

(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.

[FR Doc. 05-1303 Filed 1-25-05; 8:45 am]

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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,**

*Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 05-1392 Filed 1-25-05; 8:45 am]

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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

Airport and by revising the Independence Municipal Airport ARP used in the Class E airspace legal description. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

### The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace designated as a surface area for an airport at Independence, KS. Controlled airspace extending upward from the surface of the earth is needed to contain aircraft executing instrument approach procedures to Independence Municipal Airport. Weather observations will be provided by an Automatic Weather Observing/Reporting System (AWOS) and communications will be direct with Kansas City Air Route Traffic Control Center.

This rule also revises the Class E airspace area extending upward from 700 feet above the surface at Independence, KS. An examination of this Class E airspace area revealed it does not comply with airspace requirements for diverse departures from Independence Municipal Airport as set forth in FAA Order 7400.2E, Procedures for Handling Airspace Matters. The examination also revealed discrepancies in the Independence Municipal Airport ARP used in the airspace legal description. This action corrects these anomalies. The areas will be depicted on appropriate aeronautical charts.

Class E airspace areas designated as surface areas are published in Paragraph 6002 of FAA Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of the same Order. The Class E airspace designations listed in this document will be published subsequently in the Order.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a

Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority since it contains aircraft executing instrument approach procedures to Independence Municipal Airport.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

### Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

*Paragraph 6002 Class E Airspace Designated as Surface Areas.*

\* \* \* \* \*

#### ACE KS E2 Independence, KS

Independence Municipal Airport, KS  
(Lat. 37°09'30" N., long. 95°46'42" W.)

Within a 4.6-mile radius of Independence Municipal Airport.

\* \* \* \* \*

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### ACE KS E5 Independence, KS

Independence Municipal Airport, KS  
(Lat. 37°09'30" N., long. 95°46'42" W.)

That airspace extending upward from 700 feet above the surface within a 7.6-mile radius of Independence Municipal Airport.

\* \* \* \* \*

Issued in Kansas City, MO, on January 11, 2005.

**Donna R. McCord,**

*Acting Area Director, Western Flight Services Operations.*

[FR Doc. 05–1405 Filed 1–25–05; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2004–19578; Airspace Docket No. 04–ACE–68]

#### Establishment of Class E2 Airspace; Lawrence, KS

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

**ACTION:** Final rule.

**SUMMARY:** This rule establishes a Class E surface area at Lawrence, KS. The effect of this rule is to provide appropriate controlled Class E airspace for aircraft departing from and executing instrument approach procedures to Lawrence 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 at Lawrence, KS (69 FR 69556). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

##### The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace designated as a surface area for an airport at Lawrence, KS. Controlled airspace extending upward from the