



Christopher Bowen
Managing Director and Chief Regulatory Counsel
Legal Department

June 7, 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.12-161S
Additional supplemental information relating to the Flex Energy Futures
and Options Incentive Program
Subject to a Freedom of Information Act Protection**

Dear Mr. Stawick:

Previously, pursuant to Submission No. 12-161 dated June 7, 2012, the New York Mercantile Exchange, Inc ("NYMEX") notified the Commodity Futures Trading Commission ("Commission") of modifications to the existing Flex Energy Futures and Options Incentive Program ("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 accompanying 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.

The modifications appear below, with additions underscored and deletions ~~overstruck~~.

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. 12-161. There were no substantive opposing views to this Program.

NYMEX certifies that a description of this submission has been concurrently posted on NYMEX'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. 12-161S in any related correspondence.

Sincerely,

/s/ Christopher Bowen
Managing Director, Chief Regulatory Counsel

Attachments



CME Group

A CME/Chicago Board of Trade/NYMEX Company

June 7, 2012

VIA E-MAIL AND OVERNIGHT MAIL

**CONFIDENTIAL TREATMENT
REQUESTED**

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

Re: FOIA Confidential Treatment Request

Dear Ms. Easter:

By e-mail dated today, June 7, 2012, the New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") submitted a rule certification filing to the CFTC (Submission No. 12-161S). 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 (the Exchange). A written justification supporting 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