CME Group

A CME/Chicago Board of Trade/NYMEX Company

April 7, 2009

VIA E-MAIL
Mr. David Stawick
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
Washington, DC 20581

RE: **Rule Certification. New York Mercantile Exchange, Inc. Submission #09-60. Notification of Amendment to NYMEX Rules 6.21, 6.21A, 808, 813, 813A, 9A.19, 104.36, 104.36A, 104.36B and NYMEX Chapter 11, Relating to a Reference Change from "NYMEX ClearPort" to "CME ClearPort"**

Dear Mr. Stawick:

In prior notification (submission #09-59) filed with the Commodity Futures Trading Commission ("CFTC" or "Commission") on April 1, 2009, the New York Mercantile Exchange, Inc. ("NYMEX" or "Exchange") notified the Commission that it was changing its reference to the ClearPort platform from "NYMEX ClearPort" to "CME ClearPort". As such, the Exchange is notifying the Commission that it is hereby self-certifying amendments to NYMEX Rules 6.21, 6.21A, 808, 813, 813A, 9A.19, 104.36, 104.36A, 104.36B and NYMEX Chapter 11 to implement this reference change.

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 April 9, 2009.

Should you have any questions concerning the above, please contact the undersigned at (202) 638-3838.

Sincerely,

De'Ana H. Dow
Managing Director
Government Relations

Attachment

(underline indicates additions; strikethrough indicates deletions)

6.21 Exchange of Futures for, or in Connection with, Product

(A) An exchange of futures for, or in connection with, product (EFP) consists of two discrete, but related, transactions; a cash transaction and a futures transaction. At the time such transaction is effected, the buyer and seller of the futures must be the seller and the buyer of a quantity of the physical product covered by this Section (or any derivative, by-product or related product). The quantity of physical product must be approximately equivalent to the quantity covered by the futures contracts.

(B) Eligible Contracts and Transactions.

(1) EFP transactions may be effected in all futures contracts offered for trading on the Exchange.

(C) EFP Posting Procedures for Futures Contracts which are available for trading on the trading floor.
The posting of any EFP in any futures market traded on the Exchange shall be made during the hours of futures trading and otherwise in accordance with Rule 6.90. Each EFP transaction shall be posted, immediately when relevant cash terms are determined, but in no event later than the earlier of the next business day or the end of the permissible posting period for EFPs following the expiration of the underlying futures contract, by the Floor Members and in accordance with normal procedures. Additionally, if a futures contract available for trading on the trading floor is also available for trading on GLOBEX, EFP posting may be accomplished by submission of reports to ~~NYMEX ClearPort~~CME ClearPort in accordance with its procedures.

(D)EFP Procedures for Futures Contracts Listed for Trading on an Alternative Electronic Trading System or Globex. For the purposes of this rule, the term "Alternative Electronic Trading System" shall mean any electronic trading system which NYMEX Division or COMEX Division products are traded. The posting of any EFP transaction for contracts listed for trading only on "Alternative Electronic Trading System" or Globex may be accomplished by submission of reports to ~~NYMEX ClearPort~~CME ClearPort in accordance with its procedures.

[the remainder of this rule is unchanged]

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6.21A Exchange of Futures for, or in Connection with, Swap Transactions

(A) An exchange of futures for, or in connection with, a swap (EFS) consists of two discrete, but related, transactions; a swap transaction and a futures transaction. At the time such transaction is effected, the buyer and seller of the futures must be, respectively, the seller and the buyer of the swap. The swap component shall involve the commodity underlying the futures contract (or a derivative, by-product or related product of such commodity). The quantity covered by the swap must be approximately equivalent to the quantity covered by the futures contracts. The swap component of an EFS transaction must comply with the applicable CFTC swap regulatory requirements.

(B) Eligible Contracts and Transactions. Eligible contracts shall include Natural Gas futures, New York Harbor Gasoline Blendstock (RBOB) futures, New York Harbor No. 2 Heating Oil futures, Light "Sweet" Crude Oil futures, and any Exchange contract that is listed for trading on ~~NYMEX ClearPort~~CME ClearPort® Trading or Globex.

(C) Posting/Submission Procedures for EFS Transactions.

(1) Contracts available for trading on the trading floor. EFS transactions in eligible contracts which are available for trading on the trading floor shall be given on the floor of the Exchange by the Floor Members during the hours of floor trading for such contract and otherwise in accordance with Rule 6.90. Each EFS transaction shall be posted, immediately when the relevant swap terms are determined, but in no event later than the earlier of the next business day or the end of the following permissible posting periods for EFS transactions (following the expiration of the underlying futures contract). Additionally, EFS transactions in the above-cited contracts may be accomplished by submission of reports to ~~NYMEX ClearPort~~CME ClearPort Clearing in accordance with its procedures.

(a) EFS transactions involving the New York Harbor Gasoline Blendstock (RBOB) futures or the New York Harbor No. 2 Heating Oil futures or the Light "Sweet" Crude Oil futures contract are permitted until 2:00 PM on the day after

the close of trading on the last trading day in the expiring contract month; and

(b) EFS transactions involving the Natural Gas contract are permitted until two hours after trading terminates on the last day of trading in the expiring contract month.

(2) EFS Procedures for Futures Contracts Listed for Trading on ~~NYMEX ClearPort~~CME ClearPort® Trading or Globex. The posting of any EFS transaction for contracts listed for trading only on ~~NYMEX ClearPort~~CME ClearPort® Trading shall be accomplished by submission of reports to ~~NYMEX ClearPort~~CME ClearPort Clearing or the Customer Service Center in accordance with its procedures. Such EFS transactions must be posted no later than the close of the posting period on the last trade date on the expiring contract month, except as noted below for cash-settled natural gas basis contracts.

For cash-settled natural gas basis contracts, EFS transactions for the expiring contract can be posted until 2:30 pm on the second business day following the last trade date.

For cash-settled natural gas swing contracts, EFS transactions for the expiring contract can be posted until 2:30 p.m. on the business day following the last trade date.

For cash-settled natural gas index contracts, EFS transactions for the expiring contract can be posted until 2:30 p.m. on the first business day following the contract month.

[the remainder of this rule is unchanged]

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808. ~~NYMEX CLEARPORT~~CME CLEARPORT® CLEARING: PROCEDURES FOR TRADE SUBMISSION

(A) Scope of Rule. This rule governs transactions not competitively executed on the Exchange ("Transactions") that are submitted via the ~~NYMEX ClearPort~~CME ClearPort® Clearing Trade Portal ("CPC Trade Portal") for clearing in connection with a contract that is listed on the Exchange for clearing only ("DME Transactions") or listed for trading and clearing on the Exchange ("NYMEX Transactions"). In submitting either a NYMEX or DME transaction to the CPC Trade Portal or in allowing either a NYMEX or DME transaction to be submitted to the CPC Trade Portal, the two parties to the Transaction shall be deemed to have mutually agreed to initiate a process to substitute their transaction for a standardized futures contract listed for trading and clearing on the Exchange. For purposes of this rule, the two principals in either a NYMEX or DME Transaction shall be referenced as the "Parties to the Transaction."

Further, with respect to DME Transactions, any breach of procedures related to this Rule 808 shall be handled pursuant to DME rules and regulations.

(B) Transactions: Compliance with Regulatory Exemptions and Exclusions. Each of the Parties to the NYMEX Transaction shall be responsible for ensuring that the Transaction complies with CFTC regulatory requirements as applicable for such transaction, including as appropriate compliance with the terms of a statutory exemption or exclusion under the Commodity Exchange Act from other CFTC regulation relied upon by the Parties to the Transaction.

(C) Submission of NYMEX and DME Futures and Options. The process of submission of a NYMEX or DME futures or options Transaction shall not be deemed to have been completed unless and until the Parties to the Transaction have successfully concluded the submission of the Transaction to the Exchange (or the DME as appropriate) as an exchange of futures for physicals ("EFP"), an exchange of futures for swaps ("EFS"), an exchange of OTC Option for exchange option ("EOO") or as a Block Trade, as applicable, pursuant to the respective provisions of NYMEX Rules 6.21, 6.21A, 6.21C, 6.21F, COMEX Rules 104.36, 104.36A, 104.36B, 104.36C, DME Rules 6.24 and 6.31, and the provisions of this rule.

(D) Trade Submission Procedures. All transactions submitted to the Exchange pursuant to this rule must be

submitted in accordance with the procedures established by the Clearing House for this purpose, as amended from time to time. The Parties to the Transaction and any Party authorized under Section (E) of this Rule with brokering capability ("Broker" or "Brokers") authorized to submit executed transactions on their behalf to the Exchange and authorized for related activities shall be exclusively responsible, both individually and jointly, for accurately confirming the details of the Transaction to the Exchange. Once submitted, all such transactions, subject to the rules for trade adjustments set forth in Section (G) of this Rule, shall be deemed final. Neither the Exchange nor a Clearing Member carrying the account of either party will have any responsibility in the confirmation of trade terms for the Transactions.

