

Marco Bianchi Senior Vice President NYSE Liffe US 20 Broad Street, 10th Floor New York, NY 10005 T +1 212 656 4300

By Electronic Mail March 16, 2012

Mr. David A. Stawick Office of the Secretariat Commodity Futures Trading Commission Three Lafayette Centre 1155 21<sup>st</sup> Street, N.W. Washington, D.C. 20581 CONFIDENTIAL TREATMENT REQUESTED

Re:

NYSE Liffe US Submission 2012-108 – Notice Announcing the Exercise of the Exchange Option to Extend the Designated Market Maker Program in Precious Metals Futures.

Dear Mr. Stawick:

I am a Senior Vice-President with NYSE Liffe US LLC ("NYSE Liffe US" or the "Exchange"). Pursuant to Section 5c(c) of the Commodity Exchange Act, as amended (the "Act"), and U.S. Commodity Futures Trading Commission (the "Commission") Regulations (the "Regulations") Section 40.6(a), I enclose a Cover Sheet for NYSE Liffe US Submission 2012-108 and NYSE Liffe US Notice 8/2012 which announces that the Exchange is exercising its option to extend the designated market maker program in the 100 oz. and 33.2 oz. gold futures contracts and the 5,000 oz. and 1,000 oz. silver futures contracts (collectively "Precious Metals Futures") for an additional six months, effective April 2, 2012, through October 2, 2012.

NYSE Liffe US hereby certifies that: (i) the market maker program for Precious Metals Futures complies with the Act and the Regulations thereunder and (ii) a notice of pending certification with the Commission and copy of the submission has been concurrently posted on the Exchange's web site. Additionally, a concise explanation and analysis of the Precious Metals Futures market maker program and its compliance with applicable provisions of the Act, including core principles and the Commission's regulations thereunder, is attached. No substantive opposing views were expressed by members or others with respect to the market maker programs.

If you have any questions, please call me at (212) 656-4312.

Yours Truly,

Marco Bianchi Enclosures

Web site: www.nyx.com

NYSE Liffe US LLC is NYSE Euronext's U.S. Futures Market, a Commodity Futures

Trading Commission designated contract market.

# Designated Contract Market Core Principles Implicated by NYSE Liffe US Submission 2012-108

CORE PRINCIPLE	ANALYSIS
Core Principle 2:	The Exchange has carefully vetted those participants selected
Compliance with Rules	for the program. All participants in the program are subject to
	a market making agreement by which each participant agrees
	to abide by the Act and all rules, regulations, orders and
	interpretations of the CFTC and any applicable self-regulatory
	organization. In addition, the Exchange has the right to
	terminate the agreement immediately if the membership or
	trading rights of any market maker are suspended or if, in the
	opinion of the Exchange's Market Regulation Department, the
	market maker's activity violates any applicable law or rule.
	Moreover, each participant agrees to not only comply with the
	requirements of the program, but also all existing rules of the
	Exchange including Chapter 3, governing access to the
	Exchange's Trading Platform, Chapter 6 governing the
	business conduct of Exchange members and prohibiting,
	among other things, fraudulent acts, fictitious and pre-arranged
	trades, market manipulation and acts inconsistent with just and
	equitable principles of trade. The Exchange monitors its markets on a constant basis in real-time. In addition, through
	the operation of a regulatory services agreement, the National
	Futures Association provides to the Exchange comprehensive
	trade practice and market surveillance services designed to
	detect activities that are not in compliance with the Act, CFTC
	Regulations, or Exchange rules and policies. Additionally, the
	Exchange has the authority, through Chapter 7 of the
	Exchange's rulebook, and the capacity to investigate any
	possible rule violations and, where appropriate, bring
	disciplinary actions and impose sanctions for any violations.
	Finally, the Exchange has in place effective international
1	information sharing arrangements and has entered into accords
	such as the Boca Declaration and the Intermarket Surveillance
	Group Agreement.
Core Principle 3:	The program does not incentivize manipulative or other
Contracts not Readily	abusive practices. In the Exchange's experience, programs of
Subject to Manipulation	this type, including the current Precious Metals Futures market
	maker program, have not promoted abusive practices by
	participants. Further, the Exchange has policies and
	procedures to monitor the participants and trading in the
	Precious Metals Futures and to detect and prevent manipulative
	or abusive trading and practices.

