

**SUBMISSION COVER SHEET**

**IMPORTANT:** Check box if Confidential Treatment is requested

Registered Entity Identifier Code (optional): 16-539 (1 of 2)

Organization: New York Mercantile Exchange, Inc. ("NYMEX")

Filing as a:  DCM  SEF  DCO  SDR

Please note - only ONE choice allowed.

Filing Date (mm/dd/yy): 12/20/16 Filing Description: Amendments to the RBOB Gasoline Futures and NY Harbor ULSD Futures Contracts

Please note only ONE choice allowed per Submission.

**Organization Rules and Rule Amendments**

- |                                     |                                     |            |
|-------------------------------------|-------------------------------------|------------|
| <input checked="" type="checkbox"/> | Certification                       | § 40.6(a)  |
| <input type="checkbox"/>            | Approval                            | § 40.5(a)  |
| <input type="checkbox"/>            | Notification                        | § 40.6(d)  |
| <input type="checkbox"/>            | Advance Notice of SIDCO Rule Change | § 40.10(a) |
| <input type="checkbox"/>            | SIDCO Emergency Rule Change         | § 40.10(h) |

Rule Numbers: See filing.

**New Product**

Please note only ONE product per Submission.

- |                          |                                       |            |
|--------------------------|---------------------------------------|------------|
| <input type="checkbox"/> | Certification                         | § 40.2(a)  |
| <input type="checkbox"/> | Certification Security Futures        | § 41.23(a) |
| <input type="checkbox"/> | Certification Swap Class              | § 40.2(d)  |
| <input type="checkbox"/> | Approval                              | § 40.3(a)  |
| <input type="checkbox"/> | Approval Security Futures             | § 41.23(b) |
| <input type="checkbox"/> | Novel Derivative Product Notification | § 40.12(a) |
| <input type="checkbox"/> | Swap Submission                       | § 39.5     |

**Official Product Name:**

**Product Terms and Conditions (product related Rules and Rule Amendments)**

- |                          |   |                      |
|--------------------------|---|----------------------|
| <input type="checkbox"/> | Certification   | § 40.6(a)            |
| <input type="checkbox"/> | Certification Made Available to Trade Determination     | § 40.6(a)            |
| <input type="checkbox"/> | Certification Security Futures                          | § 41.24(a)           |
| <input type="checkbox"/> | Delisting (No Open Interest)                            | § 40.6(a)            |
| <input type="checkbox"/> | Approval  | § 40.5(a)            |
| <input type="checkbox"/> | Approval Made Available to Trade Determination          | § 40.5(a)            |
| <input type="checkbox"/> | Approval Security Futures                               | § 41.24(c)           |
| <input type="checkbox"/> | Approval Amendments to enumerated agricultural products | § 40.4(a), § 40.5(a) |
| <input type="checkbox"/> | "Non-Material Agricultural Rule Change"                 | § 40.4(b)(5)         |
| <input type="checkbox"/> | Notification  | § 40.6(d)            |

Official Name(s) of Product(s) Affected:

Rule Numbers:

December 20, 2016

**VIA ELECTRONIC PORTAL**

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

**RE: CFTC Regulation 40.6(a) Certification. Notification Regarding Amendments to the RBOB Gasoline Futures and NY Harbor ULSD Futures Contracts. NYMEX Submission No. 16-539 (1 of 2)**

Dear Mr. Kirkpatrick:

New York Mercantile Exchange, Inc. (“NYMEX” or “Exchange”), pursuant to Commodity Futures Trading Commission (“CFTC” or “Commission”) Regulation 40.6(a), hereby notifies the Commission that it is self-certifying amendments to the RBOB Gasoline Futures (Rulebook Chapter 191; Commodity Code: RB) and NY Harbor ULSD Futures (Rulebook Chapter 150; Commodity Code: HO) contracts (the “Contracts”) effective on trade date Monday, January 9, 2017.

Specifically, the Exchange is amending the delivery rules related to tanker delivery in order to further align the Exchange’s rules with internal delivery recordkeeping procedures. In addition, the Exchange is deleting language regarding obsolete references to heating oil specifications from Rule 150101.

The NYMEX Rule amendments are provided below in blackline format in Exhibit A.

The Exchange has reviewed the designated contract market core principles (“Core Principles”) as set forth in the Commodity Exchange Act (“CEA”) and has identified that the amendments may have some bearing on the following Core Principles:

- Availability of General Information: The Exchange shall publish a Special Executive Report (“SER”) regarding the rule amendments. In addition to being emailed to all market participants subscribed to receive SERs via email, the SER has also been uploaded to the CME Group website.

