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 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:

Week	Weekly percentage
(a) 9/15/97 through 9/21/97	25
(b) 9/22/97 through 9/28/97	25
(c) 9/29/97 through 10/5/97	25
(d) 10/6/97 through 10/12/97	25
(e) 10/13/97 through 10/19/97	25
(f) 10/20/97 through 10/26/97	25
(g) 10/27/97 through 11/2/97	25
(h) 11/3/97 through 11/9/97	25
(i) 11/10/97 through 11/16/97	25
(j) 11/17/97 through 11/23/97	25
(k) 11/24/97 through 11/30/97	25

Dated: July 25, 1997.

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

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 ''facilitating or encouraging'' the shifting of deposits from SAIF-assessable deposits to BIF-assessable deposits for the purpose of evading the assessments applicable to SAIF-assessable deposits.[1] Pub. L. 104–208, 110 Stat. 3009–485, section 2703(d). This statutory prohibition on deposit shifting (the deposit shifting statute) expressly authorizes the FDIC to issue regulations, including regulations defining terms used in the statute, to prevent the shifting of deposits. The deposit shifting statute terminates on the earlier of December 31, 1999, or the date on which the last federally chartered savings association ceases to exist.

The Funds Act was enacted as part of the Economic Growth and Regulatory Paperwork Reduction Act of 1996, Pub. L. 104–208, 110 Stat. 3009–479 through 3009–498, sections 2701—2711, and became effective September 30, 1996. The Funds Act provided for the capitalization of the SAIF through a special assessment on all depository institutions that hold SAIF-assessable deposits.[2]

II. The Proposed Rule

In February 1997 the FDIC issued a proposed rule to implement the deposit shifting statute. 62 *FR* 6139 (Feb. 11, 1997). The proposed rule consisted of two basic provisions. The first reiterated the requirement in the statute that the respective federal banking agency deny applications and object to notices filed by depository institutions or depository institution holding companies if the purpose of the underlying transaction was to evade assessments payable on SAIF-assessable deposits. The second provision of the proposed rule would have established a presumption under which entrance and exit fees would be imposed upon depository institutions for deposits that are shifted from SAIF-assessable deposits to BIF-assessable deposits in violation of the deposit shifting statute.

III. Comments on the Proposed Rule

The comment period for the proposed rule closed on April 14, 1997. The FDIC 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 given that 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 statue. 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

[1] Although currently the range of risk-based assessments for BIF-assessable and SAIF-assessable deposits is the same, a higher assessment payable to the Financing Corporation must be paid on SAIF-assessable deposits. Thus, the overall assessment is higher for SAIF-assessable deposits than for BIF-assessable deposits.

[2] Pursuant to this requirement, the FDIC issued a final rule imposing a special assessment on institutions holding SAIF-assessable deposits in an amount sufficient to increase the SAIF reserve ratio to the designated reserve ratio of 1.25 percent as of October 1, 1996. 61 *FR* 53834 (Oct. 16, 1996), to be codified at 12 CFR 327.41.

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,