



Christopher Bowen  
Managing Director and Chief Regulatory Counsel  
Legal Department

April 16, 2013

**VIA E-MAIL**

Ms. Melissa Jurgens  
Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581

**RE: NYMEX Crude/Refined and Natural Gas Globex Incentive Program  
NYMEX Submission No. 13-137**

Dear Ms. Jurgens:

New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") hereby notifies the Commodity Futures Trading Commission ("Commission") that it plans to implement an incentive program in support of certain crude, refined and natural gas energy products on Globex ("Program"). The proposed Program will become effective on May 1, 2013.

Exhibit 1 sets forth the terms of this Program.

NYMEX business staff responsible for the Program and the NYMEX legal department collectively reviewed the designated contract market core principles ("Core Principles") as set forth in the Commodities Exchange Act ("CEA"). During the review, NYMEX staff identified the following Core Principles as potentially being impacted; Prevention of Market Disruption, Execution of Transactions, Protection of Market Participants, Compliance with Rules and Recordkeeping.

The proposed Program will not impact the Exchange's ability to perform its trade practice and market surveillance obligations under the CEA. The Exchange's market regulation staff will nevertheless continue to monitor trading in the Program's products to prevent manipulative trading and market abuse. Additionally, the Exchange has implemented systems to track Program participants' volume to ensure proper distribution of earned incentives. The Program does not impact the Exchange's order execution. Participants in the Program will be selected by NYMEX staff using criteria as further stated in Exhibit 1. Chapter 4 of the NYMEX rules includes prohibitions against fraudulent, non-competitive, unfair or abusive practices. All participants must execute a contractual agreement with NYMEX in which each participant will expressly agree to comply with and be subject to, applicable regulations and NYMEX rules. The proposed Program will be subject to the Exchange's record retention policies which comply with the CEA.

NYMEX certifies that the Program complies with the CEA and the regulations thereunder. 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. 13-137 in any related correspondence.

Sincerely,

/s/ Christopher Bowen  
Managing Director, Chief Regulatory Counsel

Attachment: Exhibit 1

# **EXHIBIT 1**

## **NYMEX Crude/Refined and Natural Gas Globex Incentive Program**

### **Program Purpose**

The purpose of this Program is to incentivize market makers to provide liquidity in the products listed below. The resulting central limit order book liquidity benefits all participants in the market.

### **Product Scope**

WTI Options ("LO"), American Natural gas Options ("ON"), Heating Oil Options ("OH"), and RBOB Gas Options ("OB") that are traded on Globex ("Products").

### **Eligible Participants**

NYMEX may designate up to thirty (30) participants in the Program. Participants may be NYMEX members or non-members. When selecting participants for the Program, NYMEX will take into account: (i) the potential participant's historical volume traded in NYMEX products on Globex, and (ii) the potential participant's ability to respond to request for quotes ("RFQ"). NYMEX may, from time to time, add or subtract from the aforementioned requirements as it deems necessary.

### **Program Term**

Start date is May 1, 2013. End date is April 30, 2014.

### **Hours**

N/A

### **Program Incentives**

Once accepted into the Program, participants may be eligible to receive predetermined incentives for trades executed in the Products.

### **Monitoring and Termination of Status**

The Exchange shall monitor trading activity and participants' performance and shall retain the right to revoke Program participant status if it concludes from review that a Program participant has failed to meet its obligations or no longer meets the eligibility requirements of the Program.