



A CME/Chicago Board of Trade/NYMEX Company

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OFFICE OF THE SECRETARIAT

June 30, 2009

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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

Re: Rule Certification. Submission 09.128: Notification of Rule Amendments to the Three Minute-Marker Futures Contracts and Three Calendar Month Swap Futures Contracts for Crude Oil, RBOB Gasoline and Heating Oil Listed on CME ClearPort Clearing and Trading Systems and on the NYMEX Trading Floor

Dear Mr. Stawick:

The New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that it is self-certifying amendments to Floating Price Rules for the contracts listed below. These amendments revise the contract language for the Floating Price for the three Minute-Marker Futures contracts and the three Calendar Month Swap Futures contracts for crude oil, RBOB gasoline, and heating oil. This change will take effect beginning with the August 2009 contract month.

<u>Contract</u>	<u>Code</u>	<u>Rule Chapter</u>
NYMEX Crude Oil Minute-Marker Futures	6C	231
NYMEX Crude Oil Minute-Marker Calendar Month Swap Futures	4T	232
NYMEX RBOB Gasoline Minute-Marker Futures	6R	235
NYMEX RBOB Gasoline Minute-Marker Calendar Month Swap Futures	5T	236
NYMEX Heating Oil Minute-Marker Futures	6H	239
NYMEX Heating Oil Minute-Marker Calendar Month Swap Futures	7T	240

The amendments clarify the determination of the Floating Price such that the minute-marker contracts and calendar month contracts will have set procedures for settlement calculations on business days immediately preceding Exchange holidays for the NYMEX Light Sweet Crude Oil, RBOB Gasoline, and Heating Oil futures contracts. This amended language is being utilized for clarification purposes.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the attached amendments comply with the Act, including regulations under the Act. These amendments will become effective on July 2, 2009.

Should you have any questions concerning the above, please contact Daniel Brusstar at (212) 299-2604 or the undersigned at (312) 648-5422.

Sincerely,

/s/Brian Regan
Managing Director, Regulatory Counsel

Attachment: Rule amendments

NYMEX Crude Oil Minute-Marker Futures

231.01 Scope

The provisions of these rules shall apply to all contracts bought or sold on the Exchange for cash settlement based on the ~~Floating~~ **Daily Settlement** Price.

231.02 ~~Floating~~ Daily Settlement Price

The ~~Floating~~ **Daily Settlement** Price for each contract is equal to the daily 3:15 p.m. (New York time) minute-marker price of the NYMEX Light Sweet Crude Oil Futures contract, as determined by the Exchange, **except as follows: for business days immediately preceding Exchange holidays during which the Exchange determines that physical market trading will subside prior to the scheduled close of futures trading, the Exchange will announce in advance of that business day the Daily Settlement Price procedures for that business day.**

231.03 Contract Quantity and Value

The contract quantity shall be 1,000 U.S. barrels. Each contract shall be valued as the contract quantity (1,000) multiplied by the settlement price.

231.04 Contract Months

Trading shall be conducted in contracts in such months as shall be determined by the Exchange.

231.05 Prices and Fluctuations

Prices shall be quoted in U.S. dollars and cents per barrel. The minimum price fluctuation shall be \$0.01 per barrel. There shall be no maximum price fluctuation.

231.06 Termination of Trading

Trading shall cease one business day prior to the termination date of the NYMEX Light Sweet Crude Oil Futures contract for the delivery month.

231.07 Final Settlement

Delivery under the contract shall be by cash settlement. The final settlement price will be the front month settlement price of the NYMEX Light Sweet Crude Oil Contract on the penultimate (second-to-last) trading day.

231.08 Exchange of Futures for, or in Connection with, Product and Exchange of Futures for, or in Connection with, Swap Transactions

Any exchange of futures for, or in connection with, product (EFP) or exchange of futures for, or in connection with, swap (EFS) transactions shall be governed by the provisions of Rules 6.21 and 6.21A, respectively.

231.09 Disclaimer

NEITHER NEW YORK MERCANTILE EXCHANGE, INC. ("NYMEX") NOR ITS AFFILIATES GUARANTEES THE ACCURACY AND/OR COMPLETENESS OF THE ASSESSMENT OR ANY OF THE DATA INCLUDED THEREIN.

