

September 10, 2012

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 40.6(a) Certification. Notification Regarding the Delisting of a NYMEX Chinese Coal Swap Futures Contract. NYMEX Submission #12-264

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 delisting of a coal swap futures contract, as set out below, effective immediately.

<u>Contract</u>	<u>Code</u>	<u>Rule Chapter</u>
China Coal (IHS McCloskey/Xinhua Infolink South China CFR Marker 5,500kc NAR) Swap Futures	CMC	1121

This contract will be delisted from the NYMEX trading floor, and CME ClearPort, the venues on which it is currently listed. There is no open interest in this contract. The delisting of this contract shall be effective immediately. The contract rule chapter and terms and conditions contained in the Position Limit, Position Accountability and Reportable Level Table located in the Interpretations and Special Notices Section of Chapter 5 of the NYMEX Rulebook will also be removed from the Exchange rulebook.

NYMEX business staff responsible for the delisting of the contract and the NYMEX legal department collectively reviewed the designated contract market core principles (“Core Principles”) as set forth in the Commodity Exchange Act (“CEA” or the “Act”). During the review, NYMEX staff identified that the delisting of the contract may have some bearing on the following Core Principles:

- Emergency Authority: There is no open interest in this contract submitted for delisting, and therefore there will be no market disruption related to its delisting.
- Availability of General Information: Notice will be made of the contract’s delisting, and upon delisting, the terms and conditions of this contract will no longer be available to the marketplace.

Pursuant to Section 5c(c) of the Act and CFTC Rule 40.6(a), the Exchange hereby certifies that the delisting of this contract complies with the Act, including regulations under the Act. There were no substantive opposing views to this proposal.

The Exchange certifies that this submission has been concurrently posted on the Exchange’s website at <http://www.cmegroup.com/market-regulation/rule-filings.html>.

Should you have any questions concerning the above, please contact the undersigned at (312) 930-8167 or Sean.Downey@cmegroup.com.

Sincerely,

/s/Sean M. Downey
Director and Assistant General Counsel

Attachments: Appendix A – Deletion of Terms and Conditions from Exchange Rulebook

(strikethrough indicates deletion)

NYMEX Rulebook Chapter 5 Position Limit Table

<u>Contract Name</u>	<u>Rule Chapter</u>	<u>Commodity Code</u>	<u>All Month Accountability Level</u>	<u>Any One Month Accountability Level</u>	<u>Expiration Month Limit</u>	<u>Reporting Level</u>	<u>Aggregate Into (1)</u>
			<u>Rule 560</u>	<u>Rule 560</u>	<u>Rule 559</u>	<u>Rule 561</u>	
<i>Coal</i>							
China Coal (IHS McCloskey/Xinhua Infolink South China CFR Marker 5,500kc NAR) Swap Futures	1121	CMG	6,000	4,500	1,500	25	CMG

Chapter 1121**China Coal (IHS McCloskey/Xinhua Infolink South China CFR Marker 5,500kc NAR) Swap Futures****1121100. SCOPE OF CHAPTER**

The provisions of these rules shall apply to all futures contracts bought or sold on the Exchange for cash settlement based on the Floating Price. The procedures for trading, clearing and cash settlement of this contract, and any other matters not specifically covered herein shall be governed by the general rules of the Exchange.

1121101. CONTRACT SPECIFICATIONS

The Floating Price for each contract month is equal to the arithmetic mean of all available price assessments for the corresponding month for South China CFR Marker 5,500kc NAR as published each Friday in the McCloskey Coalfax in the table entitled "McCloskey Key Market Prices".

1121102. TRADING SPECIFICATIONS

The number of months open for trading at a given time shall be determined by the Exchange.

1121102.A. Trading Schedule

The hours of trading for this contract shall be determined by the Exchange.

1121102.B. Trading Unit

The contract quantity shall be one thousand (1,000) metric tons. Each contract shall be valued as the contract quantity (1,000) multiplied by the settlement price.

1121102.C. Price Increments

Prices shall be quoted in U.S. dollars and cents per ton. The minimum price fluctuation shall be \$0.05 (5¢) per metric ton. The minimum final settlement is \$0.01 per metric ton.

1121102.D. Position Limits and Position Accountability

In accordance with Rule 559, no person shall own or control positions in excess of 1,500 contracts net long or net short in the spot month.

In accordance with Rule 560:

1. the all months accountability level shall be 6,000 contracts net long or net short in all months combined;

2. the any one month accountability level shall be 4,500 contracts net long or net short in any single contract month excluding the spot month.

Refer to Rule 559 for requirements concerning the aggregation of positions and allowable exemptions from the specified position limits.

1121102.E. Termination of Trading

The contract shall terminate at the close of trading on the last Friday of the contract month. If such Friday is a UK holiday, the contract will terminate on the UK business day immediately prior to the

last Friday of the contract month unless such day is not an Exchange business day, in which case the contract shall terminate on the Exchange business day immediately prior.

1121103. FINAL SETTLEMENT

Final settlement under the contract shall be by cash settlement. Final settlement, following termination of trading for a contract month, will be based on the Floating Price. The final settlement price will be the Floating Price calculated for each contract month.

