



Sean M. Downey
Director and Assistant General Counsel
Legal Department

September 19, 2012

VIA E-MAIL

Office of the Secretariat
Ms. Sauntia Warfield
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
Washington, DC 20581

**RE: Regulation 40.6(a) Rule Certification. Chicago Mercantile Exchange Inc./The Board of Trade of the City of Chicago, Inc./New York Mercantile Exchange, Inc./Commodity Exchange Inc.
Submission # 12-288: Revisions to Rule 536.B. ("Globex Order Entry") and Issuance of CME Group Market Regulation Advisory Notice RA1210-5**

Dear Ms. Warfield:

Chicago Mercantile Exchange Inc. ("CME"), The Board of Trade of the City of Chicago, Inc. ("CBOT"), The New York Mercantile Exchange, Inc. ("NYMEX") and Commodity Exchange, Inc. ("COMEX") (collectively, "the Exchanges") are notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that they are self-certifying revisions to each Exchange's Rule 536.B. ("Recordkeeping Requirements for Pit, Globex, and Electronic Trades – Globex Order Entry"). In connection with the revisions to Rule 536.B., the Exchanges are jointly releasing CME Group Market Regulation Advisory Notice RA1210-5 ("RA1210-5").

The revisions to Rule 536.B. codify as a regulatory requirement that orders entered into CME Globex must contain an accurate identification of whether the order is entered via automated or manual means, with the information submitted in FIX Tag 1028. This has been a business requirement since June 2011. In order to provide the marketplace additional information on remaining in compliance with this new regulatory requirement, the Exchanges will release RA1210-5, which contains a Frequently Asked Question ("FAQ") section after the text of the revised rule. As noted in RA1210-5, inaccurate submission of the correct Tag 1028 indicator may result in disciplinary action, including summary action under newly adopted Rule 512 ("Reporting Infractions").

The revisions to Rule 536.B. appear in Exhibit A, with additions underscored and deletions overstruck. RA1210-5 appears in Exhibit B. The revisions to Rule 536.B. and RA1210-5 will become effective on October 8, 2012.

The Market Regulation Department and the Legal Department collectively reviewed the designated contract market core principles ("Core Principles") as set forth in the Commodity Exchange Act ("Act"). During the review, we have identified that the revisions to Rule 536.B. and the issuance of RA1210-5 may have some bearing on the following Core Principles:

Prevention of Market Disruption: The codification of the entry of Tag 1028 information as a regulatory requirement is intended to provide the Market Regulation Department with the authority to enforce accurate population of Tag 1028. Accurate CME Globex audit trail information is important in furthering the Market Regulation Department's efforts with respect to identifying trading activity that may be disruptive. The ability to easily distinguish manually

entered orders from orders entered by automated means is an additional data element used by the Market Regulation Department in conducting its review of market activity. The addition of Tag 1028 as a regulatory requirement will also ensure that the marketplace is aware of the importance of providing accurate information in the tag and the regulatory exposure associated with providing inaccurate information.

Availability of General Information: The marketplace will be notified of the revisions via RA1210-5 which includes an FAQ section providing additional guidance on the correct population of Tag 1028.

Trade Information: The revisions to Rule 536.B. establish that the correct entry of information into Tag 1028 is a regulatory requirement. This tag provides information on whether an order is submitted into CME Globex manually or through automated means. Accurate information concerning the mode of order entry will allow the Market Regulation Department to factor this information into its analysis of trading activity on the CME Globex platform. Pursuant to existing requirements of Rule 536.B., clearing member firms will be required to maintain or cause to be maintained the front-end audit trail which will include information on Tag 1028, and the Exchanges will also maintain the CME Globex audit trail in compliance with this Core Principle.

Protection of Market Participants: While Tag 1028 has been required to be accurately populated since June 2011, it has previously been considered a business requirement. By adding the requirement into Rule 536.B., the Exchanges are formally adopting it as a regulatory requirement in order to ensure that each Exchange has accurate information concerning whether orders entered into CME Globex are done by automated or manual means. As mentioned previously, accurate information concerning the mode of order entry will allow the Market Regulation Department to factor this information into its analysis of trading activity on the CME Globex platform.

The Exchanges certify that the revisions to Rule 536.B. and the issuance of RA1210-5 comply with the Act and regulations thereunder. There were no substantive opposing views to this proposal.

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 have any questions regarding this submission, please contact Robert Sniegowski, Market Regulation, at 312.341.5991 or via email at Robert.Sniegowski@cmegroup.com. Alternatively, you may contact me at 312.930.8167 or via email at Sean.Downey@cmegroup.com. Please reference CME/CBOT/NYMEX/COMEX Submission No. 12-288 in any related correspondence.

