rules and regulations

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Title 4—Accounts

CHAPTER I—GENERAL ACCOUNTING OFFICE

SUBCHAPTER A—GENERAL PROCEDURES

PART 1—RECOGNITION OF ATTORNEYS AND OTHER REPRESENTATIVES

The regulations governing the recognition of persons representing others before the General Accounting Office are being revised to eliminate the registration committee and the complaint proceedings. Specific procedures are prescribed for revocation of representations.

Part 1 is revised to read as follows:

Sec.
1.1 Right to representation before the General Accounting Office.
1.2 Practice by attorneys.
1.3 Authority to represent in payment cases.
1.4 Authority to represent in other cases.
1.5 Revocation of authority to represent.

AUTHORITY: Sec. 311, 42 Stat. 25, as amended; (31 U.S.C. 52)

§ 1.1 Right to representation before the General Accounting Office.

Each person having a claim or other rights assertable in the General Accounting Office may pursue such claim or right individually or through an attorney or other representative.

§ 1.2 Practice by attorneys.

Any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any State, territory, or the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law, may represent others before the General Accounting Office.

§ 1.3 Authority to represent in payment cases.

In the prosecution of claims involving payments to be made by the United States, a proper power of attorney is required before an attorney or other representative may be recognized. A power of attorney from the principal may also be requested in other cases.

§ 1.4 Authority to represent in other cases.

When an attorney acting in a representative capacity appears in person or signs a document submitted to the General Accounting Office in connection with a matter other than one involving a payment to be made by the United States, his personal appearance or signature shall constitute a representation that he is authorized and qualified to represent the particular party in whose behalf he acts. In the case of representatives other than attorneys, a simple written declaration from the principal will be accepted as evidence of the authority of the representative to act on behalf of the principal.

§ 1.5 Revocation of authority to represent.

Prior to the conclusion of action by the General Accounting Office on a matter in which a principal is represented by another person whose authority to act is established under either § 1.3 or § 1.4, the principal may revoke the authority of his representative. Such revocation is not effective unless it is in writing and signed by the principal and until the written revocation is received by the General Accounting Office. Upon notification of the death of the principal during the pendency of any matter involving representation of the principal by an attorney or other party, the General Accounting Office will consider the representative's authority to have been automatically revoked.

ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.76-24455 Filed 8-19-76;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to reflect a title change from one Confidential Assistant to the Special Assistant to the Secretary, to one Staff Assistant to the Special Assistant to the Secretary.

Effective on August 20, 1976, § 213.3306 (a) (69) is amended as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(69) One Staff Assistant to the Special Assistant to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-24458 Filed 8-19-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Assistant to the Secretary is excepted under Schedule C.

Effective on August 20, 1976, § 213.3316 (a) (13) is amended as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(13) Five Assistants to the Secretary.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-24456 Filed 8-19-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Secretary (Stenography) to the Chief of Protocol is excepted under Schedule C.

Effective on August 20, 1976, § 213.3304 (a) (23) is added as set out below:

§ 213.3304 Department of State.

(a) *Office of the Secretary.* * * *

(23) One Secretary (Stenography) to the Chief of Protocol.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-24457 Filed 8-19-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Private Secretary to the Chief Counsel is excepted under Schedule C.

Effective on August 20, 1976, § 213.3394 (h) (4) is added as set out below:

§ 213.3394 Department of Transportation.

* * * * *

(h) *Federal Aviation Administration.* * * *

(4) One Private Secretary to the Chief Counsel.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-24459 Filed 8-19-76;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 53]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period August 22-28, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.353 Lemon Regulation 53.

(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is good for first grade fruit but continues to ease for the lower grade lemons. Average f.o.b. price was $6.51 per carton the week ended August 14, 1976 compared to $6.40 per carton the previous week. Track and rolling supplies at 145 cars were down 5 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 17, 1976.

(b) *Order*. (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 22, 1976, through August 28, 1976, is hereby fixed at 250,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated:

????????
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76- Filed -76;]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

• *Purpose*. The purpose of this amendment is to exclude Monmouth, Middlesex, Union, Hudson, Essex, Bergen, Passaic, Morris, Somerset, Hunterdon, Warren, and Sussex Counties in New Jersey from the areas quarantined because of hog cholera. •

This amendment excludes Monmouth, Middlesex, Union, Hudson, Essex, Bergen, Passaic, Morris, Somerset, Hunterdon, Warren, and Sussex Counties in New Jersey from the areas quarantined by the regulations in 9 CFR Part 76, as amended, because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases is hereby amended in the following respect:

In § 76.2, paragraph (e)(4) relating to the State of New Jersey is amended to read:

§ 76.2 Notice relating to existence of the contagion or vectors of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines.

