SUBMISSION COVER SHEET **IMPORTANT:** Check box if Confidential Treatment is requested Registered Entity Identifier Code (optional): <u>15-067 (1 of 2)</u> Organization: New York Mercantile Exchange, Inc. ("NYMEX") $|\times|_{\mathbf{DCM}}$ SDR SEF DCO Filing as a: Please note - only ONE choice allowed. Filing Date (mm/dd/yy): 04/28/15 Filing Description: Addition of TAS-Eligibility to Second Active Contract Month Copper Futures, Revisions to Inactive and Spot Month Copper Futures Block Trade Minimum Threshold and Issuance of NYMEX/COMEX Market Regulation Advisory Notice RA1507-4 Please note only ONE choice allowed per Submission. **Organization Rules and Rule Amendments** Certification § 40.6(a) Approval § 40.5(a) Notification § 40.6(d) Advance Notice of SIDCO Rule Change § 40.10(a) SIDCO Emergency Rule Change § 40.10(h) **Rule Numbers: 524** Please note only ONE product per Submission. **New Product** Certification § 40.2(a) **Certification Security Futures** § 41.23(a) Certification Swap Class § 40.2(d) Approval § 40.3(a) **Approval Security Futures** § 41.23(b) Novel Derivative Product Notification § 40.12(a) § 39.5 Swap Submission Official Product Name: **Product Terms and Conditions (product related Rules and Rule Amendments)** Certification § 40.6(a) Certification Made Available to Trade Determination § 40.6(a) Certification Security Futures § 41.24(a) Delisting (No Open Interest) § 40.6(a) Approval § 40.5(a) Approval Made Available to Trade Determination § 40.5(a) **Approval Security Futures** § 41.24(c) Approval Amendments to enumerated agricultural products § 40.4(a), § 40.5(a) "Non-Material Agricultural Rule Change" § 40.4(b)(5) Notification § 40.6(d) Official Name(s) of Product(s) Affected: **Rule Numbers:**



April 28, 2015

VIA ELECTRONIC PORTAL

Mr. Christopher J. Kirkpatrick Office of the Secretariat Commodity Futures Trading Commission Three Lafayette Centre 1155 21st Street, N.W. Washington, DC 20581

RE: CFTC Regulation 40.6(a) Certification. Addition of TAS-Eligibility to Second Active Contract Month Copper Futures, Revisions to Inactive and Spot Month Copper Futures Block Trade Minimum Threshold and Issuance of NYMEX/COMEX Market Regulation Advisory Notice RA1507-4.

NYMEX Submission No. 15-067 (1 of 2)

Dear Mr. Kirkpatrick:

Commodity Exchange, Inc. ("COMEX") hereby notifies the Commodity Futures Trading Commission ("CFTC" or "Commission") that it is self-certifying the following amendments, to become effective on Sunday, May 17, 2015 for trade date Monday, May 18, 2015:

- The addition of the second active contract month in Copper futures executed on CME Globex to be eligible to be priced at the settlement price or any valid price increment ten ticks higher or lower than the settlement price pursuant to the provisions of Rule 524 ("Trading at Settlement ("TAS"), Trading at Marker ("TAM") and Matched Order ("MO") Transactions");
- Pricing at the settlement price or any valid price increment ten ticks higher or lower than the settlement price for Copper futures block trades executed in accordance with Rule 526 ("Block Trades");
- The reduction of the Copper futures block trade minimum threshold level from 25 to 5 contracts for all inactive contract months and for each active month when it becomes the spot month.

As a result of these changes, New York Mercantile Exchange, Inc. ("NYMEX") and COMEX (collectively, the "Exchanges") are self-certifying the issuance of NYMEX & COMEX Market Regulation Advisory Notice RA1507-4 ("RA1507-4") concerning Rule 524. Additionally, Special Executive Report S-7351 ("SER S-7351") will be issued concerning Copper futures block trades. RA1507-4 and SER S-7351 will be released on April 29, 2015.

