

June 25, 2009

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 OFFICE OF THE SECRETARIAT  
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**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 #09.127: Notification of Rule Amendments to the Three Minute-Marker Futures Contracts for Crude Oil, RBOB Gasoline and Heating Oil Listed on CME ClearPort® and on the NYMEX Trading Floor**

Dear Mr. Stawick:

On June 22, 2009, the New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") notified the Commodity Futures Trading Commission ("CFTC" or "Commission") in submission #09-120 that it was self-certifying amendments to Rules 231.07, 235.07, and 239.07. Those amendments revised the calculation of the final settlement price for the three Minute-Marker futures contracts, listed below, beginning with the August 2009 contract month. Market participants have requested that those amendments be also applicable for the July 2009 contract month.

As such, the Exchange is notifying the Commission that it is self-certifying that the amendments to Rules 231.07, 235.07, and 239.07, previously filed in submission #09-120 and attached herewith for your convenience, become effective beginning with the July 2009 contract month. All holders of open interest for the July 2009 contract month in each of the contracts have been contacted and have consented to this change.

<u>Contract</u>	<u>Code</u>	<u>Chapter</u>	<u>July Open Interest</u>
NYMEX Crude Oil Minute-Marker Futures	6C	231	0
NYMEX RBOB Gasoline Minute-Marker Futures	6R	235	60
NYMEX Heating Oil Minute-Marker Futures	6H	239	55

The amendments revise the final settlement price such that the minute-marker contracts settle using the underlying settlement prices for the NYMEX Light Sweet Crude Oil, RBOB Gasoline, and Heating Oil futures contracts.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the attached amendments comply with the Act, including regulations under the Act. The attached amendments will become effective on trade date Monday, June 29, 2009, beginning with the July 2009 contract month.

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

Sincerely,

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

Attachment: Rule amendments

**Rule Amendments**

(bold/underline indicates insertion; ~~strikethrough~~ indicates deletion)

**NYMEX Crude Oil Minute-Marker Futures contract**

**231.07 Final Settlement**

Delivery under the contract shall be by cash settlement. The final settlement price will be the ~~Floating Price calculated for each daily contract front month~~ settlement price of the NYMEX Light Sweet Crude Oil Contract on the penultimate (second-to-last) trading day.

**NYMEX RBOB Gasoline Minute-Marker Futures contract**

**235.07 Final Settlement**

Delivery under the contract shall be by cash settlement. The final settlement price will be the ~~Floating Price calculated for each daily contract front month~~ settlement price of the NYMEX New York Harbor RBOB Gasoline Futures Contract on the penultimate (second-to-last) trading day.

**NYMEX Heating Oil Minute-Marker Futures contract**

**239.07 Final Settlement**

Delivery under the contract shall be by cash settlement. The final settlement price will be the ~~Floating Price calculated for each daily contract front month~~ settlement price of the NYMEX New York Harbor Heating Oil Contract on the penultimate (second-to-last) trading day.