* * * * *

(e) * * *

(4) *New Jersey*. All of Mercer, Ocean, Burlington, Atlantic, Camden, Gloucester, Salem, Cumberland, and Cape May Counties.

* * * * *

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date: The foregoing amendment shall become effective August 13, 1976.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of August 1976.

J. M. HEJL,
Deputy Administrator, Veterinary Services.

[FR Doc.76-24297 Filed 8-19-76;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

Procedures for the Reconsideration of Denied Applications, Petitions, or Requests

Part 303 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Part 303) prescribes the Corporation's procedures for processing applications, petitions, and requests made to it. Although that part of the rules and regulations prescribes no formal procedures for the reconsideration of applications, petitions, or requests which have been denied, the Corporation's Board of Directors has customarily allowed an applicant to request reconsideration of such an application, petition, or request and, in connection therewith, to request an opportunity to amend such application, petition, or request or to submit information in rebuttal of the denial, either in writing or in the form of an oral presentation before one or more representatives of the Corporation designated for that purpose.

The Board of Directors has now decided that Part 303 of the Corporation's rules and regulations should be amended so as to prescribe a formal procedure whereby all applicants, rather than merely those requesting it, may petition for the reconsideration of an application, petition, or request which has been denied by the Board of Directors. Accordingly, § 303.10 of the Corporation's rules and regulations is hereby amended by adding a new paragraph (e) thereto to read as follows:

§ 303.10 Procedure on applications.

* * * * *

(e) *Opportunity to petition for reconsideration of a denied application, petition, or request.* Within 15 days of its receipt of notice that its application, petition, or other request has been denied, any applicant may petition the Board of Directors for reconsideration of such application, petition, or request (except an application, petition, or request already previously denied upon reconsideration) and, in connection therewith, may request an opportunity to amend its application, petition, or request or to submit information in rebuttal of the denial, either in writing or in the form of an oral presentation before one or more representatives of the Corporation designated for that purpose. Upon the filing of such petition for reconsideration, the applicant shall be given 60 days in which to amend its application, petition, or request or to make its presentation to the Corporation. If the applicant requests an opportunity to make an oral presentation, it shall be advised of the date, time, place, and person or persons before whom such presentation shall be made.

Since the amendment relates to the internal practice and procedures of the Corporation and expands rather than restricts the existing rights of applicants, the provisions of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection therewith.

Effective date: This amendment is effective August 20, 1976.

By order of the Board of Directors, August 17, 1976.

FEDERAL DEPOSIT INSURANCE CORPORATION,
HOYLE L. ROBINSON,
Assistant Executive Secretary.

[FR Doc.76-24449 Filed 8-19-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-109, Amdt. 6]

PART 372—OVERSEAS MILITARY PERSONNEL CHARTERS

Expansion of Definition of "Immediate Family"

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 16, 1976.

In SPDR-43 (41 FR 12904, March 29, 1976), the Board issued a notice of proposed rulemaking to amend Part 372 of its Special Regulations (14 CFR Part 372) so as to broaden the definition of the "immediate family" of military and Department of Defense personnel eligible for participation in Overseas Military Personnel Charters (OMPC). Specifically, the proposed rule would include in the "immediate family" the parents-in-law of the eligible member and the minor children of both the parents and parents-in-law, and it would define "minor children" as children under 18.

Thirteen formal comments were filed[1] and more than 200 individuals participated by filing letter comments in this docket. Most of the individual comments favored the adoption of the proposal as did formal comments by American Express Company, Capitol International Airways, Inc., the CAB Office of the Consumer Advocate, the Department of Defense, the Fleet Reserve Association, the Non Commissioned Officers Association of the United States of America, Overseas National Airways, Inc., Pathfinder Corporation, Shoftour, Inc., and United Air Lines, Inc. Several letter comments and formal comments filed by Davis Agency, Inc., Lufthansa German Airlines, and Pan American World Airways, Inc. proposed modifications. A few letter comments opposing the rule were received.