In connection with the July 2, 2015 closing of all NYMEX and COMEX open outcry futures pits, MO transactions will no longer be available. MO transactions are Copper futures trades competitively executed via open outcry in the Copper futures pit where the trade is priced at that day's settlement price for the contract. MO transactions are currently permitted in the spot month and the next six consecutive contract months. Currently, orders in the nearby non-spot active month in Copper futures are also permitted to be entered on CME Globex and priced at the settlement price or any valid price increment ten ticks higher or lower than the settlement price. For Copper futures, the active contract months are March, May, July, September and December. The remaining contract months (January, February, April, June, August, October and November) are inactive contract months.

In order to continue to permit market participants to transact at or near the settlement price in the most liquid active contract months, COMEX will begin to permit orders entered into CME Globex in the second active contract month in Copper futures to be priced at the settlement price or any valid price increment ten ticks higher or lower than the settlement. Additionally, block trades in both the nearby non-spot active month and the second active contract month in Copper futures will be eligible to be priced at the settlement price or any valid price increment ten ticks higher or lower than the settlement price.

Lastly, due to the reduced liquidity in the inactive contract months and the active contract month when it becomes the spot month, COMEX is decreasing the block trade minimum threshold level for those months from the current level of 25 contracts to 5 contracts. The block trade minimum threshold level will remain 25 contracts in the active months at all times other than when the nearby active month becomes the spot month.

The Exchanges have reviewed the designated contract market core principles ("Core Principles") as set forth in the Commodity Exchange Act ("CEA" or "Act") and identified that the changes described above and the issuance of RA1507-4 may have some bearing on the following Core Principles:

<u>Compliance with Rules</u>: The Market Regulation Advisory Notice being issued provides information on the changes that will be implemented with respect to Copper futures contract months eligible to be priced at the settlement price or any valid price increment ten ticks higher or lower than the settlement price for trades executed on CME Globex or as block trades. This guidance is intended to assist market participants in remaining in compliance with Rule 524 and is therefore in compliance with this Core Principle.

<u>Contracts Not Readily Subject to Manipulation</u>: A review of the second active contract month shows that it is sufficient liquid and able to support pricing at TAS without raising a regulatory concern about susceptibility to manipulation. Additionally, the revised MRAN will continue to include Section 2 concerning regulatory considerations attendant to the use of TAS.

<u>Availability of General Information</u>: The marketplace will be given sufficient notice of the changes via the issuance of RA1507-4 and SER-7351 prior to the effective date, and will therefore remain in compliance with this Core Principle.

Execution of Transactions: Core Principle 9 permits a designated contract market ("DCM") to authorize for bona fide business purposes transactions executed away from the DCM's centralized marketplace, and the Exchanges have established block levels in a wide array of futures and options products over many years. The reduction of the block trade minimum threshold level from 25 to 5 contracts for inactive contract months and for the nearby active month when it becomes the spot month is based on the reduced liquidity profile of these contract months as compared with the active Copper futures contract months where the block trade minimum threshold level will remain 25 contracts.

The Exchanges certify that the changes contained in this submission and the issuance of RA1507-4 complies with the Act and regulations thereunder. There were no substantive opposing views to this proposal. RA1507-4 appears as Exhibit A.

The Exchanges certify that this submission has been concurrently posted on the CME Group website at http://www.cmegroup.com/market-regulation/rule-filings.html.

| If you have any questions regarding this submis | sion, please contact me at 212-299-2200, or via e-mail |
|---|--|
| at CMEGSubmissionInquiry@cmegroup.com. | |

Sincerely,

/s/Christopher Bowen Managing Director and Chief Regulatory Counsel

Attachment: Exhibit A – RA1507-4

Exhibit A

MARKET REGULATION ADVISORY NOTICE

Exchange NYMEX & COMEX

Subject Trading at Settlement ("TAS"), Trading at Marker ("TAM") and Matched Order ("MO") Transactions

Rule References Rule 524

Advisory Date April 29, 2015

Advisory Number NYMEX & COMEX RA1507-4

Effective Date May 18, 2015

This Advisory Notice supersedes NYMEX & COMEX Market Regulation Advisory Notice RA1411-4 from November 20, 2014. It is being issued to notify the marketplace that beginning on Sunday, May 17, 2015 for trade date Monday, May 18, 2015, COMEX will begin to permit:

- Copper futures trades in the second active contract month to be priced at the settlement price or any valid price increment ten ticks higher or lower than the settlement price (currently permitted solely in the first contact month of Copper futures); and
- Copper futures block trades in the first and second active contract months to be priced at the
 settlement price or any valid price increment ten ticks higher or lower than the settlement price.
 (Please see Special Executive Report S-7351 dated April 29, 2015, for information on changes
 to the block trade minimum threshold applicable to the spot month and inactive contract months
 in Copper futures.)

