

SVENOKUR LLC

SHERRI VENOKUR
ATTORNEY AT LAW

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Via Electronic Submission: <http://comments.cftc.gov/PublicComments/CommentForm.aspx?id=1252>

David A. Stawick
Secretary of the Commission
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street NW
Washington, DC 20581

**Re: Clearing Requirement Determination Under Section 2(h) of the CEA
RIN Number 3038-AD86**

Dear Mr. Stawick,

I am an attorney who, for the past twenty years, has represented various OTC derivatives market participants, including commercial banks, investment banks, hedge funds and commercial end-users, both in-house at major banks and as outside counsel. While I appreciate the flexibility benefits of bilateral trading, I strongly support the Commodity Futures Trading Commission's (the "Commission") proposed *Clearing Requirement Determination Under Section 2(h) of the CEA* (the "Determination") for certain classes of credit default swaps (CDS) and interest rate swaps (IRS) (77 Fed Reg. 47170-47222, August 7, 2012).

SVENOKUR LLC
29 Tiffany Place, Brooklyn, New York 11231
646-761-5506
svenokur@svderivatives.com
www.svderivatives.com

Implementing the mandatory clearing requirement for these liquid and standardized segments of the swaps markets is a significant milestone towards achieving the Dodd-Frank Act's objectives of reducing interconnectedness, mitigating systemic risk, increasing transparency, and promoting competition in the swaps market – all essential steps towards restoring the safety and soundness of our financial markets.

The specific fixed-to-floating swaps, basis swaps, FRAs, and OIS as well as CDX and iTraxx CDS indices listed in proposed §50.4 easily satisfy the five statutory factors that the Commission is required to

consider for clearing requirement determinations, as the Commission's analysis demonstrates.¹ These swaps are all cleared today in material volumes and we thus agree with the Commission that "there is already a blueprint for clearing and appropriate risk management."² I therefore recommend that the Commission maintain the full proposed product scope in its final Determination.

For the above reasons, I urge the Commission to conclude its review and issue its final Determination as expeditiously as possible within the 90 day review period so the market can finally benefit from the implementation of mandatory central clearing.

Sincerely,

SVENOKUR LLC

¹ In summary, the five factors are the (i) outstanding notional exposures, trading liquidity, and adequate pricing data; (ii) availability of rule framework, capacity, operational expertise and resources, and credit support infrastructure; (iii) effect on the mitigation of systemic risk; (iv) effect on competition; and (v) legal certainty in the event of insolvency.

² See *Id.* at 47172