

November 5, 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. New York Mercantile Exchange, Inc. Submission# 09-221:
Notification Regarding the of Listing Two (2) New Petroleum Futures
Contracts for Clearing through CME ClearPort® and Trading on the NYMEX
Trading Floor**

Dear Mr. Stawick:

The New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that it is self-certifying the listing of two (2) new financially settled petroleum futures contracts for submission for clearing through CME ClearPort and for trading on the NYMEX trading floor.

The contracts will be listed on the NYMEX trading floor beginning at 9:00 a.m. on Monday, November 09, 2009 and the clearing system beginning at 6:00 p.m. on Sunday, November 08, 2009 for trade date Monday, November 09, 2009.

The new petroleum contracts, commodity codes and rule chapters are as follows:

<u>Contracts</u>	<u>Code</u>	<u>Rule Chapter</u>
SME Biodiesel (Argus) FOB Rotterdam Swap Futures	24	504
PME Biodiesel (Argus) FOB Rotterdam Swap Futures	25	505

These new petroleum contracts will be available during normal trading hours on NYMEX trading floor from 9:00 a.m. until 2:30 p.m. (New York prevailing time) and clearing is conducted from 6:00 p.m. Sunday until 5:15 p.m. Friday (New York prevailing time). There is a 45-minute halt each day between 5:15 p.m. (current trade date) and 6:00 p.m. (next trade date).

The first listed month for these contracts will be the December 2009 contract month. These contracts will be listed for twenty-four consecutive months. The contracts will be financially settled.

In addition, the Exchange will allow an Exchange of Futures for Physical ("EFP") transaction and an Exchange for Risk ("EFR") transaction, collectively referred to as an Exchange for Related Position ("EFRP"), which shall be governed by the provisions of Exchange Rule 538.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rules 40.2 and 40.6, the Exchange hereby certifies that the attached contracts comply with the Act, including regulations under the Act.

Should you have any questions concerning the above, please contact Daniel Brusstar at (212) 299-2604 or me at (312) 648-5422.

Sincerely,

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

Attachments: Contract terms and conditions
Supplemental Market Information

Chapter 504
SME Biodiesel (Argus) FOB Rotterdam Swap Futures

504.01. SCOPE

The provisions of these Rules shall apply to all contracts bought or sold on the Exchange for cash settlement based on the Floating Price.

504.02. FLOATING PRICE

The Floating Price for each contract month is equal to the arithmetic average of the mid-point of the bid and ask quotations from Argus Biofuels publication for RME under the heading "Soya OME fob Rotterdam" for each business day that the Floating Price is determined during the contract month.

504.03. CONTRACT QUANTITY AND VALUE

The contract quantity shall be 100 metric tons. Each contract shall be valued as the contract quantity (100) multiplied by the settlement price.

504.04. CONTRACT MONTHS

Trading shall be conducted in contracts in such months as shall be determined by the Exchange.

504.05. PRICES AND FLUCTUATIONS

Prices shall be quoted in U.S. dollars and cents per metric ton. The minimum price fluctuation shall be \$0.001 per gallon. There shall be no maximum price fluctuation.

504.06. TERMINATION OF TRADING

Trading in a current contract month shall cease on the last business day of the contract month

504.07. FINAL SETTLEMENT

Delivery 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.

504.08. DISCLAIMER

Argus Media ("Argus") licenses the New York Mercantile Exchange, Inc. ("NYMEX") to use various Argus price assessments in connection with the trading of the contract.

NEITHER NYMEX AND ITS AFFILIATES NOR ARGUS GUARANTEES THE ACCURACY AND/OR COMPLETENESS OF THE ASSESSMENT OR ANY OF THE DATA INCLUDED THEREIN.

NYMEX AND ITS AFFILIATES AND ARGUS MAKE NO WARRANTIES, EXPRESS OR IMPLIED, AS TO THE RESULTS TO BE OBTAINED BY ANY PERSON OR ENTITY FROM USE OF THE ASSESSMENT, TRADING BASED ON THE ASSESSMENT, OR ANY DATA INCLUDED THEREIN IN CONNECTION WITH THE TRADING OF THE CONTRACT, OR, FOR ANY OTHER USE. NYMEX AND ITS AFFILIATES AND ARGUS MAKE NO WARRANTIES, EXPRESS OR IMPLIED, AND HEREBY DISCLAIM ALL WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR USE WITH RESPECT TO THE ASSESSMENT OR ANY DATA INCLUDED THEREIN. WITHOUT LIMITING ANY OF THE FOREGOING, IN NO EVENT SHALL NYMEX AND ITS AFFILIATES OR ARGUS HAVE ANY LIABILITY FOR ANY LOST PROFITS OR INDIRECT, PUNITIVE, SPECIAL OR CONSEQUENTIAL DAMAGES (INCLUDING LOST PROFITS), EVEN IF NOTIFIED OF THE POSSIBILITY OF SUCH DAMAGES.

Chapter 505
PME Biodiesel (Argus) FOB Rotterdam Swap Futures

505.01. SCOPE

The provisions of these Rules shall apply to all contracts bought or sold on the Exchange for cash settlement based on the Floating Price.

