

September 19, 2008

**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

RECEIVED  
C.F.T.C.  
2008 SEP 19 PM 4:28  
OFFICE OF THE SECRETARIAT

**Re: Rule Certification. New York Mercantile Exchange, Inc. Submission #08-79:  
Notification of Amendments to NYMEX Chapter 9, Appendix A, Regarding  
Implementation of Expiration Position Limits for Certain Financially-Settled  
Petroleum Contracts.**

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 amendments to NYMEX Chapter 9, Appendix A, regarding a change from expiration accountability levels to expiration position limits in the financially-settled Crude Oil (WS), Heating Oil (BH) and RBOB Gasoline (RT) contracts.


The amendments are in connection with the CFTC review of foreign terminals with respect to identifying a regulatory imbalance or "loophole" relating to position accountability/position limits. The amendments also relate to the Commission's conditioning of existing foreign board of trade no action letters (for foreign-based exchanges providing direct electronic access to U.S. customers) by now requiring that they have comparable position accountability or position limits, as may be the case, on contracts they offer that are otherwise offered by a U.S. board of trade and overseen by the CFTC.

NYMEX has elected to replace expiration accountability levels with expiration position limits for its financially-settled "look-a-like" contracts in Crude Oil (WS), Heating Oil (BH), and New York Harbor Gasoline Blendstock (RBOB) (RT). In addition, all other NYMEX Futures and options contracts which aggregate into the aforementioned WS, BH and RT contracts have similarly been amended.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the attached rule amendment complies with the Act, including regulations under the Act. These changes will be made effective on trade date September 23, 2008.

Should you have any questions concerning the above, please contact Anthony V. Densieski, Vice President, Market Surveillance, at (212) 299-2881, or the undersigned at (202) 715-8517.

Sincerely,

A handwritten signature in black ink, appearing to read "De'Ana H. Dow". The signature is fluid and cursive, with a large initial "D" and "A".

De'Ana H. Dow  
Managing Director  
Government Relations

Attachments

**Notification of Amendments to NYMEX Chapter 9, Appendix A**  
 (Bold/strikethrough indicates deletions; bold/underlining indicates additions.)

<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>Expiration Accountability Level- Penultimate and Metals Contracts</u>	<u>Reporting Level</u>	<u>Aggregate Into (1)</u>	<u>Aggregate Into (2)</u>
			<u>Rule 9.26</u>	<u>Rule 9.26</u>	<u>Rule 9.27</u>	<u>Rule 9.27</u>	<u>Rule 9.34</u>		
<i>Petroleum</i>									
<u>USA</u>									
<u>New York Harbor</u>									
Heating Oil Financial Futures Contract	825	BH	7,000	7,000	<u>1,000</u>	<del>1,000</del>	100	BH	
New York Harbor Heating Oil Look-Alike Option	551	LB	7,000	7,000	<u>1,000</u>	<del>1,000</del>	100	BH	
NYMEX miNY Heating Oil Futures Contract	404	QH	7,000	7,000	<u>1,000</u>	<del>1,000</del>	250	BH	
RBOB Gasoline Financial Contract	555	RT	7,000	7,000	<u>1,000</u>	<del>1,000</del>	25	RT	
NYMEX miNY Gasoline Futures Contract	403	QU	7,000	7,000	<u>1,000</u>	<del>1,000</del>	150	RT	
New York Harbor Gasoline Blendstock "Look-Alike" Option	385	RF	7,000	7,000	<u>1,000</u>	<del>1,000</del>	150	RT	
New York Harbor Gasoline Blendstock (RBOB) Average Price Option	386	RA	7,000	7,000	<u>1,000</u>	<del>1,000</del>	150	RT	
<u>Cushing, Oklahoma</u>									
WTI Crude Oil Financial Contract	691	WS	20,000	20,000	<u>2,000</u>	<del>2,000</del>	25	WS	
WTI Crude Oil Look-Alike Option	550	LC	20,000	20,000	<u>2,000</u>	<del>2,000</del>	100	WS	
NYMEX Light Sweet Crude Oil miNY Futures Contract	401	QM	20,000	20,000	<u>2,000</u>	<del>2,000</del>	350	WS	