(E) Registration of Eligible Participants, Eligible Accounts and Authorized Brokers. Each NYMEX and DME Clearing Member must register with the Exchange in the manner required for any customer authorized by the Clearing Member to submit transactions to the Exchange (or the DME, as appropriate) pursuant to this rule, and must also register with the Exchange the applicable account numbers for each such customer. For each such account, the Clearing Member carrying that account also must submit to the Exchange in the manner provided the name of any Broker(s) who has registered with the Exchange for services provided by the Exchange, and who is authorized by the customer to act on its behalf in the submission of executed transactions to the Exchange and related activity.

For any such Brokers authorized by the customer and submitted to the Exchange by the Clearing Member, such submission by the Clearing Member will not constitute an endorsement or ratification of the customer's authorization of the Broker. Moreover, submission of Brokers authorized by the customer will not mean that the Clearing Member is in privity with, has a relationship with and/or is otherwise standing behind any of the customer's authorized Brokers, and the Clearing Member will have no responsibility for any such Brokers selected by the customer and no duty or obligation to supervise the activities of any such Brokers.

(F) Establishment of Authorized Commodities and Total Risk Value. For each account number that has been registered with the Exchange pursuant to Section (E) of this rule, a NYMEX and DME Clearing Member also must input into the Exchange's Risk Allocation Value "E-RAV" system authorization indicating the specific commodities for which a Transaction may be submitted to the Exchange pursuant to this rule and the risk value(s) assigned by the Clearing Member for Transactions for that account.

(G) Trade Deletion Procedures for Transactions Submitted via ~~NYMEX ClearPort~~CME ClearPort® Clearing Trade Entry Portal. Following submission of the trade details by Broker (or by Exchange staff as mutually agreed by the Parties to the Transaction), an e-mail will be transmitted to the Parties to the Transaction notifying them that they have been listed as counterparties in a Transaction that has been submitted to the Exchange. Following such submission, a buyer or seller may not unilaterally reject the trade terms previously submitted to the Exchange. However, in order to correct an error resulting from the good faith actions of the Broker or Exchange staff, as applicable, and upon mutual consent of the Parties to the Transaction, Broker or Exchange staff, as applicable, may void the transaction provided, however, that this void response is received by the Exchange within sixty (60) minutes of the time of the initial submission of the Transaction to the Exchange.

[the remainder of this rule is unchanged]

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813. SETTLEMENT PRICE

(A) The daily settlement price for each contract traded on the Exchange shall be determined by the relevant Settlement Price Committee ("Committee") at the close of the RTH trading session, or as soon as practicable thereafter, using the procedures set forth in this rule. The Committee shall consist of such members and representatives of non-member firms as may be appointed by the Exchange.

(1) For each futures and options contracted traded on the Exchange Floor and on Globex, the Committee shall be divided into sub-committees. To the extent possible, each sub-committee shall consist of at least six (6) Members for the applicable Exchange Division, at least one of whom shall be a Floor Broker, one of whom shall be a Floor Trader, and one of whom shall represent trade interests (either personal, of his employer, or of a substantial customer base). Additionally, one Exchange employee may be a voting member of the Committee and the Exchange employee shall have final authority in all instances to veto and override price determinations made by the Committee.

| (2) For all futures and options contracts traded solely on ~~NYMEX ClearPort~~CME ClearPort® Trading or solely on Globex, the Committee shall consist of such Exchange employees, Members and non-Members and representatives of Members and non-Member firms as may be appointed by the Exchange.

[the remainder of this rule is unchanged]

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813.A. NYMEX Division

[Section 813.A.(A) is unchanged]

(B) Settlement Prices for Natural Gas Futures Contracts

Settlement prices will be determined as follows:

(1) The settlement price for each delivery month that: (a) as of the opening of business for that day has more than ten percent (10%) of the total open interest for all delivery months of the futures contract and (b) for which 30% of the closing range volume in that commodity is done in that delivery month (excluding, for the purposes of this calculation volume done during the closing range on the last day of trading in an expiring contract), shall be the weighted average price (rounded to the nearest minimum fluctuation) of all outright transactions including both trades executed on the trading floor by open outcry and trades executed electronically in that delivery month which occur in the closing range. (c) Additionally, trading at settlement (TAS) volume, if applicable, shall not be included as closing range volume for the purpose of item (b) above, to determine percentage of closing range volume in a delivery month. TAS volume shall not be used to calculate settlement.

(2) Notwithstanding the qualifications cited in items 1(a)-(c) above, the current delivery month or spot month will always be the weighted average price (rounded to the nearest minimum fluctuation) of all outright transactions including both trades executed on the trading floor by open outcry and trades executed electronically. Further, a month which may qualify for weighted average treatment pursuant to items a-c above, that is also eligible for TAS transactions, will be disqualified from weighted average treatment if the closing range volume in the contract month is not at least 25% of the TAS volume in such contract month.

(3) In all other delivery months for such futures contracts that do not satisfy the open interest and volume criteria set forth in paragraph (1), the settlement price, shall be determined in the best judgment of the Committee based upon trades or orders that are bid/offered and posted pursuant to prescribed procedures in the last 30 minutes of trading on the trading floor by open outcry: outrights for a volume of 100 lots in any of the first 24 listed contract months, or outrights for a volume of 100 lots beyond the 24th contract month that have reached a minimum open interest of 10,000 contracts based upon the open interest published at noon on a trading day; intracommodity spreads for a volume of 100 lots/month; and intracommodity strips for a volume of 30 lots/month for a yearly or 50 lots/month for a seasonal. Priority will be given first to outrights, then spreads, then strips, that meet the criteria above. Provided further, that an order that met the original volume requirement and was partially filled with the balance still open, will be honored. Additionally, Floor Members posting any orders shall be held to filling them unless the order was cancelled during the posting period with appropriate notice to the market. Cancelled orders will not be honored for settlement purposes.

(4) For any contract months not otherwise addressed in Sections (1) and (2) of this rule, or if any settlement price, determined pursuant to paragraphs (1) or (2), is inconsistent with transactions that occurred during the closing range in other delivery months of the same futures contract or with market information known to the Committee, (including, but not limited to, either floor trading or electronic trading), the Committee shall be bound to consider all relevant available data but shall not be bound by data from any one type of market information. Such other market information includes but is not limited to the following:

Executed trades, bids or offers for outrights, spreads and strips provided before the last 30 minutes of the trading day transactions including both floor trading and Electronic Trading, an Exchange settlement price model, and relevant

OTC market data as further specified below;

The Exchange settlement price model will be calibrated so that it is generally mathematically consistent with market price information provided through Sections (1) and (2); and

OTC market quotes, if available, may be considered for outrights, spreads and strips supplied by OTC brokers who are registered with NYMEX for ~~NYMEX ClearPort~~CME ClearPort® Clearing.

The Committee shall prepare a written record for any settlement price determined pursuant to Section (3) of this rule.

[the remainder of this rule is unchanged]

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9A.19 Final Day of Trading

(A)(1) On the final day of trading in the delivery month of a contract that is listed for trading by open outcry on the trading floor, it shall be the responsibility of each Clearing Member who is not in a position to fulfill his contractual obligation on any maturing contract by prescribed notice and tender, to have a liquidating order entered on the Exchange floor one hour before the time established for the beginning of the closing range for such delivery month. All such orders shall be market orders to be executed prior to the expiration of trading.

(2) On the final day of trading in the delivery month of a NYMEX or COMEX Division contract or DME contract that is listed for trading solely on Globex, or on ~~NYMEX ClearPort~~CME ClearPort® Trading under the brand name DME Direct for DME contracts it shall be the responsibility of each Clearing Member who is not in a position to fulfill its contractual obligation on any maturing contract by prescribed notice and tender, to have a liquidating order entered on the relevant electronic trading platform.

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Rules for ~~NYMEX ClearPort~~CME ClearPort® Trading

11.31 Electronic Trading Privileges for ~~NYMEX ClearPort~~CME ClearPort® Trading and Related Definitions

The Exchange in its sole discretion may determine to extend electronic trading privileges on ~~NYMEX ClearPort~~CME ClearPort® Trading to firms and individuals who comply with the designation requirements specified in Rule 11.32 ("DESIGNATION REQUIREMENTS FOR USERS AND USER AGENTS OF ~~NYMEX ClearPort~~CME ClearPort® Trading").

For purposes of this Chapter 11, in connection with access to ~~NYMEX ClearPort~~CME ClearPort® Trading, the term "User" will refer to the firm or individual that has fully met all designation requirements required by the Exchange and has been granted the privilege of accessing the ~~NYMEX ClearPort~~CME ClearPort® Trading system.

For purposes of this Chapter 11, in connection with access to ~~NYMEX ClearPort~~CME ClearPort® Trading via the trading graphical user interface (which may also be referred to in these rules as a front-end trading application) provided by the Exchange, the term "User Agent" as applied to ~~NYMEX ClearPort~~CME ClearPort® Trading will refer generally to those employees and/or agents that a User has designated to serve as its authorized terminal operators and has properly notified the Exchange in the manner provided by the Exchange.

