

October 25, 2004 11:25 AM

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

Re: Rule Certification. NYMEX Submission 04.142 – Notification of Amendments to COMEX Division Rule 4.89.

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 Division Rule 4.89, Settlement Price Committee.

Effective November 8, 2004, Staff participation will be integrated into the Settlement Committees for Silver, Gold, Copper and Aluminum Options on a pilot basis, to be rolled-out respectively. Pursuant to Section 5c(c) of the Commodity Exchange Act (“Act”) and CFTC Rule 40.6, the Exchange hereby certifies that the new amendments 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 M. Minett
Vice President
Compliance Department

Attachments

cc: Thomas LaSala
Brian Regan

NEW COMEX Rule 4.89, Settlement Price Committee

- (A) The Settlement Price Committee, which shall be a Regular Committee, shall consist of such members and permittees as the Chairman may appoint with the consent of the Board. Additionally, one (1) Exchange employee will be a voting member of the Committee in the Silver Options Contract. The Exchange employee shall have final authority in all instances to veto and override price determinations made by the Committee. The Committee shall be divided into sub-committees for each futures and options contract traded. To the extent possible, each sub-committee shall consist of at least six (6) Members, at least one of whom shall be a Floor Broker, one of whom shall be a Floor Trader, and one of whom shall represent trade interests (either personal, of his employer, or of a substantial customer base).
- (B) At the conclusion of the RTH trading session on the Exchange Floor each day, settlement prices shall be determined for every contract listed.
- (C) The Settlement Price Committee, or any subcommittee thereof, shall have the authority to request from any member representing that certain market information should be considered in the determination of a settlement price, such documentation as it deems appropriate including, but not limited to, trading cards and order tickets.

NOTE: *Rule to be amended to fashion a roll-out in the Gold, Copper and Aluminum Options markets as determined by COMEX Governors and NYMEX Board of Directors.*