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ticipants in the programs, like all trading in the
s Futures will continue to be subject to the
practice and market surveillance policies and
the Exchange. As stated above, the Exchange
urveillance capabilities involving both human
well as technological tools. Furthermore, the
f, in coordination with National Futures
as the capacity to detect and respond to
nd price distortions in its market and the ability
urate and complete trade reconstruction.
the programs will continue to be subject to all
ition limits and accountability levels. Further,
will make all amendments necessary to its
on limits to be in compliance with the CFTC new
ations, when such provisions become effective.
programs are designed to enhance the market,
idity and requiring consistent, tighter markets
promote more accurate price discovery.
the Exchange will, as it has for the existing
ls Futures program, and as it does for all such
nitor the impact, if any, that these programs have
the centralized market and, in the event the
ntifies any deleterious effect to the centralized
ke appropriate action.
records and maintains an audit trail with all
ion regarding trading by all market participants,
participants in these programs, necessary to
stomer and market abuse.
the programs remain subject to all of the
es. Chapter 6 of the Exchange's rulebook
siness conduct of Exchange members and
ng other things, fraudulent acts, fictitious and
ades and other activities that could disadvantage
s, as well as acts detrimental to the Exchange
nt with just and equitable principles of trade.
monitors for and investigates any possible rule
where appropriate brings disciplinary actions
nctions for any violations by any participants in
s.
e Exchange's rulebook provides for disciplinary
which the Exchange may impose sanctions for
s of the Exchange's rules, including any
articipants in these programs.
rd to the programs shall be retained by the
cured storage for a period of at least five years
11 1 / 1 / CTTC
accessible and open to review by the CFTC.
he Exchange has in place business continuity



# NYSE LIFFE US NOTICE No. 8/2012

ISSUE DATE:

March 16, 2012

EFFECTIVE DATE:

April 2, 2012

# Extension of the Designated Market Maker Program for Precious Metals Futures

#### **Summary**

This Notice announces that the Exchange is exercising its option to extend the Designated Market Maker ("DMM") program in the 100 oz. and 33.2 oz. gold futures contracts and the 5,000 oz. and 1,000 oz. silver futures contracts (collectively "Precious Metals Futures") for an additional six months, effective with the April 2, 2012, trading session.

#### 1. Introduction

1.1 NYSE Liffe US Notice No. 31/2011 announced the appointment of DMMs to participate in the Precious Metals Futures market maker program commencing on October 3, 2011 and continuing through March 30, 2012, with an Exchange option to extend the program for an additional six months.

## 2. Extension of the Designated Market Maker Program

- 2.1 After considering the performance of the DMMs participating in the current term of the Precious Metals Futures market making program, which expires on March 30, 2012, the Exchange has determined to exercise the option to extend the program for an additional six months.
- 2.2 All DMM appointments remain subject to the terms of a contractual agreement between the Exchange and each DMM. Under the terms of the agreements, each DMM represents that its market making activity will comply with all applicable provisions of the Commodity Exchange Act, the rules and regulations of the Commodity Futures Trading Commission and the Rules of the Exchange. The Exchange will continue to monitor each DMM's performance of market making activity under the contract and may adjust benefits otherwise due under the agreement and/or terminate the agreement if it determines the DMM has failed to perform its obligations as a DMM under the agreement.

Members who have questions or seek additional information in respect of this Notice should contact:

New York Office

+1 212 656 4300

Chicago Office

+1 312 442 7730

nyseliffeus@nyx.com

## **Designated Market Maker Program for Precious Metals Futures**

# Eligible Participants

Market Participants

#### Hours

• Entire Trading Session is covered:

o Overnight Session: 7:16pm - 8am ET

o US Session: 8am - 5pm ET

# **Program Term**

• Six Months: April 2, 2012 – October 2, 2012

# **Obligations**

- Market Participant that is registered as a market maker in this program must be in full compliance with Exchange rules
- Post bids and offers at contracted bid/ask spreads and sizes during designated trading hours under normal market conditions for following types of trades to be determined by contract with individual market maker:
  - o 100 oz Gold and 5,000 oz Silver Futures:
    - Outright trades
    - Calendar spreads
    - Calendar rolls ("Roll Program")
  - o Mini Gold and Silver Futures:
    - Outright trades
    - Calendar spreads
    - Calendar rolls ("Roll Program")

