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**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

OFFICE OF THE SECRETARIAT

**Re: Rule Certification. New York Mercantile Exchange, Inc. Submission #09.07: Notification of Amendment to Supplement No. 1, "Official List of Approved Refiners and Brands" to the Silver Futures Contract**

Dear Mr. Stawick:

The New York Mercantile Exchange, Inc. ("NYMEX" or "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that it is self-certifying an amendment to Supplement No. 1, "Official List of Approved Refiners and Brands" to the Silver futures contract. The amendment to the aforementioned Supplement reflects the addition of the KGHM HG silver brand produced by KGHM Polska Miedz S.A. as acceptable for delivery against the Exchange's Silver Futures contract.

KGHM Polska Miedz S.A. has established itself as a company based on stability, responsibility, and adaptability. KGHM is the third largest producer of silver in the world and has had its brand, KHGM HG, quality certified as Good Delivery by the London Bullion Market Association (LBMA) since 1995. In 2007, annual production of silver reached 1,214,884,225 kg. The company recorded a profit of nearly \$1.3 billion in 2007 and holds a strategic interest for the Polish economy.

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. 1 to the Silver Futures contract complies with the Act, including regulations under the Act. This change will be made effective on February 2, 2009.

Should you have any questions concerning the above, please contact Robert A. Levin at (212) 299-2390 or the undersigned at (202) 638-3838.

Sincerely,



De'Ana H. Dow  
Managing Director  
Government Relations

Attachment

**(Underline/Bold indicates additions)**

COMMODITY EXCHANGE, INC.  
OFFICIAL LIST OF APPROVED REFINERS AND BRANDS  
(Deliverable Against Commodity Exchange, Inc. Silver Contracts)

| <u>PRODUCER</u>                              | <u>REFINED AT</u>       | COMPUTER<br><u>CODE</u> | <u>BRAND MARKS</u>                                     |
|--|-------------------------|-------------------------|--|
| The Anaconda Company                         | Perth Amboy, N.J.       | UMCO                    | * UMS CO.  |
| ASARCO Incorporated                          | Amarillo, Texas         | ASAT<br>TEXAS           | ASARCO SILVER- AMARILLO,                               |
|  | Baltimore, MD           | ASBA                    | * ASARCO BALTIMORE, MARYLAND                           |
|  | Perth Amboy, N.J.       | ASCP                    | * AS & R CO.-PERTH AMBOY, N.J.                         |
|  | Perth Amboy, N.J.       | ASPA<br>JERSEY          | * ASARCO-PERTH AMBOY, NEW                              |
|  | Selby, CA               | SGSR                    | * SELBY GOLD & SILVER REFINERY,<br>SAN FRANCISCO, CAL. |
| Britannia Refined Metals Co.                 | Northfleet, England     | BLCO                    | BLC <sub>o</sub> .                                     |
| Broken Hill Associated Smelters<br>Pty. Ltd. | Port Pirie, Australia   | BHAS                    | BHAS   |
| The Bunker Hill Company                      | Kellogg, Idaho          | HILL                    | * BUNKER HILL  |
| Cerro de Pasco Corporation                   | La Oroya, Peru          | CDPP                    | * C de P PERU  |
| Cominco Ltd.                                 | Trail, British Columbia | TADA                    | TADANAC  |
| Compania de Real Monte<br>y Pachuca          | Pachuca, Mexico         | RDMM                    | R del M  |
| Comptoir Lyon-Alemand Louyot                 | Noisy le Sec, France    | CLAP                    | * COMPTOIR-LYON-ALEMAND,<br>LOUYOT & CIE-PARIS         |
|  |                         | CLAL                    | COMPTOIR-LYON-ALEMAND,<br>LOUYOT-PARIS                 |
| Dowa Mining Co. Ltd.                         | Kosaka City, Japan      | DOWA                    | DOWA (with crossed hammers<br>within circle)           |
| Empresa Minera del Peru S.A.                 | La Oroya, Peru          | CPPE                    | CP-PERU  |
| Engelhard Corporation                        | Chessington, England    | ENCI                    | * ENGELHARD LONDON                                     |
|  | Carteret, N.J.          | ENNE                    | * ENGELHARD  |

