

December 17, 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

**Re: Rule Certification. New York Mercantile Exchange, Inc. Submission #08.136: Notification of Amendments to NYMEX Rules 9A.26, 9A.27 and 9A.34 for Four New Average Price Option 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 Rules 9A.26, All Month/Any One Month Accountability Levels, 9A.27, Expiration Month Limit, and 9A.34 Reporting Levels, in relation to the listing of four (4) new Average Price Option contracts. These amendments include the addition of the accountability levels, position limits, and reportable levels for the new contracts.

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. These changes will be made effective on trade date December 22, 2008.

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

Sincerely,



De'Ana H. Dow  
Managing Director  
Government Relations

Attachment

**NOTIFICATION OF AMENDMENTS TO NYMEX RULES 9A.26, 9A.27 and 9A.34**

(Addition of four new contracts)

(Additions are in bold/underline; strikethroughs indicate deletions)

<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>Rule 9A.26</u>	<u>Rule 9A.26</u>	<u>Rule 9A.27</u>	<u>Rule 9A.27A</u>	<u>Rule 9A.34</u>	
<i>Petroleum</i>								
<i>Europe</i>								
<i>Northwest Europe</i>								
<u>3.5% Fuel Oil Swap, Rotterdam (Platts) Average Price Option</u>	<u>660A</u>	<u>Q6</u>	<u>1,500</u>	<u>1,500</u>	<u>n/a</u>		<u>25</u>	<u>UV</u>
<i>Asia Pacific</i>								
<i>Singapore</i>								
<u>Singapore Gasoil (Platts) Average Price Option</u>	<u>496A</u>	<u>M2</u>	<u>1,500</u>	<u>1,500</u>	<u>n/a</u>		<u>25</u>	<u>SG</u>
<u>Singapore Fuel Oil 180 cst (Platts) Average Price Option</u>	<u>493A</u>	<u>C5</u>	<u>1,500</u>	<u>1,500</u>	<u>n/a</u>		<u>25</u>	<u>UA</u>
<u>Singapore Jet Fuel Kerosene (Platts) Average Price Option</u>	<u>495A</u>	<u>N2</u>	<u>1,500</u>	<u>1,500</u>	<u>n/a</u>		<u>25</u>	<u>KS</u>