

(b) The approved information collection requirements contained in this part appear in §§ 50.30, 50.33, 50.34, 50.34a, 50.35, 50.36, 50.36a, 50.36b, 50.44, 50.46, 50.47, 50.48, 50.49, 50.54, 50.55, 50.55a, 50.59, 50.60, 50.61, 50.62, 50.63, 50.64, 50.65, 50.66, 50.68, 50.69, 50.70, 50.71, 50.72, 50.74, 50.75, 50.80, 50.82, 50.90, 50.91, 50.120, and appendices A, B, E, G, H, I, J, K, M, N, O, Q, R, and S to this part.

\* \* \* \* \*

§ 50.33a [Removed]

- 9. Section 50.33a is removed.
■ 10. Section 50.80 paragraph (b) is revised to read as follows:

§ 50.80 Transfer of licenses.

\* \* \* \* \*

(b) An application for transfer of a license shall include as much of the information described in §§ 50.33 and 50.34 of this part with respect to the identity and technical and financial qualifications of the proposed transferee as would be required by those sections if the application were for an initial license. The Commission may require additional information such as data respecting proposed safeguards against hazards from radioactive materials and the applicant's qualifications to protect against such hazards. The application shall include also a statement of the purposes for which the transfer of the license is requested, the nature of the transaction necessitating or making desirable the transfer of the license, and an agreement to limit access to Restricted Data pursuant to § 50.37. The Commission may require any person who submits an application for license pursuant to the provisions of this section to file a written consent from the existing licensee or a certified copy of an order or judgment of a court of competent jurisdiction attesting to the person's right (subject to the licensing requirements of the Act and these regulations) to possession of the facility involved.

\* \* \* \* \*

Appendix L to Part 50—[Removed and Reserved]

- 11. Appendix L to part 50 is removed and reserved.
■ 12. In Appendix N to part 50, paragraph 2, is revised to read as follows:

Appendix N to Part 50—Standardization of Nuclear Power Plant Designs; Licenses To Construct and Operate Nuclear Power Reactors of Duplicate Design at Multiple Sites

\* \* \* \* \*

2. Applications for construction permits submitted pursuant to this appendix must include the information required by §§ 50.33, 50.34(a) and 50.34a(a) and (b) and be submitted as specified in § 50.4. The applicant shall also submit the information required by § 51.50 of this chapter.

\* \* \* \* \*

PART 52—EARLY SITE PERMITS; STANDARD DESIGN CERTIFICATIONS; AND COMBINED LICENSES FOR NUCLEAR POWER PLANTS

- 13. The authority citation for part 52 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, sec. 274, 73 Stat. 688 (42 U.S.C. 2201, 2021); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note). Sections 150.3, 150.15, 150.15a, 150.31, 150.32 also issued under secs. 11e(2), 81, 68 Stat. 923, 935, as amended, secs. 83, 84, 92 Stat. 3033, 3039 (42 U.S.C. 2014e(2), 2111, 2113, 2114). Section 150.14 also issued under sec. 53, 68 Stat. 930, as amended (42 U.S.C. 2073). Section 150.15 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 150.30 also issued under sec. 234, 83 Stat. 444 (42 U.S.C. 2282).

- 14. Section 52.77 is revised to read as follows:

§ 52.77 Contents of applications; general information.

The application must contain all of the information required by 10 CFR 50.33, as that section would apply to applicants for construction permits and operating licenses.

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

- 15. The authority citation for part 140 is revised to read as follows:

Authority: Secs. 161, 170, 68 Stat. 948, 71 Stat. 576 as amended (42 U.S.C. 2201, 2210); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Pub. L. 109-58.

- 16. In § 140.11, paragraph (a)(4) is revised to read as follows:

§ 140.11 Amounts of financial protection for certain reactors.

(a) \* \* \*

(4) In an amount equal to the sum of \$300,000,000 and the amount available as secondary financial protection (in the form of private liability insurance available under an industry retrospective rating plan providing for deferred premium charges equal to the pro rata share of the aggregate public

liability claims and costs, excluding costs payment of which is not authorized by section 170o.(1)(D) of the Act, in excess of that covered by primary financial protection) for each nuclear reactor which is licensed to operate and which is designed for the production of electrical energy and has a rated capacity of 100,000 electrical kilowatts or more: Provided, however, that under such a plan for deferred premium charges for each nuclear reactor which is licensed to operate, no more than \$95,800,000 with respect to any nuclear incident (plus any surcharge assessed under subsection 170o.(1)(E) of the Act) and no more than \$15,000,000 per incident within one calendar year shall be charged. Except that, where a person is authorized to operate a combination of 2 or more nuclear reactors located at a single site, each of which has a rated capacity of 100,000 or more electrical kilowatts but not more than 300,000 electrical kilowatts with a combined rated capacity of not more than 1,300,000 electrical kilowatts, each such combination of reactors shall be considered to be a single nuclear reactor for the sole purpose of assessing the applicable financial protection required under this section.

