

SUBMISSION COVER SHEET

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Registered Entity Identifier Code (optional): 24-283 (2 of 2)

Organization: Commodity Exchange, Inc. ("COMEX")

Filing as a: **DCM** **SEF** **DCO** **SDR**

Please note - only ONE choice allowed.

Filing Date (mm/dd/yy): 08/12/24 **Filing Description:** Amendments to Rule 10X101.B. ("Packing Methods") of the NYMEX Platinum and Palladium Futures Contracts and Rule 11X101. ("Contract Specifications") of the Gold, Gold Kilo, Gold (Enhanced Delivery) and Silver Futures Contracts to Amend the Delivery Eligibility Requirements for all NYMEX and COMEX Physically-Delivered Precious Metals Futures Contracts

SPECIFY FILING TYPE

Please note only ONE choice allowed per Submission.

Organization Rules and Rule Amendments

- Certification § 40.6(a)
- Approval § 40.5(a)
- Notification § 40.6(d)
- Advance Notice of SIDCO Rule Change § 40.10(a)
- SIDCO Emergency Rule Change § 40.10(h)

Rule Numbers:

New Product

Please note only ONE product per Submission.

- Certification § 40.2(a)
- Certification Security Futures § 41.23(a)
- Certification Swap Class § 40.2(d)
- Approval § 40.3(a)
- Approval Security Futures § 41.23(b)
- Novel Derivative Product Notification § 40.12(a)
- Swap Submission § 39.5

Official Product Name:

Product Terms and Conditions (product related Rules and Rule Amendments)

- Certification § 40.6(a)
- Certification Made Available to Trade Determination § 40.6(a)
- Certification Security Futures § 41.24(a)
- Delisting (No Open Interest) § 40.6(a)
- Approval § 40.5(a)
- Approval Made Available to Trade Determination § 40.5(a)
- Approval Security Futures § 41.24(c)
- Approval Amendments to enumerated agricultural products § 40.4(a), § 40.5(a)
- "Non-Material Agricultural Rule Change" § 40.4(b)(5)
- Notification § 40.6(d)

Official Name(s) of Product(s) Affected: See filing.

Rule Numbers: See filing.

August 12, 2024

VIA ELECTRONIC PORTAL

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

Re: CFTC Regulation 40.6(a) Certification. Amendments to Rule 10X101.B. (“Packing Methods”) of the NYMEX Platinum and Palladium Futures Contracts and Rule 11X101. (“Contract Specifications”) of the COMEX Gold, Gold Kilo, Gold (Enhanced Delivery) and Silver Futures Contracts to Amend the Delivery Eligibility Requirements of all NYMEX and COMEX Physically-Delivered Precious Metals Futures Contracts.
COMEX Submission No. 24-283 (2 of 2)

Dear Mr. Kirkpatrick:

New York Mercantile Exchange, Inc. (“NYMEX”) and Commodity Exchange, Inc. (“COMEX”) (collectively, the “Exchanges”) are certifying to the Commodity Futures Trading Commission (“CFTC” or the “Commission”) amendments to Rule 10X101.B. (“Packing Methods”) of the NYMEX Platinum and Palladium Futures contracts and Rule 11X101. (“Contract Specifications”) of the COMEX Gold, Gold Kilo, Gold (Enhanced Delivery) and Silver Futures contracts as noted in Table 1. below (collectively, the “Physically-Delivered Precious Metals Futures Contracts”) effective on August 27, 2024 to amend the delivery eligibility requirements for all NYMEX and COMEX Physically-Delivered Precious Metals Futures Contracts produced on or after January 1, 2025 (collectively, the “Rule Amendments”).