1121104. DISCLAIMER

The China Coal (IHS McCloskey/Xinhua Infolink South China CFR Marker 5,500kc NAR) Swap futures is not sponsored, endorsed, sold or promoted by IHS. IHS makes no representation or warranty, express or implied, to the owners of the China Coal (IHS McCloskey/Xinhua Infolink South China CFR Marker 5,500kc NAR) Swap futures or any member of the public regarding the advisability of trading in the China Coal (IHS McCloskey/Xinhua Infolink South China CFR Marker 5,500kc NAR) Swap futures. IHS' only relationship to Chicago Mercantile Exchange Inc. and New York Mercantile Exchange, Inc. (together "CME") with respect to the China Coal (IHS McCloskey/Xinhua Infolink South China CFR Marker 5,500kc NAR) Swap futures is the licensing of certain trademarks and trade names of IHS and of the IHS McCloskey/Xinhua Infolink South China CFR (5,500kc NAR) marker which is determined, composed and calculated by IHS without regard to CME or the China Coal (IHS McCloskey/Xinhua Infolink South China CFR Marker 5,500kc NAR) Swap futures. IHS have no obligation to take the needs of CME or the owners of the China Coal (IHS McCloskey/Xinhua Infolink South China CFR Marker 5,500kc NAR) Swap futures into consideration in determining, composing or calculating the IHS McCloskey/Xinhua Infolink South China CFR (5,500kc NAR) marker. IHS is not responsible for and has not participated in the determination of the timing of, prices at, or quantities of the China Coal (IHS McCloskey/Xinhua Infolink South China CFR Marker 5,500kc NAR) Swap futures to be listed or in the determination or calculation of the equation by which the China Coal (IHS McCloskey/Xinhua Infolink South China CFR Marker 5,500kc NAR) Swap futures are to be converted into cash. IHS has no obligation or liability in connection with the administration, marketing or trading of the China Coal (IHS McCloskey/Xinhua Infolink South China CFR Marker 5,500kc NAR) Swap futures.

IHS AND CME DO NOT GUARANTEE THE ACCURACY AND/OR THE COMPLETENESS OF THE IHS MCCLOSKEY/XINHUA INFOLINK SOUTH CHINA CFR (5,500KC NAR) MARKER OR ANY DATA RELATED THERETO AND NEITHER, IHS NOR CME SHALL HAVE ANY LIABILITY FOR ANY ERRORS, OMISSIONS, OR INTERRUPTIONS THEREIN. IHS AND CME MAKE NO WARRANTY, EXPRESS OR IMPLIED, AS TO RESULTS TO BE OBTAINED BY CME, OWNERS OF THE CHINA COAL (IHS MCCLOSKEY/XINHUA INFOLINK SOUTH CHINA CFR MARKER 5,500KC NAR) SWAP FUTURES, OR ANY OTHER PERSON OR ENTITY FROM THE USE OF THE IHS MCCLOSKEY/XINHUA INFOLINK SOUTH CHINA CFR (5,500KC NAR) MARKER OR ANY DATA RELATED THERETO. IHS AND CME MAKE NO EXPRESS OR IMPLIED WARRANTIES, AND EXPRESSLY DISCLAIM ALL WARRANTIES, OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR USE WITH RESPECT TO THE IHS MCCLOSKEY/XINHUA INFOLINK SOUTH CHINA CFR (5,500KC NAR) MARKER OR ANY DATA RELATED THERETO. WITHOUT LIMITING ANY OF THE FOREGOING, IN NO EVENT SHALL IHS OR CME HAVE ANY LIABILITY FOR ANY DAMAGES WHATSOEVER, WHETHER DIRECT OR INDIRECT, INCLUDING WITHOUT LIMITATION, LOST PROFITS OR INDIRECT, PUNITIVE, SPECIAL OR CONSEQUENTIAL DAMAGES (INCLUDING LOST PROFITS), EVEN IF NOTIFIED OF THE POSSIBILITY OF SUCH DAMAGES. THERE ARE NO THIRD PARTY BENEFICIARIES OF ANY AGREEMENTS OR ARRANGEMENTS BETWEEN IHS AND CME.

Limitation of Liability

Without prejudice to any of the above provisions and in addition to them, each and every third party should and must note that, insofar as New York Mercantile Exchange, Inc. ("NYMEX") may list any index for trading in or in connection or by reference therewith, none of:

- a. NYMEX;
- b. its directors or officers; or
- c. any relevant party that NYMEX may contract with for the supply of the index or information in relation thereto;

(each of the foregoing, a "Relevant Party") assume any obligation or liability in connection with the trading of any contract based on such index. Accordingly, no Relevant Party shall be in any way responsible for any losses, expenses or damages (in all cases direct or indirect) arising in connection with or referable to the trading of any contract linked or

~~referable to the said index, provided that nothing herein shall affect either the obligations of NYMEX or its Members as parties trading in any contract so linked or referable. None of the Relevant parties guarantee or warrant or undertake in any manner the accuracy or completeness of any such index or any information or data included in or referable to it.~~

~~NONE OF THE RELEVANT PARTIES MAKE ANY WARRANTY OR GIVES ANY GUARANTEE OR UNDERTAKING, EXPRESS OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF, OR THE RESULTS TO BE OBTAINED BY ANY PERSON OR ENTITY FROM THE USE OF ANY SUCH INDEX, AND PROXY RELATED OR REFERABLE THERETO OR ANY INFORMATION OR DATA INCLUDED IN OR REFERABLE TO IT IN CONNECTION WITH ANY TRADING OR ANY CONTRACTS OR FOR ANY OTHER USE. NONE OF THE RELEVANT PARTIES MAKE ANY EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE WITH RESPECT TO ANY SUCH INDEX, ANY RELATED OR REFERABLE THERETO OR ANY INFORMATION OR DATA INCLUDED IN OR REFERABLE TO ANY SUCH INDEX.~~