For purposes of this Chapter 11, in connection with access to ~~NYMEX ClearPort~~CME ClearPort® Trading via a front end application that is proprietary to the User or provided by a third party and that is certified by the Exchange, the term "User Agent" as applied to ~~NYMEX ClearPort~~CME ClearPort® Trading shall mean those individuals or entities (including, without limitation, User's customers, employees, agents and independent contractors) authorized

by User to access the ~~NYMEX ClearPort~~CME ClearPort® Trading Services via a Certified Application (as defined immediately below).

For purposes of this Chapter 11, in connection with access to ~~NYMEX ClearPort~~CME ClearPort® Trading via a front-end trading application that is proprietary to the User or provided by a third party and that is certified by the Exchange, the term "Certified Application" shall refer to any front-end trading application, provided by User or a third party, via which User and/or its User Agent(s) may access the ~~NYMEX ClearPort~~CME ClearPort® Trading services (and all modifications of such application) and any connection of such front-end trading application to the ~~NYMEX ClearPort~~CME ClearPort® Trading Services must (i) be certified by the Exchange in accordance with the Exchange's current technical certification procedures, as prescribed by the Exchange, and (ii) meet the Exchange's credit control and audit trail requirements as set forth by the Exchange.

11.32 Designation Requirements for Users and User Agents of Exchange's ~~NYMEX ClearPort~~CME ClearPort® Trading System

(A) To qualify as a User of ~~NYMEX ClearPort~~CME ClearPort® Trading as defined below, every individual or entity applying for designation as a User must execute such agreements and forms as required by the Exchange, as may be amended from time to time.

Until further notice from the Exchange, every individual or entity applying for designation as a User must execute the Exchange User License Agreement (the "EULA"), including Schedule A of the EULA, which applies to ~~NYMEX ClearPort~~CME ClearPort® Trading.

In addition, an entity that is a NYMEX Clearing Member that is seeking to obtain designation as a User for purposes of access to ~~NYMEX ClearPort~~CME ClearPort® Trading via a Certified Application must execute Schedule A-1 to Schedule A of the EULA and related attachments.

An individual or entity that is not a NYMEX Clearing Member (including both non-clearing Member Firms and non-Member Firms) and that is seeking to obtain designation as a User for purposes of access to ~~NYMEX ClearPort~~CME ClearPort® Trading via a Certified Application must execute Schedule A-2 to Schedule A of the EULA and related attachments.

Every individual or entity applying for designation as a User further must establish an account with an Exchange Clearing Member who will guarantee trading activity for that account as provided by NYMEX Rule 9.04B.

(B) Upon confirmation of an applicant's satisfaction of the requirements set forth in Section (A) above, the Exchange in its sole discretion may determine to designate the applicant as a User with trading rights as specified by the Exchange.

(C) No person who executes customer orders during Regular Trading Hours who is employed by a Member, Member Firm or Clearing Member during Regular Trading Hours in any capacity other than as a write-up clerk, as that term is defined in Rule 8.58A, may be employed by any other Member, Member firm or Clearing Member during the trading session for ~~NYMEX ClearPort~~CME ClearPort® Trading. No Clerk, as that term is defined in Rule 8.58A, may become a User.

(D) **Responsibility of User for User Agents**

Access to ~~NYMEX ClearPort~~CME ClearPort® Trading via the Front-End Trading Application Provided by the Exchange.

User shall be responsible for selecting its own User Agents with respect to ~~NYMEX ClearPort~~CME ClearPort® Trading and must register with the Exchange in the manner provided of all such employees and agents who have

been designated by the User as User Agents for that User. The User also shall be responsible for notifying the Exchange prior to any change in its User Agents. By registering any such User Agents, User agrees to be bound by and to indemnify and hold the Exchange harmless for any and all actions taken by, or omissions of, User Agents or others using the Passwords as defined below of such User Agents, whether or not such actions were authorized, through the User's Certified Application with respect to ~~NYMEX ClearPort~~CME ClearPort® Trading.

Access to ~~NYMEX ClearPort~~CME ClearPort® Trading via a Non-Exchange Front-End Trading Application that is Certified by the Exchange.

User agrees to be responsible for and to be bound by and to indemnify and hold the Exchange harmless for any and all actions taken , or omissions of, by User Agents or others using the Passwords as defined below of such User Agents, whether or not such actions were authorized, through the User's Certified Application.

11.33 Scope of Trading Privileges for ~~NYMEX ClearPort~~CME ClearPort® Trading

Only Users and their User Agents may enter orders on ~~NYMEX ClearPort~~CME ClearPort® Trading and any Non-Member Users and their User Agents must comply with any and all applicable CFTC and NFA registration requirements.

11.34 Responsibilities of Users on ~~NYMEX ClearPort~~CME ClearPort® Trading

(1) Each User as defined by Exchange rules of ~~NYMEX ClearPort~~CME ClearPort® Trading shall be responsible for all activity resulting from use of the user identification of that User (if an individual) and/or the user identification and password of any User Agents of that User (collectively for purposes of this Rule the "Passwords"). Each User will be solely responsible for controlling and monitoring the use of the Passwords and will not provide, or permit any other entity or individual to provide, the Passwords to any third party. User must immediately notify the Exchange of (i) any unauthorized disclosure or use of the Passwords, (ii) any unauthorized access to ~~NYMEX ClearPort~~CME ClearPort® Trading; and (iii) any need to deactivate Passwords as a result of User's and/or User Agents' loss or disclosure of Passwords, any unauthorized use of Passwords, or any change in User Agents.

(2) Upon request of the Exchange, each User shall cooperate promptly and fully in connection with any audit undertaken by Exchange staff of the User's records, systems or procedures.

11.34A Responsibilities of Clearing Members for Connections to ~~NYMEX ClearPort~~CME ClearPort® Trading via a Certified Application

In addition to any other requirements as may be set forth in the Exchange's rules, the following requirements apply specifically to Clearing Member obligations for connections to ~~NYMEX ClearPort~~CME ClearPort® Trading via a Certified Application.

(1) Each connection to ~~NYMEX ClearPort~~CME ClearPort® Trading made via a Certified Application must be guaranteed by a Clearing Member that assumes financial responsibility for all activity through such connection. If the User is not the Clearing Member itself, the scope of the financial guarantee being made by the Clearing Member to the User will depend on whether or not the particular connection to ~~NYMEX ClearPort~~CME ClearPort® Trading is utilizing the Exchange's financial risk allocation value filter system (RAV). If the User has elected to use the RAV system, the Clearing Member shall be responsible for all non-clearing financial obligations of the activity through such connection. If the User has elected not to use the RAV system, the Clearing Member shall be responsible for all financial obligations of the activity through such connection and additionally shall be required to serve as the Primary Clearing Member for all activity through such connection.

(2) Clearing Members shall assist the Exchange in any investigation into potential violations of the rules or the Act which occur through or with respect to such a connection guaranteed by the clearing member. Such assistance must be timely and may include, but not be limited to, identifying any User or User Agent to the Exchange and requiring any User or User Agent to produce documents, to answer questions from the Exchange, and/or to appear in

connection with an investigation.

(3) Upon request by the Exchange, Clearing Members shall suspend or terminate a User's or User Agent's ~~NYMEX ClearPort~~CME ClearPort® Trading access if the Exchange believes that the actions of the User or User Agent: (i) threaten or compromise the security or integrity of the System or any of the Services or the use thereof by any other user, (ii) violate the Exchange Rules, any applicable laws or regulations, or the terms of any Consents, (iii) threaten the integrity or liquidity of any contract, or (iv) otherwise violate the terms of the EULA.

11.35 Acceptance of Orders for Entry into ~~NYMEX ClearPort~~CME ClearPort® Trading

(A) No Clearing Member shall assign an account number that would accept the entry of orders into ~~NYMEX ClearPort~~CME ClearPort® Trading for, or on behalf of, a customer, unless such customer is first provided with an Electronic Trading and Order Routing Systems Disclosure Statement in a form approved by the Exchange.

(B) ACCEPTANCE OF ORDERS FROM CUSTOMERS-No person or entity may accept an order for execution on an ~~NYMEX ClearPort~~CME ClearPort® Trading unless the following information is received:
(1) Commodity;
(2) Contract Month;
(3) Purchase or Sale;
(4) Customer Account Number (or certification that the order is for multiple accounts to be later allocated except as provided in connection with Rule 11.35A);
(5) Quantity;
(6) Limit Price (and stop limit if applicable);
(7) Clearing Member; and
(8) Strike prices, put or call (for options when available).
(C) ORDER RECORDATION-Immediately upon receipt, all customer orders for execution on an ~~NYMEX ClearPort~~CME ClearPort® Trading must be (1) entered into the Matching System or, if such orders cannot be entered into the Matching System within one minute of receipt, they must be (2) recorded within one minute of receipt in non-erasable ink and time-stamped in accordance with Rule 6.18, and entered into the Matching System as soon as practicable. For purposes of this Rule, when a FCM or Member Firm receives an order from a customer a memorandum of the order shall be made in non-erasable ink which shall identify the customer by symbol or account number and shall be time stamped when received and time stamped when a report of the execution is made, and, in addition, in the case of option customers' orders, the memorandum shall be time stamped to the nearest minute the order is transmitted for execution.