Pursuant to Section 5c(c) of the Act and CFTC Regulation 40.6(a), the Exchange hereby certifies that the amendments comply with the Act, including regulations under the Act. There were no substantive opposing views to this proposal.

NYMEX certifies that this submission has been concurrently posted on the CME Group website at <http://www.cmegroup.com/market-regulation/rule-filings.html>.

If you require any additional information, please email [CMEGSubmissionInquiry@cmegroup.com](mailto:CMEGSubmissionInquiry@cmegroup.com) or contact the undersigned at 212-299-2200.

Sincerely,

/s/Christopher Bowen  
Managing Director and Chief Regulatory Counsel

Attachment: Exhibit A – NYMEX Rule Amendments (blackline format)

## EXHIBIT A NYMEX Rule Amendments

(additions are underscored; deletions are struckthrough)

### Chapter 150 NY Harbor ULSD Futures

#### 150101. **CONTRACT SPECIFICATIONS**

The term "ASTM" refers to the American Society for Testing Materials.

#### ~~150101.A Grade and Quality Specifications through April 2013 Contract Month – No. 2 Heating Oil~~

~~The oil shall be a hydrocarbon oil free from alkali, mineral acid, grit, fibrous or other foreign matter and shall meet the following physical and chemical properties.~~

~~The term "API" refers to the American Petroleum Institute.~~

~~The term "DuPont" refers to Petroleum Chemical Division, E.I. DuPont de Nemours & Company (Inc.), Petroleum Laboratory Test Methods.~~

- ~~1. Gravity: API 30 degrees Fahrenheit minimum (ASTM Test Method D-287)~~
- ~~2. Flash: 130 degrees Fahrenheit minimum (ASTM Test Method D-93)~~
- ~~3. Viscosity: Kinematic, Centistokes at 100 degrees Fahrenheit, minimum 2.0, maximum 3.6 (ASTM Test Method D-445)~~
- ~~4. Water and Sediment: .05% maximum (ASTM Test Method D-1796 or D-2709)~~
- ~~5. Pour Point: 0 degrees Fahrenheit maximum for contract months September through March; 10 degrees Fahrenheit maximum for contract months April through August, (ASTM Test Method D-97)~~
- ~~6. Distillation: 10% Point, 480 degrees Fahrenheit maximum; 90% Point, 640 degrees Fahrenheit maximum, End Point 690 degrees Fahrenheit maximum (ASTM Test Method D-86)~~
- ~~7. Sulfur: 0.20% maximum (ASTM Test Method D-129, D-1552, D-1266, D-2622 or D-4294)~~
- ~~8. Stability: (i) Thermal Stability: 90 minutes 300 degrees Fahrenheit Pad rating 7 maximum (DuPont Test Method); or (ii) Oxidation Stability: mg/100ml., 2.5 maximum (ASTM Test Method D-2274);~~
- ~~9. Haze Rating: 25 degrees Celsius (77 degrees Fahrenheit), Procedure 2, 2 maximum (ASTM Test Method D-4176);~~
- ~~10. Carbon Residue: Weight% on 10% Bottom, 0.35 maximum (ASTM Test Method D-524 or D-4530);~~
- ~~11. Ash: 0.01 wt. % maximum (ASTM Test Method D-482);~~
- ~~12. Corrosion: 3 hours 50 degrees Celsius (122 degrees Fahrenheit), 1 maximum (ASTM Test Method D-130).~~
- ~~13. Cloud Point: 15 degrees Fahrenheit maximum for contract months September through March; 20 degrees Fahrenheit maximum for contract months April through August. (ASTM Test Method D-2500)~~
- ~~14. Dye: All heating oil delivered against this contract, regardless of sulfur content, shall be dyed in satisfaction of the dyeing requirements as prescribed by the Internal Revenue Service (IRS) for tax-free sales or uses of diesel fuel (using the Petro Spec dye analyzer or the IRS Test Method), pursuant to Section 4082 of the Internal Revenue Code of 1986, as amended.~~

**~~150101.B. Grade and Quality Specification Effective with the May 2013 Contract Month and Beyond – Ultra Low Sulfur Diesel (“ULSD”)~~**

The oil delivered shall be a pure hydrocarbon oil free from renewable fuel, biodiesel, alkali, mineral acid, grit, fibrous or other foreign matter, meeting the "Delivery" specifications of the Colonial Pipeline's Fungible Grade 62 for Ultra Low Sulfur Diesel, and being properly designated for sale in New York Harbor in accordance with U.S. Environmental Protection Agency (EPA) regulations. Delivery test results may vary by the smaller of ASTM reproducibility for a given test or any test tolerance as allowed for downstream parties by state or EPA regulations at the point of delivery. The ULSD delivered shall fully comply with specifications of the Colonial Pipeline Fungible Grade 62 for on-road ULSD, including the requirement that the on-road diesel fuel must contain no renewable diesel or biodiesel.

