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February 26, 2009

**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: Rule Certification. New York Mercantile Exchange, Inc. Submission #09.29:  
Notification of Amendments to NYMEX Rule 6.60, Floor Offenses, and  
COMEX Rule 104.09, Decorum on Floor**

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 6.60, Floor Offenses, and COMEX Rule 104.09, Decorum on Floor. The amendments codify the cell phone policy for the Exchange's trading floors as articulated in NYMEX and COMEX Market Regulation Advisory Notice No. RA0902-4 dated February 3, 2009 regarding "Policy on Use of Cell Phones on the Trading Floors" (copy attached). Advisory Notice No. RA0902-4 was certified to the Commission under submission #09-15 on February 3, 2009 and is attached for your convenience.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that these amendments comply with the Act, including regulations under the Act. These changes will become effective March 2, 2009.

Should you have any questions concerning the above, 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

Attachments

**NOTIFICATION OF AMENDMENTS TO NYMEX RULE 6.60  
AND COMEX RULE 104.09**

(Bold/Underline indicates addition; Strikethrough indicates deletion)

**NYMEX Rule 6.60, Floor Offenses**

- (A) Betting or offering to bet on the Floor or in any part of the Exchange premises or handling offers of others to bet is prohibited.
- (B) Smoking on the Floor or in any part of the Exchange premises is prohibited.
- (C) The possession or use of any illegal drug, or other controlled substance on the Floor or in any part of the Exchange premises is prohibited. The use of alcohol on the Floor is prohibited.
- (D) If a Member damages or destroys property of the Exchange, it shall be repaired or replaced under the direction of the Floor Committee and the expense thereof charged to such Member.
- (E) No Member nor any other person within jurisdiction of the Exchange shall engage in any conduct subversive of good order or decorum or which interferes with the personal comfort or safety of others or shall violate any Rules, Regulations or Resolutions adopted by the Board which relate to the conduct or attire of those on the premises of the Exchange.
- (F) No Member shall make misleading, ambiguous or frivolous bids or offers or shall engage in any other practices relating to bids or offers which are disruptive of or inconsistent with orderly trading practices.
- (G) Acts committed on the Floor or in any part of the Exchange premises which constitute the striking, shoving, kicking, or otherwise subjecting another person to physical abuse, or attempts or threats to do the same are prohibited.
- (H) Cellular phones shall not be used from any location on the Exchange floor to conduct customer business. Cellular phones may be used for personal, non-business calls provided that they are not used in any trading ring, in any areas surrounding any trading ring or in any booth adjacent to a trading ring on the trading floor. Prohibited use of a cellular phone shall be deemed an offense and may lead to confiscation of the cellular phone.**

**COMEX Rule 104.09, Decorum on Floor**

When on the floor, all members and employees of members and member firms:

- (a) shall conduct themselves in such a way as not to interfere with the business of the Exchange or with orderly trading practices;

(b) shall not engage in conduct which tends to confuse, distract, abuse or intimidate any employee or duly authorized agent of a member or member firm or employee of the Exchange; and

(c) shall conform to all standards of conduct and for apparel which may be prescribed from time to time by the Exchange; and

**(d) Shall not use cellular phones from any location on the Exchange floor to conduct customer business, provided however that cellular phones may be used for personal, non-business calls provided that they are not used in any trading ring, in any areas surrounding any trading ring or in any booth adjacent to a trading ring on the trading floor. Prohibited use of a cellular phone shall be deemed an offense and may lead to confiscation of the cellular phone.**

## RESOLUTIONS

.10 Standards of Conduct. While on the trading floor, all members and duly authorized agents of members and member firms (a) shall maintain neatness in appearance and dress; (b) shall not smoke or eat; (c) shall not wager or offer to wager or present or accept offers of others to wager; (d) shall not use undue force while in, entering or leaving ring; (e) shall keep all areas free of personal belongings not in use on the trading floor; and (f) shall not use profane, threatening, or unbusinesslike language.

.20 Maintenance of Booths on Trading Floor. Members and member firms occupying booths on the trading floor of the Exchange (a) shall maintain at their booths fixed seats which can be placed under the counter when not in use and shall not allow the use of movable stools by any person other than a wire operator; (b) shall not permit any person manning a telephone or arbitrage line to enter delineated perimeters surrounding the trading rings and shall cause all telephone cords which extend beyond their immediate booth areas to be run through rings placed on top of booth rows; and (c) shall keep the area in and around their booths free of debris and objects which might constitute obstacles along an aisle of the trading floor.

**Notice 58/RA0902-4**  
**February 3, 2009**

## **MARKET REGULATION ADVISORY NOTICE**

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

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