

customers of the foreign broker, or foreign trader are subject to the provisions of paragraphs (b) and (c) of this section.

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[46 FR 63036, Dec. 30, 1981, and 47 FR 57013, Dec. 22, 1982, as amended at 48 FR 35300, Aug. 3, 1983; 60 FR 49335, Sept. 25, 1995]

PART 16—REPORTS BY CONTRACT MARKETS

Sec.

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AUTHORITY: 7 U.S.C. 6a, 6c, 6g, 6i, 7, and 12a, unless otherwise noted.

§ 16.00 Clearing member reports.

(a) *Information to be provided.* Each contract market shall submit to the Commission, in accordance with paragraph (b) of this section, a report for each business day, showing for each clearing member, by proprietary and customer account, the following information separately for futures by commodity and by future, and, for options, by underlying futures contract for options on futures contracts or by underlying physical for options on physicals, and by put, by call, by expiration date and by strike price:

(1) The total of all long open contracts and the total of all short open contracts carried at the end of the day covered by the report, excluding from open futures contracts the number of contracts against which delivery notices have been stopped or against which delivery notices have been issued by the clearing organization of the contract market;

(2) The quantity of contracts bought and the quantity of contracts sold during the day covered by the report;

(3) [Reserved]

(4) The quantity of purchases of futures in connection with cash commod-

ity transactions or of futures for cash commodities and the quantity of sales of futures in connection with cash commodity transactions or of futures for cash commodities which are included in the total quantity of contracts bought and sold during the day covered by the report, and the names of the clearing members who made the exchanges;

(5) For futures, the quantity of the commodity for which delivery notices have been issued by the clearing organization of the contract market and the quantity for which notices have been stopped during the day covered by the report, and for options, the quantity of options exercised by, and separately the quantity exercised against, the clearing member during the day covered by the report.

(b) *Form and manner of reporting; time and place of filing reports.* Unless otherwise approved by the Commission or its designee, contract markets shall submit the information required by paragraph (a) of this section as follows:

(1) Using a format and coding structure approved in writing by the Commission or its designee in both hard copy form and on compatible data processing media;

(2) When each such form of the data is first available but not later than 3:00 p.m. on the business day following the day to which the information pertains; and

(3) Except for dial-up data transmissions, at the Regional Office of the Commission having local jurisdiction with respect to such contract market.

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[46 FR 54526, Nov. 3, 1981, as amended at 46 FR 63036, Dec. 30, 1981; 47 FR 57014, Dec. 22, 1982; 51 FR 4717, Feb. 7, 1986; 52 FR 18910, May 20, 1987]

§ 16.01 Trading volume, open contracts, and prices.

(a) *Trading volume and open contracts.* Each contract market shall publish for each business day the following information separately for futures by commodity and by future, and, for options, by underlying futures contract for options on futures contracts or by underlying physical for options on physicals,

and by put, by call, by expiration date and by strike price:

- (1) The total volume of trading, excluding transfer trades or office trades;
- (2) The total quantity of futures for cash transactions which are included in the total volume of trading;
- (3) The total gross open contracts, excluding from futures those contracts against which notices have been stopped;
- (4) For futures, open contracts against which delivery notices have been stopped on the day for which publication is made;
- (5) The total number of option contracts exercised;
- (6) The total number of option contracts that expired unexercised; and
- (7) The option delta, where a delta system is used.

This information shall be made readily available to the news media and the general public in printed form and without charge at the office and trading floor of the contract market no later than the business day following the day for which publication is made.