Sincerely,

/s/ Sean Downey
Director & Assistant General Counsel

Attachments: Exhibit A – Rule 536.B. (black-lined)
Exhibit B – RA1210-5

Exhibit A

536.B. Globex Order Entry

1. General Requirement

Each Globex terminal operator entering orders into Globex shall input for each order: a) the user ID assigned him by the Exchange, a clearing member or other authorized entity (Tag 50 ID) ~~and~~ b) the price, quantity, product, expiration month, CTI code, automated or manual indicator (Tag 1028) and account number (except as provided in Section C.), and, for options, put or call and strike price. The Globex terminal operator's user ID must be present on each order entered. For a Globex terminal operator with access pursuant to Rule 574, clearing members authorizing such access will be responsible for the Globex terminal operator's compliance with this rule.

With respect to orders received by a Globex terminal operator which are capable of being immediately entered into Globex, no record other than that set forth above need be made. However, if a Globex terminal operator receives an order which cannot be immediately entered into Globex, the Globex terminal operator must prepare a written order and include the account designation, date, time of receipt and other information required pursuant to section A.1. above. The order must be entered into Globex when it becomes executable.

2. Electronic Audit Trail Requirements for Electronic Order Routing/Front-End Systems

Clearing members guaranteeing a connection to Globex are responsible for maintaining or causing to be maintained the order routing/front-end audit trail for all electronic orders, including order entry, modification, cancellation and responses to such messages (referred to as the "electronic audit trail"), entered into the Globex platform through the CME iLink® gateway. This electronic audit trail must be maintained for a minimum of 5 years, and clearing members must have the ability to produce this data in a standard format upon request of Market Regulation.

This electronic audit trail must contain all order receipt, order entry, order modification, and response receipt times to the highest level of precision achievable by the operating system, but at least to the hundredth of a second. The times captured must not be able to be modified by the person entering the order. The data must also contain all Fix Tag information and fields which should include, but is not limited to the following:

A record of all fields relating to order entry, including transaction date, product, Exchange code, expiration month, quantity, order type, order qualifier, price, buy/sell indicator, stop/trigger price, order number, unique transaction number, account number, session ID, Tag 50 ID, automated or manual indicator (Tag 1028), host order number, trader order number, clearing member, type of action, action status code, customer type indicator, origin, and timestamps. For executed orders the audit trail must record the execution time of the trade along with all fill information.

In the case where the Guaranteeing Clearing Firm has a direct connect client that is another Clearing Firm or a Corporate Equity Member, the Clearing Firm may notify the client Clearing Firm or Corporate Equity Member that it is their obligation to maintain the electronic audit trail. Upon execution of this written notice, it shall be the duty of the client Clearing Firm or Corporate Equity Member to maintain an electronic audit trail pursuant to this rule.

Exhibit B

MARKET REGULATION ADVISORY NOTICE

Exchange	CME, CBOT, NYMEX & COMEX
Subject	Manual/Automated Trading Indicator (FIX Tag 1028)
Rule References	Rule 536.B.
Advisory Date	September 20, 2012
Advisory Number	CME Group RA1210-5
Effective Date	October 8, 2012

Since June 5, 2011, CME Group exchanges have required that every order entered into CME Globex identify whether the order was entered by manual or automated means in FIX Tag 1028 (“Tag 1028”) on the order entry message. Pending all relevant regulatory review periods, effective on October 8, 2012, the Tag 1028 requirement will be codified in each Exchange’s Rule 536.B. (“Recordkeeping Requirements for Pit, Globex, and Electronic Trades – Globex Order Entry”). Rule 536.B. sets forth various requirements pertaining to the entry of orders into CME Globex and the maintenance of electronic audit trails by clearing member firms and corporate equity member firms.

The amended rule is shown below and is followed by a Frequently Asked Questions (“FAQ”) section that provides additional information and guidance on the requirements concerning Tag 1028. Inaccurate submission of the correct Tag 1028 indicator, or other required audit trail fields, may result in disciplinary action, including summary action under Rule 512 (“Reporting Infractions”).

536.B. Globex Order Entry

1. General Requirement

Each Globex terminal operator entering orders into Globex shall input for each order: a) the user ID assigned him by the Exchange, a clearing member or other authorized entity (Tag 50 ID) b) the price, quantity, product, expiration month, CTI code, automated or manual indicator (Tag 1028) and account number (except as provided in Section C.), and, for options, put or call and strike price. The Globex terminal operator’s user ID must be present on each order entered. For a Globex terminal operator with access pursuant to Rule 574, clearing members authorizing such access will be responsible for the Globex terminal operator’s compliance with this rule.