11.35A Use of Customer Omnibus Accounts by Clearing Members

Clearing Members may establish a customer omnibus account upon proper notice and in the manner provided to the Exchange for use on an intra-session basis with orders to be transacted on such electronic trading systems from new customers who have not been established as Users or User Agents as applicable of such systems. In addition, subject to the conditions set forth below, use of a customer omnibus account as a common "holding" or "suspense" account is acceptable for Clearing Firms, for execution operations that give-up orders to other clearing firms, and for entry of bunched orders by Eligible Account Managers which are to be allocated in accordance with CFTC Regulation 1.35(a-1)(5) and NFA's Interpretive Notice related to Compliance Rule 2-10.

Whenever a suspense account number is used for an order input into ~~NYMEX ClearPort~~CME ClearPort® Trading, the firm must create a contemporaneous written and time-stamped record of the order bearing the correct customer account designation. Additionally, by the end of the trading day, the ultimate customer account designation must be entered into the clearing system.

11.36 Customer Type Indicator Codes for Trading on ~~NYMEX ClearPort~~CME ClearPort® Trading

Users and their User Agents shall be responsible for reporting to the Exchange on an Alternative Electronic Trading System, appropriate CTI and indicator codes for transactions executed on ~~NYMEX ClearPort~~CME ClearPort® Trading Appropriate CTI and indicator codes shall include a combination from Sections A and B below:

(A) Users who execute trades for their personal account, whether owned in whole or in part, or for an account which they control or have the right to initiate trades in, regardless of whether or not they have an ownership interest in the account, or whether they are an employee, partner, or a customer of a Clearing Member, shall designate the trades as:

(A)(1) When a User who is an Exchange Floor Member or such User's User Agent enters orders for the User's personal account, for an account the User controls, or for an account in which the User has an ownership or financial interest, the User and/or the User's User Agent shall designate the order as CTI 1.

(2) When a User who is an Exchange Floor Member or such User's User Agent enters orders for the trading account of a Member Firm or Clearing Member, the User and/or the User's User Agent shall designate the order as CTI 2. However, if such User has either an interest in or discretionary control over such Member Firm or Clearing Member trading account, the indicator codes of subdivision (1) shall apply.

(3) (a) When a User who is an Exchange Floor Member or such User's User Agent enters orders for the personal account of another Floor Member, or for an account that the User knows is controlled by another Floor Trading Member, the User and/or the User's User Agent shall designate the order as CTI 3.

(4) When a User or User Agent enters orders for any account, other than those listed in Subdivisions (1), (2), (3), such User or User Agent shall designate the order as CTI 4.

(B) Indicator Codes. All of the above CTI codes summarized in Section (A) of this Rule must be used in combination with one of the following indicator designations:

(1) C or Customer – if the account owner is not affiliated with the Clearing Member; or

(2) H or House – an account affiliated with the Clearing Member, including parent and subsidiary corporations, or principals or authorized employees, trading for their own account at the Clearing Member in which they have an ownership interest in or by whom they are employed.

(C) It shall be a Major Offense for Users or User Agents to knowingly assign false indicator codes to trades executed on ~~NYMEX ClearPort~~CME ClearPort® Trading.

11.37 Settlement Prices for Contracts Traded Only on ~~NYMEX ClearPort~~CME ClearPort® Trading

(A) The terms of this rule shall generally govern the establishment of settlement prices for futures contracts that are listed for trading only on ~~NYMEX ClearPort~~CME ClearPort® Trading For cash-settled contracts, this rule shall govern only for trade dates other than the final day in an expiring contract month, and final settlement following termination in an expiring contract month in such contracts shall be determined in accordance with the chapter of rules for the applicable contract.

(B) The settlement prices established pursuant to this rule shall be determined by the President's designee. For purposes of this rule, the President's designee shall refer to Exchange staff from various Exchange departments assigned to this responsibility (hereafter 'Staff').

(C) Except with respect to the contracts listed in Sections (D) and (E) below, for each remaining contract, Staff in its sole discretion and judgment shall determine settlement prices for purposes of clearing and settlement for that contract. Staff shall determine such prices by considering market information deemed to be appropriate, and such information may include, but is not limited to:
(1) trading activity on ~~NYMEX ClearPort~~CME ClearPort® Trading;
(2) price data obtained from a cross-section of over-the-counter ("OTC") brokers collectively representing both buyers and sellers in OTC markets;
(3) price data obtained from OTC market participants, considering both buyers and sellers in such markets;
(4) price data from other sources deemed to be reliable and accurate; and
(5) other relevant data and information.

(D) With respect to the contracts listed below, Staff shall determine settlement prices for purposes of clearing and settlement for that contract based upon settlement prices for the applicable futures contract trading on the Exchange:
West Texas Intermediate Crude Oil Calendar Swap
New York Harbor No. 2 Heating Oil Crack Calendar Swap
New York Harbor Unleaded Gasoline Crack Calendar Swap
New York Harbor No. 2 Heating Oil Calendar Swap
New York Harbor Unleaded Gasoline Calendar Swap
(E) The Henry Hub Swap futures contract shall not be settled pursuant to this rule but rather shall be settled pursuant to the provisions of NYMEX Rule 6.52A ("Settlement Prices for Natural Gas Futures Contracts.") The Henry Hub Basis Swap futures contract shall be settled pursuant to the provisions of this rule. The NYMEX miNY Natural Gas futures contract shall not be settled pursuant to this rule but rather shall be settled pursuant to the provisions of NYMEX Rule 6.52A ("Settlement Prices for Natural Gas Futures Contracts.") The NYMEX miNY Crude Oil futures contract shall not be settled pursuant to this rule but rather shall be settled pursuant to the provisions of NYMEX Rule 6.52 ("Settlement Prices for Crude Oil, Heating Oil, Gasoline and Coal Futures Contracts.")

(F) Following determination of the settlement prices for a contract pursuant to this rule, such prices shall be utilized in clearing and settlement in accordance with Exchange procedures and operations.

11.38 NYMEX Lead Market Maker Program

A. General Provisions. The Exchange shall establish a Lead Market Maker ("LMM") Program to remain in effect for a period determined by the Exchange. The principal obligation of a LMM is to continuously make a market of a specified width and depth throughout the regular trading session for the Exchange's NYMEX miNY Crude Oil and Natural Gas contracts listed for trading on NYMEX ClearPortCME ClearPort® Trading electronic trading system and in all contract months of such listed Exchange contracts, as such contract months may be modified from time to time. Trading in the capacity of an LMM shall be limited to trading in proprietary trading accounts. The Exchange may determine to appoint one or more LMMs for this Program.

B. Steering Committee. The Exchange's NYMEX miNY™ Steering Committee ("Steering Committee") shall negotiate terms with prospective applicants during the application and review process, and shall make recommendations for approval by the Board of Directors with respect to eligible participants for the Lead Market Maker Program. The Steering Committee's recommendations will be based, among other things, on the applicant's business reputation, financial resources and trading activity in relevant futures, options or related cash markets. The Steering Committee may determine to establish separate obligations respecting maintenance of bid-ask spreads and minimum trade size obligations for trading during abnormal market conditions.

The Steering Committee shall also supervise the operation of the LMM Program. Any individual or entity accepted as a Lead Market Maker must comply with the conditions established by the Steering Committee. The Steering Committee will have discretion in determining whether an LMM has complied with this rule and with all conditions of the LMM program. In the event that the Steering Committee determines that a LMM has failed to comply with any requirement, it shall recommend to the Board that appropriate action be taken. The Exchange also reserves the right to cancel the LMM Program upon 30 days notice to participating firms.

C. Application Process. Any Member Firm or Member is eligible to submit an application, in the manner provided by the Exchange, to become a Lead Market Maker. Such applications must include for each NYMEX miNY futures contract an indication of the width and depth to be consistently quoted on NYMEX ClearPortCME ClearPort® Trading for that contract.

D. Maintenance of Working Capital. As a continuing condition for appointment as an LMM, at all times an LMM shall maintain an amount in working capital in excess of that otherwise required by Exchange rules as further specified by the Steering Committee. The LMM shall promptly inform the Steering Committee and the Exchange's Compliance Department within forty-eight hours of any material change in financial or operational conditions or in personnel.

E. LMM Priority Rights. Except as otherwise provided below, the LMM will have priority rights in the NYMEX miNY™ contracts covered by the LMM Program as provided below:

(1) After the opening, the LMM has the opportunity to match the best bid or offer. In the event that the LMM does so before bids and offers are matched by the system, the LMM Algorithm will allocate a specified minimum proportion of the trade to the LMM provided that the LMM's bid or offer matches the best available bid or offer. Any contracts still to be allocated after the "LMM Allocation" are allocated based upon the time of order entry.

If the allocations to the LMM results in a fraction, the LMM Algorithm will "Round Down Up" to the nearest integral contract multiple.

(2) In the event that the Exchange designates a single LMM in a specified market, the LMM's allocated proportion shall be up to 40% (and scaled according to volume targets).

