The committee discussed alternatives to this action. The committee discussed eliminating shipments of size 56 grapefruit all together. Several members expressed that there is a market for size 56 grapefruit. Members favored the percentage rule recommended because it would supply a sufficient quantity of small sizes should there be a demand for size 56. Therefore, the motion to eliminate size 56 was rejected. Another alternative discussed was to do nothing. However, the committee rejected this option, taking in account that returns would remain stagnant without action.

This rule would change the requirements under the Florida citrus marketing order. Handlers utilizing the flexibility of the loan and transfer aspects of this action would be required to submit a form to the committee. The rule would increase the reporting burden on approximately 80 handlers of red seedless grapefruit who would be taking about 0.03 hour to complete each report regarding allotment loans or transfers. The information collection requirements contained in this section have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and assigned OMB number 0581-0094.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule. However, red seedless grapefruit must meet the requirements as specified in the U.S. Standards for Grades of Florida Grapefruit (7 CFR 51.760 through 51.784) issued under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 through 1627).

In addition, the committee’s meeting was widely publicized throughout the citrus industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the May 28, 1997, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A 15-day comment period is provided to allow interested persons to respond to this proposal. Fifteen days is deemed appropriate because this rule would need to be in place as soon as possible since handlers will begin shipping grapefruit in September. In addition, because of the nature of this rule, handlers need time to consider their allotment and how best to service their customers. Also, the industry has been discussing this issue for some time. The committee has kept the industry well informed on this issue. It has also been widely discussed at various industry and association meetings. Interested persons have had time to determine and express their positions. All written comments timely received will be considered before a final determination is made on this matter.

**List of Subjects in 7 CFR Part 905**

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is proposed to be amended as follows:

**PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA**

1. The authority citation for 7 CFR Part 905 continues to read as follows:

   **Authority:** 7 U.S.C. 601-674.

2. In §905.306, paragraphs (a) and (b), the word “During” is removed and the words “Except as otherwise provided in section 905.601, during” are added in its place.

3. A new §905.601 is added to read as follows:

   **§905.601 Red seedless grapefruit regulation 101.**

   The schedule below establishes the weekly percentages to be used to calculate each handler’s weekly allotment of small sizes. If the minimum size in effect under section 905.306 for red seedless grapefruit is size 56, handlers can fill their allotment with size 56, size 48, or a combination of the two sizes such that the total of these shipments are within the established weekly limits. If the minimum size in effect under section 905.306 for red seedless grapefruit is size 48, handlers can fill their allotment with size 48 red seedless grapefruit such that the total of these shipments are within the established weekly limits. The weekly percentages for sizes 48 and/or 56 red seedless grapefruit grown in Florida, which may be handled during the specified weeks are as follows:

<table>
<thead>
<tr>
<th>Week</th>
<th>Weekly percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) 9/15/97 through 9/21/97</td>
<td>25</td>
</tr>
<tr>
<td>(b) 9/22/97 through 9/28/97</td>
<td>25</td>
</tr>
<tr>
<td>(c) 9/29/97 through 10/5/97</td>
<td>25</td>
</tr>
</tbody>
</table>


Ronald L. Cioffi,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 97-20034 Filed 7-25-97; 1:13 pm]

BILLING CODE 3410-02-U

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**FEDERAL DEPOSIT INSURANCE CORPORATION**

12 CFR Part 312

RIN 3064-AC01

Prevention of Deposit Shifting

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The FDIC is withdrawing a proposed rule to implement a statute prohibiting the shifting of deposits insured under the Savings Association Insurance Fund (SAIF) to deposits insured under the Bank Insurance Fund (BIF) for the purpose of evading the assessment rates applicable to SAIF deposits. The FDIC is taking this action in response to comments received on the proposed rule, which was published in the Federal Register on February 11, 1997.