With respect to orders received by a Globex terminal operator which are capable of being immediately entered into Globex, no record other than that set forth above need be made. However, if a Globex terminal operator receives an order which cannot be immediately entered into Globex, the Globex terminal operator must prepare a written order and include the account designation, date, time of receipt and other information required pursuant to section A.1. above. The order must be entered into Globex when it becomes executable.

2. Electronic Audit Trail Requirements for Electronic Order Routing/Front-End Systems

Clearing members guaranteeing a connection to Globex are responsible for maintaining or causing to be maintained the order routing/front-end audit trail for all electronic orders, including order entry, modification, cancellation and responses to such messages (referred to as the “electronic audit trail”), entered into the Globex platform through the CME iLink® gateway. This electronic audit trail must be maintained for a minimum of 5 years, and clearing members must have the ability to produce this data in a standard format upon request of Market Regulation.

This electronic audit trail must contain all order receipt, order entry, order modification, and response receipt times to the highest level of precision achievable by the operating system, but at least to the hundredth of a second. The times captured must not be able to be modified by the person entering the order. The data must also contain all Fix Tag information and fields which should include, but is not limited to the following:

A record of all fields relating to order entry, including transaction date, product, Exchange code, expiration month, quantity, order type, order qualifier, price, buy/sell indicator, stop/trigger price, order number, unique transaction number, account number, session ID, Tag 50 ID, automated or manual indicator (Tag 1028), host order number, trader order number, clearing member, type of action, action status code, customer type indicator, origin, and timestamps. For executed orders the audit trail must record the execution time of the trade along with all fill information.

In the case where the Guaranteeing Clearing Firm has a direct connect client that is another Clearing Firm or a Corporate Equity Member, the Clearing Firm may notify the client Clearing Firm or Corporate Equity Member that it is their obligation to maintain the electronic audit trail. Upon execution of this written notice, it shall be the duty of the client Clearing Firm or Corporate Equity Member to maintain an electronic audit trail pursuant to this rule.

FAQ Related to FIX Tag 1028 (Automated or Manual Indicator)

1. What is Tag 1028?

Tag 1028 is a data field that is required on all order submissions to CME Globex to indicate whether a particular order is being submitted by manual or automated means. This has been a required data element on CME iLink interface order submissions since June 2011 and is now being added as a regulatory requirement.

2. What specific values must be submitted in Tag 1028?

Manual orders must be submitted with the value “Y” and automated orders must be submitted with the value “N.” No other values may be submitted in Tag 1028.

3. What is the definition of automated order entry?

Automated order entry refers to orders that are generated and/or routed without human intervention. This includes any order generated by a computer system as well as orders that are routed using functionality that manages order submission through automated means (i.e. execution algorithm).

4. What is the definition of manual order entry?

Manual order entry refers to orders that are submitted to CME Globex by an individual directly entering the order into a front-end system, typically via keyboard, mouse or touch screen, and which is routed in its entirety to the match engine at the time of submission.

5. May an Automated Trading System (“ATS”) team Tag 50 send in both manual and automated orders?

No, ATS teams may send in only automated orders. All manually-entered orders must identify the Tag 50 of the specific person who entered the order.

6. If an individual who is trading manually also uses automated spreading functionality that automates the entry of some orders, should the orders be designated as manual or automated?

The manually entered orders must be properly identified with the value “Y” in Tag 1028. The orders generated by automated means, including via automated spreading functionality, must be properly identified with the value “N” in Tag 1028.

7. If a person manually enters an order into his front-end system which employs functionality that manages the submission of the order(s) to the CME Globex match engine, should the order(s) be designated as manual or automated?

The orders should be designated as automated with a value of “N” in Tag 1028 because the execution algorithm is generating the entry of the orders to the CME Globex match engine.

8. Does the front-end audit trail of the system used to enter orders into CME Globex need to record the Tag 1028 values submitted for each order?

Yes. The information in Tag 1028 is required to be captured and accurately recorded in the front-end audit trail.

9. What is a clearing firm’s responsibility with regard to Tag 1028?

Clearing firms are expected to ensure that they communicate this requirement to their customer authorized users, and to verify with the client that the tag is being correctly populated.

Questions regarding this Advisory Notice may be directed to the following individuals in Market Regulation:

Lou Abarcar, Director, Data Quality Assurance, at 312.341.3236

Terrence Quinn, Manager, Data Quality Assurance, at 312.435.3753

Betsy Schneider, Supervisor, Data Quality Assurance, at 312.341.3343

For media inquiries concerning this Advisory Notice, please contact CME Group Corporate Communications at 312.930.3434 or news@cmegroup.com.