\* \* \* \* \*

Dated at Rockville, Maryland this 11th day of October, 2005.

For the Nuclear Regulatory Commission.
Luis A. Reyes,
Executive Director for Operations.
[FR Doc. 05-21342 Filed 10-26-05; 8:45 am]
BILLING CODE 7590-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 61

[Docket No. FAA-2004-19630; Amendment No. 61-109]

RIN 2120-AI38

Second-in-Command Pilot Type Rating

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: We are correcting errors in a final rule published in the Federal Register on August 4, 2005. That final rule revised pilot certification regulations by establishing a second-in-command (SIC) pilot type rating and associated qualifying procedures. We are also correcting cross references and other minor errors in the pre-existing

regulations that were inadvertently carried over.

**DATES:** These corrections are effective September 6, 2005.

**FOR FURTHER INFORMATION CONTACT:** John D. Lynch, Certification and General Aviation Operations Branch, AFS-840, General Aviation and Commercial Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3844 or via the Internet at: [john.d.lynch@faa.gov](mailto:john.d.lynch@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 4, 2005, the FAA amended its regulations to provide for issuance of a pilot type rating for SIC privileges when a person completes the SIC pilot familiarization training set forth under 14 CFR 61.55(b), an FAA-approved SIC training curriculum under 14 CFR parts 121 or 135, or a proficiency check under 14 CFR part 125. See 70 FR 45263. The amendments adopted on August 4, 2005, are based on a notice of proposed rulemaking (NPRM) published in the **Federal Register** on November 16, 2004. See 69 FR 67258.

The amendments require pilots acting as second in command and who plan to fly outside U.S. domestic airspace and land in foreign countries to obtain the SIC pilot type rating. The amendments also established two procedures for obtaining the SIC pilot type rating. The effective date of the amendments is September 6, 2005. The effective date is the date the amendments affect the current Code of Federal Regulations.

On September 9, 2005, the FAA published a final rule establishing a compliance date for the SIC pilot type rating final rule. See 70 FR 53560. The compliance date is June 6, 2006. A compliance date, in contrast to an effective date, is the date that those affected by the rule must begin to follow it. Thus, pilots acting as a second in command and who will be flying outside U.S. domestic airspace and landing in a foreign country must hold the appropriate SIC pilot type rating no later than June 6, 2006.

Neither the effective date, nor the compliance date, of the final rule are affected by these corrections. These corrections are effective as if they had been included in the final rule. Accordingly, these corrections have the same effective date as the final rule, September 6, 2005.

**Description of Corrections**

As described below, the FAA is making non-substantive corrections to the SIC pilot type rating final rule.

*14 CFR 61.55(a)*

We are deleting the introductory phrase "Except as provided in paragraph (f) of this section." That phrase erroneously excludes pilots employed by operators that conduct operations under subpart K of part 91, parts 121, 125, or 135 from the requirement to hold a SIC pilot type rating. In the preamble of the final rule, we did not exclude pilots conducting operations under subpart K of part 91, parts 121, 125, or 135 from the requirement to hold the SIC pilot type rating when operating an aircraft outside U.S. domestic airspace that takeoffs or lands in a foreign country. The entire purpose for the amendments under 14 CFR 61.55 was to conform U.S. pilot type rating requirements to the International Civil Aviation Organization's (ICAO) pilot type ratings standards (See ICAO Annex 1, paragraphs 2.1.3.2 and 2.1.4.1.A). This change conforms the regulatory language to the preamble discussion.

*14 CFR 61.55(a)(2)*

We are adding the words "or privilege" to acknowledge that those who hold an airline transport pilot certificate where instrument privileges are inferred also may qualify for the SIC pilot type rating. This action corrects an error in the pre-existing rule that was inadvertently carried over into the final rule adopted on August 4, 2005.

