are necessary or appropriate for a particular bank, the OCC will notify the bank in writing of the proposed minimum capital ratios and the date by which they should be reached (if applicable) and will provide an explanation of why the ratios proposed are considered necessary or appropriate for the bank.

* * * * *

10. Section 3.14 is revised to read as follows:

§ 3.14 Remedies.

A bank that does not have or maintain the minimum capital ratios applicable to it, whether required in subpart B of this part, in a decision pursuant to subpart C of this part, in a written agreement or temporary or final order under 12 U.S.C. 1818 (b) or (c), or in a condition for approval of an application, or a bank that has failed to submit or comply with an acceptable plan to attain those ratios, will be subject to such administrative action or sanctions as the OCC considers appropriate. These sanctions may include the issuance of a Directive pursuant to subpart E of this part or other enforcement action, assessment of civil money penalties, and/or the denial, conditioning, or revocation of applications. A national bank's failure to achieve or maintain minimum capital ratios in § 3.6 (a) or (b) may also be the basis for an action by the Federal Deposit Insurance Corporation to terminate federal deposit insurance. See 12 CFR 325.4.

11. In § 3.100, new introductory text is inserted immediately following the title and preceding paragraph (a), paragraphs (e)(5) and (f)(1) introductory text, (f) (2) and (3) are revised, and a new paragraph (g) is added as follows:

§ 3.100 Capital and surplus.

For purposes of determining statutory limits that are based on the amount of bank's "capital" and/or "surplus," the provisons of this section are to be used, rather than the definitions of capital contained in § 3.2.

* * * * *

(e) * * *

(5) "Mandatory convertible debt" means subordinated debt instruments which unqualifiedly require the issuer to exchange either common or perpetual preferred stock for such instruments by a date at or before the maturity of the instrument. The maturity of these instruments must be 12 years or less. In addition, the instrument must meet the requirements of paragraph (f)(1)(i) through (v) of this section for subordinated notes and debentures or other requirements published by the OCC.

* * * * *

(f) * * *

(1) *Requirements.* Issues of limited life preferred stock and subordinated notes and debentures (except mandatory convertible debt) must have original weighted average maturities of at least five (5) years to be included in the definition of "surplus." In addition, a subordinated note or debenture must also:

* * * * *

(2) *Restrictions.* The total amount of mandatory convertible debt not included in paragraph (c)(3) of this section, limited life preferred stock, and subordinated notes and debentures considered as surplus is limited to 50 percent of the sum of paragraphs (a) and (c) (1), (2) and (3) of this section.

(3) *Reservation of authority.* The OCC expressly reserves the authority to waive the requirements and restrictions set forth in paragraphs (f) (1) and (2) of this section, in order to allow the inclusion of other limited life preferred stock, mandatory convertible notes and subordinated notes and debentures in the capital base of any national bank for capital adequacy purposes or for purposes of determining statutory limits. The OCC further expressly reserves the authority to impose more stringent conditions than those set forth in paragraphs (f) (1) and (2) of this section to exclude any component of Tier 1 or Tier 2 capital, in whole or in part, as part of a national bank's capital and surplus for any purpose.

(g) *Transitional rules.* (1) Equity commitment notes approved by the OCC as capital and issued prior to April 15, 1985, may continue to be included in paragraph (c)(3) of this section. All other instruments approved by the OCC as capital and issued prior to April 15, 1985, are to be included in paragraph (c)(4) of this section.

(2) Intangible assets (other than mortgage servicing rights) purchased prior to April 15, 1985, and accounted for in accordance with OCC instructions, may continue to be included as surplus up to 25% of the sum of paragraphs (a) and (c)(1) of this section.

Dated: September 14, 1990.

Robert L. Clarke,

Comptroller of the Currency.

[FR Doc. 90–22488 Filed 9–20–90; 8:45 am]

BILLING CODE 4810–33–M

FEDERAL TRADE COMMISSION

16 CFR Part 4

Privacy Act; New Exempt System of Records; Correction

AGENCY: Federal Trade Commission (FTC).

ACTION: Correction.

SUMMARY: This document corrects the section heading of a Commission document previously published in the **Federal Register** on Thursday, September 13, 1990.

DATES: The correction is effective September 21, 1990.

FOR FURTHER INFORMATION CONTACT: Alex Tang, Attorney, Office of the General Counsel (OGS), FTC, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580. (202) 326–2447.

SUPPLEMENTARY INFORMATION: In FR Doc. 90–21581, appearing in the **Federal Register** issue for Thursday, September 13, 1990, 55 FR 37700, in the third column, the section heading, "§ 4.13 Specific exemptions", should read as follows:

§ 4.13 Privacy Act rules.

Donald S. Clark

Secretary.

[FR Doc. 90–22429 Filed 9–20–90; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[SF–90–12]

COTP San Francisco Bay Regulations; Security Zone Regulations; Naval Weapons Station, Concord, CA

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a security zone for waterside approaches to Naval Weapons Station, Concord. The zone is needed to safeguard vessels and waterfront facilities against destruction from sabotage or other subversion acts, accidents, or other causes of a similar nature. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulations becomes effective on 07 September 1990. It terminates on 31 December 1990 unless terminated sooner by the Captain of the Port.