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**Via E-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 05.39 – Notification  
of Amendments to NYMEX Division Rules 9.26 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 Rules 9.26, All Month/Any One Month Position Accountability; and 9.34, Reporting Levels.

Effective March 6, 2005 for trade date March 7, 2005, these amendments include the addition of accountability and reportable levels for the NYMEX Dated Brent Calendar Swap Contract. 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

(Bold and underlined indicates additions; strikethroughs indicate deletions.)

**NYMEX Rule 9.26, All Month/Any One Month Position Accountability**

Sections (A) through (D) III. remain unchanged.

**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 Level**

**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.

NYMEX WTI-Brent Spread Calendar Swap

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.

NYMEX Brent Calendar Swap

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.

**Dated Brent Calendar Swap**

**5,000 contracts**

Dubai Crude Oil Calendar Swap

10,000 contracts

Remainder of the rule is unchanged.

**NYMEX Rule 9.34, Reporting Levels**

Section (A), Commodity remains unchanged.

(A)

**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**

Henry Hub Swap	175 contracts
Henry Hub Natural Gas Penultimate Swap	100 contracts
WTI Calendar Swap	350 contracts
NYMEX-WTI-Brent Spread Calendar Swap	350 contracts
NYMEX Brent Calendar Swap	350 contracts
<b><u>Dated Brent Calendar Swap</u></b>	<b><u>25 contracts</u></b>

Remainder of the Rule is unchanged.