



Timothy G. McDermott
+1 (312) 884-0171
tim.mcdermott@nadex.com

October 18, 2013

Via E-Mail: submissions@cftc.gov

Ms. Melissa Jurgens
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: Initial Jobless Claims and Federal Funds Binary Contracts Will Not Be Listed Week of October 21, 2013; EUR/GBP and AUD/JPY Binary Contracts Will Resume November 11, 2013 - Submission Pursuant to Commission Regulation §40.6(a)

Dear Ms. Jurgens:

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.

Nadex has determined that it will not list its Initial Jobless Claims or its Federal Funds Binary contracts for the week of October 21, 2013. This emergency action is deemed necessary in light of the recent shutdown of the federal government, notwithstanding the reopening of the government on October 17, 2013, has the potential to materially affect the performance of the aforementioned contracts.

The Nadex Initial Jobless Claims Binary contracts are based upon the underlying Jobless Claims figures released by the U.S. Department of Labor and the Nadex Federal Funds Binary contracts are based on the Target Federal Funds Rate released by the Federal Open market Committee of the Federal Reserve. The next scheduled release dates for the Jobless Claims and Target Federal Funds Rate are October 24, 2013 and October 30, 2013, respectively. This action is being taken as the government shutdown has the potential to affect the timing of the release of these figures, thereby rendering the Nadex Initial Jobless Claims and Federal Funds Binary contracts potentially difficult to be settled, and thus materially affecting the performance of those contracts. Nadex plans to resume its regular listing schedule for its Jobless Claims Binary contracts on trade date Monday, October 28, 2013 and for its Federal Funds Binary contracts on trade date Monday, December 9, 2013.

North American Derivatives Exchange, Inc., 311 South Wacker Drive, Suite 2675, Chicago, IL 60606

US Toll-Free +1 (877) 77 NADEX info@nadex.com www.nadex.com

As the government shutdown has been deemed to potentially materially affect the performance of the Initial Jobless Claims and Federal Funds Binary contracts traded on Nadex, Nadex is taking this action pursuant to its emergency authority under Nadex Rule 2.4(c)(iii) (due to a “circumstance that may materially affect the performance of the Contracts traded on Nadex”) and 2.4(c)(iv)(due to an “action taken by the United States . . . that may have a direct impact on trading on Nadex”).

As neither the Initial Jobless Claims nor Federal Funds Binary contracts have been listed yet, no open interest or resting orders exist in these markets.

Additionally, Nadex plans to implement its new EUR/GBP and AUD/JPY Binary contracts on trade date Monday, November 11, 2013. The new EUR/GBP and AUD/JPY Binary contracts were originally scheduled to be listing on October 14, 2013, as noted in Nadex’s self-certification submission for these contracts on Friday, September 27, 2013, however, were delayed as a result of the lapse in appropriations and curtailment of CFTC regulatory review activity.

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

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

Nadex hereby certifies that the revisions 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) 884-0171 or by email at tim.mcdermott@nadex.com.

Sincerely,



Timothy G. McDermott
General Counsel and Chief Regulatory Officer

cc: DMOSubmission@cftc.gov
Tom Leahy – CFTC
Riva Adriance – CFTC
Nancy Markowitz – CFTC
Eileen Donovan - CFTC

Yossi Beinart - Nadex

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North American Derivatives Exchange Emergency Action

Per North American Derivatives Exchange Rule 2.4, the undersigned two members of the Management Team have authorized the adoption of a temporary emergency rule to address the emergency following emergency:

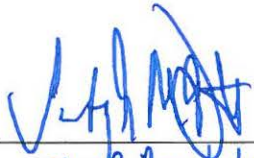
Indicate the type of emergency being addressed (as listed in Rule 2.4(c)) (check appropriate):

- (i) any activity that manipulates or attempts to manipulate the Market;
- (ii) any actual, attempted, or threatened corner, squeeze, or undue concentration of positions;
- (iii) any circumstance that may materially affect the performance of the Contracts traded on, Nadex;
- (iv) any action taken by the United States, any foreign government, any state or local governmental body, any other contract market or board of trade, or any other exchange, market, facility, or trade association (foreign or domestic) that may have a direct impact on trading on Nadex;
- (v) any circumstances that may have a severe, adverse impact upon the physical functions of Nadex including, for example, natural disasters such as fire or flood, terrorist acts such as bomb threats, physical plant breakdowns such as plumbing, heating, or air conditioning problems, system breakdowns such as power, telephony, cable, trading systems, or computer systems failures or interruptions to communications, the network, or the Internet;
- (vi) the imposition of any injunction or other restraint by any government agency, court, or arbitrator that may affect the ability of a Member to perform on Contracts;
- (vii) any circumstance in which it appears that a Nadex Member or any other person is in such operational condition, or is conducting business in such a manner, that such person cannot be permitted to continue in business without jeopardizing the safety of Nadex Members or Nadex itself; and
- (viii) any other unusual, unforeseeable, and adverse circumstance which, in the opinion of the governing board, requires immediate action and threatens or may threaten such things as the fair and orderly trading in, or the liquidation of or delivery pursuant to Contracts traded on Nadex.

The reason for the emergency action is: Nadex intends to implement an Emergency Rule pursuant to Nadex Rule 2.4 in order to provide notice that it will not be listing its Initial Jobless Claims or its Federal Funds Binary Contracts for the week of October 21, 2013 as a result of the federal government shutdown. The Nadex Initial Jobless Claims Binary contracts are based upon the underlying Jobless Claims figures released by the U.S. Department of Labor and the Nadex Federal Funds Binary contracts are based on the Target Federal Funds Rate released by the Federal Open market Committee of the Federal Reserve. The next scheduled release dates for the Jobless Claims and Target Federal Funds Rate are October 24, 2013 and October 30, 2013, respectively. This action is being taken as the government shutdown has the potential to affect the release of these figures, thereby rendering the Nadex Initial Jobless Claims and Federal

Funds Binary contracts potentially unable to be settled, and thus materially affecting the performance of those contracts. Nadex plans to resume its regular listing schedule for its Jobless Claims Binary contracts on trade date Monday, October 28, 2013 and for its Federal Funds Binary contracts on trade date Monday, December 9, 2013.

Additionally, Nadex plans to implement its new EUR/GBP and AUD/JPY Binary contracts on trade date Monday, November 11, 2013. The new EUR/GBP and AUD/JPY Binary contracts were originally scheduled to be listing on October 14, 2013, as noted in Nadex's self-certification submission for these contracts on Friday, September 27, 2013, however, were delayed as a result of the lapse in appropriations and curtailment of CFTC regulatory review activity.

By: 
Title: Chief Regulatory Officer
Date: 10/18/13

and

By: 
Title: CHIEF COMPLIANCE OFFICER