(b) *Prices.* Each contract market shall make readily available to the news media and the general public no later than the business day following the day to which the information pertains, the following information separately for futures, by commodity and by future, and, for options, by underlying futures contract for options on futures contracts or by underlying physical for options on physicals, and by put, by call, by expiration date and by strike price:

- (1) For the trading session and for the opening and closing periods of trading as determined by each contract market:
 - (i) The lowest price of a sale or offer, whichever is lower, and the highest price of a sale or bid, whichever is higher, that the contract market reasonably determines accurately reflect market conditions. If vacated or withdrawn, bids and offers shall not be used in making this determination. A bid is vacated if followed by a higher bid or price and an offer is vacated if followed by a lower offer or price.
 - (ii) If there are no transactions, bids, or offers during the opening and/or closing periods, the contract market

may make available as appropriate: (A) The first price (in lieu of opening price data) or the last price (in lieu of closing price data) occurring during the trading session, clearly indicating that such prices are the first and the last price; or (B) nominal opening or nominal closing prices which the contract market reasonably determines accurately reflect market conditions, clearly indicating that such prices are nominal.

(2) The settlement price established by each contract market or its clearing organization.

(c) *Additional information.* Each contract market shall make readily available to the public, in printed form at the office of the contract market, the following information with respect to transactions in commodity futures and commodity options on that contract market: (1) The method used by the contract market in determining nominal prices and settlement prices; and (2) if discretion is used by the contract market in determining the opening and closing ranges or the settlement prices, an explanation that certain discretion may be employed by the contract market and a description of the manner in which that discretion may be employed.

(d) *Reports to the Commission.* Unless otherwise approved by the Commission or its designee, contract markets shall submit the information specified in paragraphs (a) and (b) of this section as follows:

- (1) Using a format and coding structure approved in writing by the Commission or its designee in both hard copy form and on compatible data processing media;
- (2) When each such form of the data is first available but not later than 3:00 p.m. on the business day following the day to which the information pertains; and
- (3) Except for dial-up data transmission, at the Regional Office of the Commission having local jurisdiction with respect to such contract market.

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[46 FR 54526, Nov. 3, 1981, as amended at 46 FR 63036, Dec. 30, 1981; 47 FR 57014, Dec. 22, 1982; 51 FR 4717, Feb. 7, 1986; 51 FR 17474, May 13, 1986]

§ 16.02 Large option trader reports.

(a) *Information required.* Each contract market shall submit to the Commission a weekly report for options on futures and for options on physicals that are settled in cash and, unless otherwise determined by the Commission, a daily report on all other options on physicals, containing the following information for each option trader controlling a reportable option position.

(1) With respect to each reportable position controlled by the option trader, the following information shown separately for each futures commission merchant or member of the contract market:

(i) Each long and short separately for puts and calls by expiration month and strike price; and, in addition, for options on physicals not settled in cash,

(ii) The number of contracts exercised.

(2) Each contract market shall identify all option positions controlled by the same trader which are carried at the same futures commission merchant or held by a member of the contract market by use of the number which is assigned by the futures commission merchant or member in accordance with § 17.01(a) of this chapter.

(b) *Form and manner of reporting.* Unless otherwise approved by the Commission or its designee, contract markets shall submit the information required by paragraph (a) of this section as follows:

(1) Using a format and coding structure approved in writing by the Commission or its designee on compatible data processing media or if the contract market is unable to provide the data on data processing media, in hard copy form.

(2) When the data is first available but not later than 3 p.m. on the business day following the day to which the information pertains. For options on futures and for options on physicals that are settled in cash, such information shall be compiled weekly as of the close of business on Tuesday, or Monday if Tuesday is a holiday, or more frequently than weekly as the Commission may direct; and

(3) Except for dial-up data transmission, at the Regional Office of the

Commission having local jurisdiction with respect to each contract market.

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[46 FR 54526, Nov. 3, 1981, as amended at 46 FR 59965, Dec. 8, 1981; 46 FR 63036, Dec. 30, 1981; 47 FR 57014, Dec. 22, 1982; 51 FR 17474, May 13, 1986; 57 FR 40602, Sept. 4, 1992]

§ 16.03 Option trader identification.

Each contract market shall provide to the appropriate Regional Office of the Commission within one business day of the day an option trader's position is first reported to the Commission, account identification information which futures commission merchants, members of contract markets, and foreign brokers are required to provide to contract markets under § 17.01. The information shall be updated whenever there is a change thereto, or, in any event, if at the time an option trader controls a reportable position, the information has not been supplied to the Commission during the previous 12 months.

