

February 2, 2006

**Via E-Mail**

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

**Re: Rule Certification. NYMEX Submission 06.18 – Notification of Amendments to Exchange Rule 3.03, Disqualification from Board and Committee Service.**

Dear Ms. Jean Webb:

The New York Mercantile Exchange, Inc. (“NYMEX” or the “Exchange”) hereby notifies the Commodity Futures Trading Commission (“CFTC”) of amendments to Exchange Rule 3.03, Disqualification from Board and Committee Service.

Pursuant to new amendments to the CFTC’s regulations, the Exchange is required to reinstate the prohibition on Board or committee service for Members who had accumulated fines in excess of \$5,000 for recordkeeping offenses within one year. The CFTC has also specifically exempted from the prohibition on service those Exchange Members currently serving on the Board of a disciplinary committee who were appointed to their positions during the time that the Exchange’s prohibition on service was not in effect. The Exchange will implement the prohibition to coincide with the CFTC’s effective date of February 13, 2006. 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 feel free to contact Adam Wernow, Compliance Counsel, at (212) 299-2851, or me at (212) 299-2897.

Very truly yours,

Thomas F. LaSala  
Senior Vice President  
Compliance and Risk Management

Attachments  
cc: Brian Regan  
Nancy Minett

OFFICE OF THE SECRETARIAT

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**(Additions are in bold/underlined; deletions in bold/strikethrough.)**

**Rule 3.03, Disqualification from Board and Committee Service**

The following provisions of this Rule 3.03 shall apply with regard to the Class A Member of New York Mercantile Exchange Inc.

(A) Definitions:

[(1) through (4) remain unchanged.]

(5) "Disciplinary offense" means:

(i) Any violation of the rules of a self-regulatory organization except those rules related to:

(A) Decorum or attire,

(B) Financial requirements, or

(C) Reporting or recordkeeping unless **resulting in fines aggregating more than \$5,000 within any calendar year.**

[Sections (ii) through (v)(B) remain unchanged.]

(C) Recordkeeping or Reporting-NYMEX Rules 6.07, 6.07A, 6.08A, 6.08B, 6.10, 6.11, 6.18, 6.19, 6.20, 6.21, 6.24, 6.90, 8.50, 9.04, 9.22, 9.26, 9.27, 9.32, 9.33, 9.34, 9.35, 9.36, 11.27, 11.36, 11.58, 90.08, 90.13, 100.08, 100.13, 140.15, 140.19, 140.20, 150.09, 150.13, 150.14, 150.14A, 190.09, 190.13, 190.14, 190.14A, 200.11, 200.15, 200.17, 200.20, 200.20A, 220.11, 220.14, 220.17, 220.17A, 230.12, 230.17, 230.18, 300.08, 300.11, 300.13 and 300.15 **(only to the extent that such rules relate to recordkeeping and/or reporting and do not result in aggregate fines exceeding \$5,000 in a calendar year)** and COMEX Rules 4.80, 4.81, 4.82, 4.84, 4.85, 4.86, 4.87 or 3.11(b).

[The remainder of the rule is unchanged.]