



New York
Mercantile Exchange

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October 18, 2005

OFFICE OF THE SECRETARIAT

VIA ELECTRONIC MAIL AND FACSIMILE TRANSMISSION

Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20581

RE: Rule Certification. Resubmission of NYMEX Submission 04.175: Proposed Changes to NYMEX and COMEX Rules To Permit Payment for Metals Delivery Through The Clearinghouse

Dear Ms. Webb:

At the request of John Forkio, the New York Mercantile Exchange, Inc. ("NYMEX") hereby provides supplemental notification to the Commodity Futures Trading Commission ("CFTC") of a self-certification filing to permit the payment for metals deliveries made through the clearinghouse. Original notification occurred on Dec. 15, 2005 (please find this original notification attached in its entirety with previous cover). Specifically, the Exchange will amend COMEX Rules 111.45 ("Delivery Against Grade 1 Copper Contract"), 112.16 ("Delivery of Silver"), 113.12 ("Delivery of Gold"), 123.10 ("Delivery Procedures"; (aluminum)), and NYMEX Rules 90.08 ("Delivery Procedures"; (platinum)) and 100.08 ("Delivery Procedures", (palladium)).

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that this change in trading hours complies with the Act, including regulations under the Act.

In response to questions regarding the accuracy of numbering of the above rules, please find attached excerpts of submission No. 04-173, dated Dec. 13, 2004, renumbering the rules upon the merging of rulebooks for NYMEX and COMEX. NYMEX believes that this excerpt and the CFTC's response thereto sufficiently clarify the current rule numbering scheme and confirm the accuracy of the above rule number references.

If you have any questions concerning this submission, please call me.

Very truly yours,

Suellen M. Galish
Vice President and Counsel
(212) 299-2215

Enclosure

CC: C. Bowen (w/o enc.)

New York Mercantile Exchange, Inc.
World Financial Center
One North End Avenue
New York, NY 10282-1101
(212) 299-2009

The New York Mercantile Exchange, Inc., is composed of two divisions. The NYMEX Division offers trading in crude oil, heating oil, unleaded gasoline, natural gas, electricity, coal, propane, platinum, and palladium. The COMEX Division offers trading in gold, silver, copper, and aluminum.

PROPOSED CHANGES TO COMEX RULE 111.45

[underline indicates additions; ~~strikeout~~ indicates deletions]

DELIVERY AGAINST GRADE 1 COPPER CONTRACT

Rule 111.45. .

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(i) The member to whom delivery is made shall ~~at once make payment to the member making delivery by the electronic transfer of federal funds~~ make payment to the seller through the Clearinghouse by 2 p.m. on the Delivery Day, in accordance with the By-Laws and Rules of the New York Mercantile Exchange, Inc. and the Commodity Exchange, Inc. ("payment").

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[THE BALANCE OF THE RULE REMAINS THE SAME]

PROPOSED CHANGES TO COMEX RULE 112.16

[underline indicates additions; ~~strikeout~~ indicates deletions]

112.16 - Delivery of Silver

(a) Silver may be delivered against a silver contract from any warehouse or vault licensed and/or designated by the Exchange specifically for the storage of silver, and may not be delivered except from such warehouse or vault. Each contract unit shall be delivered from a single warehouse or vault. The Board may from time to time add to or eliminate licensed or designated warehouses or vaults after notice to members. Said notice shall fix the time when such changes shall become effective. The addition or elimination of licensed or designated warehouses or vaults shall not be deemed to affect the amount of money to be paid or the grade or quality of the silver to be delivered upon Exchange contract, and shall be binding upon all such contracts entered into before, as well as after the adoption of such change, anything in these Rules to the contrary notwithstanding.

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RESOLUTION

.10 - Interpretation of Term "Bar List".

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(e) The member to whom delivery is made shall ~~at once~~ make payment ~~to the member making delivery by the electronic transfer of federal funds~~ to the member who is making delivery through the Clearinghouse by 2 p.m. on the Delivery Day, in accordance with the By-Laws and Rules of the New York Mercantile Exchange, Inc. and the Commodity Exchange, Inc. ("payment"). Payment shall be made upon the basis of the weight stamped upon the bars delivered. If the material is stamped in kilos and the total weight as shown by the depository on the receipt is in kilos then the total kilo weight should be converted to ounces for the purpose of determining the billable weight.

