

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]

[FR Doc. 06-55507 Filed 2-13-06; 8:45 am]

BILLING CODE 1505-01-D

## 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.

\* \* \* \* \*

- 2. Amend § 232.101 by:
  - a. Removing the word “and” at the end of paragraph (b)(7);
  - b. Removing the period at the end of paragraph (b)(8) and in its place adding “; and”; and
  - c. Adding paragraph (b)(9).  
The addition reads as follows.

**§ 232.101 Mandated electronic submissions and exceptions.**

\* \* \* \* \*

(b) \* \* \*

(9) Documents filed with the Commission pursuant to section 33 of the Investment Company Act (15 U.S.C. 80a-32).

\* \* \* \* \*

Dated: February 8, 2006.

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 06-1322 Filed 2-13-06; 8:45 am]

BILLING CODE 8010-01-P

**DEPARTMENT OF THE TREASURY**

**Alcohol and Tobacco Tax and Trade Bureau**

**27 CFR Part 41**

**Importation of Tobacco Products and Cigarette Papers and Tubes**

*CFR Correction*

In Title 27 of the Code of Federal Regulations, parts 1 to 399, revised as of April 1, 2005, on page 894, in § 41.86, paragraph (d), in the last sentence remove “ATF” and add in its place “TTB,” and on page 902, in § 41.126, last sentence, remove “regional director (compliance)” and add in its place “appropriate TTB officer.”

[FR Doc. 06-55506 Filed 2-13-06; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R08-OAR-2005-UT-0001; FRL-8027-4]

**Approval and Promulgation of Air Quality Implementation Plans; Utah; Rule Recodification**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is taking final action to approve State Implementation Plan (SIP) revisions submitted by the Governor of Utah on September 20,

1999 and February 5, 2001. The September 20, 1999 submittal revises the numbering and format of the Utah Administrative Code (UAC) rules within Utah’s SIP. The February 5, 2001 submittal restores a paragraph that was inadvertently deleted from Utah’s rules when the State submitted their SIP submittal dated September 20, 1999 that renumbered the UAC rules. The intended effect of this action is to make these provisions federally enforceable. In addition, the approval of Utah’s SIP revision dated September 20, 1999 supersedes and replaces previous SIP revisions submitted by Utah on October 26, 2000, September 7, 1999, two SIP revisions submitted February 6, 1996, and one submitted on January 27, 1995. Some of the provisions of the rules submitted in Utah’s SIP revisions will be addressed at a later date by more recent SIP actions that have been submitted which supersede and replace the earlier SIP submittal actions. EPA will be removing Utah’s Asbestos Work Practices, Contractor Certification, AHERA Accreditation and AHERA Implementation rule R307-1-8 and Eligibility of Pollution Control Expenditures for Sales Tax Exemption rule R307-1-6 from Utah’s federally enforceable SIP because these rules are not generally related to attainment of the National Ambient Air Quality Standards (NAAQS) and are therefore not required to be in Utah’s SIP. Finally, EPA will be removing Utah’s National Emission Standards for Hazardous Air Pollutants (NESHAPS) rule R307-1-4.12. Utah has delegation of authority for NESHAPS in 40 CFR part 61 (49 FR 36368), pursuant to 110(k)(6) of the Act, therefore we are removing the existing language (R307-1-4.12) that was approved into Utah’s current SIP because it is no longer required to be in the SIP. This action is being taken under section 110 of the Clean Air Act.

**DATES:** *Effective Date:* This rule is effective on March 16, 2006.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2005-UT-0001. All documents in the docket are listed in the Regional Materials in EDOCKET (RME) index at <http://docket.epa.gov/rmepub/>. On November 28, 2005, RME, EPA’s electronic public docket and comment system, was replaced by an enhanced federal-wide electronic docket management and comment system located at <http://www.regulations.gov>. Therefore, you will be redirected to that site to access the docket EPA-R08-OAR-2005-UT-0001. Although listed in the index, some information is not publicly available, i.e., Confidential

Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in Regional Materials in EDOCKET or in hard copy at the Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, 999 18th Street, Suite 300, Denver, Colorado 80202-2466. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Catherine Roberts, EPA, Region 8, 999 18th Street, Ste. 300 (8P-AR), Denver, CO, 80202-2466, (303) 312-6025, [roberts.catherine@epa.gov](mailto:roberts.catherine@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, wherever “we”, “us”, or “our” are used, we mean the Environmental Protection Agency (EPA).

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- II. Summary of Final Action
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**I. General Information**

**Definitions—**For the purpose of this document, we are giving meaning to certain words or initials as follows:

- (i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.
- (ii) The words *EPA*, *we*, *us* or *our* mean or refer to the United States Environmental Protection Agency.
- (iii) The initials *SIP* mean or refer to State Implementation Plan.
- (iv) The words *State* mean the State of Utah, unless the context indicates otherwise.

**II. Summary of Final Action**

On October 13, 2005 EPA published a notice of proposed rulemaking (NPR) for the State of Utah (70 FR 59681). The NPR proposed approval of the recodification of the UAC rules that had previously been approved into Utah’s SIP, removed from Utah’s SIP rule language that is obsolete or is generally not related to attainment of the NAAQS and is therefore not appropriate to be in Utah’s SIP and arranged rules to allow for a more coherent SIP structure. The formal SIP revisions were submitted by