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November 18, 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# 09-270: Notification Regarding the Listing of Five Argus Swap 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 five futures contracts as follows: (i) four contracts based on the Argus Sour Crude Index ("ASCI"); and (ii) an Argus WTI Formula Basis Calendar Month Swap. These contracts will be listed for clearing through CME ClearPort and for trading on the NYMEX trading floor.

These new futures contracts will be financially settled. The contracts will be available on the NYMEX trading floor beginning at 9:00 a.m. on Monday, November 23, 2009 and on the CME ClearPort beginning at 6:00 p.m. on Sunday, November 22, 2009 for trade date November 23, 2009.

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

Contract	Code	Rule Chapter
Argus Sour Crude Index ("ASCI") Trade Month Swap Futures	29	221
Argus Sour Crude Index ("ASCI") vs. WTI Diff Spread Trade Month Swap Futures	36	222
Argus Sour Crude Index ("ASCI") Calendar Month Swap Futures	37	223
Argus Sour Crude Index ("ASCI") vs. WTI Diff Spread Calendar Month Swap Futures	38	224
Argus WTI Formula Basis Calendar Month Swap Futures	39	225

The new 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 January 2010 contract month. The contracts will be listed for thirty-six consecutive months and will be financially settled.

In addition, the Exchange will allow an Exchange for Related Position transaction 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. The effective date of this listing shall be Monday, November 23, 2009.

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 221

Argus Sour Crude Index ("ASCI") Trade Month Swap Futures

221.01 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.

221.02 FLOATING PRICE

The Floating Price for each contract month is equal to the arithmetic average of the outright index price from Argus Media for the Argus Sour Crude Index ("ASCI") for the Trade month period beginning with the first business day after the 25th calendar day two months prior to the contract month through the last business day that falls on or before the 25th calendar day of the month prior to the contract month. If the 25th calendar day is a weekend or holiday, the Trade month period shall end on the first business day prior to the 25th calendar day.

221.03 CONTRACT QUANTITY AND VALUE

The contract quantity shall be 1,000 barrels. Each contract shall be valued as the contract quantity (1,000) multiplied by the settlement price.

221.04 CONTRACT MONTHS

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

221.05 PRICES AND FLUCTUATIONS

Prices shall be quoted in U.S. dollars and cents per barrel. The minimum price fluctuation shall be \$0.01 per barrel. There shall be no maximum price fluctuation.

221.06 TERMINATION OF TRADING

Trading shall cease at the close of trading on the last business day that falls on or before the 25th calendar day of the month prior to the contract month. If the 25th calendar day is a weekend or holiday, trading shall cease on the first business day prior to the 25th calendar day.

221.07 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.

221.08 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.

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Chapter 222

Argus Sour Crude Index ("ASCI") vs. WTI Diff Spread Trade Month Swap Futures

222.01 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.

222.02 FLOATING PRICE

The Floating Price for each contract month is equal to the arithmetic average of the Argus Sour Crude Index ("ASCI") differential (Diff) price for the front month from Argus Media, which is based on the ASCI price minus the WTI Formula Basis price, for the Trade month period beginning with the first business day after the 25th calendar day two months prior to the contract month through the last business day that falls on or before the 25th calendar day of the month prior to the contract month. If the 25th calendar day is a weekend or holiday, the Trade month period shall end on the first business day prior to the 25th calendar day.

222.03 CONTRACT QUANTITY AND VALUE

The contract quantity shall be 1,000 barrels. Each contract shall be valued as the contract quantity (1,000) multiplied by the settlement price.

222.04 CONTRACT MONTHS

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

222.05 PRICES AND FLUCTUATIONS

Prices shall be quoted in U.S. dollars and cents per barrel. The minimum price fluctuation shall be \$0.01 per barrel. There shall be no maximum price fluctuation.

222.06 TERMINATION OF TRADING

Trading shall cease at the close of trading on the last business day that falls on or before the 25th calendar day of the month prior to the contract month. If the 25th calendar day is a weekend or holiday, trading shall cease on the first business day prior to the 25th calendar day.

222.07 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.

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Chapter 223
Argus Sour Crude Index ("ASCI") Calendar Month Swap Futures

223.01 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.

223.02 FLOATING PRICE

The Floating Price for each contract month is equal to the arithmetic average of the Argus Sour Crude Index ("ASCI") (1st month) outright price from Argus Media for each business day that it is determined during the contract month.

223.03 CONTRACT QUANTITY AND VALUE

The contract quantity shall be 1,000 barrels. Each contract shall be valued as the contract quantity (1,000) multiplied by the settlement price.

223.04 CONTRACT MONTHS

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

223.05 PRICES AND FLUCTUATIONS

Prices shall be quoted in U.S. dollars and cents per barrel. The minimum price fluctuation shall be \$0.01 per barrel. There shall be no maximum price fluctuation.

223.06 TERMINATION OF TRADING

Trading shall cease at the close of trading on the last business day of the contract month.

223.07 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.

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Chapter 224
Argus Sour Crude Index ("ASCI") vs. WTI Diff Spread Calendar Month Swap
Futures

224.01 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.

224.02 FLOATING PRICE

The Floating Price for each contract month is equal to the arithmetic average of the Argus Sour Crude Index ("ASCI") differential (Diff) price for the front month from Argus Media, which is based on the ASCI price minus the WTI Formula Basis price, for each business day that both are determined during the contract month.

