

**§ 310.21 Carcasses suspected of containing sulfa and antibiotic residues; sampling frequency; disposition of affected carcasses and parts.**

\* \* \* \* \*

(c) \* \* \* The inspector shall perform a swab bioassay test<sup>1</sup> on:

\* \* \* \* \*

Done at Washington, DC, on: December 14, 1995.

Michael R. Taylor,

*Acting Under Secretary for Food Safety.*

[FR Doc. 95-31017 Filed 12-21-95; 8:45 am]

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**9 CFR Part 318**

[Docket No. 95-035F]

RIN 0583-AB96

**Potassium Hydroxide as a Hog Scald Agent**

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Affirmation of effective date.

**SUMMARY:** On October 23, 1995, the Food Safety and Inspection Service (FSIS) published a direct final rule, "Potassium Hydroxide as a Hog Scald Agent." This direct final rule allows the use of potassium hydroxide in hog scald and hair removal processes. No adverse comments were received in response to the direct final rule. Therefore, this rule is effective on December 22, 1995.

**EFFECTIVE DATES:** December 22, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dr. Paula M. Cohen, Director, Regulations Development, Policy, Evaluation and Planning Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250-3700; (202) 720-7164.

**SUPPLEMENTARY INFORMATION:** This notice affirms the effective date of the direct final rule, "Potassium Hydroxide as a Hog Scald Agent," that was published on October 23, 1995, at 60 FR 54295. This direct final rule allows the use of potassium hydroxide in hog scald and hair removal processes. FSIS did not receive any written adverse comments or written notice of intent to submit adverse comments in response to this rule. Therefore, the effective date of the rule is December 22, 1995.

<sup>1</sup> The procedures for performing the swab bioassay test are set forth in one of two self-instructional guides: "Performing the CAST" or "Fast Antimicrobial Screen Test." These guides are available for review in the office of the FSIS Docket Clerk, Room 4352 South, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, DC, on: December 14, 1995.

Michael R. Taylor,

*Acting Under Secretary for Food Safety.*

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**FEDERAL DEPOSIT INSURANCE CORPORATION**

**12 CFR Chapter III**

**RESOLUTION TRUST CORPORATION**

**12 CFR Chapter XVI**

**Effectiveness of RTC Regulations After RTC Termination**

**AGENCIES:** Federal Deposit Insurance Corporation and Resolution Trust Corporation.

**ACTION:** Joint notification of status of regulations.

**SUMMARY:** The Resolution Trust Corporation (RTC) and the Federal Deposit Insurance Corporation (FDIC) are issuing this joint document to inform the public regarding the effectiveness of the RTC's regulations after RTC termination. In accordance with the Federal Home Loan Bank Act, the RTC will terminate on December 31, 1995, and the FDIC will succeed the RTC as receiver for any remaining RTC receiverships and will be responsible for managing any remaining assets and liabilities of the RTC transferred to the FSLIC Resolution Fund. Congress did not include any provision transferring the RTC's regulations to the FDIC. The two corporations have considered these issues and are publishing this document to inform the public that, when the FDIC assumes responsibility for the RTC's functions at termination, the RTC's regulations generally will not govern the FDIC's performance of these functions for occurrences that arise post-termination, and that the FDIC's regulatory scheme generally will govern former RTC activities on a prospective basis.

**EFFECTIVE DATE:** December 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** Jamey Basham, Counsel, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, (202) 898-7265, or Karen L. Main, Senior Attorney, Legal Division, Resolution Trust Corporation, 1717 H Street NW., Washington, DC 20006, (202) 736-3096.

**SUPPLEMENTARY INFORMATION:**

**A. General Rule**

Section 21A(m)(1) of the Federal Home Loan Bank Act (FHLBA), 12 U.S.C. 1441a(m)(1), provides that the RTC will terminate on December 31, 1995. At that time, the FDIC shall succeed the RTC as receiver of any remaining RTC receiverships. *Id.* In addition, the FDIC will be responsible for managing any remaining RTC assets and liabilities, all of which are transferred to the FSLIC Resolution Fund. Section 21A(m)(2) of the FHLBA, 12 U.S.C. 1441a(m)(2). However, Congress did not include provisions transferring the RTC's regulations, 12 CFR Chapter XVI, to the FDIC. In similar situations when Congress has intended an agency's rules to survive transfer of its functions to a successor, Congress expressly so provided by statute. Therefore, after the RTC terminates on December 31, 1995 and its functions are transferred to the FDIC, the RTC's regulations generally will not govern the FDIC's performance of such functions in dealing with occurrences that arise post-termination. When the FDIC assumes responsibility from the RTC for such functions, the FDIC's regulations generally will govern matters arising on a prospective basis.

However, the termination of the RTC in and of itself does not affect rights or obligations of the RTC or third parties that have arisen under the RTC's regulations as a result of factual occurrences prior to the RTC's termination. The legal consequences of pre-termination conduct governed by the RTC's regulations will continue to be determined under such regulations.

**B. The RTC's Affordable Housing Disposition Program**

In contrast, the RTC's affordable housing disposition program (AHDP) regulations at 12 CFR part 1609 will continue to govern the sale of the remaining RTC AHDP inventory and other related responsibilities assumed by the FDIC even after the RTC termination date. Since Congress has directed the FDIC to carry out such functions under the provisions of the RTC AHDP statute, section 21A(c) of the FHLBA, 12 U.S.C. 1441a(c),<sup>1</sup> the RTC's AHDP regulations which refine and

<sup>1</sup> Section 21A(c)(17)(C) of the FHLBA provides, *inter alia*, that the FDIC shall carry out any remaining authority and responsibilities of the RTC "under this subsection." 12 U.S.C. 1441a(c)(17)(C). Moreover, section 40(n)(4) of the Federal Deposit Insurance Act provides that the FDIC shall carry out the remaining responsibilities and authority of the RTC as set forth in section 1441a(c) of title 12. 12 U.S.C. 1831q(n)(4).