Important information on regulatory considerations for market participants engaging in TAS, TAM or MO transactions appears in Section 2, a list of products and contract months eligible to be executed as TAS and TAM transactions appears in Sections 7 and 8, and the text of Rule 524 appears in Section 9 of this Advisory Notice.

1. General Information on TAS, TAM and MO Transactions

TAS transactions may be executed at the current day's settlement price or at any valid price increment ten ticks higher or lower than the settlement price, and, depending on the particular product, may be executed in the pit, on CME Globex or as a block trade.

TAM trading is analogous to existing Trading at Settlement ("TAS") trading wherein parties are permitted to trade at a differential to a not-yet-known price. TAM trading uses a marker price, whereas TAS trading uses the Exchange-determined settlement price for the applicable contract month. As with TAS trading, parties are able to enter TAM orders at the TAM price or at a differential between one and ten ticks higher or lower than the TAM price. TAM transactions may be executed on CME Globex or as a block trade.

MO transactions in pit-traded Copper futures are transactions which are priced at that day's settlement price for the contract.

2. Regulatory Considerations

All market participants are reminded that any trading activity that is intended to disrupt orderly trading or to manipulate or attempt to manipulate a settlement or marker price to benefit a TAS, TAM or MO

position, including a TAS or TAM block position, will subject the member and/or the market participant to disciplinary action for any of a number of rule violations, including, but not limited to:

- price manipulation or attempted price manipulation
- wash trading
- conduct detrimental to the interest or welfare of the Exchange or conduct which tends to impair the dignity or good name of the Exchange
- engaging in conduct inconsistent with just and equitable principles of trade

Investigation of suspected manipulative or disruptive activity related to TAS, TAM or MO, or activity in the related underlying markets will include the Market Regulation Department's ("Department") review of positions and trading activity in NYMEX markets and any related markets to determine if such activity was disruptive, collusive, and/or caused or attempted to cause aberrant price movement during these periods. Pursuant to Rule 432.L.3, market participants are reminded that it is an offense to fail to produce any books or records requested by authorized Exchange staff within 10 days after such request is made or such shorter period of time as determined by the Exchange in exigent circumstances. The Department always has the authority to request books and records as well as other relevant information regarding the nature of a participant's trading and positions in Exchange products and in any related markets as part of its regulatory program.

3. Entry of TAS and TAM Orders on CME Globex

Rule 524 permits the initiation of TAS and TAM orders into CME Globex only subsequent to the beginning of each group's pre-open state and during the time period the applicable contracts are available for TAS or TAM trading on CME Globex. The initiation of any TAS or TAM order on CME Globex outside of these time periods is strictly prohibited.

Any market participant who initiates the entry of a TAS or TAM order prior to receipt of the security status message indicating that market has transitioned to the pre-open will be subject to disciplinary action by a panel of the Business Conduct Committee, notwithstanding that the order may have been rejected by the CME Globex system. Sanctions for noncompliance may include a fine, disgorgement of any profits realized as a result of any orders accepted by CME Globex which were initiated prior to receipt of the security status message and/or a suspension of access to the market. Market participants must ensure that they have appropriate protocols in place to ensure that TAS and TAM orders are not initiated prior to receipt of the security status message.