*14 CFR 61.55(b)*

We are correcting an erroneous cross reference in the introductory language of this paragraph to read "Except as provided in paragraph (e) of this section." By adding the SIC pilot type rating requirements while retaining some of the original language, the August 4, 2005, final rule unintentionally created an exception. Pilots who have satisfactorily completed a proficiency check or competency check under subpart K of part 91, parts 121, 125, or 135 do not have to complete the familiarization training of paragraph (b).

*14 CFR 61.55(b)(2)*

We are deleting the cross reference in the introductory language because it is unnecessary.

*14 CFR 61.55(d) and (e)*

We are adding the phrase "provided the training was completed within the 12 calendar months before the month of

application for the SIC pilot type rating" to both paragraphs (d) and (e). This will conform the regulatory text to the preamble discussion in the August 4, 2005, final rule. In the preamble to the final rule, we provided examples illustrating that completion of the required training had to occur within the 12 calendar months before the month of application for the SIC pilot type rating. This was clearly the intent of the final rule, yet the corresponding regulatory language was inadvertently omitted from the regulatory text.

*14 CFR 61.55(f)*

We are amending the introductory language of this paragraph to exempt certain pilots from the familiarization training requirements of 14 CFR 61.55(b). This action corrects an error in pre-existing 14 CFR 61.55(d) that was inadvertently carried over into the August 4, 2005, final rule.

Pilots employed by operators that conduct operations under subpart K of part 91 and parts 121, 125, or 135 do not have to complete the SIC familiarization training described under paragraph (b) of this section. Instead, pilots that are employed by operators that conduct operations under subpart K of part 91 and parts 121, 125, or 135 must comply with the requirements of paragraph (e) of this section to qualify for a SIC pilot type rating.

*14 CFR 61.55(i)*

We are deleting the introductory phrase "Except as provided in paragraph (h) of this section." This action corrects an error in pre-existing 14 CFR 61.55(g) that was inadvertently carried over into the August 4, 2005, final rule, which redesignated paragraph (g) as paragraph (i).

We are adding the phrase "The training required under paragraphs (b) and (d) of this section and the training and proficiency check required under paragraph (e) of this section." This clarifies that a flight simulator may be used in an approved training course conducted by a training center certificated under part 142 of this chapter or for the training and proficiency check under parts 121 or 135 of this chapter. This is a non-substantive correction because parts 121 and 135 already allow the use of a flight simulator in an approved training course and for the required proficiency/competency check.

*14 CFR 61.55(j)*

We are deleting the phrase "who is qualifying under the terms of paragraph (g) of this section" because it is

unnecessary. We also made editorial changes for the purpose of clarity.

Under our rules in effect before we adopted the August 4, 2005, final rule, certain pilots who received SIC training in an approved flight simulator did not have to complete at least one takeoff and landing in an aircraft of the type for which they were seeking the SIC qualification. See pre-existing 14 CFR 61.55(d). The August 4, 2005, final rule eliminated the exception. This had the unintentional effect of requiring the previously exempt simulator trainees to complete an actual takeoff and landing. This is a significant new requirement—one that we could not undertake without giving the public adequate notice and opportunity to comment. Thus, this correction adds a sentence to paragraph (j) of § 61.55 to re-establish the pre-existing exception. Pilots who complete a proficiency check under part 121 (i.e., § 121.441) or competency check under subpart K, part 91 (i.e., § 91.1065), part 125 (i.e., § 125.287), or part 135 (i.e., § 135.293) do not have to complete a takeoff and landing in an aircraft of the type for which they seek the SIC qualification.

**Good Cause for Foregoing Public Notice and Comment**

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before a rule takes effect. This is to comply with section 553(b) of the Administrative Procedure Act (5 U.S.C. 553(b)). However, we can waive the public notice and comment procedure if we find, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest. We must provide a statement of the finding and the reasons for it.

The SIC pilot type rating requirements under the August 4, 2005, final rule were subject to notice and comment procedures. This correction notice makes changes to conform the regulatory text to the requirements described in the preamble of the August 4, 2005, final rule. This correction notice also changes incorrect references and corrects errors in the pre-existing regulations that were inadvertently carried over. This correction notice is intended to ensure that the August 4, 2005, final rule accurately reflects the SIC pilot type rating requirements. Therefore, we find it unnecessary to undertake further notice and comment procedures with respect to this correction notice.

