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

BY ELECTRONIC TRANSMISSION

Submission No. 11-33
May 23, 2011

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 2.33 and 4.33 -
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. (the "Exchange") submits, by written certification, amendments to Exchange Rules 2.33 and 4.33, attached as Exhibit A.

The amendments to Membership Rule 2.33 and Floor Trading Rule 4.33 implement additional supervision requirements for all Exchange clerks and limit the workload of Exchange clerks engaged in trade data entry. The amendment to Rule 2.33 requires each member or member firm employing a clerk to be present or have an associated representative present on the premises of the Exchange to supervise the clerk at all times such clerk is engaged in Exchange related activities. In order to define who is responsible for the supervision of a clerk who enters trade data for more than one member/member firm, amendments to Rule 4.33 require trade data entry clerks to be registered by and for the member/member firm for whom the clerk enters the greatest number of trades and also requires the clerk to provide proof of such employment to the Exchange on annual basis. The amendments to Rule 4.33 also limit a trade data entry clerk's workload by: (i) restricting the number of Floor Members for whom the clerk can enter trade data to no more than fifteen (15) per day and (ii) only allowing the clerk to enter trade data for Exchange transactions.

The amendments were adopted by the Exchange's Board of Directors on May 19, 2011 and will become effective on June 15, 2011. No substantive opposing views were expressed by members or others with respect to the amendment. The Exchange certifies that the amendments

comply 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 212-748-4021 or at jason.fusco@theice.com.

Sincerely,

Jason V. Fusco
Assistant General Counsel
Market Regulation

cc: Division of Market Oversight
New York Regional Office

EXHIBIT A

(In the text of the amendments below, additions are underlined and deletions are bracketed and lined out.)

Rule 2.33. Duty to Supervise

(a) Every Member shall diligently supervise the Exchange-related activities of such Member's employees and shall be responsible for the acts and omissions of such employees.

(b) Every Member Firm shall diligently supervise the Exchange-related activities of its employees and of any Lessee who is a Principal of such Member Firm and shall be responsible for the acts and omissions of such employees and Lessees.

(c) Each Member and Member Firm which employs a Clerk must be present or have a Member who is either an associate of the Broker Association or Member Firm that employs such Clerk present on the premises occupied by the Exchange at all times during which such Clerk is engaged in Exchange-related activities.

Rule 4.33. Clerk Qualification Requirements, Registration Procedures, and Trading Prohibitions

The following Clerk qualification, registration procedures and trading prohibitions apply to all clerical staff of Members or Member Firms trading in Commodity Contracts on the Trading Floor of the Exchange:

(a)(i) Qualification Requirements: Unless otherwise provided under the Rules, clerical staff shall:

~~(i)A~~ include every Person a Member or Member Firm employs or wishes to employ on the Trading Floor of the Exchange, whether on a temporary or permanent basis, and regardless of whether such Person is a Member of another exchange;

(B) on an annual basis or as otherwise required by the Exchange, provide proof of employment by a Member or Member Firm for the previous year in a form acceptable to the Exchange;

~~(iii)C~~ be limited to runners, communication operators, telephone clerks, write-up clerks, ~~[FPS]~~ trade data entry clerks, supervisors, analysts and any other category which the President may specify from time to time;

~~(ii)D~~ attend a Sexual Harassment Awareness Course sponsored by or acceptable to the Exchange as may be determined by the President, in his sole discretion; and

~~(iv)E~~ not consist of any other Member whose rights and privileges of Membership are suspended or any individual who has been expelled from Membership, where such employment or registration is in contravention of any term or condition of such suspension or expulsion which the Exchange, the Board or any Committee may impose or to which the suspended Member or expelled Person may have agreed.

(ii) Additional Requirements for trade data entry Clerks: A Clerk who enters trade data shall:

(A) be registered with the Exchange by and for the Floor Broker for whom the Clerk enters the greatest number of transactions; provided, however, if a Clerk enters the greatest number of transactions for Floor Brokers associated with a Member Firm or Broker Association, the Clerk shall be registered by and for a Floor Broker associated with such Member Firm or Broker Association;

(B) only enter trade data for Members or Member Firms involving Exchange Transactions; and

(C) enter trade data for no more than fifteen (15) Floor Brokers on any Business Day.