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OFFICE OF THE SECRETARIAT

**Via E-Mail**

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

**Re: Rule Certification. NYMEX Submission 06.89: Notification of Amendments to NYMEX Rule 6.21A, and the Addition of New Rules 190.14B and 191.14B.**

Dear Ms. Eileen A. Donovan:

The New York Mercantile Exchange ("NYMEX" or the "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") of amendments to NYMEX Rule 6.21A - Exchange of Futures for, or in Connection with, Swap Transactions – and New Rules 190.14B and 191.14B – pertaining to NYMEX New York Harbor Gasoline Blendstock (RBOB), and NYMEX New York Harbor Unleaded Regular Gasoline Futures Contracts.

Effective with trade date Monday, July 24, 2006, Exchange of Futures for, or in Connection with, Swap Transactions ("EFS"), will be available for NYMEX New York Harbor Gasoline Blendstock (RBOB or "RB"), and NYMEX New York Harbor Unleaded Regular Gasoline ("HU") Futures Contracts. New Rules 190.14B and 191.14B have been added in conjunction with the amendments to Rule 6.21A. As a housekeeping item, the reference to Brent Crude Oil has been deleted from Rule 6.21A. Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the attached rule amendments comply with the Act, including regulations under the Act.

Should you have any questions concerning the above, please contact Nancy Minett, Vice President, Compliance, at (212) 299-2940, or the undersigned at (212) 299-2897.

Very truly yours,

Thomas F. LaSala  
Senior Vice President  
Compliance and Risk Management

cc: Brian Regan  
Nancy Minett

(Bold/underlined indicates additions; bold/strikethrough indicates deletions.)

#### **NYMEX Rule 6.21A - Exchange of Futures for, or in Connection with, Swap Transactions**

(A) (1) An exchange of futures for, or in connection with, a swap (EFS) consists of two discrete, but related, transactions; a swap transaction and a futures transaction. At the time such transaction is effected, the buyer and seller of the futures must be, respectively, the seller and the buyer of the swap. The swap component shall involve the commodity underlying the futures contract (or a derivative, by-product or related product of such commodity). The quantity covered by the swap must be approximately equivalent to the quantity covered by the futures contracts. The swap component of an EFS transaction must comply with the applicable CFTC swap regulatory requirements.

(B) Eligible Contracts and Transactions.

(1) Eligible contracts shall include Natural Gas futures, ~~Brent Crude Oil futures~~, New York Harbor Gasoline Blendstock (RBOB) futures. New York Harbor Unleaded Regular Gasoline futures. any contract executed off the Exchange that the Exchange has designated as eligible for clearing at the Exchange, and any contract that is listed for trading only on NYMEX ACCESS® or that is listed for trading only on an Alternative Electronic Trading System. For the purposes of this rule, the term "Alternative Electronic Trading System" shall mean any electronic trading system other than NYMEX ACCESS® on which NYMEX Division or COMEX Division products are traded, but not including GLOBEX®.

(2) EFS transactions may be posted according to the following procedures:

(i) Natural Gas ~~and NYMEX Brent Crude Oil~~, New York Harbor Gasoline Blendstock (RBOB) futures and New York Harbor Unleaded Regular Gasoline.

The posting of any Natural Gas, New York Harbor Gasoline Blendstock (RBOB) futures. New York Harbor Unleaded Regular Gasoline. or ~~NYMEX Brent Crude Oil~~ EFS transaction shall be given on the floor of the Exchange by the Floor Members during the hours of futures trading for such contract and otherwise in accordance with Rule 6.90. Each EFS transaction shall be posted, immediately when the relevant swap terms are determined, but in no event later than the earlier of the next business day or the end of the following permissible posting periods for EFS transactions (following the expiration of the underlying futures contract):

(a) EFS transactions involving the ~~NYMEX Brent~~ New York Harbor Gasoline Blendstock (RBOB) futures or the New York Harbor Unleaded Regular Gasoline futures contract are permitted until 2:00 P.M. on the day after the close of trading on the last trading day in the expiring contract month; and

(b) EFS transactions involving the Natural Gas contract are permitted until two hours after trading terminates on the last day of trading in the expiring contract month.