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[THE BALANCE OF THE RULE REMAINS THE SAME]

PROPOSED CHANGES TO COMEX RULE 113.12

[underline indicates additions; ~~strikeout~~ indicates deletions]

113.12 - Delivery of Gold.

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(e) The member to whom delivery is made shall ~~at once~~ make payment to ~~the member making delivery by the electronic transfer of federal funds to the member who is making delivery through the Clearinghouse by 2 p.m. on the Delivery Day, in accordance with the By-Laws and Rules of the New York Mercantile Exchange, Inc. and the Commodity Exchange, Inc.~~ ("payment"). Payment shall be made upon the basis of the weight as certified in the weight certificate for the lot and the fineness of such gold up to 9999 fine as stamped on the bars.

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[THE BALANCE OF THE RULE REMAINS THE SAME]

PROPOSED CHANGES TO COMEX RULE 123.10

[underline indicates additions; ~~strikeout~~ indicates deletions]

Rule 123.10 DELIVERY PROCEDURES

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(E) DELIVERY DAY

(2) The Buyer shall ~~present payment to the Seller, at the Exchange, or another location mutually agreed upon by the parties, by electronic transfer of federal funds~~ make payment to the seller through the Clearinghouse by 2 p.m. on the Delivery Day, in accordance with the By-Laws and Rules of the New York Mercantile Exchange, Inc. and the Commodity Exchange, Inc. ("payment"). Payment shall be presented before 2:00 PM of Delivery Day.

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[THE BALANCE OF THE RULE REMAINS THE SAME]

PROPOSED CHANGED TO NYMEX RULE 90.08

[underline indicates additions; ~~strikeout~~ indicates deletions]

90.08 Delivery Procedure

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(G) Delivery Day

The buyer who receives a Notice of Intention to Deliver shall ~~present it to the seller before 2:00 PM on the following business day, at the Exchange, or at a location mutually agreed upon by the buyer and seller, with~~ make payment to the seller through the Clearing House ("payment") before 2 p.m. on the delivery day, in accordance with the Rules and By-Laws of the Exchange, for the amount payable as shown on the Notice of Intention to Deliver. Upon receipt of payment, the seller shall give the buyer a depository receipt and, unless such receipt was issued pursuant to Rule 90.10(a)(5), (6) or (7), an assay certificate which corresponds to the Notice of Intention to Deliver. The seller must endorse the depository receipt and set forth the date of endorsement. The day the buyer receives the stated documents shall be referred to as the Delivery Date. The Exchange shall not be liable or responsible for any failure to make or take delivery at such other location or for any other act or omission, which can or may occur in connection herewith.

[THE BALANCE OF THE RULE REMAINS THE SAME]

PROPOSED CHANGED TO NYMEX RULE 100.08

[underline indicates additions; ~~strikeout~~ indicates deletions]

100.08 Delivery Procedure

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(G) Delivery Day

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[THE BALANCE OF THE RULE REMAINS THE SAME]

Original Submission No. 04.175

Dated December 15, 2004

SUBMISSION COVER SHEET

 Exchange Identifier Code (optional) 04.175

 Date December 15, 2004
ORGANIZATION New York Mercantile Exchange, Inc. and Commodity Exchange, Inc.

FILING AS A:
 DCM

 DCO

 DTEF

TYPE OF FILING

- **Rule Amendments**

 Self-Certification Under Reg. 40.6(a)

 Commission Approval Requested Under Reg. 40.5 or 40.4 (a)

 Notification of Rule Amendment Under Reg. 40.6(c)

 Non-Material Agricultural Rule Change Determination Under Reg. 40.4(b)

- **New Products**

 Self-Certification Under Reg. 40.2 or 41.23

 Commission Approval Requested Under Reg. 40.3

RULE NUMBERS

 COMEX Rules 111.45, 112.16 (including Resolution .10 thereto), 113.12, 123.10 and
 NYMEX Rules 90.08 and 100.08

DESCRIPTION (Rule Amendments Only)

The proposed changes to the COMEX and NYMEX Rules would permit the payment for metals delivery for copper, silver, gold, platinum and palladium to be made through the NYMEX Clearinghouse.



