



May 15, 2019

Via CFTC Portal Submissions

Mr. Christopher Kirkpatrick  
Secretary of the Commission  
Office of the Secretariat  
Commodity Futures Trading Commission  
3 Lafayette Centre  
1155 21<sup>st</sup> Street, N.W.  
Washington D.C. 20581

**RE: Rule Certification: Nadex Delists Event Binary Contracts - Submission Pursuant to Commission Regulation §40.6(a)**

Dear Mr. Kirkpatrick:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended (the “Act”), and §40.6(a) of the regulations promulgated by the Commodity Futures Trading Commission (the “Commission”) under the Act, North American Derivatives Exchange, Inc. (“Nadex” or the “Exchange”) hereby submits to the Commission its intent to delist its Fed Funds Rate, Jobless Claims, and Nonfarm Payrolls Event Binary contracts. As §40.6(a) exempts the delisting of a product from the 10-day review period, Nadex will delist the aforementioned contracts effective at the close of business on trade date Thursday, May 16, 2019.

All currently listed Jobless Claims contracts will expire on May 16, 2019 at 8:25am ET. After the final settlement of these contracts, no open positions or working orders will exist in the Nadex market for the contracts to be delisted. No Fed Funds Rate or Nonfarm Payrolls contracts are currently listed on the Exchange, and therefore no open positions or working orders exist. No additional Jobless Claims, Fed Funds Rate, or Nonfarm Payrolls contracts will be listed for trading after May 16, 2019.

Amendments to the Rulebook to remove the relevant contract specifications have been outlined in Exhibit A. Specific amendments are set forth in Exhibit B. Any deletions are stricken out while the amendments and/or additions are underlined.

Nadex hereby certifies that the additions contained herein comply with the Act, as amended, and the Commission Regulations adopted thereunder. No substantive opposing views

were expressed to Nadex with respect to any of these actions. Nadex hereby certifies that notice of these events was posted on its website at the time of this filing.

Should you have any questions regarding the above, please do not hesitate to contact me by telephone at (312) 884-0927 or by email at [jaimewalsh@nadex.com](mailto:jaimewalsh@nadex.com).

Sincerely,



Jaime M. Walsh  
Legal Counsel

**EXHIBIT A**

<b>Rule</b>	<b>Asset</b>	<b>Duration/Close Time</b>	<b>Action</b>	<b>Effective Date</b>
12.76	Federal Funds Binary Contracts	All Contracts	Delist contracts	5/16/2019
12.77	Initial Jobless Claims Binary Contracts	All Contracts	Delist contracts	5/16/2019
12.78	Nonfarm Payrolls Binary Contracts	All Contracts	Delist contracts	5/16/2019

## EXHIBIT B

Amendment of Rules 12.76, 12.77, 12.78

*(The following Rule amendments are underlined and deletions are stricken out)*

RULES 1.1 – 12.65 [UNCHANGED]

~~RULE 12.66 – 12.75 [RESERVED]~~

~~RULE 12.76 FEDERAL FUNDS BINARY CONTRACTS~~

~~(a) SCOPE—These Rules shall apply to the Class of Contracts referred to as the Federal Funds Binary Contract issued by Nadex.~~

~~(b) UNDERLYING—The Underlying for this Class of Contracts is the Target Federal Funds Rate last reported by the Source Agency.~~

~~(c) SOURCE AGENCY—The Source Agency is the Federal Open Market Committee of the Federal Reserve (the “FOMC”).~~

~~(d) TYPE—The type of Contract is a Binary Contract.~~

~~(e) ISSUANCE—For each planned release by the Source Agency of the Underlying, Nadex will issue various Contracts, each of a different Series. A new issuance of Contracts will commence during the week prior to the announcement of the Federal Funds Rate by the FOMC.~~

~~(f) PAYOUT CRITERION—The Payout Criterion for each Contract will be set by Nadex at the time the Binary Contracts are initially issued. For the Federal Funds Binary Contract, the Payout Criteria for the Contracts will be set as follows:~~

~~(i) OPEN FEDERAL FUNDS BINARY CONTRACTS~~

~~(1) At the commencement of trading in a Federal Funds Binary Contract, Nadex shall list all eligible Payout Criteria in a range of three (3) consecutive increments of .25% with the maximum value of the Payout Criteria not to exceed 10% and the minimum value of the Payout Criteria not to fall below zero (0). For example, Nadex may list the following range of Payout Criteria: 0.25%, 0.50%, and 0.75%. For the following release, Nadex may list the following range of Payout Criteria: 1.00%, 1.25%, and 1.50%. The payout criteria will be as follows:~~

~~(2) Binary Contract 1: One Contract will have a Payout Criterion less than or equal to X1.~~

~~(3) Binary Contract 2: One Contract will have a Payout Criterion of equal to X2.~~

~~(4) Binary Contract 3: One Contract will have a Payout Criterion of greater than or equal to X3.~~

~~(5) In each case above, "X1" equals the first Payout Criteria listed, "X2" equals the second Payout Criteria listed, and "X3" equals the third Payout Criteria listed.~~

