



New York
Mercantile Exchange

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OFFICE OF THE SECRETARIAT

March 12, 2008

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

Re: Rule Certification. New York Mercantile Exchange, Inc. Submission #08.42: (Revised Cover Letter) Notification of New NYMEX Incentive Program for NYMEX - "Green Exchange" Product Slate and Amendments to Broker Incentive Program

Dear Mr. Stawick:

The New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that it is self-certifying a new NYMEX incentive program concerning the electronic trading on CME Globex® of a slate of products that are being referenced by the Exchange as "The Green Exchange" product slate or as the "Environmental Products." In addition, the Exchange is amending the terms of an existing broker incentive program to include new provisions applicable to this product grouping. These products include the Exchange's existing and new futures contracts for Nitrogen Oxides (NOx) Emission Allowances and for Sulfur Dioxide (SO2) Emission Allowances. These products also include new futures contracts for European Union Allowances and for Certified Emission Reductions.

For this combined product slate, the Exchange anticipates retaining five entities to serve as market-makers and also as liquidity providers. The market-maker obligation will require the market-maker to provide bids and offers within a specified bid-ask spread and for a minimum specified quantity for a minimum specified percentage of a defined trading period for which confidential treatment is requested. The liquidity provider obligation will require the entity to meet a volume threshold for each increment of a specified period as further provided in the portion of this submission for which confidential treatment is requested. Satisfaction of the volume threshold requirement will enable the liquidity provider to achieve a waiver from transaction and clearing fees on all transactional volume that is eligible to be counted toward the threshold. For each entity that is selected by the Exchange to provide this service, the period of service will commence upon the entity's engagement and will continue through to March 31, 2009.

As to amendment of the terms of the existing broker incentive program, the Exchange is amending this program to provide that, for Environmental Products, from March 16, 2008 through September 16, 2008, the payment will be 50% of the net clearing fees charged by the

New York Mercantile Exchange, Inc.
World Financial Center
One North End Avenue
New York, NY 10282-1101
(212) 299-2000

The New York Mercantile Exchange, Inc., is composed of two divisions. The NYMEX Division offers trading in crude oil, heating oil, unleaded gasoline, natural gas, electricity, coal, propane, platinum, and palladium. The COMEX Division offers trading in gold, silver, copper, and aluminum.

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Exchange for such Environmental Products, and after September 16, 2008, the payment percentage will be that which is applicable to other NYMEX products.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the attached provisions comply with the Act, including regulations under the Act. These incentive provisions will be made effective for trade date March 17, 2008.

Should you have any questions concerning the above, please contact undersigned at (212) 299-2207 or De'Ana Dow at (202) 715-8517.

Sincerely,



Brian Regan
Senior Vice President
and Counsel

Attachments: NYMEX Notice to Members 08-42 and Exhibit A



New York
Mercantile Exchange

**CONFIDENTIAL TREATMENT
REQUESTED**

March 12, 2008

VIA ELECTRONIC MAIL

FOIA Compliance Office
Office of the General Counsel
Commodity Futures Trading Commission
3 Lafayette Centre
1155 21st Street, NW
Washington, D.C. 20581

Re: **FOIA Confidential Treatment Request**

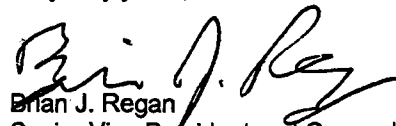
Dear CFTC Staff:

By electronic mail sent today, the New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") submitted a self-certification rule filing concerning incentive programs to the CFTC, which was referenced internally by NYMEX as NYMEX Submission 08-42. That submission included an attached Exhibit A (the "Exhibit")

Pursuant to Sections 8 and 8(a) of the Commodity Exchange Act, as amended, ("CEA") and Commission Regulation 145.9(d), NYMEX requests confidential treatment of the Exhibit on the grounds that disclosure of the Exhibit would reveal confidential trade secrets and commercial and financial information of NYMEX. Pursuant to Commission Regulation 145.9(d)(5), NYMEX requests that confidential treatment be maintained for the Exhibit until further notice from the Exchange. We also request that the Commission notify the undersigned immediately after receiving any FOIA request for said Exhibit 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 Exhibit 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 Exhibit.

Please contact the undersigned at (212) 299-2207 should you have any questions concerning this letter.

Very truly yours,


Brian J. Regan
Senior Vice President and Counsel

Enclosure

cc: Office of the Secretariat

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