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[46 FR 54526, Nov. 3, 1981, as amended at 46 FR 63036, Dec. 30, 1981]

§§ 16.04—16.05 [Reserved]**§ 16.06 Errors or omissions.**

Contract Markets shall file with the Commission on compatible data processing media using a format and coding structure approved by the Commission or its designee, corrections to errors or omissions in data previously filed with the Commission pursuant to § 16.00, § 16.01, § 16.02 or § 16.04.

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[51 FR 4718, Feb. 7, 1986]

§ 16.07 Delegation of authority to the Director of the Division of Economic Analysis and the Executive Director.

The Commission hereby delegates, until the Commission orders otherwise, the authority set forth in paragraph (a) of this section to the Director of the Division of Economic Analysis and the authority set forth in paragraph (b) of this section to the Executive Director

to be exercised by such Director or by such other employee or employees of such Director as may be designated from time to time by the Director.

(a) Pursuant to §§ 16.00(b), 16.01(d), 16.02(b), and 16.04(b), the authority to determine whether contract markets must submit data in machine-readable form or hardcopy or both, and the time and Commission office at which such data may be submitted where the Director determines that a contract market is unable to meet the requirements set forth in the Regulations.

(b) Pursuant to §§ 16.00(b)(1), 16.01(d)(1), 16.02(d)(1), 16.04(b)(1) and 16.06, the authority to approve the use of data processing media other than compatible data processing media as that term is defined in § 15.00(1) and to approve the format and coding structure used by contract markets.

[51 FR 4718, Feb. 7, 1986]

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS, MEMBERS OF CONTRACT MARKETS AND FOREIGN BROKERS

Sec.

17.00 Information to be furnished by futures commission merchants, clearing members and foreign brokers.

17.01 Special account designation and identification.

17.02 Place and time of filing reports.

17.03 Delegation of authority to the Director of the Division of Economic Analysis and to the Executive Director.

17.04 Reporting omnibus accounts to the carrying futures commission merchant or foreign broker.

AUTHORITY: 7 U.S.C. 6a, 6c, 6d, 6f, 6g, 6i, 7, and 12a, unless otherwise noted.

§ 17.00 Information to be furnished by futures commission merchants, clearing members and foreign brokers.

(a) *Special Accounts—Reportable futures positions, delivery notices and exchanges of futures for cash.* (1) Each futures commission merchant, clearing member and foreign broker shall submit a report to the Commission for each business day with respect to all Special Accounts carried by the futures commission merchant, clearing member or foreign broker, except for accounts carried on the books of another

futures commission merchant on a fully disclosed basis. Except as otherwise authorized by the Commission or its designee, such report shall be made on compatible data processing media in accordance with the format and coding provisions set forth in paragraph (g) of this section. The report shall show each reportable futures position, separately for each contract market and for each future in each special account as of the close of the market on the day covered by the report and, in addition, the quantity of exchanges of futures for physicals and the number of delivery notices issued for each such account by the clearing organization of a contract market and the number stopped by the account.

(2) A report covering the first day upon which a Special Account is no longer reportable in a particular future shall also be filed showing the following information.

(i) The position in such future in such account;

(ii) Exchanges of futures for physicals for the accounts in such future;

(iii) Delivery notices for such future issued for the account by the clearing organization of the contract market on which delivery will occur; and

(iv) Delivery notices for such future stopped by the account.

(b) *Interest in or Control of Several Accounts.* (1) Except as otherwise instructed by the Commission or its designee, and as provided specifically below, if any person holds or has a financial interest in or controls more than one account, all such accounts shall be considered by the futures commission merchant, clearing member or foreign broker as a single account for the purpose of determining Special Account status and for reporting purposes. For purposes of this Section, the following shall apply:

(i) *Accounts of Eligible Entities—*Accounts of eligible entities as defined in Section 150.1 of the Chapter that are traded by an independent account controller shall, together with other accounts traded by the independent account controller or in which the independent controller has a financial interest, be considered a single account.