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NYMEX Crude Oil Minute-Marker Calendar Month Swap Futures

232.01 Scope

The provisions of these rules shall apply to all contracts bought or sold on the Exchange for cash settlement based on the Floating Price.

232.02 Floating Price

The Floating Price for each contract month is equal to the arithmetic average of the daily 3:15 p.m. (New York time) minute-marker prices of the NYMEX Light Sweet Crude Oil Futures front month contract for each business day that it is determined during the contract month, **except for business days immediately preceding Exchange holidays; then, the Floating Price shall equal the arithmetic average of the daily minute marker prices determined pursuant to Rule 231.02.**

232.03 Contract Quantity and Value

The contract quantity shall be 1,000 U.S. barrels. Each contract shall be valued as the contract quantity (1,000) multiplied by the settlement price.

232.04 Contract Months

Trading shall be conducted in contracts in such months as shall be determined by the Exchange.

232.05 Prices and Fluctuations

Prices shall be quoted in U.S. dollars and cents per barrel. The minimum price fluctuation shall be \$0.01 per barrel. There shall be no maximum price fluctuation.

232.06 Termination of Trading

Trading shall cease on the last business day of the contract month.

232.07 Final Settlement

Delivery under the contract shall be by cash settlement. Final settlement, following termination of trading for a contract month, will be based on the Floating Price. The final settlement price will be the Floating Price calculated for each contract month.

232.08 Exchange of Futures for, or in Connection with, Product and Exchange of Futures for, or in Connection with, Swap Transactions

Any exchange of futures for, or in connection with, product (EFP) or exchange of futures for, or in connection with, swap (EFS) transactions shall be governed by the provisions of Rules 6.21 and 6.21A, respectively.

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NYMEX RBOB Gasoline Minute-Marker Futures

235.01 Scope

The provisions of these rules shall apply to all contracts bought or sold on the Exchange for cash settlement based on the ~~Floating~~ **Daily Settlement** Price.

235.02 Floating-Daily Settlement Price

The ~~Floating~~ **Daily Settlement** Price for each contract is equal to the daily 3:15 p.m. (New York time) minute-marker price of the NYMEX New York Harbor RBOB Gasoline Futures contract, as determined by the Exchange, **except as follows: for business days immediately preceding Exchange holidays during which the Exchange determines that physical market trading will subside prior to the scheduled close of futures trading, the Exchange will announce in advance of that business day the Daily Settlement Price procedures for that business day.**

235.03 Contract Quantity and Value

The contract quantity shall be 42,000 gallons. Each contract shall be valued as the contract quantity (42,000) multiplied by the settlement price.

235.04 Contract Months

Trading shall be conducted in contracts in such months as shall be determined by the Exchange.

235.05 Prices and Fluctuations

Prices shall be quoted in U.S. dollars and cents per gallon. The minimum price fluctuation shall be \$0.0001 per gallon. There shall be no maximum price fluctuation.

235.06 Termination of Trading

Trading shall cease one business day prior to the termination date of the NYMEX New York Harbor RBOB Gasoline Futures contract for the delivery month, i.e., the second-to-last business day of the month preceding the delivery month.

235.07 Final Settlement

Delivery under the contract shall be by cash settlement. The final settlement price will be the front month settlement price of the NYMEX New York Harbor RBOB Gasoline Futures Contract on the penultimate (second-to-last) trading day.

235.08 Exchange of Futures for, or in Connection with, Product and Exchange of Futures for, or in Connection with, Swap Transactions

Any exchange of futures for, or in connection with, product (EFP) or exchange of futures for, or in connection with, swap (EFS) transactions shall be governed by the provisions of Rules 6.21 and 6.21A, respectively.

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NYMEX RBOB Gasoline Minute-Marker Calendar Month Swap Futures

236.01 Scope

The provisions of these rules shall apply to all contracts bought or sold on the Exchange for cash settlement based on the Floating Price.

236.02 Floating Price

The Floating Price for each contract month is equal to the arithmetic average of the daily 3:15 p.m. (New York time) minute-marker prices of the NYMEX New York Harbor RBOB Gasoline Futures front month contract for each business day that it is determined during the contract month, except for business days immediately preceding Exchange holidays; then, the Floating Price shall equal the arithmetic average of the daily minute marker prices determined pursuant to Rule 235.02.

