

June 14, 2004

Via E-Mail and US Mail

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.
2004 JUN 15 AM 7:36

Re: Rule Certification. NYMEX Submission 04.79 - Notification of Amendments to COMEX Division Rules 4.47 and 4.48.

Dear Ms. Jean Webb:

The New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") hereby notifies the Commodity Futures Trading Commission ("CFTC") of amendments to COMEX Rules 4.47, Position Limits, and 4.48, Position Accountability.

Effective immediately, the amendments reduce the copper futures spot month position limit as appropriate if stock levels fall below 20,000 contract equivalents, and reduce the copper position accountability level to 5,000 contracts. Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the amendments to the rules comply with the Act, including regulations under the Act.

Should you have any questions concerning the above, please contact the undersigned at 212-299-2940.

Very truly yours,

Nancy Minett
Vice President
Compliance Department

Attachment

cc: Thomas LaSala
Brian Regan

**Amendments to COMEX Division Rules 4.47, Position Limits, and 4.48, Position
Accountability**

(Boldface indicates additions, strikethroughs indicate deletions.)

4.47 Position Limits

(a) Aggregation. The position limits established by this rule and the position accountability levels prescribed pursuant to Rule 4.48 ("Position Accountability") shall apply to all positions held by any person, including positions in any account(s) in which such person has a financial interest of 10% or more and in any account(s) for which such person controls trading (directly or indirectly, by power of attorney or otherwise); and, in the case of positions held by two or more persons acting pursuant to an express or implied agreement or understanding, the same as if all of the positions were held by a single person. For purposes of this rule, the term "person" shall mean any individual or entity.

(b) Applicable Limits. The maximum number of futures contracts, options on such futures contracts, or any combination thereof (collectively referred to as a "position") which any person may own or control is as follows:

<u>Commodity</u>	<u>Spot Month Net Limit*</u>	<u>Any One Month/All Months Net Futures Equivalent Limit</u>
Gold	3,000	Subject to Position Accountability
Silver	1,500	Subject to Position Accountability
Aluminum	750**	Subject to Position Accountability
Copper	5,000 3,000***	Subject to Position Accountability

*Effective as of the close of business on the second last business day of the calendar month preceding the delivery month.

**To the extent that for a period of three consecutive trading days, there is either: (1) a backwardation of price between the first month and next most active month (first month's price above nearest active month's price); or (2) registered stocks which fall below 5,000 contract equivalents, the limits in place for the first month shall be reduced to 350 contracts at the close of business three trading days later unless decided otherwise by the Control Committee.

~~***To the extent that for a period of three consecutive trading days there is either (1) a backwardation of price between the first month and next most active month (first month's price above nearest active month's price); or (2)~~ **If at any time** registered stocks which fall below 20,000 contract equivalents, the limits in place ~~for the first month shall~~ **may be reduced below to**

3,000 contracts **at the discretion of the Control Committee** at the close of business three trading days later unless decided otherwise by the Control Committee.

(The remainder of the rule remains the same.)

4.48 - Position Accountability

The owner or controller of a net futures equivalent position in gold, silver or aluminum which reaches or exceeds 6000 contracts and in the case of copper exceeds ~~10,000~~ **5,000** contracts shall:

(1) promptly supply to the Exchange such information as the Exchange may request pertaining to the nature and size of the position, the trading strategy employed with respect to the position, and the position owner's or controller's hedging requirements, provided, however, that if the position owner or controller fails to supply such information as and when requested, the President or his designee may request, and the Board or, upon delegation, the Control Committee may order the reduction of such position;

(2) agree, upon request by the Board or the Control Committee, not to increase the position owned or controlled as of the time the request was received; and

(3) agree to comply with any prospective limit prescribed by the Board or the Control Committee which exceeds the size of the position owned or controlled