

December 30, 2005

**VIA E-MAIL**

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

OFFICE OF THE SECRETARIAT

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CFTC

**Re: Rule Certifications. New York Mercantile Exchange, Inc. Submission  
#05.228: Amendments to NYMEX Rule 0.09(C)**

Dear CFTC Commissioners:

The New York Mercantile Exchange, Inc. ("Exchange") is notifying the Commodity Futures Trading Commission ("Commission") of amendments to NYMEX Rule 9.09 (C). Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the attached amendments comply with the Act, including regulations under the Act; these changes will be made effective on January 2, 2006.

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.

## NOTIFICATION OF AMENDMENTS TO NYMEX RULE 9.09 ("Clearing Fees")

### Rule 9.09 Clearing Fees

(A) Charges for clearing trades shall be fixed by the Board upon the recommendation of the Clearing House Committee and shall be payable by Clearing Members as billed. All Clearing Fees shall be charged per contract bought, sold, delivered or accepted.

(B) A minimum fee of \$200.00 per month shall be charged to Clearing Members.

(C) Claims by Clearing Members for adjustments to clearing charges or fees shall be made to the Exchange within 90 days of the invoicing of such charges by the Exchange. The failure to claim adjustments within this period shall constitute a waiver of such claim by the Clearing Member; provided, however, that the Board of Directors, for good cause shown and following review by the Clearing House Committee, may authorize payment by the Exchange of a late claim for adjustment filed within a period of ~~6~~ three months plus the balance of the month that the credit has been requested of the invoicing of charges by the Exchange in excess of \$1,000. Any late claim for adjustment paid by the Exchange shall be subject to a 10% administrative fee that shall be deducted from such payment. No claim for adjustment will be considered that is filed later than the period referenced above 6 months after the invoicing of changes by the Exchange.