236.03 Contract Quantity and Value

The contract quantity shall be 42,000 gallons. Each contract shall be valued as the contract quantity (42,000) multiplied by the settlement price.

236.04 Contract Months

Trading shall be conducted in contracts in such months as shall be determined by the Exchange.

236.05 Prices and Fluctuations

Prices shall be quoted in U.S. dollars and cents per gallon. The minimum price fluctuation shall be \$0.0001 per gallon. There shall be no maximum price fluctuation.

236.06 Termination of Trading

Trading shall cease on the last business day of the contract month.

236.07 Final Settlement

Delivery under the contract shall be by cash settlement. Final settlement, following termination of trading for a contract month, will be based on the Floating Price. The final settlement price will be the Floating Price calculated for each contract month.

236.08 Exchange of Futures for, or in Connection with, Product and Exchange of Futures for, or in Connection with, Swap Transactions

Any exchange of futures for, or in connection with, product (EFP) or exchange of futures for, or in connection with, swap (EFS) transactions shall be governed by the provisions of Rules 6.21 and 6.21A, respectively.

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NYMEX Heating Oil Minute-Marker Futures

239.01 Scope

The provisions of these rules shall apply to all contracts bought or sold on the Exchange for cash settlement based on the ~~Floating~~ **Daily Settlement** Price.

239.02 ~~Floating~~ Daily Settlement Price

The ~~Floating~~ **Daily Settlement** Price for each contract is equal to the daily 3:15 p.m. (New York time) minute-marker price of the NYMEX New York Harbor Heating Oil Futures contract, as determined by the Exchange, **except as follows: for business days immediately preceding Exchange holidays during which the Exchange determines that physical market trading will subside prior to the scheduled close of futures trading, the Exchange will announce in advance of that business day the Daily Settlement Price procedures for that business day.**

239.03 Contract Quantity and Value

The contract quantity shall be 42,000 gallons. Each contract shall be valued as the contract quantity (42,000) multiplied by the settlement price.

239.04 Contract Months

Trading shall be conducted in contracts in such months as shall be determined by the Exchange.

239.05 Prices and Fluctuations

Prices shall be quoted in U.S. dollars and cents per gallon. The minimum price fluctuation shall be \$0.0001 per gallon. There shall be no maximum price fluctuation.

239.06 Termination of Trading

Trading shall cease one business day prior to the termination date of the NYMEX New York Harbor Heating Oil Futures contract for the delivery month, i.e., the second-to-last business day of the month preceding the delivery month.

239.07 Final Settlement

Delivery under the contract shall be by cash settlement. The final settlement price will be the front month settlement price of the NYMEX New York Harbor Heating Oil Contract on the penultimate (second-to-last) trading day.

239.08 Exchange of Futures for, or in Connection with, Product and Exchange of Futures for, or in Connection with, Swap Transactions

Any exchange of futures for, or in connection with, product (EFP) or exchange of futures for, or in connection with, swap (EFS) transactions shall be governed by the provisions of Rules 6.21 and 6.21A, respectively.

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NYMEX Heating Oil Minute-Marker Calendar Month Swap Futures

240.01 Scope

The provisions of these rules shall apply to all contracts bought or sold on the Exchange for cash settlement based on the Floating Price.

240.02 Floating Price

The Floating Price for each contract month is equal to the arithmetic average of the daily 3:15 p.m. (New York time) minute-marker prices of the NYMEX New York Harbor Heating Oil Futures front month contract for each business day that it is determined during the contract month, except for business days immediately preceding Exchange holidays; then, the Floating Price shall equal the arithmetic average of the daily minute marker prices determined pursuant to Rule 239.02.

240.03 Contract Quantity and Value

The contract quantity shall be 42,000 gallons. Each contract shall be valued as the contract quantity (42,000) multiplied by the settlement price.

240.04 Contract Months

Trading shall be conducted in contracts in such months as shall be determined by the Exchange.

240.05 Prices and Fluctuations

Prices shall be quoted in U.S. dollars and cents per gallon. The minimum price fluctuation shall be \$0.0001 per gallon. There shall be no maximum price fluctuation.

240.06 Termination of Trading

Trading shall cease on the last business day of the contract month.

240.07 Final Settlement

Delivery under the contract shall be by cash settlement. Final settlement, following termination of trading for a contract month, will be based on the Floating Price. The final settlement price will be the Floating Price calculated for each contract month.

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