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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 05.134: Notification of  
Amendments to Exchange Rule 3.10.**

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 Exchange Rule 3.10, Adjudication Committee.

Effective September 1, 2005, the amendments increase the number of Public Committee Members serving on the Adjudication Committees from one to two, per panel, and that two Public Committee Members would be required to be in attendance to constitute a quorum. Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the new amendments comply with the Act, including regulations under the Act.

Should you have any questions concerning the above, please contact Suellen Galish, Vice President and Counsel, at (212) 299-2215.

Very truly yours,

Nancy M. Minett  
Vice President  
Compliance Department

cc: Thomas LaSala  
Brian Regan

(Bold and underlined indicates additions; bold and strikethrough indicates deletions.)

### **Exchange Rule 3.10, Adjudication Committee**

(A) The Adjudication Committee shall be a Regular Committee and shall consist of a Chairman who is a Class A Member and four Hearing Panels ("Hearing Panels"). Each panel shall contain at least **two persons who are neither Members of the Exchange nor employed by a Member, Member Firm or the Exchange ("Public Committee Members")** ~~one non-Member~~ and shall **otherwise** be balanced as equally as practicable among representatives of the **Member** categories: Floor Broker, Local, Trade and FCM (off-the-floor representative). There shall be no restriction on the affiliations or categories of alternates. The panel members and alternates shall be appointed by the Chairman, subject to approval of the Board.

(B) (1) Two of the Hearing Panels shall be designated to hear matters pertaining to New York Mercantile Exchange Inc., ("NYMEX Inc.") and two of the Hearing Panels shall be designated to hear COMEX Division matters ("COMEX Hearing Panels"). Each panel shall consist of 10 regular panelists and as many alternates as the Chairman of the Committee shall designate.

(2) The NYMEX Inc. members on the NYMEX Panels will consist of 70% Class A Members and 30% COMEX Division Members. The NYMEX Inc. members on the COMEX Hearing Panels will consist of 70% COMEX Division Members and 30 % Class A Members.

(C) One person on each Hearing Panel shall serve as its Chairman and shall be designated by the Board as a Co-Vice-Chairman of the Adjudication Committee. ~~Any~~**Six** members of a Hearing Panel shall constitute a quorum for the purpose of exercising the powers of the Hearing Panel, **provided that two Public Committee Members must be present.** Alternates will be selected by the Chairman to replace any Member of a Hearing Panel unable to serve on any case, subject to the provisions of paragraph (A) above.

(D) The Adjudication Committee shall hold such meetings as, in the discretion of the Chairman of the Committee are necessary to review matters pertaining to Exchange disciplinary actions, including but not limited to, Board policy and disciplinary precedents.

(E) The Adjudication Committee shall make a report to the Board at least twice a year. The report shall detail the activities of the Committee for the period covered by such report and shall describe all disciplinary actions taken by the Committee during such period.