

(4) The violation was not willful or one which could reasonably be expected to have been prevented by the DOE contractor's corrective action for a previous violation.

f. In situations where corrective actions have been completed before termination of an inspection or assessment, a formal response from the contractor is not required and the inspection or integrated performance assessment report serves to document the violation and the corrective action. However, in all instances, the contractor is required to report the noncompliance through established reporting mechanisms so the noncompliance issue and any corrective actions can be properly tracked and monitored.

g. If DOE initiates an enforcement action for a violation at a Severity Level II or III and, as part of the corrective action for that violation, the DOE contractor identifies other examples of the violation with the same root cause, DOE may refrain from initiating an additional enforcement action. In determining whether to exercise this discretion, DOE will consider whether the DOE contractor acted reasonably and in a timely manner appropriate to the security significance of the initial violation, the comprehensiveness of the corrective action, whether the matter was reported, and whether the additional violation(s) substantially change the security significance or character of the concern arising out of the initial violation.

h. The preceding paragraphs are solely intended to be examples indicating when enforcement discretion may be exercised to forego the issuance of a civil penalty or, in some cases, the initiation of any enforcement action at all. However, notwithstanding these examples, a civil penalty may be proposed or notice of violation issued when, in DOE's judgment, such action is warranted on the basis of the circumstances of an individual case.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2004-NE-11-AD; Amendment 39-13922; AD 2004-26-10]

RIN 2120-AA64

#### **Airworthiness Directives; Rolls-Royce Deutschland (RRD) (Formerly Rolls-Royce, plc) Tay 611-8, Tay 620-15, Tay 620-15/20, Tay 650-15, Tay 650-15/10, and Tay 651-54 Turbofan Engines; Correction**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** This document makes corrections to Airworthiness Directive

(AD) 2004-26-10. That AD applies to certain RRD Tay 611-8, Tay 620-15, Tay 620-15/20, Tay 650-15, Tay 650-15/10, and Tay 651-54 turbofan engines with ice-impact panels installed in the low pressure (LP) compressor case. That AD was published in the **Federal Register** on January 6, 2005 (70 FR 1172). This document corrects the same service bulletin paragraph number reference in 17 locations of the compliance section. This document also corrects an inspection limit and a service bulletin number in the compliance section. In all other respects, the original document remains the same.

**EFFECTIVE DATE:** Effective January 26, 2005.

**FOR FURTHER INFORMATION CONTACT:** Jason Yang, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7747; fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** A final rule; request for comments AD, FR Doc. 05-40, that applies to certain RRD Tay 611-8, Tay 620-15, Tay 620-15/20, Tay 650-15, Tay 650-15/10, and Tay 651-54 turbofan engines with ice-impact panels installed in the low pressure (LP) compressor case, was published in the **Federal Register** on January 6, 2005 (70 FR 1172). The following corrections are needed:

#### **§ 39.13 [Corrected]**

■ On page 1174, in the third column, in paragraph (f)(1), "paragraph 3.E." is corrected to read "paragraphs 3.C. through 3.E."

■ On page 1175, in the first column, in paragraphs (f)(2), (g)(1), (g)(2), (g)(3), (j)(1), and (j)(2), "paragraph 3.E" is corrected to read "paragraphs 3.C. through 3.E" in six locations.

■ On page 1175, in the second column, in paragraphs (k)(1), (k)(2), (k)(3), (n)(2), and (o)(1), "paragraph 3.E" is corrected to read "paragraphs 3.C. through 3.E" in five locations.

■ On page 1175, in the third column, in paragraphs (o)(2), (p)(1), (p)(2), (p)(3), and (s)(2), "paragraph 3.E" is corrected to read "paragraphs 3.C. through 3.E" in five locations.

■ On page 1175, in the third column, in paragraph (s)(1), "3,000 CSLI" is corrected to read "3,000 hours-since-last-inspection".

■ On page 1175, in the third column, in paragraph (s)(2), "TAY-72-1638" is corrected to read "TAY-72-1639".

Issued in Burlington, MA, on January 19, 2005.

**Jay J. Pardee,**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2004-19577; Airspace Docket No. 04-ACE-67]

#### **Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Independence, KS**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule establishes a Class E surface area at Independence, KS. It also modifies the Class E airspace area extending upward from 700 feet above the surface at Independence, KS by enlarging the area to meet airspace requirements for diverse departures from Independence Municipal Airport and by correcting discrepancies in the Independence Municipal Airport airport reference point (ARP).

The effect of this rule is to provide appropriate controlled Class E airspace for aircraft departing from and executing instrument approach procedures to Independence Municipal Airport and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

**EFFECTIVE DATE:** 0901 UTC, March 17, 2005.

**FOR FURTHER INFORMATION CONTACT:** Brenda Mumper, Air Traffic Division, Airspace Branch, ACE-520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2524.

#### **SUPPLEMENTARY INFORMATION:**

##### **History**

On Tuesday, November 30, 2004, the FAA proposed to amend 14 CFR part 71 to establish a Class E surface area and to modify other Class E airspace at Independence, KS (69 FR 69554). The proposal was to establish a Class E surface area at Independence, KS. It was also to modify the Class E5 airspace and its legal description by enlarging the area to protect for diverse departures from the Independence Municipal