

January 27, 2008

VIA E-MAIL

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

**Re: Amendment to Rule Certification. New York Mercantile Exchange, Inc.
Submission #08.119(3) Revision to Submission #08.119R(2); Notification of
Subsequent Amendments to NYMEX Rule 6.01 and COMEX Rule 104.03.**

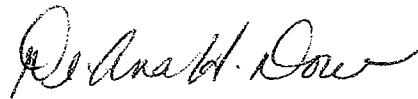
Dear Mr. Stawick:

The New York Mercantile Exchange, Inc. ("NYMEX" or "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that it is self-certifying amendments to NYMEX Rule 6.01 and COMEX Rule 104.03, which were self-certified to the Commission previously on December 30, 2008, with an effective date of February 2, 2009. This self-certification further amends these rules to eliminate the explicit record retention requirement for all electronically conveyed trading floor messages including instant messages and emails. The amended rules retain the general requirement that records of all business dealings in commodity futures, options and cash transactions be maintained for a minimum of five years, consistent with CFTC Regulation 1.35, and that all trading floor phone lines be recorded and maintained for a minimum of 10 business days. The amended rules will be effective, as previously scheduled, on February 2, 2009.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the attached version of these rules comply with the Act, including regulations under the Act.

Should you have any questions concerning the above, please contact Brian Regan at (212) 299-2207, or the undersigned at (202) 638-3838.

Sincerely,



De'Ana H. Dow
Managing Director,
Government Relations

Attachments

cc: Ananda Radhakrishnan, Director, CFTC DCIO
Richard Shilts, Director, CFTC DMO

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NOTIFICATION OF AMENDMENTS TO NYMEX RULE 6.01 AND COMEX RULE 104.03

[Bold/underline indicates additions; strikethrough indicates deletions.]

6.01 Retention of Records and Trading Floor Telephone Calls and ~~Electronically Conveyed Message Retention~~

(A) Each Member, Member Firm and employees of the foregoing shall ~~keep~~ **must keep full, complete and systematic records, together with all pertinent data and memoranda, of all transactions relating to its business of dealing in commodity futures, options, and cash transactions in accordance with CFTC Regulation 1.35.** ~~trading floor transaction records, including electronically conveyed records. Electronically conveyed records, include but are not limited to instant messages and e-mail, received on or originating from the trading floor of the Exchange. Such records, including instant messages, e-mail and any other form of electronic communication must be retained for a minimum of five years in permanent form, and shall at all times be open to the inspection of Exchange Staff, or any representative of the Commodity Futures Trading Commission or the United States Department of Justice.~~

(B) Each Member, Member Firm and employees of the foregoing shall enter into a trading floor telephone services Subscriber agreement with the Exchange under which the Subscriber agrees to pay the Exchange to record and archive all communications conveyed via Exchange maintained and authorized trading floor telephone lines. Pursuant to the agreement, the Exchange will record and archive phone calls for a minimum of ten business days from the date of the call, and the Exchange is permitted to inspect and allow the inspection of the archived calls by any representative of the Commodity Futures Trading Commission or the United States Department of Justice. Repeated failures to pay a monthly trading floor telephone services fee may result in the disruption of a Subscriber's trading floor telephone services.

104.03 Retention of Records and Trading Floor Telephone Calls and ~~Electronically Conveyed Message Retention~~

(A) Each Member, Member Firm and employees of the foregoing shall ~~keep~~ **must keep full, complete and systematic records, together with all pertinent data and memoranda, of all transactions relating to its business of dealing in commodity futures, options, and cash transactions in accordance with CFTC Regulation 1.35.** ~~trading floor transaction records, including electronically conveyed records. Electronically conveyed records, include but are not limited to instant messages and e-mail, received on or originating from the trading floor of the Exchange. Such records, including instant messages, e-mail and any other form of electronic communication must be retained for a minimum of five years in permanent form, and shall at all times be open to the inspection of Exchange Staff, or any representative of the Commodity Futures Trading Commission or the United States Department of Justice.~~

(B) Each Member, Member Firm and employees of the foregoing shall enter into a trading floor telephone services Subscriber agreement with the Exchange under which the Subscriber agrees to pay the Exchange to record and archive all communications conveyed via Exchange maintained and authorized trading floor telephone lines. Pursuant to the agreement, the Exchange will record and archive phone calls for a minimum of ten business days from the date of the call, and the Exchange is permitted to inspect and allow the inspection of the archived calls by any representative of the Commodity Futures Trading Commission or the United States Department of Justice. Repeated failures to pay a monthly trading floor telephone services fee may result in the disruption of a Subscriber's trading floor telephone services.