

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

C.F.T.C.  
OFFICE OF THE SECRETARIAT  
2009 APR 27 PM 3 22

**BY ELECTRONIC TRANSMISSION**

Submission No. 09-22  
April 27, 2009

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

**Re: Temporary Change in Floor Trading Hours -  
Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6**

Dear Mr. Stawick:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended, and Commission Regulation 40.6, ICE Futures U.S., Inc. ("Exchange") submits, by written certification, a notification to the Commission that on Monday, April 27, 2009, the Exchange temporarily closed its floor trading due to an unforeseen incident.

A large jet resembling Air Force One with a fighter jet escort flew at an extremely low altitude down the Hudson River making two passes over both downtown Manhattan and Jersey City. Remembering 9/11, many people evacuated buildings located on both sides of the Hudson River, including the NYMEX building where the Exchange is located. Although not an official evacuation, most floor brokers and floor staff voluntarily left the building fearing another airplane attack. As a result, floor trading was suspended at 10:03 a.m. New York Time. Once it was determined that the flyover was an unannounced photo shoot and not a threat, the floor brokers and floor staff returned to the building. Cotton No.2 Options opened at its usual time of 10:30 a.m., and the other options markets and the NYSE Composite Index futures contract reopened at 10:45 a.m. The electronic platform was not affected and remained open and functioning throughout the incident.

The Exchange's conflict of interest procedures were not invoked in light of the fact that the procedures do not apply to staff.

The Exchange certifies that the temporary change in floor trading hours described herein in response to an unforeseen physical emergency complies with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder.

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

Sincerely,

Jill S. Fassler  
Vice President  
Associate General Counsel

cc: Division of Market Oversight  
New York Regional Office