such User but only if the User is a

Member, Member Firm or commodity trading advisory or commodity pool operator provided, however, that a User Agent of a User may enter orders into the system for the account(s) of an entity that is the corporate parent of the User or a wholly-owned subsidiary of the User or where the User is an affiliate of another corporate entity and both companies are wholly-owned subsidiaries of a parent company.

User Agents who do not otherwise qualify as a User may not enter orders on the Alternative Electronic Trading System for any account in which the User Agent has an ownership interest.

(C) The Exchange in its sole discretion shall determine whether the scope of applicable trading privileges for any other Non-Member User may include execution of orders for customers of such User,

Page 11: [39] Deleted

bregan

5/27/2005 11:00:00 AM

® for the account of a member or member firm other than himself or his Clearing Member he must designate such orders as 3.

(D) When a User or User Agent in the case of trading on an Alternative Electronic Trading System ® executes trades for any account, other than those listed in subdivisions (A), (B), (C), he/she shall designate the trades as:

(i) 4 Customer-All other accounts.

(ii) 4 House-Firms affiliated with the Clearing Member, including parent and subsidiary corporations, or Principals or employees (located off the floor), trading for their own account at the Clearing Member in which they have an ownership interest in or by whom they are employed.

(E) It shall be a Major Offense for Users or User Agents to knowingly assign false indicator codes to trades executed on Alternative Electronic Trading System.

Page 11: [40] Deleted

bregan

5/22/2005 5:39:00 PM

an Alternative Electronic Trading System. For purposes of this rule, an "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.

2.43 Lawsuits Brought Against the Exchange

Deleted: 1
1

1. For purposes of these Rules

(a) the term "Claimant" shall mean any individual or legal entity that is presently, or was formerly, subject to the jurisdiction of the New York Mercantile Exchange or New York Mercantile Exchange, Inc. (collectively, "NYMEX") or their respective parent companies, subsidiaries (direct and indirect) or affiliates, (including the Class B member), including but not limited to Class A members, Commodity Exchange, Inc. ("COMEX") Division Members, Class A Lessees, COMEX Division Lessees, Class A Member Firms, COMEX Division Member Firms Class A Clearing Members, COMEX Division Clearing Members, Permit Holders, Floor Brokerage Billing Entities, Electronic Traders and Authorized Terminal Users as both terms are defined in Chapter 11 in connection with NYMEX ACCESS[®], Option Members, Aluminum Members and Eurotop Members, NYMEX Equity Members, COMEX Equity Members, Users and User Agents, as both terms are defined in Chapter 11 in connection with NYMEX ClearPort[®] Trading, or any other individual or legal entity with some or all of the rights and privileges of membership or ownership in NYMEX or any of its subsidiaries (direct or indirect) or affiliates, (including the Class B member), or which has the right to trade in commodities or conduct business operations including but not limited to use of clearing services for products listed only for clearing on NYMEX or any of their respective parent companies, subsidiaries (direct or indirect), and any of their employees, including but not limited to clerks and Authorized Terminal Users.

Deleted: ,

Deleted: who are also designated as Electronic Traders

Deleted: an Alternative Electronic Trading Systems as defined below

(b) the term "Exchange" shall include NYMEX, and its respective parents, (including the Class B member), subsidiaries (direct and indirect) or any of its respective affiliates, members, successors, assigns, directors, governors, officers, committee members, employees, consultants or agents.

Deleted: For the purposes of this rule, the term "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS[®] on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX[®].

2. Floor Trading. Claimant acknowledges that floor trading at the Exchange is accomplished by open outcry in a trading "ring" or "pit" and that the Trading Floor is an environment of close physical proximity to others that may result in substantial physical contact with others. Claimant further acknowledges that such conditions on the Trading Floor may be exacerbated by volatility in trading or contract expiration. Claimant assumes all risk of loss, damage or injury, personal or otherwise, caused by reason of conditions on the Trading Floor and hereby waives (to the extent permissible under law) any claim based upon such conditions.

