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December 7, 1994

VIA FACSIMILE AND BY HAND

Michael Marinelli, Esq.  
Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Supplement To  
ADR 1994-34

Dec 7 1 55 PM '94

FEDERAL ELECTION  
COMMISSION  
OFFICE OF SECRETARY

Subject: New York Mercantile Exchange  
Advisory Opinion Request 94-34

Dear Mr. Marinelli:

In reference to your review of our above-referenced Advisory Opinion Request filed October 6, 1994 by the New York Mercantile Exchange ("NYMEX") (the "Advisory Opinion Request"), we wish to confirm that NYMEX is prepared to limit the scope of its Advisory Opinion Request to natural persons who own seats on the COMEX Division as COMEX Division Regular Members, *i.e.*, the 507 COMEX Division seats that are owned by individuals.

We wish to emphasize that this limitation is for the purpose of expediting the Commission's response and is without prejudice to NYMEX pursuing an advisory opinion regarding the propriety of soliciting other COMEX Division traders with substantial economic interests, such as holders of seat trading privileges pursuant to ABC Agreements. We will address this matter shortly by independent advisory opinion request.

**Sutherland, Asbill & Brennan**

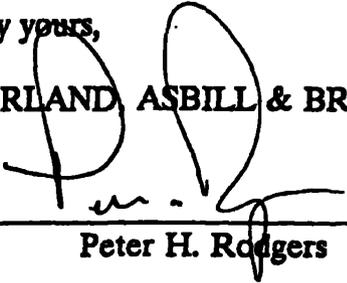
**Michael Marinelli, Esq.**  
**December 7, 1994**  
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**With your receipt of this supplemental information, we trust that our Advisory Opinion Request is in order and that an official Commission response will be forthcoming, by the Commission's December 15, 1994 meeting, if at all possible. Please do not hesitate to contact us with any questions or comments.**

Sincerely yours,

**SUTHERLAND, ASBILL & BRENNAN**

By: \_\_\_\_\_

  
**Peter H. Rodgers**

**Attorneys for the New York Mercantile Exchange and  
NYMEX Political Action Committee, Inc.**