(3) In the event that the Exchange initially designates three (3) LMMs in a specified market, the allocated proportion for each of the LMMs will be 15% (for a total of 45% allocated to LMMs) *provided, however,* that, in the event that the number of designated LMMs for such a market subsequently declines, the total allocated proportion available to LMMs will be 40% and will be split evenly between the remaining LMM(s) for that specified market.

F. Duration of LMM Appointment and Related Priority Rights. Consistent with the other provisions of this rule and the other conditions of the LMM program, an LMM's appointment will continue for a period of two (2) years following the trade date where there has been on average over the preceding twenty (20) business days daily trading volume of 10,000 or more contracts for NYMEX miNY Crude Oil and 5,000 or more contracts for NYMEX miNY Natural Gas covered by the LMM Program.

G. Clearing and System Rates. Clearing fees and ~~NYMEX ClearPort~~CME ClearPort® Trading fees for an LMM's trading may be waived for a period established by the Steering Committee.

11.39-11.49 Reserved

11.50 NYMEX Customer Service Call Center

(A) The NYMEX Customer Service Call Center ("NCSCC") provides customer support and problem management for ~~NYMEX ClearPort~~CME ClearPort® Trading only to Members, Clearing Members and customers designated by Clearing Members. In order to be eligible for NCSCC support, such persons must register with the NCSCC ("Registered Contacts"). The NCSCC provides customer support via a specified telephone number and during specified hours. NCSCC employees may not always be available to assist Registered Contacts.

(B) Access to ~~NYMEX ClearPort~~CME ClearPort® Trading via a Non-Exchange Trading Front-End Application that is Certified by the Exchange.

During a ~~NYMEX ClearPort~~CME ClearPort® Trading session, a User obtaining access to ~~NYMEX ClearPort~~CME ClearPort® Trading via a Certified Application generally must make available to its User Agents at least one person who is a Registered Contact as described above and who can serve to contact the NCSCC on behalf of such User's User Agents.

Persons other than Registered Contacts, including User Agents who are customers of the User, may not directly contact the NCSCC but instead must contact their User and/or Clearing Member to make support requests.

11.51 Business Day

The Business Day for trading sessions on ~~NYMEX ClearPort~~CME ClearPort® Trading shall be governed by the provisions of NYMEX Rule 6.00 (Exchange Business Day).

11.52 Hours of Trading

The Board shall establish the hours for trading in commodities on the Exchange for each trading session. All such trading shall take place within the prescribed hours.

11.53 Electronic Trading Spread Transactions and Strip Transactions

(A) This Rule shall apply to all orders for and execution of spread transactions and strip transactions on ~~NYMEX ClearPort~~CME ClearPort® Trading, notwithstanding anything to the contrary in Rules 6.07, 6.07A, 6.08A, 6.08B, and 6.08D which Rules shall apply exclusively to spread transactions and strip transactions on the Exchange Floor, respectively.

(B) All orders for spread transactions (intercommodity, intra-commodity, cracks, options or futures-options) and strip transactions on ~~NYMEX ClearPort~~CME ClearPort® Trading shall be made at a stated price differential.

(C) Transactions executed by the ~~NYMEX ClearPort~~CME ClearPort® Trading matching system as legs as a result of orders for spread transactions or strip transactions shall set off stops in the affected contract. Transactions executed by ~~NYMEX ClearPort~~CME ClearPort® Trading as spread transactions or strip transactions shall not set off stops in the affected contract, but shall set off stops with respect to the spread transaction or the strip transaction, as applicable.

11.54 Standard Forms of Orders for Exchange Electronic Trading Systems

Until further notice from the Exchange, only limit and stop limit orders may be used for trading on ~~NYMEX ClearPort~~CME ClearPort® Trading.

(A) Limit Order. A limit order is an order to buy or sell a stated amount of commodity futures or options contracts at a specified price, or at a better price, if obtainable.

(B) Stop Limit Order. A stop limit order to buy becomes a limit order when after the order is received, a transaction in the contract occurs at or above the specified price or, if so specified by the customer, when a bid for the contract is made at or above the specified price. A stop limit order to sell becomes a limit order executable at the limit price when after the order is received a transaction in the contract occurs at or below the stop price or, if so specified by the customer, when an offer for the contract is made at or below the specified price.

(C)A User or User Agent in the case of orders submitted for execution on ~~NYMEX ClearPort~~CME ClearPort® Trading may accept orders on a "Not Held" basis provided that they have received prior written permission from the ultimate customer and retained such written documentation with their required records. A User shall not be responsible to the customer for the execution or failure to execute such order on the ~~NYMEX ClearPort~~CME ClearPort® Trading system. However, a claim may be asserted against the User by the customer and/or the Compliance Department, if the execution or the failure thereof, was done fraudulently or by willful misconduct.

Nothing in this rule shall be construed as a limitation of the Exchange's disciplinary authority.

11.55 Errors and Omissions in Handling Orders

(A) A User or User Agent on ~~NYMEX ClearPort~~CME ClearPort® Trading who inadvertently, through error or omission, fails to execute an order at the time it should have been executed may, upon discovery of such error or omission, execute such order at the best obtainable price. Such order shall be executed openly and competitively and should be executed in the next available Exchange trading session for the applicable listed product but in any event must be executed no later than the close of the next electronic trading session and shall be reported to the client at the price at which actually executed. If such price is to the advantage of the client the client shall receive the benefit thereof; if not, the client shall receive such monetary adjustment as will afford the client the equivalent of the price at which such order should and could have been executed. Any member receiving such report and adjustment with respect to an order of a client shall report to such client the execution at the price reported to such member and make the same monetary adjustment for the account of such client. Full details of all transactions consummated hereunder

shall be reported promptly to the President and maintained as a permanent record of the Exchange.

(B) This rule shall not be construed to contravene any instructions received from a client respecting any order prior to its execution, but shall be construed to permit execution of orders under the conditions prescribed without prior instructions from the client.

11.56 Surrender of Trading Records for Examination

Each User or User Agent shall be required to submit for examination trading records maintained in the manner required by the Exchange at such times and in such manner as requested by the President or other designated Exchange employee.

11.57 Trading Standards for Electronic Trading Systems

(A) Users and User Agents trading on ~~NYMEX ClearPort~~CME ClearPort® Trading must exercise reasonable care in the entry of customer order information into the applicable Exchange electronic trading system.

(B) Users and User Agents trading on ~~NYMEX ClearPort~~CME ClearPort® Trading shall not withhold or withdraw from the market any customer order or any part of a customer order for his personal benefit or for the convenience of another.

(C) Users and User Agents trading on ~~NYMEX ClearPort~~CME ClearPort® Trading must enter all customer orders available for input into the applicable Exchange electronic trading system before entering any order for his own account, an account in which he has a proprietary interest, a discretionary account for an immediate family member, or an account in which his employer or any other employee of his employer has an interest.

(D) Users and User Agents trading on ~~NYMEX ClearPort~~CME ClearPort® Trading who has entered an order into the Matching System which results in him having (immediately or subsequently) the highest bid or lowest offer for a particular futures or options contract resting in the applicable Exchange electronic trading system for his personal account, any account in which he has a proprietary interest, a discretionary account for an immediate family member or an account in which his employer or other employee of his employer has an interest shall disclose the facts of the resting order to a customer prior to accepting from such customer any order for the opposite purchase or sale of the same contract.

(E) Users and User Agents trading on ~~NYMEX ClearPort~~CME ClearPort® Trading may not enter an order for his own account, an account in which he has a proprietary interest, a discretionary account for an immediate family member or an account in which his employer or any employee of his employer has an interest which reflects the opposite side of a customer order already resting in the applicable Exchange electronic trading system, unless the customer order has rested in the applicable Exchange electronic trading system for at least five seconds.

(F) Users and User Agents trading on ~~NYMEX ClearPort~~CME ClearPort® Trading shall not make any purchase or sale, or shall not enter an order through any NYMEX electronic trading system, to effect a trade that has been pre-arranged. The foregoing restriction shall not apply to transactions executed pursuant to permissible Pre-Execution Discussions in accordance with the provisions of Rule 11.57A below.

11.57A Permissible Pre-Execution Discussions

Firms may engage in pre-execution discussions with regard to transactions executed on ~~NYMEX ClearPort~~CME ClearPort® Trading where the firm wishes to be assured that a counter-party will take the opposite side of the order. One party (the first party) may agree in advance with another party (the second party) that the first party will take the opposite side of the second party's order, under the following circumstances:

(A) Customers must consent to allow pre-execution discussions with other market participants.
(B) Users or User Agents who are solicited to participate in an electronic transaction through pre-execution

discussions shall not (i) disclose to another User or User Agent the details of such discussions; or (ii) enter an order through ~~NYMEX ClearPort~~CME ClearPort® Trading to take advantage of information conveyed during such discussions unless the User or User Agent has agreed during the pre-execution discussions to participate in the transaction in accordance with this Rule and the order is entered to implement that agreement.

(C) A period of at least five seconds shall elapse between entry of the two orders during which the order first entered is resting in the market.

