



CME Group

Christopher Bowen
Managing Director and Chief Regulatory Counsel
Legal Department

December 12, 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: SUPPLEMENTAL SUBMISSION: NYMEX Submission No. 13-438S:
Additional Supplemental Information Relating to the Bi-Venue Energy Tiers
Incentive Program.
Subject to a Freedom of Information Act Protection.**

Dear Ms. Jurgens:

Previously, pursuant to Submission No. 13-438 dated December 12, 2013, the New York Mercantile Exchange, Inc. ("NYMEX" or "Exchange") notified the Commodity Futures Trading Commission ("CFTC" or "Commission") of plans to modify the Bi-Venue Energy Tiers Incentive Program ("Program").

In this letter, NYMEX is 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 and accompanying detailed written justification is being simultaneously submitted to the Commission. A copy of the request for confidential treatment and detailed written justification is included with this supplemental filing.

Modifications appear below, with additions underscored and deletions ~~overstruck~~.

NYMEX certifies that the Program complies with the Commodity Exchange Act ("CEA") and the regulations thereunder. A concise explanation and analysis of the operation, purpose and effect of the Program was provided in Submission No. 13-438. There were no substantive opposing views to this Program.

NYMEX certifies that a description of this submission has been concurrently posted on NYMEX's website at <http://www.cmegroup.com/market-regulation/rule-filings.html>.

If you require any additional information regarding this submission, please contact Tim Elliott at 312-466-7478 or via e-mail at tim.elliott@cmegroup.com, or contact me at 212-299-2200. Please reference our NYMEX Submission No. 13-438S in any related correspondence.

Sincerely,

/s/ Christopher K. Bowen
Managing Director and Chief Regulatory Counsel

Attachment: Exhibit 1



CME Group

Christopher Bowen
Managing Director and Chief Regulatory Counsel
Legal Department

December 12, 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: FOIA Confidential Treatment Request

Dear Ms. Jurgens:

By e-mail dated today, December 12, 2013, the New York Mercantile Exchange, Inc. ("NYMEX" or "Exchange") submitted a supplemental rule certification filing (Submission No. 13-438S) to the Commodity Futures Trading Commission ("CFTC" or "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), NYMEX requests confidential treatment of Appendix A on the grounds that Appendix A contains confidential commercial information of the submitter (NYMEX). A detailed written justification for this request is attached hereto as Exhibit 1. 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) 299-2200 should you have any questions concerning this letter.

Sincerely,

/s/ Christopher K. Bowen
Managing Director and Chief Regulatory Counsel

Enclosure: Exhibit 1