

“Pear Size and Grade Storage Report” containing the quantity of specific grades and sizes of fresh pears in regular and C.A. storage by variety or subvariety, and such other information as may be requested from the Fresh Pear Committee for the time period specified.

(d) Each handler who has shipped less than 2,500 44-pound net weight standard boxes or container equivalents of fresh pears during any reporting period of the shipping season may, in lieu of reporting as provided in (a) and (b) of this section, report as follows:

(1) At completion of harvest, on the next reporting date, furnish to the Fresh Pear Committee a “Handlers Packout Report”;

(2) After unreported shipments total 2,500 44-pound net weight standard boxes or container equivalents of fresh pears, furnish to the Fresh Pear Committee a “Handler’s Statement of Fresh Pear Shipments” and a “Handler’s Packout Report” on the next reporting date;

(3) After completion of all shipments from regular storage (i.e. non-C.A. storage), furnish to the Fresh Pear Committee a “Handler’s Statement of Fresh Pear Shipments” and a “Handler’s Packout Report” on the next reporting date;

(4) At mid-season for C.A. storage, at a date established by the Fresh Pear Committee, furnish to the Fresh Pear Committee a “Handler’s Statement of Fresh Pear Shipments”, and a “Handler’s Packout Report”; and

(5) At the completion of all seasonal pear shipments, furnish to the Fresh Pear Committee a “Handler’s Statement of Fresh Pear Shipments” and a “Handler’s Packout Report”, on the next reporting date. Each of these reports shall be marked “final report” and include an explanation of the actual shipments versus the original estimate, if different.

(e) Each handler shall specify on each bill of lading covering each shipment, the variety or subvariety and quantity of all pears included in that shipment.

■ 13. A new § 927.126 is added to read as follows:

**§ 927.126 Processed pear reports.**

(a) Each handler shall furnish to the Processed Pear Committee annually on a date established by the Processed Pear Committee the “Processed Pear Assessment Report” containing the following information:

(1) The name of the processor(s) or firm(s) to whom pears were sold;

(2) The quantity of each variety or subvariety of pears shipped by that handler;

(3) The crop year covered in the report;

(4) The assessment payment due and enclosed;

(5) The name and address of such handler; and

(6) Other information as may be requested by the Processed Pear Committee.

(b) Each handler shall specify on each bill of lading covering each shipment, the variety or subvariety and quantity of all pears included in that shipment.

**§ 927.142 [Removed and Reserved]**

■ 14. Section 927.142 is removed and reserved.

■ 15. Section 927.236 is revised to read as follows:

**§ 927.236 Fresh pear assessment rate.**

On and after July 1, 2005, the following base rates of assessment for fresh pears are established for the Fresh Pear Committee:

(a) \$0.366 per 44-pound net weight standard box or container equivalent for any or all varieties or subvarieties of fresh pears classified as “summer/fall”;

(b) \$0.501 per 44-pound net weight standard box or container equivalent for any or all varieties or subvarieties of fresh pears classified as “winter”; and

(c) \$0.000 per 44-pound net weight standard box or container equivalent for any or all varieties or subvarieties of fresh pears classified as “other”.

■ 16. A new § 927.237 is added to read as follows:

**§ 927.237 Processed pear assessment rate.**

On and after July 1, 2005, the following base rates of assessment for pears for processing are established for the Processed Pear Committee:

(a) \$6.25 per ton for any or all varieties or subvarieties of pears for canning classified as “summer/fall”, excluding pears for other methods of processing;

(b) \$0.00 per ton for any or all varieties or subvarieties of pears for processing classified as “winter”; and

(c) \$0.00 per ton for any or all varieties or subvarieties of pears for processing classified as “other”.

■ 17. Section 927.316 is revised to read as follows:

**§ 927.316 Handling regulation.**

During the period August 15 through November 1, no person shall handle any fresh Beurre D’Anjou variety of pears for shipments to North America (Continental United States, Mexico, or Canada), unless such pears meet the following requirements:

(a) Fresh Beurre D’Anjou variety of pears shall have a certification by the

Federal-State Inspection Service, issued prior to shipment, showing that the core/pulp temperature of such pears has been lowered to 35 degrees Fahrenheit or less and any such pears have an average pressure test of 14 pounds or less. The handler shall submit, or cause to be submitted, a copy of the certificate issued on the shipment to the Fresh Pear Committee.

(b) Each handler may ship on any one conveyance 8,800 pounds or less of fresh Beurre D’Anjou variety of pears without regard to the quality and inspection requirements in paragraph (a) of this section.

Dated: February 8, 2006.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 06–1319 Filed 2–13–06; 8:45 am]

**BILLING CODE 3410-02-P**

**SECURITIES AND EXCHANGE COMMISSION**

**17 CFR Part 230**

**General Rules and Regulations, Securities Act of 1933**

*CFR Correction*

In Title 17 of the Code of Federal Regulations, parts 200 to 239, revised as of April 1, 2005, on page 584, in § 230.252, paragraph (h)(1) is corrected by revising the second and third sentences, and on page 653, § 230.494 is reinstated to read as follows:

**§ 230.252 Offering statement.**

\* \* \* \* \*

(h) \* \* \* Seven copies of every amendment shall be filed with the Commission’s main office in Washington, D.C. Subsequent amendments to an offering shall recommence the time period for qualification.