#### **Incentives**

- Exchange fees waived
- 100 oz. Gold and 5,000 oz. Silver Futures: Rebate per side transacted up to certain limit
- 33.2 oz Mini Gold and 1,000 oz. Mini Silver Futures: Pro rata share of CTI4 revenue in each mini contract, with top 3 contributing DMMs receiving an additional pro rata share of CTI4 revenue in each mini contract

# **Monitoring and Termination Status**

NYSE Liffe US will monitor Market Maker activity on an ongoing basis, and retains the right to revoke market making status if NYSE Liffe US concludes, from its review that a program participant is not complying with the market-making obligations of the program.



Matt Lisle
Deputy Chief Regulatory Officer
NYSE Liffe US
100 South Wacker, 18th Floor
Chicago, IL 60606
T+1 312 442 7984

# FOIA CONFIDENTIAL TREATMENT REQUEST BY NYSE LIFFE US LLC

By Electronic Mail

March 16, 2012

Mr. David Stawick
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21<sup>st</sup> Street, N.W.
Washington, D.C. 20581

CONFIDENTIAL TREATMENT REQUESTED

Re:

Supplemental Submission NYSE Liffe US Submission 2012-108 — Supplemental Information Relating to the Exercise of the Exchange Option to Extend the Designated Market Maker Program for Precious Metals Futures.

Dear Mr. Stawick:

NYSE Liffe US LLC ("NYSE Liffe US" or the "Exchange"), in connection with NYSE Liffe US Submission 2012-108, announcing that the Exchange is exercising its option to extend the designated market maker program in the 100 oz and 33.2 oz mini-sized Gold futures contracts and the 5,000 oz and 1,000 oz silver futures contracts (collectively "Precious Metals Futures") for an additional six months, which was filed today, is providing the attached supplemental information. The Exchange has simultaneously submitted to the Commission a request for confidential treatment of the supplemental information. A copy of the request for confidential treatment is enclosed.

If you have any questions, please call me at (312) 442-7984.

Yours truly,

Matt Lisle

Enclosure



# CONFIDENTIAL TREATMENT REQUESTED

Matt Lisle
Deputy Chief Regulatory Officer
NYSE Liffe US
100 South Wacker, 18th Floor
Chicago, IL 60606
T +1 312 442 7984

# FOIA CONFIDENTIAL TREATMENT REQUEST BY NYSE LIFFE US LLC

By Electronic Mail

March 16, 2012

Linda J. Mauldin
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. Mauldin:

By e-mail dated today, March 16, 2012, NYSE Liffe US LLC ("NYSE Liffe US" or the "Exchange") in connection with NYSE Liffe US Submission 2012-108, voluntarily provided the supplemental information attached.

Pursuant to Commission Regulation Section 145.9(d), the Exchange requests confidential treatment of the information attached and this letter on the grounds that disclosure of this information would reveal confidential commercial or financial information of the Exchange. Pursuant to Section 145.9(d)(5) the Exchange requests that confidential treatment of the attached information be maintained until further notice from the Exchange. The Exchange requests that the Commission notify it immediately after receiving any request under the Freedom of Information Act ("FOIA") or any other court order, subpoena or summons for the attached information. The Exchange specifically notes that it does not waive in any manner its rights under Section 8(f) of the Commodity Exchange Act to receive a copy of any subpoena or summons for the attached information prior to the Commission's disclosure of such information pursuant to such subpoena or summons. Finally, the Exchange requests that the Commission notify it in the event that the Commission intends to disclose the attached information to Congress or any federal or state governmental agency or department.

In connection with this request for confidential treatment, and pursuant to Commission Regulation Section 40.8, the Exchange is submitting the attached detailed written justification in support of the request for confidential treatment.

If you have any questions, please call me at (312) 442-7984.

Yours truly,

Matt Lisle Enclosure