

Pt. 5, App. C

Act of 1952, as amended by Pub. L. 97-258, 96 Stat. 1051 (Sept. 13, 1982)

[48 FR 38217, Aug. 23, 1983, as amended at 51 FR 21150, June 11, 1986; 52 FR 22635, June 15, 1987; 60 FR 49334, Sept. 25, 1995]

APPENDIX C TO PART 5—INTERNAL PROCEDURE REGARDING PERIOD FOR RESPONSE BY EXCHANGES

(a) *Response Period.* The failure of an exchange to provide a substantially complete, substantive response within one year from the date of a written Commission notice of the material incompleteness of an application for contract market designation, or to supplement such an application within one year from the date of a voluntary agreement to do so, will be deemed to constitute the withdrawal of such an application. Such a withdrawal results in forfeiture of the designation application fee and terminates the Commission's statutory review period for that application. The applicable fee for designation applications will be waived for a period of one year from the date of the application's withdrawal where the withdrawn designation application, or a substantially identical application, is refiled within that period. A refiled designation application will be treated as a new application in all other respects.

(b) *Pending Applications.* For all applications pending on the effective date of this procedure, requests for a further stay of the tolling period must be made by the governing board of the exchange within forty-five days prior to the expiration of a year from the date of the stay. *Provided however,* That in no event shall such a request be required before April 14, 1987. Such requests for a further stay should affirm the exchange's intention to complete the designation applications for which the stay is being requested. Such requests should be sent to the attention of the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Those pending applications for which no such request is received will be subject to the procedures contained in paragraph (a) of this appendix.

[52 FR 1446, Jan. 14, 1987, as amended at 60 FR 49334, Sept. 25, 1995]

APPENDIX D TO PART 5—INTERNAL PROCEDURE REGARDING PERIOD FOR PUBLIC COMMENT

The Commission will seek public comment on applications for designation of futures and option contract markets by publishing a notice of availability of the terms and conditions of the proposed contract. Generally, the Commission will provide for a public comment period of thirty days on such appli-

17 CFR Ch. I (4-1-99 Edition)

cations for designation; *provided,* however, that the public comment period will be fifteen days for those applications submitted for review under the fast-track procedures of §5.1(b) of this part. The Commission, or its delegatee under §140.96 of this chapter, in its discretion, may publish for comment the notice of availability for such longer period as appropriate.

[53 FR 30672, Aug. 15, 1988, as amended at 62 FR 10440, Mar. 7, 1997]

PART 7—CONTRACT MARKET RULES ALTERED OR SUPPLEMENTED BY THE COMMISSION

Subpart A—General Provisions

Sec.

7.1 Scope of rules.

Subpart B [Reserved]

7.100-7.101 [Reserved]

Subpart C—Board of Trade of the City of Chicago Rules

7.200 [Reserved]

7.201 Regulation 620.01(B).

AUTHORITY: 7 U.S.C. 7a(a)(12)(A) and 12a(7).

SOURCE: 45 FR 51526, Aug. 1, 1980, unless otherwise noted.

Subpart A—General Provisions

§7.1 Scope of rules.

This part sets forth contract market rules altered or supplemented by the Commission pursuant to section 8a(7) of the Act.

Subpart B [Reserved]

§§ 7.100-7.101 [Reserved]

Subpart C—Board of Trade of the City of Chicago Rules

§ 7.200 [Reserved]

§ 7.201 Regulation 620.01(B).

Customers' claims and grievances. The Arbitration Committee and Mixed Panels constituted pursuant to Regulation 620.02 have jurisdiction to arbitrate all customers' claims and grievances against any member or employee thereof which have arisen prior to the date the customer's claim is asserted.

Commodity Futures Trading Commission

§ 8.02

If the customer elects to initiate an arbitration proceeding of any customer claim or grievance, the member shall submit to arbitration in accordance with these Arbitration Rules and Regulations. The Arbitration shall be initiated by delivery to the Administrator of (a) a Statement of Claim and a "Chicago Board of Trade Arbitration Submission Agreement for Customer's Claims and Grievances" signed by the customer or (b) a Statement of Claim and another arbitration agreement between the parties, which agreement conforms in all respects with any applicable requirements prescribed by the Commodity Futures Trading Commission. The refusal of any member or employee to sign the "Chicago Board of Trade Arbitration Submission Agreement for Customer's Claims and Grievances" shall not deprive the Arbitration Committee or a Mixed Panel constituted pursuant to Regulation 620.02 of jurisdiction to arbitrate customers' claims under these Arbitration Rules and Regulations. The Committee and Mixed Panels have jurisdiction to arbitrate a counterclaim asserted in such an arbitration, but only if it arises out of the transaction or occurrence that is the subject of the customer's claim or grievance and does not require for adjudication the presence of essential witnesses, parties or third persons over whom the Association does not have jurisdiction. Other counterclaims are subject to arbitration by the Committee, or a Mixed Panel, only if the customer agrees to the submission after the counterclaim has arisen.

[49 FR 10660, Mar. 22, 1984]

PART 8—EXCHANGE PROCEDURES FOR DISCIPLINARY, SUMMARY, AND MEMBERSHIP DENIAL ACTIONS

Subpart A—General Provisions

- Sec.
8.01 Scope of rules.
8.02 Implementing exchange rules.
8.03 Definitions.

Subpart B—Disciplinary Procedure

- 8.05 Enforcement staff.
8.06 Investigations.
8.07 Investigation reports.

- 8.08 Disciplinary committee.
8.09 Review of investigation report.
8.10 Predetermined penalties.
8.11 Notice of charges.
8.12 Right to representation.
8.13 Answer to charges.
8.14 Admission or failure to deny charges.
8.15 Denial of charges and right to hearing.
8.16 Settlement offers.
8.17 Hearing.
8.18 Decision.
8.19 Appeal.
8.20 Final decision.

Subpart C—Summary Actions

- 8.25 Member responsibility actions.
8.26 Procedure for member responsibility actions.
8.27 Violations of rules regarding decorum, submission of records or other similar activities.
8.28 Final decision.

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

SOURCE: 43 FR 41950, Sept. 19, 1978, unless otherwise noted.

Subpart A—General Provisions

§ 8.01 Scope of rules.

This part sets forth the standards to be followed by an exchange in establishing procedures for investigating and adjudicating possible rule violations within the disciplinary jurisdiction of the exchange, for taking summary action in member responsibility cases and in cases involving violations of rules regarding decorum, submission of records or other similar activities, and for adjudicating membership denial determinations. Nothing in this part shall be construed to prohibit an exchange from adopting additional rules and practices not inconsistent with those set forth herein.

§ 8.02 Implementing exchange rules.

(a) Each exchange shall submit to the Commission for its approval rules implementing the following regulations: §§ 8.11, 8.13, 8.15, 8.17, 8.18 and 8.20 of subpart B and §§ 8.26 and 8.28 of subpart C. Any such rule not previously submitted to the Commission shall not be put into effect prior to Commission approval.

(b) An exchange may adopt rules implementing any or all of the following