

## OTHER COMMODITY SWAPS—Continued

Related futures contract	Initial appropriate minimum block size	Units
Goldman Sachs Commodity Index (GSCI), GSCI Excess Return Index (CME).	5,000 times index .....	dollars.
Gulf Coast Sour Crude Oil (NYMEX) .....	5,000 .....	bbl.
Hard Red Spring Wheat (MGEX) .....	NO BLOCKS.	
Hard Winter Wheat (KCBT) .....	NO BLOCKS.	
Henry Hub Natural Gas (NYMEX) .....	500,000 .....	MMBtu.
HSC Basis (ICE and NYMEX) .....	62,500 .....	MMBtu.
Hurricane Index (CME) .....	20,000 times index .....	dollars.
Chicago Basis (ICE and NYMEX) .....	62,500 .....	MMBtu.
Lean Hogs (CME) .....	NO BLOCKS.	
Light Sweet Crude Oil (NYMEX) .....	50,000 .....	bbl.
Live Cattle (CME) .....	NO BLOCKS.	
Mid-Columbia Day-Ahead Off-Peak Fixed Price (ICE) ...	625 .....	Mwh.
Mid-Columbia Day-Ahead Peak Fixed Price (ICE) .....	4,000 .....	Mwh.
New York Harbor RBOB (Blendstock) Gasoline (NYMEX).	1,050,000 .....	gallons.
New York Harbor No. 2 Heating Oil (NYMEX) .....	1,050,000 .....	gallons.
NWP Rockies Basis (ICE and NYMEX) .....	62,500 .....	MMBtu.
Oats (CBOT) .....	NO BLOCKS.	
Palladium (NYMEX) .....	1,000 .....	troy oz.
PG&E Citygate Basis (ICE and NYMEX) .....	62,500 .....	MMBtu.
PJM Western Hub Real Time Off-Peak Fixed Price (ICE).	3,900 .....	Mwh.
PJM Western Hub Real Time Peak Fixed Price (ICE) ...	8,000 .....	Mwh.
Platinum (NYMEX) .....	500 .....	troy oz.
Rainfall Index (CME) .....	10,000 times index .....	dollars.
Rough Rice (CBOT) .....	NO BLOCKS.	
Silver (COMEX and NYSE Liffe) .....	125,000 .....	troy oz.
Snowfall Index (CME) .....	10,000 times index .....	dollars.
Social Border Basis (ICE and NYMEX) .....	62,500 .....	MMBtu.
Soybean (CBOT) .....	NO BLOCKS.	
Soybean Meal (CBOT) .....	NO BLOCKS.	
Soybean Oil (CBOT) .....	NO BLOCKS.	
SP-15 Day-Ahead Peak Fixed Price (ICE) .....	4,000 .....	Mwh.
SP-15 Day-Ahead Off-Peak Fixed Price (ICE) .....	625 .....	Mwh.
Sugar #11 (ICE and NYMEX) .....	5,000 .....	metric tons.
Sugar #16 (ICE) .....	NO BLOCKS.	
Temperature Index (CME) .....	400 times index .....	currency units.
U.S. Dollar Cash Settled Crude Palm Oil (CME) .....	250 .....	metric tons.
Waha Basis (ICE and NYMEX) .....	62,500 .....	MMBtu.
Wheat (CBOT) .....	NO BLOCKS.	

[78 FR 32942, May 31, 2013; 78 FR 42436, July 16, 2013]

**PART 44—INTERIM FINAL RULE FOR PRE-ENACTMENT SWAP TRANSACTIONS**

Sec.

44.00 Definition of terms used in part 44 of this chapter.

44.01 Effective date.

44.02 Reporting pre-enactment swaps to a swap data repository or the Commission.

44.03 Reporting transition swaps to a swap data repository or to the Commission.

AUTHORITY: 7 U.S.C. 2(h)(5), 4r, and 12a(5), as amended by Title VII of the Wall Street Reform and Consumer Protection Act (Dodd-Frank Act of 2010), Pub. L. 111-203, 124 Stat. 1376 (2010).

SOURCE: 75 FR 63084, Oct. 14, 2010, unless otherwise noted.

**§ 44.00 Definition of terms used in part 44 of this chapter.**

(a) *Major swap participant* shall have the meaning provided in Section 1a(33) of the Commodity Exchange Act, as

amended, and any rules or regulations thereunder.

(b) *Pre-enactment unexpired swap* means any swap entered into prior to the enactment of the Dodd-Frank Act of 2010 (July 21, 2010) the terms of which had not expired as of the date of enactment of that Act;

(c) *Transition swap* means any swap entered into after the enactment of the Dodd-Frank Act of 2010 (July 21, 2010) and prior to the effective date of the swap data reporting and recordkeeping rule implemented under Section 2(h)(5)(B) of the CEA.

(d) *Reporting entity*, when used in this part, means any counterparty referenced or identified in Section 4r(a)(3)(A)–(C) of the Commodity Exchange Act, as amended;

(e) *Swap Data Repository* shall have the meaning provided in Section 1a(48) of the Commodity Exchange Act, as amended, and any rules or regulations thereunder;

(f) *Swap Dealer* shall have the meaning provided in Section 1(a)(49) of the Commodity Exchange Act, as amended, and any rules or regulations thereunder;

[75 FR 63084, Oct. 14, 2010, as amended at 75 FR 78896, Dec. 17, 2010]

#### § 44.01 Effective date.

The provisions of this part are effective immediately on publication in the FEDERAL REGISTER.