3. Except to the extent such loss, expense, damages or claims are attributable to the willful misconduct, gross negligence, bad faith, fraud, or criminal acts of the Exchange, and except as otherwise expressly provided in these Rules, the Exchange shall not have liability to any Claimant for any loss, expense, damages (including direct, indirect, consequential and punitive damages) or claims resulting from or relating to:

(a) any personal injury or medical condition (and death resulting therefrom) that arise out of (i) the use or employment of the facilities or services at the Exchange, regardless of whether such services or facilities are provided by the Exchange or a third-party, or (ii) any interruption in or failure or unavailability of any such facilities, services, regardless of whether such services or facilities are provided by the Exchange or a third-party, or (iii) any action or failure to act by the Exchange.

(b) any error, omission or delay in calculating or disseminating any current, closing or settlement prices, values, transactions in, quotations for or other information about futures contracts and options contracts traded on the Exchange.

(c) the use of data transmitted or disseminated by or on behalf of the Exchange or any reporting authority designated by the Exchange, including but not limited to reports of transactions in, quotations for or other information about futures contracts and option contracts or reports of index values or related data; and, in connection with the use of such data, the Exchange makes no express or implied warranties as to such data, including but not limited to (i) the result to be obtained or (ii) the merchantability or fitness for a particular purpose or use.

(d) any suspension, inaccuracy, interruption or termination, or any other cause, relating to the furnishing, performance, operation, maintenance, use of or inability to use any or all portion of Exchange systems, or services and facilities used to support the Exchange systems and services related thereto, regardless of whether such services or facilities are provided by the Exchange or a third-party. In addition, the Exchange shall have no liability for errors or inaccuracies in information provided by Exchange systems or for losses or other injury or damages resulting from unauthorized access or any other misuse of any Exchange systems by any person.

(e) The foregoing limitation of liability and disclaimers shall be in addition to any other limitation of liability provision contained in these Rules, and, to the extent that they are inconsistent, the provisions of this Rule shall control.

(f) The limitation of liability set forth in these rules shall not apply to or affect the rights or remedies of either any Claimant or the Exchange with respect to violations of the commodities laws and regulations.

4. Any Claimant that institutes a lawsuit or other similar proceeding against the Exchange in any court of law or otherwise and that fails to prevail in such lawsuit or proceeding shall pay to the Exchange any and all reasonable expenses and disbursements of the Exchange, including reasonable attorney's fees, incurred by the Exchange in the defense of such lawsuit or proceeding in addition to any statutory costs incurred by the Exchange.

5. Claimant consents and submits to the in personam jurisdiction of State and Federal courts located in the City and State of New York. No action against the Exchange shall be commenced except in those courts located in the State of New York. Claimant waives personal service and consents to service of process by registered or certified mail to the most recent address provided by Claimant to the Office of the Secretary. Nothing in these Rules shall affect the right of the Exchange to serve legal process in any other manner permitted by law or affect the right of the Exchange to bring any action or proceeding against Claimant or Claimant's property in a court of any other jurisdiction.

6. The Exchange and Claimant waive their right to trial by jury in any action or proceeding between them. To the extent permissible by law, Claimant waives the right to punitive damages, consequential damages, multiple damages and attorneys' fees in any such action or proceeding.

7. This Rule shall be construed and enforced in accordance with the laws of the State of New York without regard to conflict of any other laws, except to the extent pre-empted by Federal law. Each provision of this Rule shall be viewed as legally separate and distinct from the other provision contained herein and if any provision of this Rule is held invalid, that provision shall not effect the legality and enforceability of any other provision.

2.44 Disputes Between Members

Any Member, Member Firm, Clearing Member, Permit Holder, Electronic Trader, ~~User, Authorized Terminal User, User Agent or Clerk~~ involved in a transaction or business relationship on the Exchange about which a dispute arises that is not resolved shall act in the most expeditious manner practicable to mitigate or limit any damage to any party to such transaction or relationship. There shall be a rebuttable presumption that such acts of mitigation shall not be admissible with respect to liability for the transaction or relationship giving rise to the dispute.

Deleted: NYMEX ACCESS® Operator

3.46 Electronic Trading Review Committee

(A) The Electronic Trading Review Committee shall be a Regular Committee and shall consist of such number of Exchange employees as the Chairman may appoint, subject to the approval of the Board.

