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May 25, 2005

OFC. OF THE SECRETARIAT

Via E-Mail

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

**Re: Rule Certification. NYMEX Submission 05.91: Notification of
Amendments to NYMEX Rules 11.36 and 6.19.**

Dear Ms. Jean Webb:

The New York Mercantile Exchange ("NYMEX" or the "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") of amendments to NYMEX Rules 11.36, Type Indicator Codes for Trading on NYMEX ClearPortsm.

Effective May 26, 2005, the amendments to Rule 11.36 modify the definitions for CTI Codes on ClearPortsm which were instituted for NYMEX and COMEX in December 2004. Additionally, errors in numbering and lettering were corrected in Rule 6.19, which covers CTI codes for RTH and ACCESS[®]. Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the attached rule amendment complies with the Act, including regulations under the Act.

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

Very truly yours,

Nancy M. Minett
Vice President
Compliance Department

cc: Thomas LaSala
Brian Regan

(Additions are in bold and underlined; strikethroughs indicate deletions.)

Rule 11.36, Type Indicator Codes for Trading on NYMEX ClearPortsm

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 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®. Appropriate CTI and indicator codes shall include a combination from Sections A and B below:

(A)(1) When a Floor Trading Member executes trades for his/her personal account, for an account he/she controls, or for an account which he/she has an ownership or financial interest, he/she shall designate the trades as CTI 1.

(2) When a Floor Trading Member or Authorized Terminal User executes trades for the trading account of a Member Firm or Clearing Member, he/she shall designate the trades as CTI 2. However, if the executing Floor Trading Member 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 Floor Trading Member executes trades for the personal account of another Floor Trading Member, or for an account that the Floor Trading Member knows is controlled by another Floor Trading Member, he/she shall designate the trades as CTI 3.

(b) When an Authorized Terminal User executes trades on NYMEX ClearPortsm for the personal account of a Floor Trading Member, or for an account that the Authorized Terminal User knows is controlled by a Floor Trading Member, he/she shall designate such orders as CTI 3.

(4) When a Floor Trading Member or Authorized Terminal User executes trades for any account, other than those listed in Subdivisions (1), (2), (3), he/she shall designate the trades as CTI 4.

~~(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:~~

~~(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(sm) 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.~~

(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.

(E)C 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.

Rule 6.19, Type Indicator Codes

Floor Trading Members shall be responsible for reporting to the Exchange on the Trade Allocation System, appropriate CTI and indicator codes for transactions executed on the Exchange. Authorized Terminal Users shall be responsible for reporting to the Exchange, and on NYMEX ACCESS[®], appropriate CTI and indicator codes for transactions executed on NYMEX ACCESS[®]. Appropriate CTI and indicator codes shall include a combination from Sections A and B below:

(A) CTI Codes:

(1) When a Floor Trading Member executes trades for his/her personal account, for an account he/she controls, or for an account which he/she has an ownership or financial interest, he/she shall designate the trades as CTI 1.

(2) When a Floor Trading Member or Authorized Terminal User executes trades for the trading account of a Member Firm or Clearing Member, he/she shall designate the trades as CTI 2. However, if the executing Floor Trading Member 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 Floor Trading Member executes trades for the personal account of another Floor Trading Member, or for an account that the Floor Trading Member knows is controlled by another Floor Trading Member, he/she shall designate the trades as CTI 3.

(b) When an Authorized Terminal User executes trades on NYMEX ACCESS[®] for the personal account of a Floor Trading Member, or for an account that the Authorized Terminal User knows is controlled by a Floor Trading Member, he/she shall designate such orders as CTI 3.

(4) When a Floor Trading Member or Authorized Terminal User executes trades for any account, other than those listed in Subdivisions ~~(A), (B), (C)~~, **(1), (2), (3)**, he/she shall designate the trades 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:

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

(i)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.

(C) It shall be a Major Offense for Floor Trading Members and Authorized Terminal Users to knowingly assign false indicator codes to trades executed on the Exchange Floor or on NYMEX ACCESS[®].