#### § 44.02 Reporting pre-enactment swaps to a swap data repository or the Commission.

(a) A counterparty to a pre-enactment unexpired swap transaction shall:

(1) Report to a registered swap data repository or the Commission by the compliance date established in the reporting rules required under Section 2(h)(5) of the Commodity Exchange Act, or within 60 days after a swap data repository becomes registered with the Commission and commences operations to receive and maintain data related to such swap, whichever occurs first, the following information with respect to the swap transaction:

(i) A copy of the transaction confirmation, in electronic form if available, or in written form if there is no electronic copy; and

(ii) The time, if available, that the transaction was executed; and

(2) Report to the Commission on request, in a form and manner prescribed by the Commission, any information relating to the swap transaction.

NOTE TO PARAGRAPHS (a)(1) AND (a)(2): In order to comply with the reporting requirements contained in paragraph (a)(1) and (a)(2) of this section, each counterparty to a pre-enactment unexpired swap transaction that may be required to report such transaction should retain, in its existing format, all information and documents, to the extent and in such form as they presently exist, relating to the terms of a swap transaction, including but not limited to any information necessary to identify and value the transaction; the date and time of execution of the transaction; information relevant to the price of the transaction; whether the transaction was accepted for clearing and, if so, the identity of such clearing organization; any modification(s) to the terms of the transaction; and the final confirmation of the transaction.

(b) *Reporting party*. The counterparties to a swap transaction shall report the information required under paragraph (a) of this section as follows:

(1) Where only one counterparty to a swap transaction is a swap dealer or a major swap participant, the swap dealer or major swap participant shall report the transaction;

(2) Where one counterparty to a swap transaction is a swap dealer and the other counterparty is a major swap participant, the swap dealer shall report the transaction; and

(3) Where neither counterparty to a swap transaction is a swap dealer or a major swap participant, the counterparties to the transaction shall select the counterparty who will report the transaction.

#### § 44.03 Reporting transition swaps to a swap data repository or to the Commission.

(a) A counterparty to a post-enactment pre-effective swap transaction shall:

(1) As required by the reporting rules required to be adopted pursuant to Section 2(h)(5)(B) of the Commodity Exchange Act, report data related to a transition swap to a registered swap data repository or the Commission by the compliance date established in such reporting rules or within 60 days

after an appropriate swap data repository becomes registered with the Commission and commences operations to receive and maintain data related to such swap, whichever occurs first, the following information with respect to the swap transaction:

(i) A copy of the transaction confirmation, in electronic form if available, or in written form if there is no electronic copy;

(ii) The time, if available, that the transaction was executed; and

(2) Report to the Commission on request, in the form and manner prescribed by the Commission, any information relating to the swap transaction.

NOTE TO PARAGRAPH (a). In order to comply with the reporting requirements contained in paragraphs (a)(1) and (a)(2) of this section, each counterparty to a post-enactment pre-effective swap transaction that may be required to report such transaction should retain, in its existing format, all information and documents, to the extent and in such form as they exist on the effective date of this section, relating to: the terms of a swap transaction, including but not limited to any information necessary to identify and value the transaction (*e.g.*, underlying asset and tenor); the date and time of execution of the transaction; volume (*e.g.*, notional or principal amount); information relevant to the price and payment for the transaction until the swap is terminated, reaches maturity or is novated; whether the transaction was accepted for clearing and, if so, the identity of such clearing organization; any modification(s) to the terms of the transaction; and the final confirmation of the transaction.

(b) *Reporting party.* The counterparties to a swap transaction shall report the information required under paragraph (a) of this section as follows:

(1) Where only one counterparty to a swap transaction is a swap dealer or a major swap participant, the swap dealer or major swap participant shall report the transaction;

(2) Where one counterparty to a swap transaction is a swap dealer and the other counterparty is a major swap participant, the swap dealer shall report the transaction; and

(3) Where neither counterparty to a swap transaction is a swap dealer or a major swap participant, the counterparties to the transaction shall select

the counterparty who will report the transaction.

[75 FR 78896, Dec. 17, 2010]

## PART 45—SWAP DATA RECORD-KEEPING AND REPORTING REQUIREMENTS

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- 45.1 Definitions.
- 45.2 Swap recordkeeping.
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- 45.10 Reporting to a single swap data repository.
- 45.11 Data reporting for swaps in a swap asset class not accepted by any swap data repository.
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### APPENDIX 1 TO PART 45—TABLES OF MINIMUM PRIMARY ECONOMIC TERMS DATA

AUTHORITY: 7 U.S.C. 6r, 7, 7a–1, 7b–3, 12a, and 24a, as amended by Title VII of the Wall Street Reform and Consumer Protection Act of 2010, Pub. L. 111–203, 124 Stat. 1376 (2010), unless otherwise noted.

SOURCE: 77 FR 2197, Jan. 13, 2012, unless otherwise noted.

#### § 45.1 Definitions.

As used in this part:

*Asset class* means the broad category of goods, services or commodities, including any “excluded commodity” as defined in CEA section 1a(19), with common characteristics underlying a swap. The asset classes include credit, equity, foreign exchange (excluding cross-currency), interest rate (including cross-currency), other commodity, and such other asset classes as may be determined by the Commission.

*Business day* means the twenty-four hour day, on all days except Saturdays, Sundays, and legal holidays, in the location of the reporting counterparty or registered entity reporting data for the swap.