

March 26, 2004

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**Via E-Mail and US Mail**

Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, N.W.  
Washington, D.C. 20581

**Re: Rule Certification. NYMEX Submission 04.41 - Notification  
of Amendments to NYMEX Division Rule 9.26**

Dear Ms. Jean Webb:

The New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") hereby notifies the Commodity Futures Trading Commission ("CFTC") of amendments to NYMEX Division Rule 9.26, All Month/Any One Month Position Accountability.

The Exchange certified amendments to NYMEX Rules 9.26, 9.27 and 9.34 on March 19, 2004. However, the accountability levels for the NY Harbor Gasoline Calendar Swap and NY Harbor Heating Oil Calendar Swap contained in Rule 9.26(D)(IV) were inadvertently listed as 10,000 contracts. The levels for these two contracts are being deleted from the Rule. The actual levels are contained in the notes following the contract name.

These amendments became effective on March 22, 2004. Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the new amendments comply with the Act, including regulations under the Act.

Should you have any questions concerning the above, please contact the undersigned at 212-299-2940.

Very truly yours,

Nancy M. Minett  
Vice President  
Compliance Department

**Attachments**

cc: Thomas LaSala  
Brian Regan

**Amendments to NYMEX Rule 9.26**

[Strikethroughs indicate deletions, underlining indicates additions.]

**9.26 All Month/Any One Month Position Accountability**

(A) through (D), I. through III. and V. remain the same.

**IV. Futures Contracts Listed for Trading Only on NYMEX ClearPort<sup>sm</sup> Trading and also Listed for Clearing of Off-Exchange Transactions Through NYMEX ClearPort<sup>sm</sup> Clearing****Net Futures or Futures-Equivalent Position Accountability Levels****Cash-Settled Crude Oil and Crude Products**

## WTI Calendar

Note: For purposes of this rule, positions in this contract are aggregated with positions in the Light Sweet Crude Oil contract as indicated in Subsection I. above.

Dubai Crude Oil Calendar Swap	10,000 contracts
U.S. Gulf Coast Unl 87 Crack Spread Calendar	10,000 contracts
U.S. Gulf Coast No. 2 Crack Spread Calendar	10,000 contracts
Unl 87 Up-Down Spread Calendar Swap	10,000 contracts
No. 2 Up-Down Spread Calendar Swap	10,000 contracts
WTI-Bow River Swap	10,000 contracts
New York Harbor Gasoline Calendar Swap	<del>40,000 contracts</del>

Note: For purposes of this rule, positions in this contract are aggregated with positions in the New York Harbor Unleaded Gasoline futures as indicated in Subsection I. above.

New York Harbor Heating Oil Calendar Swap	<del>40,000 contracts</del>
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Note: For purposes of this rule, positions in this contract are aggregated with positions in the New York Harbor Heating Oil futures contract as indicated in Subsection I. above.

New York Harbor Unleaded Gasoline vs. New York Harbor Heating Oil Swap	10,000 contracts
New York Harbor Conv. Gasoline vs. New York Harbor Unleaded Gasoline Spread Swap	10,000 contracts
New York Harbor LS Diesel vs. New York Harbor No. 2 Heating Oil Spread Swap	10,000 contracts
Gulf Coast Gasoline vs. Gulf Coast Heating Oil Spread Swap	10,000 contracts
Gulf Coast Jet vs. New York Harbor No. 2 Heating Oil Spread Swap	10,000 contracts
Los Angeles Jet Fuel vs. New York Harbor No. 2 Heating Oil Spread Swap	10,000 contracts
Los Angeles Carb Gasoline Swap	10,000 contracts

Los Angeles Carb Gasoline vs. New York Harbor Gasoline Swap	10,000 contracts
Gulf Coast No. 6 Fuel 3.0% Sulfur Swap	10,000 contracts
Gulf Coast No. 6 Fuel Oil Crack Swap	10,000 contracts
New York Harbor Residual Fuel 1.0% Sulfur Swap	10,000 contracts
New York Harbor Residual Fuel Crack Swap	10,000 contracts