

June 16, 2009

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OFFICE OF THE SECRETARIAT  
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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

**Re: Rule Certification. Commodity Exchange, Inc. Submission #09.90:  
Notification of Delisting of Contract Months with Zero Open Interest  
for COMEX miNY Gold Futures and COMEX miNY Silver Futures  
Contracts Currently Listed on Globex®**

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 the delisting of the following contract months with zero open interest for each of COMEX miNY Gold Futures (code QO) and COMEX miNY Silver Futures (code QI) contracts currently listed on Globex:

- COMEX miNY Gold Futures (code QO)  
Delist the following contract months: Feb 2010; Apr 2010; Jun 2010; Aug 2010; Oct 2010; Dec 2010; Feb 2011; Apr 2011; Jun 2011; Dec 2011; Jun 2012; Dec 2012; June 2013; and Dec 2013.
- COMEX miNY Silver Futures (code QI)  
Delist the following contract months: Jan 2011; Mar 2011; Jul 2011; Dec 2011; Jul 2012; Dec 2012; Jul 2013; and Dec 2013.

The Exchange intends to delist both contracts once all open interest in these contracts unwinds. Please note that on April 20, 2009, the Exchange listed the cash-settled E-mini Gold Futures contract (33 troy ounces) and E-mini Silver Futures contract (1,000 troy ounces) on Globex. The E-mini Gold Futures and E-mini Silver Futures contracts were designed to substitute the cash-settled, COMEX miNY Gold Futures (50 troy ounces) contract and COMEX miNY Silver Futures (2,500 troy ounces) contract also listed on Globex.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rules 40.6, the Exchange hereby certifies that the delisting of COMEX miNY Gold Futures and COMEX miNY Silver Futures contract months with no open interest complies with the Act, including regulations under the Act. The delisting will become effective on trade date June 22, 2009.

Should you have any questions concerning the above, please contact Robert Levin at (212) 299-2390, or me at (312) 648-5422.

Sincerely,

/s/ Stephen M. Szarmack  
Director and Associate General Counsel