

(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.

(Approved by the Office of Management and Budget under control number 3038-0007)

[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]

EFFECTIVE DATE NOTE: At 65 FR 14458, Mar. 17, 2000, §16.02 was removed and reserved, effective May 16, 2000.

#### § 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.

(Approved by the Office of Management and Budget under control number 3038-0007)

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

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#### §§ 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 and 16.01.

[62 FR 24032, May 2, 1997]

#### § 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. The Director of the Division of Economic Analysis or the Executive Director may submit to the Commission for its consideration any matter which has been delegated in this paragraph. Nothing in this paragraph prohibits the Commission, at its election, from exercising the authority delegated in this paragraph.

(a) Pursuant to §§16.00(b) and 16.01(d), the authority to determine whether contract markets must submit data in machine-readable form or hard-copy 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), and 16.06, the authority to approve the format and coding structure used by contract markets.

[62 FR 24032, May 2, 1997]

### 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.

## § 17.00

## 17 CFR Ch. I (4-1-00 Edition)

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 and options positions, delivery notices and exchanges of futures for cash.* 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 futures position, separately for each contract market and for each future, and each put and call options position separately for each contract market, expiration and strike price in each special account as of the close of 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 shall also be filed showing the information specified in paragraph (a)(1) of this section.

(b) *Interest in or control of several accounts.* Except as otherwise instructed by the Commission or its designee and as specifically provided in § 150.4 of this chapter, 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:

(1) *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.

(2) *Accounts Controlled by Two or More Persons*—Accounts that are subject to day-to-day trading control by two or more persons shall, together with other accounts subject to control by exactly the same persons, be considered a single account.

(3) *Account ownership.* Multiple accounts owned by a trader shall be considered a single account as provided under §§ 150.4(b), (c) and (d) of this chapter.

(d) *Net positions.* Futures commission merchants, clearing members and foreign brokers shall report positions net long or short in each future of a commodity and each strike price of a put or call option for each expiration month in all special accounts, except as specified in paragraph (e) of this section.

(e) *Gross positions.* In the following cases, the futures commission merchant, clearing member or foreign broker shall report gross long and short positions in each future of a commodity and each strike price of a put or call option for each expiration month in all special accounts:

(1) Positions which are reported to an exchange or the clearinghouse of an exchange on a gross basis, which the exchange uses for calculating total open interest in a commodity;

(2) Positions in accounts owned or held jointly with another person or persons;

(3) Positions in multiple accounts subject to trading control by the same trader; and

(4) Positions in omnibus accounts.

(f) If the total open long positions or the total open short positions for any future of a commodity carried in an omnibus account is a reportable position, the omnibus account is in Special