Table 1.

| Contract Title | CME Globex and CME ClearPort Code | Rulebook Chapter |
|----------------------------------|--|-------------------------|
| NYMEX | | |
| Platinum Futures | PL | 105 |
| Palladium Futures | PA | 106 |
| COMEX | | |
| Gold Futures | GC | 113 |
| Gold Kilo Futures | 4GC | 114 |
| Gold (Enhanced Delivery) Futures | GCK | 126 |
| Silver Futures | GCK | 112 |

Specifically, for metal to be eligible for delivery into the Physically-Delivered Precious Metals Contracts, the Exchanges are implementing the Rule Amendments to require the inclusion of the month and year of production of eligible platinum, palladium, gold, and silver commencing for

such metal produced on or after January 1, 2025. The Rule Amendments are being implemented to provide greater transparency regarding the production date of the metal. The Exchanges' approved depositories must determine the eligibility of metal to be delivered against the Physically-Delivered Precious Metals Contracts. From time to time, the Exchanges may, for a variety of reasons, suspend or delist a previously-approved brand for delivery. In these circumstances, the inclusion of the production date would be beneficial in determining delivery eligibility. The London Bullion Market Association ("LBMA") and the London Platinum and Palladium Market ("LPPM") have adopted similar requirements.

The Exchanges conducted significant outreach with the Exchanges' approved service providers, depositories, and producers. The transparency of the production date of the metal will further enable the Exchanges' approved depositories to appropriately determine eligibility of the metal stored in their respective facilities. While certain of the Exchanges' approved producers currently include the production date on the metal produced, the Rule Amendments will align this requirement with all producers as well as with the current requirements of LBMA and LPPM. Based on the foregoing, the Exchanges believe that the Rule Amendments will ensure that the Physically-Delivered Precious Metals Contracts continue to conform to the most common commercial practices of the underlying cash market.

The Rule Amendments will not impact the deliverable supply of metal in the Exchanges' facilities as the additional requirements will only apply to metal that has not yet been produced.

Exhibit A below provides the Rule Amendments in blackline format.

The Exchanges reviewed the designated contract market core principles ("Core Principles") as set forth in the Commodity Exchange Act ("Act") and identified that the Rule Amendments may have some bearing on the following Core Principles:

- **Availability of General Information**: The Exchanges will release a Special Executive Report ("SER") regarding the Rule Amendments. The SER will also be posted on the CME Group website.
- **Contract Not Readily Subject to Manipulation**: The Contracts are not readily subject to manipulation due to the deep liquidity and robustness in the underlying physical markets.

Pursuant to Section 5c(c) of the Act and CFTC Regulation 40.6(a), the Exchanges certify that the Rule Amendments comply with the Act, including regulations under the Act. There were no substantive opposing views to the proposal.

The Exchanges certify that this submission has been concurrently posted on the CME Group website at <http://www.cmegroup.com/market-regulation/rule-filings.html>.

Should you have any questions concerning the above, please contact the undersigned at (312) 466-7478 or via email at CMEGSubmissionInquiry@cmegroup.com.

Sincerely,

/s/ Timothy Elliott
Managing Director and Chief Regulatory Counsel

Attachment: Exhibit A: Amendments to NYMEX and COMEX Rulebook Chapters

Exhibit A
NYMEX and COMEX Rulebooks
(additions underscored; deletions struck through)

NYMEX Rulebook

Chapter 105
Platinum Futures

105101. CONTRACT SPECIFICATIONS

105101.B. Packing Methods

Platinum may be delivered in packaged or unpackaged form.

