

November 10, 2006

**Via E-Mail**

Office of the Acting Secretary  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, N.W.  
Washington, D.C. 20581

**Re: Rule Certification. NYMEX Submission 06.127 – Notification  
of Amendments to COMEX Division Rule 104.89.**

Dear Ms. Eileen Donovan:

The New York Mercantile Exchange, Inc. (“NYMEX” or the “Exchange”) hereby notifies the Commodity Futures Trading Commission (“CFTC”) of amendments to COMEX Division Rule 104.89, Settlement Price Committee, and also minor housekeeping changes.

Effective Tuesday, November 14, 2006, Staff will be added to the Settlement Price Committee for Silver and Gold Futures contracts as a voting member with veto authority over the daily settlement prices. Pursuant to Section 5c(c) of the Commodity Exchange Act (“Act”) and CFTC Rule 40.6, the Exchange hereby certifies that the amendments comply with the Act, including regulations under the Act.

Should you have any questions concerning the above, please contact Nancy M. Minett, Vice President, Compliance, at (212) 299-2940, or myself at (212) 299-2897.

Very truly yours,

Thomas F. LaSala  
Senior Vice President  
Compliance and Risk Management

Attachments

cc: Nancy M. Minett  
Brian Regan

(Additions are in bold/underlined; deletions are bold/strikethrough.)

**COMEX Rule 104.89, 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 and Gold **Futures and** Options Contracts and **also the** High Grade Copper Futures **Contract**. The Exchange employees shall have final authority in all instances to veto and override price determinations made by the Committee. The Committee shall be divided into subcommittees for each futures and options contract traded. To the extent possible, each subcommittee 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.