



December 23, 2016

Via CFTC 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 Lists 8-Hour Binary and Spread Germany 30 and FTSE 100 Contracts on December 23, 2016 - 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 trade date December 23, 2016, due to the 2016 Christmas holiday, Nadex closed its FTSE 100 and Germany 30 Binary and Spread contracts at 7:30am ET. All Daily and Weekly contracts did close and settle properly at this time. However, the contract generating system which would normally list an 8-Hour Spread contract in both the FTSE 100 and Germany 30 Spreads to be tradable from 8:00am ET to 4:00pm ET on a Friday attempted to generate the contracts despite that these markets had closed at 7:30am. As the 4:00pm ET close time was not available in the regular field, the system selected 7:30am as the contracts’ close time, and generated a contracts which would list from 8:00am on Friday until 7:30am on Saturday. All contracts closed when the Exchange closed for business at 4:15pm ET.

No contracts were traded in the Germany 30 Spread, however, one local trader entered a one lot contract opposite the market maker in the FTSE 100 Spread contract. The contract was settled at the

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trade price at which the parties entered, resulting in a \$0 payout for both parties. The \$.90 fee charged to the local, and the \$.50 fee charged to the market maker will be refunded by ledger adjustment.

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 Operations 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) 884-0927 or by email at jaime.walsh@nadex.com.

Sincerely,



Jaime Walsh
Legal Counsel