These EFS transactions will be cleared through the Exchange in accordance with normal procedures and by the Clearing Members involved.

(Remainder of the Rule is unchanged.)

(New Rules for both HU and RB.)

**NYMEX Rule 190.14B - Exchange of Futures for, or in Connection with, Swap Transactions**

**(A) An exchange of futures for, or in connection with, a swap (EFS) consists of two discrete, but related, transactions: a swap transaction and a futures transaction. At the time such transaction is effected, the buyer and seller of the futures must be the seller and buyer of a quantity of the swap. The swap component shall involve the commodity underlying the futures contract (or any derivative, by-product or related product). The swap component of an EFS transaction must comply with the applicable CFTC swap regulatory requirements.**

**(B) Except as provided below, an EFS must take place during the hours of futures trading for the NY Harbor Unleaded Regular Gasoline futures contract. An EFS is permitted at any time before 2:00 p.m. of the first business day following termination of trading in an expired futures contract, provided, however, that an EFS which establishes a futures position for both the buyer and the seller shall not be permitted on the first business day following the expired contract.**

**(C) Any Exchange of Futures for, or in Connection with, Swap (EFS) shall be governed by the provisions of Rule 6.21A.**

**(D) Each buyer and seller must satisfy the Exchange, at its request, that the transaction is a legitimate EFS transaction. All documentary evidence relating to the EFS, including a master swap agreement and any supplements thereto, shall be obtained by the Clearing Members from the buyer or seller and made available by the Clearing Members for examination by the Exchange upon request. Additionally, if the buyer or seller is a Member/Member Firm, the Exchange may obtain the information directly from such persons.**

**(E) A report of each EFS transaction shall be given, and notice thereof shall be posted on the floor of the Exchange, on the day that the transaction thereto was made, or if such agreement was made after the close of trading, then on the next business day. EFS transactions shall be cleared through the Exchange in accordance with normal procedures, shall be clearly identified as EFS transactions, and shall be recorded as such by the Exchange and by the Clearing Members involved.**

**NYMEX Rule 191.14B - Exchange of Futures for, or in Connection with, Swap Transactions**

**(A) An exchange of futures for, or in connection with, a swap (EFS) consists of two discrete, but related, transactions: a swap transaction and a futures transaction. At the time such transaction is effected, the buyer and seller of the futures must be the seller and buyer of a quantity of the swap. The swap component shall involve the commodity underlying the futures contract (or any derivative, by-product or related product). The swap component of an EFS transaction must comply with the applicable CFTC swap regulatory requirements.**

**(B) Except as provided below, an EFS must take place during the hours of futures trading for the NY Harbor Gasoline Blendstock (RBOB) futures contract. An EFS is permitted at any time before 2:00 p.m. of the first business day following termination of trading in an expired futures contract, provided, however, that an EFS which establishes a futures position for both the buyer and the seller shall not be permitted on the first business day following the expired contract.**

**(C) Any Exchange of Futures for, or in Connection with, Swap (EFS) shall be governed by the provisions of Rule 6.21A.**

**(D) Each buyer and seller must satisfy the Exchange, at its request, that the transaction is a**

legitimate EFS transaction. All documentary evidence relating to the EFS, including a master swap agreement and any supplements thereto, shall be obtained by the Clearing Members from the buyer or seller and made available by the Clearing Members for examination by the Exchange upon request. Additionally, if the buyer or seller is a Member/Member Firm, the Exchange may obtain the information directly from such persons.

(E) A report of each EFS transaction shall be given, and notice thereof shall be posted on the floor of the Exchange, on the day that the transaction thereto was made, or if such agreement was made after the close of trading, then on the next business day. EFS transactions shall be cleared through the Exchange in accordance with normal procedures, shall be clearly identified as EFS transactions, and shall be recorded as such by the Exchange and by the Clearing Members involved.