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|--|--|----------------------|--|
| Engelhard Corporation<br>Metaux Precieux-Paris within an oval)                     | Ivry, France                           | ECMP *               | ENGELHARD (with Compagnie Des  |
| Furukawa Metals Co. Ltd.<br>name "Yamaichi")                                       | Nikko City, Japan                      | TRIA                 | OPEN TRIANGLE (like letter A, brand  |
| Golden West Refining Corporation<br>Limited, Handy & Harman Refining<br>Group Inc. | Attleboro, Mass                        | GWHH                 | * HH HANDY & HARMAN REFINING<br>GROUP  |
| Handy & Harman   | Attleboro, Mass<br>Fairfield, Conn.    | HAND<br>HARM         | *HH HANDY & HARMAN SILVER<br>*HH HANDY & HARMAN SILVER<br>(with capital letter F bars produced at<br>Fairfield, Conn.) |
| INCO Limited   | Sudbury, Ontario                       | ORCO                 | ORC  |
| Industrial Minera Mexico, S.A.   | Monterrey, Mexico<br>Monterrey, Mexico | ASMO<br>IMMM         | * ASARCO-MONTERREY<br>IMM-MONTERREY  |
| Johnson Matthey Limited  | Brampton, Ontario                      | JMLT                 | JM and crossed hammers in diamond<br>Surrounded by JOHNSON MATTHEY<br>CANADA   |
|  | Brampton, Ontario                      | JMJM                 | * JOHNSON MATTHEY-JM<br>(with crossed hammers and assay stamp:<br>JM LTD.-CANADA-ASSAY OFFICE)                         |
|  | Brampton, Ontario<br>Brampton, Ontario | JMCA<br>JMMC         | * JM (with crossed hammers)<br>* J.M. & M. Ltd.  |
| Johnson Matthey Chemicals Ltd.   | Royston, England<br>Royston, England   | JMLO<br>JMCF         | JOHNSON MATTHEY LONDON<br>* JMCF   |
| Johnson Matthey Refining, Inc.   | Salt Lake City, Utah                   | JMRI                 | JOHNSON MATTHEY-JM<br>(with crossed hammers and assay stamp:<br>J.M.R.I.-U.S.A.-ASSAY OFFICE)                          |
| Kam-Kotia Mines Ltd.   | Cobalt, Ontario                        | CRKO                 | * CRK  |
| Kennecott Corporation  | Magna, Utah                            | KUEU                 | * KUE  |
| <b><u>KGHM Polska Miedz S.A.</u></b>   | <b><u>Lubin, Poland</u></b>            | <b><u>KGHM</u></b>   | <b><u>KGHM HG</u></b>  |
| Metalli Preziosi S.p.A.  | Milan, Italy                           | MPSP                 | METALLI PREZIOSI S.p.A. MILANO<br>(with MP)  |
| n.v. Union Miniere s.a.<br>- Business Unit Hoboken                                 | Hoboken, Belgium<br>Hoboken, Belgium   | MHOV<br>HOBN         | * HOBOKEN 999.7+<br>HOBOKEN 999+   |

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|--|-----------------------------------|--------------------------|---|
| Metalor Technologies USA Corp.                   | N. Attleborough, Mass             | MUST                     | METALOR® (with "MUS" assay mark)  |
|  | N. Attleborough, Mass.            | META                     | * METAUX PRECIEUX SA METALOR<br>(in a circle with letters MUS in center)        |
| Metalor Precieux SA Metalor                      | Neuchatel, Switzerland            | MPOR                     | METAUX PRECIEUX SA METALOR<br>(in a circle with letters MP in center)           |
| Met-Mex Penoles, SA de CV                        | Monterrey, Mexico                 | MPSA                     | * METALURGICA MEXICANA  |
|  | Torreón, Mexico                   | POP M                    | PRODUCT OF PENOLES MEXICO   |
| Mitsubishi Materials Corporation                 | Kagawa, Japan                     | DIAM                     | Three diamonds forming a triangle   |
| No. 1 Mining Corporation                         | Namtu, Burma                      | BRMA                     | BURMA MINES   |
| Noranda Metallurgy Inc. - Copper                 | Montreal East, Quebec             | CCRL                     | CCR CANADA  |
| Norddeutsche Affinerie A.G.                      | Hamburg, W. Germany               | NAHA<br>HAMBURG          | NORDDEUTSCHE AFFINERIE  |
| PAMP S.A.  | Castel San Pietro,<br>Switzerland | PAMP                     | PAMP  |
| PGP Industries, Inc.                             | Duncan, South Carolina            | PGPI                     | * PGP   |
| Rand Refinery Limited                            | Germiston, Transvaal              | RRSA                     | RAND REFINERY LTD.<br>(with RR Ltd. on underside)                               |
| Rudarsko Metalursko Hemijski<br>Kombinat, Trepca | Zvečan, Yugoslavia                | TREP                     | TREPCA  |
| Sabin Metal Corporation                          | Scottsville, N.Y.                 | SABN                     | SMC   |
| Sheffield Smelting Co. Ltd.                      | Sheffield, England                | SSCL                     | * THE SHEFFIELD SMELTING CO. LTD.   |
| Umicore AG & Co. KG                              | Hanau, Germany                    | DEGU                     | * DEGUSSA (with 1/2 sun and<br>1/4 moon within diamond)                         |
| Umicore AG & Co. KG                              | South Plainfield, N.J.            | METZ                     | * DEGUSSA (with 1/2 sun<br>and 1/4 moon within diamond,<br>also Metz est. 1921) |

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|---|--|------------------------------|---|
| United States Assay Office  | Denver, Colorado<br>New York, New York<br>Philadelphia, Pa.<br>San Francisco, Cal. | USDE<br>USNY<br>USPH<br>USSF | * SEAL OF UNITED STATES (with<br>year and location of production) |
| United States Metals Refining<br>Co., division of Amax Copper, Inc. | Carteret, N.J.   | DRW                          | * DRW   |
| U.S. Smelting, Refining & Mining                                    | East Chicago, Ill.   | USSC                         | * USSCO   |
| Zakłady Metalurgiczne Trzebinia                                     | Trzebinia, Poland  | ZTMP                         | ZTM   |