224.03 CONTRACT QUANTITY AND VALUE

The contract quantity shall be 1,000 barrels. Each contract shall be valued as the contract quantity (1,000) multiplied by the settlement price.

224.04 CONTRACT MONTHS

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

224.05 PRICES AND FLUCTUATIONS

Prices shall be quoted in U.S. dollars and cents per barrel. The minimum price fluctuation shall be \$0.01 per barrel. There shall be no maximum price fluctuation.

224.06 TERMINATION OF TRADING

Trading shall cease at the close of trading on the last business day of the contract month.

224.07 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.

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Chapter 225

Argus WTI Formula Basis Calendar Month Swap Futures

225.01

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.

225.02

FLOATING PRICE

The Floating Price for each contract month is equal to the arithmetic average of the WTI (1st month) average price under the heading "WTI Formula Basis" from Argus Media for each business day that it is determined during the contract month.

225.03

CONTRACT QUANTITY AND VALUE

The contract size shall be 1,000 U.S. barrels. Each contract shall be valued as the contract quantity (1,000) multiplied by the settlement price.

225.04

CONTRACT MONTHS

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

225.05

PRICES AND FLUCTUATIONS

Prices shall be quoted in U.S. dollars and cents per barrel. The minimum price fluctuation shall be \$0.01 per barrel. There shall be no maximum price fluctuation.

225.06

TERMINATION OF TRADING

Trading shall cease at the close of trading on the last business day of the contract month.

225.07

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.

225.08

DISCLAIMER

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Supplemental Market Information

Price Source: Argus

The price reporting services used for the final settlement of the new petroleum futures contracts is Argus Media ("Argus"). This price source is a major pricing service that is used in the over-the-counter (OTC) market for pricing swap contracts, and the methodology utilized is well-known in the oil industry.

The New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") has entered into a license agreement with Argus to utilize their pricing data. Argus has a long-standing reputation in the industry in publishing price benchmarks that are fair and not manipulated. Argus' pricing methodology is derived from telephone surveys and electronic data collected from multiple market participants to determine market value.

U.S. Gulf Coast Crude Oil Market

Description

The U.S. Gulf Coast crude oil market represents a robust trading hub which consists of storage facilities, major pipelines for distribution of crude oil to the Gulf Coast and Midcontinent refineries. The domestic production of sour crude oil is mainly centered in the Gulf Coast. The new Argus Sour Crude Index ("ASCI") reflects the value of sour crude oil traded in the U.S. Gulf Coast market. It is based on three different crude oil streams that are produced and traded in the U.S. Gulf: Mars, Poseidon, and Southern Green Canyon. These streams are traded in the physical market at differentials to the NYMEX settlement price. According to estimates from Purvin & Gertz, an independent energy industry consultancy, and other industry sources, daily deliverable supply of sour crude oil is approximately 800,000 to 1.0 million barrels. The demand for sour crude oil comes from refineries located in the Gulf Coast area and the Midcontinent.

The estimated trading volume of sour crude oil in the U.S. Gulf Coast cash market is approximately 1.5 million to 2.0 million barrels per day. The total oil production in the U.S. Gulf Coast is over one million barrels per day, and is expected to climb to 1.5 million over the next few years. The typical transaction size is 35,000 to 45,000 barrels, with hundreds of separate transactions conducted daily. In addition, all domestic crude oil grades, such as LLS, Mars and WTS, are traded and priced at a differential to WTI, and consequently, every physical crude oil transaction in the U.S. crude oil market involves a buy/sell transaction with WTI as one leg in the cash transaction. Typically, the crude oil cash market uses WTI as a unit of currency to establish a differential between WTI and other domestic grades. The volume of spot transactions is more than half of all cash transactions, and the balance of trades are longer-term contracts.

Market Participants

The WTI crude oil cash market and OTC market participants are diverse and include around 40 to 50 commercial companies. A partial listing is as follows:

<u>Refiners</u>	<u>Traders/Importers</u>	<u>Brokers</u>	<u>Financial (Swaps)</u>
ConocoPhillips	Occidental Petroleum	United	Citibank
Valero	Vitol	GFI Starsupply	Deutsche Bank
Shell	Glencore	United	Barclays
ExxonMobil	Plains	PVM	BankAmerica
BP	Koch	United	Wachovia Bank
Sunoco	Cargill	ARC Oil	JP Morgan Chase
Amerada Hess	Morgan Stanley	Oil Brokers Inc.	Credit Suisse Bank
Marathon	Goldman Sachs (J. Aron)		
Murphy Oil	Trafigura		
Chevron	Hess Energy Trading		
Total	BHP Billiton		
	Anadarko		

Speculative Limits for Crude Oil contracts

The Exchange has set the speculative limits for these five contracts in the table listed below.

Argus WTI Formula Basis Calendar Month Swap Futures	3,000
Argus Sour Crude Index ("ASCI") Trade Month Swap Futures	5,000
Argus Sour Crude Index ("ASCI") Calendar Month Swap Futures	5,000
Argus Sour Crude Index ("ASCI") vs. WTI Diff Spread Trade Month Swap Futures	5,000/3,000
Argus Sour Crude Index ("ASCI") vs. WTI Diff Spread Calendar Month Swap Futures	5,000/3,000