

November 21, 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

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OFFICE OF THE SECRETARIAT
NOV 21 PM 12:08

**Re: Rule Certification. New York Mercantile Exchange, Inc. Submission # 08.109R;
Notification of Amendments to Rules 873.09 and 873.10**

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 following rule amendments: 873.09 Delivery Procedures and 873.10 Delivery Period. These amendments correct the timing of the delivery procedures previously filed under submission #08.109 on November 17, 2008 and were triggered by the change in the termination of trading. All market participants have been informed of these rule changes. These rule amendments will be made effective on Sunday, November 23, 2008 for trade date Monday, November 24, 2008.

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

Should you have any questions concerning the above, please contact Brad Leach at (212) 299-2609 or the undersigned at (202) 715-8517.

Sincerely,



De'Ana H. Dow
Managing Director
Government Relations

Attachment

Bold and underline indicates insertion, and ~~strickthrough~~ indicates deletion

NYMEX Regional Greenhouse Gas Initiative (RGGI) CO₂ Allowance Futures Contract

873. 09 Delivery Procedures

(A) RESPONSIBILITIES OF CLEARING MEMBERS HAVING OPEN LONG POSITIONS

(1) NOTICE OF INTENTION TO ACCEPT

By 4:30 p.m. on the ~~second business day prior to the first business day of an expiring delivery month~~ **first business day after the final day of trading**, a Buyer having an open position shall file with the Exchange a properly completed and signed Notice of Intention to Accept. The Notice of Intention to Accept shall be in the form prescribed by the Exchange and shall include: name of the Buyer's Customer, number of contracts to be accepted, RGGI CO₂ Allowance Tracking System account number; Name, phone number and e-mail address of the authorized account representative for that RGGI CO₂ Allowance Tracking System account, and any additional information as may be required by the Exchange;

(B) RESPONSIBILITIES OF CLEARING MEMBERS HAVING OPEN SHORT POSITIONS

(1) NOTICE OF INTENTION TO DELIVER

By 4:30 p.m. on the ~~second business day prior to the first business day of an expiring delivery month~~ **first business day after the final day of trading**, a Seller having an open short position shall file with the Exchange a properly completed and signed Notice of Intention to Deliver. The Notice of Intention to Deliver shall be in the form prescribed by the Exchange and shall include: name of the Seller's Customer, number of contracts to be delivered, RGGI CO₂ Allowance Tracking System Account Number, name, phone number and e-mail address of the authorized account representative for that RGGI CO₂ Allowance Tracking System account, Any additional information as may be required by the Exchange.

(D) Notice Day

(1) The Clearing House shall allocate Notices of Intention to Deliver and Notices of Intention to Accept by matching size of positions, to the extent possible.

- (2) The Clearing House shall provide Tender Allocation Notices to the respective Clearing Members on the **second** ~~last business day prior to the first~~ business day **after the final day of trading of the delivery month**.
- (3) The day the Tender Allocation Notices are provided to the Clearing Members shall be referred to as "Notice Day". Tender Allocation Notices are not transferable.

873. 10 Delivery Period

Delivery shall take place on the ~~first~~ **third** business day **after the final day of trading of** the delivery month.