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06-25

September 14, 2006

Ms. Eileen A. Donovan  
Acting Secretary of the Commission  
Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, NW  
Washington, DC 20581

Re: **New Rule 7.79**  
**Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6**

Dear Ms. Donovan:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended, and Commission Regulation 40.6, the Board of Trade of the City of New York, Inc. ("Exchange") submits, by written certification, New Rule 7.79, attached as Exhibit A.

The new rule provides for a yearly renewal process for licensed FCOJ and NFC storage facilities; existing rules make no provision for such re-licensing after a facility has initially been approved. By requiring yearly renewal, the Exchange will be able to monitor the operational controls more closely at each licensed facility.

The Exchange certifies that the amendments comply with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder.

The amendments were adopted unanimously by the Exchange's Board of Governors on September 13, 2006. No substantive opposing views were expressed by members or others with respect to the amendments. The amendments will become effective September 18, 2006.

If you have any questions or need further information, please contact me at 212-748-4021.

Sincerely,

Jason V. Fusco  
Compliance Counsel

Enc.

cc: Riva Adriance  
CFTC, Division of Market Oversight  
Allen Cooper  
CFTC, New York Regional Office

(In the text of the amendments below, additions are underlined and deletions are bracketed and lined out.)

**Rule 7.79**

(a) Unless otherwise provided by the Board, each facility license granted or renewed shall be valid until the thirty-first day of December occurring next following the effective date of the granting or renewal of the license.

(b) At least sixty (60) days before the expiration of the license term, all licensees must submit to the Exchange written notification of intent to renew.

(c) The Board may, in its sole and absolute discretion, upon receipt by the Exchange of the Licensee's written notification of intent to renew, extend the license term of such licensee.

(d) The Board may, in its sole and absolute discretion, extend for the ensuing fiscal year, or any part thereof, any license for which a notice of intention to renew has not been submitted.

(e) The facility operator must submit to the Exchange, in addition to written notification of its intent to renew, proof, in a form acceptable to the FCOJ Warehouse and Delivery Committee, of the minimum coverages required by Rule 7.64.

**Exhibit A**