1. If platinum is delivered in packaged form, the platinum must be in a package sealed by an Assayer or Producer such that the package may not be opened without destruction of the seal. Each package must contain either (i) exactly one standard platinum unit, or (ii) one larger platinum unit, and must bear:
 - a. the lot or identification number(s) of each ingot and/or plate contained therein;
 - b. the actual weight of the platinum therein;
 - c. the grade of the pieces therein;
 - d. the name or logo of the ~~A~~assayer or mark of the ~~B~~brand; ~~and~~
 - e. the chemical symbol for platinum "Pt" and/or the word "Platinum"; and
 - f. the month and year of production for platinum (produced as of January 1, 2025). The production date can be separate from or part of the serial number. If the production date is part of the serial number, it can be alphanumeric up to 25 characters and the only special character allowed is a dash (-). If the production date is separate from the serial number, it can be in the following allowable formats:
 1. all numeric: MMYYYY (e.g., 012025)
 2. alphanumeric in this format: MMMYYYY (e.g., APR2025).
2. If platinum is delivered in unpackaged form, each piece of platinum comprising the standard platinum unit or larger platinum unit shall be incised with:
 - a. the lot or identification number of such ingot and/or plate contained therein;
 - b. its actual weight (provided that if the piece was previously sampled, the weight on the Assay Certificate shall govern);
 - c. the grade of such piece;
 - d. the name or logo of the ~~A~~assayer or mark of the ~~B~~brand; ~~and~~
 - e. the chemical symbol for platinum "Pt" and/or the word "Platinum"; and
 - f. the month and year of production for platinum (produced as of January 1, 2025). The production date can be separate from or part of the serial number. If the production date is part of the serial number, it can be alphanumeric up to 25 characters and the only special character allowed is a dash (-). If the production date is separate from the serial number, it can be in the following allowable formats:
 1. all numeric: MMYYYY (e.g., 012025)
 2. alphanumeric in this format: MMMYYYY (e.g., APR2025).

[Remainder of Rule is unchanged.]

**Chapter 106
Palladium Futures**

106101. CONTRACT SPECIFICATIONS

106101.B. Packing Methods

Palladium may be delivered in packaged or unpackaged form.

1. If palladium is delivered in packaged form, the palladium must be in a package sealed by an Assayer or Producer such that the package may not be opened without destruction of the seal. Each package must contain either (i) exactly one standard palladium unit, or (ii) one larger palladium unit, and must bear:
 - a. the lot or identification number(s) of each ingot and/or plate contained therein;
 - b. the actual weight of the palladium therein;
 - c. the grade of the pieces therein;
 - d. the name or logo of the Assayer or mark of the Brand; and
 - e. the chemical symbol for palladium "Pd" and/or the word "Palladium"; and
 - f. **the month and year of production for palladium (produced as of January 1, 2025). The production date can be separate from or part of the serial number. If the production date is part of the serial number, it can be alphanumeric up to 25 characters and the only special character allowed is a dash (-). If the production date is separate from the serial number, it can be in the following allowable formats:**
 1. **all numeric: MMYYYY (e.g., 012025)**
 2. **alphanumeric in this format: MMMYYYY (e.g., APR2025).**
2. If palladium is delivered in unpackaged form, each piece of palladium comprising the standard palladium unit or larger palladium unit shall be incised with:
 - a. the lot or identification number of such ingot and/or plate contained therein;
 - b. its actual weight (provided that if the piece was previously sampled, the weight on the Assay Certificate shall govern);
 - c. the grade of such piece;
 - d. the name or logo of the Assayer or mark of the Brand; and
 - e. the chemical symbol for palladium "Pd" and/or the word "Palladium"; and
 - f. **the month and year of production for palladium (produced as of January 1, 2025). The production date can be separate from or part of the serial number. If the production date is part of the serial number, it can be alphanumeric up to 25 characters and the only special character allowed is a dash (-). If the production date is separate from the serial number, it can be in the following allowable formats:**
 1. **all numeric: MMYYYY (e.g., 012025)**
 2. **alphanumeric in this format: MMMYYYY (e.g., APR2025).**

[Remainder of Rule is unchanged.]

COMEX Rulebook

Chapter 113 Gold Futures

113101. CONTRACT SPECIFICATIONS

The contract for delivery on futures contracts shall be one hundred (100) troy ounces of gold with a weight tolerance of 5% either higher or lower. Gold delivered under this contract shall assay to a minimum of 995 fineness and must be a brand approved by the Exchange.