(D) Orders entered pursuant to this Rule must be entered in accordance with the provisions of Rule 11.57(c), if applicable.

11.58 Reporting and Record keeping Requirements for ~~NYMEX ClearPort~~CME ClearPort® Trading

(A) All customer order memoranda reflecting orders for execution during the ~~NYMEX ClearPort~~CME ClearPort® Trading trading session shall be retained in accordance with applicable Exchange rules and CFTC Regulations.

(B) All information entered into ~~NYMEX ClearPort~~CME ClearPort® Trading shall be retained by the User as provided by the Exchange for the time period set forth in applicable Exchange rules and CFTC Regulations.

11.59 User of Passwords

No person may use a user ID or password not assigned to him by the NYMEX Customer Service Call Center ("NCSCC"). No person may disclose or knowingly permit the use by another of the user ID or password assigned by the NCSCC. ~~NYMEX ClearPort~~CME ClearPort® Trading Users shall take such steps as are necessary to prohibit any person other than a User Agent under the control of the User from using the password as applicable of any other User Agent under the control of the User.

11.60 Exchange of Futures for Physicals and Exchange of Futures for Swaps

The exchange of futures for physicals for contracts listed for trading on ~~NYMEX ClearPort~~CME ClearPort® Trading shall be governed by the provisions of NYMEX Rule 6.21, and the exchange of futures for swaps for contracts listed for trading on ~~NYMEX ClearPort~~CME ClearPort® Trading shall be governed by the provisions of NYMEX Rule 6.21A.

11.61 Limitation of Liability; No Warranties

(A) EXCEPT AS PROVIDED BELOW, THE EXCHANGE AND CHICAGO MERCANTILE EXCHANGE INC. (CME) (INCLUDING THEIR RESPECTIVE SUBSIDIARIES AND AFFILIATES), THEIR RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, CONSULTANTS, LICENSORS, MEMBERS, AND CLEARING MEMBERS, SHALL NOT BE LIABLE TO ANY PERSON FOR ANY LOSSES, DAMAGES, COSTS OR EXPENSES (INCLUDING, BUT NOT LIMITED TO, LOSS OF PROFITS, LOSS OF USE, AND DIRECT, INDIRECT, INCIDENTAL, CONSEQUENTIAL OR PUNITIVE DAMAGES), ARISING FROM:

(i) ANY FAILURE, MALFUNCTION, FAULT IN DELIVERY, DELAY, OMISSION, SUSPENSION, INACCURACY, INTERRUPTION, TERMINATION, OR ANY OTHER CAUSE, IN CONNECTION WITH THE FURNISHING, PERFORMANCE, OPERATION, MAINTENANCE, USE OF OR INABILITY TO USE ALL OR ANY PART OF ANY OF THE SYSTEMS AND SERVICES OF THE EXCHANGE OR CME, OR SERVICES, EQUIPMENT OR FACILITIES USED TO SUPPORT SUCH SYSTEMS AND SERVICES, INCLUDING WITHOUT LIMITATION ELECTRONIC ORDER ENTRY/DELIVERY, TRADING THROUGH ANY ELECTRONIC MEANS, ELECTRONIC COMMUNICATION OF MARKET DATA OR INFORMATION, WORKSTATIONS USED BY MEMBERS AND AUTHORIZED EMPLOYEES OF MEMBERS, PRICE REPORTING SYSTEMS AND ANY AND ALL TERMINALS, COMMUNICATIONS NETWORKS, CENTRAL COMPUTERS, SOFTWARE, HARDWARE, FIRMWARE AND PRINTERS RELATING THERETO; OR

(ii) ANY FAILURE OR MALFUNCTION, FAULT IN DELIVERY, DELAY, OMISSION, SUSPENSION, INACCURACY, INTERRUPTION OR TERMINATION, OR ANY OTHER CAUSE, OF ANY SYSTEM OR SERVICE OF THE EXCHANGE OR CME, OR SERVICES, EQUIPMENT OR FACILITIES USED TO SUPPORT SUCH SYSTEMS OR SERVICES, CAUSED BY ANY THIRD PARTIES INCLUDING, BUT NOT LIMITED TO, INDEPENDENT SOFTWARE VENDORS AND NETWORK PROVIDERS; OR

(iii) ANY ERRORS OR INACCURACIES IN INFORMATION PROVIDED BY THE EXCHANGE OR CME OR ANY OF THE EXCHANGE'S OR CME'S SYSTEMS, SERVICES OR FACILITIES; EXCEPT FOR INCORRECT ORDER STATUSING INFORMATION AS PROVIDED IN RULE 11G.579 (GLOBEX CONTROL CENTER); OR

(iv) ANY UNAUTHORIZED ACCESS TO OR UNAUTHORIZED USE OF ANY OF THE EXCHANGE'S OR CME'S SYSTEMS, SERVICES OR FACILITIES BY ANY PERSON.

THE FOREGOING LIMITATION OF LIABILITY SHALL APPLY WHETHER A CLAIM ARISES IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, CONTRIBUTION OR OTHERWISE AND WHETHER THE CLAIM IS BROUGHT DIRECTLY OR AS A THIRD PARTY CLAIM. THE FOREGOING LIMITATION OF LIABILITY SHALL BE SUBJECT TO THE COMMODITY EXCHANGE ACT AND REGULATIONS THEREUNDER. A PARTY WHO HAS BEEN FINALLY ADJUDICATED TO HAVE ENGAGED IN WILLFUL OR WANTON MISCONDUCT MAY NOT AVAIL ITSELF OF THE PROTECTIONS IN THIS RULE.

(B) THERE ARE NO EXPRESS OR IMPLIED WARRANTIES OR REPRESENTATIONS (INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE OR USE) PROVIDED BY THE EXCHANGE, THE CME (INCLUDING THEIR RESPECTIVE SUBSIDIARIES AND AFFILIATES), THEIR RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, CONSULTANTS, AND LICENSORS RELATING TO ANY SYSTEMS OR SERVICES OF THE EXCHANGE OR CME OR SERVICES, EQUIPMENT OR FACILITIES USED TO SUPPORT SUCH SYSTEMS OR SERVICES, INCLUDING THE GLOBEX SYSTEM.

(C) ANY DISPUTE ARISING OUT OF THE USE OF SYSTEMS OR SERVICES OF THE EXCHANGE OR CME OR SERVICES, EQUIPMENT, OR FACILITIES USED TO SUPPORT SUCH SYSTEMS OR SERVICES IN WHICH THE EXCHANGE OR CME (INCLUDING THEIR RESPECTIVE SUBSIDIARIES AND AFFILIATES), OR ANY OF THEIR RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, CONSULTANTS OR LICENSORS IS A PARTY SHALL BE ARBITRATED PURSUANT TO RULE 621 ("CERTAIN CLAIMS AGAINST THE EXCHANGE INVOLVING TRADING SYSTEMS OR SERVICES "). ANY ARBITRATION SHALL BE BROUGHT WITHIN THE PERIOD PRESCRIBED BY EXCHANGE RULES. ANY OTHER ACTIONS, SUITS OR PROCEEDINGS AGAINST ANY OF THE ABOVE MUST BE BROUGHT WITHIN TWO YEARS FROM THE TIME THAT A CAUSE OF ACTION HAS ACCRUED. THIS PARAGRAPH C SHALL IN NO WAY BE CONSTRUED TO LIMIT A PARTY'S OBLIGATION TO ARBITRATE ITS CLAIM OR TO CREATE A CAUSE OF ACTION AND SHALL NOT AUTHORIZE AN ACTION THAT WOULD OTHERWISE BE PROHIBITED BY EXCHANGE RULES. IF FOR ANY REASON, A COURT OF COMPETENT JURISDICTION FINDS THAT SUCH DISPUTE IS NOT ARBITRABLE, SUCH DISPUTE MAY ONLY BE LITIGATED IN THE COUNTY OF COOK IN THE STATE OF ILLINOIS AND WILL BE GOVERNED BY THE LAWS OF THE STATE OF ILLINOIS WITHOUT REGARD TO ANY PROVISIONS OF ILLINOIS LAW THAT WOULD APPLY THE SUBSTANTIVE LAW OF A DIFFERENT JURISDICTION.

(D) THE CME OR THE EXCHANGE, MAY, IN THEIR RESPECTIVE SOLE DISCRETION, ASSUME RESPONSIBILITY FOR DIRECT, OUT-OF-POCKET LOSSES DIRECTLY CAUSED BY THE NEGLIGENCE OF NYMEX CUSTOMER SERVICE CALL CENTER ("NCSCC "), GLOBEX CONTROL CENTER OR OTHER EXCHANGE STAFF AND/OR ORDER STATUS ERRORS PROVIDED BY THE NCSCC, GLOBEX CONTROL CENTER OR A CME OR EXCHANGE SYSTEM, SERVICE OR FACILITY. NOT WITHSTANDING THE ABOVE, i) THE EXCHANGE'S AND CME'S TOTAL COMBINED AGGREGATE OBLIGATIONS SHALL NOT EXCEED $100,000 FOR ALL LOSSES FROM ALL CAUSES SUFFERED ON A SINGLE DAY; $200,000 FOR ALL LOSSES SUFFERED FROM ALL CAUSES IN A SINGLE CALENDAR MONTH; AND $2,400,000 FOR ALL LOSSES FROM ALL CAUSES SUFFERED IN A SINGLE CALENDAR YEAR. ANY DISPUTED CLAIM PURSUANT TO THIS

PARAGRAPH D MUST BE ARBITRATED PURSUANT TO RULE 621 ("CERTAIN CLAIMS AGAINST THE EXCHANGE INVOLVING TRADING SYSTEMS OR SERVICES").

