



CME Group

A CME/Chicago Board of Trade/NYMEX Company

C.F.T.C.

OFFICE OF THE SECRETARIAT

2009 SEP 1 PM 12 07

August 31, 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. NYMEX Submission No. 09-188: Notification of New NYMEX incentive programs for NYMEX environmental products.

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 two new NYMEX incentive programs for all currently listed NYMEX environmental futures and options contracts as described below.

The first new incentive program is a fee holiday of short duration from Exchange fees. Specifically, under this program, commencing September 2, there will be a three (3) month fee holiday for all volume transacted on, or submitted subject, to NYMEX rules in these contracts. This program will be open to all market participants. The second new incentive program is a new broker rebate incentive program for trade execution and for clearing via CME ClearPort. In contrast to the existing ClearPort broker incentive program, this program will apply only to these environmental products and these products now will be carved out from the scope of that ClearPort broker incentive program. For both programs, entities that are Founding Members in the Green Exchange venture must fulfill certain conditions prior to being eligible for these programs. The specific features of the broker rebate program are set forth immediately below.

1. Eligible Participants

Intermediaries on the ClearPort and Globex systems respectively. Intermediaries, as described below, must physically enter transactions or orders into ClearPort or Globex respectively in order to be eligible for participation in the program.

- (a) Voice Brokers, Floor Brokers, IBs, APs, and FCMs who submit matched trades to ClearPort for 3rd parties
- (b) CFTC/NFA registrants who submit orders to, and which are executed on Globex.

2. Excluded Participants

Principals who submit trades or execute orders for their own, or a proprietary, account, are excluded from participation in the program.

3. Term: One year, commencing on September 2, 2009

4. Payments

(a) Payments shall be made quarterly.

(b) For ClearPort services, an intermediary (on behalf of a 3rd party - excluding proprietary accounts) submitting a matched trade, which clears successfully, will receive 20% of the net clearing fees charged by the Exchange. The Exchange in its sole discretion will decide any disputes arising about the identity or affiliation of the party entitled to the program fee.

(c) For Globex services, an intermediary (on behalf of a 3rd party - excluding proprietary accounts) submitting an order which is executed will receive 20% of the net clearing fees charged by the Exchange for the transaction. In the event both orders to the executed trade were submitted by one or two intermediaries, each will receive 20% of the net fees.

(d) Payments generally shall be made no later than thirty (30) days past the end of each calendar quarter.

(e) The Exchange retains the exclusive right to determine its fees; however, the percentages described above will not be reduced during the term of the program.

As part of this agreement, all intermediaries shall be required to provide the NYMEX Research Department with daily settlement data for those contracts that are requested. The Exchange retains the right to withhold Incentive plan payments as described under this Notice from those participants that do not comply with the request for data.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that these new programs comply with the Act, including regulations under the Act. These programs will be made effective on September 2, 2009.

If you have any questions regarding these changes, please contact me at (212) 299-2207. Please reference NYMEX Submission No. 09-188 in any related correspondence.

Sincerely,

/s/ Brian Regan
Managing Director, Regulatory Counsel