



March 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, DC 20581

**RE: Rule Certification. New York Mercantile Exchange, Inc.
Submission #09.49: Notification Regarding the Deletion of
NYMEX Rule 851 ("Required Use of ATOM by Clearing
Members and Floor Brokers")**

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 the deletion of Rule 851 ("Required Use of ATOM by Clearing Members and Floor Brokers") from the NYMEX Rulebook. Effective with the March 2009 billing cycle, NYMEX and COMEX will convert to the Brokerage Payment System (BPS) as the system used for the payment of brokerage. BPS facilitates brokerage billing and payment via automated debits and credits and members and member firms are required to use BPS for this purpose. As a result of the conversion, former NYMEX Rule 851 mandating the use of the ATOM system for the payment of brokerage is no longer correct.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange certifies that the Rule amendment complies with the Act, including regulations under the Act. The change will become effective on Monday, March 30, 2009.

Should you have any questions concerning the above, please contact Brian Regan at 212.299.2207, 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

Attachment

NYMEX Rule 851

(bold/underline indicates additions; strikethrough indicates deletions)

851. REQUIRED USE OF ATOM BY CLEARING MEMBERS AND FLOOR BROKERSRESERVED

~~(A) Each Clearing Member of the Exchange and floor broker must enter into an agreement (the "ATOM Agreement") to participate in the ATOM¹ system. The ATOM Agreement shall be in the form specified by the Exchange and shall be filed with the Exchange.~~

~~(B) Each Clearing Member shall enter and maintain all applicable floor brokerage rates into the ATOM system, at rates agreed to between the Clearing Member and the applicable floor broker. A Clearing Member must provide thirty (30) days prior written notice to the floor broker before any modification to a floor brokerage rate entered in the ATOM system shall become effective.~~

~~(C) Each Clearing Member and floor broker shall agree on customer identification codes and each floor broker shall enter these codes when entering clearing data for such trades for these customers.~~

~~1 "ATOM" is a trademark of the Board of Trade Clearing Corporation and has been licensed for use by NYMEX.~~