(E) IN NO EVENT SHALL THE EXCHANGE'S AND CME'S TOTAL COMBINED AGGREGATE LIABILITY FOR ALL CLAIMS ARISING OUT OF ANY FAILURES, MALFUNCTIONS, FAULTS IN DELIVERY, DELAYS, OMISSIONS, SUSPENSIONS, INACCURACIES, INTERRUPTIONS, TERMINATIONS, ORDER STATUSING ERRORS, OR ANY OTHER CAUSES, IN CONNECTION WITH THE FURNISHING, PERFORMANCE, OPERATION, MAINTENANCE, USE OF OR INABILITY TO USE ALL OR ANY PART OF ANY OF THE EXCHANGE'S OR CME'S SYSTEMS OR SERVICES, OR SERVICES, EQUIPMENT OR FACILITIES USED TO SUPPORT SUCH SYSTEMS AND SERVICES, OR THE NEGLIGENCE OF EXCHANGE OR CME STAFF EXCEED $2,400,000 IN ANY GIVEN CALENDAR YEAR.

IF THE NUMBER OF ALLOWED CLAIMS ARISING OUT OF ANY FAILURES OR MALFUNCTIONS ON A SINGLE DAY OR SINGLE MONTH CANNOT BE FULLY SATISFIED BECAUSE OF THE ABOVE DOLLAR LIMITATIONS, ALL SUCH CLAIMS SHALL BE LIMITED TO A PRO RATA SHARE OF THE MAXIMUM AMOUNT FOR THE RESPECTIVE PERIOD.

A CLAIM AGAINST THE EXCHANGE OR CME, ARISING OUT OF ANY FAILURE OR MALFUNCTION SHALL ONLY BE ALLOWED IF SUCH CLAIM IS BROUGHT IN ACCORDANCE WITH THIS RULE.

11.62 Reserved

11.62A Phantom Orders

For purposes of this rule, a phantom order is an order: 1) that was not authorized by any person but was caused by a failure, malfunction or negligent operation of ~~NYMEX ClearPort~~CME ClearPort® Trading or any other Exchange system, service or facility, or 2) whose terms (e.g., contract, contract month, quantity, price or direction) were changed without authorization of the person placing the order solely as a result of a failure, malfunction, or negligent operation of ~~NYMEX ClearPort~~CME ClearPort® Trading or any other Exchange system, service or facility.

If the Exchange has reason to believe that phantom orders have been or are being entered into and/or executed on ~~NYMEX ClearPort~~CME ClearPort® Trading or any other Exchange system, service or facility, the Exchange shall have authority to take appropriate action with respect to any affected market, including without limitation, closing the market, deleting bids and offers, and/or suspending new bids and offers.

The Exchange shall promptly give notice, as applicable, that all ~~NYMEX ClearPort~~CME ClearPort® Trading transactions that were directly or indirectly caused by the execution of phantom orders shall be voided. The Exchange shall have no liability or responsibility to the parties to any transactions that are voided pursuant to this rule.

11.63 Electronic Trading Error Trade Procedures

(A) NYMEX Customer Service Call Center Trade Cancellation Authority

The Exchange's trade cancellation policy authorizes the NCSCC to mitigate market disrupting events caused by the improper or erroneous use of ~~NYMEX ClearPort~~CME ClearPort® Trading or by system defects by adjusting trade prices or canceling ("busting") trades. Notwithstanding any other provisions of this rule, the NCSCC may also adjust trade prices or cancel any trade if the NCSCC determines that failure to adjust the price or cancel the trade may have a material, adverse effect on the integrity of the market. The decision of the NCSCC shall be final.

(B) Review of Trades

The NCSCC may review a trade based on its analysis of market conditions or upon a request by a ~~NYMEX ClearPort~~CME ClearPort® Trading User. Whenever a User believes that he or she executed a trade through ~~NYMEX~~

~~ClearPort~~CME ClearPort® Trading in error as a result of an error ("Error"), the User or a representative of the firm that is a party to the trade must contact the NYMEX Customer Service Call Center ("NCSCC") immediately. Except as provided in Section (F) below, if a potential user Error is observed by or brought to the attention of the NCSCC within ten (10) minutes after the trade occurs, the following procedures will apply:

(C) Trade Price Adjustment and Cancellation Process

The NCSCC staff will determine whether the trade price is within the No Bust Range as defined in section (D) of this rule. During fast market conditions, upon the release of significant news events, or in other circumstances in which the NCSCC determines it is appropriate, the NCSCC may temporarily double the published No Bust Range with prior notice to the market. In applying the No Bust Range, the NCSCC shall determine the actual or implied market price for that contract immediately before the trade under review. The NCSCC may consider any relevant information, including but not limited to the existing market conditions, the volatility of the market, the prices of related instruments in other markets, the last trade price on ~~NYMEX ClearPort~~CME ClearPort® Trading, a better bid or offer price, a more recent price in a different contract month, the price of the same or related contract established in open outcry trading and any other factors that the NCSCC deems relevant.

(1) Trade Price Inside the No Bust Range

If the trade price is within the No Bust Range then the trade will stand.

(2) Trade Price Outside the No Bust Range
a. Implied Futures Contract Execution
If the NCSCC determines that a trade price is outside the applicable No Bust Range, the NCSCC will have the option to adjust the trade price to a price that equals the actual or implied market price for that contract at the time of the questioned trade, plus or minus the standard or doubled No Bust Range, as may be applicable. Further, the NCSCC shall maintain the option to bust the leg of the trade where appropriate depending on the circumstances. The NCSCC will promptly issue an alert indicating that the prices of the trades outside the No Bust Range have been busted or adjusted to the No Bust Range limit.

For example, if the standard No Bust Range for Crude Oil is 25 points above and below the market price, all trade prices outside the No Bust Range shall be adjusted to the applicable No Bust Range limit, i.e., 25 points above or below the market price.

b. Non-Implied Contract Execution

If the NCSCC determines that the trade price is outside the No Bust Range, the NCSCC shall have the option to bust the trade or to adjust the trade price where appropriate depending on the circumstance. The NCSCC will promptly issue an alert indicating that trades outside the No Bust Range have been busted or adjusted to the No Bust Range Limit.

(3) Liability for Losses Resulting from a Price Adjustment or Trade Bust

A party responsible for entering an order that results in a trade price adjustment shall not be liable for losses incurred by persons whose trade prices were adjusted.

(4) Schedule of Administrative Fees

A fee for each Error trade cancelled in accordance with this rule shall be charged to the party responsible for such Error trade as follows:

(1) $500 for each of the first three (3) instances within one calendar year;

(2) $1,000 for each of the next three (3) instances within one calendar year; and

(3) $2,000 for each instance thereafter within one calendar year.

(D) No Bust Ranges

Contract Outrights	# Ticks From Market
Crude Oil (1000 Barrels)	25
Petroleum Products (42,0000 Gallons)	48
Natural Gas	20
Electricity	40
Currency Index	100

11.64 Trading Prohibition by Certain Persons

Members, Member Firms, Users and User Agents are prohibited from directly or indirectly accepting or executing an order or, accepting trades for clearance or maintaining positions in contracts, for the delivery of any commodity traded or otherwise listed for clearing on the Exchange if such Member, Member Firm, User or User Agent knows, or with the exercise of reasonable care, should know, that the transaction was executed or carried for or on behalf of:

(A) An employee or public director of the Exchange.

(B) An employee of another Member, Member Firm, Electronic Trader or User without the prior written consent of such employer;

(C) A floor clerk, messenger or Authorized Terminal User or User Agent who is not also designated as a User.

11.65 Trading Prohibitions: Representatives of Other Clearing Members

(A) No Clearing Member shall accept or execute any trade for an employee, representative, person in joint account, person in partnership with, another Member, User or User Agent or for any qualified floor trader guaranteed by another Clearing Member, without the prior written consent, filed with the Exchange, of such other Clearing Member and in the case of the partner without the prior written consent of such other Clearing Member's partner. In addition, a Clearing Member accepting or executing any trade for any of the aforementioned persons must send a duplicate confirmation of the trade to the individual or firm from which prior written consent must be obtained.

(B) Members of the Clearing House shall not solicit, or accept, selling or buying orders from any employee of the Exchange; nor finance any employee of the Exchange in carrying trades, in any manner.

(C) For the purpose of this rule the Chairman of the Board, members of the Board and members of all Exchange Committees are not considered to be employees of the Exchange.