**Good Cause for Waiving the 30-Day Delay in Effective Date**

We ordinarily provide a 30-day delay in the effective date of a final rule after the date of publication in the **Federal Register**. This is to comply with section 553(d) of the Administrative Procedure Act (5 U.S.C. 553(d)). However, we can waive the 30-day delay if we find, for good cause, that the delay is impracticable, unnecessary, or contrary to the public interest. We must provide a statement of the finding and the reasons for it.

We find that it is in the public interest to ensure that the August 4, 2005, final rule accurately reflects the SIC pilot type rating requirements. A delay in the effective date of these corrections would be contrary to the public interest. We also find that it is in the public interest to apply the changes in the correction notice retroactively to September 6, 2005, the effective date of the August 4, 2005, final rule. There is a limited amount of time available for affected pilots to comply with the final rule. The compliance date is June 6, 2006. Any further delay in the effective date of these changes would reduce the amount of time available.

**List of Subjects in 14 CFR Part 61**

Aircraft, Airmen, Aviation safety, and Reporting and recordkeeping requirements.

**The Amendment**

■ For the reasons stated above, the Federal Aviation Administration amends Chapter I of Title 14 of the Code of Federal Regulations as follows:

**PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS**

■ 1. The authority citation for part 61 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

■ 2. Amend § 61.55 as follows:

- a. Revise the introductory language of paragraph (a) as set forth below;
- b. Revise paragraph (a)(2) as set forth below;
- c. Revise the introductory language of paragraph (b) as set forth below;
- d. Revise the introductory language of paragraph (b)(2) as set forth below;
- e. Revise the introductory language of paragraph (d) as set forth below;
- f. Revise the introductory language of paragraph (e) as set forth below;
- g. Revise the introductory language of paragraph (f) as set forth below;
- h. Revise paragraph (i) as set forth below; and

■ i. Revise paragraph (j) as set forth below:

**§ 61.55 Second-in-command qualifications.**

(a) A person may serve as a second-in-command of an aircraft type certificated for more than one required pilot flight crewmember or in operations requiring a second-in-command pilot flight crewmember only if that person holds:

\* \* \* \* \*

(2) An instrument rating or privilege that applies to the aircraft being flown if the flight is under IFR; and

\* \* \* \* \*

(b) Except as provided in paragraph (e) of this section, no person may serve as a second-in-command of an aircraft type certificated for more than one required pilot flight crewmember or in operations requiring a second-in-command unless that person has within the previous 12 calendar months:

\* \* \* \* \*

(2) Except as provided in paragraph (g) of this section, performed and logged pilot time in the type of aircraft or in a flight simulator that represents the type of aircraft for which second-in-command privileges are requested, which includes—

\* \* \* \* \*

(d) A person may receive a second-in-command pilot type rating for an aircraft after satisfactorily completing the second-in-command familiarization training requirements under paragraph (b) of this section in that type of aircraft provided the training was completed within the 12 calendar months before the month of application for the SIC pilot type rating. The person must comply with the following application and pilot certification procedures:

\* \* \* \* \*

(e) A person may receive a second-in-command pilot type rating for the type of aircraft after satisfactorily completing an approved second-in-command training program, proficiency check, or competency check under subpart K of part 91, part 121, part 125, or part 135, as appropriate, in that type of aircraft provided the training was completed within the 12 calendar months before the month of application for the SIC pilot type rating. The person must comply with the following application and pilot certification procedures:

\* \* \* \* \*

(f) The familiarization training requirements of paragraph (b) of this section do not apply to a person who is:

\* \* \* \* \*

(i) The training under paragraphs (b) and (d) of this section and the training,

proficiency check, and competency check under paragraph (e) of this section may be accomplished in a flight simulator that is used in accordance with an approved training course conducted by a training center certificated under part 142 of this chapter or under subpart K of part 91, part 121 or part 135 of this chapter.

(j) When an applicant for an initial second-in-command qualification for a particular type of aircraft receives all the training in a flight simulator, that applicant must satisfactorily complete one takeoff and one landing in an aircraft of the same type for which the qualification is sought. This requirement does not apply to an applicant who completes a proficiency check under part 121 or competency check under subpart K, part 91, part 125, or part 135 for the particular type of aircraft.

