

August 21, 2009

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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 #09-170: Notification of De-listing of Contract Months and Abstention from Listing Additional Contract Months for Thirty-one (31) Petroleum Futures and Option Contracts Listed on CME ClearPort®, the NYMEX Trading Floor and Globex®**

Dear Mr. Stawick:

The New York Mercantile Exchange, Inc. ("NYMEX" or "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that it is self-certifying the de-listing of the July 2012 and August 2012 contract months and refraining from listing additional contract months for the twenty-three petroleum futures and option contracts listed in Appendix A herewith until further notice. The last listed contract month will be the June 2012 contract month.

In addition, the Exchange is notifying the Commission that it is self-certifying the abstention from listing additional contract months for the seven futures and option contracts listed below until further notice. The last listed contract month shall be the August 2012 contract month.

CONTRACTS	COD E	RULE CHAPTER S	VENUE
New York Harbor No. 2 Heating Oil	HO	150	CPC, Globex & Trading Floor
Heating Oil Option Contract	OH	320	CPC, Globex & Trading Floor
Heating Oil Calendar Spread Options Contract	FA	392	CPC & Trading Floor
Heating Oil Calendar Spread Options Contract	FB	392	CPC & Trading Floor
Heating Oil Calendar Spread Options Contract	FC	392	CPC & Trading Floor
Heating Oil-Crude Oil Spread Option Contract	CH	350	Globex & Trading Floor
New York Harbor Heating Oil Look-Alike Option	LB	551	CPC & Trading Floor

Furthermore, the Exchange is notifying the Commission that it is self-certifying the delisting of the August 2012 contract month and refraining from delisting additional contract months for the contract listed below until further notice. The last listed contract month shall be the July 2012 contract month.

<b>CONTRACT</b>	<b>COD E</b>	<b>RULE CHAPTER S</b>	<b>VENUE</b>
Up-Down Gulf Coast ULSD vs. NYMEX HO Spread Swap	LT	746	CPC, CPT

Please note that there currently is no open interest in any of the contract months being de-listed. Also, please note that this de-listing of contract months and abstention from listing additional contract months are made in order to revise the futures and option contract terms in light of anticipated changes in delivery specifications. These contract months are currently listed on Globex, CME ClearPort and the NYMEX Trading Floor.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that this de-listing of contract months and abstention from listing additional contract months comply with the Act, including regulations under the Act. These changes will be made effective on Tuesday, August 25, 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

## Appendix A

<b>FUTURES CONTRACTS</b>	<b>COD E</b>	<b>RULE CHAPTER S</b>	<b>VENUE</b>
Group Three ULSD (Platts) vs. Heating Oil Spread Swap	A6	325	CPC, CPT
Gulf Coast Heating Oil (Argus) vs. Heating Oil Spread Swap Futures	7U	244	CPC, CPT
Gulf Coast Heating Oil (Argus) Swap Futures	4U	243	CPC, CPT
Heating Oil Arb Swap: NYMEX Heating Oil v. Rdam Gasoil Contract	HA	725	CPC, CPT
Jet Up-Down (Argus) Swap	JU	570	CPC, CPT
Gulf Coast Jet vs. New York Harbor No. 2 Heating Oil Spread Swap Contract	ME	608	CPC, CPT
Los Angeles CARB Diesel (OPIS) Spread Swap	KL	575	CPC, CPT
Los Angeles Jet (OPIS) Spread Swap	JS	577	CPC, CPT
Los Angeles Jet Fuel vs. New York Harbor No. 2 Heating Oil Spread Swap Contract	MQ	609	CPC, CPT
New York Harbor Heating Oil Calendar Swap Contract	MP	603	CPC, CPT
NYMEX New York Harbor Heating Oil Crack Calendar Swap Contract	HK	523	CPC, CPT
New York Heating Oil (Platts) vs. NYMEX Heating Oil Swap Contract	YH	541	CPC, CPT
New York Jet Fuel (Argus) vs. Heating Oil Spread Swap Futures	5U	248	CPC, CPT
New York Jet Fuel (Platts) vs. Heating Oil Swap Futures	1U	413	CPC, CPT
New York ULSD (Argus) vs. Heating Oil Spread Swap Futures	7Y	246	CPC, CPT
NYMEX No. 2 Up-Down Spread Calendar Swap (Platts) Contract	UT	515	CPC, CPT
NY ULSD vs. NYMEX HO Spread Swap	UY	564	CPC, CPT
RBOB vs. Heating Oil Swap Contract	RH	558	CPC, CPT
ULSD Up-Down (Argus) Swap	US	569	CPC, CPT
Up-Down Gulf Coast Low Sulfur Diesel (LSD) vs. NYMEX HO Spread Swap	YL	745	CPC, CPT
Heating Oil Financial Futures Contract	BH	825	CPC & Trading Floor
<b>OPTIONS CONTRACTS</b>	<b>COD E</b>	<b>RULE CHAPTER S</b>	<b>VENUE</b>
Heating Oil Crack Spread Average Price Option	3W	523a	CPC & Trading Floor
Heating Oil Average Price Option	AT	321	CPC & Trading Floor