

January 23, 2013

VIA E-MAIL

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

**RE: Regulation 40.6(a) Rule Certification. New York Mercantile Exchange, Inc.
Submission # 13-019: Declaration of Force Majeure due to System Upgrade
at Union Registry**

Dear Ms. Jurgens:

New York Mercantile Exchange, Inc. ("NYMEX") ("Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that it has declared Force Majeure pursuant to NYMEX Rule 7B01 ("Declarations of Force Majeure") with respect to the Union Registry's announcement of a system upgrade from January 25, 2013 through January 29, 2013. The Union Registry's system upgrade means that the system will be unavailable from 18:00 CET Friday, January 25th until 08:00 CET Tuesday, January 29th.

The marketplace was informed of this declaration via CME Clearing Advisory Notice # 13-025 ("Advisory Notice").

As a result of the declaration of Force Majeure, any firms with deliveries in the Daily European Union Allowance (EUA) (commodity code EUL) for contract days Thursday, January 24th and Friday, January 25th will be subject to the following schedule (revised and black-lined):

Last Trading/Intent Day	Sell Side Transfer to CME/ <u>Buy Side Wire to CME</u>	CME Transfer to Buy Side/ <u>CME Wire to Sell Side</u>
Thursday, January 24, 2013	Friday <u>Tuesday</u> , January 25 <u>29</u> , 2013	Monday <u>Wednesday</u> , January 28 <u>30</u> , 2013
Friday, January 25, 2013	Monday <u>Tuesday</u> , January 28 <u>29</u> , 2013	Tuesday <u>Wednesday</u> , January 29 <u>30</u> , 2013

The Exchange has reviewed the designated contract market core principles ("Core Principles") as set forth in the Commodity Exchange Act ("CEA") and have identified that the declaration of Force Majeure may have some bearing on the following Core Principles:

- Emergency Authority: The declaration of Force Majeure by NYMEX is an emergency circumstance, and, as such, requires notice to be provided to the Commission under both Commission Regulations and NYMEX Rule 7B01. The declaration of Force

Majeure was the result of the Union Registry's unavailability from January 25th through January 28th.

- Availability of General Information: The Exchange published the Advisory Notice to provide notice to the marketplace of the declaration of Force Majeure. The Advisory Notice has been uploaded to the CME Group website.

The Exchange certifies that the declaration of Force Majeure and the Advisory Notice comply with the CEA and regulations thereunder. There were no substantive opposing views to this action.

A copy of the Advisory Notice is attached as Exhibit 1.

If you have any questions regarding this submission, please contact Christopher Bowen at 212.299.2200 or via email at Christopher.Bowen@cmegroup.com. Alternatively, you may contact me at 312.930.8167 or via email at Sean.Downey@cmegroup.com. Please reference NYMEX Submission # 13-019 in any related correspondence.

Sincerely,

/s/ Sean Downey
Director & Assistant General Counsel

Attachment: Exhibit 1 – CME Clearing Advisory Notice #13-025

Union Registry Unavailable January 25th-January 28th

To Clearing Member Firms; Back Office Managers
From CME Clearing
Advisory # 13-025
Notice Date January 23, 2013
Effective Date January 23, 2013

Please be advised the Union Registry will be unavailable from **18:00 CET Friday, January 25th until 08:00 CET Tuesday, January 29th** due to a software release. Any firms with deliveries in the Daily European Union Allowance (EUA) (commodity code EUL) for contract days Thursday January 24th and Friday January 25th will be subject to the following Schedule:

Last Trading/Intent Day	Sell Side Transfer to CME/Buy Side Wire to CME	CME Transfer to Buy Side/CME Wire to Sell Side
Thursday, January 24, 2013	Tuesday, January 29, 2013	Wednesday, January 30, 2013
Friday, January 25, 2013	Tuesday, January 29, 2013	Wednesday, January 30, 2013

There is no impact to the In Delivery Month European Union Allowance (EUA) (commodity code 6T) and Certified Emission Reduction Plus (commodity code CPL) contracts, the regular delivery timeline will apply.

As a reminder, any firm going through delivery on European Union Emission contracts needs to have a trading account at the Union Registry and have the account trusted with CME Group's account. Please contact the Deliveries Team if you plan to go through delivery on these contracts and do not meet the above criteria.

For further information please see the following link from the European Commission:
http://ec.europa.eu/clima/news/articles/news_2013011501_en.htm

For questions on the above please contact the CME Group Clearing House Delivery Team at 312-930-3172 or clearinghousedelivteam@cmegroup.com