



Christopher Bowen  
Managing Director and Chief Regulatory Counsel  
Legal Department

November 15, 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

**RE: SUPPLEMENTAL SUBMISSION NYMEX Submission No. 11-420S:  
Additional Supplemental Information Relating to the Non-Member  
Cross-Venue Incentive Program for NYMEX Energy Products.**

**Subject to a Freedom of Information Act Protection**

Dear Mr. Stawick:

Previously, pursuant to Submission No. 11-420 dated November 15, 2011, the New York Mercantile Exchange, Inc ("NYMEX" or "the Exchange") notified the Commodity Futures Trading Commission ("Commission") that it planned to implement a Non-Member Cross-Venue Incentive Program in support of certain NYMEX Energy contracts ("Program").

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

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. 11-420. There were no substantive opposing views to this Program.

The Exchange certifies that this submission has been concurrently posted on the Exchange'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](mailto:robert.lev@cmegroup.com), or contact me at 212-299-2200. Please reference our NYMEX Submission No. 11-420S in any related correspondence.

Sincerely,

/s/ Christopher Bowen  
Managing Director, Chief Regulatory Counsel

Attachments



November 15, 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

**Re: FOIA Confidential Treatment Request**

Dear Ms. Easter:

By e-mail dated today, November 15, 2011, the New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") submitted a rule certification filing to the CFTC (submission No. 11-420S). 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), The Exchange 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). Pursuant to Commission Regulation 145.9(d)(5), the Exchange 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. The Exchange 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