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September 22, 2014

Via CFTC Submissions Portal

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

**RE: Notice of Emergency Action: Nadex Refrains from listing its AUD/JPY Binary contracts for the week of September 22, 2014 - Submission Pursuant to Commission Regulation §40.6(a)**

Dear Mr. Kirkpatrick:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended (“Act”), and section §40.6(a) of the regulations promulgated by the Commodity Futures Trading Commission (the “Commission”) under the Act (the “Regulations”), North American Derivatives Exchange, Inc. (“Nadex”, the “Exchange”) hereby submits to the Commission this notice of emergency action.

On September 22, 2014, Nadex determined emergency action was appropriate to refrain from listing its Daily and Intraday AUD/JPY Binary contracts for the remainder of the week. The Nadex AUD/JPY Binary contracts are settled using the last 25 midpoint prices from the underlying AUD/JPY Spot rate. Nadex obtains the data used in its settlement calculation process from Reuters. On September 22, 2014, one of the financial institutions from which Reuters receives its currency data experienced a technical issue which prevented the transmission of data in the Spot AUD/JPY currency pair from that institution through the Reuters feed. Due to the decrease in data that Reuters was then able to feed to the Exchange, the time it took to collect the 25 underlying midpoint prices used in the AUD/JPY Binary Contract settlement process exceeded the usual time allotment of seven minutes. This resulted in a manual review of the settlement process for contracts expiring at 11pm, 3am, and 7am ET, and thereby caused a delay in the final expiration value calculation for those contracts. AUD/JPY Binary Contracts that expired at 10am and 11am were settled using Bloomberg data, which is Nadex’s secondary data source.

As it appeared the Reuters issue could continue into the week, and because there were no open positions, Nadex made the decision that it would be in the best interest of the Exchange and its Members to refrain from listing its Daily and Intraday AUD/JPY Binary Contracts for the remainder of the week of September 22, 2014 in

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order to prevent a delay in the settlement of these contracts. Contracts which are currently listed with expiration times of 3pm, 7pm, 11pm, 3am, and 7am ET, as well as the Weekly AUD/JPY Binary Contract, will remain open until their normal expiration times.

Nadex plans to resume its regular listing schedule for these contracts no earlier than trade date Monday, September 29, 2014.

No substantive opposing views were expressed to Nadex with respect to this emergency action.

This emergency action is authorized by the Chief Executive Officer and the Chief Regulatory Officer of Nadex per Nadex Rule 2.4.

Nadex hereby certifies that the revisions or amendments contained herein comply with the Act, as amended, and the Commission Regulations adopted thereunder.

Nadex hereby certifies that a copy of this amendment 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) 884-0953 or by email at [Donald.horwitz@nadex.com](mailto:Donald.horwitz@nadex.com).

Sincerely,

A handwritten signature in black ink that reads "Donald L. Horwitz". The signature is written in a cursive, flowing style.

Donald L. Horwitz  
General Counsel and Chief Regulatory Officer