



2011 APR 27 PH 3: 39

OFFICE OF THE SECRETARIAT

April 27, 2011

## VIA E-MAIL AND OVERNIGHT MAIL

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

> SUPPLEMENTAL SUBMISSION. Rule Certification. New York Mercantile Re: Exchange, Inc. Submission #11-164S: Additional Supplemental Market Information Regarding the Listing of Two (2) New Fuel Oil Futures Contracts for Trading on the NYMEX Trading Floor and for Clearing through CME ClearPort  $^{\!@}$

Dear Mr. Stawick:

Previously, pursuant to Submission #11-164, dated April-27, 2011 the New-York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") notified the Commodity Futures Trading Commission ("CFTC" or "Commission") that it was self-certifying the listing of two (2) new financially settled balance-of-month fuel oil futures contracts for trading on the NYMEX trading floor and for submission for clearing through CME ClearPort beginning at 6:00 p.m. on Monday, May 2, 2011, for trade date Tuesday, May 3, 2011.

The contract titles, commodity codes and rule chapters are provided below.

Contract	Code	Rule Chapter
Gulf Coast No. 6 Fuel Oil 3.0% vs. European 3.5% Fuel Oil Barges FOB Rdam (Platts) BALMO Swap Futures	GCB	1063
New York Fuel Oil 1.0% vs. European 1% Fuel Oil Cargoes FOB NWE (Platts) BALMO Swap Futures	NYG	1064

In this letter, the Exchange is providing the Commission with certain monthly price information applicable to the related cash market for the proposed contracts' underlying markets for the period beginning January 2008 through March 2011:

- Gulf Coast No. 6 Fuel Oil 3.0%
- New York Fuel Oil 1.0%
- European 3.5% Fuel Oil Barges
- European 1% Fuel Oil Cargoes FOB NWE

The additional supplemental market information is provided in Appendix A, for which a request for confidential treatment is being simultaneously submitted to the CFTC. A copy of that request for confidential treatment is included with this supplemental filing.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rules 40.2 and 40.6, the Exchange hereby certifies that the attached supplemental market information complies with the Act, including regulations under the Act.

Should you have any questions concerning the above, please contact Daniel Brusstar at (212) 299-2604 or the undersigned at (212) 299-2207.

Sincerely,

/s/ Felix Khalatnikov Dir & Assoc General Counsel App.

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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, April 27, 2011, the New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") submitted a products certification filing to the CFTC (Submission 11-164S). 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 would reveal confidential commercial information of the submitter (NYMEX) and of other persons. Pursuant to Commission Regulation 145.9(d)(5), NYMEX 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. NYMEX 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) 299-2207 should you have any questions concerning this letter.

Sincerely,

/s/ Felix Khalatnikov Dir & Assoc General Counsel

Enclosure

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