Gold meeting all of the following specifications shall be deliverable in satisfaction of futures contract delivery obligations under this rule:

1. Either one (1) 100 troy ounce bar, or three (3) one (1) kilo bars.
2. Gold must consist of one or more of the Exchange's brand marks, as provided in Chapter 7, current at the date of the delivery of contract.
3. Each bar of eligible gold must have the weight, fineness, bar number, **month and year of production (for bars produced as of January 1, 2025)**, and brand mark clearly incised on the bar. **The production date can be separate from or part of the serial number. If the production date is part of the serial number, it can be up to 25 characters and the only special character allowed is a dash (-). If the production date is separate from the serial number, it can be in the following allowable format: all numeric: MMYYYY or MMY (e.g., 012025 or 0125).**

The weight may be in troy ounces or grams. If the weight is in grams, it must be converted to troy ounces for documentation purposes by dividing the weight in grams by 31.1035 and rounding to the nearest one hundredth of a troy ounce. All documentation must illustrate the weight in troy ounces.

4. Each warrant issued by an Exchange approved depository for gold shall reference the serial number and name of the Exchange approved producer for gold of each bar.
5. Each assay certificate issued by an Exchange approved assayer for gold shall certify that each bar of gold in the lot assays no less than 995 fineness and weight of each bar and the name of the Exchange approved producer for gold that produced each bar.
6. Gold must be delivered to an Exchange approved depository for gold by an Exchange approved carrier for gold as follows:
 - a. directly from an Exchange approved producer for gold;
 - b. directly from an Exchange approved assayer for gold, provided that such gold is accompanied by an assay certificate of such Exchange approved assayer for gold;
 - c. directly from another Exchange approved depository for gold, provided, that such gold was placed in such other Exchange approved depository for gold pursuant to paragraphs (a) or (b) above; or
 - d. directly from an Exchange approved producer for gold or Exchange approved assayer for gold that has been stored at another Exchange approved depository for gold or a depository that is owned and/or operated by an Exchange approved depository for gold.

[End of Rule.]

Chapter 114
Gold Kilo Futures

114101. CONTRACT SPECIFICATIONS

The gold for delivery on the futures contract shall be one kilogram bar (32.15 troy ounces). Gold delivered under this contract shall assay to a minimum .9999 fineness and must be a brand approved by the Exchange. Gold meeting all of the following specifications shall be deliverable in satisfaction of futures contract delivery obligations under this rule:

1. One kilogram bar (32.15 troy ounces)
2. Gold must consist of one of the Exchange's brand marks, as provided in Chapter 7, current at the date of the delivery of contract. **Each bar must include the month and year of production (for bars produced as of January 1, 2025). The production date can be separate from or part of the serial number. If the production date is part of the serial number, it can be up to 25 characters and the only special character allowed is a dash (-). If the production date is separate from the serial number, it can be in the following allowable format: all numeric: MMYYYY or MMY (e.g., 012025 or 0125).**
3. Each warrant issued by an Exchange approved depository for gold shall reference the serial number and name of the Exchange approved producer for gold of each bar.
4. Each assay certificate issued by an Exchange approved assayer for gold shall certify that each bar of gold in the lot assays no less than .9999 fineness and indicates the weight and name of the Exchange approved producer of the bar of gold.
5. Gold must be delivered to an Exchange approved depository by an Exchange approved carrier as follows:
 - a. directly from the Exchange approved producer for gold;
 - b. directly from an Exchange approved assayer, provided that such gold is accompanied by an assay certificate of such Exchange approved assayer for gold;
 - c. directly from another Exchange approved depository, provided that such gold was placed in such other Exchange approved depository for gold pursuant to paragraphs (a) or (b) above; or
 - d. directly from an Exchange approved producer for gold or Exchange approved assayer for gold that has been stored at another Exchange approved depository for gold or a depository that is owned and/or operated by an Exchange approved depository for gold.

[End of Rule.]

