



C.F.T.C.
OFFICE OF THE SECRETARIAT
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August 23, 2010

VIA E-MAIL

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

Re: Rule Certification. New York Mercantile Exchange, Inc. and Commodity Exchange, Inc. Submission #10-236: Notification of Approved Amendment to Supplement No. 2, "Licensed Depositories and Weighmasters for Silver" of the Silver Futures Contract, Supplement No. 2, "Licensed Depositories and Weighmasters for Gold" of the Gold Futures Contract, Supplement No. 1, "Official List of Approved Depositories" of the Platinum Futures Contract, and Supplement No. 1, "Official List of Approved Depositories" of the Palladium Futures Contract - Brink's, Inc.

Dear Mr. Stawick:

The New York Mercantile Exchange, Inc. ("NYMEX") and the Commodity Exchange, Inc. ("COMEX") (collectively, the "Exchanges") hereby notify the Commodity Futures Trading Commission ("CFTC" or "Commission") of amendments to Supplement No. 2, "Licensed Depositories and Weighmasters for Silver" of the Silver Futures contract, Supplement No. 2, "Licensed Depositories and Weighmasters for Gold" of the Gold Futures contract, Supplement No. 1, "Official List of Approved Depositories" of the Platinum Futures contract, and Supplement No. 1, "Official List of Approved Depositories" of the Palladium Futures contract. The amendments are intended to add Brink's, Inc.'s facility located at 580 5th Avenue, New York, NY as an Exchange Licensed Depository for COMEX Gold, COMEX Silver, NYMEX Platinum, and NYMEX Palladium Futures contracts.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchanges hereby certify that the attached supplement amendments comply with the Act, including regulations under the Act. These amendments, which are attached with additions underscored, will go into effect at a date to be determined by the Exchanges with the condition precedent that Brink's, Inc. executes a Delivery Point Agreement with the Exchanges.

Should you have any questions concerning the above, please contact Melissa Hubley at (312) 435-3595, Joann Arena at (212) 299-2356 or the undersigned at (312) 648-5422.

Very truly yours,

/s/ Stephen M. Szarmack
Regulatory Counsel

Attachments: Application Summary of Requirements
Gold Supplement No. 2
Silver Supplement No. 2
Platinum Supplement No. 1
Palladium Supplement No. 1

APPLICATION SUMMARY OF REQUIREMENTS

The application submitted by Brink's, Inc. and Brink's Global Services USA, Inc. for licensing its facility at 580 5th Ave., New York, NY for storage of the respective NYMEX and COMEX Gold, Silver, Platinum, and Palladium contracts meets the requirements of the Exchanges.

BACKGROUND INFORMATION

Brink's Global Services USA, Inc. is a wholly owned subsidiary of Brink's Inc. The Brink's Company, which owns Brink's Inc., was founded as Brink's City Express in Chicago in 1859, and has been in operation for 150 years. Currently, it is based in Richmond, Virginia. Starting as an armored transportation service, it evolved to expand its operations to include precious metals storage in the late 1990s. Brink's has been operating Licensed Depositories approved to store precious metals against the Exchanges' Futures Contracts for 10 years. Brink's international network operates about 875 facilities and services customers in over 50 countries. It is estimated that it employs approximately 59,400 employees.

NAME AND ADDRESS OF APPLICANT

Office Location

Brink's Inc. and Brink's Global Services USA, Inc.
Suite 400
580 Fifth Avenue
New York, NY 10036

Vault Location

Brink's Inc.
580 Fifth Avenue
New York, NY 10036

LEASE/VAULT CLASSIFICATION/INSPECTION

Exchange staff inspected the facility at 580 5th Ave., New York, NY on Thursday, June 17, 2010, which is owned by Forty Seventh Fifth Company, LLC. Brink's Inc. is the Tenant in the signed copy of the Lease Agreement, entered into on November 9, 1992, that was provided to the Exchange. There are 5,000 square feet of space available, enclosed by four steel reinforced cinder block walls with a concrete ceiling and concrete floor on top of bedrock. The interior of the facility is divided into several work areas, including a 752 square foot, modular vault capable of housing one million ounces of gold, platinum, and palladium, and an additional two million ounces of silver. The no floor vault solution is surface mounted to the existing basement slab which is described as bedrock. The walls and ceiling grid carry a U.L. Class-3 designation which is torch and tool resistant. The vault is equipped with one U.L. listed Class-3 oversized vault door offering a clear opening of 52" wide x 78" high. Custom Vault Corporation has certified that the existing vault system at 580 5th Ave., New York, NY meets all current U.L. listings as a Class-3 five-sided structure. It has also certified that all modular components (the modular vault panel components were manufactured by International Vault, Inc.) of the system have passed testing in accordance with the U.L. "Burglary Resistant Vault Doors" and "Modular Panels" standards. Cameras, motion detectors, and entry way alarms are installed throughout the interior and exterior access points. The activity is monitored 24 hours per day, 7 days per week. Access from exterior points to interior spaces is limited by the use of biometric proximity readers that record all activity. A majority of employees assigned to the area are licensed to carry Brink's issued firearms. The Depository employs Metler Toledo SG32001DR high precision self calibrating balances. The scales weigh to a tolerance of 1/1000th of a troy ounce, and meet all of the Exchange's requirements.

