

October 31, 2012

VIA E-MAIL

Ms. Sauntia Warfield
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
Washington, DC 20581

**RE: 40.6(a) Self Certification of Emergency Actions/Rules Due to Hurricane Sandy
Chicago Mercantile Exchange, Inc. ("CME") and New York Mercantile Exchange,
Inc. ("NYMEX")**

CME/ NYMEX Submission No. 12-370

Dear Ms. Warfield:

Chicago Mercantile Exchange Inc. ("CME") and New York Mercantile Exchange, Inc. ("NYMEX") (collectively, the "Registered Entities") are self-certifying emergency actions taken on October 30, 2012 due to Hurricane Sandy and pursuant to their authority under Rule 257 ("Exchange Physical Emergencies"). The actions described below were taken in order to deal with the extreme weather conditions resulting from Hurricane Sandy which have created emergency circumstances as defined by United States Commodity Futures Trading Commission ("CFTC" or "Commission") Rule 40.1(h)(4). More specifically, the weather conditions caused by Hurricane Sandy "may have a direct impact on trading or clearing and settlement" at the Registered Entities. The emergency rules/actions described below are being self-certified to the Commission "within twenty-four hours after implementation" as required by CFTC Rule 40.6(a)(6). The emergency rules/actions are as follows:

- CME carried forward Friday's settlement prices on equity products for mark-to-market purposes of overnight trades and incoming positions for its end-of-day and intra-day clearing cycles on October 30, 2012.
- CME did not require Dealer Price Submission for OTC CDS for Tuesday, October 30, 2012.
- CME carried over settlement prices for OTC CDS from Monday, October 29, 2012 to Tuesday, October 30, 2012.
- CME derived the USD settlement curve for OTC IRS at 12:00 PM Eastern Time on October 30, 2012.
- NYMEX suspended the requirement that all telephone calls made on the trading floor be recorded and archived pursuant to Rule 536.G. on October 30, 2012.

The Registered Entities reviewed the DCM/DCO Core Principles as set forth in the Commodity Exchange Act ("CEA" or "Act"). During this review, we identified that the changes described above may have some bearing on the following Core Principle:

Emergency Authority: The Registered Entities have Rules designed to allow them to take the above actions in the case of an emergency. Since the weather events related to Hurricane

Sandy have clearly created an emergency as that term is defined in CFTC Regulation 40.1(h), the above-referenced actions/rules comply with this Core Principle.

The Registered Entities certify that the rules/actions described above comply with the Act and the regulations thereunder. There were no substantive opposing views to this proposal.

The Registered Entities certify that this submission has been concurrently posted on the Exchange's website at <http://www.cmegroup.com/market-regulation/rule-filings.html>.

If you have any questions regarding this submission please contact Christopher K. Bowen, Managing Director and Chief Regulatory Counsel at (212) 299-2200 or via email at Christopher.Bowen@CMEGroup.com or Joseph Adamczyk at (312) 435-3581 or via email at Joseph.Adamczyk@CMEGroup.com. Alternatively, you may contact me at (312) 930-8167 or via email at Sean.Downey@CMEGroup.com.

Sincerely,

/s/ Sean Downey
Director & Assistant General Counsel