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OFFICE OF THE SECRETARIAT
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July 31, 2009

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

**RE: NYMEX Rule 533 ("Simultaneous Buys and Sells for Different Beneficial Owners")
NYMEX Submission No. 09.149**

Dear Mr. Stawick:

The New York Mercantile Exchange, Inc. ("NYMEX" or "Exchange") hereby notifies the Commodity Futures Trading Commission that it is self-certifying amendments to NYMEX Rule 533 ("Simultaneous Buys and Sells for Different Beneficial Owners") which was previously self-certified on July 28, 2009 in Submission #09.141 as part of the harmonization of NYMEX & COMEX trade practice rules with those of CME and CBOT. This submission corrects an unintentional error in the requirements applicable to a NYMEX or COMEX member who executes simultaneous buy and sell orders for different beneficial owners in a trading pit. This modified version of Rule 533 will become effective on August 17, 2009, concurrent with the other changes to NYMEX & COMEX rules included in the earlier submission.

At NYMEX and COMEX, a member in a trading pit who simultaneously executes a buy and sell order for different beneficial owners must ensure that it is reported to Exchange price reporting staff as a cross trade. Exchange price reporting staff will subsequently uniquely identify the cross trade in the Exchange price reporting system. When Rule 533 was originally submitted, the language indicated that the member would be required to complete a form which would be presented to an Exchange official, the practice applicable at CME and CBOT. Given that the New York price reporting system captures and uniquely identifies the cross trade, the paper form is unnecessary.

The amendments appear below, with additions underscored and deletions overstruck.

533. SIMULTANEOUS BUY AND SELL ORDERS FOR DIFFERENT BENEFICIAL OWNERS

A member who is in possession of both buy and sell orders for different beneficial owners for the same product and expiration month, and, for a put or call option, the same strike price, may execute such orders for and directly between such beneficial owners provided that in pit trading, a member executing such orders shall first bid and offer by open outcry three times at the same price, stating the number of contracts, and, thereafter, if neither the bid nor the offer is accepted, the orders may be matched in the presence, and with the approval, of a designated Exchange official.

The member making such transactions shall, by appropriate descriptive words or symbols, clearly identify all such transactions on his trading card or other similar record made at the time of the execution. The member executing such trade must ensure that it is reported to Exchange price

reporting staff for entry into the Exchange Price Reporting System shall complete a form which shows the date, product traded, floor broker, price, quantity, and time of execution. Such form shall be presented to an Exchange official and made a matter of permanent record by the Exchange. Failure to identify the transaction to Exchange price reporting staff as a cross trade accurately complete the required form shall constitute a violation of this rule.

On the Globex platform, opposite orders for different beneficial owners that are simultaneously placed by a party with discretion over both accounts may be entered into the Globex platform provided that one order is exposed for a minimum of 5 seconds in the case of futures orders or a minimum of 15 seconds in the case of options orders. An order allowing for price and/or time discretion, if not entered immediately upon receipt, may be knowingly entered opposite another order entered by the same firm only if this other order has been entered immediately upon receipt and has been exposed on the Globex platform for a minimum of 5 seconds for futures orders or a minimum of 15 seconds for options orders.

NYMEX certifies that these changes comply with the Commodity Exchange Act and regulations thereunder.

If you have any questions, please contact Ronney Rosenberg, Associate Director & Enforcement Counsel, Market Regulation, at 212.299.2853 or me at 312.648.5422. Please reference NYMEX Submission No. 09.149 in any related correspondence.

Sincerely,

/s/ Stephen M. Szarmack
Director and Associate General Counsel