



November 3, 2011

**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

Christopher Bowen  
Managing Director and Chief Regulatory Counsel  
Legal Department

**CONFIDENTIAL TREATMENT  
REQUESTED**

**RE: SUPPLEMENTAL SUBMISSION NYMEX/COMEX  
Submission No. 11- 403S: Additional supplemental information  
relating to the Energy & Metals ETH & Back Month Globex  
Volume Incentive Program for High Volume Contributors.  
Subject to a Freedom of Information Act Protection**

Dear Mr. Stawick:

Previously, pursuant to Submission No. 11-403 dated November 3, 2011, the New York Mercantile Exchange, Inc ("NYMEX") and the Commodity Exchange Inc ("COMEX") (NYMEX and COMEX collectively the "Exchanges") notified the Commodity Futures Trading Commission ("Commission") that it planned to implement an Energy & Metals ETH & Back Month Globex Volume Incentive Program for High Volume Contributors. ("Program").

In this letter, the Exchanges are 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 is being simultaneously submitted to the Commission. A copy of that request for confidential treatment is included with this supplemental filing.

NYMEX and COMEX certify 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. 11-403. There were no substantive opposing views to this Program.

The Exchanges certify that this submission has been concurrently posted on the Exchanges' 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](mailto:robert.lev@cmegroup.com), or contact me at 212-299-2200. Please reference our NYMEX Submission No. 11-403S in any related correspondence.

Sincerely,

/s/ Christopher Bowen  
Managing Director, Chief Regulatory Counsel

Attachments



RECEIVED  
CFTC

2011 NOV -7 AM 11: 20

OFFICE OF THE  
SECRETARIAT

November 3, 2011

**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, November 3, 2011, the New York Mercantile Exchange Inc. ("NYMEX") and the Commodity Exchange, Inc ("COMEX") ( NYMEX and COMEX collectively the "Exchanges") submitted a rule certification filing to the CFTC (submission No. 11-403S). 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 and this letter on the grounds that disclosure of Appendix A contains trade secrets and confidential commercial information of the submitter (NYMEX and COMEX). Pursuant to Commission Regulation 145.9(d)(5), NYMEX and COMEX request that confidential treatment be maintained for Appendix A until further notice from the Exchanges. 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 and COMEX do not waive their 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