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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 09.06R:
Notification of a Clarification to Submission #09.06 Regarding the
Amendment to NYMEX Rule 9A.27 Relating to Copper Spot Month Position
Limit Increase**

Dear Mr. Stawick:

The New York Mercantile Exchange (“NYMEX” or “Exchange”) is notifying the Commodity Futures Trading Commission (“CFTC” or “Commission”) that it is submitting a clarification to submission #09.06 previously filed with the Commission on January 23, 2009. That submission certified the amendment to Chapter 9A, Appendix A, NYMEX Rule 9A.27 to increase the COMEX Division Copper futures contract position limit from 150 contracts to 500 contracts. This notification clarifies that the increase in the Copper futures contract spot month position limit will commence with the February 2009 Copper futures contract.

This clarification, along with the amendments to NYMEX Rule 9A.27 certified in submission #09.06, will be effective on Tuesday, January 27, 2009.

Pursuant to Section 5c(c) of the Commodity Exchange Act (“Act”) and CFTC Rule 40.6, the Exchange hereby submits the above noted clarification to prior submission #09.06.

Should you have any questions concerning the above, please contact Anthony V. Densieski, Senior Director, Market Surveillance, at (212) 299-2881, or the undersigned at (202) 638-3838.

Sincerely,



De'Ana H. Dow
Managing Director,
Government Relations