Chapter 126

Gold (Enhanced Delivery) Futures

126101. CONTRACT SPECIFICATIONS

The contract for delivery on futures contracts shall be one hundred (100) troy ounces of gold with a weight tolerance of 12.5% lower tolerance and 7.5% higher tolerance. Gold delivered under this contract shall assay to a minimum of 995 fineness and must be a brand approved by the Exchange.

Gold meeting all of the following specifications shall be deliverable in satisfaction of futures contract delivery obligations under this rule:

1. Either one (1) 100 troy ounce bar, or three (3) kilo bars, or one (1) Accumulated Certificate of Exchange ("ACE") in Gold issued by the Clearing House.
 - a. Each ACE represents a share in the ownership of one (1) 400 troy ounce bar.
 - b. Should the seller's clearing member satisfy its delivery obligations with respect to a contract by utilizing ACEs, the buyer's clearing member receives and the seller's clearing member delivers one (1) ACE as issued by the Clearing House.
 - c. A clearing member may request the issuance of ACEs by electronically endorsing to the Clearing House a warrant representing one (1) 400 troy ounce bar. The Clearing House will issue four (4) ACEs, with each such ACE representing an equal share in the ownership of the 400 troy ounce bar.
 - d. ACEs may only be redeemed for a warrant upon the accumulation of four (4) ACEs. Upon presentation and endorsement to the Clearing House of ACEs, the owner will receive one (1) warrant for one (1) 400 troy ounce bar. Tolerance adjustments for ounces received vs. ounces represented by the ACEs will be made through the Clearing House.
 - e. Storage charges are invoiced to the clearing member who owns the ACEs.
 - f. Notwithstanding the weight tolerance as defined above, any 100 troy ounce bar used in the delivery process needs to comply with a weight tolerance of 5% either higher or lower for that bar.
2. Gold must consist of one or more of the Exchange's brand marks, as provided in Chapter 7, current at the date of the delivery of contract.
3. Each 100 **troy ounce or kilo bar of eligible gold must have the weight, fineness, bar number, month and year of production (for bars produced as of January 1, 2025), and brand mark clearly incised on the bar. The production date can be separate from or part of the serial number. If the product date is part of the serial number, it can be up to 25 characters and the only special character allowed is a dash (-). If the production date is separate from the serial number, it can be in the following allowable format: all numeric: MMYYYY or MMY (e.g., 012025 or 0125).**

The weight may be in troy ounces or grams. If the weight is in grams, it must be converted to troy ounces for documentation purposes by dividing the weight in grams by 31.1035 and rounding to the nearest one hundredth of a troy ounce.

All documentation must illustrate the weight in troy ounces. Each 400 troy ounce bar must have the fineness, bar number, **month and year of production (for bars produced as of January 1, 2025)**, and brand mark clearly incised on the bar and must be eligible for settlement in the wholesale London bullion market. **If the production date is part of the serial number, it can be up to 25 characters and the only special character allowed is a dash (-). If the production date is separate from the serial number, it can be in the following allowable format: all numeric: MMYYYY or MMY (e.g., 012025 or 0125).**

4. Each warrant issued by an Exchange approved depository for gold shall reference the serial number and name of the Exchange approved producer of each bar of gold.
5. Each assay certificate issued by an Exchange approved assayer for gold shall certify that each bar of gold in the lot assays no less than 995 fineness and weight of each bar and the name of the Exchange approved producer for gold that produced each bar.
6. Gold must be delivered to an Exchange approved depository for gold by an Exchange approved carrier for gold as follows:
 - a. directly from an Exchange approved producer for gold;
 - b. directly from an Exchange approved assayer for gold, provided that such gold is accompanied by an assay certificate of such Exchange approved assayer for gold;
 - c. directly from another Exchange approved depository for gold, provided that such gold was placed in such other Exchange approved depository for gold pursuant to paragraphs (a) or (b) above; or
 - d. directly from an Exchange approved producer for gold or Exchange approved assayer for gold that has been stored at another Exchange approved depository for gold or a depository that is owned and/or operated by an Exchange approved depository for gold.

