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February 3, 2009

Via E-Mail

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

RE: Certification: New York Mercantile Exchange, Inc. and Commodity Exchange, Inc. Submission #09.15: Market Regulation Advisory Notice RA0902-4 – NYMEX Notice to Members No. 58.

Dear Mr. Stawick:

The New York Mercantile Exchange, Inc. ("NYMEX") and the Commodity Exchange, Inc. ("COMEX") (collectively, the "Exchanges") hereby notify the Commodity Futures Trading Commission ("CFTC" or "Commission") that the Exchanges will issue the following Market Regulation Advisory Notice on February 3, 2009: NYMEX and COMEX RA0902-4 ("Policy on Use of Cell Phones on the Trading Floors").

The Advisory Notice addresses a floor policy concerning cell phone use on the NYMEX and COMEX trading floors. The Advisory Notice clarifies that cell phones may be used away from the ring and booth areas of the trading floors for non-business purposes only.

The Exchanges certify that the policy clarification complies with the Act and regulations thereunder.

If you have any questions regarding these changes, please contact Nancy Minett, Director, General Investigations, at 212-299-2940, or the undersigned at 202-638-3838.

Sincerely,

A handwritten signature in cursive script, appearing to read "De'Ana H. Dow".

De'Ana H. Dow
Managing Director
Government Relations

Notice 58/RA0902-4
February 3, 2009

MARKET REGULATION ADVISORY NOTICE

Exchange	NYMEX & COMEX
Subject	Policy on Use of Cell Phones on the Trading Floors
Rule References	Exchange Policy
Advisory Date	February 3, 2009
Advisory Number	NYMEX & COMEX RA0902-4

With the implementation of NYMEX Rule 6.01 and COMEX Rule 104.03 on Monday, February 2, 2009, all trading floor telephones must be recorded. In connection with the above, NYMEX is updating its policy on the use of cell phones on the trading floor.

Effective Tuesday, February 3, 2009, cell phones **may be used** for personal, non-business calls, from areas of the trading floor remote from the pits and booths.

Cell phones **may NOT be used**:

- In any trading ring,
- In the area immediately surrounding any trading ring, or
- In any booth adjacent to a trading ring on the trading floor.

Additionally, please be advised that prohibited use of a cellular phone or any unauthorized electronic device shall be deemed an offense and may lead to confiscation of the cellular phone or electronic device. Cellular phones and unauthorized electronic devices may not be used to place orders for a member's account or to conduct customer business.

Questions regarding this Advisory Notice should be directed to the following individuals in Market Regulation:

Thomas LaSala, Managing Director and Chief Regulatory Officer 212.299.2897
Nancy Minett, Director, General Investigations 212.299.2940