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OFFICE OF THE SECRETARIAT

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September 11, 2009

Mr. David Stawick  
Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581

**RE: Amendments to Header Notes in the Position Limit, Position Accountability and Reportable Level Table in the Interpretations & Special Notices Section of Chapter 5 of the NYMEX Rulebook  
NYMEX Submission No. 09-201**

Dear Mr. Stawick:

On August 18, 2009, via Submission No. 09-164, the New York Mercantile Exchange, Inc. ("NYMEX" or "Exchange") notified the Commodity Futures Trading Commission ("CFTC" or "Commission") of amendments to NYMEX Rules 9A.27A ("Expiration Accountability Level Last Day Contracts") and 9A.34 ("Reporting Level") in relation to the listing of the new Cleared OTC London Gold Forwards contract. These amendments established the expiration accountability level last day contracts, reportable level and aggregation allocation for the new contract. The amendment to Rule 9A.27A defined that the Cleared OTC London Gold Forwards contract's expiration accountability level was effective on the opening of trading of the last eight (8) trading days prior to the contract delivery date.

On September 14, 2009, NYMEX will completely eliminate Chapter 9A of the Rulebook based on the harmonization of trade practice rules with the rules of CME and CBOT. On that date, the language added to Rule 9A.27A will be moved to the Header Notes appearing above the Position Limit, Position Accountability and Reportable Level Table ("Table") in the Interpretations & Special Notices Section of Chapter 5 of the NYMEX Rulebook. From that date forward, the Table will no longer be titled Appendix 9A.

Additionally, based on the recent disaggregation of certain miNY financially settled contracts from the physically delivered full size contracts for the purposes of calculation futures-equivalent positions, additional amendments to the Header Notes are necessary. In the case of NYMEX miNY Gasoline Futures, it is being aggregated with the RBOB Gasoline Financial contract.

The amendments to the Header Notes are set forth below, with additions underscored and deletions overstruck.

Position Limit, Position Accountability and Reportable Level Table  
Header Notes

1. Position Limits and Any One Month/All Month/Expiration Month Position Accountability Levels shall be calculated on a net futures-equivalent basis. Furthermore, the Exchange may require compliance with

position accountability levels on a futures-only basis to the base contracts into which other contracts aggregate.

For purposes of calculating futures-equivalent positions, the following shall apply:

- a NYMEX Light Sweet Crude Oil miNY Futures Contract shall be deemed equivalent to .50 of a Crude Oil Financial Contract;
- a NYMEX Natural Gas miNY Futures Contract shall be deemed equivalent to .25 of a Henry Hub Financial Last Day Futures Contract;
- a NYMEX miNY Gasoline Futures Contract shall be deemed equivalent to .50 of a New York Harbor Gasoline Blendstock-RBOB Futures Gasoline Financial Contract;
- a NYMEX miNY Heating Oil Futures Contract shall be deemed equivalent to .50 of a Heating Oil Financial Futures Contract;
- ~~a COMEX miNY Gold Futures Contract shall be deemed equivalent to .50 of a Gold future;~~
- ~~a COMEX miNY Silver Futures Contract shall be deemed equivalent to a .50 Silver future; and~~
- ~~a COMEX miNY Copper Futures Contract shall be deemed equivalent to a .50 Copper Future.~~

[The remainder of Note 1 through Note 7 are unchanged.]

8. The Expiration Position Accountability Levels for energy and metals contracts are effective ~~as of~~ as of the open of trading of the last three trading days of the Penultimate and Last Day cash-settled futures contracts. The Expiration Position Accountability Levels for the Cleared London Gold Forwards contracts are effective as of the opening of trading on the last eight trading days prior to the contract delivery date.

The Exchange certifies that the amendments comply with the Act and regulations thereunder.

If you have any questions regarding the above, please contact Anthony V. Densieski, Director, Market Surveillance, at 312.299.2881 or me at 312.648.5422. Please reference NYMEX Submission No. 09-201 in any related correspondence.

Sincerely,

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