11.66 Restriction on Simultaneous Buy and Sell Orders on ~~NYMEX ClearPort~~CME ClearPort® Trading

~~NYMEX ClearPort~~CME ClearPort® Trading Users or User Agents may not enter orders for different principals as a cross-trade into the system.

Instead, a User or User Agent shall enter orders into the system strictly on the basis of time of receipt of the orders.

11.67 General Trading Standards for Exchange Electronic Trading Systems

(A) No ~~NYMEX ClearPort~~CME ClearPort® Trading User or User Agent shall purchase any commodity for future delivery, purchase any call option, or sell any put option for any commodity options contract, for his own account, or

for any account in which he has an interest, while holding an order of another person for the purchase of any future, any call option, or sale of any put option, in the same commodity which is executable at the market price or at the price at which such transaction can be made for the Member's own account or the account in which he has an interest.

(B) No ~~NYMEX ClearPort~~CME ClearPort® Trading User or User Agent shall sell any commodity for future delivery, sell any call option or purchase any put option for his own account, or for any account in which he has an interest, while holding an order of another person for the sale of any future, any call option, or purchase of any put option, in the same commodity which is executable at the market price or at the price at which such transaction can be made for the Member's own account or the account in which he has an interest.

(C) No ~~NYMEX ClearPort~~CME ClearPort® Trading User or User Agent shall place an order in ~~NYMEX ClearPort~~CME ClearPort® Trading for any account of another person for which buying or selling orders can be placed or originated or for which transactions can be executed by such member, without the prior specific consent of such other person (hereinafter referred as to "discretionary orders") regardless of whether the general authorization for such orders or transactions is pursuant to a written agreement, except that discretionary orders may be placed with another Member. for execution.

The restrictions set forth in this subparagraph shall not apply to discretionary orders for: (i) member of the User's immediate family, which is defined to mean a spouse, parent, parent of a spouse, brother, sister, child, or spouse of a child; (ii) a member of the Exchange; (iii) a proprietary account of the User as that term is defined in Reg. §1.3(y); or (iv) a non-member account provided the Member does not trade for his personal account or any other customer account.

(D) No ~~NYMEX ClearPort~~CME ClearPort® Trading User shall disclose at any time that he is holding an order of another person or shall divulge any order revealed to him by reason of his relationship to such other person, except to execute an order or at the request of an authorized representative of the Commodity Futures Trading Commission or the Exchange.

11.68 Closing Range and Close

The closing range for each futures and option contract that is listed for trading only on ~~NYMEX ClearPort~~CME ClearPort® Trading for each day of trading, including the closing range on the final day of trading in such contract listed for trading only on such system, shall include all trades made within the last (10) ten minutes of the applicable trading session for such contract and all bids higher than as well as offers lower than any trade made within such periods.

11.69 Registration for Billing of Brokerage on ~~NYMEX ClearPort~~CME ClearPort® Trading

(A) Member Firms or Members engaged in operating brokerage businesses are required to register with the Membership Department, their names and the names of the entities under which brokerage will be billed, and the names of all persons having ownership interests in such entities, including the percentage of their ownership interests, and to provide upon request any supporting information requested by the Membership Department or the Compliance Department. For the purposes of this rule, the terms "Member", "Member Firm" and "Floor Member" shall include COMEX Members who have NYMEX Division trading privileges.

Members who are owners, shareholders or general partners of entities under which floor brokerage will be billed shall be responsible for the acts of the employees and agents of those entities.

11.70 Exchange Options Market Maker Program for Electronic Trading of NYMEX and/or COMEX Options Contracts

A. General Provisions.

The Exchange may establish an Options Market Maker Program ("the OMM Program") to remain in effect for such period of time as determined by the Exchange for one or more Exchange designated Option Market Makers ("OMM") to provide liquidity in certain NYMEX and/or COMEX options contracts as determined by the Exchange from time to time. The principal obligation of an OMM under the OMM Program is to post, on the Chicago Mercantile Exchange's Globex® electronic trading system, current and binding bids and offers of a specified maximum bid/offer spread and minimum quantity for specified NYMEX and/or COMEX options contracts, contract months, and strike prices, all as specified by the Exchange for such OMM. In addition, for each specified options contract, such market making activity generally must occur for a specified percentage of the applicable listed trading hours for electronic trading on Globex. In consideration for an OMM's market making activity, the OMM shall be charged such transaction fee rates as provided by the Exchange for that OMM.

B. Additional OMM Program Terms and Conditions

In addition to the market making obligations noted above, each OMM will agree to: (1) comply with all applicable NYMEX and CME rules related to the electronic trading of Exchange contracts on Globex; and (2) consent to the jurisdiction of New York state and federal courts based in the Manhattan borough of New York City, provided that any alleged violation of NYMEX rules by the OMM shall be adjudicated in accordance with the disciplinary rules of NYMEX. The Exchange may terminate an OMM's participation in the OMM Program in the event of a material violation by the OMM of the NYMEX or CME rules or its failure to meet its specified market making obligations. Trading in the capacity of an OMM shall be limited to trading for the OMM's proprietary trading account, and the OMM must conduct all OMM Program trading in an account that has been identified to the Exchange.

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104.36 Exchange of Futures for, or in Connection with, Product (Physical)

(A) An exchange of futures for, or in connection with, product (EFP) consists of two discrete, but related, transactions; a cash transaction and a futures transaction. At the time such transaction is effected, the buyer and seller of the futures must be the seller and the buyer of a quantity of the physical product covered by this Section. The quantity of physical product must be approximately equivalent to the quantity covered by the futures contracts.

(B) Eligible Contracts and Transactions:
EFP transactions may be effected in all futures contracts offered for trading on the Exchange.

(C) EFP Posting Procedures for Futures Contracts which are available for trading on the Trading Floor:

The posting of any EFP in any futures market traded on the Exchange shall be made during the hours of futures trading and otherwise in accordance with Rule 104.80 (Trading Cards). Each EFP transaction shall be posted, immediately when relevant cash terms are determined, but in no event later than the earlier of the next business day or the end of the permissible posting period for EFPs following the expiration of the underlying futures contract, by the Floor Members and in accordance with normal procedures .

Additionally, if a futures contract available for trading on the trading floor is also available for trading on GLOBEX, EFP posting may be accomplished by submission of reports to ~~NYMEX ClearportCME ClearPort~~ Clearing in accordance with its procedures.

[the remainder of this rule is unchanged]

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104.36A Exchange of Futures for, or in Connection with, Swap Transactions

(A) An exchange of futures for, or in connection with, a swap (EFS) consists of two discrete, but related, transactions; a swap transaction and a futures transaction. At the time such transaction is effected, the buyer and seller of the futures must be, respectively, the seller and the buyer of the swap. The swap component shall involve the commodity

underlying the futures contract (or a derivative, by-product or related product of such commodity). The quantity covered by the swap must be approximately equivalent to the quantity covered by the futures contracts. The swap component of an EFS transaction must comply with the applicable CFTC swap regulatory requirements.

(B) Eligible Contracts and Transactions.

Eligible contracts shall include Gold futures (GC), Silver futures (SI), Copper futures (HG), Aluminum futures (AL) and any Exchange contract that is listed for trading on GLOBEX.

(C) Posting/Submission Procedures for EFS Transactions.

(1) Contracts available for trading on the trading floor:

EFS transactions in eligible contracts which are available for trading on the trading floor shall be given on the floor of the Exchange by the Floor Members during the hours of floor trading for such contract and otherwise in accordance with Rule 6.90. Each EFS transaction shall be posted, immediately when the relevant swap terms are determined, but in no event later than the earlier of the next business day or the end of the following permissible posting periods for EFS transactions (following the expiration of the underlying futures contract).

Additionally, EFS transactions in the contracts cited in section (B) of this rule may be accomplished by submission of reports to ~~NYMEX Clearport~~CME ClearPort Clearing in accordance with its procedures.

[the remainder of this rule is unchanged]

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104.36B Exchange of OTC Metal Options for, or in Connection with, COMEX Metal Options

(A) (1) An exchange of Exchange metal options for, or in connection with, an over-the counter ("OTC") metal options product (or an OTC product with similar characteristics) (hereafter an exchange of options for options or "EOO") consists of two discrete, but related, transactions; an OTC options transaction and an Exchange options transaction. At the time such transaction is effected, the buyer and seller of the Exchange options must be, respectively, the seller and the buyer of the OTC options. The OTC options component shall involve the commodity underlying the related futures contract to the Exchange options contract (or a derivative, by-product or related product of such commodity). The quantity covered by the OTC options must be approximately equivalent to the quantity covered by the Exchange options contracts.

(2) Restriction on Eligible Contracts. EOO transactions may be effected for transactions in any of the Exchange's metal options contracts.

(B)(1) Each EOO transaction shall be posted by the Floor Members and cleared through the Exchange in accordance with normal procedures and by the Clearing Members involved Additionally, EOO posting may be accomplished by submission of reports to ~~NYMEX~~ CME ClearPort Clearing in accordance with its procedures.

[the remainder of this rule is unchanged]