a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. This final rule will not increase the number of banks that do not meet regulatory capital standards. The effect on capital will be minimal regardless of bank size.

Executive Order 12866

The OCC has determined that this final rule is not a significant regulatory action under Executive Order 12866.

List of Subjects in 12 CFR Part 3

Administrative practice and procedure, National banks, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set out in the preamble, part 3 of title 12, chapter I, of the Code of Federal Regulations is amended as set forth below.

PART 3—MINIMUM CAPITAL RATIOS; ISSUANCE OF DIRECTIVES

1. The authority of citation for part 3 is revised to read as follows:

Authority: 12 U.S.C. 93a, 161, 1818, 1828(n), 1828 note, 1831(n) note, 3907, and 3909.

2. In appendix A to part 3, paragraph (c)(7) of section 1 is revised to read as follows:

Appendix A to Part 3—Risk-Based Capital Guidelines

Section 1. Purpose, Applicability of Guidelines, and Definitions.

* * * * *

(c) * * *

(7) *Common stockholders' equity* means common stock, common stock surplus, undivided profits, capital reserves, and adjustments for the cumulative effect of foreign currency translation, less net unrealized holding losses on available-for-sale equity securities with readily determinable fair values.

* * * * *

Dated: November 8, 1994.

Eugene A. Ludwig,

Comptroller of the Currency.

[FR Doc. 94–29110 Filed 11–23–94; 8:45 am]

BILLING CODE 4810–33–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–34962A; File No. S7–6–94]

RIN 3235–AF84

Confirmation of Transactions; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Corrections to final rule.

SUMMARY: This document contains corrections to recent amendments to Rule 10b–10 under the Securities Exchange Act of 1934 (Securities Exchange Act Release No. 34962) that were published in the **Federal Register** on Thursday, November 17, 1994 (59 FR 59612). Rule 10b–10 requires brokers and dealers that effect a securities transaction for a customer to send an immediate confirmation containing information relevant to the transaction.

EFFECTIVE DATES: April 3, 1995.

FOR FURTHER INFORMATION CONTACT: C. Dirk Peterson, Senior Counsel, (202/942–0073), Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Mail Stop 7–10, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Rule 10b–10 under the Securities Exchange Act of 1934 requires, among other things, that non-market maker brokers and dealers disclose their mark-ups and mark-downs in riskless principal transactions in equity securities. This disclosure requirement was adopted by the Securities and Exchange Commission in 1977 in Securities Exchange Act Release No. 13508, and amended in Securities Exchange Act Release No. 34962.

Need For Correction

The amendments to Rule 10b–10 contain an error in the mark-up and mark-down disclosure requirements for riskless principal transactions in equity securities. Specifically, the modifying term "equity" was omitted from (a)(2)(ii)(A) of Rule 10b–10. This disclosure requirement should apply solely to equity securities.

Correction of Publication

Accordingly, the publication on November 17, 1994 containing the adoption of amendments to Rule 10b–10 which were published in 59 FR 59612 is corrected as follows:

§ 240.10b–10 [Corrected]

On page 59621, in the first column, § 240.10b–10, paragraph (a)(2)(ii)(A) in the second line, the word "that" is removed and the phrase "an equity" is added to precede the word "security".

On page 59621, in the first column, § 240.10b–10, paragraph (a)(2)(ii)(A) in the fifth line, the word "equity" is added to precede the word "security".

Dated: November 18, 1994.

Jonathan G. Katz,

Secretary.

[FR Doc. 94–29063 Filed 11–23–94; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 331

[Docket No. 85N–0049]

RIN 0905–AA06

Antacid Drug Products for Over-the-Counter Human Use; Amendment of Antacid Final Monograph; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of August 26, 1993 (58 FR 45204). The document amended the final monograph for over-the-counter (OTC) antacid drug products to require that all antacid drug products contain the statement: "Drug Interaction Precaution: Antacids may interact with certain prescription drugs. If you are presently taking a prescription drug, do not take this product without checking with your physician or other health professional." The document was published with an error in the amendatory language. This document corrects that error.

EFFECTIVE DATE: November 25, 1994.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drug Evaluation and Research (HFD–810), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5000.

SUPPLEMENTARY INFORMATION: FDA has discovered that the amendatory language in the final rule published in the **Federal Register** of August 26, 1993 (58 FR 45204), was incorrect. The amendatory language, as published, revised the introductory text of § 331.30(d); it should have revised § 331.30(d) to remove paragraph (d)(1). Accordingly, FDA is removing paragraph (d)(1) to correct this error.

