



A CME/Chicago Board of Trade/NYMEX Company

August 26, 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

2009 AUG 27 AM 11:12
C.F.T.O.
OFFICE OF THE SECRETARIAT

Re: REVISED Rule Certification. New York Mercantile Exchange, Inc. Submission #09-170R: Clarification Regarding the Notification to Delist Back Months and Refrain from Listing Additional Contract Months for New York Harbor No. 2 Heating Oil Contract and Related Option and Swap Contracts Listed on CME ClearPort®, the NYMEX Trading Floor, and Globex®

Dear Mr. Stawick:

Previously, by letter dated August 21, 2009 (submission #09-170), the New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") notified the Commodity Futures Trading Commission ("CFTC" or "Commission") that it was self-certifying the delisting of the July 2012 and August 2012 contract months and refraining from listing additional contract months for twenty-three New York Harbor No. 2 Heating Oil- related swap futures and option contracts (Appendix A) until further notice. In addition, the Exchange notified the Commission that it was self-certifying the abstention from listing additional contract months for the New York Harbor No. 2 Heating Oil Futures and Option contracts (Appendix B) until further notice. The Exchange also notified the Commission that it was self-certifying the delisting of the August 2012 contract month and refraining from delisting additional contract months for a New York Harbor No. 2 Heating Oil- related spread swap futures contract (Appendix C) until further notice. In its letter, dated August 21, 2009, the Exchange also notified the Commission that there is no open interest in any of the contract months being delisted and that the delisting 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.

In this letter, the Exchange seeks to provide the Commission with supplemental information regarding its decision to not list additional contract months in the New York Harbor No. 2 Heating Oil Futures and Options contracts beyond the existing August 2012 contract month and delist back months for Heating Oil-related swap contracts listed on CME ClearPort as specifically detailed in Appendices A, B and C.

Please note that proposed legislation is currently pending in the states of New Jersey and New York to reduce the sulfur level in heating oil from the current level of 0.2% sulfur (or 2,000 parts per million (ppm)) to 15 ppm, which is equivalent to the sulfur level for on-road diesel. The exact timing of the implementation of this pending legislation and the reduction of sulfur level is not yet available but is anticipated to be effective in 2012.

APPENDIX B

Refrain from listing additional contract months for contracts listed below. Last listed contract month is August 2012.

CONTRACTS	CODE	RULE CHAPTERS	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

APPENDIX C

Delist the August 2012 contract month and refrain from delisting additional contract months for contract listed below. Last listed contract month is July 2012.

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

APPENDIX D



CME GROUP MARKET REGULATION ADVISORY

DATE: August 25, 2009

NOTICE # : SER-4980

SUBJECT: Listing of Contract Months in the New York Harbor No. 2 Heating Oil Futures Contract, and Related Option and Swap Contracts

Please be advised that the Exchange will not list additional contract months in the New York Harbor No. 2 Heating Oil Futures contract beyond the existing August 2012 contract month, due to upcoming, proposed regulatory changes related to the sulfur content of heating oil in the New York Harbor area. The proposed legislation, currently pending in New Jersey and New York State, intends to reduce the sulfur level in heating oil. The Exchange will continue to monitor these developments in the coming weeks. Consequently, Exchange staff will consult with the industry with regard to revising the delivery specifications prior to listing additional contract months beyond August 2012 in the New York Harbor No. 2 Heating Oil Futures contract.

The existing New York Harbor No. 2 Heating Oil Futures and corresponding Option contracts, listed below, will continue to be listed for trading through August 2012. The existing contract months will be available for trading on CME Globex® and the NYMEX Trading Floor and for submission for clearing on CME ClearPort® Clearing (CPC).

CONTRACTS	COD E	RULE CHAPTER S	VENUE
New York Harbor No. 2 Heating Oil	HO	150	Globex, CPC, & Trading Floor
Heating Oil Option Contract	OH	320	Globex, CPC, & 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 will not list additional months beyond June 2012 for twenty-three Heating Oil-related swap futures contracts listed on CME ClearPort® Clearing (CPC) and ClearPort® Trading (CPT). The Exchange will refrain from listing additional contract months beyond June 2012 for these swap contracts listed below until further notice.

CONTRACTS LISTED THROUGH JUNE 2012	COD E	RULE CHAPTER S	VENUE
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	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
LA Jet Fuel vs. New York Harbor No. 2 Heating Oil Spread Swap	MQ	609	CPC, CPT
New York Harbor Heating Oil Calendar Swap	MP	603	CPC, CPT
NYMEX New York Harbor Heating Oil Crack Calendar Swap	HK	523	CPC, CPT
New York Heating Oil (Platts) vs. NYMEX Heating Oil Swap	YH	541	CPC, CPT
New York Jet Fuel (Argus) vs. Heating Oil Spread Swap	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)	UT	515	CPC, CPT
NY ULSD vs. NYMEX HO Spread Swap	UY	564	CPC, CPT
RBOB vs. Heating Oil Swap	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
Heating Oil Crack Spread Average Price Option	3W	523a	CPC & Trading Floor
Heating Oil Average Price Option	AT	321	CPC & Trading Floor

Further, the Exchange will not list additional contract months beyond July 2012 for the Up-Down Gulf Coast ULSD vs. NYMEX HO Spread Swap (see below) listed on CME ClearPort[®] Clearing (CPC) and ClearPort[®] Trading (CPT).

CONTRACT LISTED THROUGH JULY 2012	COD E	RULE CHAPTER S	VENUE
Up-Down Gulf Coast ULSD vs. NYMEX HO Spread Swap	LT	746	CPC, CPT

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

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