

September 29, 2004

**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 04.125 –Notification of Amendments to NYMEX Division Rules 9.26, 9.27 and 9.34.**

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 Rules 9.26, All Month/Any One Month Position Accountability; 9.27, Expiration and Current Delivery Month Position Limits; and 9.34, Reportable Levels.

Effective October 3, 2004 (for trade date Monday, October 4, 2004), these amendments include the addition of position limits, accountability levels and reportable levels for the new Gulf Coast Calendar Swap and European Calendar Swap contracts. Pursuant to Section 5c(e) 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 Rules 9.26, 9.27 and 9.34**  
(Strikethroughs indicate deletions; underlining indicates additions.)

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

Sections (A) through (D) III 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**

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**

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.

NYH Unleaded Crack Calendar Swap	10,000 contracts
NYH No. 2 Crack Calendar Swap	10,000 contracts
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

<u>Gulf Coast Gasoline Calendar Swap</u>	<u>10,000 contracts</u>
<u>Gulf Coast Heating Oil Calendar Swap</u>	<u>10,000 contracts</u>
<u>Gulf Coast Jet Fuel Calendar Swap</u>	<u>10,000 contracts</u>

European Naphtha Calendar Swap	1,500 contracts
European Jet Kero NWE Calendar Swap (Northwest Europe)	1,500 contracts
European Jet Kero Rotterdam Calendar Swap	1,500 contracts
European Gasoil 0.2 Rotterdam Calendar Swap	1,500 contracts
European Gasoil 0.2 NWE Calendar Swap (Northwest Europe)	1,500 contracts
European Gasoil 0.2 MED Calendar Swap (Mediterranean)	1,500 contracts
European ULSD (Diesel) Rotterdam Calendar Swap	1,500 contracts
European ULSD NWE Calendar Swap (Northwest Europe)	1,500 contracts
European 1% Fuel Oil Calendar Swap (Northwest Europe)	1,500 contracts
European 1% Fuel Oil Rotterdam Calendar Swap	1,500 contracts
European 3.5% Fuel Oil Rotterdam Calendar Swap	1,500 contracts
European 3.5% Fuel Oil MED Calendar Swap (Mediterranean)	1,500 contracts
European Singapore Fuel Oil 180cst Calendar Swap	1,500 contracts

The remainder of the rule is unchanged.

## 9.27 Expiration and Current Delivery Month Position Limits or Position Accountability

Sections (A) through (B) iii. remain the same.

### IV. Futures Contracts Listed for Trading Only on NYMEX ClearPort<sup>sm</sup> Trading and Listed for Clearing of Off-Exchange Transactions Through NYMEX ClearPort<sup>sm</sup> Clearing

#### Cash-Settled Contracts

#### Net Futures or Futures-Equivalent Expiration Position Limits

#### Cash-Settled Crude Oil and Crude Oil Products

##### WTI Calendar

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

WTI - Bow River Swap

1,000 contracts

New York Harbor Gasoline Calendar Swap

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

New York Harbor Heating Oil Calendar Swap

Note: For purposes of this rule, positions in this contract are aggregated with positions in the New York Harbor Heating Oil futures contract.

NYH Unleaded Crack Calendar Swap

2,000 contracts

NYH No. 2 Crack Calendar Swap

2,000 contracts

New York Harbor Unleaded Gasoline vs. New York Harbor Heating Oil Swap

1,000 contracts

New York Harbor Conv. Gasoline vs. New York Harbor Unleaded Gasoline Spread Swap

1,000 contracts

New York Harbor LS Diesel vs. New York Harbor No. 2 Heating Oil Spread Swap

1,000 contracts

Gulf Coast Gasoline vs. Gulf Coast Heating Oil Spread Swap

1,000 contracts

Gulf Coast Jet vs. New York Harbor No. 2 Heating Oil Spread Swap

1,000 contracts

Los Angeles Jet Fuel vs. New York Harbor No. 2 Heating Oil Spread Swap

1,000 contracts

Los Angeles Carb Gasoline Swap

1,000 contracts

Los Angeles Carb Gasoline vs. New York Harbor

Gasoline Swap

1,000 contracts

Gulf Coast No. 6 Fuel 3.0% Sulfur Swap

1,000 contracts

Gulf Coast No. 6 Fuel Oil Crack Swap

1,000 contracts

Gulf Coast Gasoline Calendar Swap

1,000 contracts

Gulf Coast Heating Oil Calendar Swap

1,000 contracts

Gulf Coast Jet Fuel Calendar Swap

1,000 contracts

New York Harbor Residual Fuel 1.0% Sulfur Swap

1,000 contracts

New York Harbor Residual Fuel Crack Swap

1,000 contracts

Dubai Crude Oil Calendar Swap

250 contracts

U.S. Gulf Coast Unl 87 Crack Spread Calendar

250 contracts

U.S. Gulf Coast No. 2 Crack Spread Calendar

250 contracts

Unl 87 Up-Down Spread Calendar Swap

250 contracts

No.2 Up-Down Spread Calendar Swap

250 contracts

European Naphtha Calendar Swap

150 contracts

European Jet Kero NWE Calendar Swap (Northwest Europe)

150 contracts

European Jet Kero Rotterdam Calendar Swap

150 contracts

European Gasoil 0.2 Rotterdam Calendar Swap	150 contracts
European Gasoil 0.2 NWE Calendar Swap (Northwest Europe)	150 contracts
European Gasoil 0.2 MED Calendar Swap (Mediterranean)	150 contracts
European ULSD (Diesel) Rotterdam Calendar Swap	150 contracts
European ULSD NWE Calendar Swap (Northwest Europe)	150 contracts
European 1% Fuel Oil Calendar Swap (Northwest Europe)	150 contracts
European 1% Fuel Oil Rotterdam Calendar Swap	150 contracts
European 3.5% Fuel Oil Rotterdam Calendar Swap	150 contracts
European 3.5% Fuel Oil MED Calendar Swap (Mediterranean)	150 contracts
European Singapore Fuel Oil 180cst Calendar Swap	150 contracts

The remainder of the rule is unchanged.