**DATES:** The proposed rule is withdrawn July 29, 1997.

**FOR FURTHER INFORMATION CONTACT:** Joseph A. DiNuzzo, Counsel, (202) 898-7349, Legal Division; or George Hanc, Associate Director, Division of Research and Statistics, (202) 898-8719, Federal Deposit Insurance Corporation, Washington, D. C. 20429.

**SUPPLEMENTARY INFORMATION:**

I. The Funds Act and the Deposit Shifting Statute

A provision of the Deposit Insurance Funds Act of 1996 (Funds Act) requires the Comptroller of the Currency, the Board of Directors of the FDIC, the Board of Governors of the Federal Reserve System, and the Director of the Office of Thrift Supervision (federal banking agencies) to take “appropriate actions” to prevent insured depository institutions and holding companies from taking actions for the purpose of evading the assessment rates applicable to SAIF deposits.
received fifteen comments on the proposal. Nine of the comments were from industry trade groups, four from community banks, one from a bank holding company and one from a savings and loan holding company. Nine of the comments opposed the proposed rule. They argued, in essence, that a regulation is unnecessary since SAIF is now capitalized and the assessment rate differential between BIF and SAIF institutions is not significant. Some who opposed the proposed rule contended that it is unworkably vague, particularly because it does not define key terms, such as “deposit shifting” and “ordinary course of business.”

Of the national industry trade groups, one said that a regulation is not necessary and, instead, the agencies should just continue to monitor deposit shifting. Another commented that a regulation would not be necessary, but that the FDIC should consider issuing a policy statement to provide guidance to the industry. A third national trade group said the regulation would be an appropriate measure to enforce the deposit shifting statute. One state industry trade association voiced support for the proposed rule. Five others commented that a regulation was unnecessary.

The four community banks all commented that the regulation would be an appropriate means to enforce the statute. The bank holding company that commented detailed five areas of concern with the proposed rule, essentially citing a “vagueness” problem. The comment filed by the savings and loan holding company alleged, among other things, that the rule would be illegal under the U.S. Constitution and the Administrative Procedure Act.

IV. Withdrawal of the Proposed Rule

Based on a review of the comments and the FDIC’s internal review of the applicable issues, the Board of Directors of the FDIC has decided to withdraw the proposed rule. The Board agrees with the majority of those who commented that the deposit shifting statute can and should be enforced on a case-by-case basis and, thus, a regulation to implement and enforce the statute is unnecessary.

This decision is based on several factors: (1) The diminished differential between the assessments paid on BIF-assessable deposits and SAIF-assessable deposits; (2) the lack of evidence of any significant, widespread deposit shifting among depository institutions; (3) the regulatory burden that might result from the issuance of a final rule on deposit shifting; and (4) the ability of the FDIC and the other federal banking agencies to enforce the deposit shifting statute on a case-by-case basis through the monitoring of any such activity by reviewing quarterly financial reports and by conducting on-site examinations, if necessary.

The Board has decided, therefore, in coordination with the other federal banking agencies, that the deposit shifting statute should be enforced on a case-by-case basis. The FDIC, however, will monitor the effectiveness of this approach and, if necessary, reconsider in the future whether a regulation is needed to implement the deposit shifting statute.

By the order of the Board of Directors.

Dated at Washington, D.C., this 22nd day of July, 1997.

Federal Deposit Insurance Corporation.

Robert E. Feldman,
Executive Secretary.

[FR Doc. 97–19943 Filed 7–28–97; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ASO–10]

Proposed Amendment to Class E Airspace; Anniston, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Anniston, AL, Global Positioning System (GPS) Runway (RWY) 3 and RWY 21 Standard Instrument Approach Procedures (SIAPs) have been developed for Talladega Municipal Airport, and a GPS RWY 20 SIAP has been developed for St. Clair County Airport. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate these SIAPs, and for Instrumental Flight Rules (IFR) operations at these airports and the Anniston Metropolitan Airport.

DATES: Comments must be received on or before September 9, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 97–ASO–10, Manager, Airspace Branch, ASO–520, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 550,