FINANCIAL REQUIREMENTS

Brink's, Incorporated, a wholly-owned subsidiary of The Brink's Company, has submitted audited financial statements for its fiscal year ended December 31, 2009. The report was furnished by KPMG LLP, Richmond, Virginia and dated February 25, 2010.

For the fiscal year ended December 31, 2009, Brink's had a working capital of US\$169.8 million. Total Assets were US\$1.8798 billion as of December 31, 2009. The Exchange has reviewed the latest audited financial statements and determined that the facility meets the Exchange's requirements.

LICENSED WEIGHMASTER

The application for a Licensed Depository for Gold also requires that the Depository be designated a Licensed Weighmaster for the Gold. Each bar of gold must be weighed to the 1/100 of a troy ounce. The procedures require that each bar be weighed to the nearest 1/1000 of a troy ounce and weights of 4/1000 of a troy ounce or less are rounded down to the nearest 1/100 of a troy ounce and weights of 5/1000 of a troy ounce or more are rounded up to the nearest 1/100 of a troy ounce.

Brink's has obtained a scale capable of weighing in the increments required by the Gold Futures contract

RATES AND CHARGES

Brink's has provided the Exchange with handling and storage charges for gold, silver, platinum, and palladium.

The Exchange is not involved in the setting of charges and fees applicable to metal stored in Licensed Depositories. It is the Exchange's view that a Licensed Depository's rate structure for the storage and handling of metal is a business decision that should be made by the depository itself, based on the specific economic conditions it faces and business strategy it employs. However, the Exchange does require that the Licensed Depository provide not less than ninety (90) days prior written notice before the effectiveness of any change to the Licensed Depository's fee structure. In addition, the Exchange requires that each Licensed Depository's fees and charges shall be uniform for all storers and there shall be no preference in the fixation of fees and charges and no rebate of fees and charges.

DELIVERY POINT AGREEMENT

A condition precedent to the effective date for the facility located at 580 Fifth Avenue, New York, New York in becoming an Exchange Licensed Depository for Gold, Silver, Platinum and Palladium is the execution of Delivery Point Agreements with the Exchange. The Delivery Point Agreement codifies the responsibilities and requirements of Licensed Depositories operating as a delivery point for the respective metal futures contracts.

INSURANCE

Brink's, Inc. exceeds the Exchange's minimum insurance requirements as it maintains \$200 million in "all risk" insurance coverage through Lloyd's of London and includes all risks of physical loss and /or physical damage, including mysterious disappearance and/or unexplained loss and shortage, employee dishonesty and theft.

Strikeout indicates deletions; underlining indicates additions.
 Gold Supplement
 No. 2
 COMMODITY EXCHANGE, INC.
 LICENSED DEPOSITORIES AND WEIGHMASTERS FOR GOLD

Depositories	Facilities	Computer Codes
NEW YORK		
Brinks, Inc. 580 5th Ave. Suite 400 New York, NY 10036 1-800-5-BRINKS 212-558-6267	652 Kent Ave. Brooklyn, NY	4001
	<u>580 5th Ave.</u> <u>New York, NY</u>	<u>4003</u>
HSBC Bank USA 1 West 39 th St. SC 2 Level New York, NY 10018 212-525-6439	1 West 39 th St. SC 2 Level New York, NY	5001

Manfra, Tordella, & Brookes 90 Broad St. New York, NY 10004 212-981-4516	90 Broad St. Sub-Basement New York, NY	7001
Scotia Mocatta Depository, a Division of the Bank of Nova Scotia New York, NY 10004 212-912-8530	230-59 Int'l Airport Center Blvd. Building C, Ste. 120 Jamaica, NY	3002
Additional Licensed Weighmasters for Gold		
NEW JERSEY		
Ledoux & Company 359 Alfred Ave. Teaneck, NJ 07666 201-837-7160		