Issued in Washington, DC, on October 21, 2005.  
**Rebecca B. MacPherson,**  
*Assistant Chief Counsel, Regulations Division, Office of the Chief Counsel.*  
 [FR Doc. 05-21463 Filed 10-26-05; 8:45 am]  
**BILLING CODE 4910-13-P**

**DEPARTMENT OF THE INTERIOR**

**Minerals Management Service**

**30 CFR Parts 250 and 256**  
**RIN 1010-AD27**

**Oil, Gas, and Sulphur Operations and Leasing in the Outer Continental Shelf (OCS)—Waiver of Fees**

**AGENCY:** Minerals Management Service (MMS), Interior.  
**ACTION:** Final rule; waiver of fees.

**SUMMARY:** In light of the interruption of operations of the MMS Gulf of Mexico Region (GOMR) in the wake of Hurricanes Katrina and Rita, this rule waives until January 3, 2006, the

payment of certain existing cost recovery fees that would be paid to MMS.

**EFFECTIVE DATE:** This regulation is effective on October 27, 2005.

**FOR FURTHER INFORMATION CONTACT:** Angela Mazzullo, Offshore Minerals Management (OMM) Budget Office at (703) 787-1691.

**SUPPLEMENTARY INFORMATION:**

**Background**

MMS regulations currently charge cost recovery fees to lessees of Federal offshore oil and gas leases to offset the bureau's operating costs for specific administrative services provided to a particular lessee. These include pipeline right-of-way (ROW) grant applications, conversion of lease term pipelines to ROW pipelines, pipeline ROW assignments, record title/operating rights transfers, and filing of non-required documents.

Under current rules, these fees are established at the following rates under the following regulations:

Pipeline ROW grant application .....	\$2,350	30 CFR 250.1015(a).
Conversion of lease term pipeline to ROW pipeline .....	300	30 CFR 250.1015(a).
Pipeline ROW assignment .....	60	30 CFR 250.1018(b).
Record title/operating rights transfer .....	185	30 CFR 256.64(a)(8).
Non-required document filing .....	25	30 CFR 256.64(a)(8).

On August 29, 2005, Hurricane Katrina came ashore on the Gulf of Mexico coast. The resultant flood of the City of New Orleans, Louisiana, forced the evacuation of the city and areas in the immediate vicinity. The evacuation area included MMS' GOMR office in Metairie, Louisiana. MMS has not been able to re-occupy the GOMR office and will not be able to do so for some time. While MMS GOMR personnel have resumed certain essential operations and services at a new temporary location in Houston, Texas, it is not possible to restore all functions and systems in that location in the immediate future. In addition, many MMS employees in the GOMR office have suffered severe property loss and personal and family dislocation, and will not be able to return to work immediately. When Hurricane Rita struck the Louisiana/Texas coast in September 2005, it further exacerbated these problems.

Among the operations that have been disrupted as a result of the hurricanes and the closure of the GOMR office in Metairie, is the collection and disposition of, and proper accounting for, cost recovery fees, including the fees identified above. Because very few of the documents identified are filed in

either MMS' Pacific Region office or MMS' Alaska Region office, the computers that handle these payments are integrated with the GOMR office computers. Consequently MMS is temporarily unable to process payments that would be made to those offices.

**Immediate Final Rule**

Because the MMS presently cannot receive or handle cost recovery fee payments from lessees until it is able to restore or replace that part of its operations, MMS is suspending the operation of the provisions identified above until January 3, 2006.

The Administrative Procedure Act, at 5 U.S.C. 553(b), requires an agency to publish a proposed rule and seek public comment before promulgating a final rule, except

(B) when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

Under this provision, MMS for good cause finds that notice and public comment on this rulemaking is impracticable, unnecessary, and contrary to the public interest. The GOMR office's current situation cannot

be changed or affected through public comment, and the need to suspend the operation of the cost recovery provisions is immediate.

The Administrative Procedure Act, at 5 U.S.C. 553(d) further provides:

(d) The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except—

- (1) A substantive rule which grants or recognizes an exemption or relieves a restriction;
- (2) Interpretative rules and statements of policy; or
- (3) As otherwise provided by the agency for good cause found and published with the rule.

As explained above, the need to suspend the operation of the cost recovery provisions is immediate and arises in much less than 30 days. MMS operations would be unnecessarily hindered if MMS were not to make this rule effective immediately. Therefore, MMS for good cause finds that this rule should take effect immediately.

If the GOMR office is not able to restore normal operations by January 3, 2006, MMS may consider extending the suspension of the cost recovery provisions.