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OFFICE OF THE SECRETARIAT

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August 18, 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

**Re: Rule Certification. New York Mercantile Exchange, Inc. Submission #09-164: Notification of Amendments to NYMEX Rules 9A.27A and 9A.34 Relating to Launch of New Cleared OTC London Gold Forwards Contract, and Additional Amendments to NYMEX Rule 9A.27A**

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 Rules: 9A.27A, Expiration Accountability Level Last Day Contracts; and 9A.34, Reporting Level, in relation to the listing of the new Cleared OTC London Gold Forwards contract. These amendments establish the expiration accountability level last day contracts, reportable level and aggregation allocation for the new contract. The additional amendment to Rule 9A.27A defines that the Cleared OTC London Gold Forwards contract's expiration accountability level is effective on the opening of trading of the last eight (8) trading days prior to the contract delivery date.

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 September 6, 2009.

Should you have any questions concerning the above, please contact Anthony V. Densieski, Director, Market Surveillance at (212) 299-2881 or me at (312) 648-5422.

Sincerely,

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

Attachment

**NOTIFICATION OF AMENDMENTS TO NYMEX RULES 9A.27A and 9A.34**  
 (bold/underline indicates additions)

<u>Contract Name</u>	<u>Rule Chapter</u>	<u>Commodity Code</u>	<u>All Month Accountability Level</u>	<u>Any One Month Accountability Level</u>	<u>Expiration Accountability Level Last Day Contracts</u>	<u>Reporting Level</u>	<u>Aggregate Into (1)</u>
			<u>Rule 9A.26</u>	<u>Rule 9A.26</u>	<u>Rule 9A.27A</u>	<u>Rule 9A.34</u>	
<i>Forwards</i>							
<i>Europe</i>							
<u>Cleared OTC London Gold Forwards</u>	<u>334</u>	<u>GB</u>	<u>n/a</u>	<u>n/a</u>	<u>10,000</u>	<u>25</u>	<u>GB</u>

### 9A.27A Expiration Position Accountability Levels

(A) Any person who owns or controls positions in excess of the levels cited in Chapter 9A, Appendix (A) below, under heading 9A.27A Expiration Position Accountability Levels, shall be subject to the following provisions pursuant to position accountability levels:

(1) promptly supply to the Exchange such information as the Exchange may request pertaining to the nature and size of the position, the trading strategy employed with respect to the position, and the hedging requirements (if any), provided, however, that if the principal or controller fails to supply such information as and when requested, the Compliance Department may order the reduction of such position;

(2) agrees, upon request by the Compliance Department, not to increase the position owned or controlled as of the time the request was received;

(3) agrees to comply with any limit prescribed by the Compliance Department, and to decrease any open position if directed upon review of the information cited in item 1 above.

(B) The Expiration Position Accountability Levels for energy and metals contracts, for those contracts enumerated in Appendix (A), Chapter 9A (**excluding the Cleared OTC London Gold Forwards contract**) for which expiration accountability levels are designated, are effective on the open of trading of the last three trading days of the Penultimate and Last Day cash-settled futures contracts. The expiration position accountability levels shall be calculated on a net futures-equivalent basis.

**(1) The Cleared OTC London Gold Forwards expiration accountability level is effective on the opening of trading of the last eight (8) trading days prior to the contract delivery date.**

For purposes of calculating futures equivalent positions, the following shall apply:

- a NYMEX Light Sweet Crude Oil miNY Futures Contract shall be deemed equivalent to .50 of a Crude Oil Financial Contract;
- a NYMEX-Natural Gas miNY Futures Contract shall be deemed equivalent to .25 of a Henry Hub Financial Last Day Futures Contract;
- a NYMEX miNY Gasoline Futures Contract shall be deemed equivalent to .50 of a New York Harbor Gasoline Blendstock (RBOB) Contract;
- a NYMEX miNY Heating Oil Futures Contract shall be deemed equivalent to .50 of a Heating Oil Financial Futures Contract;
- a COMEX miNY Gold Futures Contract shall be deemed equivalent to .50 of a Gold future;
- a COMEX miNY Silver Futures Contract shall be deemed equivalent to a .50 Silver future; and
- a COMEX miNY Copper Futures Contract shall be deemed equivalent to a .50 Copper future.

(C) Trading in the underlying physically delivered contract that is the basis for the settlement prices for all contracts subject to this rule shall additionally be subject to NYMEX Interpretive Notices 01-06 and 01-07. Note: Specific reference to contract aggregation requirements are prescribed in Chapter 9A, Appendix (A).