New York
Mercantile Exchange

December 15, 2004

VIA ELECTRONIC MAIL AND FACSIMILE TRANSMISSION

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 04.175: Proposed Changes to
NYMEX and COMEX Rules
To Permit Payment for Metals Delivery Through
The Clearinghouse**

Dear Ms. Webb:

The New York Mercantile Exchange, Inc. ("NYMEX") hereby notifies the Commodity Futures Trading Commission ("CFTC") of a self-certification filing to permit the payment for metals deliveries to be made through the clearinghouse. Specifically, the Exchange will amend COMEX Rules 111.45 ("Delivery Against Grade 1 Copper Contract"), 112.16 ("Delivery of Silver"), 113.12 ("Delivery of Gold"), 123.10 ("Delivery Procedures"; (aluminum)), and NYMEX Rules 90.08 ("Delivery Procedures"; (platinum)) and 110.08 ("Delivery Procedures", (palladium)).

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that this change in trading hours complies with the Act, including regulations under the Act.

If you have any questions concerning this submission, please call me.

Very truly yours,

Suellen M. Galish
Vice President and Counsel
(212) 299-2215

Enclosure

New York Mercantile Exchange, Inc.
World Financial Center
One North End Avenue
New York, NY 10282-1101
(212) 299-2000

*The New York Mercantile Exchange, Inc. is composed of two divisions.
The NYMEX Division offers trading in crude oil, heating oil, unleaded gasoline,
natural gas, electricity, coal, propane, platinum, and palladium. The COMEX Division
offers trading in gold, silver, copper, and aluminum.*

PROPOSED CHANGES TO COMEX RULE 111.45

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DELIVERY AGAINST GRADE 1 COPPER CONTRACT

Rule 111.45.

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[THE BALANCE OF THE RULE REMAINS THE SAME]

PROPOSED CHANGES TO COMEX RULE 112.16

[underline indicates additions; ~~strikeout~~ indicates deletions]

112.16 - Delivery of Silver

(a) Silver may be delivered against a silver contract from any warehouse or vault licensed and/or designated by the Exchange specifically for the storage of silver, and may not be delivered except from such warehouse or vault. Each contract unit shall be delivered from a single warehouse or vault. The Board may from time to time add to or eliminate licensed or designated warehouses or vaults after notice to members. Said notice shall fix the time when such changes shall become effective. The addition or elimination of licensed or designated warehouses or vaults shall not be deemed to affect the amount of money to be paid or the grade or quality of the silver to be delivered upon Exchange contract, and shall be binding upon all such contracts entered into before, as well as after the adoption of such change, anything in these Rules to the contrary notwithstanding.

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RESOLUTION

.10 - Interpretation of Term "Bar List".

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[THE BALANCE OF THE RULE REMAINS THE SAME]

PROPOSED CHANGES TO COMEX RULE 113.12

[underline indicates additions; ~~strikeout~~ indicates deletions]

113.12 - Delivery of Gold.

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(e) The member to whom delivery is made shall ~~at once~~ make payment to ~~the member making delivery by the electronic transfer of federal funds to the member~~ who is making delivery through the Clearinghouse by 2 p.m. on the Delivery Day, in accordance with the By-Laws and Rules of the New York Mercantile Exchange, Inc. and the Commodity Exchange, Inc. ("payment"). Payment shall be made upon the basis of the weight as certified in the weight certificate for the lot and the fineness of such gold up to 9999 fine as stamped on the bars.

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[THE BALANCE OF THE RULE REMAINS THE SAME]

PROPOSED CHANGES TO COMEX RULE 123.10

[underline indicates additions; ~~strikeout~~ indicates deletions]

Rule 123.10 DELIVERY PROCEDURES

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(E) DELIVERY DAY

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- (2) The Buyer shall ~~present payment to the Seller, at the Exchange, or another location mutually agreed upon by the parties, by electronic transfer of federal funds~~ make payment to the seller through the Clearinghouse by 2 p.m. on the Delivery Day, in accordance with the By-Laws and Rules of the New York Mercantile Exchange, Inc. and the Commodity Exchange, Inc. ("payment"). Payment shall be presented before 2:00 PM of Delivery Day.

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[THE BALANCE OF THE RULE REMAINS THE SAME]

PROPOSED CHANGED TO NYMEX RULE 90.08

[underline indicates additions; ~~strikeout~~ indicates deletions]

90.08 Delivery Procedure

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(G) Delivery Day

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[THE BALANCE OF THE RULE IS REMAINS THE SAME]

PROPOSED CHANGED TO NYMEX RULE 100.08

[underline indicates additions; ~~strikeout~~ indicates deletions]

100.08 Delivery Procedure

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[THE BALANCE OF THE RULE REMAINS THE SAME]

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 2625
CONNECTION TEL 912024185521
SUBADDRESS
CONNECTION ID
ST. TIME 12/16 09:39
USAGE T 03'22
PGS. 9
RESULT OK

NEW YORK MERCANTILE EXCHANGE

One North End Avenue
World Financial Center
New York, NY 10282-1101
(212) 299-2215
Fax: (212) 299-2298

FAX TRANSMISSION COVER SHEET

DATE: December 16, 2004
TO: Ms. Webb
Office of the Secretariat
Commodity Futures Trading Commission
FAX #: 202-418-5521
SENDER: Suellen Galish

You should receive 9 page(s), including this cover sheet. If you do not receive every page, please call Narine at (212) 299-2210

Excerpt from Submission No. 04-173

Dated December 13, 2004

**U.S. COMMODITY FUTURES TRADING COMMISSION**

Three Lafayette Centre
1155 21st Street, NW, Washington, DC 20581
Telephone: (202) 418-5260
Facsimile: (202) 418-5527
www.cftc.gov

Division of
Market Oversight

December 13, 2004

Mr. Brian J. Regan
Vice President and Counsel
New York Mercantile Exchange
One North End Avenue
New York, New York 10282-1101

Re: Proposed Notification of Rule Number Changes (Submission No.
04-173)

Dear Mr. Regan:

By letter dated December 10, 2004, the New York Mercantile Exchange ("NYMEX") submitted to the Commission the above-referenced proposal, pursuant to Section 5c(c)(1) of the Commodity Exchange Act ("Act") and Commission Regulation 40.6(a). The NYMEX's submission certifies that the subject proposal complies with the Act and the regulations thereunder.

Please be advised that the Division of Market Oversight ("Division") acknowledges receipt of the subject NYMEX submission. The Division reminds NYMEX that this acknowledgement does not constitute either Commission approval of the subject proposal or a finding that the proposal is consistent with the Act and the regulations thereunder.

Very truly yours,

Riva Spear Adriance
Associate Director



New York
Mercantile Exchange

December 10, 2004

VIA ELECTRONIC MAIL

Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20581

RE: NYMEX Submission 04.173: Weekly Notification of Rule Changes

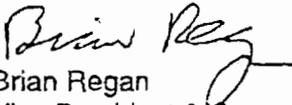
Dear Ms. Webb:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act ("Act"), the New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") is submitting this filing of nonmaterial revisions to the Commodity Futures Trading Commission ("CFTC") to notify the CFTC that the following COMEX Division rule chapters are being renumbered as follows:

Chapter 1	now Chapter 101;
Chapter 4	now Chapter 104;
Chapter 10	now Chapter 110;
Chapter 11	now Chapter 11;
Chapter 12	now Chapter 112;
Chapter 13	now Chapter 113;
Chapter 15	now Chapter 115;
Chapter 16	now Chapter 116;
Chapter 17	now Chapter 117;
Chapter 23	now Chapter 123; and
Chapter 24	now Chapter 124.

Should you have any questions concerning the above, please contact the undersigned at (212) 299-2207.

Very truly yours,


Brian Regan
Vice President & Counsel

Attachments

New York Mercantile Exchange, Inc.
World Financial Center
One North End Avenue
New York, NY 10282-1101
(212) 299-2000

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