4. TAS and TAM Calendar Spreads

The following intra-commodity calendar spreads in Light Sweet Crude Oil ("CL"), NY Harbor ULSD ("HO"), Henry Hub Natural Gas ("NG") and RBOB Gasoline ("RB") futures may be executed on CME Globex, on the trading floor or as block trades and priced at TAS:

- nearby month/second month
- nearby month/third month
- nearby month/fourth month
- second month/third month
- second month/fourth month
- third month/fourth month

For the London Marker, intra-commodity calendar spreads in the nearby month/second month spread, the second month/third month spread and the nearby/third month spread in CL, Brent Crude Oil Last Day Financial ("BZ"), HO and RB futures may be executed on CME Globex and priced at TAM.

For the Singapore Marker, intra-commodity calendar spreads in the nearby month/second month spread, the second month/third month spread and the nearby/third month spread in CL and BZ futures may be executed on CME Globex and priced at TAM.

The legs of TAS and TAM spread trades executed at **zero** or at a **negative differential** (negative 1 through negative 10) on CME Globex, on the trading floor via open outcry or as block trades will be priced as follows:

- If the spread trades at zero, each leg will be priced at the settlement or market price, as applicable, for the respective contract months.
- If the spread trades at a negative differential, the **nearby** leg of the spread will be priced at the settlement or marker price, as applicable, for that contract month. The **far** leg of the spread will be priced at the settlement or marker price, as applicable, for that contract month **minus** the allowable TAS or TAM price increment traded (negative 1 through negative 10).

The legs of TAS and TAM spread trades executed at a **positive differential** (positive 1 through positive 10) will be priced as follows:

Where execution occurs on CME Globex:

• If the spread trades at a positive differential (positive 1 through positive 10), the **far** leg of the spread will be priced at the settlement or marker price, as applicable, for that contract month. The **nearby** leg of the spread will be priced at the settlement or marker price, as applicable, for that contract month **plus** the TAS or TAM price increment traded (from positive 1 through positive 10).

Where execution occurs on the trading floor (TAS) or as block trades (TAS or TAM):

• If the spread trades at a positive differential (positive 1 through positive 10), the **nearby** leg of the spread will be priced at the settlement or marker price, as applicable, for that contract month. The **far** leg of the spread will be priced at the settlement or marker price, as applicable, for that contract month **minus** the allowable TAS or TAM price increment traded (positive 1 through positive 10).

5. TAS on Gold, Silver and Copper Futures

TAS transactions are allowed in the active contract month in Gold and Silver futures trading on CME Globex, in the pit or as block trades, and in the first and second active contract months in Copper futures trading on CME Globex or as block trades. **TAS transactions are not allowed to be executed in the Copper futures pit.**

In Gold futures, TAS trades are permitted in the following active contract months: February, April, June, August, and December. Accordingly:

When the February contract becomes spot, the April contract becomes the TAS-eligible month; When the April contract becomes spot, the June contract becomes the TAS-eligible month; When the June contract becomes spot, the August contract becomes the TAS-eligible month; When the August contract becomes spot, the December contract becomes the TAS-eligible month; and

When the December contract becomes spot, the February contract becomes the TAS-eligible month.

In Silver futures, TAS trades are permitted in the following active contract months: March, May, July, September and December. Accordingly:

When the March contract becomes spot, the May contract becomes the TAS-eligible month; When the May contract becomes spot, the July contract becomes the TAS-eligible month; When the July contract becomes spot, the September contract becomes the TAS-eligible month: When the September contract becomes spot, the December contract becomes the TAS-eligible

When the December contract becomes spot, the March contract becomes the TAS-eligible month.

In Copper futures, TAS trades are permitted in the first two active contract months: March, May, July, September and December. Accordingly:

When the March contract becomes spot, the May and July contract months are TAS-eligible; When the May contract becomes spot, the July and September contract months are TAS-eligible; When the July contract becomes spot, the September and December contract months are TASeliaible:

When the September contract becomes spot, the December and March contract months are TAS-eligible; and

When the December contract becomes spot, the March and May contract months are TASeligible month.

MO Transactions in Pit-Traded Copper Futures

MO transactions in Copper futures are open outcry trades competitively executed in the Copper futures pit where the trade is priced at that day's settlement price for the contract. MO transactions in Copper futures are eligible to be executed in the spot month and the next six consecutive contract months. Additionally, with the exception of the post close session, members may execute an MO order at any time the Copper futures pit is open for trading, provided that the order is placed as an MO order. Regular trading hours for open outcry trading in the Copper futures pit are from 8:10 a.m. until 1:00 p.m. Eastern Time ("ET").

