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February 17, 2009

2009 FEB 17 PM 1:45

**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

OFFICE OF THE SECRETARIAT

**Re: Rule Certification. New York Mercantile Exchange, Inc. Submission  
#09.16: Notification of Amendments to Rules Relating to the Settlement Price  
Reference for 4 European and 2 Asian Swaps Contracts Listed on ClearPort  
Trading and Clearing**

Dear Mr. Stawick:

The New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that it is self-certifying amendments to NYMEX Rules 533.02, 535.02, 537.02, 539.02, 667.02 and 672.02 relating to the floating price reference for six (6) swaps contracts listed on ClearPort trading and clearing. These are minor housekeeping changes that provide further clarification about the pricing methodology used for the final settlements for these contracts. These changes will become effective on February 19, 2009.

The following swaps contracts utilize "Non-Common" pricing (standard over-the-counter (OTC) market methodology for handling the pricing of differential spread contracts) as the basis of the settlement price:

<b><u>Contract Name</u></b>	<b><u>Symbol</u></b>	<b><u>Chapter</u></b>
Gasoil 0.1 Barges FOB Rdam v. ICE Gasoil Swap	WQ	533
Singapore 380cst Fuel Oil	WT	535
Gasoil 0.1 Cargoes CIF NWE v. ICE Gasoil Swap	TU	537
Gasoil 10ppm Cargoes CIF NWE v. ICE Gasoil Swap	TP	539
Singapore Fuel Oil Spread Swap Futures (Platts)	SD	667
Singapore Jet Kerosene vs. Gasoil Spread Swap Futures (Platts)	RK	672

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.

Should you have any questions concerning the above, please contact Daniel Brusstar at (212) 299-2604 or the undersigned at (202) 638-3838.

Sincerely,



De'Ana H. Dow  
Managing Director  
Government Relations

**Attachment: Rule Amendments**

(Underlining indicates insertion, and ~~strikethrough~~ indicates deletion)

**Gasoil 0.1 Barges FOB Rdam v. ICE Gasoil Swap (Code WQ)**

**Rule 533.02 Floating Price**

The Floating Price for each contract month is equal to the arithmetic average of the mid-point between the high and low quotations from the Platts European Marketscan for Gasoil 0.1% under the heading "Barges FOB Rotterdam" minus the first line Gasoil (ICE) Futures settlement price for each business day ~~that both are determined~~ during the contract month (using Non-common pricing), except as noted in (B) below.

(B) The settlement prices of the first nearby contract month will be used except on the last day of trading for the expiring Gasoil Futures contract when the settlement prices of the second nearby Gasoil contract will be used.

**Singapore 380cst Fuel Oil (Code WT)**

**Rule 535.02 Floating Price**

The Floating Price for each contract month is equal to the arithmetic average of the mid-point between the high and low quotations from the Platts European Marketscan for Gasoil 0.1% under the heading "Cargoes FOB NWE" minus the first line Gasoil (ICE) Futures settlement price for each business day ~~that both are determined~~ during the contract month (using Non-common pricing), except as noted in (B) below.

(B) The settlement prices of the first nearby contract month will be used except on the last day of trading for the expiring Gasoil Futures contract when the settlement prices of the second nearby Gasoil contract will be used.

**Gasoil 0.1 Cargoes CIF NWE v. ICE Gasoil Swap (Code TU)**

**Rule 537.02 Floating Price**

The Floating Price for each contract month is equal to the arithmetic average of the mid-point between the high and low quotations from the Platts European Marketscan for Gasoil 0.1% under the heading "Cargoes CIF NWE Basis ARA" minus the first line Gasoil (ICE) Futures settlement price for each business day ~~that both are determined~~ during the contract month (using Non-common pricing), except as noted in (B) below.

(B) The settlement prices of the first nearby contract month will be used except on the last day of trading for the expiring Gasoil Futures contract when the settlement prices of the second nearby Gasoil contract will be used.

**Gasoil 10ppm Cargoes CIF NWE v. ICE Gasoil Swap (Code TP)**

**Rule 539.02 Floating Price**

The Floating Price for each contract month is equal to the arithmetic average of the mid-point between the high and low quotations from the Platts European Marketscan for Gasoil 10ppm under the heading "Cargoes CIF NWE Basis ARA" minus the first line Gasoil (ICE) Futures settlement price for each business day ~~that both are determined~~ during the contract month (using Non-common pricing), except as noted in (B) below.

(B) The settlement prices of the first nearby contract month will be used except on the last day of trading for the expiring Gasoil Futures contract when the settlement prices of the second nearby Gasoil contract will be used.

**Singapore Fuel Oil Spread Swap Futures (Platts) (Code SD)**  
**Rule 667.02 Floating Price**

The Floating Price for each contract month is equal to the arithmetic average of the high and low quotations from the Platts *Asia-Pacific Marketscan* for Singapore 180cst High Sulfur Fuel Oil (Waterborne Cargo) price minus the arithmetic average of the high and low quotations from the Platts *Asia-Pacific Marketscan* for Singapore 380cst HSFO for each business day ~~that both are determined~~ during the contract month (using Non-common pricing).

**Singapore Jet Kerosene vs. Gasoil Spread Swap Futures (Platts) (Code RK)**  
**Rule 672.02 Floating Price**

The Floating Price for each contract month is equal to the arithmetic average of the high and low quotations from the Platts *Asia-Pacific Marketscan* for Singapore Cargoes of Jet Kerosene minus the arithmetic average of the high and low quotations for Singapore Gasoil 0.5% Sulfur for each business day ~~that both are determined~~ during the contract month (using Non-common pricing).