



Sean M. Downey  
Director and Assistant General Counsel  
Legal Department

January 11, 2013

**VIA E-MAIL**

Ms. Sauntia Warfield  
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. Notification Regarding an Amendment to the Grade and Quality Specifications to the NY Harbor ULSD Heating Oil Futures Contract Effective for the May 2013 Contract Month and Beyond NYMEX Submission #13-011C**

Dear Ms. Warfield,

The New York Mercantile Exchange, Inc. ("NYMEX" or "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that it is self-certifying amendments to Rule 150101.B ("Grade and Quality Specifications") of the New York Harbor ULSD Heating Oil Futures (Appendix A, chapter 150, commodity code HO). These rule amendments shall become effective on Monday, January 28, 2013 and be applicable starting with deliveries against the May 2013 contract month and beyond.

This submission corrects NYMEX Submission No. 13-011 which was originally submitted earlier today on January 11, 2013. Please note that we are submitting 13-011C to accurately reflect the proposed changes originally submitted via Appendix A. Corrections to Appendix A are attached as Appendix B with additions underlined and deletions overstruck.

The Exchange is amending the HO grade and quality specifications under rule 150101.B to reflect Colonial Pipeline's Fungible Grade 62 for Ultra-low Sulfur Diesel (ULSD) containing no renewable fuel content, and will be applicable to deliveries against the May 2013 contract month and beyond. Grade and quality specifications for HO contract months listed through April 2013 remain unchanged.

The Exchange is amending the HO grade and quality specifications in response to changes in the specifications of the Colonial Pipeline's Grade 61 for Ultra Low Sulfur Diesel (ULSD). Previously, Colonial Pipeline's specifications for Grade 61 did not allow for inclusion of renewable fuel or biofuel in ULSD that was injected into the pipeline system in the Gulf Coast refining area. Therefore, the Grade 61 was a pure hydrocarbon fuel with no renewable fuel or biofuel content. In response to government mandates related to renewable fuel and biofuel, Colonial Pipeline has amended its specifications, so that ULSD with no renewable fuel or biofuel content has been designated as a new grade, Grade 62, and Grade 61 has been amended to include renewable fuel content. As a result of this specification change by Colonial Pipeline, and in consultation with the oil industry, the Exchange will amend the HO grade and quality specifications to Grade 62 to reflect ULSD with no renewable fuel content. The underlying cash market in New York Harbor continues to be based on ULSD with no renewable fuel content, as reflected in the Grade 62 specifications. Consequently, for existing open interest positions for contract months of May 2013 contract month and beyond, there will be no impact on contract value.

NYMEX business staff responsible for the rule amendments 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 rule amendments may have some bearing on the following Core Principles:

- Availability of General Information: Pursuant to the Exchange's obligations under this core principle, on the effective date of the rule amendments, the Exchange will publish the amended grade and quality specifications for its HO contract. The rule amendment and listing expansion was previously announced to the marketplace via Special Executive Report 6198, dated April 11, 2012.
- Daily Publication of Trading Information: NYMEX will continue to comply with this Core Principle by making public daily information on settlement prices, volume, open interest, and opening and closing ranges for the additional listing months for above-listed contracts.

Pursuant to Section 5c(c) of the CEA and CFTC Rule 40.6(a), the Exchange hereby certifies that the rule amendments comply with the CEA, including regulations under the CEA. 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 (312) 930-8167 or [Sean.Downey@cmegroup.com](mailto:Sean.Downey@cmegroup.com).

Sincerely,

/s/Sean M. Downey  
Director & Assistant General Counsel

Attachment: Appendix A (as reflected in NYMEX Submission No. 13-011)  
Appendix B (black-lined version of original Appendix A)

# Appendix A

(bold/underline indicates addition; strikethrough indicates deletion)

## Chapter 150 New York Harbor ULSD Heating Oil Futures

### 150101. CONTRACT SPECIFICATIONS

The term "ASTM" refers to the American Society for Testing Materials.

#### 150101.A. Grade and Quality Specifications through April 2013 Contract Month – No. 2 Heating Oil

The oil shall be a hydrocarbon oil free from alkali, mineral acid, grit, fibrous or other foreign matter and shall meet the following physical and chemical properties.

The term "API" refers to the American Petroleum Institute.

The term "DuPont" refers to Petroleum Chemical Division, E.I. DuPont de Nemours & Company (Inc.), Petroleum Laboratory Test Methods.

- (1) Gravity: A.P.I. 30°F minimum (A.S.T.M. Test Method D287)
- (2) Flash: 130°F minimum (A.S.T.M. Test Method D93)
- (3) Viscosity: Kinematic, Centistokes at 100°F, minimum 2.0, maximum 3.6 (A.S.T.M. Test Method D445)
- (4) Water and Sediment: .05% maximum (A.S.T.M. Test Method D1796 or D2709)
- (5) Pour Point: 0°F maximum for contract months September through March; 10°F maximum for contract months April through August, (A.S.T.M. Test Method D97)
- (6) Distillation: 10% Point, 480°F maximum; 90% Point, 640°F maximum, End Point 690°F maximum (A.S.T.M. Test Method D86)
- (7) Sulfur: 0.20% maximum (A.S.T.M. Test Method D129, D1552, D1266, D2622 or D4294)
- (8) Stability: (i) Thermal Stability: 90 minutes 300°F Pad rating 7 maximum (DuPont Test Method); or (ii) Oxidation Stability: mg/100ml., 2.5 maximum (A.S.T.M. Test Method D2274);
- (9) Haze Rating: 25°C (77°F), Procedure 2, 2 maximum (A.S.T.M. Test Method D4176);
- (10) Carbon Residue: Weight% on 10% Bottom, 0.35 maximum (A.S.T.M. Test Method D524 or D4530);
- (11) Ash: 0.01 wt. % maximum (A.S.T.M. Test Method D482);
- (12) Corrosion: 3 hours 50°C (122°F), 1 maximum (A.S.T.M. Test Method D130).
- (13) Cloud Point: 15°F maximum for contract months September through March; 20°F maximum for contract months April through August. (A.S.T.M. Test Method D2500)
- (14) Dye: All heating oil delivered against this contract, regardless of sulfur content, shall be dyed in satisfaction of the dyeing requirements as prescribed by the Internal Revenue Service (IRS) for tax-free sales or uses of diesel fuel (using the Petro Spec dye analyzer or the IRS Test Method), pursuant to Section 4082 of the Internal Revenue Code of 1986, as amended.

#### 150101.B. Grade and Quality Specification Effective with the May 2013 Contract Month and Beyond – Ultra Low Sulfur Diesel

The oil delivered shall be a pure hydrocarbon oil free from renewable fuel, biodiesel, alkali, mineral acid, grit, fibrous or other foreign matter, meeting the "Delivery" specifications of the Colonial Pipeline's Fungible Grade 62 61 for Ultra Low Sulfur Diesel, and being properly designated for sale in New York Harbor in accordance with U.S. Environmental Protection Agency (EPA) regulations. Delivery test results may vary by the smaller of ASTM reproducibility for a given test or any test tolerance as allowed for downstream parties by state or EPA regulations at the point of delivery.

# Appendix B

(bold/underline indicates addition; strikethrough indicates deletion)

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