### 9.34 Reporting Levels

Section (A), Commodity, remain unchanged.

(A) The quantities fixed for the purposes of filing a report under Rule 9.33 are:

#### **Futures Contracts listed for Trading Only on NYMEX ClearPort(sm) Trading and also Listed for Clearing of Off-Exchange Transactions Through NYMEX ClearPort(sm) Clearing**

Henry Hub Swap	175 contracts
WTI Calendar Swap	350 contracts
Louisiana Light Sweet Crude Oil	350 contracts
West Texas Sour Crude Oil	25 contracts
West Texas Intermediate Midland Crude Oil	350 contracts
Mars Blend Crude Oil	25 contracts
WTI - Bow River Swap	25 contracts
New York Harbor Gasoline Calendar Swap	150 contracts
New York Harbor Heating Oil Calendar Swap	250 contracts
New York Harbor Unleaded Gasoline vs. New York Harbor Heating Oil Swap	25 contracts
New York Harbor Conv. Gasoline vs. New York Harbor Unleaded Gasoline Spread Swap	150 contracts
New York Harbor LS Diesel vs. New York Harbor No. 2 Heating Oil Spread Swap	25 contracts
Gulf Coast Gasoline vs. Gulf Coast Heat Oil Spread Swap	25 contracts
Gulf Coast Jet vs. New York Harbor No. 2 Heating Oil Spread Swap	25 contracts
Los Angeles Jet Fuel vs. New York Harbor No. 2 Heating Oil Spread Swap	25 contracts
Los Angeles Carb Gasoline Swap	150 contracts
Los Angeles Carb Gasoline vs. New York Harbor Gasoline Swap	150 contracts
Gulf Coast No. 6 Fuel 3.0% Sulfur Swap	25 contracts
Gulf Coast No. 6 Fuel Oil Crack Swap	25 contracts
Gulf Coast Gasoline Calendar Swap	25 contracts
Gulf Coast Heating Oil Calendar Swap	25 contracts
Gulf Coast Jet Fuel Calendar Swap	25 contracts
New York Harbor Residual Fuel 1.0% Sulfur Swap	25 contracts
New York Harbor Residual Fuel Crack Swap	25 contracts
European Naphtha Calendar Swap	25 contracts
European Jet Kero NWE Calendar Swap (Northwest Europe)	25 contracts
European Jet Kero Rotterdam Calendar Swap	25 contracts
European Gasoil 0.2 Rotterdam Calendar Swap	25 contracts
European Gasoil 0.2 NWE Calendar Swap (Northwest Europe)	25 contracts
European Gasoil 0.2 MED Calendar Swap (Mediterranean)	25 contracts
European ULSD (Diesel) Rotterdam Calendar Swap	25 contracts
European ULSD NWE Calendar Swap (Northwest Europe)	25 contracts
European 1% Fuel Oil Calendar Swap (Northwest Europe)	25 contracts
European 1% Fuel Oil Rotterdam Calendar Swap	25 contracts
European 3.5% Fuel Oil Rotterdam Calendar Swap	25 contracts
European 3.5% Fuel Oil MED Calendar Swap (Mediterranean)	25 contracts
European Singapore Fuel Oil 180cst Calendar Swap	25 contracts
NYISO Zone A LBMP Swap	25 contracts
NYISO Zone G LBMP Swap	25 contracts
NYISO Zone J LBMP Swap	25 contracts
DOW JONES Mid-Columbia Electricity Price Index Swap	25 contracts
DOW JONES NP15 Electricity Price Index Swap	25 contracts
DOW JONES Palo Verde Electricity Price Index Swap	25 contracts
DOW JONES SP15 Electricity Price Index Swap	25 contracts
MichCon Basis Swap (Platts IFERC)	175 contracts
Permian Basis Swap (Platts IFERC)	175 contracts
M-3 Basis Swap (Platts IFERC)	25 contracts
TCO Basis Swap (Platts IFERC)	175 contracts
Malin Basis Swap (NGI)	25 contracts
PG&E Citygate Basis Swap (NGI)	175 contracts

NGPL Texok Basis Swap (Platts IFERC)	175 contracts
NGPL LA Basis Swap (Platts IFERC)	175 contracts
ANR OK Basis Swap (Platts IFERC)	175 contracts
Panhandle Basis Swap (Platts IFERC)	175 contracts
NGPL Mid-Con Basis Swap (Platts IFERC)	175 contracts
Demarc Basis Swap (Platts IFERC)	175 contracts
Ventura Basis Swap (Platts IFERC)	175 contracts
Dominion Basis Swap (Platts IFERC)	25 contracts

Physical Delivery Contracts and Cash-Settled Contracts remain unchanged.