⊕ CME Group

Christopher Bowen
Managing Director and Chief Regulatory Counsel
Legal Department

June 12, 2013

<u>VIA E-MAIL</u>

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

> **RE: SUPPLEMENTAL SUBMISSION NYMEX/COMEX Submission No. 13- 223S: Additional Supplemental Information Relating to the Volume Incentive Program for NYMEX and COMEX Metals Products Subject to a Freedom of Information Act Protection**

Dear Ms. Jurgens:

Previously, pursuant to Submission No. 13-223 dated June 12, 2013, the New York Mercantile Exchange, Inc. ("NYMEX") and the Commodity Exchange, Inc. ("COMEX") (NYMEX and COMEX collectively the "Exchanges") notified the Commodity Futures Trading Commission ("Commission") of certain modifications to the Volume Incentive Program for NYMEX and COMEX Metals Products ("Program").

In this letter, the Exchanges are 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 and COMEX certify that the Program and the proposed modifications comply 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. 13-223. There were no substantive opposing views to this Program.

The Exchanges certify that a description of this submission has been concurrently posted on the Exchanges' 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, or contact me at 212-299-2200. Please reference our NYMEX Submission No. 13-223S in any related correspondence.

Sincerely,

/s/ Christopher Bowen
Managing Director, Chief Regulatory Counsel

Enclosure: Appendix A – Additional Supplemental Information

CME Group

Christopher Bowen
Managing Director and Chief Regulatory Counsel
Legal Department

June 12, 2013

VIA E-MAIL

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, June 12, 2013, the New York Mercantile Exchange, Inc. ("NYMEX") and the Commodity Exchange, Inc. ("COMEX") (NYMEX and COMEX collectively the "Exchanges") submitted a rule certification filing to the CFTC (Submission No. 13-223S). 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 Exchanges request confidential treatment of Appendix A on the grounds that Appendix A contains confidential commercial information of the submitters (the Exchanges). A detailed written justification for this request is attached hereto as Exhibit 1. Pursuant to Commission Regulation 145.9(d)(5), NYMEX and COMEX request that confidential treatment be maintained for Appendix A <u>until further notice from the Exchanges</u>. 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 Exchanges do not waive their 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: Exhibit 1