List of Subjects in 21 CFR Part 331

Labeling, Over-the-counter drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 331 is amended as follows:

PART 331—ANTACID PRODUCTS FOR OVER-THE-COUNTER (OTC) HUMAN USE

1. The authority citation for 21 CFR part 331 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371).

§ 331.30 [Amended]

2. Section 331.30 *Labeling of antacid products* is amended by removing paragraph (d)(1).

Dated: November 16, 1994.

William K. Hubbard,

Interim Deputy Commissioner for Policy.

[FR Doc. 94-28949 Filed 11-23-94; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8569]

RIN 1545-AS44

Alternative Minimum Taxable Income

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the alternative minimum tax (AMT). The regulations provide guidance on the computation of alternative minimum taxable income (AMTI) with respect to items that are determined by reference to adjusted gross income (AGI). The regulations affect taxpayers who are subject to the alternative minimum tax.

DATES: These regulations are effective November 25, 1994.

These regulations are applicable to taxable years beginning after December 31, 1993.

FOR FURTHER INFORMATION CONTACT: Forest Boone of the Office of Assistant Chief Counsel (Income Tax and Accounting) at (202) 622-4960 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On March 18, 1994, a notice of proposed rulemaking (IA-4-94) was published in the **Federal Register** (59 FR 12880) which contained proposed amendments to the Income Tax Regulations (26 CFR part 1) under section 55 of the Internal Revenue Code (Code). A detailed explanation of the proposed regulations is contained in the preamble to those regulations. The proposed regulations provide that, in general, all Code provisions that apply in determining the regular taxable income of a taxpayer also apply in determining the AMTI of the taxpayer. However, the proposed regulations provide that, for purposes of computing the AMTI of a noncorporate taxpayer, all references to the taxpayer's AGI in determining the amount of any item of income, exclusion, or deduction must be treated as references to the taxpayer's AGI as determined for regular tax purposes.

The IRS received written comments on the proposed regulations and on June 6, 1994, held a public hearing on those regulations. After consideration of the comments received and the statements made at the public hearing, the proposed regulations are revised and adopted as final regulations by this Treasury decision.

Discussion

In the Tax Reform Act of 1986, Congress expanded the application of the alternative minimum tax (AMT) for individual taxpayers. Although Congress generally intended that the AMT be treated as a tax system separate from and parallel to the regular tax system, in certain limited instances deviations from the separate and parallel concept may be necessary to reduce complexity and ease administrative burden. See Staff of the Joint Committee on Taxation, 100th Cong., *General Explanation of the Tax Reform Act of 1986* 438 n.9 (Comm. Print 1987).

Some commentators suggested that there should be even greater conformity between the AMT and regular tax systems than that provided in the proposed regulations. These commentators urged that, in computing AMTI, all references to taxable income or a component thereof (such as AGI, modified AGI, earned income, or taxable business income) should be treated as references to regular taxable income or a component thereof for purposes of determining any item of income, exclusion, or deduction.

Other commentators stated that any regulatory attempt at conformity was inappropriate. According to these commentators, the separate and parallel system should be adhered to in full.

Finally, there were some commentators who suggested that taxpayers be allowed to make a binding election to make computations based either on regular tax AGI or AMT AGI.

If, in computing AMTI, all items of income, exclusion, or deduction that are determined by references to defined measures of income were based on such defined measures as determined for regular tax purposes, the system envisioned by Congress would be substantively changed. Accordingly, the final regulations have not been expanded to provide that all references to taxable income, or a component thereof, be treated as references to regular taxable income, or a component thereof, in computing AMTI. The final regulations clarify, however, that for purposes of computing the AMTI of a noncorporate taxpayer, all references to the taxpayer's modified AGI in determining the amount of any item of income, exclusion, or deduction must be treated as references to the taxpayer's modified AGI as determined for regular tax purposes.

The final regulations also do not adopt the suggestion that an election be permitted to use either regular tax AGI or AMT AGI in computing AMTI. Such an election would add administrative complexity to the AMT and would be contrary to the goal of simplicity sought by these regulations.

The proposed regulations were intended to reduce complexity without deviating from the separate and parallel concept to such an extent that the purpose of the AMT provisions would be subverted. The Treasury and the IRS believe that the general intent of Congress to apply the AMT on a separate and parallel basis is not undermined where this concept is not followed in limited, specific instances for the purpose of reducing some of the complexity and recordkeeping burdens of the AMT. Accordingly, the final regulations adopt the provisions of the proposed regulations in full.

The IRS will continue to consider other possible areas of the AMT where the separate and parallel concept should, on a limited basis, be modified in order to reduce complexity. The IRS may, in the future, address other possible areas through regulations or other published guidance.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking