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**Via E-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 06.44 – Notification of Amendments to Exchange Rules 7.07, What Constitutes One Warehouse, and 7.11, Reporting Receipts and Withdrawals.**

Dear Ms. Jean Webb:

The New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") of the attached contract amendments to Rule 7.07, What Constitutes One Warehouse, and Rule 7.11, Reporting Receipts and Withdrawals. The Executive Committee voted in open session to approve these amendments and they were sent to the Board of Directors for ratification. The purpose of the rule changes is to provide a more representative reporting of unwarranted material in Exchange-Approved Metals Depositories and Warehouses. They are proposed to go in effect on Monday, April 3, 2006.

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

Should you have any questions concerning the above, please contact Jay Gottlieb, Director, Research, at (212) 299-2607; or the undersigned at (212) 299-2390.

Very truly yours,

Robert A. Levin  
Senior Vice President, Research

## Amendments to Rules 7.07 and 7.11

**Strike through indicates deletions; underlining indicates additions**

### 7.07 What Constitutes One Warehouse

For purposes of delivery of metals upon contract by warehouse or vault receipts, ~~one~~ an approved warehouse or vault shall be understood to mean a single warehouse or vault; or, a number of contiguous warehouses or vaults comprising one system of warehouses or vaults under one name or management; ~~or warehouses or vaults or systems of warehouses or vaults that are in juxtaposition to each other, though bearing different names, when such warehouses or vaults are adjoining and contiguous to each other and are~~ which have been specifically identified in the application for approval and all managed or operated by one firm or warehouseman.

### 7.11 Reporting Receipts and Withdrawals

All warehouses licensed by the Exchange shall report all receipts and deliveries of metals tenderable against Exchange contracts on forms furnished by the Exchange, or facsimiles thereof, prior to the time designated by the Exchange.

All metals bearing an approved brand included in the official lists of the Exchange should be included in the report, including cathodes of an approved refiner. Copper in bond must be reported.

All metals held by a warehouse as identified in and in compliance with Rule 7.07 must be reported even though they are not weighed into contract units or indications given by the storer that they are intended for Exchange delivery

The report shall be sent on the day any change occurs in the stock. REPORTS SHOULD NOT BE WITHHELD AND ACCUMULATED WITH ANOTHER DAY'S RECEIPTS OR WITHDRAWALS. The tonnage actually received in or withdrawn from the warehouse each day must be reported the same day.

For warehouses outside the Port of New York, transmission of the reports by fax is required.

A check on the 15th of each month of your records against actual inventory should be made to uncover any possible error or omission in previous reports.

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