



Christopher Bowen
Managing Director and Chief Regulatory Counsel
Legal Department

November 21, 2012

VIA E-MAIL

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

CONFIDENTIAL TREATMENT
REQUESTED

**RE: SUPPLEMENTAL SUBMISSION NYMEX/COMEX
Submission No. 12-389S: Additional supplemental information relating to
the Energy & Metals ETH & Back Month Globex Volume Incentive Program
for High Volume Contributors.
Subject to a Freedom of Information Act Protection**

Dear Ms. Warfield:

Previously, pursuant to Submission No. 12-389 dated November 21, 2012, 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 Energy & Metals ETH & Back Month Globex Volume Incentive Program for High Volume Contributors. ("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.

The modifications of the program appear below, with additions underscored and deletions ~~overstruck~~.

NYMEX and COMEX certify that the Program complies 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. 12-389. 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. 12-389S in any related correspondence.

Sincerely,

/s/ Christopher Bowen
Managing Director, Chief Regulatory Counsel

Attachments



Christopher Bowen
Managing Director and Chief Regulatory Counsel
Legal Department

November 21, 2012

VIA E-MAIL AND OVERNIGHT 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, November 21, 2012, the New York Mercantile Exchange, Inc. ("NYMEX") and the Commodity Exchange Inc., ("COMEX") (NYMEX and COMEX collectively the "Exchanges") submitted a supplemental rule certification filing (submission No. 12-389S) to the Commodity Futures Trading Commission (the "Commission"). 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 submitter (NYMEX and COMEX). A detailed written justification supporting that request is attached hereto as Exhibit 1. Pursuant to Commission Regulation 145.9(d)(5), the Exchanges request that confidential treatment be maintained for Appendix A until further notice from NYMEX and COMEX. 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 and COMEX do 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) 299-2200 should you have any questions concerning this letter.

Sincerely,

/s/Christopher Bowen
Managing Director and Regulatory Counsel

Enclosure