

 **ICE** FUTURES U.S.
World Financial Center
One North End Avenue
New York, New York 10282

C.F.T.C.
OFFICE OF THE SECRETARIAT
2010 FEB 16 AM 11 52

BY ELECTRONIC TRANSMISSION

Amended Submission No. 10-4
February 11, 2010

Mr. David A. Stawick
Secretary of the Commission
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

Re: **Amendments to Rules 9.00, 9.03 and 9.18 and Standing Resolution No. 7 -
Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6**

Dear Mr. Stawick:

In Submission No. 10-4 dated February 4, 2010, ICE Futures U.S., Inc. (“Exchange”) submitted, by written certification, amendments to Rules 9.00, 9.03 and 9.18, in accordance with Section 5c(c)(1) of the Commodity Exchange Act, as amended, and Commission Regulation 40.6. The Rule amendments create Waste criteria for the Cocoa futures contract by providing for a definition of Waste, a methodology for measuring Waste in Exchange grading, par and maximum amounts of Waste allowed to be delivered, and a schedule of discounts for Waste in excess of par.

In the Submission the Exchange represented that it would make the new amendments effective for the first delivery month with no open interest, which at the time of the filing was the December 2011 Cocoa futures contract. In addition, the Exchange stated that in order to ensure a smooth transition to the new criteria, grading for Waste would be performed on all lots submitted for full or partial grading starting with the second delivery month prior to the first delivery month for which the new provisions would have become effective, which, if the new provisions were to be made effective for the December 2011 contract, grading for Waste would have been performed on all lots submitted for grading for the July and September 2011 delivery months (for which grading would have begun after the last delivery day of the May 2011 delivery month).

Because the December 2011 Cocoa futures contract now has open interest, the rule amendments will be made effective for the March 2012 Cocoa futures contract (which will be listed on April 1, 2010) and grading will be performed for the September and December 2011 delivery months (for which grading will begin after the last delivery day of the July 2011 delivery month).

If you have any questions or need further information, please contact me at 212-748-4084 or at jill.fassler@theice.com.

Sincerely,

Jill S. Fassler
Vice President
Associate General Counsel

cc: Division of Market Oversight
New York Regional Office