505.02. FLOATING PRICE

The Floating Price for each contract month is equal to the arithmetic average of the mid-point of the bid and ask quotations from Argus Biofuels publication for RME under the heading "Palm OME fob Rotterdam" for each business day that the Floating Price is determined during the contract month.

505.03. CONTRACT QUANTITY AND VALUE

The contract quantity shall be 100 metric tons. Each contract shall be valued as the contract quantity (100) multiplied by the settlement price.

505.04. CONTRACT MONTHS

Trading shall be conducted in contracts in such months as shall be determined by the Exchange.

505.05. PRICES AND FLUCTUATIONS

Prices shall be quoted in U.S. dollars and cents per metric ton. The minimum price fluctuation shall be \$0.001 per gallon. There shall be no maximum price fluctuation.

505.06. TERMINATION OF TRADING

Trading in a current contract month shall cease on the last business day of the contract month

505.07. FINAL SETTLEMENT

Delivery 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.

505.08. DISCLAIMER

Argus Media ("Argus") licenses the New York Mercantile Exchange, Inc. ("NYMEX") to use various Argus price assessments in connection with the trading of the contract.

NEITHER NYMEX AND ITS AFFILIATES NOR ARGUS GUARANTEES THE ACCURACY AND/OR COMPLETENESS OF THE ASSESSMENT OR ANY OF THE DATA INCLUDED THEREIN.

NYMEX AND ITS AFFILIATES AND ARGUS MAKE NO WARRANTIES, EXPRESS OR IMPLIED, AS TO THE RESULTS TO BE OBTAINED BY ANY PERSON OR ENTITY FROM USE OF THE ASSESSMENT, TRADING BASED ON THE ASSESSMENT, OR ANY DATA INCLUDED THEREIN IN CONNECTION WITH THE TRADING OF THE CONTRACT, OR, FOR ANY OTHER USE. NYMEX AND ITS AFFILIATES AND ARGUS MAKE NO WARRANTIES, EXPRESS OR IMPLIED, AND HEREBY DISCLAIM ALL WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR USE WITH RESPECT TO THE ASSESSMENT OR ANY DATA INCLUDED THEREIN. WITHOUT LIMITING ANY OF THE FOREGOING, IN NO EVENT SHALL NYMEX AND ITS AFFILIATES OR ARGUS HAVE ANY LIABILITY FOR ANY LOST PROFITS OR INDIRECT, PUNITIVE, SPECIAL OR CONSEQUENTIAL DAMAGES (INCLUDING LOST PROFITS), EVEN IF NOTIFIED OF THE POSSIBILITY OF SUCH DAMAGES.

SUPPLEMENTAL INFORMATION

European Biodiesel Market

The European biodiesel market in Amsterdam-Rotterdam-Antwerp ("ARA") in The Netherlands represents the largest hub in Europe for petroleum products and boasts an extensive storage and refining capacity. The ARA market is a vibrant import hub for renewable fuels, with approximately 3.5 million to 4.0 million metric tons per year of biodiesel production supplied by facilities in The Netherlands, Germany and France. This data is equivalent to the total monthly biodiesel deliverable supply of approximately 300,000 metric tons, or two million barrels. The ARA market is the main supply center for European biodiesel fuels.

The link below provides production data for the European biodiesel market, as reported by the European Biodiesel Board, which is the largest biodiesel association in Europe.

<http://www.ebb-eu.org/stats.php>

The European biodiesel market is priced in units of dollars per metric ton. The conversion factor is 7.45 barrels per metric ton. The estimated trading volume of SME and PME Biodiesel converted to barrel equivalents in the ARA cash market is approximately 100,000 barrels per day. The typical transaction size is around 5,000 to 10,000 barrels. The volume of spot transactions represents more than half of all cash transactions, and the balance of trades are longer-term contracts. There is active trading in forward cash deals and in the OTC swaps market. The bid/ask spreads are typically in increments of 50 cents per metric ton (or around 0.10 cents per gallon equivalent).

The final settlement price for the SME and PME Biodiesel (Argus) FOB Rotterdam Swap Futures contracts are based on Argus price references. The Argus methodology for biodiesel is provided in detail at the link below.

http://web04.us.argusmedia.com/ArgusStaticContent//Meth/Biofuels_meth_latest.pdf

Market Participants

The market participation in European biodiesel is diverse, and the participants include 30 to 40 commercial companies. A partial listing is as follows:

Refiners	Traders/End Users	Brokers	Financial (Swaps)
ConocoPhillips	Hess Energy Trading	GFI Starsupply	Citibank
Valero	Vitol	PVM	Deutsche Bank
Shell	Glencore	MF Global	Barclays
ExxonMobil	Sempre	ICAP	
BP	Trafigura	Dropet	
Total	Cargill	TFS	
Koch Petroleum	Morgan Stanley		
Repsol	Goldman Sachs		
CEPSA	Koch		
Netherlands Refining	Mabanaft		
OMV	Phibro		
	Arcadia		
	Mercuria		