Deleted: For the purposes of this rule, the term "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS® on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.

(B) The Committee shall have jurisdiction to review the circumstances surrounding NYMEX ACCESS® transactions and transactions on NYMEX ClearPort® Trading to determine whether a transaction was in error, and, if so, whether such trade should be cancelled.

5.05 Permissive Submissions

Any other dispute, claim, grievance, or controversy which involves (i) a Member or Member Firm or employee of a Member or Member Firm or customer of a Member and a Member or Member Firm; (ii) a Member or Member Firm that is a User of NYMEX ClearPort® Trading and a Non-Member User of NYMEX ClearPort® Trading; or (iii) or which only involves Non-Member Users of NYMEX ClearPort® Trading may be arbitrated under these Rules as provided by an enforceable Agreement to Arbitrate or Submission Agreement, but the Arbitrators shall have the right to decline the use of the Exchange's arbitration facilities in any dispute, claim, grievance or controversy, where, having due regard for the purposes of the Exchange, such dispute, claim, grievance or controversy is not a proper subject matter for arbitration under these Rules.

6.00 Exchange Business Day

The Exchange business day shall include four trading sessions:

- a NYMEX ACCESS® trading session;
- a regular trading hours (RTH) trading session in New York; and
- a trading session on NYMEX ClearPort® Trading.

The trading day shall commence with the opening of trading on NYMEX ACCESS®, The NYMEX ACCESS® trading session and/or the NYMEX ClearPort® Trading session for certain products may extend into RTH. The trading day will end at the close of the following session of RTH on the Exchange floor, or at the end of the NYMEX ACCESS® trading session, whichever is later. No business will be conducted on Saturdays or Sundays with the exception of NYMEX ACCESS® trading on Sunday evening for the purpose of commencing Monday's business day and with the exception of the NYMEX ClearPort® Trading session on Sunday evening. The Exchange may be closed for one or more business days or trading sessions at any time by a vote of the Board.

6.21E Exchange of NYMEX miNY Futures for, or in Connection with, NYMEX Futures Transactions

(A) General Requirements. An exchange of futures for, or in connection with, mini futures (EFM) consists of two discrete, but related transactions; a purchase (sale) transaction in a NYMEX miNY futures contract and a sale (purchase) transaction in the related NYMEX futures contract. At the time such transaction is effected, the buyer (seller) of the NYMEX miNY shall be the seller (buyer) of the related NYMEX futures contract in the ratio designated by the Board of Directors.

(B) Final Deadline for Transactions. An EFM involving an expiring NYMEX miNY futures contract month is permitted at any time up to and must be reported to the Exchange by the close of trading one business day preceding the expiration date of the NYMEX miNY Crude and Natural Gas contracts.

(C) Contract Month and Quantity. An EFM transaction may only be effected for the same contract month in both of the applicable NYMEX futures contracts. The quantity of contracts to be exchanged in the EFM transaction must be consistent with the size ratio then in effect between the applicable NYMEX miNY NYMEX futures contract listed for trading on NYMEX ClearPort® Trading and the regular size NYMEX contract listed for trading at NYMEX

(D) Transaction Price. An EFM transaction may only be transacted at the settlement price for the regular size NYMEX futures contract for the trading session in which the EFM transaction was reported to the Exchange.

- ~~Deleted: (sm)~~
- ~~Deleted: Alternative Electronic Trading Systems~~
- ~~Deleted: (sm)~~
- ~~Deleted: an Alternative Electronic Trading System~~
- ~~Deleted: (sm)~~
- ~~Deleted: such system~~
- ~~Deleted:~~
- ~~Deleted: (sm)~~
- ~~Deleted: such systems~~
- ~~Deleted: For the purposes of this rule, the term "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.~~
- ~~Deleted: five~~
- ~~Deleted: and a RTH trading session in Dublin; ¶ a trading session on the Chicago Mercantile Exchange GLOBEX® system for Exchange products listed for trading on that system (the GLOBEX session)~~
- ~~Deleted: (sm)~~
- ~~Deleted: an Alternative Electronic Trading System (the AETS session) as defined below~~
- ~~Deleted: For the purposes of this rule, the term "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Divi ... [1]~~
- ~~Deleted: .~~
- ~~Deleted:~~
- ~~Deleted: (sm)~~
- ~~Deleted: the GLOBEX~~
- ~~Deleted: and/or the AETS session~~
- ~~Deleted: , with the exception of ... [2]~~
- ~~Deleted: (sm)~~
- ~~Deleted: AETS~~
- ~~Deleted: e-~~
- ~~Deleted: (sm)~~
- ~~Deleted: Globex~~

