



New York
Mercantile Exchange

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October 10, 2003

VIA FACSIMILE AND E-MAIL

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


**Re: Rule Certification. New York Mercantile Exchange, Inc. Submission #03.139:
Amendments to NYMEX Rule 8.21**

Dear CFTC Commissioners:

The New York Mercantile Exchange, Inc. ("Exchange") is notifying the Commodity Futures Trading Commission ("Commission") that it is amending NYMEX Rule 8.21 ("Floor Committee"). Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the amendments comply with the Act, including regulations under the Act, and this rule change will become effective on October 15, 2003.

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

New York Mercantile Exchange, Inc.
World Financial Center
One North End Avenue
New York, NY 10282-1101
(212) 299-2000

*The New York Mercantile Exchange, Inc., is composed of two divisions.
The NYMEX Division offers trading in crude oil, heating oil, unleaded gasoline,
natural gas, electricity, coal, propane, platinum, and palladium. The COMEX Division
offers trading in gold, silver, copper, and aluminum.*

NOTIFICATION OF AMENDMENTS TO NYMEX RULE AND 8.21

(Underlining in bold indicates additions, and strike-outs in bold indicate deletions.)

Rule 8.21. FLOOR COMMITTEE

(A)(1) Authority to Issue Warning Letters and/or Summary Fines for Violations of Decorum or Attire Rules

The Floor Committee, any member of the Floor Committee, any agent acting on behalf of the Floor Committee, any Board Member who is not a Public Director, and any Exchange employee designated by the Board may impose summarily, on any Member or any person under the control of a Member, a Warning Letters and/or fine of not more than five thousand dollars (\$5,000) for each violation of any Rule relating to decorum or attire on the trading floor or in any part of the Exchange premises.

(2) Authority to Issue Warning Letters and/or Summary Fines for Other Floor Offenses

The Floor Committee, any member of the Floor Committee, any agent acting on behalf of the Floor Committee and any Exchange employee designated by the Board may impose summarily, on any Member or any person under the control of a Class A Member, a Warning Letter and/or a fine of not more than five thousand dollars (\$5,000) for each violation of: any Rule relating to clerk registration, any Rule regarding the untimely or inaccurate submission of trade data, reports, records or similar matters for clearing or for verifying each day's transactions; for a failure by qualified floor traders and/or their authorized representatives to attend any option's expirations; ~~or~~ for failure by a Member to attend a mandatory session of the Training and Education Committee, **or for making a material misrepresentation or misstatement when requesting action to be taken by the Floor Committee or a Floor Committee member in connection with a bid, offer or transaction.**

With respect to any Class A Member or any person under control of a Class A Member, a Warning Letter and/or a fine of not more than five thousand dollars (\$5,000) may be summarily imposed for each violation of NYMEX Rules 6.37 or 6.06. With respect to any COMEX Division Member or any person under control of a COMEX Division Member, a Warning Letter and/or a fine of not more than five thousand dollars (\$5,000) may be summarily imposed for each violation of: COMEX Rules 4.03; 4.14; 4.25; 4.09; 4.05(a); or 4.70; or for any interference or attempt to interfere with an employee of the Exchange in the performance of his duties under COMEX Rules 4.04, 4.05 and 4.07. In the event that either: i) the official citing the alleged infraction was involved in the incident in question; and/or ii) the facts of the alleged infraction are challenged by a disinterested third party, then the party charged shall be entitled to an adjudication in accordance with the applicable requirements of Subpart B of the Commission's Part 8 rules, 17 C.F.R. §§8.05 through 8.20 (exclusive of §§8.10, 8.16 and 8.19) prior to the imposition of any fine. In no event shall the issuance of a Warning Letter entitle a Member to a hearing. Warning Letters may be appealed in accordance with the provisions set forth in Exchange Rule 8.21(I) below.

(The remainder of the rule is unchanged.)