**150105.**

**DELIVERY**

Delivery shall be made free-on-board ("F.O.B.") seller's ex-shore facility in New York Harbor with all duties, entitlements, taxes, fees and other charges imposed prior to, or as a result of, delivery paid by the seller. Delivery shall be made in accordance with applicable Federal, State and local laws. Buyer shall reimburse seller for any heating oil tax as had been or will be paid by the seller. At buyer's option, such delivery shall be made by any of the following methods:

1. By delivery into buyer's barge;
2. **By delivery into buyer's tanker, if buyer can take delivery in such manner at the facility used by seller;**
- ~~3.~~ 2- By delivery into buyer's ~~tanker~~ or pipeline, if buyer can take delivery in such manner at the facility used by seller;
- ~~4.~~ 3- By stock transfer of title to the buyer; if the facility used by seller allows such transfer;
- ~~5.~~ 4- By book transfer if the seller agrees to such transfer;
- ~~6.~~ 5- By intra-facility transfer ("pump-over"), if the facility used by seller allows such transfer; or
- ~~7.~~ 6- By inter-facility transfer ("pump-over"), if both facilities used by seller and buyer allow such transfer.

For purposes of these rules, any seller delivering an aggregate of twenty-five (25) contracts or less in a delivery month, shall deliver all such contracts into the same facility.

On-road ULSD Designation: At the time of delivery, the seller shall provide the buyer a Product Transfer Document, and shall make available to the Exchange such documentation and any additional information as may be required by the Exchange upon request, including documentation that will verify tracking of the product from receipt at origin to seller's facility.

For the purpose of these rules, New York Harbor shall extend from the East River west of Hunts Point; Gowanus Bay west of the Hamilton Avenue Bridge; the Hudson River south of the George Washington Bridge; the Upper Bay; the Narrows; the Lower Bay west of Morton Point; the Newark Bay; the Hackensack River south of the Witt-Penn Bridge; the Passaic River south of the Pulaski Skyway Bridge; the Kill Van Kull; the Arthur Kill and the Raritan River east of the Garden State Parkway Bridge.

**Chapter 191**  
**RBOB Gasoline Futures**

**191105. DELIVERY**

Delivery shall be made free-on-board ("F.O.B.") sellers ex-shore facility in New York Harbor with all duties, entitlements, taxes, fees and other charges imposed prior to, or as a result of, delivery paid by the seller. Delivery shall be made in accordance with applicable Federal, State and local laws. Delivery shall comply with all State laws related to oxygen content. Buyer shall reimburse seller for any gasoline tax as had been or will be paid by the seller. At buyer's option, such delivery shall be made by any of the following methods:

1. By delivery into buyer's barge;
2. **By delivery into buyer's tanker, if buyer can take delivery in such manner at the facility used by seller;**
- ~~3.~~ 2. By delivery into buyer's ~~tanker or~~ pipeline, if buyer can take delivery in such manner at the facility used by seller;
- ~~4.~~ ~~3.~~ By stock transfer of title to the buyer; if the facility used by seller allows such transfer;
- ~~5.~~ 4. By book transfer if the seller agrees to such transfer;
- ~~6.~~ ~~5.~~ By intra-facility transfer ("pump-over"), if the facility used by seller allows such transfer; or
- ~~7.~~ ~~6.~~ By inter-facility transfer ("pump-over"), if both facilities used by seller and buyer allow such transfer.

RBOB Designation: At the time of the delivery, the seller shall provide the buyer, with a copy to the seller's clearing member, a Product Transfer Document prepared in accordance with EPA regulations.

For purposes of these rules, any seller delivering an aggregate of twenty-five (25) contracts or less in a delivery month, shall deliver all such contracts into the same facility.

For the purpose of these rules, New York Harbor shall extend from the East River west of Hunts Point; Gowanus Bay west of the Hamilton Avenue Bridge; the Hudson River south of George Washington Bridge; the Upper Bay; the Narrows; the Lower Bay west of Morton Point; the Newark Bay; the Hackensack River south of the Witt-Penn Bridge; the Passaic River south of the Pulaski Skyway Bridge; the Kill Van Kull; the Arthur Kill and the Raritan River east of the Garden State Parkway Bridge.