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OFFICE OF THE SECRETARIAT
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January 13, 2010

BY EMAIL

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. Commodity Exchange, Inc. Submission #10-016: Notification Relating to Amendment to Supplement No. 2, "Licensed Depositories and Weighmasters for Silver" of the Exchange's Silver Futures Contract – Delaware Depository Service Company, LLC

Dear Mr. Stawick:

The Commodity Exchange, Inc. ("COMEX" or "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that it is self-certifying an amendment to Supplement No. 2, "Licensed Depositories and Weighmasters for Silver" of the Exchange's Silver futures contract to reflect the addition of a facility located at 4 Mecco Circle, Wilmington, DE, owned and operated by Delaware Depository Service Company, LLC as an Exchange Licensed Depository against the Exchange's Silver futures contract. This submission shall be effective Friday, January 15, 2010.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the attached amendment to Supplement No. 2 complies with the Act, including regulations under the Act. This amendment will go into effect on trade date Friday, January 15, 2010.

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

Sincerely,

/s/ Stephen M. Szarmack
Regulatory Counsel

Attachments: Application Summary of Requirements
Amendment to Supplement No. 2, "Licensed Depositories and Weighmasters for Silver" of the Exchange's Silver Futures Contract

APPLICATION SUMMARY OF REQUIREMENTS

The application submitted by Delaware Depository Service Company, LLC for licensing its facility at 4 Meco Circle, Wilmington, DE for storage against the Exchange's Silver Futures contract meets the requirements of the Exchange.

BACKGROUND

Delaware Depository Service Company, LLC (DDSC) is a limited liability company that provides services for specialized precious metals custody, accounting and shipping services to financial institutions, industrial entities and individual investors. DDSC is wholly owned by FidelityTrade Incorporated. It has been licensed by the Exchange for the storage of platinum, palladium and silver since 1999. DDSC receives, inventories, stores, internally transfers, and ships the precious metals bullion held by it for its customers. Its customers include government agencies, investment banks, brokerage firms, refining and manufacturing companies, commodity trading houses, major retailers, coin dealers, and investors, including high net individuals.

Exchange staff inspected the facility on Thursday, December 17, 2009. The facility has a storage capacity for 60 million ounces of silver, with vault classification 3. It is primarily made of reinforced concrete block with steel. According to DDSC, the location will only be used to store silver. The vault, like other DDSC vaults, has been constructed and maintained in compliance with the Bank Protection Act and Underwriters Laboratories, Inc. standards, and is equipped with time locks and automatic re-locking devices. Access is restricted and regulated by dual control procedures. There are both truck and man traps utilized. All door openings are contacted for opening and are backed up with motion detectors, and there are shock sensors utilized for exterior block masonry walls. The facility has motion sensors, and central-station signaling. Central-station transmissions are via a well respected security industry private network. There are supervised opening and closings with reports and individual point transmission. The facility is protected and independently monitored 24 hours per day, 365 days per year. Inside cameras are placed to view the truck and man traps, the office area, and storage areas, whereas outside cameras are placed to view vehicle entry gates, all exterior walls of the building, all building entry doors, and the roof of the building. Database management and administration is conducted out of DDSC's 3601 North Market Street location, using existing management control systems. The facility located at 4 Meco Circle uses a safety alarm service in conjunction with its central-station transmission provider's network; it meets the National Fire Protection association standards and is approved by the Delaware State Fire Marshal's office.

APPLICATION REQUIREMENTS

DDSC exceeds the Exchange's minimum insurance requirements as it maintains \$300 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. DDSC's audited financial statements for fiscal year ended December 31, 2008 reflect a positive net worth of over \$6 million.

DDSC has provided the Exchange with a list of storage and handling fees. DDSC will charge \$30 per silver receipt per month for storage charges. Additionally, it will charge customers \$125 for withdrawal of silver from the facility.

(Strikeout indicates deletions; underline indicates additions)

Silver Supplement
No. 2

COMMODITY EXCHANGE, INC.
LICENSED DEPOSITORIES AND WEIGHMASTERS FOR SILVER

<u>Depository</u>	<u>Facilities</u>	<u>Computer Code</u>
<u>NEW YORK</u>		
SCOTIAMOCATTA DEPOSITORY, A DIVISION OF THE BANK OF NOVA SCOTIA New York, NY 10004 Orders: (212) 912-8530	230-59 International Airport Cntr Blvd, Bldg C Ste 120 Jamaica, NY	3002
HSBC Bank USA 1 West 39 th Street, SC 2 Level New York, NY 10018 Orders: (212) 525-6439	1 West 39 th Street, SC 2 Level New York, NY	5001
	425 Sawmill River Road Ardsley, New York	5002
BRINK'S Incorporated Suite 400 580 5 th Avenue New York, New York 10036 Orders: (718) 949-2186	652 Kent Avenue Brooklyn, New York	4001
	184-45 147 th Avenue Springfield Gardens, New York	4002
<u>DELAWARE</u>		
Delaware Depository Service Company, LLC 3601 North Market Street Wilmington, Delaware 19802 Orders: (302) 765-3884	3601 North Market Street Wilmington, Delaware	6001
	4200 Governor Printz Blvd. Wilmington, Delaware	6002
	<u>4 Meco Circle</u> <u>Wilmington, Delaware</u>	<u>6003</u>

ADDITIONAL LICENSED WEIGHMASTERS FOR SILVER

Ledoux & Company
359 Alfred Avenue
Teaneck, NJ 07666
Orders: NJ (201) 837-7160

HSBC Bank USA
1 West 39th Street, SC 2 Level
New York, New York 10018
Orders: (212) 525-6439