



Christopher Bowen  
Managing Director and Chief Regulatory Counsel  
Legal Department

May 23, 2013

**VIA E-MAIL**

Ms. Melissa Jurgens  
Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581

**RE: Rule 40.6(a) Certification. Non-material Amendments to NYMEX Rule 143 (Gasoil Crack Spread (1,000mt) Financial Futures)  
NYMEX Submission 13-189**

Dear Ms. Jurgens:

The New York Mercantile Exchange, Inc. ("NYMEX" or "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that it is self-certifying a non-material change which corrects an erroneous reference within the floating price rule of the Gasoil Crack Spread (1,000mt) Financial Futures contract. Certain language in the rule relating to the conversion used to calculate one leg of the floating price [the ICE Gasoil leg] erroneously refers to Platts Fuel oil instead of ICE Gasoil.

The second change relates to the disclaimer in Rule 143.09 which should refer to NYMEX rather than Platts, a division of McGraw Hill.

The sections of the rules which are being adjusted are shown below and shall be amended effective Sunday, June 9, 2013 for trade date Monday, June 10, 2013. **(bold/underline)** indicates addition; ~~strikethrough~~ indicates deletion)

## **Chapter 143 Gasoil Crack Spread (1000mt) Financial Futures**

### **143.02. FLOATING PRICE**

The Floating Price for each contract month is equal to the arithmetic average of the ICE Gasoil Futures first nearby contract settlement price minus the ICE Brent Crude Oil Futures first nearby contract settlement price for each business day during the contract month (using Non-common pricing).

The settlement price of the first nearby Brent Crude Oil Futures contract month will be used except on the last day of trading for the expiring Brent Crude Oil Futures contract when the settlement price of the second nearby contract month will be used.

For purposes of determining the Floating Price, the **ICE Gasoil Settlement Price** ~~Platts Fuel Oil assessment price~~ will be converted each day to U.S. dollars and cents per barrel, rounded to the nearest cent. The conversion factor will be 7.45 barrels per metric ton.

### **143.09. DISCLAIMER**

~~Platts, a division of The McGraw-Hill Companies, Inc. ("Platts"), licenses the New York Mercantile Exchange, Inc. ("NYMEX") to use various Platts price assessments in connection with the trading or posting of the contracts.~~

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NYMEX business staff responsible for the rule amendment and the NYMEX legal department collectively reviewed the designated contract market core principles ("Core Principles") as set forth in the Commodity Exchange Act ("CEA"). During the review, NYMEX staff identified that the listing rule amendments may have some bearing on the following Core Principle:

- Availability of General Information: NYMEX will continue to comply with this Core Principle by publishing changes to the listing cycles on its website and distributing relevant information to customers

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Regulation 40.6(a), the Exchange hereby certifies that the listing rule amendment complies with the Act, including regulations thereunder. There were no substantive opposing views to this proposal.

The Exchange certifies that this submission has been concurrently posted on the Exchange's website at <http://www.cmegroup.com/market-regulation/rule-filings.html>.

Should you have any questions concerning the above, please contact the undersigned at (212) 299-2200 or [Christopher.bowen@cmegroup.com](mailto:Christopher.bowen@cmegroup.com). Please reference NYMEX Submission No. 13-189 in any related correspondence.

Sincerely,

/s/Christopher Bowen  
Managing Director, Chief Regulatory Counsel, Legal