Upon consideration, the Board has decided to adopt the rule as proposed, but with one modification and an editorial revision to avoid unnecessary repetition. The tentative findings and conclusions set forth in SPDR-43 are made final, and except to the extent granted herein, all requests contained in the comments are denied.

The majority of comments received urged that the Board liberalize the eligibility criteria for OMPC's, stating that while the number of people affected by the proposed change would be small, the benefits to morale, particularly the morale of service and DOD wives, would be great. Two letter comments questioned the need for any age or dependency test for siblings and siblings-in-law, stating that the purposes of morale and family reunions are better served when siblings and siblings-in-law can participate in OMPC's without restriction.

Three formal comments and several letter comments urged some narrowing of the Board's proposed eligibility criteria. Pan American proposed that all immediate family members be actual dependents and that thorough documentation of eligibility, such as Department of Defense Form No. 1580, be required. Davis Agency supported the inclusion of parents-in-law, but urged that the eligibility for siblings be stated as "dependent" rather than "minor" children. Lufthansa, while supporting the expansion of OMPC availability to parents-in-law, opposed the inclusion of siblings and siblings-in-law on the basis that these persons are not really part of military or DOD "immediate families," and that inclusion of these groups would exacerbate enforcement problems and threaten scheduled service. Additionally, Lufthansa stated that German Federal Ministry of Transport regulations preclude eligibility for siblings and siblings-in-law.

Upon consideration, the Board has decided to allow in unrestricted form the eligibility of parents-in-law and to delete the reference to "minor" children of parents and parents-in-law, thus allowing participation by all siblings and siblings-in-law regardless of age or dependency.

In establishing OMPC's and the eligibility criteria for participants and their families (SPR-54, 37 FR 11159, June 3, 1972), the Board has considered the morale and other needs of military and DOD personnel, the distinction between charter and individually ticketed services, the question of unjust discrimination against those persons who continue to be ineligible for OMPC's, and any possible enforcement problems of charter participants whose names and addresses differ from the person upon whom eligibility is based.

In this context, the benefits of allowing unrestricted participation by parents-in-law, siblings, and siblings-in-law outweigh countervailing considerations. Pan American's proposed limitation to dependent-in-fact "immediate family"

[1] Comments on SPDR-43 were due on April 28, 1976. On May 5, 1976 United Air Lines, Inc., pursuant to Rule 4(f) of the Board's rules of practice (14 CFR Part 302), submitted a motion for leave to file its comments past the due date. United certified that it had served copies of its comments on all those persons filing comments in this docket. No objections have been received. We have determined that acceptance of United's comments will not prejudice any party to this proceeding and in these circumstances hereby grant United's motion for leave to file an otherwise unauthorized document.

members, and Lufthansa's suggestion that siblings and siblings-in-law should not be considered part of the immediate family, are inconsistent with the morale-building purpose of OMPC's. No sufficient justification has been presented for distinguishing between "minor" and "dependent" siblings or siblings-in-law for purposes of this regulation. It is found that the benefits to morale of family reunions without arbitrary cutoffs of a family member's participation at age 18 are substantial, and justify broadening the class of eligible participants.

Lufthansa's contention that the increase in the number of individuals eligible for OMPC's will cause enforcement problems is not substantiated by the information presently available. As pointed out in the proposal, current problems resulting from different last names seem to be minimal, and in any event would not be significantly increased by allowing siblings and siblings-in-law to participate. Also, the information available to the Board does not support Lufthansa's concern that OMPC's have had a substantial effect on scheduled service. Lufthansa's third contention regarding German Federal Republic charter regulations is also not persuasive. A prospective conflict between Board regulations and those of another country does not compel rejection of a proposed amendment. While there is substantial OMPC traffic to West Germany, OMPC's are not restricted to that country, and it is possible that this amendment might lead to a similar amendment in German Federal Republic regulations.

A few letter comments opposed the rule on the grounds that current regulations are not enforced, or on the basis that military retirees are more appropriate beneficiaries of OMPC's than parents-in-law. The Board is not aware of widespread evasions of the OMPC regulations, and does not intend to allow violations to take place without enforcement action. Any person with knowledge of apparent violations of current regulations is invited to file complaints with the Board. With respect to the argument for retirees' eligibility for OMPC's, such eligibility is conditioned on a currently existing relationship to active military service or DOD employment. It is intended to augment the morale of military and DOD employees, and not as an auxiliary benefit resulting from a past affiliation. The interests of military and DOD retirees in low-cost air transportation are met both by the charters available to the general public (e.g., TGC's and OTC's) and by affinity charters offered by charter-worthy organizations of retired persons.