\* \* \* \* \*

**§ 230.494 Newspaper prospectuses.**

(a) This section shall apply only to newspaper prospectuses relating to securities, as to which a registration statement has become effective, issued by a foreign national government with which the United States maintains diplomatic relations. The term *newspaper prospectus* means an advertisement of securities in newspapers, magazines or other periodicals which are admitted to the mails as second-class matter and which are not distributed by the advertiser. The term does not include reprints, reproductions or detached copies of

such advertisements. A newspaper prospectus shall not be deemed a prospectus meeting the requirements of section 10 for the purpose of section 2(10)(a) or 5(b)(2) of the Act.

(b) All information included in a newspaper prospectus may be expressed in such condensed or summarized form as may be necessary in the light of the circumstances under which newspaper prospectuses are authorized to be used. The information need not follow the order in which the information is set forth in the registration statement or in the full prospectus. No information need be set forth in tabular form.

(c) The following statement shall be set forth at the head of every newspaper prospectus in conspicuous print:

These securities, though registered, have not been approved or disapproved by the Securities and Exchange Commission, which does not pass on the merits of any registered securities.

(d) There shall be set forth at the foot of every newspaper prospectus in conspicuous print a statement to the following effect:

Further information, particularly financial information, is contained in the registration statement filed with the Commission and in a more complete prospectus which must be furnished to each purchaser and is obtainable from the following persons:

(Insert names.)

(e) If the registrant or any of the underwriters knows or has reasonable grounds to believe that it is intended to stabilize the price of any security to facilitate the offering of the registered security, there shall be placed in the newspaper prospectus, in capital letters, the statement required by Item 502(d) of Regulation S-K (§ 229.502(d) of this chapter) to be included in the full prospectus.

(f) A newspaper prospectus shall contain the information specified in paragraphs (f) (1) to (9) of this section. All other information and documents contained in the registration statement may be omitted. The following information shall be included:

(1) The name of the borrowing government;

(2) A brief description of the securities to be offered;

(3) The price at which it is proposed to offer the security to the public in the United States;

(4) The purpose and approximate amounts to be devoted to such purposes, so far as determinable, for which the security to be offered is to supply funds; and if funds for such purposes are to be raised in part from other sources, the amounts and the sources thereof:

(5) A brief statement as to the amount of funded and floating debt outstanding and to be created, excluding inter-governmental debt;

(6) A condensed or summarized statement of receipt and expenditures for the last three fiscal years for which data are available;

(7) A condensed or summarized statement of the balance of international payments for the last three fiscal years for which data are available;

(8) If the issuer or its predecessor has defaulted on the principal or interest of any external debt, excluding intergovernmental debt, during the last twenty years, the date, amount and circumstances of such default and the general effect of any succeeding arrangement;

(9) Underwriting discounts and commissions per unit and in the aggregate.

(g) A newspaper prospectus may also include, in condensed, summarized or graphic form, additional information the substance of which is contained in the registration statement. A newspaper prospectus shall not contain any information the substance of which is not set forth in the registration statement.

(h) All information included in a newspaper prospectus shall be set forth in type at least as large as seven-point modern type: *Provided, however*, That such information shall not be so arranged as to be misleading or obscure the information required to be included in such a prospectus.

(i) Five copies of every proposed newspaper prospectus, in the size and form in which it is intended to be published shall be filed with the Commission at least three business days before definitive copies thereof are submitted to the newspaper, magazine or other periodical for publication. Within seven days after publication, five additional copies shall be filed in the exact form in which it was published and shall be accompanied by a statement of the date and manner of its publication.

(Interprets or applies sec. 7, 48 Stat. 78, as amended; 15 U.S.C. 77g; secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85, secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; secs. 12, 13, 14, 15(d), 23(a), 48 Stat. 892, 895, 901; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec 203(a), 49 Stat. 704; sec. 202, 68 Stat. 686; secs. 3, 4, 5, 6, 78 Stat. 565-568, 569, 570-574; secs. 1, 2, 3, 82 Stat. 454, 455; secs. 28(c), 1, 2, 3-5, 84 Stat. 1435, 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 81 Stat. 1494, 1498, 1499, 1500; 15 U.S.C.

77f, 77g, 77h, 77j, 77s(a), 78l, 78m, 78n, 78o(d), 78w(a))

[16 FR 8820 Aug. 31, 1951, as amended at 19 FR 6729, Oct. 20, 1954; 48 FR 19875, May 3, 1983]

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## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 232

[Release Nos. 33-8590A; 34-52052A; 35-28002A; 39-2437A; IC-26990A; File No. S7-16-04]

RIN 3235-AH79

### Rulemaking for EDGAR System

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Securities and Exchange Commission published a document in the *Federal Register* on July 27, 2005 (70 FR 43558) expanding the information that we require certain investment company filers to submit to us electronically through our Electronic Data Gathering, Analysis, and Retrieval (EDGAR) system. That document contained an incorrect instruction to § 232.101(b). This document corrects § 232.101(b).

**DATES:** *Effective Date:* February 8, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ruth Armfield Sanders, Senior Special Counsel, Division of Investment Management, at (202) 551-6989.

**SUPPLEMENTARY INFORMATION:** The Commission is making a technical correction to § 232.101 by adding paragraph (b)(9).

### List of Subjects in 17 CFR Part 232

Administrative practice and procedure, Confidential business information, Reporting and recordkeeping requirements, Securities.

■ For the reasons set forth in the preamble, 17 CFR part 232 is amended as follows:

### PART 232—REGULATION S-T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

■ 1. The authority citation for Part 232 continues to read in part as follows:

**Authority:** 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77sss(a), 78c(b), 78l, 78m, 78n, 78o(d), 78w(a), 78ll(d), 79t(a), 80a-8, 80a-29, 80a-30, 80a-37, and 7201 *et seq.*; and 18 U.S.C. 1350.

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