



Options Clearing Corporation  
125 S. Franklin Street, Suite 1200  
Chicago, IL 60606  
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July 1, 2024

**FOIA CONFIDENTIAL TREATMENT REQUEST  
Pursuant to 17 C.F.R. §§ 145.5 and 145.9**

**VIA CFTC PORTAL**

Assistant Secretary of the Commission for FOIA Matters,  
Privacy and Sunshine Act Compliance  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, N.W.  
Washington, D.C. 20581

**Re: Petition for Confidential Treatment**

Dear Sir or Madam:

The Options Clearing Corporation (“OCC”) has on this date provided Exhibit 5 to the Rule Certification Concerning the modification of its margin model to the product specifications for a new exchange-traded futures contracts based on the expected realized variance of an underlying interest (such contracts being “variance futures,” and such model being the “Variance Futures Model”) that the Cboe Future Exchange (“CFE”) intends to list (the “Confidential Material”) to the Secretary of the Commodity Futures Trading Commission (“CFTC” or the “Commission”) in connection with a rule filing made pursuant to CFTC Regulation 40.6(a).

In accordance with the provisions of Commission Regulations 145.5 and 145.9, we hereby request confidential treatment of the Confidential Material. Confidential treatment is requested, *inter alia*, on the grounds that the Confidential Material is exempt from disclosure under paragraph (b)(4) of the Freedom of Information Act (“FOIA”) and Commission Regulation 145.5(d). Nonpublic treatment is appropriate for the Confidential Material, because it contains commercial and financial information that is not customarily released to the public and is, and always has been, treated as the private information of OCC. OCC is providing the Confidential Material based on our understanding that paragraph (b)(4) of FOIA and the Commission’s related regulations assure that the Confidential Material will be afforded confidential treatment. *See Food Marketing Institute v. Argus Leader Media*, 139 S.Ct. 2356 (2019).

In accordance with the provisions of paragraph (d)(5) of Commission Regulation 145.9, we request that the Confidential Materials be afforded confidential treatment in perpetuity.

We understand that if the Commission receives a FOIA request for the Confidential Material, we will be notified of such request in accordance with the Commission's regulations and will be asked to submit, within ten business days, a detailed written justification for confidential treatment of the

Confidential Material. *See* Commission Regulation § 149.5(e)(1); *see also* Executive Order 12600, 52 Fed. Reg. 23781 (June 23, 1987) (detailing pre-disclosure notification procedures under FOIA). In such event, we request 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 Material to another federal agency, we request that you forward a copy of this letter to any such agency with the Confidential Material and further request that you advise any such agency that OCC 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 Material; or (2) refer to any conference, meeting, or telephone conversation between OCC, its current or form employers, representatives, agents, auditors or counsel on one hand and employees of the Commission (or any other governmental agency) on the other, relating to the Confidential Material.

Any questions regarding this request for confidential treatment, as well as any notices pursuant to Commission Regulation § 145.9(e), should be directed to the attention of the undersigned at (312) 322-6200 or [rulefilings@theocc.com](mailto:rulefilings@theocc.com).

Sincerely,

/s/ Karen deGroot

Karen deGroot

Associate General Counsel