In consideration of the foregoing, the Board hereby amends Part 372 of its Special Regulations (14 CFR Part 372), effective September 20, 1976, as follows:

Amend § 372.2 by revising the definition of "immediate family" to read:

§ 372.2 Definitions.

As used in this part, unless the context otherwise requires—

* * * * *

"Immediate family" means only the following persons: the spouse, children, parents, parents of the spouse, children of the parents, and children of the parents of the spouse of (1) military personnel on active duty with the United States Armed Forces (including Coast Guard) stationed outside the contiguous states of the United States and the District of Columbia, and (2) civilian employees of the Department of Defense who are citizens of the United States and are stationed in a foreign country, or in a U.S. territory or possession, where U.S. military personnel are stationed.

* * * * *

(Secs. 101, 204, 401, 407, 416, Federal Aviation Act of 1958, 72 Stat. 737, 743, 754, 766, 771, (49 U.S.C. 1301, 1324, 1371, 1377, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-24474 Filed 8-19-76;8:45 am]

[Reg. SPR-106, Amdt. 14]

PART 372a—TRAVEL GROUP CHARTERS

Passenger List Filing Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 16, 1976.

For the reasons set forth in SPR-105, issued contemporaneously herewith, the Civil Aeronautics Board hereby amends Part 372a of its Special Regulations (14 CFR Part 372a) as set forth below.

Because these amendments create no significant additional burden for any member of the public, and because public benefit will be derived from putting them into effect without delay, it is found for good cause that notice and public procedure thereon are unnecessary.

In light of the foregoing, the Civil Aeronautics Board hereby amends Part 372a of its Special Regulations (14 CFR Part 372a), effective September 20, 1976, as follows:

§ 372a.2 [Amended]

1. Section 372a.2, Definitions, is amended as follows:

a. A new definition, "citizen of the United States," is added in proper alphabetical sequence, to read:

* * * * *

"Citizen of the United States" means (a) an individual who is a citizen of the United States or of one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States or any State, Territory, or possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions.

* * * * *

b. In the definition of "foreign charter organizer" the phrase "as defined in section 101(13) of the Act" is deleted so that the definition reads:

* * * * *

"Foreign charter organizer" means any person not a citizen of the United States (other than a direct foreign air carrier), who is (a) engaged in the formation of travel groups for transportation on travel group charters which originate in a foreign country and over whom the Board has declined to exercise its jurisdiction, or (b) engaged in the formation of travel groups for transportation on travel group charters which originate in the United States who holds a permit issued pursuant to section 402 of the Act authorizing such transportation.

* * * * *

c. In the definition of "travel group charter organizer" the phrase "as defined in section 101(13) of the Act" is deleted so that the definition reads:

* * * * *

"Travel group charter organizer" means (1) any citizen of the United States (other than a direct air carrier), who is authorized hereunder to engage in the formation of travel groups in accordance with the provisions of this Part; or (2) a foreign charter organizer.

* * * * *

2. Section 372a.22, Operating authorization of charter organizer, is amended by revising paragraphs (b) and (d) and adding a new paragraph (f), to read as follows:

§ 372a.22 Operating authorization of charter organizer.

* * * * *

(b) Not earlier than 90 days, and not later than 60 days, prior to the scheduled date of departure, the charter organizer shall simultaneously:

(1) Transmit to the direct air carrier(s): (i) A statement of the charter organizer affirming that each listed original participant has entered into a contract with the organizer as provided in this part, has paid the initial 25 percent deposit, and has been furnished, no later than the time when he entered into such contract with the organizer, with an explanatory statement, in the form set forth in Appendix A; (ii) a statement of the depository bank, if any, affirming the amount which it has on deposit, which amount shall be equal to no less than 25 percent of the minimum pro rata charter price multiplied by the number of listed original participants; and (iii) two copies of the certified passenger list as required by paragraph (f) of this section; and

(2) File with the Board (Investigation and Audit Division, Bureau of Enforcement): (i) A charter contract executed by original participants whose number is equal to at least 90 percent of the seats specified in the contract for charter participants, and (ii) an original copy of CAB Form 372a, which appears as Appendix D to this part, setting forth the name of each participant in alphabetical order and his or her address and telephone number. The information required to be filed with the Board under this section shall be deemed filed on the