

August 21, 2013

Via Federal Express

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

Re: National Futures Association: Business Continuity and Disaster Recovery
Plan - Proposed Amendments to NFA Compliance Rule 2-38*

Dear Mr. Kirkpatrick:

Pursuant to Section 17(j) of the Commodity Exchange Act, as amended, National Futures Association (“NFA”) hereby submits to the Commodity Futures Trading Commission (“CFTC” or “Commission”) the proposed amendments to NFA Compliance Rule 2-38 regarding a business continuity and disaster recovery plan. NFA’s Board of Directors (“Board”) approved the proposal on August 15, 2013.

NFA is invoking the “ten-day” provision of Section 17(j) of the Commodity Exchange Act (“CEA”) and will make these proposals effective ten days after receipt of this submission by the Commission unless the Commission notifies NFA that the Commission has determined to review the proposals for approval.

PROPOSED AMENDMENTS

(additions are underscored and deletions are ~~stricken through~~)

COMPLIANCE RULES

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RULE 2-38. BUSINESS CONTINUITY AND DISASTER RECOVERY PLAN.

(a) Each Member must establish and maintain a written business continuity and disaster recovery plan that outlines procedures to be followed in the event of an emergency or significant business disruption. The plan shall be reasonably

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designed to enable the Member to continue operating, to reestablish operations, or to transfer its business to another Member with minimal disruption to its customers, other Members, and the commodity futures markets.

(b) Each FCM Member and FDM must provide NFA with, and keep current, the name and contact information for all key management employees, as identified by NFA, in the form and manner prescribed by NFA. In addition, each FCM Member and FDM must provide NFA with the location/address and telephone number of of its primary and alternative disaster recovery sites.

(c) Each IB, CPO and CTA Member must provide NFA with the name of and contact information for an individual who NFA can contact in the event of an emergency, and the Member must update that information upon request. Each IB, CPO, and CTA Member that has more than one principal ~~and each FCM Member and RFED~~ must also provide NFA with the name of and contact information for a second individual who can be contacted if NFA cannot reach the primary contact, and the Member must update that information upon request. These individuals must be authorized to make key decisions in the event of an emergency.

EXPLANATION OF PROPOSED AMENDMENTS

NFA Compliance Rule 2-38 requires all Members to have a written business continuity and disaster recovery plan and to provide NFA with contact information on one or more key employees to contact in case of an emergency. NFA currently collects this information in the firm's annual questionnaire, and the firm is required to update the information whenever changes occur.

The CFTC's Division of Swap Dealer and Intermediary Oversight requested NFA and CME to develop a joint process to collect certain information from FCMs, ensure continuous updates to this information, and create a file or database to make the information readily accessible to NFA, CME and the CFTC. In coordination with CME, NFA has agreed to collect the required information via Winjammer™ for all FCMs and to make the information readily accessible to both CME and the CFTC.

Pursuant to the CFTC's request, NFA and CME will collect contact information for all key management at the FCM including CEO, CFO, CCO, General

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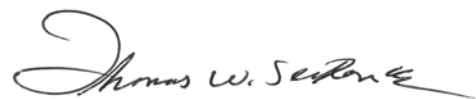
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Counsel, as well as a finance contact, two operations contacts and the business continuity plan coordinator. In addition, FCMs will report the address and phone number of its main and alternative disaster recovery site(s). Besides collecting the information for FCMs, NFA believes that the same information should be required from Forex Dealer Members.

Since the CFTC is requesting information that is beyond what is currently required under Compliance Rule 2-38, the proposed amendments to Compliance Rule 2-38 adds a section that is applicable to FCMs and FDMs and which requires those Members to provide NFA with the information required by NFA in the form and manner required by NFA. This will not only give NFA the authority to collect the information the CFTC currently is requesting, but to make any changes to that information or the manner in which it is reported, without making any changes to the Rule. NFA will notify Members of the specific information that must be reported and the method of reporting through a Notice to Members.

As mentioned earlier, NFA is invoking the "ten-day" provision of Section 17(j) of the Commodity Exchange Act. NFA intends to make the proposed amendments to NFA Compliance Rule 2-38 effective ten days after receipt of this submission by the Commission, unless the Commission notifies NFA that the Commission has determined to review the proposal for approval.

Respectfully submitted,



Thomas W. Sexton
Senior Vice President and
General Counsel

*The proposed amendments to NFA Compliance Rule 2-38 will become effective September 30, 2013.