

24 May 2019

Via E-mail and by courier

CFTC FOIA Compliance Office  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, NW  
Washington DC 20581  
United States of America

Dear Sir or Madam:

**Re: FOIA CONFIDENTIAL TREATMENT REQUEST  
Pursuant to 17 C.F.R. §§ 48.5(c), 145.5, 145.9**

In accordance with the provisions of Commission Regulations 48.5(c), 145.5 and 145.9, Katten Muchin Rosenman UK LLP on behalf of Nasdaq Clearing AB (Nasdaq Clearing) hereby requests confidential treatment of the material described in Appendix A to this letter (the Confidential Submission).

Confidential treatment is requested, inter alia, on the grounds that the Confidential Submission contains data and information which would separately disclose business transactions and trade secrets that may not be disclosed to third parties, as provided in Section 8(a) of the Commodity Exchange Act and Commission Regulation 145.5(c)(1). Confidential treatment additionally is requested on the grounds that the Confidential Submission is exempt from disclosure under paragraph (b)(4) of the Freedom of Information Act (FOIA) and Commission Regulations 145.5(d) and 145.9(d)(1)(ii) because it contains commercial and financial information as well as proprietary information regarding business procedures and systems that are confidential and would be of material assistance to competitors of Nasdaq Clearing and should be protected from public disclosure pursuant to this exemption.

Nasdaq Clearing requests that the Confidential Submission be afforded confidential treatment for the maximum amount of time permitted.

Nasdaq Clearing understands that if a FOIA request is submitted to the Commodity Futures Trading Commission (Commission) in respect of the Confidential Submission, Nasdaq Clearing will be notified of such request in accordance with the Commission's regulations and be asked to submit, within ten business days, a detailed written justification for confidential treatment of the Confidential Submission. See Commission Rule § 145.9(e)(1); see also

Katten Muchin Rosenman UK LLP is a Limited Liability Partnership of solicitors and registered foreign lawyers registered in England & Wales, authorised and regulated by the Solicitors Regulation Authority, whose registered office is at Paternoster House, 65 St. Paul's Churchyard, London EC4M 8AB. Registered No. OC312814.

A list of the members of Katten Muchin Rosenman UK LLP is available for inspection at the registered office. We use the word "partner" to refer to a member of the LLP.

Katten Muchin Rosenman UK LLP of England & Wales is associated with Katten Muchin Rosenman LLP, a US Limited Liability Partnership with offices in:

AUSTIN CENTURY CITY CHARLOTTE CHICAGO DALLAS HOUSTON LOS ANGELES  
NEW YORK ORANGE COUNTY SAN FRANCISCO BAY AREA SHANGHAI WASHINGTON, DC

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Executive Order 12600, 52 Fed. Reg. 23781 (June 23, 1987) (detailing pre-disclosure notification procedures under FOIA). In such event, Nasdaq Clearing requests that Commission staff telephone or email the undersigned rather than rely upon United States mail for such notice.

If the Commission or its staff transmits any of the Confidential Submission to another federal agency, Nasdaq Clearing requests that you forward a copy of this letter to any such agency with the Confidential Submission and further request that you advise any such agency that Nasdaq Clearing has requested that this material be accorded confidential treatment.

The requests set forth in the preceding paragraphs also apply to any memoranda, notes, transcripts or other writings of any sort whatsoever that are made by, or at the request of, any employee of the Commission (or any other federal agency) and which (1) incorporate, include or relate to any aspect of the Confidential Submission; or (2) refer to any conference, meeting, or telephone conversation between Nasdaq Clearing, its current or former employees, representatives, agents, auditors or counsel on the one hand and employees of the Commission (or any other government agency) on the other, relating to the Confidential Submission.

Please acknowledge your receipt of this confidential treatment request by date stamping the enclosed extra copy of this letter and returning it to the undersigned in the enclosed self-addressed postage-prepaid envelope. Any questions regarding this request for Confidential Treatment, as well as any notices pursuant to the Commission Rules cited herein, should be directed to the attention of the undersigned at the addresses and telephone number provided herein.

\* \* \* \* \*

Members of the Commission staff may contact me by phone at +44 207 776 7625 or by email at [carolyn.jackson@kattenlaw.co.uk](mailto:carolyn.jackson@kattenlaw.co.uk) to ask questions or to obtain additional information.

Yours faithfully



**Carolyn H. Jackson**  
**Partner**

Enc. (Appendix A)

cc: Jasmine Lee, Special Counsel, Commodity Futures Trading Commission

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**APPENDIX A**

1. Execution page to Exhibit A, Supplement S-1
2. Execution page to Exhibit D-2, Supplement S-1
3. Documents S-2, S-3, S-6, S-6a, S7 and S-8