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 Silver Supplement
 No. 2
 COMMODITY EXCHANGE, INC.
 LICENSED DEPOSITORIES AND WEIGHMASTERS FOR SILVER

Depositories	Facilities	Computer Codes
NEW YORK		
Brinks, Inc. 580 5th Ave. Suite 400 New York, NY 10036 1-800-5-BRINKS 212-558-6267	652 Kent Ave. Brooklyn, NY	4001
	184-45 147 th Ave. Springfield Gardens, NY	4002
	<u>580 5th Ave.</u> <u>New York, NY</u>	<u>4003</u>
----- HSBC Bank USA 1 West 39 th St. SC 2 Level New York, NY 10018 212-525-6439	1 West 39 th St. SC 2 Level New York, NY	5001
	425 Sawmill River Rd. Ardsley, NY	5002
Scotia Mocatta Depository, a Division of the Bank of Nova Scotia New York, NY 10004 212-912-8530	230-59 International Airport Center Blvd. Building C, Ste. 120 Jamaica, NY	3002
DELAWARE		
Delaware Depository Service Co., LLC 3601 North Market St. Wilmington, DE 19802 302-765-3884	3601 North Market St. Wilmington, DE	6001
	4200 Governor Printz Blvd. Wilmington, DE	6002
	4 Meco Circle Wilmington, DE	6003

Additional Licensed Weighmasters for Silver

NEW JERSEY

Ledoux & Company 359 Alfred Ave. Teaneck, NJ 07666 201-837-7160	HSBC Bank USA 1 West 39 th St. SC 2 Level New York, NY 10018 212-525-6439
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Palladium Supplement

No. 1

NEW YORK MERCANTILE EXCHANGE, INC.

LICENSED DEPOSITORIES AND WEIGHMASTERS FOR PALLADIUM

Depositories	Facilities	Computer Codes
NEW YORK		
Brinks, Inc. 580 5th Ave. Suite 400 New York, NY 10036 1-800-5-BRINKS 212-558-6267	652 Kent Ave. Brooklyn, NY	4001
	184-45 147 th Ave. Springfield Gardens, NY	4002
	<u>580 5th Ave.</u> <u>New York, NY</u>	<u>4003</u>

HSBC Bank USA 1 West 39 th St. SC 2 Level New York, NY 10018 212-525-6439	1 West 39 th St. SC 2 Level New York, NY	5001
Scotia Mocatta Depository, a Division of the Bank of Nova Scotia New York, NY 10004 212-912-8530	230-59 International Airport Center Blvd. Building C, Ste. 120 Jamaica, NY	3002
Manfra, Trodella, & Brookes, Inc. 90 Broad St. New York, NY 10004 212-981-4516	90 Broad St. Sub-Basement New York, NY 10004	7001
DELAWARE		
Delaware Depository Service Co., LLC 3601 North Market St. Wilmington, DE 19802 302-765-3884	3601 North Market St. Wilmington, DE	6001
	4200 Governor Printz Blvd. Wilmington, DE	6002

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Platinum Supplement

No. 1

NEW YORK MERCANTILE EXCHANGE, INC.

LICENSED DEPOSITORIES AND WEIGHMASTERS FOR PLATINUM

Depositories	Facilities	Computer Codes
NEW YORK		
Brinks, Inc. 580 5 th Ave. Suite 400 New York, NY 10036 1-800-5-BRINKS 212-558-6267	652 Kent Ave. Brooklyn, NY	4001
	184-45 147 th Ave. Springfield Gardens, NY	4002
	<u>580 5th Ave.</u> <u>New York, NY</u>	<u>4003</u>
----- HSBC Bank USA 1 West 39 th St. SC 2 Level New York, NY 10018 212-525-6439	1 West 39 th St. SC 2 Level New York, NY	5001
Scotia Mocatta Depository, a Division of the Bank of Nova Scotia New York, NY 10004 212-912-8530	230-59 International Airport Center Blvd. Building C, Ste. 120 Jamaica, NY	3002
Manfra, Trodella, & Brookes, Inc. 90 Broad St. New York, NY 10004 212-981-4516	90 Broad St. Sub-Basement New York, NY 10004	7001
DELAWARE		
Delaware Depository Service Co., LLC 3601 North Market St. Wilmington, DE 19802 302-765-3884	3601 North Market St. Wilmington, DE	6001
	4200 Governor Printz Blvd. Wilmington, DE	6002