[End of Rule.]

Chapter 112

Silver Futures

112101. CONTRACT SPECIFICATIONS

The contract for delivery on futures contracts shall be five thousand (5,000) troy ounces of silver with a weight tolerance of 10% either higher or lower. Silver delivered under this contract shall assay to a minimum of 999 fineness and must be a brand approved by the Exchange.

Silver meeting all of the following specifications shall be deliverable in satisfaction of futures contract delivery obligations (eligible silver) under this rule:

1. Five (5) bars of refined silver cast in bars of one thousand (1,000) troy ounces, with a weight tolerance of 10% either higher or lower.
2. Silver must consist of one or more of the Exchange's brand marks, as provided in Chapter 7, current at the date of delivery of the contract.
3. Each bar of eligible silver must have the weight, fineness, bar number, **month and year of production (for bars produced as of January 1, 2025)**, and **brand** mark clearly incised on the bar. **The production date can be separate from or part of the serial number. If the production date is part of the serial number, it can be up to 25 characters and the only special character allowed is a dash (-). If the production date is separate from the serial number, it can be in the following allowable format: all numeric: MMYYYY or MMY (e.g., 012025 or 0125).**

The weight may be in troy ounces or grams. If the weight is in grams, it must be converted to troy ounces for documentation purposes by dividing the weight in grams by 31.1035 and rounding to the nearest tenth of a troy ounce. All documentation must illustrate the weight in troy ounces.

Any bar of silver that does not have the bar weight stamped or incised on the bar by the refiner and not sourced from an LBMA approved weigher as detailed in 4. below, and which is identified by a refiner's bar list without indicating or specifying the bar weight, but which is otherwise qualified for delivery on Exchange contract, may be put in tenderable condition for such delivery by the following procedures:

- (a) The silver must be weighed by an Exchange approved weighmaster.
 - (b) The weight of each bar and the identification stamp of the ~~W~~weighmaster must be incised with an appropriate tool which will create a permanent record on each bar.
 - (c) The weight so marked on each bar shall be to the nearest 1/10th of an ounce.
 - (d) The Exchange approved weighmaster shall prepare a certificate stating the procedures which it has followed. Said weighmaster's certificate and bar list shall be maintained by the Exchange approved depository that prepared the certificate or arranged for the weighing to be conducted by an Exchange approved weighmaster that is not also an Exchange approved depository.
 - (e) For all eligible silver placed in a Depository prior to December 1, 2003, a separate bar number incised with an appropriate tool will be acceptable in lieu of the identification stamp of the ~~W~~weighmaster.
4. Silver bars sourced from an LBMA approved weigher for silver are not required to have the weight incised on the bar, but must be accompanied by a digital bar list in such form as may be prescribed by the Exchange detailing the bar weight and created by such weigher. Silver bars sourced from LBMA approved weighers and accompanied by a digital bar list, will be recognized as proof of weight and used to determine eligibility. The Exchange approved depository will not be required to reweigh the bars if they are sourced directly from an LBMA approved weigher or from an Exchange approved depository and accompanied by a digital barlist. Silver bars without weight stamps originally sourced from an LBMA approved weigher must always be accompanied by the original digital bar list or a digital bar list created by the Exchange approved depository referencing the original digital list sourced from an LBMA approved weigher in a format acceptable to the Exchange in order to be deliverable in satisfaction of futures contract delivery obligations under this rule. If the eligible unstamped bars leave the Exchange approved depository network and are redelivered into an Exchange approved depository, the Exchange approved depository is required to weigh the bars to confirm the weight matches that on the accompanying digital list

which would then prevail. If the bar weight does not match that on the accompanying digital list, the Exchange approved depository must weigh and stamp the bars in accordance with rules set forth in Chapter 112 – Silver Futures.

[End of Rule.]