October 25, 2004

Via E-Mail and US Mail

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

Re: Rule Certification. NYMEX Submission 04.141 – Notification of Amendment to NYMEX Division Rule 6.21A.

Dear Ms. Jean Webb:

The New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") hereby notifies the Commodity Futures Trading Commission ("CFTC") of an amendment to NYMEX Division Rule 6.21A, Exchange of Futures for, or in Connection With, Swap Transactions.

Effective immediately, this amendment changes Rule 6.21A from a pilot program to permanent status. Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the new amendments comply with the Act, including regulations under the Act.

Should you have any questions concerning the above, please contact the undersigned at 212-299-2940.

Very truly yours,

Nancy M. Minett
Vice President
Compliance Department

Attachments
cc: Thomas LaSala
         Brian Regan

Amendment to NYMEX Rule 6.21A

(Underlining in bold indicates additions; strike-outs in bold indicate deletions.)

Rule 6.21A. EXCHANGE OF FUTURES FOR, OR IN CONNECTION WITH, SWAP TRANSACTIONS ~~(Pilot Program)~~

(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. ~~The initial term of the pilot program shall be three years from the effective date of this Rule 6.21A.~~

(The remainder of the rule is unchanged.)