~~(6) In the event the Target Federal Funds Rate released by the Source Agency falls within the range above X1, and below X3, the contract will settle at X2.~~

~~(ii) Nadex may list additional Federal Funds Rate Binary Contracts with different ranges of Payout Criteria on a discretionary basis in accordance with the CEA and Commission Regulations.~~

~~(g) MINIMUM TICK—The Minimum Tick size for Federal Funds Rate Binary Contracts shall be \$0.25.~~

~~(g) POSITION LIMIT—There are currently no Position Limits for the Federal Funds Rate Binary Contracts.~~

~~(h) LAST TRADING DATE—The Last Trading Date in a Series shall be no later than the business date prior to the first day of the scheduled FOMC meeting at the time the contract is listed. The Federal Funds Contracts will stop trading at the end of the trade day on the Last Trading Date. No trading in a Federal Funds Rate Binary Contract may occur after its Last Trading Date.~~

~~(i) SETTLEMENT DATE—The Settlement Date for each Series will be the last business day of the scheduled FOMC meeting and the Target Federal Funds Rate data release by the Source Agency.~~

~~(j) EXPIRATION DATE—The Expiration Date of the Contract will be the date on which the FOMC meeting is scheduled to release the FOMC number (whether such number is actually released or not).~~

~~(k) SETTLEMENT VALUE—The Settlement Value is the amount paid to the holder of the in-the-money Contract on the Settlement Date. The Settlement Value for Federal Funds Rate Binary Contracts is \$100.~~

~~(l) EXPIRATION VALUE—The Expiration Value is the last announced level of the Target Federal Funds Rate by the Source Agency on the Expiration Date. If the level is announced as a range between X and Y %, Nadex will use the upper value of the range, Y%, as the expiration value. For example, if the Target Federal Funds Rate is announced as "0% to 0.25%", the expiration value used by Nadex will be 0.25%. If the level announced would result in a settlement between the top of the low strike and below the bottom of the high strike, the expiration value used by Nadex will be equal to the middle strike value.~~

~~(m) CONTINGENCIES—If no level is actually announced by the Source Agency on the Expiration Date (because the FOMC meeting is unexpectedly delayed, postponed, or otherwise)~~

the previously announced level (which is the last announced level on the Expiration Date) will be used. Expiration and settlement will not be delayed if the level scheduled to be announced is not actually announced.

#### ~~RULE 12.77 INITIAL JOBLESS CLAIMS BINARY CONTRACTS~~

~~(a) SCOPE—These Rules shall apply to the Class of Contracts referred to as the Initial Jobless Claims Binary Contract issued by Nadex.~~

~~(b) UNDERLYING—The Underlying for this Class of Contracts is the number of claims submitted for unemployment insurance benefits (seasonally adjusted and hereinafter referred to as “Initial Jobless Claims” or “Initial Claims”) last reported by the U.S. Department of Labor, Employment and Training Administration (“ETA”) Division.~~

~~(c) SOURCE AGENCY—The Source Agency is the U.S. Department of Labor, Employment and Training Administration (“ETA”) Division.~~

~~(d) TYPE—The Type of Contract is a Binary Contract.~~

~~(e) ISSUANCE—For each planned release by the Source Agency of the Underlying, Nadex will issue various Contracts, each of a different Series. A new issuance of Contracts will commence at least two business days prior to the next Expiration Date.~~

~~(f) PAYOUT CRITERION—The Payout Criterion for each Contract will be set by Nadex at the time the Binary Contracts are initially issued. For the Initial Jobless Claims Binary Contract, the Payout Criteria for the Contracts will be set as follows:~~

#### ~~–(i) WEEKLY INITIAL JOBLESS CLAIMS BINARY CONTRACTS~~

~~(1) At the commencement of trading in a Weekly Initial Jobless Claims Binary Contract, Nadex shall list all eligible Payout Criteria in a range of five (5) consecutive increments of either 2,000, 5,000, 10,000 or 20,000, as determined by Nadex, with the maximum value of the Payout Criteria not to exceed 1,000,000 and the minimum value of the Payout Criteria not to fall below zero (0), and the contract payout criteria of greater than or equal to ( $\geq$ ). For example, Nadex may list the following range of Payout Criteria (using a 10,000 increment): 607,000, 617,000, 627,000, 637,000, and 647,000. The following week, Nadex may list the following range of Payout Criteria (using a 5,000 increment): 610,000, 615,000, 620,000, 625,000, and 630,000.~~

~~(2) In each case above, “X” equals the first Payout Criteria listed. In the first example above, this is 607,000; in the second example above, this is 610,000.~~

~~(ii) Nadex may list additional Initial Jobless Claims Binary Contract with different ranges of Payout Criteria on a discretionary basis in accordance with the CEA and Commission Regulations.~~

~~(g) MINIMUM TICK—The Minimum Tick size for the Initial Jobless Claims Binary Contracts shall be \$0.25.~~

