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May 13, 2009

**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

**Re: Rule Certification. New York Mercantile Exchange, Inc. Submission #09.88: Notification of Rule Amendments to Brent CFD (Platts) Swap Futures Contract and Brent CFD (Platts) vs. Brent Front Month (Platts) Swap Futures Contract Listed on CME ClearPort®**

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 the following Exchange Rules: Floating Price for the Brent CFD (Platts) Swap futures contract (699.02); and Floating Price for the Brent CFD (Platts) vs. Brent Front Month (Platts) Swap futures contract (319.02). The amendments to the floating price in Exchange Rules 699.02 and 319.02 are made to reflect the standard pricing methodology in the OTC (over-the-counter) market. Furthermore, the amendments are implemented in response to customer demand. Please note that the holders of open interest have been contacted and have consented to this change.

As currently defined in Exchange Rules 699.02 and 319.02, the floating price for the above-listed contracts equals the average of a strip of daily prices over the course of a calendar business week (i.e., Monday through Friday of the same week). Exchange Rules 699.02 and 319.02 are being revised such that the floating price will now be defined for any five (5) consecutive weekdays (e.g., Wednesday, Thursday, Friday and the following Monday and Tuesday) rather than the strip of weekdays that comprise a calendar business week only. The amendments to the floating price rules have no material impact on what constitutes a contract. There is no fundamental change in the methodology for calculating the floating prices and there are no corresponding changes in the values to any existing positions.

In addition, the Exchange is notifying the Commission that it is self-certifying an amendment to Exchange Rule 699.04 ("Contract Weeks") in order to broaden the definition of the rule as a result of the amendment to the Floating Price rule. This revised rule is intended to (i) eliminate references to listing of contract weeks and (ii) reference a contract listing schedule. Please note that the language in amended Exchange Rule 699.04 will mirror the language presently contained in Exchange Rule 319.04 ("Contract Listing Schedule"). All rule amendments are attached herewith in Exhibit A.

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. The amendments will become effective on trade date Friday, May 15, 2009.

Should you have any questions concerning the above, please contact Robert Levin at (212) 299-2390, Daniel Brusstar at (212) 299-2604 or me at (312) 648-5422.

Sincerely,

/s/ Stephen M. Szarmack  
Director and Associate General Counsel

Attachments: Rule Amendments

**Rule Amendments**

(bold/underline indicates addition; ~~striketrough~~ indicates deletion)

**Chapter 699: Brent CFD (Platts) Swap Contract**

**Rule 699.02 Floating Price**

The Floating Price for each Brent Contract for Differences (CFD) contract is the ~~weekly~~ **five (5) consecutive weekdays** arithmetic average of the mid-point between the high and low quotations from the Platts Crude Oil Marketwire for the CFD assessment which is based on Dated Brent minus the second month Brent (also referred to BFOE) cash price for each business day that both are determined during the contract month.

**Rule 699.04 Contract Listing Schedule ~~Weeks~~**

Trading shall be conducted in contracts in such **duration** ~~weeks~~ as shall be determined by the Exchange.

[the remainder of this chapter is unchanged]

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**Chapter 319: Brent CFD (Platts) vs. Brent Front Month (Platts) Swap**

**Rule 319.02 Floating Price**

The Floating Price for each Brent Contract for Differences (CFD) contract is the ~~weekly~~ **five (5) consecutive weekdays** arithmetic average of the mid-point between the high and low quotations from the Platts Crude Oil Marketwire for the CFD assessment which is based on Dated Brent minus the first month Brent (also referred to BFOE) cash price for each business day that both are determined during the contract month.

[the remainder of this chapter is unchanged]