(E) Floor Reporting Requirements and Deadlines. A report of each EFM transaction must be given and notice thereof must be posted on the Floor of the Exchange. The report of an EFM transaction must be given on the Floor prior to the end of the trading session on the day that the agreement was made, or if such agreement was made after the close of trading, then during the trading session on the next business day.

(F) Clearing. EFM transactions shall be cleared through the Exchange in accordance with normal procedures, shall be clearly identified and marked in the manner provided by the Exchange, and shall be recorded by the Exchange and by the Clearing Members involved.

9.19 Final Day of Trading

(A)(1) On the final day of trading in the delivery month of a contract that is listed for trading by open outcry on the trading floor, it shall be the responsibility of each Clearing Member who is not in a position to fulfill his contractual obligation on any maturing contract by prescribed notice and tender, to have a liquidating order entered on the Exchange floor one hour before the time established for the beginning of the closing range for such delivery month. All such orders shall be market orders to be executed prior to the expiration of trading.

(2) On the final day of trading in the delivery month of a contract that is listed for trading solely on NYMEX ACCESS® or on NYMEX ClearPort® Trading, it shall be the responsibility of each Clearing Member who is not in a position to fulfill its contractual obligation on any maturing contract by prescribed notice and tender, to have a liquidating order entered on NYMEX ACCESS® or on NYMEX ClearPort® Trading, as applicable.

Deleted: (sm)

Deleted: an Alternative Electronic Trading System

Deleted: (sm)

Deleted: an Alternative Electronic Trading System

Deleted: For the purposes of this rule, the term "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS® on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.

Page 3: [1] Deleted

bregan

5/23/2005 5:47:00 PM

For the purposes of this rule, the term "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®

Page 3: [2] Deleted

bregan

5/23/2005 5:47:00 PM

, with the exception of the GLOBEX session on Sunday evening

Notification of NYMEX Notice to Members Notice No. 494

NYMEX miNY™ Energy Futures Transition Procedure

As previously announced, The New York Mercantile Exchange, Inc., will transition its NYMEX miNY™ crude oil and natural gas futures contracts to the NYMEX ClearPort® trading system from the Chicago Mercantile Exchange's Globex® electronic trading system on Sunday, November 20, 2005.

For the transition, these two NYMEX miNY™ energy futures contracts will follow the regular schedule for listing the nearby or next month futures contract month ten business days before the front month futures contract expires.

NYMEX miNY™ Crude Oil

The January NYMEX miNY™ Crude futures will be listed for trading on the Globex® trading system at 3:15 PM EST on November 3rd for trade date November 4th.

The December NYMEX miNY™ Crude futures will expire on the Globex® trading system at 2:30 PM EST on Thursday, November 17th.

The January NYMEX miNY™ Crude futures will cease trading on Globex® at 2:30 PM EST on Friday, November 18th and then be delisted from being traded on that system.

The January NYMEX miNY™ Crude futures will then transfer from the Globex® trading system and be listed for and commence trading on the NYMEX ClearPort® trading system at 7:00 PM EST on Sunday, November 20th for trade date Monday, November 21st.

NYMEX miNY™ Natural Gas

The January NYMEX miNY™ Natural Gas futures will be listed for trading on the Globex® trading system at 3:15 PM EST on November 9th for trade date November 10th.

The December and January NYMEX miNY™ Natural Gas futures will cease trading on Globex® on at 2:30 PM EST on Friday, November 18th and then be delisted from being traded on that system.

The December and January NYMEX miNY™ Natural Gas futures will then transfer from the Globex® trading system and be listed for and commence trading on the NYMEX ClearPort® trading system at 7:00 PM EST on Sunday, November 20th for trade date Monday, November 21st.