



Christopher Bowen
Managing Director and Chief Regulatory Counsel
Legal Department

March 19, 2012

VIA E-MAIL

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

CONFIDENTIAL TREATMENT
REQUESTED

**RE: SUPPLEMENTAL SUBMISSION NYMEX Submission No. 12-089S:
Additional Supplemental Information Relating to the NYMEX Incentive
Program for Over-The-Counter Energy Options Products**

Subject to a Freedom of Information Act Protection

Dear Mr. Stawick:

Previously, pursuant to Submission No. 12-089 dated March 19, 2012, the New York Mercantile Exchange, Inc ("NYMEX") notified the Commodity Futures Trading Commission ("Commission") that it planned to extend the NYMEX Incentive Program for Over-The-Counter Energy Options Products ("Program").

In this letter, NYMEX is providing the Commission with certain additional information related to the incentives under the Program. The additional supplemental information is provided in Appendix A, for which a request for confidential treatment and detailed written justification is being simultaneously submitted to the Commission. A copy of the request for confidential treatment and detailed written justification is included with this supplemental filing.

NYMEX certifies that the Program complies with the Commodity Exchange Act and the regulations thereunder. A concise explanation and analysis of the operation, purpose and effect of the Program was provided in Submission No. 12-089. There were no substantive opposing views to this Program.

The Exchange certifies that this submission has been concurrently posted on the Exchange's website at <http://www.cmegroup.com/market-regulation/rule-filings.html>

If you require any additional information regarding this submission, please contact Robert Lev at 312-930-3019 or via e-mail at robert.lev@cmegroup.com, or contact me at 212-299-2200. Please reference our NYMEX Submission No. 12-089S in any related correspondence.

Sincerely,

/s/ Christopher Bowen
Managing Director, Chief Regulatory Counsel

Attachments

APPENDIX A

(CONFIDENTIAL TREATMENT REQUESTED) ADDITIONAL SUPPLEMENTAL INFORMATION

Program Terms

Progressive Tiered Volume Incentives. Once participants are selected into the Program, participants will be placed into one (1) of the tiered volume incentive combinations below based on their strength in each of the applicable selection criteria and their ability to provide liquidity for the respective products.

Once placed into the appropriate progressive tier combination, for each day that the participant exceeds the respective daily volume threshold as indicated in the table below, the participant will be charged the applicable reduced progressive tiered discounted fees for each contract side traded the respective combination:

	Combination 1	Combination 2
NYMEX OTC Products	LN	LN
Min Daily Threshold	1 side	1 side
Daily Progressive Fee Per Side	Between 1-5,000 sides: \$1.25 Between 5,001 – 7,500 sides: \$1.10 Between 7,501-10,000: \$1.00 Exceeds 10,000: \$0.70	Between 1-7,500 sides: \$1.45 Between 7,501 – 10,000 sides: \$1.25 Exceeds 10,000 sides: \$1.00

	Combination 3	Combination 4
NYMEX OTC Products	LO, LC, AO	LN, LO, AO, LC
Min Daily Threshold	7,000 sides	5,000 sides
Daily Progressive Fee Per Side	Between 1-7,000 sides: \$1.25 Between 7,001 – 9,000 sides: \$1.10 Between 9,001 – 11,000 sides: \$0.90 Exceeds 11,000 sides: \$0.70	Between 0-5,000 sides: \$1.25 Between 5,000-7,500 sides: \$1.10 Between 7,501-10,000 sides: \$1.00 Exceeds 10,000 sides: \$0.70

	Combination 5	Combination 6
NYMEX OTC Products	LN, LO, AO, LC, ON	AO, LC, LN, LO, AT, OB, OH
Min Daily Threshold	2,500 sides	1 side
Daily Progressive Fee Per Side	Between 1-2,500 sides: \$1.50 Between 2,501 – 5,000 sides: \$1.25 Between 5,001-10,000 sides: \$1.00 Between 10,001-20,000 sides: \$0.70 Exceeds 20,000 sides: \$0.50	Between 1-5,000 sides: \$1.25 Between 5,001-12,500 sides: \$1.00 Between 12,501-20,000 sides: \$0.75 Exceeds 20,000 sides: \$0.50



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VIA E-MAIL AND OVERNIGHT MAIL

Stacy Easter
Paralegal Specialist
FOIA Compliance Office
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20581

CONFIDENTIAL TREATMENT
REQUESTED

Re: FOIA Confidential Treatment Request

Dear Ms. Easter:

By e-mail dated today, March 19, 2012, the New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") submitted a rule certification filing to the Commodity Futures Trading Commission ("CFTC" or "Commission") (submission No. 12-089S). This supplemental filing includes an appendix ("Appendix A"), which is attached.

Pursuant to Sections 8 and 8(a) of the Commodity Exchange Act ("CEA"), as amended, and Commission Regulation 145.9(d), NYMEX requests confidential treatment of Appendix A on the grounds that Appendix A contains confidential commercial information of the submitter (NYMEX). A detailed written justification for this request is attached hereto as Exhibit 1. Pursuant to Commission Regulation 145.9(d)(5), NYMEX requests that confidential treatment be maintained for Appendix A until further notice from the Exchange. We also request that the Commission notify the undersigned immediately after receiving any FOIA request for said Appendix A or any other court order, subpoena or summons for same. Finally, we request that we be notified in the event the Commission intends to disclose such Appendix A to Congress or to any other governmental agency or unit pursuant to Section 8 of the CEA. NYMEX does not waive its notification rights under Section 8(f) of the CEA with respect to any subpoena or summons for such Appendix A.

Please contact the undersigned at (212) 299-2200 should you have any questions concerning this letter.

Sincerely,

/s/ Christopher Bowen
Managing Director and Regulatory Counsel

Enclosure