Instructions to execute the order as an MO must be denoted on the order and members must identify an order executed as an MO on their trading record.

An order entered as an MO will be executed by the floor broker as a Market on Close order if the order is not previously executed as an MO or specifically designated to be executed only as an MO. An instruction to execute an order only as an MO must be communicated at the time the order is placed.

TAS-Eligible Futures Products and Contract Months

Pit-Traded Contracts

Light Sweet Crude Oil (CL)

spot (except on the last trading day), 2nd, 3rd and 4th months

Brent Crude Oil Last Day Financial (BZ)

spot (except on the last trading day), 2nd and 3rd months

NY Harbor ULSD (HO)

spot (except on the last trading day), 2nd, 3rd and 4th months

Henry Hub Natural Gas (NG)

spot (except on the last trading day), 2nd, 3rd and 4th months

Henry Hub Natural Gas Last Day Financial (NN) spot (except on the last trading day), 2nd and 3rd months

Pit-Traded Contracts

Henry Hub Natural Gas Look-Alike Last Day Financial (HH)

spot (except on the last trading day), 2nd and 3rd months

RBOB Gasoline (RB)

spot (except on the last trading day), 2nd, 3rd and 4th months

European Low Sulphur Gasoil (100mt) Bullet (7F)

spot (except on the last trading day), 2nd and 3rd months

Gold (GC)

February, April, June, August and December contract months (first active month only)

Silver (SI)

March, May, July, September and December contract months (first active month only)

CME Globex Contracts

For compliance and enforcement purposes, the start of a TAS pre-open period is defined by receipt of the security status message indicating that the group has transitioned to the pre-open state and the end of a TAS trading session is defined by receipt of the security status message indicating that group is closed.

TAS orders may not be entered into CME Globex from the end of a TAS trading session until receipt of the security status message indicating that the group has transitioned to the pre-open state.

| Commodity Code on CME Globex | Product Name and Contract Months | Cleared Product |
|------------------------------------|---|-----------------|
| CLT | Light Sweet Crude Oil spot (except on the last trading day), 2 nd , 3 rd and 4 th months | CL |
| BZT | Brent Crude Oil Last Day Financial spot (except on the last trading day) 2 nd and 3 rd months | BZ |
| BBT | Brent Crude Oil Penultimate Financial Spot, 2 nd and 3 rd months | ВВ |
| HOT | NY Harbor ULSD spot (except on the last trading day), 2 nd , 3 rd and 4 th months | НО |
| NGT | Henry Hub Natural Gas spot (except on the last trading day), 2 nd , 3 rd and 4 th months | NG |
| NNT | Henry Hub Natural Gas Last Day Financial spot (except on the last trading day), 2 nd and 3 rd months | NN |
| HHT | Henry Hub Natural Gas Look-Alike Last Day Financial spot (except on the last trading day), 2 nd and 3 rd months | НН |
| RBT | RBOB Gasoline spot (except on the last trading day), 2 nd , 3 rd and 4 th months | RB |

| Commodity Code on CME Globex | Product Name and Contract Months | Cleared Product |
|------------------------------------|---|-----------------|
| 7FT | European Low Sulphur Gasoil (100mt) Bullet spot (except on the last trading day), 2 nd and 3 rd months | 7F |
| KTT | NYMEX Coffee spot (except on the last trading day) | KT |
| CJT | NYMEX Cocoa spot (except on the last trading day) | CJ |
| TTT | NYMEX Cotton Spot (except on the last trading day) | TT |
| YOT | NYMEX No. 11 Sugar spot (except on the last trading day) | YO |
| RET | REBCO spot (except on the last trading day), 2 nd and 3 rd months | RE |
| GCT | Gold February, April, June, August and December contract months (first active month only) | GC |
| SIT | Silver March, May, July, September and December contract months (first active month only) | SI |
| HGT | Copper March, May, July, September and December contract months (first and second active months only) | HG |

8. TAM-Eligible Products and Contract Months on CME Globex

For compliance and enforcement purposes, the start of a TAM pre-open period is defined by receipt of the security status message indicating that the group has transitioned to the pre-open state and the end of a TAM trading session is defined by receipt of the security status message indicating that group is closed.

