

December 27, 2005

Via E-Mail

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

OFFICE OF THE SECRETARIAT

2005 DEC 27 PM 4: 29

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OFFICE OF THE SECRETARIAT

Re: Rule Certification. NYMEX Submission 05.219: Notification of an Amendment to COMEX Division Rule 104.89, Settlement Price Committee.

Dear Ms. Jean Webb:

The New York Mercantile Exchange ("NYMEX" or the "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") of an amendment to COMEX Rule 104.89, Settlement Price Committee.

Effective Tuesday, January 3, 2006, COMEX Rule 104.89 is amended to install Staff to serve as a voting member with veto authority over the daily settlement prices in High-Grade Copper Futures. Staff will be rolled out to the remaining COMEX Futures and Options contracts as Staff becomes available. Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the attached rule amendment complies with the Act, including regulations under the Act.

Should you have any questions concerning the above, please contact me at (212) 299-2940.

Very truly yours,

Nancy M. Minett
Vice President, Compliance

cc: Thomas LaSala
Brian Regan

(Additions are underlined in bold; Deletions are in bold strikethrough.)

COMEX Division 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 Options Contract, **and High Grade Copper Futures** (additional Futures and Options contracts to be added as Staff is available). 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 sub-committees for each futures and options contract traded. To the extent possible, each sub-committee 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.