~~(h) POSITION LIMIT—There are currently no Position Limits for the Initial Jobless Claims Binary Contract.~~

~~(i) LAST TRADING DATE—The Last Trading Date in a Series is the same day as the Expiration Date. The Initial Claims Contracts will stop trading on the Last Trading Date at 8:25 AM ET.~~

~~(j) SETTLEMENT DATE—The Settlement Date of the Contract shall be the same date that the Initial Jobless Claims number is released by the Source Agency.~~

~~(k) EXPIRATION DATE—The Expiration Date of the Contract shall be the date on which the Initial Jobless Claims number is scheduled to be released by the Source Agency.~~

~~(l) SETTLEMENT VALUE—The Settlement Value is the amount paid to the holder of the in the money Contract on Settlement Date. The Settlement Value of an in the money Initial Jobless Claims Binary Contract is \$100.~~

~~(m) EXPIRATION VALUE—The Expiration Value is the Initial Jobless Claims number released by the Source Agency on the Expiration Date. The Expiration Value is released by the Source Agency at 8:30 AM ET on the Expiration Date.~~

~~(n) CONTINGENCIES—If no level is actually announced on the Expiration Date due to a delay, postponement or otherwise in such release announcement by the Source Agency, the Settlement Date will be delayed until the Underlying number is released for that Series.~~

#### ~~RULE 12.78 NONFARM PAYROLLS BINARY CONTRACTS~~

~~(a) SCOPE—These Rules shall apply to the Class of Contracts referred to as the Nonfarm Payrolls Binary Contract issued by Nadex.~~

~~(b) UNDERLYING—The Underlying for this Class of Contracts is the seasonally adjusted monthly change in the Nonfarm Payrolls release last reported by the Source Agency.~~

~~(c) SOURCE AGENCY—The Source Agency is the United States Department of Labor, Bureau of Labor Statistics.~~

~~(d) TYPE—The Type of Contract is a Binary Contract.~~

~~(e) ISSUANCE—For each planned release by the Source Agency of the Underlying, Nadex will issue various Contracts, each of a different Series. A new issuance of Contracts will commence at least three business days prior to the next Expiration Date.~~

~~(f) PAYOUT CRITERION—The Payout Criterion for each Contract will be set by Nadex at the time the Binary Contracts are initially issued. For the Nonfarm Payrolls Binary Contract, the Payout Criteria for the Contracts will be set as follows:~~

~~(i) MONTHLY NONFARM PAYROLLS BINARY CONTRACTS~~

~~(1) At the commencement of trading in a Monthly Nonfarm Payrolls Binary Contract, Nadex shall list all eligible Payout Criteria in a range of five (5) consecutive increments between 20,000 and 150,000, as determined by Nadex, with the maximum value of the Payout Criteria not to exceed 1,000,000 and the minimum value of the Payout Criteria not to fall below 1,000,000, and the contract payout criteria of greater than or equal to ( $\geq$ ). For example, Nadex may list the following range of Payout Criteria (using the 75,000 increment): 748,000, 673,000, 598,000, 523,000, and 448,000. For the next issuance, Nadex may list the following range of Payout Criteria (using a 50,000 increment): 200,000, 250,000, 300,000, 350,000, and 400,000.~~

~~(2) In each case above, “X” equals the first Payout Criteria listed. In the first example above, this is 748,000; in the second example above, this is 200,000.~~

~~(ii) Nadex may list additional Nonfarm Payrolls Binary Contract with different ranges of Payout Criteria on a discretionary basis in accordance with the CEA and Commission Regulations.~~

~~(g) MINIMUM TICK—The Minimum Tick size for the Nonfarm Payrolls Binary Contracts shall be \$0.25.~~

~~(h) POSITION LIMIT—There are currently no Position Limits for the \$100 Nonfarm Payrolls Binary Contract.~~

~~(i) LAST TRADING DATE—The Last Trading Date in a Series is the same day as the Expiration Date. The Nonfarm Payrolls Contracts will stop trading on the Last Trading Date at 8:25 AM ET.~~

~~(j) SETTLEMENT DATE—The Settlement Date will be the date the Nonfarm Payrolls number is released by the Source Agency.~~

~~(k) EXPIRATION DATE—The Expiration Date of the Contract will be the date on which the Nonfarm Payrolls number is scheduled to be released.~~

~~(l) SETTLEMENT VALUE—The Settlement Value is the amount paid to the holder of the in the money Contract on Settlement Date. The Settlement Value of an in the money Nonfarm Payrolls Binary Contract is \$100.~~

~~(m) EXPIRATION VALUE—The Expiration Value is the level of the Nonfarm Payrolls release number on the Expiration Date. The Expiration Value is released by the Source Agency at 8:30 AM ET on the Expiration Date.~~



~~(n) CONTINGENCIES—If no level is actually announced on the Expiration Date due to a delay, postponement or otherwise in such release announcement by the Source Agency, the Settlement Date will be delayed until the Underlying number is released for that Series.~~

*End of Rulebook.*

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