TAM orders may not be entered into CME Globex from the end of a TAM trading session until receipt of the security status message indicating that the group has transitioned to the pre-open state.

| Commodity Code on CME Globex | Product Name and Contract Months | Cleared Product |
|------------------------------------|--|-----------------|
| London Markers | | |
| CLL | Light Sweet Crude Oil spot, 2 nd and 3 rd months | CL |
| BZL | Brent Crude Oil Last Day Financial spot, 2 nd and 3 rd months | BZ |

| Commodity Code on CME Globex | Product Name and Contract Months | Cleared Product |
|------------------------------------|--|-----------------|
| HOL | NY Harbor ULSD spot, 2 nd and 3 rd months | НО |
| RBL | RBOB Gasoline spot, 2 nd and 3 rd months | RB |
| Singapore Markers | | |
| CLS | Light Sweet Crude Oil spot, 2 nd and 3 rd months | CL |
| BZS | Brent Crude Oil Last Day Financial spot, 2 nd and 3 rd months | BZ |

Questions regarding this Advisory Notice may be directed to the following individuals in Market Regulation:

Jennifer Dendrinos, Director, Investigations, 312.341.7812
Andrew Vrabel, Executive Director, Investigations, 312.435.3622
Erin Coffey, Senior Rules & Regulatory Outreach Specialist, 312.341.3286
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Robert Sniegowski, Executive Director, Rules & Regulatory Outreach, 312.341.5991

For media inquiries concerning this Advisory Notice, please contact CME Group Corporate Communications at 312.930.3434 or news@cmegroup.com.

9. Text of Rule 524

Trading at Settlement ("TAS"), Trading at Marker ("TAM") and Matched Order ("MO") Transactions

The Exchange shall determine the commodities, contract months and time periods during which TAS, TAM and MO transactions shall be permitted.

524.A. Trading at Settlement ("TAS") Transactions

The following shall govern TAS transactions:

- TAS transactions executed in the pit must be made open and competitively pursuant to the requirements of Rule 521 during the hours designated for pit trading in the particular contract and must be identified as such on the member's trading records.
- 2. TAS orders may be entered on Globex at any time the applicable contracts are available for TAS trading on Globex and during each TAS contract's prescribed pre-open time period. The initiation of any TAS order on Globex outside these time periods is prohibited.
- 3. TAS-eligible commodities and contract months may be executed as block trades pursuant to the requirements of Rule 526 except that TAS block trades may not be executed on the last day of trading in an expiring contract.
- 4. TAS transactions may be executed at the current day's settlement price or at any valid price increment ten ticks higher or lower than the settlement price.

524.B. Trading at Marker ("TAM") Transactions

The following shall govern TAM transactions:

- 1. TAM orders may be entered on Globex at any time the applicable contracts are available for TAM trading on Globex and during each TAM contract's prescribed pre-open time period. The initiation of any TAM order on Globex outside these time periods is prohibited.
- TAM-eligible commodities and contract months may be executed as block trades pursuant to the requirements of Rule 526.
- 3. TAM transactions may be executed at the current day's applicable marker price or at any valid price increment ten ticks higher or lower than the applicable marker price.

524.C. Matched Order ("MO") Transactions

MO transactions are open outcry trades competitively executed pursuant to Rule 521 where the price of the trade is that day's settlement price for the contract.

The following shall govern MO transactions:

- 1. Members may execute an MO at any time during pit trading hours except during the post close session. Members may execute an order as an MO provided the order is placed as an MO and such instructions are denoted on the order. An order entered as an MO will be executed during the closing period as a Market on Close order if not previously executed as an MO or specifically designated to be executed only as an MO. An order specifically designated for execution only as an MO must be designated as such at the time the order is placed.
- 2. Members must identify an order executed as an MO on their trading record.