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January 28, 2009

**VIA E-MAIL**

Mr. David Stawick  
Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581

OFFICE OF THE SECRETARIAT

**Re: Rule Certification. New York Mercantile Exchange, Inc. Submission #09.10:  
Notification of Amendments to NYMEX Rule 9A.27 to Decrease the  
Expiration Month Limit for the Annual NO<sub>x</sub> Emissions Allowance Futures  
Contracts**

Dear Mr. Stawick:

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 NYMEX Rule 9A.27, Expiration Month Limits, to decrease the current delivery month position limits for the Annual NO<sub>x</sub> Emission Allowance Futures Contracts.

Based on discussions with CFTC staff concerning the potential deliverable supply of NO<sub>x</sub> emissions allowances, NYMEX is decreasing the current delivery month position limits for the Annual NO<sub>x</sub> Emissions Allowance Futures Contracts, all vintage years, from the present level of 1,500 or 1,000 contracts, as applicable, to 375 contracts for all delivery months other than the final December delivery month of each vintage year which will be set at 250 contracts (i.e., the December 2009 contract for vintage year 2009; the December 2010 contract for vintage year 2010, etc.)

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the attached rule amendments comply with the Act, including regulations under the Act. These changes will be made effective on trade date January 30, 2009.

Should you have any questions concerning the above, please contact Anthony V. Densieski, Director, Market Surveillance, at (212) 299-2881, or the undersigned at (202) 638-3838.

Sincerely,



De'Ana H. Dow  
Managing Director  
Government Relations

**NOTIFICATION OF AMENDMENTS TO NYMEX RULE 9A.27**  
 (Bold/underline indicates additions; bold/strikethrough indicates deletions.)

<b>Contract Name</b>	<b>Rule Chapter</b>	<b>Commodity Code</b>	<b>All Month Accountability Level Rule 9A.26</b>	<b>Any One Month Accountability Level Rule 9A.26</b>	<b>Expiration Month Limit Rule 9A.27</b>	<b>Reporting Level Rule 9A.34</b>	<b>Aggregate Into (1)</b>
<b>Emissions</b>							
Annual NOX Emissions Allowance Vintage 2009 Futures Contract	864	WW	4,500	2,500	1,500 <u>375 (Jan-Nov 2009)</u> <del>250 (Dec 2009)</del>	25	WW
Annual NOX Emissions Allowance Vintage 2010 Futures Contract	865	YP	3,500	2,000	1,000 <u>375 (Jan-Nov 2010)</u> <del>250 (Dec 2010)</del>	25	YP
Annual NOX Emissions Allowance Vintage 2011 Futures Contract	866	YQ	3,500	2,000	1,000 <u>375 (Jan-Nov 2011)</u> <del>250 (Dec 2011)</del>	25	YQ
Annual NOX Emissions Allowance Vintage 2012 Futures Contract	867	YR	3,500	2,000	1,000 <u>375 (Jan-Nov 2012)</u> <del>250 (Dec 2012)</del>	25	YR