New York
Mercantile Exchange

December 29, 2003

VIA FACSIMILE AND E-MAIL
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
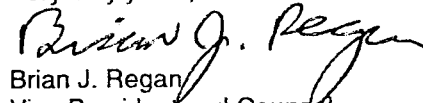Washington, D.C. 20581

Re: **Rule Certification. New York Mercantile Exchange, Inc. Submission #03.174:
Amendments Concerning NYMEX's Trading at Settlement ("TAS")
Programs in the Unleaded Gasoline and Heating Oil Futures Contracts**

Dear CFTC Commissioners:

The New York Mercantile Exchange, Inc. ("Exchange") is notifying the Commodity Futures Trading Commission ("Commission") that it is amending NYMEX Rule 6.40B to extend the TAS programs in the Exchange's unleaded gasoline and heating oil futures contracts through June 30, 2004. All other aspects of the TAS programs for these and other contracts will remain the same. Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the amendments comply with the Act, including regulations under the Act, and this rule change will be implemented, December 31, 2003.

Should you have any questions concerning the above, please contact the undersigned at (212) 299-2207.

Very truly yours,

Brian J. Regan
Vice President and Counsel

NOTIFICATION OF AMENDMENTS TO NYMEX RULE 6.40B

(Underlining indicates additions; strike-outs indicate deletions.)

Rule 6.40B. TRADING AT SETTLEMENT (PILOT PROGRAM)

(A) Trading at Settlement Procedure. A floor member may enter into a transaction at the settlement price through open outcry with another floor member in any futures contract and delivery month specified in Section (C) of this rule. Any such trade (collectively referred to as a trading at settlement or "TAS") shall be made by open outcry no later than 2:30 p.m. (except in Heating Oil and Unleaded Gasoline where such trades shall be made by open outcry no later than one hour prior to the end of the Regular Trading Hours session for that trading day) or such other time as designated by the Board on that same trading day in the trading ring designated for trading in the particular contract.

(B) Prohibition on TAS Cross Trades. A Floor Member who has in hand buy and sell TAS orders of different principals for the same eligible commodity for future delivery in the same eligible delivery month shall not execute such orders directly between such principals.

(C) Reporting and Recordation. All TAS transactions shall be identified as such on the executing member's trading records prepared in accordance with Rule 6.10 ("Reporting of Trades Executed on the Trading Floor").

(D) Transactions Eligible for Board Approval For Trading at Settlement Procedures.

The Board may, by resolution, authorize the execution of transactions in any or all of the futures contracts and delivery months specified below pursuant to the TAS order procedures set forth in this Rule 6.40B.

<u>Futures</u>
<u>Contract Delivery Month</u>

Light Sweet Crude Oil Spot Month (except on the last trading day)
Brent Crude Oil Spot Month (except on the last trading day)
And also Second Nearby Month (e.g., calendar month following the Spot Month but only on the last 5 trading days of the Spot Month)
Heating Oil Spot Month (except on the last trading day)
Natural Gas Spot Month (except on the last trading day)
Unleaded Gasoline Spot Month (except on the last trading day)

(E) This pilot program shall expire on the following dates:

<u>Futures</u>
<u>Contract Expiration Date</u>

Light Sweet Crude Oil	Extended until further notice
Brent Crude Oil	Extended until further notice
Heating Oil	~~December 31, 2003~~ <u>June 30, 2004</u>
Natural Gas	Extended until further notice
Unleaded Gasoline	~~December 31, 2003~~ <u>June 30, 2004</u>