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February 13, 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: Rule Certification. New York Mercantile Exchange, Inc. Submission # 09.25: Notification Regarding the Amendment to NYMEX Rule 11G.588.J. ("Schedule of Administrative Fees")

Dear Mr. Stawick:

The New York Mercantile Exchange, Inc. ("NYMEX" or "Exchange") hereby notifies the Commodity Futures Trading Commission ("CFTC" or "Commission") that it is self-certifying an amendment to NYMEX Rule 11G.588.J. to eliminate the graduated fee schedule for parties responsible for trade busts and adjustments and to incorporate a flat fee. Pursuant to the rule amendment, a party will be charged a flat \$500 fee for each occurrence where such party is responsible for entering a trade into Globex that results in a trade bust or adjustment. The amendment conforms to recent changes to CME and CBOT Rule 588.J.

The text of the rule amendment begins on the next page, with additions underscored and deletions overstruck.

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. These changes will be made effective on February 18, 2009.

Should you have any questions concerning this matter, please contact me at (202) 638-3838.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Regan".

Brian Regan
Managing Director
Regulatory Counsel

Attachment

11G.588. TRADE CANCELLATIONS AND PRICE ADJUSTMENTS

[Sections A. – I. are unchanged.]

11G.588.J. Schedule of Administrative Fees

When GCC busts a trade, the party responsible for entering the order into the electronic trading system that gave rise to the trade bust/adjustment shall pay an administrative fee to the Exchange in the amount of \$500 for each such occurrence~~accordance with the following schedule. The fee is \$250 for each of the first five occasions in a calendar year where a party's order entry results in a trade bust, \$500 for each of the next three occasions within the same calendar year where a party's order entry results in a trade bust, and \$1,000 for each subsequent occasion within the same calendar year where a party's order entry results in a trade bust.~~ If a non-member customer responsible for entering an order that results in a trade bust fails to pay the fee in accordance with this section, the clearing member carrying the customer's account shall be responsible for payment of the fee.

[The remainder of the rule is unchanged.]